



Lieutenant Governor Mead Treadwell  
STATE OF ALASKA

**MEMORANDUM**

FROM: Lieutenant Governor Mead Treadwell 

TO: John Burns, Attorney General  
Gail Fenumiai, Division of Elections Director

RE: Election law and procedures review

DATE: January 24, 2011

As you know, we agreed after the 2010 General Election to conduct a thorough review of our election laws and procedures, including, but not limited to those procedures and laws specific to write-in candidates. From public input received so far, the following is my proposed outline for a comprehensive review of Alaska's election law and procedures. We expect the review of sections I through IV to be complete within 45 days. We appreciate the cooperation between the Division of Elections and the Department of Law this review will entail.

**I. Summary of 2010 Election**

- a. Polling place procedures and election worker training
- b. Impacts on process as it relates to distribution of write-in candidate list
- c. Processes and procedures used to separate and count individual write-in votes, including timeframe to count write-in ballots
- d. Successes
- e. Issues for Improvement
- f. Statistics, analysis and trends
  - i. How many people voted
  - ii. How many people cast write-in ballots
  - iii. Cost and length of time to count write-ins

**II. Issues potentially requiring legislation**

- a. Should voter intent be included as part of the rules for certifying write-in votes?

- b. Should there be continued requirements for individuals to declare their intent to be a write-in candidate and if so, what is realistic time requirement for filing such intention?
- c. What additional precautions, if any, are necessary to prevent felons from voting?
- d. Does the interval between Alaska's primary and general election allow compliance with the MOVE Act in the case of an election dispute, when primary results can be delayed and, by law, general election ballots must be mailed 45 days before an election?
- e. With the passage of the MOVE ACT, should Alaska eliminate the 60-day special advance ballot and expand electronic voting to allow the division to transmit blank ballots to voters via email?
- f. Should voters be required by law to show their IDs, and what proof of citizenship should be necessary to register?

### III. Issues potentially requiring administrative action or AG's legal opinion

- a. Should the ground rules defining an election contest be revised to consider that an election can be challenged before certification takes place?
- b. What voter assistance is allowable?
- c. What publicly available information on voters may be used to update voter lists?
- d. Can we offer "real-time" updates on which voters have voted?
- e. Can we offer the public post-election statistical analysis, i.e., cross-cutting tabulations of ballots? (i.e., voters for candidate A supported candidate B, etc.)
- f. How do we ensure that political parties have full participation in and access to the election process?

### IV. Justice Department Review

- a. What pending changes in Alaska election law or procedure require Justice Department review?

### V. Issues that may require 3<sup>rd</sup> party review

- a. Election Security – review and follow-up of the 2007 & 2008 University of Alaska Institute of Social and Economic Research Election Security Reports Phases I and II, and launch phases III-V if appropriate.
- b. Are there other measures necessary to enhance ballot security?