

**HB**

**3**

<TARGET><BILL>HB 3</BILL><SUBJECT>HB  
3</SUBJECT><COMM>HJUD28</COMM></TARGET>



# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chair**  
Judiciary Committee

**Vice-Chair**  
Veterans' Caucus

**Member**  
Transportation Committee  
Joint Armed Services Special Committee

**Finance Subcommittees**  
Administration  
Corrections



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 23 Anchorage**

**E-Mail:** Rep.Bob.Lynn@akleg.gov

**Session:**  
Alaska State Capitol #108  
Juneau, AK 99801-1182

Phone: (907) 465-4931  
Fax: (907) 465-4316  
Toll Free: (800) 870-4391

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## Sponsor Statement

### HB 3

*“An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots.”*

Voting is the foundation of our democratic republic. The cement that holds this foundation together is voters being who they say they are. That's what HB3 is all about. That's why HB3 is important

HB3 simply requires photo identification before casting a ballot at the polling place. That's a pro-active measure against voter fraud. Currently, all a person is required to present before voting is something as simple as a copy of a current utility bill, bank statement or paycheck. That's inadequate protection of the voting process, and is an invitation for voter fraud.

Photo ID is ubiquitous in Alaska and everywhere else. We need photo ID to buy alcohol, tobacco, enter a federal building, at the airport, during banking transactions, to drive a car, and more.

HB3 provides accommodations for persons who may have difficulty obtaining a photo ID. They still may vote if they can provide two forms official non-photo ID such as a birth certificate, social security card, hunting/fishing license, or tribal ID. If two forms of official non-photo ID are not available, then a person may still cast a vote if two polling place workers know the person and that person is a registered voter in that district.

HB3 strikes a balance between a pro-active strengthening of our current system while respecting Alaska's unique voting population.

*Withdrawn*

**AMENDMENT**

OFFERED IN THE HOUSE  
TO: HB 3

BY REPRESENTATIVE FOSTER

1 Page 1, line 4, through page 2, line 29:

2 Delete all material and insert:

3 **\*\* Section 1. AS 15.15.225(a) is amended to read:**

4 (a) Before being allowed to vote, each voter

5 **(1) in a community that has a population of less than 5,000** shall  
6 exhibit to an election official one form of identification, including

7 **(A) [(1)]** an official voter registration card, driver's license,  
8 state identification card, current and valid photo identification, birth certificate,  
9 passport, or hunting or fishing license; or

10 **(B) [(2)]** an original or a copy of a current utility bill, bank  
11 statement, paycheck, government check, or other government document; an  
12 item exhibited under this paragraph must show the name and current address of  
13 the voter;

14 **(2) in a community that has a population of 5,000 or more shall**  
15 **exhibit to an election official**

16 **(A) one form of personal identification that contains a**  
17 **photograph; under this paragraph, permitted forms of photographic**  
18 **identification include a valid**

19 **(i) Alaska driver's license;**

20 **(ii) identification card issued by a branch,**  
21 **department, agency, or entity of the state, any other state, or the**  
22 **United States government;**

23 **(iii) United States passport;**

1 (iv) employee identification card issued by any  
 2 branch, department, agency, or entity of the United States  
 3 government, the state, or a municipality of the state;

4 (v) United States military identification card;

5 (vi) student identification card issued by a high  
 6 school or an accredited institution of higher education, as that term  
 7 is defined under AS 23.20.520, located in the state;

8 (vii) tribal identification card; or

9 (B) two forms of personal identification that do not contain  
 10 a photograph; under this paragraph, permitted forms of identification  
 11 without a photograph include

12 (i) the original or a certified copy of the birth  
 13 certificate of the voter;

14 (ii) certified naturalization documents of the voter;

15 (iii) a certified copy of the voter's court record of  
 16 adoption, marriage, or name change;

17 (iv) a valid identification card, license, or permit  
 18 issued by any branch, department, agency, or entity of the United  
 19 States government or the state;

20 (v) a valid tribal identification card or a valid card  
 21 issued by an Indian health program, as that term is defined in 25  
 22 U.S.C. 1603.

23 \* Sec. 2. AS 15.15.225(b) is amended to read:

24 (b) In a community that has a population of less than 5,000, an [AN]  
 25 election official may waive the identification requirement if the election official knows  
 26 the identity of the voter. In a community that has a population of 5,000 or more,  
 27 the identification requirement may only be waived if two election officials know  
 28 the voter. The identification requirement may not be waived for voters who are not  
 29 on the precinct voter registration list or for voters who are first-time voters who  
 30 initially registered by mail or by facsimile or other electronic transmission approved  
 31 by the director under AS 15.07.050, and did not provide identification as required in

1 AS 15.07.060. If the identification requirements are waived for a voter under this  
2 subsection, the election official or officials who know the voter shall sign beside  
3 the voter's name in the register kept under AS 15.15.180."  
4

5 Renumber the following bill sections accordingly.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3887 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

April 7, 2013

**SUBJECT:** Constitutional equal protection issue  
(Amendment 28-LS0010\U.2 to HB 3)

**TO:** Representative Neal Foster  
Attn: Paul Labolle

**FROM:** Alpheus Bullard *AB*  
Legislative Counsel

The enclosed amendment establishes two different standards for voter identification. One for persons in communities of 5000 or more persons, and one for smaller communities. In establishing different identification requirements for a voter based on the size of the community in which the voter votes, this amendment raises a clear equal protection issue.<sup>1</sup>

Alaska evaluates equal protection claims using a sliding scale.<sup>2</sup> There are several steps involved. First, the court determines the importance of the interest impaired by the challenged statute. Then the court looks at the purposes served by the statute. Finally, the court looks at how well the statutory means fits the purpose. "The common question in addressing equal protection cases is whether two groups of people who are treated differently are similarly situated and thus entitled to equal treatment."<sup>3</sup> In order for a classification to be valid under the state's equal protection test, it must be reasonable, not arbitrary, and must bear a fair and substantial relation to a legitimate governmental objective. *Wilson v. Municipality of Anchorage*, 669 P.2d 569, 572 (Alaska 1983).

The amendment relates to voting, a fundamental right. This means the court will use the most strict standard to evaluate this change to the law. Under this amendment, persons who vote in communities of 5000 or more people are subjected to more stringent voter identification requirements than persons in smaller communities. It is not immediately

---

<sup>1</sup> The memorandum addresses only the issues raised by your amendment. Note also that the amendment does not provide how community size will be determined by the division of elections. Determining which identification requirements must be used in a community with a population close to 5000 persons may also present difficulties.

<sup>2</sup> *Matanuska-Susitna Borough School v. State*, 931 P.2d 391, 396 (Alaska 1997).

<sup>3</sup> *Anderson v. State*, 78 P.3d 710, 718 (Alaska 2003).

Representative Neal Foster

April 7, 2013

Page 2

obvious what governmental interest is served in determining identification requirements for a voter based on the size of the community in which the voter resides. Accordingly, it would be a good idea to identify the governmental interest advanced by the enclosed amendment, and how different voter identification requirements might advance that interest so that the legislative record will include those interests.

