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February 20, 2013

The Honorable Bob Lynn
House State Affairs Committee
State Capitol
Juneau, AK 99801

Representative Lynn and Committee Members:

My name is Natalie Landreth and I am a Senior Staff Attorney and Corporate Officer at the Native American Rights Fund. Founded in 1970, the Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Alaska Native and Indian tribes, organizations and individuals nationwide. NARF has been in Alaska since 1984, and I have personally been practicing law here for 10 years. It is on behalf of the many Alaska Native and American Indian clients I have represented over the years in election cases (including one going on right now), that I write to oppose HB 3.

This bill is first and foremost a solution in search of a problem. There is no documented voter fraud in Alaska (save for the one identity theft issue already discussed). The voter identification system is working just fine as it is. HB 3 is therefore totally unnecessary.

NARF has reviewed the testimony of the ACLU and agrees with it. This bill is inherently discriminatory and will have a disparate impact on the poor, the elderly and Alaska Natives in particular. There are already numerous barriers to voting in rural Alaska and this bill would surely disenfranchise even more. I detail only some of the problems here.

The first problem is that in rural Alaska the most common form of identification at the polls is simply recognition. Everyone in a village knows everyone else and thus pollworkers pretty much never ask for identification. I have checked with all of my clients in voting cases and this is the longstanding practice. HB 3 would prevent them from doing this and require *two* pollworkers to identify the person and sign beside their name on the register. I have reviewed some pollworker timesheets for numerous village precincts in the Bethel Census Area and it is not uncommon for there to be just *one* pollworker at the precinct at a given time. In such situations, it would be impossible for a voter to meet this requirement for reasons totally beyond their control.

Second, the personal recognition, or "waiver" as it is called in the bill, does not apply if a person is not on the official register for the precinct. This creates a significant problem because the State conducts voter purges approximately every two years during which voters can be removed from the register simply for failing to return a postcard in time. This is a particularly acute problem for the many Yup'ik speaking people in the Y-K Delta who may discard that piece of mail because they do

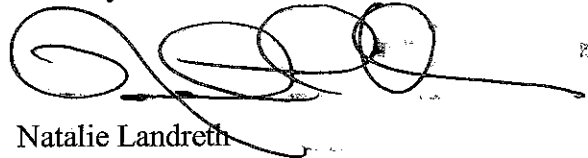
not understand it must be returned. It is again not uncommon for people who have voted for years to go vote and find that they are no longer on the register, either through human error or by virtue of having been purged. Those people would not be allowed to vote even with personal recognition.

Third, I do see that HB 3 allows for tribal IDs but in my 10 years of practice in the state I have never once seen an Alaska tribal ID with a photograph on it. I did some investigation in preparation for this testimony and I did discover about 12 tribes in the Interior and Y-K Delta regions that have "hardcard systems" that have photographs but I have not personally seen them. The vast majority of tribal IDs will not have photographs on them, and I am aware of no requirement that they have photographs. It is more common for tribal IDs in the Lower 48 to have photographs but not so in Alaska.

Finally, the bill is not saved by the fact that it allows for two forms of identification that do not require a photograph. With the exception of the tribal ID and possibly the license in (2)(D), Alaska Natives – especially ones over the age of 50 or so – will not have the other forms. For example, many older Alaska Natives were born at home and do not have official or certified birth certificates. They also will not have naturalization papers and those who were married in a church may not have a court marriage record. These may be more common today but those over a certain age simply did not live that way. This further highlights why the burden of HB 3 falls on older Alaskans and Alaska Natives in particular.

It is for these reasons and those detailed in the ACLU letter that we strongly oppose this bill.

Thank you

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Natalie Landreth