

LEGAL SERVICES

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MEMORANDUM

March 19, 2026

SUBJECT: Establishing identity with a utility bill
(HCS CSSB 64(FIN); Work Order No. 34-LS0153\B)

TO: Senator Bill Wielechowski
Attn: David Dunsmore

FROM: Andrew Dunmire 
Legislative Counsel

As I advised Mr. Dunsmore on a phone call on March 18, I have identified a possible violation of the Help America Vote Act of 2002 (HAVA) in SB 64 version "B."

The bill amends AS 15.15.225(a) by removing utility bills, bank statements, paychecks, government checks, and other government documents as allowable forms of voter identification. The bill also amends AS 15.20.081(f) to do the same thing for absentee voters.

The state may decline to recognize those documents as forms of valid identification for most voters, but sec. 303(b) of HAVA contains specific requirements for first time voters who registered by mail that this change may violate. Under sec. 303(b)(1), an individual who registered to vote by mail and has not previously voted in an election for federal office in the state must be allowed to meet the identity requirements of paragraph (b)(2). In turn, paragraph (b)(2)(A) states that an individual meets the identity requirements if the individual:

- (i) in the case of an individual who votes in person—
 - (I) presents to the appropriate State or local election official a current and valid photo identification; or
 - (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- (ii) in the case of an individual who votes by mail, submits with the ballot—
 - (I) a copy of a current and valid photo identification; or
 - (II) a copy of a current utility bill, bank statement, government

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check, paycheck, or other government document that shows the name and address of the voter.¹

Therefore, by repealing utility bills and the other documents from the list of valid ways to establish identity, SB 64 likely violates HAVA for in limited case of first-time voters who register by mail. This could be fixed by amending AS 15.20.207(b)(2) so that those voters are allowed to vote a questioned ballot and prove their identity using the documents accepted under 52 U.S.C. 21083(b)(2)(A). Please let us know if you would an amendment drafted.

ASD:mis

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¹ 52 U.S.C. 21083(b)(2).