If you have questions, please do not hesitate to contact me.

TLAB:ljw

13-253.ljw

Enclosure

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 3  
Fiscal Note Number: 1  
(H) Publish Date: 3/14/13

Identifier: HB003-OOG-DOE-2-15-13  
Title: PHOTO IDENTIFICATION VOTING  
REQUIREMENT  
Sponsor: LYNN, KELLER  
Requester: House State Affairs Committee

Department: Office of the Governor  
Appropriation: Elections  
Allocation: Elections  
OMB Component Number: 21

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

|                               | FY2014<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY2014<br>Request | Out-Year Cost Estimates |            |            |            |            |            |
|-------------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|------------|
|                               |                                      |  | FY 2014                 | FY 2015    | FY 2016    | FY 2017    | FY 2018    | FY 2019    |
| <b>OPERATING EXPENDITURES</b> |                                      |  |                         |            |            |            |            |            |
| Personal Services             |                                      |  |                         |            |            |            |            |            |
| Travel                        |                                      |  |                         |            |            |            |            |            |
| Services                      |                                      |  |                         |            |            |            |            |            |
| Commodities                   |                                      |  |                         |            |            |            |            |            |
| Capital Outlay                |                                      |  |                         |            |            |            |            |            |
| Grants & Benefits             |                                      |  |                         |            |            |            |            |            |
| Miscellaneous                 |                                      |  |                         |            |            |            |            |            |
| <b>Total Operating</b>        | <b>0.0</b>                           | <b>0.0</b>                                     | <b>0.0</b>              | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Fund Source (Operating Only)**

|              |            |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Positions**

|           |  |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |  |

|                           |  |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|--|
| <b>Change in Revenues</b> |  |  |  |  |  |  |  |  |
|---------------------------|--|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Prepared By: Gail Fenumiai, Director  
Division: Division of Elections  
Approved By: Guy Bell, Administrative Director  
Division of Administrative Services

Phone: (907)465-2644  
Date: 02/15/2013 01:49 PM  
Date: 02/15/13

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 3

**Analysis**

This legislation proposes to change the primary source of identification required for voting to one that contains a photograph. If no such identification is available, a voter may present two forms of personal identification that not contain a photograph: original or certified copy of the birth certificate; certified naturalization documents; certified copy of records of adoption, marriage or name change; valid identification card, license, or permit issued by any branch, department, entity of the United States government or the state; valid tribal identification card or a valid card issued by an Indian health program.

It also proposes to change the identification waiver requirements from being personally known by an election official to being personally known by two election officials.

These changes have no impact on the financial costs associated with the conduct of state and federal elections. Nor will any additional staff be required to implement the proposed law.

AMENDMENT

*withdrawn*

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Representative Neal Foster

April 7, 2013

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TLAB:ljw

13-253.ljw

Enclosure

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## MEMORANDUM

February 19, 2013

**SUBJECT:** Compliance with the Federal Voting Rights Act and the Help America Vote Act (HB 3 (Work Order No. 28-LS0010\U))

**TO:** Representative Bob Lynn  
Attn: Forrest Wolfe

**FROM:** Alpheus Bullard   
Legislative Counsel

Forrest asked whether House Bill No. 3 (28-LS0010\U) raises issues under the Help America Vote Act (HAVA)<sup>1</sup> or the Federal Voting Rights Act of 1965 (VRA)<sup>2</sup>. The following memorandum addresses only the requirements of these two federal acts. In my opinion, the bill does not conflict with HAVA, but could be found to have an impermissible effect under the VRA.

### House Bill No. 3

House Bill No. 3 imposes more stringent voter identification requirements than existing state law. Under the provisions of the bill, a voter, before being allowed to vote a regular ballot at the polls, must present either one of several possible forms of photo identification, or two pieces of identification without a photograph. Under certain circumstances, a voter may vote if personally known to two election officials. A person who is not known to at least two election officials and who does not have a required form of photo identification, or two forms of other permissible identification, may still cast a questioned ballot.

### Help America Vote Act

The provisions of HB 3 do not conflict with HAVA. Sections 302 - 304 of HAVA are relevant to HB 3.<sup>3</sup> Section 302(a)<sup>4</sup> requires that a state permit a person who declares that

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<sup>1</sup> 42 U.S.C. §§ 15301 et seq.

<sup>2</sup> 42 U.S.C. 1973 et seq.

<sup>3</sup> 42 U.S.C. §§ 15482 - 15484.

<sup>4</sup> 42 U.S.C. § 15482(a).

he or she is a registered and eligible voter for the election at issue to cast a provisional ballot.<sup>5</sup> A state may impose stricter identification requirements so long as it still allows the casting of a provisional ballot. HB 3 does not affect a qualified voter's ability to cast a questioned ballot, therefore it does not violate HAVA.<sup>6</sup>

Section 303(b) of HAVA imposes identification requirements for individuals registering to vote for the first time who submit their applications by mail.<sup>7</sup> If the voter is casting the

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<sup>5</sup> The United States Election Commission (EAC) has determined that section 302 of HAVA establishes a right to cast a provisional ballot if a voter is unable to present a required form of identification on election day. The EAC is the federal agency charged with the administration of HAVA. Although EAC's administrative interpretations do not have the force of law, the Supreme Court has long held that the interpretations of agencies charged with the administration of a statute are to be given deferential treatment by courts when faced with issues of statutory construction. *York v. Secretary of Treasury*, 774 F. 2d 417, 419 - 420 (10th Cir. 1985) (citing *Compensation Commission of Alaska v. Aragon*, 329 U.S. 143, 153 - 154 (1963)). See EAC Advisory 2005-006: Provisional Voting and Identification Requirements, available on February 18, at: [http://www.eac.gov/assets/1/workflow\\_staging/Page/337.PDF](http://www.eac.gov/assets/1/workflow_staging/Page/337.PDF)

<sup>6</sup> AS 15.15.225(c) provides that "[a] voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot."

<sup>7</sup> Section 303(b) (42 U.S.C. § 15438(b)) provides:

(b) Requirements for voters who register by mail.

(1) In general. Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if--

(A) the individual registered to vote in a jurisdiction by mail; and

(B) (i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) Requirements.

(A) In general. An individual meets the requirements of this paragraph if the individual--

(i) in the case of an individual who votes in person--

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election

voter's first ballot in person, the voter must present election officials with an approved form of identification (or vote a provisional ballot). Section 304 of HAVA (42 U.S.C. § 15484)<sup>8</sup> provides that the Act's requirements are "minimum requirements" and that a

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official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot--

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

<sup>8</sup> Section 304 of HAVA (42 U.S.C. § 15484) provides:

**MINIMUM REQUIREMENTS.** The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements that are more strict than the requirements established under this title so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 906.

Section 906 (42 U.S.C. § 15545) provides:

**No effect on other laws.** (a) In general. Except as specifically provided in section 303(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) No effect on preclearance or other requirements under Voting Rights Act. The approval by the Administrator or the Commission of a

state may establish requirements that are "more strict" than those in HAVA "so long as such State requirements are not inconsistent" with federal law. Accordingly, because a registered voter's right to cast a questioned (or provisional ballot) is unaffected by HB 3, and because HAVA establishes only minimum requirements, it is my legal opinion that HB 3 does not raise any issues under HAVA.

