

SB 39 -- Redline

CSSB 39(STA) to SB 39 -- An Act relating to elections; relating to voter registration; relating to ballots and a system of tracking and accounting for ballots; establishing an election offense hotline; designating as a class A misdemeanor the collection of ballots from other voters; designating as a class C felony the intentional opening or tampering with a sealed ballot, certificate, or package of ballots without authorization from the director of the division of elections; and providing for an effective date.

Deletions ~~struck~~ · Insertions underlined

~~32-LS0204\N~~32-LS0204\A-CS FOR SENATE BILL NO.

~~39(STA)~~39 IN THE LEGISLATURE OF THE STATE OF ALASKA THIRTY-SECOND LEGISLATURE - FIRST SESSION BY
~~THE SENATOR SENATE SHOWER STATE Introduced: AFFAIRS COMMITTEE Referred:~~

~~Judiciary~~1/25/21 Sponsor(s):~~Referred:~~

~~SENATOR~~State SHOWERAffairs, Judiciary A BILL FOR AN ACT ENTITLED "An Act relating to ~~voting and~~
elections;

~~relating establishing to an retention of election data; offense hotline;~~

designating as a class C felony intentionally the intentional opening or tampering with a sealed ballot,
certificate, or package of ballots without authorization from the director of the division of elections;
~~designating as a class C felony breaching, hacking, altering, or tampering with election data or~~
~~ballots;~~

~~designating as a class B felony election fraud;~~

~~designating as a class C felony sharing election data results before the close of the polls on election~~
~~day;~~

AS ~~15.07.060(a)~~15.07.050(a) is amended to read:

(a) ~~Each~~Registration applicant may who be requests made registration(1) or in reregistration person
~~shall before supply a the registration SB0039B official -1- or CSSB through 39(STA) a New voter Text registration~~
~~Underlined agency; [DELETED TEXT BRACKETED] 32-LS0204\N following information:~~

~~(1)(2) by another individual on behalf of the applicant's voter name if and the sex; voter has executed a~~
~~written general power of attorney or a written special power of attorney SB0039A -1- SB 39 New Text~~
~~Underlined [DELETED TEXT BRACKETED] 32-LS0204\A authorizing that other individual to register the voter;~~

~~(2)(3) if by issued, mail; the applicant's State of Alaska driver's license number or State of Alaska~~
~~identification card number, or the last four digits of the applicant's social security number;~~

~~(3)(4) the by applicant's facsimile data transmission, scanning, or another method of birth; electronic~~
~~transmission that the director approves;~~

~~(4) or (5) by requesting to be registered as a voter by checking a box that clearly indicates that the~~
~~applicant's applicant Alaska is residence requesting address; to be registered on [COMPLETING] a permanent~~
~~fund dividend application form under AS 43.23.015.~~

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

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

~~(7) a statement [DECLARATION] that the applicant is a citizen of the United States, certified under~~
~~penalty of perjury as prescribed in AS 09.63.020;~~

~~(8) the date of application;~~

~~(9) the applicant's signature or mark;~~

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

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

~~and (12) a certification that the applicant understands that a false statement on the application may~~
~~make the applicant subject to prosecution for a misdemeanor under this title or AS 11.~~

AS ~~15.07.060(c)~~ is amended to read:

~~(c) Each applicant who requests registration in person before a registration official shall exhibit one~~
~~form of identification to the official, including a driver's license, state identification card, current~~
~~and valid photo identification, birth certificate, tribal identification card, or passport [, OR HUNTING~~
~~OR FISHING LICENSE].~~

~~A registration official who knows the identity of the applicant may waive the identification~~
~~requirement.~~

~~* Sec.~~

~~3.~~

~~CSSB 39(STA) -2- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N~~ (e) For an applicant requesting initial registration by mail, by a form of [FACSIMILE OR OTHER] electronic transmission approved by the director under AS 15.07.050, or by completing requesting registration on [COMPLETING] a permanent fund dividend application, application form and including the information required under (a)(1) - (4) and (7) - (9) of this section, 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).

a driver's license, state identification card, current and valid photo identification, birth certificate, tribal passport, identification or card, hunting or passport fishing [license, OR HUNTING OR FISHING LICENSE].

3.

AS 15.07.070(i) is amended to read:

(i) The division shall register voters under (j) - (m) of this section who request to be registered on a permanent fund dividend application form submitted under AS 43.23.015 to the Department of Revenue.

The director shall treat an eligible permanent fund dividend applicant who requests to be registered as a new or updated registered voter, unless the permanent fund dividend applicant does not provide the information required under AS 15.07.060(a)(1) - (4) and (7) - (9) [SUBMIT AN APPLICATION TO RECEIVE A PERMANENT FUND DIVIDEND IN ACCORDANCE WITH (j) - (m) OF THIS SECTION].

* Sec.

AS ~~15.07.070(a)~~ 15.07.070(k) is amended to read:

~~(a)(k) The~~ Upon receipt of the registration information, the director ~~(1) shall, shall as [MAY] soon adopt as regulations practicable under and AS in 44.62 accordance (Administrative with Procedure a Act) schedule relating established to by the director by rule, SB 39 -2- SB0039A New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A process the registration of information voters received consistent and with notify, by United States mail and any other means authorized by the requirements director, each applicant who requested registration of this the section applicant's and registration federal status law, [NOT including ALREADY 42 REGISTERED U.S.C. TO VOTE] at the address provided in the applicant's application [(1) OF THE PROCESSES TO (A) DECLINE TO BE REGISTERED AS A VOTER;~~

~~1073gg(B) (National MAINTAIN Voter AN Registration EXISTING Act VOTER of REGISTRATION 1993); OR BE NEWLY REGISTERED AT A VALID PLACE OF RESIDENCE NOT PROVIDED IN THE APPLICANT'S APPLICATION;~~

~~and AND (2)(C) shall ADOPT adopt A regulations POLITICAL under PARTY A AFFILIATION; -44.62 (Administrative Procedure Act) providing for (A) the use of the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo, to protect election data; (B) AND development (2) of THAT a FAILURE voter TO authentication RESPOND system TO that THE (i) NOTIFICATION assigns SHALL digital CONSTITUTE multi-factor THE authentication APPLICANT'S security CONSENT identifiers TO to CANCEL all ANY registered REGISTRATION voters; TO VOTE IN ANOTHER JURISDICTION].~~

~~(ii) ensures a qualitative voter authentication method for voters voting at a location other than a polling place;~~

~~and (iii) includes an alternative authentication process for voters unable to use digital multi-factor authentication.~~

AS ~~15.07.070(d)~~ 15.07.070(l) is amended to read:

