

November 2, 2020

The Honorable Kevin Meyer
Lieutenant Governor of Alaska
Alaska State Capitol Building
Juneau, Alaska 99801

RE: Immediate action to ensure equitable voting for rural Alaska and Alaska Natives

Dear Lt. Governor Meyer,

Urgent action is required to ensure rural communities and Alaska Native voters can vote in-person, just as any other Alaskan can on Tuesday, November 3rd. It has become clear over the past few months and weeks that the communities who are most at risk for not having equitable voting are remote villages, largely populated by Alaska Natives. We write to ask you to take decisive action right now to ensure that there are election workers with all necessary voting supplies and COVID19 supplies to operate safe and equitable voting in every village that is currently without local poll workers.

As Lieutenant Governor the responsibility falls to you to provide equitable and safe in-person voting to every Alaskan eligible to vote - regardless of whether they are in a village, a regional hub, or a city and regardless of how hard it is to get local poll workers especially during this pandemic. The Constitution of Alaska does not differentiate between voters. Upon taking office you swore to protect and defend that constitution as well as that of the United States, to represent all the people of Alaska, and be responsible for carrying out one of our most important and fundamental duties - voting.

Alaska's constitution expressly states the guaranteed right to vote as a fundamental right for all. Article V, Section 1 provides, in pertinent part, "Every citizen of the United States who is at least eighteen years old, who meets registration residency requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election." In addition, Article V, Section 1 guarantees that "all persons are equal and entitled to equal rights, opportunities, and protection under the law." (Alaska Constitution, Article V, Sec. 1). "The Alaska Constitution also enshrines absentee voting, "Methods of voting, including absentee voting, shall be prescribed by law." (Id. Art. I, Sec. 3).

It is unacceptable that in 2020 we are still fighting to receive equal access to voting in Alaska. Too many communities across Alaska still do not have the same access to all the voting options, including the right to privacy and confidential ballots, that larger communities have. The number of stories we have received can only be described as voter disenfranchisement. It is increasingly alarming as many of these voters are in predominantly Alaska Native communities.

While there are a number of challenges, there are also solutions you can implement immediately. We have outlined some below as we want to advocate for equitable elections and work with you and the Division of Elections to address these issues. Some are COVID19 specific, some exacerbated by the pandemic, but some are longstanding issues that DOE has not yet been able to solve. We are here to help, as we know the employees at DOE are doing the best they can, but voters are being impacted inequitably - this means policy and law must be

addressed. Until that can happen, you must discharge your duty as swiftly as possible to correct these issues before Tuesday:

1. There are multiple communities that still do not have poll workers or enough poll workers for elections on Tuesday. We know the employees of the Division of Elections are working hard, as are city clerks and regional offices, but it has not been enough to solidify equitable in-person voting. **SOLUTION:** Adequately staff all polling locations that need it immediately with state employees. There are about 15,000 across the state who can help DOE implement elections this year. Given the circumstances, it just makes sense to detail employees to communities that do not have enough confirmed poll workers. Utilize whatever transportation method makes sense and gets them there on time. No matter the weather or time of day, the Department of Fish & Game has proven it can get to the most remote communities in a few hours for hunting and fishing law enforcement, so they could certainly take poll workers out in time. Furthermore, wages for poll workers must be increased to incentivize locals to help. While the wage was increased this year after quite a while, they are still not up to levels that would make accepting this responsibility one that people would be able to afford to do.
2. Communities are lacking election ballots, materials, and COVID19 supplies. A number of Tribes have requested PPE, with at least one stating they did not receive any PPE from the Division of Elections. Tribes have also stated they did not have enough PPE to safely run elections in-person. **SOLUTION:** Get all needed supplies to the communities who need them ASAP by whatever transportation method is available. If you wait for the USPS right now, it's unlikely to be expedited due to the large volume of shipping they are doing due to the pandemic. Again, use whatever transportation method can guarantee delivery such as noted in 1) above.
3. In-person early voting opportunities are not yet on par with the larger communities. Despite efforts by the Native community in the past, working with DOE, it still has not created this opportunity fairly. Substituting absentee-in person voting is not the same. **SOLUTION:** If it doesn't work for rural Alaska, it doesn't work for Alaska. Before offering in person in the city, set it up and establish it in the villages. This will address the issue, make the entire system more equitable, create efficiencies, and save on opportunity costs.
4. Multiple individuals have stated they have not received their absentee ballot after applying for one. Alaskans are still waiting and the mail system is swamped so this is a huge concern. **SOLUTION:** Create messages to voters who haven't received their ballots on what steps they need to take to ensure they can vote in-person on Tuesday (or electronically or by fax if they so choose) to ensure their ballots won't be rejected.
5. Ballots are not provided in the required languages. Sample ballots are not equitable as translations are not side by side comparable, concepts expressed are not exact translations, etc so voters in provided Native languages have to be able to piece a puzzle together. Language assistance and information on how to access it is not easy to access across the various voting methods. **SOLUTION:** Make the Alaska Native language settlement of *Toyukak v. Treadwell/Mallott* permanent, setting it as the floor and not the ceiling for covered and additional languages, and continue to build the Alaska Native languages program. Attached is a copy of the US Commission on Civil Rights Alaska Advisory Committee recent statement that also touches on these issues.