### Voting Rights Act

Alaska is a covered jurisdiction under section 5 of the VRA.<sup>9</sup> Under the VRA, if Alaska "enact[s] or seek[s] to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting . . ." the change must be cleared by the Civil Rights Division of the Department of Justice or through a declaratory judgment action filed by the state in the United States District Court for the District of Columbia that the change "neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race[,] color," or "member[ship] [in] a language minority group." 42 U.S.C. §§ 1973c(a), 1973b(f)(2).<sup>10</sup>

To satisfy this preclearance requirement, Alaska must demonstrate that the changes made by HB 3 will not "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Texas v. Holder*, 2012 U.S. Dist. LEXIS 127119 at 1 (D.D.C. Aug. 30, 2012), quoting *Beer v. United States*, 425 U.S. 130, 141 (1976). Failure to secure preclearance after enactment would likely preclude implementation of the changes made to state law and affect the state's administration of elections under HB 3.

I don't know whether the changes to the state's voter identification requirements made by HB 3 can be demonstrated to "neither ha[ve] the purpose nor will have the effect of denying or abridging the right to vote on account of race[,] color," or "member[ship] [in] a language minority group." 42 U.S.C. §§ 1973c(a), 1973b(f)(2). For HB 3 to take effect, the state must prove, by a preponderance of the evidence, that the voting changes at issue lack both discriminatory purpose and retrogressive effect. As the Supreme Court has recognized, this is a "difficult burden," for "[a]s a practical matter it is never easy to prove a negative." *Texas v. Holder* at 17, quoting *Reno v. Bossier Parish School Board*,

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payment or grant application under title I or title II, or any other action taken by the Commission or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

<sup>9</sup> 42 U.S.C. § 1973c(a).

<sup>10</sup> Note that 42 U.S.C. § 1973f(c)(3) defines "language minorities" to include persons who are American Indian, Asian American, Alaska Native or of Spanish heritage."

Representative Bob Lynn  
February 19, 2013  
Page 5

520 U.S. 471, 480 (1997) (*quoting, in part Elkins v. United States*, 364 U.S. 206, 218 (1960)).

Assuming no discriminatory intent, to be entitled to preclearance, a proposed change must not "lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer*, 425 U.S. at 141. This "retrogression analysis" would require a comparison between the existing voter identification requirements and these requirements as they would be amended by HB 3. I don't know what the data would indicate as to the effects of HB 3 on the voting behavior of the relevant minority groups in the state.<sup>11</sup> It is certainly possible that the bill could be found to have a retrogressive effect on the minority populations' exercise of the electoral franchise in the state.

If you have further questions, please do not hesitate to contact me.

TLAB:ld  
13-092.lnd

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<sup>11</sup> The opinions in *Texas v. Holder*, 2012 U.S. Dist. LEXIS 127119 (D.D.C. Aug. 30, 2012), and *Florida v. United States*, 2012 U.S. Dist. LEXIS 115647 (D.D.C. Aug. 16, 2012), are instructive as to how a court will examine whether there has been a retrogressive effect.

Director's Office  
PO Box 110017  
Juneau, Alaska 99811-0017  
907.465.4611 907.465.3203 FAX  
[elections@alaska.gov](mailto:elections@alaska.gov)



Regional Offices  
Anchorage 907.522.8683  
Fairbanks 907.451.2835  
Juneau 907.465.3021  
Nome 907.443.5285

**STATE OF ALASKA**  
**Division of Elections**  
**Office of the Lieutenant Governor**

February 25, 2013

The Honorable Bob Lynn, Chair  
House State Affairs Committee  
State Capitol, Room 108  
Juneau AK 99801

Dear Representative Lynn:

During yesterday's hearing on House Bill 3, Representative Isaacson asked questions about voting age population, statewide voter registration number and the state's list maintenance process. I indicated I would research the answer to his question and provide a response following the hearing.

According to information from the Department of Labor, Research and Analysis Section, the voting age population for Alaska is 522,853. This number is based on information from the 2010 Census. The current number of registered voters in Alaska is 513,990.

The division performs a list maintenance process annually. Following the passage of the National Voter Registration Act (NVRA), voters could no longer be removed from the registration rolls for simply not voting. The list maintenance procedures are provided for in AS 15.07.130.

The current process, as outlined by the NVRA, works as follows:

1. The list of registered voters is reviewed and a nonforwardable notice is sent to voters
  - a. Whose mail from the division has been returned in the two years immediately preceding
  - b. Who have not contacted the division in the two years immediately preceding
  - c. Who have not voted or appeared to vote in the two general elections immediately preceding
2. If the notice sent in (1) above is returned undeliverable and that voter has not contacted the division and not voted or appeared to vote during the last four calendar years, another notice is sent by forwardable mail. This notice notifies the voter that their

The Honorable Bob Lynn  
February 25, 2013  
Page 2 of 2

registration will be inactivated unless they respond to the notice no later than 45 days after it was mailed.

3. Inactive voters are then cancelled after the second general election that occurs after the registration became inactive if the voter does not contact the division or vote or appear to vote.

If there are any further questions, please let me know.

Sincerely,



Gail Fenumiai  
Director

cc: The Honorable Lynn Gattis  
The Honorable Shelley Hughes  
The Honorable Doug Isaacson  
The Honorable Wes Keller  
The Honorable Charisse Millett  
The Honorable Jonathan Kreiss-Tomkins



## Did Obama supporter vote 6 times in 2012? Ohio poll worker target of investigation

By Eric Shawn

Published February 19, 2013 | FoxNews.com

The Obama/Biden lawn sign remains proudly planted in front of Melowese Richardson's Cincinnati home, three months after the presidential election.

It seems that President Obama has an especially ardent supporter in the veteran Ohio poll worker.

Richardson told a local television station this month that she voted twice last November. She cast an absentee ballot and then voted at the polls as well.

"Yes, I voted twice," Richardson told WCPO-TV. "I, after registering thousands of people, certainly wanted my vote to count, so I voted. I voted at the polls."

Authorities also are investigating if she voted in the names of four other people, too, for a total of six votes in the 2012 presidential election.

"I'll fight it for Mr. Obama and for Mr. Obama's right to sit as president of the United States," Richardson vowed when asked about the voter fraud investigation that is now under way.

Richardson is one of 19 people suspected of illegal voting by the Hamilton County Board of Elections in the last election.

"I'm outraged, and every voter, regardless of their political affiliation, should be outraged," said Hamilton County Board of Elections member Alex Triantafilou, who is also chairman of the county Republican Party. "It causes folks to have real doubts about the fabric of our very democratic process, and it's dangerous. It is disconcerting that someone would be so bold as to admit their conduct in such a fashion ... We fully intend to prosecute these cases."

Richardson claimed she had submitted an absentee ballot, but was afraid her vote would not count so she also voted in person. She also said she voted in the name of her granddaughter and yet another person.

"There was absolutely no intent on my part to commit any voter fraud," she insisted.

