



March 1, 2023

The Honorable Laddie Shaw, Chair
House State Affairs Committee
Alaska Capitol Building
Juneau, AK 99801

Re: House Bill 37: ELECTIONS, VOTING, BALLOTS

Dear Chair Shaw and Members of the House State Affairs Committee,

The ACLU of Alaska would like to submit comments for House Bill 37 (Elections, Voting, Ballots). This legislation would take steps to make Alaska's elections more inclusive, further the right to vote, and improve the democratic process.

The right to vote is fundamental, enshrined in both the Alaska and United States constitutions. We work to ensure that Alaskans can exercise this right in policy and practice, and we believe our elections need to be secure and fair for all voters, regardless of political affiliation, geography, and personal circumstance.

HB 37 provides a series of sensible policy changes that would help voters engage in elections, especially new voters and Alaskans who face barriers to voting. Notable among these provisions are:

- **Ballot curing:** Providing absentee voters the opportunity to fix benign, honest mistakes with their ballots helps ensure equal access to voting. The state's special primary election in June 2022 illustrated the need for a ballot curing system. In the all-mail election, nearly five percent of ballots were rejected — including significantly higher rates in precincts with greater percentages of Alaska Native voters. More than a third of these ballots were rejected because the voter identifier did not match the voter record, no identifier was provided, or because a voter did not sign the ballot.ⁱ HB 37 would establish a system to help remedy these situations.
- **The ability to register within 30 days of an election, including on election day:** Combining registration and voting streamlines the process for people who want to civically engage, but may be unsure whether or not they have registered. Same-day registration measures have been shown historically to increase turnout.ⁱⁱ Alaska already allows same-day registration to vote for president and vice president, and should make it the standard for statewide elections.
- **Improving the absentee voting experience:** HB 37 allows voters to choose to vote by absentee ballot for future regularly scheduled state elections, a step that would reduce administrative burden and would further the voting rights of people who face challenges traveling to a physical polling location — including people with

disabilities and working families. The legislation would also remove the witness signature requirement, which was the single biggest reason why ballots were rejected in the special election primary.ⁱⁱⁱ

- **Paid postage:** People who vote in person are not required to present 58 cents when they fill out their ballot. Those who vote absentee should not be required to provide a stamp in order to exercise their rights without a financial penalty. Pre-paying postage for absentee ballots removes an unnecessary burden, especially for Alaskans who may not be able to readily purchase stamps because of post office closures or disability.

We appreciate that HB 37 includes provisions intended to promote compliance with Alaska's language assistance obligations, a reflection that the state must do much more to meet those obligations. However, we recommend these provisions of HB 37 be examined further to ensure they fulfill their intended purpose.

Thank you for your consideration of our views. If you have any questions, please do not hesitate to contact me at mgarvey@acluak.org.

Sincerely,



Michael Garvey
Advocacy Director

ⁱ Absentee Review Board Report Details for 2022 Special Primary Election, Alaska Division of Elections (June 22, 2022), *available at* https://media.alaskapublic.org/wp-content/uploads/2022/06/Absentee-Review-Board-Details_SW-6.21.2022-1.pdf.

ⁱⁱ National Conference of State Legislatures, *Same Day Voter Registration* (Sept. 20, 2021), <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.

ⁱⁱⁱ *supra* note 1