

Election Statute Navigator: Alaska

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/alaska/covid/#tracker>.

Voter Registration

- Voters registration deadline
 - Primary:
 - Sunday, July 19, 2020
 - General:
 - Sunday, October 4, 2020
 - [See official Alaska registration website](#)
- Online registration available
 - [See official Alaska registration website](#)
- Registration via mail available
 - [See official Alaska registration website](#)
- In-Person registration available - **AS § 15.07.055**
- Automatic Voter Registration
 - Participating Agencies: Permanent Fund Dividend (PFD)
- Preregistration allowed - **AS § 15.07.040**
 - A person who is qualified under AS 15.05.010(1)--(3) is entitled to register at any time throughout the year except that a person under 18 years of age may register at any time within 90 days immediately preceding the person's 18th birthday.
- Residency requirement - **AS § 15.07.060**
- Prior conviction eligibility – See state code for specifics **AS § 15.05.030**
- Voter list maintenance guidelines - **AS § 15.07.130**

State Absentee, Early, and Mail Voting

- Early voting allowed - **AS § §15.20.064; 15.20.065; and 6 AAC 25.500**
 - 15 days before an election until the day of the election
- No-excuse absentee voting - **AS § 15.20.010**
- Online absentee ballot application available - **AS § 15.20.081(c)**



- Absentee ballot application is verified
 - Status of application can be checked here:
<https://myvoterinformation.alaska.gov/>
- Notary or witness signatures required on return envelope - **AS §§ 15.20.061; 15.20.081(d)**
- Absentee ballot verification details - **AS § 15.20.203**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
 - **AS § 15.20.072(d)-(f) Special Needs Voting**
 - (d) The representative shall deliver the special needs ballot and other voting materials to the voter as soon as practicable. The voter shall mark the ballot in secret, place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope provided. The voter shall provide the information on the envelope that would be required for absentee voting if the voter voted in person. The voter shall sign the voter's certificate in the presence of the representative. The representative shall sign as attesting official and date the voter's signature.
 - (e) The representative shall deliver the ballot and voter certificate to an election official not later than 8:00 p.m. Alaska time on election day.
 - (f) If a qualified voter's disability precludes the voter from performing any of the requirements of (d) of this section, the representative may perform those requirements, except making the voting decision, on the voter's behalf.
- Deadline by which election official must receive absentee/mailed ballots - **AS § 15.20.081(e)**
 - Postmarked on or before Election day
- State accepts postmarked ballots that arrive after election day - **AS § 15.20.081(e)**
 - 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 10th day after the election. If the ballot is postmarked, it must be postmarked on or before election day. After the day of the election, ballots may not be accepted unless received by mail.
- State is required to provide secrecy sleeve for absentee/mail ballot - **AS § 15.20.030**
 - The director shall provide ballots for use as absentee ballots in all districts. The director shall provide a secrecy sleeve in which the voter shall initially place the marked ballot, and shall provide an envelope with the prescribed voter's certificate on it, in which the secrecy sleeve with ballot enclosed shall be placed.
- Absentee/Mail ballot processing and counting procedures - **AS § 15.20.201**
- Spoiling ballot restrictions - **AS § 15.15.250**
- Other:



- **AS § 15.20.800** - Voting by mail guidelines
- **AS § 15.15.300** - A ballot unlawfully exhibited shall be recorded as a spoiled ballot and destroyed.
- **AS § 15.15.360(a)(7)** - An erasure or correction invalidates only that section of the ballot in which it appears

In-Person Voter ID

- Photo ID requirements - **AS § 15.15.225**
- Photo ID not required - **AS § 15.15.225**
- Exceptions to Voter ID Requirements - **AS § 15.15.225(b)**
 - An election official may waive the identification requirement if the election official knows the identity of the voter. The identification requirement may not be waived for voters who are first-time voters who initially registered by mail or by facsimile or other electronic transmission approved by the director under AS 15.07.050, and did not provide identification as required in AS 15.07.060
- Options for voters without ID:
 - **AS § 15.15.225(c)**
 - A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot

Provisional Voting

- Provisional ballot availability
 - **AS § 15.15.198**
 - Voter eligibility cannot be immediately established—i.e., name is not on registration list
 - **AS § 15.20.207**
 - The voter's eligibility is challenged by a poll watcher
 - **AS § 15.15.225**
 - Voter did not present ID as required by the state
 - **AS § 15.07.090**
 - Address and/or name has changed
- Time allotted to determine the status of provisional ballot - **AS § 15.20.205(c)**
 - The district questioned ballot counting board may certify the questioned ballot totals as soon as the count is completed but no later than the 15th day following the election.
- Provisional ballot rejection reasons - **AS § 15.15.198**



- A person whose registration is inactive under **AS 15.07.130(b)** and who votes a questioned or absentee ballot *shall have the ballot counted* if:
 - The person was registered to vote in the last four calendar years
 - The person signs a statement to that effect; and
 - The earlier registration is verified by the director

Polling Place

- Polling Place availability and requirements - **AS § 15.15.060**
- Electioneering or campaigning must not be closer than **200** feet to the entrance of the polling place - **AS § 15.15.170**
- Rules governing poll observers - **AS § 15.20.440(b)**
 - Candidates, political parties, or organized groups having a direct interest in a recount and who are seeking to protect their interests during a recount may provide, at their own expense, two or more observers to witness the recount.
- Poll watcher qualifications - **AS § 15.10.170**

State Emergency Rules and How Elections are Affected

- The election supervisor and election board chair may, in an emergency, secure an alternate location for a polling place - **AS § 15.15.060(a)**
- Governor can suspend regulatory statutes prescribing the conduct of state business and issue orders - **AS § 26.23.020(g)**

Counting Rules

- Voting system requirements - **AS § 15.20.910**
- Counting procedures - **AS § 15.15.430(a)(3)**

Contest/Protest, Recount Rules

- Voter protesting - **AS § 15.20.430; AS § 15.20.450; AS § 15.20.490**
 - A defeated candidate or 10 qualified voters may file an application for a recount with the State Director of Elections within 5 days of the state ballot counting review (3 days for the office of governor). In the case of a tie vote the state initiates the recount. The recount must take place within 5 days of receiving the application (3 days for the office of governor). The recount must be completed within 10 days. If the recount changes the candidate elected or changes the results by more than four percent, the state pays for the recount.



- Candidate protesting - **AS § 15.20.430; AS § 15.20.450; AS § 15.20.490**
- Contest filing guidelines - **AS § 15.20.540; AS § 15.20.550**
- Challenging a voter - **AS §15.20.203(c); AS §15.20.207**
- Contest/Protest recount - **AS § 15.20.450**
 - Triggers
 - Malconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election;
 - When the person certified as elected or nominated is not qualified as required by law
 - Any corrupt practice as defined by law sufficient to change the results of the election.
- Other:
 - **AS § 15.20.480** - procedure for recount