Richardson's granddaughter, India Richardson, confirmed to Fox News that her grandmother voted for her, by submitting an absentee ballot in her name. India told Fox News that she is not angry, and gave her permission to cast her absentee ballot.

"It wasn't a big deal," she said.

But election authorities say voting more than once, or in someone else's name, is a big deal because it is illegal and threatens the credibility of the nation's election system.

"It appears she not only attempted to vote more than once, but was actually successful at it and having those additional votes counted," Ohio Secretary of State John Husted, who is in charge of the state's elections, told Fox News.

"She appears to have used her position as a poll worker to cover her tracks. That would be someone who is an official in the elections process, using that position to commit a fraud. That is especially troubling to me, as the chief elections officer of the state, because it is my responsibility to make sure the system runs effectively, that it has integrity. When I find issues like this, I know that it undermines voter confidence in our elections, and we must pursue it."

Three other absentee ballots in the names of different people were submitted to the Board of Elections from Richardson's address on Nov. 1. Officials say the handwriting on those ballots is similar and that they were all received together, on the same day that Richardson's absentee ballot arrived at the office. Richardson maintains that some of the other voters live at her house.

Attempts by Fox News to reach Richardson were unsuccessful, but she claimed to the local station that the votes were "absolutely legal votes."

In written reports detailing the 19 cases, Board of Elections investigators described their findings. In one instance, an investigator called a suspected double voter and was hung up on.

"I explained that she voted twice and she told me not to bother her and get off her phone and she hung up," the investigator wrote.

Another voter admitted to double voting, but did not think it was an issue.

"The voter said yes she 'voted early' and then voted again, then she asked 'what's the problem?'" according to the report.

Yet another voter was at a loss for explaining why he voted more than once.

"Voter said he remembered both times. He doesn't know why he voted twice," the report said.

The documents show that another voter said he had received a phone call before Election Day telling him his absentee ballot would not count. When investigators questioned him about voting two times, the voter replied "'as usual, you guys are wrong.' ... he was curious about the investigation and asked 'Now what will you do' and 'are you taping me now?'"

The Hamilton County Board of Elections is holding hearings to further investigate these cases.

"It is so fundamental to people's faith in the democratic process, that we need to act very strong to make sure that we are doing everything we can to keep people's faith," declared Triantafilou. "There is always the concern, though, that there are those situations where we didn't catch folks."

As part of a new effort to root out any voter fraud, Secretary of State Husted has ordered all 88 of the state's county Board of Elections to hold public hearings on any credible voter fraud allegations or claims of voter disenfranchisement during the 2012 election. He said any substantiated allegations should be turned over to prosecutors.

"Once the election is over, and once the winner is declared, everybody forgets about it. I want to make sure that we don't forget about it, that we make sure we do, essentially, an audit of that process to ensure that we know what happened, and then use that evidence to guide us going forward. ... We need to learn from that last election so that we can be better before the next one gets here."

"Fraud does happen," noted Husted. "Most attempts are caught by the system. But there are cases that do slip through, as this one does, and we need to make sure that we really send a strong message, that if you do this, you are going to be held accountable. It might mean fines, it might mean jail time."

Voter fraud, said Husted, "undermines public confidence in democracy, and that's why we need, whether you are a Democrat or Republican, to root out all cases of voter fraud."

**If you suspect voter fraud where you live, tell us: [Voterfraud@Foxnews.com](mailto:Voterfraud@Foxnews.com)**

*Meredith Amor contributed to this report.*

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## Officials Plead Guilty in New York Voter Fraud Case

By Eric Shawn

Published December 21, 2011 | FoxNews.com

A total of four Democratic officials and political operatives have now pleaded guilty to voter fraud-related felony charges in an alleged scheme to steal a New York election.

The latest guilty pleas expose the ease with which political insiders can apparently manipulate the electoral system and throw an election their way, by the forging of signatures of unsuspecting voters that are then cast as real votes.

"The phrase they use is: 'making sure they vote the right way,'" said a source close to the case, which is unfolding in Troy, N.Y. "It is not a Democratic or Republican thing. ... It is criminal."

Former Troy Democratic City Clerk William McInerney, Democratic Councilman John Brown, and Democratic political operatives Anthony Renna and Anthony DeFiglio have entered guilty pleas in the case, in which numerous signatures were allegedly forged on absentee ballots in the 2009 Working Families Party primary, the political party that was associated with the now-defunct community group, ACORN.

The four have pleaded guilty to one count of various charges, ranging from forgery to falsifying business records, and criminal possession of a forged instrument.

"Getting at the truth has always been the primary goal of this investigation," Special Prosecutor Trey Smith said in a statement, while also thanking New York State Police efforts to "bring those responsible for the voting fraud to justice."

Numerous voters told Fox News that they were stunned that their signatures were faked on absentee ballot applications and ballots, which were cast as real votes in their names in the 2009 primary election.

Brian Suozzo's absentee ballot application claimed that he was "at home recovering from medical procedure," which he told us was not true.

"Someone took my signature and voted with it and I feel extremely violated," Suozzo said when Fox News first broke the story nationally in 2009. "The whole thing seems dirty to me."

Jessica Boomhower's absentee ballot application falsely claimed that she was in Boston.

"I can't believe they thought they would get away with this," she told Fox News. "I didn't get to cast my vote on my own. ... They're corrupt. I am sure this goes on a lot in politics, but it's very rare that they do get caught."

Two of the ballot applications claimed that the voters were unavailable, because they were supposedly on a "bus trip to casino."

Smith, at one point during the two-year long investigation, even obtained court orders to take DNA samples from five of the seven Democratic members of the Troy City Council. The goal was to try and compare the samples to any DNA evidence found on the absentee ballot envelopes.

No Republicans were implicated in the alleged conspiracy, but one political operative claimed that such voter fraud occurs "on both sides of the aisle."

In November 2009, Democratic operative Anthony DeFiglio told New York State police investigators that faking absentee ballots was a commonplace and accepted practice in political circles, all intended to swing an election.

"This is an on-going scheme and it occurs on both sides of the aisle," he told police. "The people who are targeted live in low-income housing and there is a sense that they are a lot less likely to ask any questions."

He said that "it was common knowledge that these people were never going to receive an absentee ballot. This is a political strategy to get control of a third party line."

DeFiglio claimed that "the reason that this came to light in this election, was the sheer number of absentee ballots that went out to the Working Families Party. ... To political insiders in the county, what appears as a huge conspiracy to non-political persons is really a normal political tactic."

Troy City Council President Clem Campana pleaded not guilty on Tuesday to charges including falsifying business records and illegal voting.

When Fox News asked him about the case last year, Campana was adamant that he did nothing wrong.

"No one tried to steal any election," he claimed. "I did nothing wrong, I don't know if anyone did, and if they did, they should be held accountable for it."

City Councilman Michael LoPorto and Democratic County Elections Commissioner Edward McDonough were indicted earlier this year and they face trial on the felony charges next month.

LoPorto also denied the allegations when Fox News questioned him last year.

"Did you do anything wrong?" Fox News asked.

