

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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MEMORANDUM

February 23, 2010

SUBJECT: Permanent Absentee Voting
CSHB 115(STA) (Work Order No. 26-LS0404\E)

TO: Representative Bob Buch
Attn: Madeline Lefton

FROM: Alpheus Bullard *LAB*
Legislative Counsel

You requested that I identify any constitutional issues associated with CSHB 115(STA), a bill establishing a permanent absentee voting option.

I am not aware of any constitutional issues presented by the changes to the state's election procedures proposed by the bill. However, be advised that the bill's establishment of a permanent absentee voting option may need to be cleared by the Civil Rights Division of the Department of Justice or by means of a declaratory judgment action filed by the state in the United States District Court for the District of Columbia.

Under the Voting Rights Act, as amended in 1975, any change with respect to voting practices or procedures in Alaska (as a covered jurisdiction) cannot be legally enforced unless Alaska first obtains the requisite determination. That determination requires proof that the proposed voting change will not result in a discriminatory result for any race, color, or language minority group.

As per your questions relating to the possibilities for voter fraud, election tampering, and enforcement issues associated with the establishment of a permanent absentee voting option, these are questions that you should review with an official of the Division of Elections knowledgeable about these issues.

If you have further legal questions, please do not hesitate to contact me.

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