

Improving Alaskan Elections: 2018 and Beyond

Looking at the Big Picture

Prepared for

Alaska's Election Policy Work Group

Prepared by

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Introduction

In 2015, Lt. Governor Mallott convened the Election Policy Work Group (EPWG) to evaluate Alaska's elections. His goal was to maximize effectiveness, cost efficiency, and responsiveness to the needs of Alaskan voters. Later, the Division of Elections (DOE) published its report "2017 Fiscal & Policy Challenges," which outlined various issues facing the DOE and Alaska's elections, and directed the EPWG to advise regarding solutions to those issues.

In its effort to address the issues outlined in the DOE's report, the EPWG held four meetings in 2017: two in person (in May and November) and two via teleconference (in June and July). The DOE engaged The Center for Election Innovation & Research – a non-profit organization working to improve efficiency in elections, led by David Becker – to facilitate these meetings. The meetings brought together election officials, experts, and other stakeholders to help identify guiding principles, key areas to address, and, ultimately, conclusions regarding how Alaska should confront various issues facing the administration of elections. This report serves as both a descriptive and aspirational document detailing the EPWG's conclusions and urging the EPWG to maintain its momentum throughout the 2018 election cycle.

Guiding Principles

At the beginning of its first meeting, the EPWG agreed upon some principles to guide its work and recommendations. These principles include:

- Maximized Accessibility: elections should be accessible to all Alaskans regardless of their circumstances. If it doesn't work for rural Alaska, it doesn't work at all.
- Coordination & Buy-in: the DOE, local governments, tribes, and other stakeholders need to agree on changes to Alaska's elections. No one should be left out of the consensus-oriented decision-making process.

- Voter Satisfaction & Confidence: participating in an election should be a satisfying experience for voters. Their satisfaction with and confidence in the process is key.
- Security & Integrity: Alaska's elections and election systems must be designed with security and integrity in mind. Election officials and voters alike must trust in the systems that are used.
- Voter Outreach: voters need to know how to interact with Alaska's elections. Outreach must be tailored to get them the information they need, effectively and efficiently.
- Cost Effectiveness: costs must be contained in order to abide by state and local budgetary constraints.
- Longevity in the Solution: any new system or solution adopted must endure the test of time.

Key Areas to Address

The EPWG's latest meeting, held in mid-November, represented a significant step forward as the group began to narrow in on the most important issues facing Alaska's elections. Those issues, which contain several important sub-issues, include addressing: (1) modernization of Alaska's elections, (2) Permanent Fund Dividend (PFD) automatic voter registration, and (3) voter trust in elections.

Modernization of Alaska's Elections

In recent years, Lt. Governor Mallot has taken steps to modernize Alaska's elections. An important part of that modernization effort has focused on the state's voting systems. The complications arising from Alaska's aging voting systems are at the forefront of the EPWG's concerns. Alaska is a paper ballot state that uses optical scan voting machines, which are supplemented by direct-recording electronic voting machines (DREs) in order to meet federal accessibility requirements under the Help America Vote Act (HAVA). Under state law, all DREs must produce a voter-verifiable paper record. Alaska also has an online ballot delivery service that is open to all voters, and through that service voters may receive ballots via the internet. Voters who receive a ballot via the internet may return those ballots by mail or fax. In addition to Election Day voting at the precinct, Alaska offers voters the chance to vote early, in-person absentee, and absentee by mail or fax.

The technologies that form the backbone of Alaska's voting systems, particularly the voting machines offered by the DOE to the localities, are seriously outdated, creating problems for election administrators and voters alike. Alaska's current optical scan voting machines were purchased in 1998 and given a twenty-year life expectancy. Though most are still operational (some did fail mechanically during the 2016 election cycle), the machines are expensive and difficult to maintain because key components, such as memory cards, are no longer manufactured. Additionally, the method of reporting vote totals relies on outdated infrastructure (such as analog phone lines) that may not exist in certain areas but for the purpose of reporting vote totals.