He answered, "No."

"Did you try to steal an election?"

"No."

"Did you forge any ballots?"

"No," said LoPorto.

"They did steal an election," claimed Bob Mirch, the pugnacious former Republican Majority Leader of the Rensselaer County legislature, who first discovered the alleged fraud and started the investigation. For his efforts in trying to expose what happened, Mirch says he was voted out of office after serving 16 years and was replaced by a Democrat.

"This is just the tip of the iceberg," he said about voter fraud. "This case in Troy shows that the political insiders had this scheme down pat. Two years ago the public didn't believe me, but they know it now."

The case in Troy echoes a similar election fraud investigation that is now ongoing in Indiana.

St. Joseph County Prosecutor Michael Dvorak, in South Bend, is currently investigating allegations that numerous signatures on 2008 Democratic Presidential primary petitions for then candidates Barack Obama and Hillary Clinton, were faked. There are claims that so many signatures were fraudulent, that the Obama campaign may not have actually obtained enough legitimate signatures to have legally qualified for the ballot. And just like the New York voters in Troy who told Fox News that they never signed absentee ballots, voters in South Bend and Mishawaka told us that their signatures were forged too.

*If you suspect voter or election fraud where you live, tell us. Our address is [voterfraud@foxnews.com](mailto:voterfraud@foxnews.com)*

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**KRIS W. KOBACH**  
Secretary of State



Memorial Hall, 1st Floor  
120 S.W. 10th Avenue  
Topeka, KS 66612-1594  
(785) 296-4575  
[www.sos.ks.gov](http://www.sos.ks.gov)

## STATE OF KANSAS

### NEWS RELEASE

#### **For Immediate Release**

Thursday, November 29, 2012

#### **Contact Information**

V. Kay Curtis, Public Affairs Director  
Kansas Secretary of State  
785-296-4580 | [media@sos.ks.gov](mailto:media@sos.ks.gov)

### **FIRST LARGE-SCALE IMPLEMENTATION OF PHOTO ID LAW A SUCCESS**

TOPEKA (November 29, 2012) – Today, the state board of canvassers conducted the final canvass for all national and state elections. “The general election of 2012 went very smoothly across the state,” observed Kansas Secretary of State Kris Kobach. “There were no reported problems regarding the photo identification requirement. I watched the voting process at several polling places, and numerous voters expressed their support for the law.”

Out of 1,182,771 votes cast, only 838 provisional ballots were issued due to lack of sufficient photo ID at the time the vote was cast. That amounts to 0.07 percent of all votes cast, 7/100ths of one percent, or less than one in 1,000 ballots. After 306 of those 838 voters presented photo ID before the county canvass to make their votes count, it dropped to 0.04 percent of all votes cast (532 votes).

These statistics lend further support to the conclusion that very few Kansans lacked photo ID. From January 1 to September 30, only 120 voters requested a free photo ID from the state, declaring they did not have any of the nine acceptable forms of identification. The official number of registered voters for the general election was 1,771,252 Kansans.

Kobach's predicted turnout of 68% was a mere 1.2 percent difference from the actual turnout of 66.8 percent. The actual turnout was virtually the same as the last general election in a presidential year that included no U.S. Senate race. In the year 2000, the turnout was 66.7 percent – virtually the same as the turnout this year.

Secretary Kobach urges Kansans who are registering to vote for the first time to remember to provide proof of United States citizenship beginning January 1, 2013. For a list of acceptable forms of proof of citizenship, visit [www.gotVoterID.com](http://www.gotVoterID.com).



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## Voter Identification Requirements



### Voter ID Requirements Currently in Effect

| Strict Photo   | Photo  | Non-Photo  | No Voter ID Law  |
|--|--|--|--|
| AK, VT, NH, ME, HI, WA, OR, ID, MT, WY, ND, SD, NE, KS, MN, IA, MO, IL, IN, OH, PA, NY, NJ, DE, MD, VA, NC, SC, TN, KY, WV, MS, AL, GA, FL, LA, AR, OK, TX, UT, AZ, NV, CA, HI, AK | AK, VT, NH, ME, HI, WA, OR, ID, MT, WY, ND, SD, NE, KS, MN, IA, MO, IL, IN, OH, PA, NY, NJ, DE, MD, VA, NC, SC, TN, KY, WV, MS, AL, GA, FL, LA, AR, OK, TX, UT, AZ, NV, CA, HI, AK | AK, VT, NH, ME, HI, WA, OR, ID, MT, WY, ND, SD, NE, KS, MN, IA, MO, IL, IN, OH, PA, NY, NJ, DE, MD, VA, NC, SC, TN, KY, WV, MS, AL, GA, FL, LA, AR, OK, TX, UT, AZ, NV, CA, HI, AK | AK, VT, NH, ME, HI, WA, OR, ID, MT, WY, ND, SD, NE, KS, MN, IA, MO, IL, IN, OH, PA, NY, NJ, DE, MD, VA, NC, SC, TN, KY, WV, MS, AL, GA, FL, LA, AR, OK, TX, UT, AZ, NV, CA, HI, AK |

### On this page

- State Requirements for Voter ID
- 2013 Legislative Action
- 2012 Legislative Action
- 2011 Legislative Action
- Legislative Action, 2003-2010
- Recent Litigation
- Details of Voter ID Requirements
- For More Information

**PLEASE NOTE: IF YOU ARE UNABLE TO SEE THE INTERACTIVE MAP, PLEASE REFER TO THE DETAILED TABLE BELOW.**

### PLEASE NOTE:

- Enforcement of Pennsylvania's voter ID law was enjoined for the November 2012 election by a state judge. A legal challenge to the law is presently scheduled for July 2013. The judge has said that he will decide by March 21, 2013, whether or not to continue the injunction that applied to the November 2012 elections. Until that decision is announced, it is uncertain whether the voter ID law will be applied in the May 21, 2013 primary elections.
- Alabama will become a photo ID state in 2014 if its new law receives pre-clearance under Section 5 of the Voting Rights Act.
- Mississippi and Texas have new strict photo ID laws which may take effect in future elections if they receive pre-clearance under Section 5 of the Voting Rights Act.
- Wisconsin's new strict photo ID law was held unconstitutional on March 12, 2012.

Updated January 30, 2013

### Latest News

**October 11, 2012:** A federal district court in Washington, D.C. has granted pre-clearance for South Carolina's voter ID law, but delayed implementation until 2013. The state's older, less strict ID law will remain in effect for the November 2012 election.

**October 2, 2012:** A state judge temporarily halted enforcement of Pennsylvania's voter ID law for the November election. The judge stated that an insufficient number of IDs had been issued for voting purposes at the five-week mark preceding the election, and ordered that while poll workers can still ask voters for ID, they must allow those without ID to vote. Read the order [here](#). There will be a status conference on December 13, 2012 to prepare for a trial on the application for a permanent injunction.

**September 4, 2012:** The Dept. of Justice granted pre-clearance for New Hampshire's voter ID law.

**August 30, 2012:** A federal district court in Washington, D.C. has denied pre-clearance for Texas's voter ID law. Pre-clearance was denied by the U.S. Dept. of Justice in March 2012 and Texas applied to the court for reconsideration. Any appeal of [today's decision](#) would go to the U.S. Supreme Court.

