# Department of Law – Civil Division
# Judgments/Claims Settlements for Payment

*This form will be used for the purpose of standardizing the submission of claims to the legislature. Complete and accurate information will expedite payment to the claimants, thereby reducing the amount of interest required to be paid by the state. This form and any attachments will be submitted to the Office of Management and Budget. After obtaining the required signatures, please submit this form to the department's Budget Manager, Administrative Services Division, P.O. Box 110300, Juneau, AK 99811, or call (907) 465-3674 with questions.*

## PART ONE

| | | | |
|---|---|---|---|
| **CASE NAME:** | *Arctic Village Council et al v. Meyer et al.; State v. Arctic Village Council et al.* | | |
| **CASE NUMBER:** | 3AN-20-07858CI; S-17902 | | |
| **JUDGE(S)/JUSTICES:** | Crosby; Maasen | | |
| **JUDGMENT ENTERED:** | 11/2/2021 | | |
| **THE CAUSE OF ACTION:** | ☐ Occurred *before* August 7, 1997<br>☑ Occurred *on or after* August 7, 1997 | | |
| **PROLAW NUMBER:** | 2020103226 | | |
| **AMOUNT TO BE PAID:** | $ 178,557.92 | | |
| **INTEREST RATE:** | 3.25% | **EFFECTIVE DATE:** | 11/2/2021 |
| **REQUESTED HOURLY RATE AND TOTAL COMPENSATION OF ATTORNEYS TO BE PAID:** | $ 250-450 | | |
| **COURT APPROVED / ORDERED HOURLY RATE AND TOTAL COMPENSATION OF ATTORNEYS TO BE PAID:** | $ 178,557.92<br>This amount includes $57,000 in attorneys fees for the appeal, $121,116.75 in attorneys fees for superior court litigation and 441.17 for superior court costs. These amounts were stipulated to by the State after negotiation. | | |
| **SEND CHECK TO:** | ☑ SEND CHECK TO THIS ADDRESS:<br>Stephen Koteff<br>American Civil Liberties Union of Alaska<br>1057 W. Fireweed Lane, Ste. 207, Anchorage, AK 99503<br><br>☐ SEND CHECK TO DEPT CONTACT: | | |

## PART TWO

*This information needs to be provided on all judgment awards and/or settlements made against the State of Alaska.*

**1. Describe the circumstances or events resulting in this case and ultimately this judgment/settlement against the State.**

In this case plaintiffs successfully challenged the constitutionality of the State's statutory requirement that absentee voters have their ballots witnessed, given the circumstances of the COVID-19 pandemic. Injunctive relief was awarded against the State. The monetary award in this case is for the plaintiffs' reasonable attorneys fees and costs awarded pursuant to AS 09.60.010.

**2. Describe issues of state policy or law involved in this case, if they are relevant to and resulted in substantial effort and expense for the department to bring or defend this case.**

This case involved the requirement that absentee ballots be witnessed, contained in AS 15.20.081 (d) and Article V of the Alaska Constitution.

**3. Did the State prevail on any issues? If yes, describe.**

Yes. The State successfully argued that the State should not be required to re-print or otherwise alter pre-printed absentee ballot envelopes.

**4. Did we challenge plaintiff's request for costs and fees or in other ways seek to reduce the costs to the State? If so, describe to what extent we were successful.**

Yes, the State successfully negotiated for a small reduction in the fees requested for the superior court litigation.

**5. What was the source of the State's liability in this case?**

Alaska Statute 09.60.010 allows successful constitutional claimants to recover full attorneys fees and costs.

**6. What, if any, preventative action has been taken by the involved agency to prevent or reduce the potential for such liability in the future?**

None. This case was unique to the COVID-19 pandemic.

**7. If the information is available to you, has the agency involved taken any corrective action as a result of this case? If the information is not protected from publication by statute, privilege, or right to privacy, indicate what the corrective action was.**

None.

**8. Any recommendations concerning cases of this type in the future?**

In the event of a future election during an ongoing pandemic, the Alaska Division of Elections should consider whether the absentee ballot witnessing requirement found in AS 15.20.081(d) unduly burdens Alaska citizens' right to vote under the Alaska Constitution under the circumstances of the pandemic. If so, the Division should consider voluntarily submitting to a court order waiving the requirement.

**9. Any recommendations for changes in statutes, regulations, or policy? Cite any applicable statutes or regulations.**

None. This case was unique to the COVID-19 pandemic and these specific circumstances are unlikely to recur. This case did not challenge the absentee ballot witnessing requirement under typical circumstances, and its enforcement in future elections continues to be constitutional. This case was unique to the COVID-19 pandemic and these specific circumstances are unlikely to recur.

## APPROVALS

Lael Harrison Digitally signed by Lael Harrison Date: 2022.01.25 08:50:06 -09'00'

**Lead Attorney** **Date**

**Name** Lael Harrison
**Title** Senior Assistant Attorney General
**Phone** 907 465-3600

Margaret Paton Walsh Digitally signed by Margaret Paton Walsh Date: 2022.01.25 08:58:19 -09'00'

**Section Chief** **Date**

Cori Mills Digitally signed by Cori Mills Date: 2022.01.26 15:17:14 -09'00'

**Deputy AG or Delegate** **Date**

**Required attachments may include**

- Judgment or Order Awarding Fees/Costs
- Copy of the settlement outlining payment terms
- EIN/SSN information for payment
- W9 for Division of Finance, if requested

EMAIL

RESET FORM