The issue of aging and outdated technology is one facing many states, and some states have found ways to implement modern, cost-effective, and efficient systems, while simultaneously offering voters more options of where, when, and how to cast a ballot. One such state is Colorado, where the state moved from traditional voting options (like those Alaska uses) to a more modern hybrid system that employs vote centers and mail ballots. Under Colorado’s system, all voters receive a ballot by mail. Vote centers operate much like the traditional early, absentee in-person, and Election Day voting options. Voters may visit a vote center, receive their proper ballot, and cast their vote, in the weeks leading up to and including Election Day. Voters also may turn in their voted mail ballots at vote centers or designated secure drop boxes. Alternatively, they may return their mail ballots by mail. Colorado’s voting systems stood in stark contrast to Alaska’s aging systems and showed the EPWG both how outdated Alaska’s current systems are as well as perhaps how best to approach developing modernized voting systems for Alaska. Such a system can be considered an “alternative ballot delivery” system, where voters receive their ballots by mail, and can choose to return them at a vote center, by mail, or at a drop box, whichever is most convenient for them. And if a voter fails to receive a ballot, or loses it, they can obtain a new one, and cast it, at any vote center before or on Election Day.

In the search for ways to improve upon Alaska’s voting systems, the EPWG sent representatives on a fact-finding trip to Colorado. The report following the trip¹ detailed how Colorado’s new systems (adopted after 2013) work, including some of the benefits Denver County and the state of Colorado have experienced since switching to the new systems, including cost savings, increased voter satisfaction, and decreased labor requirements and training. As a result, the EPWG determined that an alternative ballot delivery system could deliver better results for Alaskan voters at a reduced cost.

PFD Automatic Voter Registration

Improving the management and processing of PFD automatic voter registration is another key priority. Approved as a ballot measure in the November 2016 election, PFD automatic voter registration automatically registers eligible individuals to vote when they submit a PFD application, unless the individual “opts-out” of voter registration. The DOE receives PFD application information from the PFD Division (PFDD). If the information can be used to update or create a new voter record, the DOE flags the record and the applicant is then mailed notification of the voter record change, which includes an opt-out notice that the applicant may use to decline the change.

The law creating the new program went into effect on March 1, 2017, and the PFD application period ended on March 31, 2017. Despite the brief window, approximately 158,000 Alaskans applied—roughly 76,000 of whom received a mailer informing them that their voter records were changed. Applicants who listed an undeliverable address were still registered and many were sent a mailer, however, applicants who were ineligible to register were not sent a mailer. Because of the way some applicants provided information on the PFD application (e.g., incorrectly spelling a street name), the new voter records were not always easy to add to the DOE’s database. Around

¹ Thompson, CA. EPWG Fact-Finding Denver Colorado. September 7, 2017.

27,300 records required manual processing—representing roughly 17% of all PFD application records. During a full PFD application period, the DOE would likely receive nearly 500,000 records. Based on the 17% automatic processing failure rate for this year’s limited sample, approximately 85,000 records would require manual processing following a full PFD application period. Such extensive manual processing would be labor intensive and quite costly.

Though the significant failure rate for the automatic processing of PFD application data will require a coordinated effort between the DOE and the PFDD to implement technical fixes, there are still other cost savings that can be obtained. This year, PFD automatic voter registration will be fully implemented. Next year, the DOE aims to make the process fully automated and paperless, similar to how DMV voter registration works. Streamlining PFD automatic voter registration in this way is projected to save around \$200,000.

The DOE is also pursuing legislative fixes to further clarify and streamline the DOE’s role in administering PFD automatic voter registration. One key legislative change the DOE is pursuing relates to the opt-out procedure for PFD automatic voter registration. Currently, the DOE must mail opt-out notices after receiving applicant data from the PFDD. However, the opt-out process could be made much more cost-efficient by instead allowing PFD applicants to opt out when they fill out their application. Such an opt-out process would not be unprecedented—voter registration at DMV has included an opt-out option since 1994. When an applicant applies for a driver’s license, they are given the option to update their voter registration with the same information used for their driver’s license. The PFD voter registration process could be similar to the DMV voter registration process by updating the law to allow opt-out during the application process and eliminating the current opt-out notice, which actually requires waiting 30 days before records can be updated or new voters can be registered. It is worth noting, however, that such a legislative fix likely would not occur in 2018.