**August 22, 2012:** The U.S. Department of Justice granted pre-clearance for Virginia's amendment to its voter ID law, meaning it can be used in the November election. Virginia's law is not as strict as the laws that were denied pre-clearance in South Carolina and Texas.

### Introduction

Thirty states presently have laws in place that will require all voters to show ID at the polls (this November). That number could rise; a total of thirty-three states have passed voter ID laws. Mississippi, Pennsylvania and Wisconsin presently have no voter ID requirement in place, even though laws have been enacted in those states. In Mississippi's case, the strict photo ID amendment passed by citizen initiative in November 2011 requires both implementing legislation and pre-clearance under Section 5 of the Voting Rights Act before it can be implemented. Wisconsin's new strict photo ID law, passed by the legislature in 2011, was briefly in effect in early 2012, but it was declared unconstitutional by a state judge on March 12, 2012. The state is barred from enforcing the law unless an appeal overturns the March 12 ruling. Pennsylvania's new voter ID law was not in effect for the November 2012 elections after a state judge temporarily enjoined enforcement on October 2, 2012.

In Alabama and Texas, less-strict voter ID laws that pre-date the strict new laws passed in 2011 remain in effect for now. Alabama's new voter ID law has a 2014 effective date, and requires Section 5 pre-clearance. Texas was denied pre-clearance for their new voter ID laws by the U.S. Department of Justice; as in Alabama, an older, non-photo ID law remains in effect. Most recently, Texas's voter ID was denied pre-clearance by a federal district court. That court has deferred any further proceedings in the case until the U.S. Supreme Court rules on the constitutionality of Section 5 of the Voting Rights Act later in 2013.

The 33 voter ID laws that have been enacted vary in their details. Two key distinctions are whether a law is *strict* or not, and whether or not the ID must include a photo.

- Strict vs. Non-Strict:** In the "strict" states, a voter cannot cast a valid ballot without first presenting ID. Voters who are unable to show ID at the polls are given a provisional ballot. Those provisional ballots are kept separate from the regular ballots. If the voter returns to election officials within a short period of time after the election (generally a few days) and presents acceptable ID, the provisional ballot is counted. If the voter does not come back to show ID, that provisional ballot is never counted.
- Photo vs. Non-Photo:** Some states require that the ID presented at the polls must show a photo of the voter. Some of these are "strict" voter ID laws, in that voters who fail to show photo ID are given a provisional ballot and must eventually show photo ID in order to get that provisional ballot counted. Others are "non-strict," and voters without ID have other options for casting a regular ballot. They may be permitted to sign an affidavit of identity, or poll workers may be able to vouch for them if they know them personally. In these "non-strict" states, voters who fail to bring ID on Election Day aren't required to return to election officials and show ID in order to have their ballot counted. In the other voter ID states, there is a wide array of IDs that are acceptable for voting purposes, some of which do not include a photo of the voter. Again, some of these states are "strict" in the sense that a voter who fails to bring ID on Election Day will be required to vote a provisional ballot, and that provisional ballot will be counted only if the voter returns to election officials within a few days to show acceptable ID.

For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see [Table 2](#).

### States that Have Enacted Voter ID Laws

Not all of the laws listed below have taken effect. Please see the footnotes for detailed information.

| States that Request or Require Photo ID |                               | States that Require ID (Photo Not Required) |  |
|---|-------------------------------|---|--|
| Strict Photo ID<br><i>In effect:</i>    | Photo ID<br><i>In effect:</i> | Strict Non-Photo ID<br><i>In effect:</i>    | Non-Strict Non-Photo ID<br><i>In effect:</i> |
| <a href="#">Georgia</a>                 | <a href="#">Florida</a>       | <a href="#">Alabama</a>                     | **Alabama (1), (5)                           |
| <a href="#">Indiana</a>                 | <a href="#">Hawaii</a>        | <a href="#">Ohio</a>                        | <a href="#">Alaska</a>                       |
| <a href="#">Kansas</a>                  | <a href="#">Idaho</a>         | <a href="#">Virginia</a>                    | <a href="#">Arkansas</a>                     |
| <a href="#">Tennessee</a>               | <a href="#">Louisiana</a>     |   | <a href="#">Colorado</a>                     |
|   | <a href="#">Michigan</a>      |   | <a href="#">Connecticut</a>                  |
| <i>Not yet in effect:</i>               | <a href="#">New Hampshire</a> |   | <a href="#">Delaware</a>                     |
| *Mississippi (6)                        | <a href="#">South Dakota</a>  |   | <a href="#">Kentucky</a>                     |
| *Pennsylvania (7)                       |                               |   | <a href="#">Missouri</a>                     |
| **Texas (1)                             | <i>Not yet in effect:</i>     |   | <a href="#">Montana</a>                      |
| *Wisconsin (2)                          | **Alabama (1), (5)            |   | <a href="#">North Dakota</a>                 |
|   |                               |   | <a href="#">Oklahoma (3)</a>                 |
|   |                               |   | <a href="#">Rhode Island (4)</a>             |
|   |                               |   | <a href="#">South Carolina</a>               |
|   |                               |   | **Texas (1)                                  |
|   |                               |   | <a href="#">Utah</a>                         |
|   |                               |   | <a href="#">Washington</a>                   |

\* New voter ID law has not yet been implemented; state presently has no voter ID law in effect.

\*\* New voter ID law has not yet been implemented; an older voter ID law remains in effect.

(1) In Alabama and Texas, current non-photo voter ID laws stay in effect for the time being. The new *photo* voter ID requirements will take effect after receiving pre-clearance under [Section 5 of the Voting Rights Act](#). Texas was denied pre-clearance in December 2011. Alabama's new photo ID law has a 2014 effective date, and the state has not yet applied for pre-clearance. The Texas law was recently [denied pre-clearance](#) for a second time by a federal court in D.C..

(2) Wisconsin's voter ID law was declared unconstitutional on March 12, 2012. Dane County Circuit Judge Richard Niess issued a permanent injunction barring enforcement of the law, which the state has said it will appeal. Read the [March 6 injunction](#) and the [March 12 injunction](#).

(3) There are some who prefer to call Oklahoma a *photo* voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.

(4) Rhode Island's voter ID law takes effect in two stages. The first stage, requiring a non-photo ID, took effect on January 1, 2012. On January 1, 2014, a photo ID requirement will replace the non-photo ID law.

(5) Alabama's new photo ID requirement takes effect with the 2014 statewide primary election. The new law also requires pre-clearance. The delayed implementation date was intended to ensure that the timing of pre-clearance did not occur between the primary and general elections of 2012, thus creating voter confusion.

(6) Mississippi's new voter ID law was passed via the citizen initiative process. However, the language in constitutional amendment passed by MS voters on Nov. 8 is very general, and implementing legislation will be required before the amendment can take effect. The MS provision will also require pre-clearance under Section 5

of the Voting Rights Act before it can take effect.

