

NOTICE OF PROPOSED CHANGES TO IMPLEMENT BALLOT MEASURE 2
AND MAKE CLARIFYING CHANGES IN THE REGULATIONS OF THE DIVISION OF
ELECTIONS

The Division of Elections proposes to adopt regulation changes in Title 6, Chapters 25 and 27 of the Alaska Administrative Code, implementing ranked-choice voting and other aspects of Ballot Measure 2 and making other changes, additions, and corrections, including the following:

- Amend 6 AAC 25.010 to include a candidate, party, organization, or organized group; to remove the countersignature requirement for poll watcher badges; to adopt the current version of the *Guide for Poll Watchers*; and to clarify that this regulation applies to statewide primary, general, and special elections.
- Change 6 AAC 25.020 to allow each candidate, political party, organization, and group one poll watcher.
- Remove the reference to Accu-vote machines in 6 AAC 25.023, .030, .045, .050, .065–.067, and .200, because the division no longer uses these machines.
- Adopt the current version of the *Registrar Handbook* in 6 AAC 25.025.
- Add 6 AAC 25.028 to explain the process for the automatic voter registration of permanent fund dividend applicants.
- Change 6 AAC 25.030 to clarify the results that precincts will initially report in a general election.
- Correct the names of the counting boards and regional coordinators in 6 AAC 25.030, .035, .045, .065, .066, .220, and .270.
- Include a special primary election in 6 AAC 25.033, 25.203, 25.212, 25.300, 25.400, 25.500, 25.650, 25.670, 25.685, and 25.686, consistent with Ballot Measure 2.
- Correct the names of the absentee review board and regional elections offices in 6 AAC 25.040.
- Remove references to an outdated verification processes for ballot tabulators in 6 AAC 25.045.
- Add 6 AAC 25.069 to determine that the general election ballot will include space for one write-in candidate per race, except that the races for president and vice-president will not allow write-in candidates.
- Change 6 AAC 25.070 to clarify that voters may rank a write-in candidate.

- Add 6 AAC 25.071 to specify when and how votes for write-in candidates will be counted.
- Add 6 AAC 25.072 to define duplicate rankings and determine how they will be counted.
- Add 6 AAC 25.073 to define electioneering at a polling place.
- Change 6 AAC 25.140 to repeal (c) and eliminate a reference to AS 15.80.008(a)(2), due to Ballot Measure 2 and changes to the federal preclearance requirement.
- Change 6 AAC 25.145 to remove references to 6 AAC 25.140(c).
- Add 6 AAC 25.195 to specify that ranked-choice tabulation will begin the 15th day after the election, with only first-choice results reported before then.
- Change 6 AAC 25.200 to correct the name of accessible voting devices and to add (e), which clarifies the recount procedure for ranked-choice elections.
- Make grammatical corrections in 6 AAC 25.203.
- Repeal 6 AAC 25.205 and .290, and change 6 AAC 25.210 and .260, because there is no longer a nominating petition process.
- Correct a statutory citation in 6 AAC 25.212.
- Change 6 AAC 25.225 to determine the process for filling a vacancy in the candidacy for lieutenant governor.
- Change 6 AAC 25.240 to remove the specific number of petition booklets that the division will issue.
- Remove the requirement for federal approval, make grammatical changes, reference political groups, and remove the reference to a repealed regulation in 6 AAC 25.270.
- Correct the authority citation in 6 AAC 25.400.
- In 6 AAC 25.505, remove the requirement that third-party absentee ballot applications allow the applicant to choose a primary ballot, and add the requirements that the application be returned to the division and identify the organization providing the application.
- Change 6 AAC 25.510 to clarify when absentee voters must provide identifiers, given previously repealed regulations.
- Add 6 AAC 25.641 to specify that identifiable duplicate ballots will not be counted.
- Clarify the timeline for ballot counting in 6 AAC 25.643.

- Change 6 AAC 25.670 to permit voters to select and rank candidates by political party or group on the federal write-in ballot, provided the voters' intent is clear, and to update a statutory reference.
- Change 6 AAC 25.683 to update a statutory reference; allow someone with a power of attorney to cancel a voter's registration; remove a reference to selecting a primary ballot; and allow a special power of attorney to include the power to cancel a voter's registration.
- Repeal 6 AAC 25.685(b) because it is redundant and amended (g) to specify how a voter who received a replacement ballot should return the ballot.
- Remove a statutory reference, include political group affiliation, and make a grammatical correction in 6 AAC 25.690.
- Add 6 AAC 25.730 to permit election officials to make official election pamphlets available at polling places.
- Repeal 6 AAC 25.990(2) and amend (13) to define voting equipment.
- Remove repealed statutory authority in 6 AAC 27.035 and 6 AAC 27.150.
- In 6 AAC 27.175, remove the preclearance requirement, repeal (d), and amend (e) to remove a redundant subsection.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Division of Elections at PO Box 110017, Juneau, AK 99811. Additionally, the Division of Elections will accept comments by facsimile at (907) 465-3203 and by electronic mail at elections@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00pm on Thursday, October 7, 2021.

You may submit written questions relevant to the proposed action to Brian Jackson at brian.jackson@alaska.gov. The questions must be received at least 10 days before the end of the public comment period. The Division of Elections will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Brian Jackson at brian.jackson@alaska.gov or by calling (907) 465-4611 not later than Tuesday, September 7, 2021, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Brian Jackson at brian.jackson@alaska.gov or by calling (907) 465-4611.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System.

After the public comment period ends, the Division of Elections will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 15.07.070; AS 15.15.010; AS 15.15.350; AS 15.20.066

Statutes being implemented, interpreted, or made specific: AS 15.05.014; AS 15.07.050; AS 15.07.060; AS 15.07.070; AS 15.07.100; AS 15.10.105; AS 15.10.120; AS 15.10.140; AS 15.10.170; AS 15.10.180; AS 15.15.010; AS 15.15.030; AS 15.15.110; AS 15.15.160; AS 15.15.170; AS 15.15.210; AS 15.15.350; AS 15.15.360; AS 15.15.365; AS 15.15.370; AS 15.15.410; AS 15.15.430; AS 15.20.066; AS 15.20.072; AS 15.20.081; AS 15.20.203; AS 15.20.205; AS 15.20.207; AS 15.20.450; AS 15.20.490; AS 15.20.900; AS 15.25.100; AS 15.40.140; AS 15.40.220; AS 15.45.090; AS 15.56.016; AS 15.56.040; AS 15.58.030; AS 15.80.008; AS 29.35.010.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

The Division of Elections keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the division notices of proposed regulation changes. To be added to or removed from the list, send a request to the division at elections@alaska.gov or PO Box 110017, Juneau AK, 99811, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Date: 8/3/2021



Gail Fenumiai, Director