Voter Trust in Elections

In the wake of the 2016 elections, the issue of maintaining and promoting faith in elections and election outcomes has become increasingly important. There is no evidence to suggest tampering with the actual vote totals in any state (including Alaska), but the threat of foreign interference has raised doubts in the minds of many voters. With that in mind, the EPWG recognized the importance of promoting voter trust in the integrity of Alaska’s elections while also recognizing that elections are only meaningful if they are also accessible. Therefore, the DOE should continue its work to secure its systems, and promote that work to Alaskan citizens, while also ensuring that any new system is fully secure and resistant to tampering.

Conclusions

1. Alaska's Aging Voting Systems Must Be Replaced Soon

- i. Alaska's voting systems are out-of-date and unnecessarily complicating elections.
- ii. The state's nearly 20-year-old voting machines must be replaced.
- iii. The process of procuring new voting machines and developing new voting systems takes time.
- iv. Localities need reliable information about what their options are, and they need that information as soon as possible.
- v. The fact-finding trip to Colorado provided a viable option for Alaska's new voting system, an alternative ballot delivery system that could be tailored to Alaska's unique voting challenges.
- vi. Alaska's voting systems should be updated in time for the 2020 elections.

2. A Unified Voter Experience for Alaskans is Desirable

- i. Our goal should be an experience that provides all Alaskan voters with the same, approachable options for voting no matter where they cast their ballots.
- ii. Regardless of the technology used by DOE, there should be consistency in how voters perceive the process.
- iii. Accessibility, compliance, and security are key considerations to keep in mind when developing the voter experience.
- iv. Alaskans must be fully informed about how the process works, to inspire satisfaction and confidence.

3. If It Doesn't Work for Rural Alaska, It Doesn't Work At All

- i. Any changes to Alaska's voting systems will only be effective if all Alaskan stakeholders are on board, with full accessibility for all Alaskans.
- ii. An entirely vote-by-mail system (like Oregon or Washington employs) may be unacceptable due to the challenges rural communities would experience both receiving and returning ballots. A robust in-person voting option (alongside vote-by-mail) is likely necessary to provide rural communities with adequate access.
- iii. Language assistance must continue to be provided in order to comply with Section 203 of the Voting Rights Act and to ensure that voting is accessible for all Alaskans.
- iv. Further research must be conducted to gauge the viability of an alternative ballot delivery system for Alaska, including rural areas.

4. PFD Automatic Registration Must Be Optimized

- i. The current PFD automatic voter registration process is hampered with inefficiencies that result in a high rate of records that the DOE must manually update.
- ii. The DOE should continue to seek a legislative change to the PFD application in order to allow applicants to opt out of automatic registration on the PFD application.

- iii. PFD automatic voter registration should be automated and paperless (like DMV voter registration) by 2020.

5. Actions to Be Taken in 2018

- i. Partner with UAA's Institute of Social and Economic Research to conduct a voting survey to help determine the viability of potential replacement voting systems.
- ii. Provide a demonstration of election equipment that could be used to support a hybrid vote-by-mail/in-person voting system.
- iii. Continue to support efforts to improve PFD automatic voter registration by seeking legislative change aimed at making the process more streamlined and cost-efficient.
- iv. After the EPWG issues its formal recommendations, perform a full cost analysis of the recommended voting system. The DOE will perform this cost analysis.
- v. Identify the necessary legislative changes to Alaska Statutes Title 15 in order to implement the EPWG's recommended voting system. Proposed legislation will then be drafted and sponsorship will be solicited, as needed.
- vi. Above all, maintain momentum throughout the 2018 election cycle. If momentum slows, this report should serve as a reminder of the EPWG's key conclusions in order to refocus the effort to improve Alaska's elections. A change in an election system takes a lot of discussion up front and a lot of time to execute. This is about making government work, and voting is a fundamental right. Cost effectiveness and other related concerns are critical, but well-run elections are of paramount importance.