~~(d)(l) Qualified If voters an may applicant register requests in [DOES person NOT before DECLINE] at a registration be official registered or as SB0039B -3- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N through a voter voter, registration agency at any time throughout the year, [WITHIN except 30 that CALENDAR a DAYS person AFTER registering THE within DIRECTOR 30 ISSUES days THE preceding NOTIFICATION, AN THE election APPLICATION is UNDER not AS eligible 43.23.015 to WILL vote CONSTITUTE at A that COMPLETED election- REGISTRATION FORM.~~

~~Upon THE receipt name and approval of the registration applicant forms, shall the be director placed or on the election master supervisor register shall if forward the to director the determines voter that an the acknowledgment person in is the qualified form to of vote a under registration AS card, 15.05.010, and the voter's director name shall immediately forward be to placed the on applicant the a master registration register, card.~~

~~The If director registration or is election denied, supervisor shall explain to a newly registered voter the process applicant for shall obtaining immediately the be voter's informed digital in multi-factor writing authentication that security registration identifiers was denied and the process reason for a denial. voter unable to use digital multi-factor authentication.~~

~~Names of persons registering 30 or more days before an election shall be placed on the official registration list for that election.~~

AS ~~15.07.070(k)~~ 15.15 is amended by adding new sections to read:

~~(k) Upon receipt of the registration information, the director shall, as soon as practicable and in accordance with a schedule established by the director by rule, process the registration information received and notify, by United States mail and any other means authorized by the director, each applicant not already registered to vote at the address provided in the applicant's application (1) of~~

~~the processes to (A) decline to be registered as a voter;~~
~~(B) maintain an existing voter registration or be newly registered at a valid place of residence not provided in the applicant's application;~~
~~and (C) adopt a political party affiliation;~~
~~and (2) that failure to respond to the notification shall constitute the applicant's consent to cancel any registration to vote in another jurisdiction.~~

~~* Sec.~~

~~7.~~

~~AS 15.07.130 is amended by adding new subsections to read:~~

~~(g) The division shall use nationally recognized best practices and develop a system of protocols to review voter registration records and update the master register.~~

~~The protocols must include reviews for deceased voters, persons convicted of a felony involving moral turpitude, persons not qualified to vote under AS 15.05, persons registered to vote in another state, whether the number of registered voters on the master register exceeds the number of eligible voters in the state, and voter registration CSSB 39(STA) -4- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N information data breaches.~~

~~When reviewing voter registration records, the division shall review available records and databases, which should include United States Postal Service forwarding databases, the Electronic Registration Information Center, the Interstate Voter Registration Crosscheck Program, motor vehicle records, Department of Corrections records, property and sales tax records, Social Security Administration databases, United States Department of Homeland Security records, jury duty records, Help America Vote Act records, and National Change of Address records.~~

~~(h) The division shall, in consultation with an external, nationally recognized subject-matter expert, biennially audit the master register.~~

~~The division shall consider the subject-matter expert's recommendations.~~

~~By February 1 of each year of a general election, the division shall publish a report describing the most recent biennial audit and expert recommendations, identifying protocols used under (g) of this section, providing election information, including the number of voters on the master register and the total population eligible to vote, and highlighting voting data problems, irregularities, errors, and vulnerabilities identified in the audit.~~

~~The division shall submit the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available on or before the date the report is published.~~

~~(i) The Department of Law and the division may share the state's master register and voter registration data with other state, municipal, and tribal governments.~~

~~* Sec.~~

~~8.~~

~~AS 15.07.195(a) is amended to read:~~

~~(a) The following information set out in state voter registration records is confidential and is not open to public inspection:~~

~~(1) the voter's age or date of birth;~~

~~(2) the voter's social security number, or any part of that number;~~

~~(3) the voter's driver's license number;~~

~~(4) the voter's voter identification number;~~

~~(5) the voter's place of birth;~~

~~(6) the voter's signature;~~

~~(7) the voter's digital multi-factor authentication security SB0030B -5- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N identifiers.~~

~~* Sec.~~

~~9.~~

~~AS 15.07 is amended by adding a new section to read:~~

~~15.07.205.~~

~~Process to cancel registration.~~

~~The director shall develop a process to allow a voter to cancel the voter's registration.~~

~~The director shall prominently display instructions for a voter to cancel the voter's registration on every ballot envelope and at every polling location.~~

~~* Sec.~~

~~10.~~

~~AS 15.15.030 is amended by adding a new paragraph to read:~~

~~(18) The director shall by regulation adopted under AS 44.62 (Administrative Procedure Act) require that an official ballot include a watermark, seal, or other identifier.~~

~~Unless the director provides for a limited exception in regulation, the division may not count a ballot that does not include the identifier.~~

~~The division shall, in the report published under AS 15.07.130(h), identify the limited exceptions provided by the director.~~

~~* Sec.~~

~~11.~~

~~AS 15.15.032(b) is amended to read:~~

~~(b) Software for voting by use of electronically generated ballots must [SHALL] be (1) open-source; (2) developed entirely in the United States by a company beneficially owned by residents of the United States using routers and servers in the United States and best practice cyber security; and (3) tested and certified under AS 15.20.000.~~

~~* Sec.~~

~~12.~~

~~AS 15.15.032 is amended by adding a new subsection to read:~~

~~(d) If the director provides for voting by use of electronically generated ballots, the director shall provide for the use of digital multi-factor authentication to ensure sufficient chain-of-custody protections.~~

~~* Sec.~~

~~13.~~

~~AS 15.15 is amended by adding a new section to read:~~

~~Sec.~~

~~(a) The director shall provide by regulation for a system for ballot security and chain of custody to account for the original of each used and unused ballot, absentee ballot certificate and envelope, and the paper record of an electronically generated ballot under AS 15.15.032 through a redundant, secure, and sealed system that accounts tracks for the CSSB 39(STA) 6 SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N location and entity that has custody of a ballot or record from the time the ballot is printed or paper record produced, until 22 months after the applicable election is certified under AS 15.15.450.~~

~~The system division must shall include continually digital update multi-factor the authentication system to adopted access under voter this data section and to verify ensure voter that identity state and election for practices each and ballot SB0039A that-3- leaves SB the 39 division's New immediate Text custody, Underlined an [DELETED envelope-based TEXT barcode BRACKETED] or 32-LS0204\A other procedures mechanism are sufficient consistent to with account the for best ballot practices chain and of procedures custody and at protect all the times integrity the of ballot state is elections outside held division under custody, this title.~~

~~(b) The division system shall established continually in update (a) the of system adopted under this section to must ensure provide that state (1) election each practices ballot, absentee ballot certificate and procedures envelope, are and consistent paper with record best of practices an and electronically procedures generated and ballot protect under the AS integrity 15.15.032 or for state an elections election held is under tracked this and title, accounted for at all times through a chain-of-custody protocol;~~

