



February 13, 2025

The Honorable Ashley Carrick
Chair, House State Affairs Committee
Alaska Capitol Building
Juneau, AK 99801

Re: House Bill 43: ELECTIONS, VOTING, BALLOTS

Dear Chair Carrick,

The ACLU of Alaska writes to express support for HB 43 (Elections, Voting, Ballots), which would take steps to protect the right to vote, make Alaska's elections more accessible, and ensure that all ballots cast by eligible voters are counted.

The right to vote is fundamental, enshrined in both the Alaska and United States constitutions. In partnership with Alaskans all over the state, the ACLU of Alaska seeks to ensure the full exercise of this right in policy and practice. We believe our elections need to be secure and fair for all voters, regardless of political affiliation, geography, and personal circumstance.

HB 43 includes a series of policy changes that would help voters engage in elections. In particular, we support:

- **Ballot curing:** Providing absentee voters the opportunity to fix minor errors on their absentee ballots helps ensure equal access to voting, ensuring Alaska's election results accurately reflect the will of Alaskans. In the 2024 general election, nearly 800 ballots were rejected because of defects that could have been corrected, like a missing or incorrect witness signature, or missing or incorrect voter identifier. Ballot curing would allow voters to fix a narrow range of errors on ballot certificates. It would not allow voters to re-vote their ballot, nor would it allow an ineligible voter to vote in an election. It simply gives eligible voters a chance to prove they are eligible by fulfilling the Division of Election's requirements for completing an absentee ballot.

To ensure this provision accomplishes its goal, we recommend that language should be amended in Section 22 on Page 11, at line 10, to read "provided insufficient **or incorrect** voter identification..." This adjustment will ensure that ballots can be

cured when a person lists an entire voter identifier, but it does not match the Division of Elections' records.

It is especially important for the legislature to pass a bill this year with a ballot curing provision included. First, it would allow the Division of Elections enough time to implement a system ahead of the 2026 statewide elections. Second, the Division adopted regulations in 2024 to **formally end a practice of accepting some ballots with minor errors** on the envelopes.ⁱ Because of this policy change, it is **reasonable to expect that ballot rejection rates will go up** if the legislature does not act.

Finally, the Alaska Superior Court recently ruled that the responsibility to implement a notice and cure system falls to the legislature.ⁱⁱ **This ruling makes clear that the legislature** can't rely on the courts to implement this critical measure. During litigation, the Division of Elections agreed that it had the capacity to implement such a system, and that such system would not interfere with its election integrity interests; in fact, **Division officials agreed that providing notice-and-cure might actually increase voter confidence.**

- **Removing the witness signature requirement:** The witness signature requirement for absentee ballots has been the single biggest reason why ballots were rejected in the special election primary in 2022, and again in the 2024 general election. However, the requirement does not enhance the security of our elections. In a 2020 lawsuit to strike down the witness signature requirement during the COVID-19 pandemic, the state couldn't identify one instance in which it helped detect fraud.ⁱⁱⁱ
- **Increasing access in the month before elections:** Provisions in the bill to extend the period for early voting from 15 to 30 days are likely to help more voters participate in our elections. This change would put Alaska in line with the average start date for states with early voting periods.^{iv} Additionally, allowing Alaskans to register within 30 days of and on election day is likely to help eligible voters who have recently relocated to the state, or moved within the state, participate in our elections.
- **Paid postage for absentee ballots:** People who vote in person are not required to provide 73 cents when they fill out their ballot. Those who vote absentee should not be required to furnish a stamp in order to exercise their rights. Beyond cost, 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 encourage this committee to advance HB 43. Understanding that there are multiple pieces of elections legislation that have been introduced already this session, we urge the committee to ensure that if the committee considers adding or modifying provisions in this bill, it does so in a way that makes Alaska's elections more accessible to voters, particularly for rural Alaskans, and ensures that all eligible votes are counted.

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
Policy Director

ⁱ State of Alaska Online Public Notices, *Notice of Adopted and Filed Regulations of the Division of Elections* (June 12, 2024), available at <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=215724>. Pertinent regulatory updates include the new 6 AAC 25.510(d) and 6 AAC 25.585(9).

ⁱⁱ ACLU of Alaska, *State Court Rules Alaska Division of Elections is Not Required to Implement a Notice-and-Cure System for Absentee Ballots* (Jan. 27, 2025), available at <https://www.acluak.org/en/press-releases/state-court-rules-alaska-division-elections-not-required-implement-notice-and-cure>.

ⁱⁱⁱ See page 12 in the Oct. 5, 2020 order granting plaintiffs' motion for preliminary injunction in *Arctic Village v. Meyer*, Case No. 3AN-20-07858 CI, available at https://www.acluak.org/sites/default/files/field_documents/arctic_village_v._meyer_order.pdf.

^{iv} National Conference of State Legislatures, *Early In-Person Voting* (updated Dec. 20, 2024), available at <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting>.