6. Information on the voting process is severely inadequate and confusing because of the nature of elections and due to complications with the pandemic. Native Peoples Action Community Fund (NPACF) has been talking with hundreds of voters, many in rural Alaska, to make sure they know how and where to vote. It is clear that there are significant information gaps about how COVID19, and in particular, how communities placed on “lockdown” are impacting voting options. Over the last few weeks, and more frequently during this final week leading up to the November 3rd Election Day, we continue to hear from voters in rural communities who are unsure how to vote and who are afraid to vote while their community is on lockdown because of rising COVID19 cases. So far, we’ve heard these concerns from Chevak, Nunapitchuk, Quinhagak, Akiachak, Mountain Village, and Clarks Point. This list continues to increase as case counts continue to rise. We reached out to the Division Director weeks ago when lockdowns began asking about plans to address voting concerns in communities that are in lockdown and received information that the situation was being “monitored.” It is clear that monitoring was not sufficient and we are seeing the impacts of inaction. **SOLUTION:** Immediate action for communities in lockdown that have travel restrictions with exceptions for certain essential functions like law enforcement, child services, and healthcare is to recognize that elections are an essential service. Please detail employees to communities who are in need of Elections workers. See 1) above.
7. There is currently no way for voters to correct ballots that are rejected prior to election day. We’ve already heard from eligible Alaskan voters that some issue with their mail-in ballot caused it to be rejected weeks before the election. **SOLUTION:** This is a policy and regulatory matter that can be addressed by simply allowing voters to cure ballot issues up through election day. Many states already allow this. It helps ensure that every vote is counted.
8. Actions that have prioritized voters in larger communities over others continues to be harmful to the democratic process. For instance, many voters in rural communities do not have access to fax or email options for electronic voting and the communication from DOE on these issues has been inadequate and scarce. It also needs to be pointed out that substituting fax and email voting options for in-person voting, absentee in-person voting, early voting, mail-in voting, eliminates voters privacy. It's one thing if the voter chooses to use those methods, and completely another matter of inequity and unequal protection when the state's actions force voters to only have those methods. **SOLUTION:** All of the above, with special attention to 3).

In the last few months, multiple organizations and the state legislature have drawn attention to numerous issues and challenges with the upcoming elections. Lawsuits have been brought against your office and DOE to challenge the witness signature requirement and the Division's decision to only send absentee ballot applications to only those who are age 65 or older. It has been up to individuals and community organizations to look out for the voting rights of our neighbors with the tenacious fortitude to push for equal voting rights.

We read the letter sent to Senator Olson on similar issues from DOE Director Gail Fenumiai. We agree with her that DOE employees are working really hard to do what they can. However, despite good intention, equal access to voting across the state is not yet a reality and that is a constitutional issue that must be corrected immediately. Please implement the solutions above so that in-person voting can be offered in every community on Tuesday, Nov. 3, 2020. Further, we call on you to implement a voting system that will create equitable voting across Alaska. It is not too late.

We appreciate the effort it takes to implement this constitutional responsibility. We look forward to continuing to work with the Lt. Governor and Division of Elections to make policy reforms that will better serve all Alaskans.

We look for your immediate action as outlined above to ensure the voting rights of every Alaskan citizen in this election cycle are secured. We also look forward to working with you to make the necessary changes in policies and procedures that will allow equal voting rights for all Alaskans.

Gunalchéesh/Háw'aa/Quyana/Mahsi'/Baassee'/Maasee'/Dogedinh/Thank you,

Kendra Kloster



Kendra Kloster
Executive Director
Native Peoples Action Community Fund

Liz La quen náay Medicine Crow



Liz La quen náay Medicine Crow
President/CEO
First Alaskans Institute

Veri di Suvero



Veri di Suvero
Executive Director
Alaska Public Interest Research Group

Polly Carr



Polly Carr
Executive Director
Alaska Center Education Fund

Pamela K. Miller



Pam Miller
Executive Director
Alaska Community Action on Toxics

Enei Begaye



Enei Begaye
Executive Director
Native Movement

NATIVE
MOVEMENT

Jessica Girard



Jessica Girard
Director
Fairbanks Climate Action Coalition

Cc:

Senator Donny Olson
Senator Lyman Hoffman
Senator Elvi Gray-Jackson
Senator Tom Begich
Representative Bryce Edgmon
Representative Tiffany Zulkosky
Representative Neal Foster
Representative John Lincoln
Representative Sara Hannan
Representative Louise Stutes
Representative Andi Story
Representative Geran Tarr
Representative Jonathan Kreiss-Tomkins
Representative Dan Ortiz
DOE Director Gail Fenumiai