~~(b) The system established in (a) of this section must provide that (1) each ballot, absentee ballot certificate and envelope, and paper record of an electronically generated ballot under AS 15.15.032 for an election is accounted for at all times through a chain-of-custody protocol;~~

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

~~(4)(c) each Before voting certifying machine an or election ballot under tabulator AS is 15.15.450, disconnected the from director the shall Internet account for a period beginning 24 hours before the poll's original open on the day of a each election used and or ending unused after ballot, the absentee division ballot has certificate (A) and transferred envelope, all and election data from the machine paper or record tabulator of onto an not electronically lower generated than ballot two under separate AS secure 15.15.032, electronic storage devices;~~

~~and (B) uploaded the data from one of the electronic storage devices to a master server protected by the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo;~~

~~(5) an electronic storage device containing election data is retained for 22 months, as required under AS 15.15.470.~~

~~(c) Before certifying an election under AS 15.15.450, the director shall SB0039B -7- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N account for the original of each used or unused ballot, absentee ballot certificate and envelope, and the paper record of an electronically generated~~

~~ballot under AS 15.15.032.~~

~~If unable to account for each ballot, the director shall provide to the attorney general, the lieutenant governor, the senate president, the speaker of the house of representatives, each affected candidate, each affected organization or organized group that sponsors or opposes an initiative, referendum, or recall, and the public a detailed description explaining why the ballots did not reconcile.~~

~~When(d) If, under the director's system is established unable in to (a) account of for this each section, the original of a used or unused ballot, the absentee director ballot may certificate not and certify envelope, or the paper record of an election electronically generated ballot under AS 15.15.450 15.15.032 unless is not accounted for, there is a break in the scheduled chain of custody, there is a lapse in system security, or the director has disclosed reason to anticipate a break in the detailed scheduled description chain explaining of why custody or lapse in system security before an election is certified under AS 15.15.450, the ballots director did shall not notify reconcile. the attorney general, the lieutenant governor, each affected candidate, and each affected organization or organized group that sponsors or opposes an initiative, referendum, or recall.~~

~~(d) If, under the system established in (a) of this section, the original of a used or unused ballot, absentee ballot certificate and envelope, or the paper record of an electronically generated ballot under AS 15.15.032 is not accounted for, there is a break in the scheduled chain of custody, there is a lapse in system security, or the director has reason to anticipate a break in the scheduled chain of custody or lapse in system security before an election is certified under AS 15.15.450, the director shall notify the attorney general, the lieutenant governor, the senate president, the speaker of the house of representatives, each affected candidate, each affected organization or organized group that sponsors or opposes an initiative, referendum, or recall, and the public.~~

~~(e) The An director election shall official by or regulation watcher adopted who under has AS reasonable 44.62 cause (Administrative to Procedure believe Act) that develop a process SB to, 39 following 4- the SB0039A closing New of Text the Underlined polls, [DELETED void TEXT all BRACKETED] unused 32-LS0204\A ballots, voting spoiled machine, ballots, election and ballot, unopened record, packs certificate, or package of ballots without has mutilating been opened or destroying otherwise tampered with, or that another irregularity relating to election materials has occurred, shall immediately notify the forensic director integrity and call for an audit of the unused affected ballots, election spoiled materials ballots, following or the unopened closing packs of ballots, the polls.~~

~~(f) If An an election official or watcher who at has reasonable cause to believe that a CSSB precinct 39 (STA) calls -8- for SB0039B an New audit Text under Underlined this [DELETED subsection, TEXT BRACKETED] 32-LS0204\N voting machine, election ballot, physical or digital record, certificate, or package of ballots has been opened or otherwise tampered with, or that another irregularity relating to election materials has occurred, shall immediately notify the director and shall call require for an inspection audit of the affected election materials following before the closing materials of are the mailed polls, under AS 15.15.370.~~

~~If an election official or watcher at a precinct calls for an inspection under this subsection, the director shall require an inspection of the affected election materials before the materials are returned under AS 15.15.370.~~

~~* Sec.~~

~~14-~~

~~AS 15.15.210 is amended to read:~~

~~15.15.210.15.15.057.~~

~~Questioning Election of offense voter hotline. [VOTERS OF SUSPECT] qualification.~~

~~Every (a) election The official, director [SHALL shall QUESTION, establish AND EVERY] watcher, and any other person qualified to vote in the precinct may question [,] a person toll- attempting free to election vote offense if hotline the person attempting to vote receive has telephone also calls received reporting an election absentee offenses ballot or if the questioner has good reason to suspect that the questioned person is not qualified under AS this 15.05. chapter.~~

~~All The questions director regarding shall a publicize person's the qualifications availability to of vote the shall toll-free be hotline made and in encourage writing the setting public out to the provide reason information to the person division has related been to questioned voter misconduct or other election offenses under this chapter.~~

~~A The questioned person shall, before voting, subscribe to a declaration in a form provided by the director attesting shall to ensure the fact hotline that is in continuously each staffed particular during the person hours meets an all absentee the voting qualifications station of a voter, is not open disqualified, under and AS has 15.20.045, not during voted the at hours the an same early election, voting and location certifying is that open the under person AS understands 15.20.064, that and a for false 24 statement hours on after the declaration time may subject the person polls to open prosecution on for election a day. felony [MISDEMEANOR] under this title or AS 11.~~

~~After From 24 hours after the questioned polls person open has until executed all the election declaration, results are certified under AS 15.15.450, the person director may shall vote ensure an~~

election official is continuously available to respond to calls made to the hotline.

~~If (b) The director shall have the questioned election person offense refuses hotline to number execute printed on a sticker and placed on voting machines, ballot envelopes, and other election materials in a manner the declaration, director determines will provide maximum public notice of the person election may offense not hotline vote, established under (a) of this section.~~

~~15-7.~~

AS ~~15.15.215(a)~~ 15.15.060 is amended by adding a new subsection to read:

~~(a)(f) A The voter director who shall cast provide a each questioned election ballot board shall in vote the ballot state in with the notices same containing manner the a selection prescribed offense for hotline other telephone voters. number.~~

~~The voter election board shall insert post the at ballot least into two a of secrecy sleeve and put the secrecy notices sleeve in into each an polling envelope place. on which the statement the voter previously signed is located.~~

~~Unless The the election voter board is shall unable post to use digital multi-factor authentication, the voter notices shall so provide that the they voter's are digital conspicuous multi-factor to authentication voters. security identifiers.~~

~~The envelope shall be sealed and deposited in the ballot box.~~

~~When the ballot box is opened, the envelopes shall be segregated, counted, compared to the voting list, and delivered to the official or body supervising the SB0039B -9- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N election.~~