(7) A state judge temporarily blocked enforcement of Pennsylvania's new voter ID law. It will not be in effect for the November 2012 election, and a trial on its permanent status will begin after the election.

### 2013 Legislative Action

As of January 30, legislation is pending in a total of 22 states; this includes new voter ID proposals in nine states, proposals to strengthen existing photo ID laws in six states and other changes to existing photo ID laws in seven states. [View a summary of these bills.](#)

### 2012 Legislative Action

Voter ID continued to be a high-profile issue in many state legislatures last year, with legislation introduced in 32 states. That includes new voter ID proposals in 14 states, proposals to strengthen existing voter ID laws in ten states, and bills in nine states to amend the new voter ID laws passed in 2011. New voter ID laws were passed in four states -- Minnesota, New Hampshire, Pennsylvania and Virginia. Minnesota's law required voter approval in November 2012, however, which it did not receive. Learn more about [voter ID legislation introduced in 2012.](#)

### 2011 Legislative Action

Voter ID was the hottest topic of legislation in the field of elections in 2011, with legislation introduced in 34 states. There were just three states--Oregon, Vermont and Wyoming--that didn't have a voter ID law and didn't consider voter ID legislation that year. The voter ID legislation under consideration fell into two general categories: proposals for new voter ID laws in states that didn't already require voter ID at the polls (considered in 20 states), and proposals to strengthen existing voter ID requirements in order to require photo ID at the polls (considered in 14 states). Learn more about [voter ID legislation introduced in 2011.](#)

### 2003-2012 Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, nearly 1,000 bills have been introduced in a total of 46 states. Twenty-four states have passed major legislation during the period 2003-2012 (not including gubernatorial vetoes in five states in 2011), and those bills are summarized in the timeline below.

- 2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
- 2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
- 2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
- 2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
- 2009: New voter ID law passed in Utah
- 2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature
- 2011: New voter ID laws passed in Kansas, Mississippi, Rhode Island and Wisconsin. Alabama, South Carolina, Tennessee and Texas tightened existing voter ID laws to require photo ID (new laws in Texas and South Carolina are on hold pending USDOJ preclearance). Governors in Minnesota, Missouri, Montana, New Hampshire and North Carolina vetoed strict new photo ID laws in 2011.
- 2012: Minnesota, New Hampshire, Pennsylvania and Virginia passed new voter ID laws. Voters ultimately rejected Minnesota's voter ID law however, and it will not take effect.

### Recent Litigation

**Arizona:** On October 20, 2006, the U.S. Supreme Court vacated an October 6, 2006 9<sup>th</sup> Circuit Court of Appeals decision that suspended Arizona's requirements pending further litigation. The ID law was in effect for Arizona's 2006 election, and remained in effect in 2008.

**Georgia:** On October 27, 2006, the 11<sup>th</sup> U.S. Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia's voter ID requirement was reinstated by a federal judge in mid-2007.

**Indiana:** Photo ID law was upheld by 7<sup>th</sup> Circuit U.S. Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

**Michigan:** The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 (but never implemented due to a ruling by the state's Attorney General) is constitutional and enforceable.

**Missouri:** On October 16, 2006, the Missouri State Supreme Court struck down the state's photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID is much broader and includes some forms without a photo.

**Ohio:** On November 1, 2006, the secretary of state issued an order suspending the requirement that voters present photo ID at the polls for the November 2006 election. The order did not apply to future elections, and voter ID requirements were in effect for 2008.

**Pennsylvania:** On October 2, 2012, a state court judge temporarily enjoined enforcement of the state's voter ID law, citing the fact that too few IDs had been issued for voting purposes at the five week mark prior to the election. Poll workers will be permitted to ask voters for ID, but all voters will be permitted to vote a regular ballot regardless of whether or not they have or present ID.

**Wisconsin:** A state judge ruled the voter ID law unconstitutional on March 12, 2012. An appeal is expected.

### Details of Voter Identification Requirements

| Table 2: Details of Voter Identification Requirements   |   |  |   |
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| State   | Requirement   | Acceptable Forms of ID   | Voters Without ID   |
| <b>Alabama</b><br>§17-9-30<br><br><i>NOTE: AL's new photo ID law is scheduled to take effect for the 2014 primary election.</i> | <b>Existing Law:</b><br><br>Each elector shall provide identification to an appropriate election official prior to voting.<br><br><b>New Law:</b> | <b>Existing Law:</b><br><br>• Government-issued photo ID<br>• U.S. passport<br>• U.S. military ID<br>• Employee ID card with photo<br>• Alabama college/university ID with photo | <b>Existing Law:</b><br><br>Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible a voter on the poll list, and both poll workers sign the voting sign-in register by the voter's name. |

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| <p><i>It also requires preclearance by the USDOJ.</i></p> | <p>Each elector shall provide valid photo identification to an appropriate election official prior to voting.</p>  | <ul style="list-style-type: none"> <li>. Alabama hunting or fishing license</li> <li>. Alabama gun permit</li> <li>. FAA-issued pilot's license</li> <li>. Birth certificate (certified copy)</li> <li>. Social security card</li> <li>. Naturalization document</li> <li>. Court record of adoption or name change</li> <li>. Medicaid or Medicare card</li> <li>. Electronic benefits transfer card</li> <li>. Utility bill, bank statement, government check, paycheck or government document showing name and address of voter</li> </ul> <p><i>New Law:</i></p> <ul style="list-style-type: none"> <li>. Valid Alabama driver's license or non-driver ID card</li> <li>. Valid photo voter ID card or other valid ID card issued by any state or the federal government, as long as it contains a photo</li> <li>. Valid U.S. passport</li> <li>. Valid government employee ID card with a photo</li> <li>. Valid student or employee ID card issued by a college or university in the state, provided it includes a photo</li> <li>. Valid U.S. military ID card containing a photo</li> <li>. Valid tribal ID card containing a photo</li> </ul> | <p><i>New Law:</i></p> <p>Vote a provisional ballot or vote a regular ballot if s/he is identified by two election officials as an eligible voter on the poll list, and both election workers sign a sworn affidavit so stating.</p>  |
| <p><u>Alaska</u><br/>§15.15.225</p>                       | <p>Before being allowed to vote, each voter shall exhibit to an election official one form of identification.</p>  | <ul style="list-style-type: none"> <li>. Official voter registration card</li> <li>. Driver's license</li> <li>. Birth certificate</li> <li>. Passport</li> <li>. Hunting or fishing license</li> <li>. Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address</li> </ul>  | <p>An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.</p>   |
| <p><u>Arizona</u><br/>§16-579(A)</p>                      | <p>Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.</p> | <ul style="list-style-type: none"> <li>. Valid Arizona driver's license</li> <li>. Valid Arizona non-driver identification</li> <li>. Tribal enrollment card or other form of tribal identification</li> <li>. Valid U.S. federal, state or local government issued identification</li> <li>. Utility bill dated within 90 days of the election</li> <li>. Bank or credit union statement dated within 90 days of the election</li> <li>. Valid Arizona vehicle registration</li> <li>. Indian census card</li> <li>. Property tax statement</li> <li>. Vehicle insurance card</li> <li>. Recorder's Certificate</li> </ul>   | <p>An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.</p> |
| <p><u>Arkansas</u><br/>§7-5-305</p>                       | <p>Election officials shall request the voter to provide identification</p>  | <ul style="list-style-type: none"> <li>. Current and valid photo ID</li> <li>. Copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter</li> </ul>   | <p>If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification. Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing</p>        |

