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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor

May 3, 2022

House State Affairs Committee
Alaska State Legislature

Dear Committee Members:

On Thursday, April 28, 2022, the House State Affairs Committee considered HB 66 and asked a question about absentee ballot applications. In an effort to get back to the Committee as soon as possible, here is the division's initial response. If the Committee has additional questions, please let us know.

Section 32 of HB 66 (including the CS, version N) adds language to AS 15.20.081(b) requiring that an application for an absentee by-mail ballot allow a voter to declare a political affiliation. Representative Eastman asked what would happen if a voter used an old form that did not include this option. This situation will not arise because there should not be any forms that do not include this option. Current law implies that absentee applications must allow voters to declare a political association and the division's current application form allows voters to do so. See AS 15.20.081(a) ("A person may supply to a voter an absentee ballot application form with a political party or group affiliation indicated only if the voter is already registered as affiliated with the political party or group indicated."); <https://www.elections.alaska.gov/doc/forms/C06A%20Fillable.pdf>. Application forms that are not created by the division must be approved by the division and must also allow voters to declare a political association. See AS 15.20.081(a) ("The application must be made on a form prescribed or approved by the director."); .081(j)(4) (same); 6 AAC 25.505 (b)(1)(M) (requiring "space for . . . the applicant to designate a political party or group affiliation").

So the added language in section 32 would have limited practical effects. Additionally, the added language cites AS 15.07.075, which specifically addresses voters unaffiliated with a political party. One statute that addresses party affiliation more generally is AS 15.07.070(b), which allows "the voter [to] mark the voter's choice of party affiliation on the voter registration application form."

Sincerely,

A handwritten signature in blue ink, appearing to read "Gail Fenumiai".

Gail Fenumiai, Director