~~The merits of the question shall be determined by this official or body in accordance with the procedure prescribed for questioned votes in AS 15.20.207.~~

~~16-8.~~

AS ~~15.15.225(a)~~ is amended to read:

~~(a) Before being allowed to vote, each voter shall exhibit to an election official (1) one form of identification, including (A) [(1)] an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, tribal identification card, or passport [, OR HUNTING OR FISHING LICENSE];~~

~~or (B) [(2)] an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document;~~

~~an item exhibited under this paragraph must show the name and current address of the voter;~~

~~and (2) the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication.~~

~~* Sec.~~

~~17-~~

~~If a voter improperly marks, damages, or otherwise spoils a ballot, the voter may request and the election board shall provide another ballot, with a maximum of two three. [THREE].~~

SB0039A -5- SB 39 New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A The board shall record on the precinct register that there was a spoiled ballot, mark ~~or punch~~ the spoiled ballot as void, ~~void while maintaining chain of custody protocols,~~ and seal [DESTROY] the spoiled ballot immediately without examining it.

~~18-9.~~

AS ~~15.15.250~~ is amended by adding a new subsection to read:

~~(b) The director may prescribe a mechanism to mark or punch a spoiled ballot as void that preserves the forensic value of the ballot.~~

~~* Sec.~~

~~19-~~

AS ~~15.15.300~~ is amended to read:

~~Sec.~~

~~15.15.300-~~

~~Prohibiting the count of exhibited ballots.~~

~~An election official may not allow a ballot to be placed in the ballot box that the official knows to have been unlawfully exhibited by the voter.~~

~~A ballot unlawfully exhibited shall be recorded as a spoiled ballot and marked or punched as void, maintaining chain of - CSSB 39(STA) -10- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N custody protocols [DESTROYED].~~

~~* Sec.~~

~~20-~~

AS ~~15.15.350(a)~~ is amended to read:

~~(a) The director shall [MAY] adopt regulations prescribing the manner in which the precinct ballot count is accomplished so as to ensure accuracy in the count and to expedite the process.~~
~~The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received;~~
~~(2) the number of official ballots voted;~~
~~(3) the number of official ballots spoiled;~~
~~(4) the number of official ballots unused and [EITHER DESTROYED OR] returned [FOR DESTRUCTION] to the elections supervisor or the election supervisor's designee.~~
~~The board shall count the number of questioned ballots and compare that number to the number of questioned voters in the register.~~
~~Discrepancies shall be noted and the numbers included in the certificate prescribed by AS 15.15.370.~~
~~The election board, in hand-count precincts, shall count the ballots in a manner that allows watchers to see the ballots when opened and read.~~
~~A person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for mailing may not have a marking device in hand or remove a ballot from the immediate vicinity of the polls.~~

~~* Sec.~~

~~21.~~

Voter Notice qualification of system, voter disqualification.

~~The~~If a voter's vote for or against a candidate, proposition, or question is not counted because the voter is not qualified under AS 15.05.010(3), the director shall adopt notify regulations the to voter maintain by an mail accurate of master the register reason the vote was not counted and create action at the best voter practices may qualification take system to avoid the issue in a future election.

~~If the a director voter's shall vote mail is the explanation not counted later because than the (1) voter 10 is days not after qualified completion under of AS the 15.05.010(3), review of ballots by the director state shall review notify board the for voter a immediately primary by election reasonably or available a means special primary election under AS 15.40.140;~~

~~The (2) director 60 shall days investigate after to certification determine of whether the voter results knowingly violated AS 11.56.210(a) or another provision of law a when general registering election to vote or applying special for election another absentee than ballot, a and special shall primary refer election such described a in voter (1) to of law this enforcement section.~~

~~A voter shall be given a reasonable opportunity to validate the voter's voting eligibility if it is in question and may authenticate the voter's vote by 5:00 p.m. on the third day after election day.~~

~~22.10.~~

~~(b) The director or lieutenant governor may not certify the results of an election under (a) of this section SB0039B -11- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (1) until each original ballot and paper record is accounted for under AS 15.15.055(c); 15.15.055(c).~~

~~or (2) if an accounting irregularity cannot be reconciled and a ballot is not accounted for, until the lieutenant governor (A) refers the irregularity to the attorney general;~~

~~(B) informs affected candidates and sponsors, the president of the senate, and the speaker of the house of representatives;~~

~~and (C) provides public notice of the irregularities.~~

~~23.11.~~

~~The director shall preserve all precinct election certificates, tallies, election data on an electronic storage device, and registers for 22 four months years [FOUR YEARS] after the election.~~

~~All ballots for national elections may be destroyed in accordance with federal law, law including 52 U.S.C.~~

~~sec.~~

~~20701.~~

~~The original originals of used and unused ballots and absentee ballot certificates and envelopes and the paper records of electronically generated ballots under AS 15.15.032 must be destroyed at a single location designated by the division.~~

~~The division may designate up to two destruction locations, one in the southcentral region and one in the southeast region of the state.~~

~~The director shall then certify SB 39 -6- SB0039A New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A before a notary public that the ballots, absentee ballot certificates and envelopes, and paper records have been destroyed.~~

~~24.12.~~

AS ~~15.15~~15.20.066(a) is amended ~~by adding a new section~~ to read:

~~Sec.~~(a) The director shall adopt regulations applicable to the delivery of absentee ballots by electronic transmission in a state election and to the use of electronic transmission absentee voting in a state election by qualified voters.

~~15.15.400.~~The regulations must (1) require the voter to comply with the same time deadlines as for voting in person on or before the closing hour of the polls;

~~Division~~(2) support~~ensure the accuracy and, to the greatest degree possible, the integrity and secrecy of municipal~~the election ballot process;

~~The~~(3) division~~prohibit shall~~absentee support~~voting a municipal election by providing~~facsimile data, in including equipment or the official registration list, unless the municipality CSSB 39(STA) -12- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (1) uses a system, state approved~~election. by the director, that requires sufficient digital or nondigital multi-factor authentication and ballot chain-of-custody protocols;~~

~~(2) agrees to submit any data update or change to the director for approval;~~

~~(3) does not forward ballots or election information when a voter no longer resides at an address;~~

~~(4) implements protocols, approved by the director, to update voter registration records;~~

~~and (5) does not allow a ballot received after the day of the election that is not postmarked or is postmarked after the day of the election to be counted, unless the ballot envelope is marked with a United States Postal Service tracking barcode sufficient to verify that the ballot was mailed on or before the day of the election.~~

~~25.~~13.

