



February 20, 2013

The Honorable Bob Lynn
and members of the
House State Affairs Committee
State Capitol
Juneau, AK 99801

Representative Lynn and Committee Members:

On behalf of the people living in the MTNT region (McGrath, Takotna, Nikolai and Telida), I am writing this letter to voice my opposition to HB 3.

In most cases, there is no early voting as is available in the rural parts of our state. In the new House District 38 where the MTNT villages are located, portions of the District (Goldstream and Ester in Fairbanks) have access to early voting while the remainder of the District does not. I believe that gives a candidate from that area a better advantage over a rural candidate.

The mail system is also very challenging in rural Alaska. In many cases, people who order prescription renewals that come to them by mail often wait weeks and run out of medication. Some health insurances only allow a certain window of time to renew. It can take up to a month to receive medications in the mail. A person who is not available to vote on election day may not receive an Absentee Ballot in the mail in the appropriate time as well.

The Division of Elections (in a letter dated August 14, 2012) suggested voting via fax in addition to other methods. This is also very challenging because not everyone has access to a fax machine, nor can they afford to pay the fee a business might charge to send a fax. And, it is not confidential which further discourages a rural voter from casting their vote.

If this bill is intended to prevent voter fraud, the Division of Elections has systems in place to prevent it. Attached to this letter you will find a letter from the Division of Elections (dated January 17, 2013) stating that they have only ever discovered one case of voter fraud. If that is the case, effort is being wasted on HB 3 when it should be focused on more meaningful matters.

HB 3 further complicates a system that already has numerous challenges in the rural areas of our state. Requiring that two election officials verify a voter's identity creates another opportunity for an error thereby invalidating a ballot.

We should be developing ways to make the ability to vote easier. HB 3 does not do this.

The Honorable Bob Lynn
and members of the
House State Affairs Committee
February 20, 2012

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Sincerely,

A handwritten signature in black ink, appearing to read "Vicki", with a stylized flourish at the end.

Vicki Otte
CEO/Chair

cc: Representative David Guttenberg
Representative Bryce Edgman
Representative Bob Herron
Representative Neal Foster
Senator Lyman Hoffman
Senator Donald Olson

Enclosures

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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

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AUG 16 2012

August 14, 2012

Ms. Vicki Otte
CEO/Chair
MTNT, Ltd.
880 H Street, Suite 100
Anchorage AK 99501

Dear Ms. Otte:

I received your letter and similar letters from other tribal organizations requesting that the division offer early in-person voting in your community in addition to the Election Day polling place and other voting methods that already exist there.

First, I want to emphasize that the division takes your concerns seriously. This is the first time the division has been made aware that voters in your community are not able to vote on Election Day due to subsistence-related activities. Turnout in your community for the 2008 and 2010 primary and general elections has remained consistent, and so statistics alone did not reflect that concern.

I would like to point out that there are several ways other than early in-person voting that residents of your community can vote prior to Election Day. While these options might not be your preferred method of voting, the division is confident that the use of these methods will be effective and will not result in disenfranchisement.

1. Absentee by-mail voting

Voters may complete an absentee by-mail application and have a ballot mailed to them. Official ballots are mailed as soon as they are available for distribution, approximately 25 days prior to the election.

Under AS 15.20.082, if due to distance, terrain or other natural condition that would deny a voter access to a polling place on Election Day, a voter may apply to receive a special absentee ballot. These special absentee ballots are mailed beginning 60 days prior to the election, which should leave plenty of time for receipt, completion, and return of the ballot, even given the vagaries of rural mail service.

These applications are available on the division's website. An outreach packet with voter registration forms, absentee applications, and posters regarding voting absentee by-mail was mailed to city offices and tribal governments on April 18, 2012.

The division would be happy to mail voters in your community an absentee by-mail application for them to complete and return. The application may be returned by mail, by fax, or scanned and sent via email. The deadline to apply for an absentee by-mail ballot is August 18, 2012.

The deadline to apply for an absentee by-fax ballot is 5pm on August 27, 2012.

2. Toll free fax number

This election cycle, the division can establish a toll free fax number for voters to use to fax their application and their ballot if they choose to receive their ballot by fax. For future election cycles, it might be helpful to discuss the possibility of waiving the fax fee with the tribal entities that maintain the fax machines, since the division does not customarily subsidize incidental expenses associated with voting such as mileage, fuel, postage, fax fees, online service fees, or expenses associated with in-person voting such as fuel or mileage.

3. Online ballot delivery

The division recently went through a successful formal procurement process that will provide another electronic method for voters to cast their ballots.

The division intends to have this system up and running for the 2012 general election. Information will be available on the division's website in the weeks ahead.

Unfortunately, due to constraints of federal law, I cannot make further adjustments or changes for the 2012 elections. As you may be aware, all changes involving voting in Alaska require preclearance from the United States Department of Justice. This process takes approximately 60 days, and sometimes more. The division may not make any change affecting voting—even if it appears to be minor or indirect or ostensibly expands voting rights—without federal preclearance, and there is insufficient time to do so legally prior to the 2012 elections.

This administration has made a conscious decision to maintain polling places in all communities. I would like to explore your concerns through either a teleconference or an in-person meeting. I have requested the Lieutenant Governor's scheduler to arrange a meeting and have provided him with your contact information.

I look forward to meeting with you to discuss this matter.

Sincerely,



Gail Fenumiai
Director

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elections@alaska.gov



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Nome 907.443.5285

STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

January 17, 2013

Ms. Vicki Otte
CEO/Chair
MTNT
880 H Street, Suite 100
Anchorage AK 99501

Dear Ms. Otte:

I have received your public records request for:

"[A]n opportunity to inspect or obtain copies of public records that demonstrate instances of voter fraud including, but not limited to, instances wherein a person not eligible to vote in Alaska attempted to or did cast a ballot and any instances in which a person attempted to or did vote using another person's identity."

My office has no records responsive to your request. The only instance that I am aware of in which a person voted using another person's identity is the case of Rafael Espinoza (Rafael Mora-Lopez), which was a widely-reported case of passport fraud. However, my office is not the holder of records relevant to the criminal investigation and prosecution of this individual.

The requested records do not exist and therefore, we must deny your request under 2 AAC 96.335(a)(1).. That regulation reads:

"A request for a public record that complies with this chapter may be denied only if . . .

(1) the record is not known to exist after the public agency makes a diligent search for it."

Because the division has no responsive records, this is technically a denial of your request. Accordingly, we are required by regulation to advise you that you have the right to administratively appeal this denial by complying with the procedures in 2 AAC 96.340. A copy of the appeal procedure is enclosed. You also have the option of obtaining immediate judicial review of this denial by seeking an injunction from the

Ms. Vicki Otte
January 17, 2013
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superior court under AS 40.25.125. Choosing not to pursue an injunction in superior court will have no adverse effect on your rights in the administrative appeal. An administrative appeal from the denial of a request for public records requires no appeal bond.

If you have any further questions, please let me know.

Sincerely,



Gail Fenumiai

Enclosure: 2 AAC 96.335-350