AS ~~15.20.061~~(c) is amended to read:

~~(c) Upon [ON] receipt of an absentee ballot in person, the voter shall proceed to mark the ballot in secret, to provide the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, and to sign the voter's certificate on the envelope in the presence of the election official who shall sign as attesting official and date that signature.~~

~~The election official shall then accept the ballot.~~

~~* Sec.~~

~~26.~~

AS ~~15.20.066~~(b) is amended to read:

~~(b) An absentee ballot that is completed and returned by the voter by electronic transmission must (1) contain the following statement:~~

~~"I understand that, by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible," followed by the voter's signature and date of signature;~~

~~[AND] (2) be accompanied by a statement executed under oath as to the voter's identity;~~

~~the statement under oath must be witnessed and certified by (A) a commissioned or noncommissioned officer of the armed SB0030B -13- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N forces of the United States;~~

~~(B) an official authorized by federal law or the law of the state in which the absentee ballot is cast to administer an oath;~~

~~or (C) an individual who is 18 years of age or older, if an individual under (A) or (B) of this paragraph is not available and the voter provides a statement certified, as prescribed in AS 09.63.020, under penalty of perjury, indicating that none of the officials is available;~~

~~and (3) include the voter's digital multi-factor authentication security identifiers, unless the voter is unable to use digital multi-factor authentication.~~

~~* Sec.~~

~~27.~~

AS ~~15.20~~ is amended by adding a new section to read:

~~Sec.~~

~~15.20.068.~~

~~Application for absentee ballot.~~

~~The division shall provide an absentee ballot application by mail when an eligible voter expressly requests an application.~~

~~An application may be sent to a voter only by United States mail and only by the division, an officially registered candidate, a recognized political party, or a group sponsoring a ballot measure.~~

~~An application must prominently display who sent the application and prominently display "Application only/Not a ballot" on the exterior address side of the envelope.~~

~~* Sec.~~

~~28.~~

(a) A qualified voter may apply in person, by mail, ~~by electronic mail,~~ or by facsimile, scanning, or other electronic transmission to the director for an absentee ballot under this section.

The application must include the address or, if the application requests delivery of an absentee ballot by electronic transmission, the [TELEPHONE] electronic mail address [TRANSMISSION NUMBER,] to which the absentee ballot is to be returned, the applicant's full Alaska residence address, ~~{AND}and~~ the applicant's ~~signature, signature.~~ and, ~~unless the voter is unable to use digital multi-factor authentication, digital multi-factor authentication security identifiers to verify the identity of the qualified voter.~~

However, a person residing outside the United States and applying to vote ~~CSSB 39(STA) -14- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N~~ absentee in federal elections in accordance with AS 15.05.011 ~~shall~~need provide~~not~~ include physical an Alaska residence address and in electronic the or application. ~~telephone contact information [NEED NOT INCLUDE AN ALASKA RESIDENCE ADDRESS IN THE APPLICATION].~~

For purposes of this subsection, "directly to the division of elections" means that an SB0039A -7- SB 39 New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A application may not be submitted to any intermediary that could control or delay the submission of the application to the division or gather data on the applicant from the application form.

~~29-14.~~

~~AS 15.20.081(b) is amended to read:~~

~~(b) An application requesting delivery of an absentee ballot to the applicant by mail must be received by the division of elections not less than 14 [10] days before the election for which the absentee ballot is sought.~~

~~An application for an absentee ballot for a state election from a qualified voter requesting delivery of an absentee ballot to the applicant by electronic transmission must be received by the division of elections not later than 5:00 p.m.~~

~~Alaska time on the day before the election for which the absentee ballot is sought.~~

~~An absentee ballot application submitted by mail under this section must permit the person to register to vote under AS 15.07.070 and to request an absentee ballot for each state election held within that calendar year for which the voter is eligible to vote.~~

~~An absentee ballot application submitted by electronic transmission under this section may not include a provision that permits a person to register to vote under AS 15.07.070.~~

~~* Sec.~~

~~30.~~

(d) Upon receipt of an absentee ballot by mail, the voter, in the presence of ~~and after providing sufficient identification to~~ a notary public, commissioned ~~SB0030B -15- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N~~ officer of the armed forces ~~[INCLUDING~~including THE the NATIONAL National GUARD], Guard, district judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided, ~~to provide, unless the voter is unable to use digital multi-factor authentication, the voter's digital multi-factor authentication security identifiers,~~ and to sign the voter's certificate on the envelope in the presence of an official listed in this subsection who shall sign as attesting official and shall date the signature.

If none of the officials listed in this subsection is reasonably accessible, an absentee voter shall ~~provide~~sign ~~a written statement on the voter's certificate indicating in that the none presence of the an officials individual who is available, 18 certify, years as of prescribed age in or AS older, 09.63.020, who~~ under shall penalty ~~sign of as perjury, a that witness the and statements attest into the voter's date certificate on are which true, the and voter signs signed the voter's certificate in the presence individual's of presence, an and, individual in who addition, is the 18 voter years shall certify, as prescribed in AS 09.63.020, under penalty of age perjury, or that older, the who statements shall in sign the as voter's a certification witness are true.~~

~~The If, witness during shall an provide emergency a declared written under statement AS on 26.23, the a voter's court certificate order indicating invalidates that none of the officials requirement listed to is obtain available, a certify, witness signature prescribed in AS 09.63.020, under penalty this of subsection, perjury, that the voter division is shall known resume to enforcement the individual and that none of the officials witness listed requirement is after available, and attest to the date emergency on declaration which expires. the voter signed the certificate in the individual's presence [, AND, IN ADDITION, THE VOTER SHALL CERTIFY, AS PRESCRIBED IN AS 09.63.020, UNDER PENALTY OF PERJURY, THAT THE~~

~~STATEMENTS IN THE VOTER'S CERTIFICATION ARE TRUE].~~

~~The division may not count a ballot that is not signed by an official unless the ballot includes a voter's certificate providing the written statements and certifications.~~

~~The voter and attesting official or witness shall legibly print their name, physical address, mailing address, and digital or telephone contact information on the space provided on the voter's certificate.~~
~~31.15.~~

Except as provided in (h) of this section, a voter who returns the absentee ballot by mail, whether provided to the voter by mail or by electronic transmission, shall use a mail service at least 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 ~~CSSB 39(STA) -16- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N~~ 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 the ~~seventh10th-[10TH]~~ day after the election.

~~[IF THEthe BALLOTballot ISis POSTMARKED, SB IT39 MUST-8- BESB0039A POSTMARKEDNew ONText ORUnderlined BEFORE[DELETED ELECTIONTEXT DAY.]BRACKETED] After32-LS0204\A received after the day of the election,election ballots[POSTMARKED], mayit notmust be acceptedpostmarked unlesson receivedor bybefore mail.election day.~~

~~AAfter ballot received after the day of the electionelection, thatballots is not postmarked or is postmarked after the day of the election may not be accepted unless thereceived ballotby envelope mail. is marked with a United States Postal Service tracking barcode sufficient to verify that the ballot was mailed on or before the day of the election.~~

~~32.16.~~

AS 15.20.081(f) is amended to read:

~~(f) The director shall require a voter casting an absentee ballot by mail to provide proof of identification or other information to aid in the establishment of the voter's identity, including, unless the voter is unable to use digital multi-factor authentication, the voter's digital multi-factor authentication security identifiers as prescribed by regulations adopted under AS 44.62 (Administrative Procedure Act).~~

~~If the voter is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 and has not met the identification requirements set out in AS 15.07.060, the voter must provide one of the following forms of proof of identification:~~

~~(1) a copy of a driver's license, state identification card, current and valid photo identification, birth certificate, tribal identification card, or passport [, OR HUNTING OR FISHING LICENSE];
or (2) a copy of a current utility bill, bank statement, paycheck, government check, or other government document;~~

~~an item provided under this paragraph must show the name and current address of the voter.~~

~~* Sec.~~

~~33.~~

AS 15.20.081 is amended by adding a new subsection to read:

~~(m) An absentee ballot application must include an option for a qualified voter to choose to receive absentee ballots by mail for future regularly scheduled state elections.~~

~~The division may not require a voter who chooses this option to reapply for an absentee ballot by mail unless (1) the voter has not voted an absentee ballot for a period of four years;~~

~~SB0039B -17- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N or (2) the voter's previous absentee ballot sent under this section was returned to the division as undeliverable.~~

~~* Sec.~~

~~34.~~

AS 15.20.201(a) is amended to read:

~~(a) Not [NO] less than 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 and envelopes of absentee ballots received by that date.~~

~~The review of absentee ballots shall continue at times designated by the election supervisor until completed.~~

~~* Sec.~~

~~35.~~

~~(b) Counting of absentee ballots that have been reviewed shall begin notat fewer than seven days preceding [AT 8:00 P.M., p.m., LOCALlocal TIME,time, ON]on the day of the election at places designated by each election supervisor and shall continue until all absentee ballots reviewed and eligible for counting have been counted.~~

The counting teams shall ~~report the first count of~~ reviewed absentee ballots ~~toas the~~ soon ~~districtas~~

~~absentee possible ballot after counting review board and may not later delay counting to determine whether a voter has voted more than [once in the election.~~

~~AN The ELECTION counting SUPERVISOR teams OR shall AN report ELECTION the OFFICIAL count MAY of NOT absentee COUNT ballots ABSENTEE to BALLOTS BEFORE] 8:00 p.m., local time, on the day district of absentee the ballot election counting board.~~

~~An election supervisor or an election official may not count absentee ballots before 8:00 p.m., local time, on the day of the election.~~

~~36-17.~~

~~AS 15.20.203(b) is amended to read:~~

~~(b) An absentee ballot may not be counted if (1) the voter has failed to properly execute the certificate;~~

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

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

~~(4) the ballot envelope, if delivered by mail after the day of the election [POSTMARKED], (A) is not postmarked on or before the date of the election;~~

~~or CSSB 30(STA) -18- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (B) does not have a United States Postal Service tracking barcode sufficient to verify that the ballot was mailed on or before the day of the election;~~

~~(5) after the day of election, the ballot was delivered by a means other than mail;~~

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

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

~~or (B) by mail or electronic transmission, is a first-time voter who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050 to vote, has not met the identification requirements set out in AS 15.07.060, and does not submit with the ballot a copy of a (i) driver's license, state identification card, current and valid photo identification, birth certificate, tribal identification card, or passport [, OR HUNTING OR FISHING LICENSE];~~

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

~~SB0030B -19- CSSB 30(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (7) the voter's certificate is not signed by a notary public, commissioned officer of the armed forces, judge or magistrate, United States postal official, registration official, or other person qualified to administer oaths, and the voter does not provide a written statement on the voter's certificate indicating that none of the listed officials was available;~~

~~(8) the voter voted in person on the day of the election at a polling place and also voted an absentee ballot;~~

~~or (9) the voter is able to use digital multi-factor authentication and has not provided the voter's digital multi-factor authentication security identifiers.~~

~~* Sec.~~

~~37.~~

~~AS 15.20.203(e) is amended to read:~~

~~(e) If an absentee ballot is not rejected, the envelope shall be opened and the secrecy sleeve containing the absentee ballot shall be placed in a container and mixed with other secrecy sleeves.~~

~~The ballot may not be separated from the envelope before the division determines that the voter is qualified to vote and has not voted more than one time in the election.~~

~~* Sec.~~

~~38.~~

~~AS 15.20.203(i) is amended to read:~~

~~(i) The director shall immediately make a reasonable effort to contact each absentee voter whose absentee ballot has been rejected under this section, explain why the ballot has been rejected and how it may be cured, and mail the materials described in (h) of this section to the voter [NOT LATER THAN~~

~~(1) 10 DAYS AFTER COMPLETION OF THE REVIEW OF BALLOTS BY THE STATE REVIEW BOARD FOR A PRIMARY ELECTION OR A SPECIAL PRIMARY ELECTION UNDER AS 15.40.140;~~

~~(2) 60 DAYS AFTER CERTIFICATION OF THE RESULTS OF A GENERAL ELECTION OR SPECIAL ELECTION OTHER THAN A SPECIAL PRIMARY ELECTION DESCRIBED IN (1) OF THIS SUBSECTION].~~

~~The director shall provide an absentee voter whose ballot is rejected under this section a reasonable opportunity, until 5:00 p.m.~~

~~on the third day after election day, to cure a rejected ballot.~~

~~* Sec.~~

~~39.~~

~~AS 15.20.203 is amended by adding a new subsection to read:~~

~~CSSB 39(STA) -20- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (k) If, under (b)(8) of this section, a voter's absentee ballot is not counted and the director determines that the voter did not intend to have two votes counted, the division shall count the voter's in-person ballot.~~

~~* Sec.~~

~~40.~~

~~AS 15.20.207(b) is amended to read:~~

~~(b) A questioned ballot may not be counted if the voter (1) has failed to properly execute the certificate;~~

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

~~[OR] (3) is a voter other than one described in (2) of this subsection, did not provide identification described in AS 15.15.225(a), was not personally known by the election official, and has not provided the identifiers required in AS 15.07.060(a)(2) and (3);~~

~~or (4) is able to use digital multi-factor authentication and has not provided the voter's digital multi-factor authentication security identifiers.~~

~~* Sec.~~

~~41.~~

~~AS 15.20.207(i) is amended to read:~~

~~(i) The director shall immediately make a reasonable effort to contact each voter whose questioned ballot has been rejected under this section, explain why the ballot has been rejected and how it may be cured, and mail the materials described in (h) of this section to the voter [NOT LATER THAN (1) 10 DAYS AFTER COMPLETION OF THE REVIEW OF BALLOTS BY THE STATE REVIEW BOARD FOR A PRIMARY ELECTION OR A SPECIAL PRIMARY ELECTION UNDER AS 15.40.140;~~

~~(2) 60 DAYS AFTER CERTIFICATION OF THE RESULTS OF A GENERAL OR SPECIAL ELECTION, OTHER THAN A SPECIAL PRIMARY ELECTION DESCRIBED IN (1) OF THIS SUBSECTION].~~

~~The director shall provide a voter whose ballot is rejected under this section a reasonable opportunity, until 5:00 p.m.~~

~~on the third day after election day, to cure a rejected SB0039B -21- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N ballot.~~

~~* Sec.~~

~~42.~~

The review of the absentee and questioned ballot vote certified by the district counting boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error, comparing the identifiernames data on eachall ballotballots and envelope to ensure that each voterperson has voted only once in the election, and [BY] comparing the totals with the election certificate of results.

~~43.~~18.

~~AS 15.20.540 is amended to read:~~

~~Sec.~~

~~15.20.540.~~

~~Grounds for election contest.~~

~~A defeated candidate or 10 qualified voters may contest the nomination or election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds:~~

~~(1) malconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election;~~

~~(2) when the person certified as elected or nominated is not qualified as required by law;~~

~~(3) any corrupt practice as defined by law sufficient to change the results of the election;~~

~~(4) a breach of voter registration data that reveals voters' digital multi-factor authentication or other security identifiers sufficient to change the results of an election;~~
~~(5) ballot accounting irregularities sufficient to change the results of an election.~~

~~* Sec.~~

~~44.~~

~~AS 15.20.540 is amended by adding a new subsection to read:~~

~~(b) The division's failure to contact an absentee voter whose ballot is rejected under AS 15.20.203 or a voter whose questioned ballot is rejected under AS 15.20.207 is not grounds to contest an election.~~

~~* Sec.~~

~~45.~~

~~AS 15.20.800(a) is amended to read:~~

~~(a) The director may conduct an election by mail CSSB 30(STA) 22- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (1) in an unorganized community with a population of 750 or less if the director determines that facilitating organized in-person voting in the community is unreasonable;~~
~~(2) in a second class city with a population of 1,000 or less, upon the governing body's request;~~
~~(3) in a second class borough with a population of 3,000 or less, upon the governing body's request;~~
~~(4) in an area affected or threatened by a disaster while a disaster declaration under AS 26.23.020 is in effect if the governor declares the emergency because of (A) an incident described in AS 26.23.000(2)(A);~~

~~(B) an outbreak of disease or a credible threat of an imminent outbreak of disease;~~

~~or (C) an enemy or terrorist attack or a credible threat of an imminent enemy or terrorist attack;~~

~~or (5) if it is held at a time other than when the general, party primary, or municipal election is held.~~

~~* Sec.~~

~~46.~~

~~AS 15.20.800(b) is amended to read:~~

~~(b) If the director conducts an election under (a) of this section by mail, the director shall send a ballot for each election described in (a) of this section to each person whose name appears on the official registration list prepared under AS 15.07.125 for that election.~~

~~Before conducting an election by mail, the director shall update the master register and adopt a system protected by the most functional application of distributed ledger technology, which may include blockchain, Hashgraph, DAG, Holochain, or Tempo, that provides for strict digital multi-factor authentication and ballot chain-of-custody protocols.~~

~~The director shall send ballots by first class, nonforwardable mail.~~

~~The ballot shall be sent to the address stated on the official registration list unless (1) the voter has notified the director or an election supervisor of a different address to which the ballot should be sent;~~

~~or (2) the address on the official registration list has been identified as SB0030B 23- CSSB 30(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N being an undeliverable address.~~

~~* Sec.~~

~~47.~~

~~AS 15.20.900 is amended by adding new subsections to read:~~

~~(c) The division shall conduct a routine forensic examination of each precinct tabulator before and after each election.~~

~~(d) Precinct tabulators may not be connected to the Internet from 24 hours before the polls open on election day until 14 days after the polls close.~~

~~During this time, all tabulator data shall be loaded from the tabulator onto a separate storage device and transmitted from a computer that is not connected to the tabulator.~~

~~(e) The division shall develop and apply strict chain-of-custody protocols for precinct tabulators.~~

~~* Sec.~~

~~48.~~

~~(2) makes, or knowingly has in possession, a counterfeit of an official SB0039A -9- SB 39 New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A election ballot;~~

~~[OR] CSSB 30(STA) 24- SB0030B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (7) knowingly submits or encourages or assists another person to 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 collects a ballot from aanother voter unless the person (A) thepossesses voteronly expresslyone requestedother thatvoter's ballot and the person collectis a family member, household~~

member, or caregiver of the ballot; other voter;

or (B) the person engaged in official duties as a ballot, an election official, a United States Postal Service worker, or a private commercial delivery service.

~~and (C) the person did not collect more than six ballots voted in a single election.~~

~~49-19.~~

(d) In this section, "collects" (1) "caregiver" means the action of a person who provides possession or control of health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home;

SB 39 -10- SB0039A New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A (2) "collects" means the action of gaining possession or control of a ballot;

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

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

~~50-20.~~

~~AS 15.56.040(a) is amended to read:~~

~~(a) A person commits the crime of voter misconduct in the first degree if the person (1) votes or attempts to vote in the name of another person, including another person who is cognitively unable to express their vote, or in a name other than the person's own;~~

~~(2) votes or attempts to vote more than once at the same election with the intent that the person's vote be counted more than once;~~

~~(3) intentionally makes a false affidavit, swears falsely, or falsely affirms under an oath required by this title;~~

~~(4) knowingly votes or solicits a person to vote after the polls are closed with the intent that the vote be counted.~~

~~* Sec.~~

~~51.~~

~~(2) intentionally changes, attempts to change, or causes to be changed SB0030B -25- CSSB 39(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N an official election document including ballots, tallies, and returns;~~

~~[OR] (4) intentionally opens or tampers with a sealed absentee ballot certificate, certificate absentee and ballot envelope envelope, or package of ballots without express authorization from the director;~~

or (5) intentionally (4) breaches, is hacked, contracted alters, or tampers with election machinery, state including to a print tabulator or machine, reproduce a program, any manner system, an official server, ballot, or software the used person to knowingly verify (A) identity, personally count, appropriates, or tabulate, gives or manages delivers to, or control permits any to election be function; taken by anyone other than a person authorized by the director, official ballots;

~~or (6) is contracted or employed by the state to print or reproduce in any manner an official ballot, and the person knowingly (A) personally appropriates, or gives or delivers to, or permits to be taken by anyone other than a person authorized by the director, official ballots;~~

~~52-21.~~

~~AS 15.56 is amended by adding a new section to read:~~

~~Sec.~~

~~15.56.065.~~

~~Election fraud.~~

~~(a) A person commits the crime of election fraud if the person violates AS 15.56.060 and causes the outcome of an election to change.~~

~~(b) Election fraud is a class B felony.~~

~~* Sec.~~

~~53.~~

~~AS 15.56.070(a) is amended to read:~~

~~(a) A person commits the crime of election official misconduct in the first degree if while an election official, the person (1) intentionally fails to perform an election duty or knowingly does an unauthorized act with the intent to affect an election or its results;~~

~~(2) knowingly permits or makes or attempts to make a false count of election returns;~~

~~[OR] CSSB 39(STA) -26- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N (3) intentionally conceals, withholds, destroys, or attempts to conceal, withhold, or destroy election returns;~~

~~or (4) knowingly discloses, shares, or reports, to a person who is not an election official, election~~

~~results, returns, or any confidential election data before the polls close on election day.~~

~~* Sec.~~

~~54.~~

~~15.80.001.~~

~~Authority of the legislature.~~

~~Throughout this title, the power of the legislature to prescribe the time, place, and manner of an election under the Constitution of the United States and methods of voting under art.~~

~~V, sec.~~

~~3, Constitution of the State of Alaska, is paramount.~~

~~The judicial branch may not usurp this power without the legislature's express consent.~~

~~The division shall consider any judicial decision contrary to this section advisory, and the division may not comply with such a decision unless the legislature provides express consent.~~

~~* Sec.~~

~~55.~~

~~AS 15.80 is amended by adding a new section to read:~~

~~Sec.~~

~~15.80.006.~~

~~Electronic signature prohibited.~~

~~An election official may not accept an electronic signature in lieu of a voter's signature unless a notarized signature verification accompanies the electronic signature.~~

~~* Sec.~~

~~56.~~

~~AS 15.80 is amended by adding a new section to read:~~

~~Sec.~~

~~The lieutenant governor shall immediately notify the legislature and the public of a security breach of a voter registration record or a voting machine.~~

~~SB0039A -11- SB 39 New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A * Sec.~~

~~22.~~

~~AS 29.26.010 is amended by adding a new subsection to read:~~

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

~~57.23.~~

~~AS 15.80.010(38) is amended to read:~~

~~(38) "signature" or "subscription" includes a mark made by a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write [INTENDED AS A SIGNATURE OR SUBSCRIPTION];~~

~~* Sec.~~

~~58.~~

~~AS 18.65.240(a) is amended to read:~~

~~(a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, which includes at least 12 hours of instruction regarding domestic violence, as that term is defined in AS 18.66.090, SB0039B -27- CSSB 30(STA) New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N [AND] at least 12 hours of instruction regarding sexual assault, as that term is [THOSE TERMS ARE] defined in AS 18.66.090, and at least four hours of instruction in detecting and investigating election fraud; and (2) possesses other qualifications the council has established for the employment of police officers, including minimum age, education, physical and mental standards, citizenship, moral character, and experience.~~

~~The council shall prescribe the means of presenting evidence of fulfillment of these requirements.~~

~~* Sec.~~

~~59.~~

~~(3) the means for an applicant eligible to vote under AS 15.05, or a person authorized to act on behalf of the applicant, to request that the applicant be registered as a voter, to furnish information required by AS 15.07.060(a)(1) - (4) and (7) - (9), identify the house district the applicant has been a resident of for the last 30 days, and to attest [AN ATTESTATION] that suchthe [SUCH] information is true.~~

~~60.24.~~

~~The AS uncodified 43.23.101 law of the State of Alaska is amended by adding a new section to read:~~

~~FIRST~~Sec. BIENNIAL AUDIT OF MASTER REGISTER.

~~The 43.23.101 division shall, in consultation with an external, nationally recognized subject-matter expert, conduct the first audit of the master register under AS 15.07.130(h), enacted by sec. 7Voter of registration. this Act, within 90 days after the effective date of sec.~~

~~7The commissioner shall establish by rule a schedule by which the commissioner [WILL PROVIDE, AND] shall provide as soon as [IS] practicable the director of this elections Act, with (1) electronic records from the permanent fund dividend applications with [OF] the information required under [BY] AS 15.07.060(a)(1) - (4) and (7) - (9) [,] and the attestation that the [SUCH] information is true [,] for each permanent fund dividend applicant who requested to be registered to vote and is (A) [IS] a citizen of the United States;~~

~~The diin shall publish the report and submit (B) the [IS] report at to least the 18 senate years secretary and the chief clerk of the age house or of will representatives be not within later 90 than 150 days after of the effective date of sec. the application;~~

~~7and of (2) this the Act, mailing addresses for all permanent fund dividend applicants.~~

~~61-25.~~

~~AS 15.07.130(e)(3) and AS 15.20.800 are repealed.~~

~~* Sec.~~

~~26.~~

~~APPLICABILITY:~~

~~PERMANENT FUND DIVIDEND APPLICATIONS.~~

~~The changes made by secs.~~

~~1 - 5, 23, and 24 of this Act apply to permanent fund dividend applications filed on or after January 1, 2022.~~

~~* Sec.~~

~~27.~~

~~The uncodified law of the State of Alaska is amended by adding a new section to SB 39 -12- SB0039A New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\A read:~~

~~4818 of this Act, and AS 15.56.040(a)(1), 15.56.060(a)(4), as enacted-amended by sec.~~

~~5020 of this Act, AS apply 15.56.060(a)(4) to and offenses (5), committed enacted on by or sec. after the effective date of secs.~~

~~5118 and 20 of this Act, Act. AS 15.56.065, enacted by sec.~~

~~52 of this Act, and AS 15.56.070(a)(4), enacted by sec.~~

~~53 of this Act, apply to offenses committed on or after the effective date of CSSB 39(STA) -28- SB0039B New Text Underlined [DELETED TEXT BRACKETED] 32-LS0204\N secs.~~

~~48 and 50 - 53 of this Act.~~

~~62-28.~~

~~63-29.~~

~~Section 6228 of this Act takes effect immediately under AS 01.10.070(c).~~

~~64-30.~~

~~6329 of this Act, this Act takes effect January 1, 2022.~~

~~SB0039B SB0039A -29- -13- CSSB SB 39(STA) 39 New Text Underlined [DELETED TEXT BRACKETED]~~