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| <p>Colorado<br/>§1-1-104(19.5) and<br/>1-7-110</p> | <p>Any eligible elector desiring to vote shall show his or her identification as defined in section 1-1-104 (19.5).</p>  | <ul style="list-style-type: none"> <li>· Colorado driver's license</li> <li>· CO Dept. of Revenue ID card</li> <li>· U.S. passport</li> <li>· Employee ID card with photo issued by the U.S. government, CO state government, or political subdivision of CO</li> <li>· Pilot's license</li> <li>· U.S. military ID with photo</li> <li>· A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the elector</li> <li>· Medicare or Medicaid card</li> <li>· Certified copy of birth certificate</li> <li>· Certified documentation of naturalization</li> </ul> | <p>identification at the polls to the prosecuting attorney, who may investigate possible voter fraud.</p> <p>An eligible elector who is unable to produce identification may cast a provisional ballot.</p> <p>The designated election official shall attempt to verify that an elector who cast a provisional ballot is eligible to vote. The designated election official or designee shall complete the preliminary verification of the elector's eligibility to vote before the ballot is counted. (§1-8.5-105)</p>   |
| <p>Connecticut<br/>§9-261</p>                      | <p>Each elector shall present identification</p>   | <ul style="list-style-type: none"> <li>· Social security card</li> <li>· Any other preprinted form of identification which shows the elector's name and either the elector's address, signature or photograph</li> </ul>  | <p>Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.</p>   |
| <p>Delaware<br/>Tit. 15, §4937</p>                 | <p>A voter, upon entering the room where an election is being held, shall announce his or her name and address and provide proof of identity</p>   | <ul style="list-style-type: none"> <li>· Photo ID</li> <li>· Utility bill</li> <li>· Paycheck</li> <li>· Any government document with voter's name and address</li> </ul>   | <p>In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.</p>  |
| <p>Florida<br/>§101.043</p>                        | <p>The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid picture identification as provided in s. 97.0535(3)(a). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required.</p> | <ul style="list-style-type: none"> <li>· Florida driver's license</li> <li>· Florida ID card issued by the Dept. of Highway Safety and Motor Vehicles</li> <li>· U.S. passport</li> <li>· Debit or credit card</li> <li>· Military identification</li> <li>· Student identification</li> <li>· Retirement center identification</li> <li>· Neighborhood association ID</li> <li>· Public assistance identification</li> </ul>   | <p>If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot by determining whether the elector is entitled to vote at the precinct where the ballot was cast and that the elector had not already cast a ballot in the election.</p> <p>Florida uses signature matching: the voter signs the provisional ballot envelope. That signature is compared to the signature in the voter registration records. If they match, the ballot is counted.</p> |
| <p>Georgia<br/>§21-2-417</p>                       | <p>Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.</p>   | <ul style="list-style-type: none"> <li>· Georgia driver's license, even if expired</li> <li>· ID card issued by the state of Georgia or the federal government</li> <li>· Free voter ID card issued by the state or county</li> <li>· U.S. passport</li> <li>· Valid employee ID card containing a photograph from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority or other entity of this state</li> <li>· Valid U.S. military identification card</li> </ul>   | <p>If you show up to vote and you do not have one of the acceptable forms of photo identification, you can still vote a provisional ballot. You will have up to three days after the election to present appropriate photo identification at your county registrar's office in order for your provisional ballot to be counted.</p>   |

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|  |  | <ul style="list-style-type: none"> <li>Valid tribal photo ID</li> </ul>   |  |
| <p><b>Hawaii</b><br/>§11-136</p>                                       | <p>Every person shall provide identification if so requested by a precinct official.</p>   | <p>Pollworkers request photo ID with a signature. Acceptable types of ID are not specified by law.</p>  | <p>If the voter has no identification, the voter will be asked to recite his/her date of birth and residence address to corroborate the information provided in the poll book.</p>   |
| <p><b>Idaho</b><br/>§34-1106(2), 34-1113, 34-1114</p>                  | <p>Each elector shall show a valid photo identification or personal identification affidavit.</p>  | <ul style="list-style-type: none"> <li>Idaho driver's license</li> <li>Idaho ID card</li> <li>Passport</li> <li>ID card, including a photo, issued by an agency of the U.S. government</li> <li>Tribal ID card, including a photograph</li> <li>Student ID card, including a photograph, issued by a high school or accredited institution of higher education within the state of Idaho</li> </ul>   | <p>A voter may complete an affidavit in lieu of the personal identification. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.</p>  |
| <p><b>Indiana</b><br/>§3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25.1</p>      | <p>A voter who desires to vote an official ballot at an election shall provide proof of identification.</p> <p>A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.</p>  | <p>Specific forms of ID are not listed in statute. ID must be issued by the state of Indiana or the U.S. government and must show the following:</p> <ul style="list-style-type: none"> <li>Name of individual to whom it was issued, which must conform to the individual's registration record</li> <li>Photo of the person to whom it was issued</li> <li>Expiration date (if it is expired, it must have an expiration date after the most recent general election; military IDs are exempted from the requirement that ID bear an expiration date)</li> <li>Must be issued by the United States or the state of Indiana</li> </ul>   | <p>Voters who are unable or decline to produce proof of identification may vote a provisional ballot. The ballot is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.</p> |
| <p><b>Kansas</b><br/>§25-2908, 25-1122, 25-3002, and 8-1324 (g)(2)</p> | <p>Each person desiring to vote shall provide a valid form of identification. The following are exempted from the ID requirement:</p> <ul style="list-style-type: none"> <li>Persons with a permanent physical disability that makes it impossible for them to travel to obtain voting identification and who have permanent advance voting status</li> <li>Members of the merchant marine and uniformed service members who are on active duty and absent from the county on Election Day, as well as their spouses and dependents</li> <li>Any voter whose religious beliefs prohibit photographic identification</li> </ul> | <p>The following forms of identification are valid if they contain the name and photograph of the voter and have not expired. Expired documents are valid if the bearer is aged 65 or older.</p> <ul style="list-style-type: none"> <li>Driver's license issued by Kansas or another state</li> <li>State identification card</li> <li>Government-issued concealed carry handgun or weapon license</li> <li>U.S. passport</li> <li>Employee badge or identification document issued by a government office or agency</li> <li>Military ID</li> <li>Student ID issued by an accredited postsecondary institution in Kansas</li> <li>Government-issued public assistance ID card</li> </ul> | <p>A voter who is unable or refuses to provide current and valid identification may vote a provisional ballot.</p> <p>To have his or her ballot counted, the voter must provide a valid form of identification to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers.</p>  |
| <p><b>Kentucky</b><br/>§117.227</p>                                    | <p>Election officers shall confirm the identity of each voter by personal acquaintance or by a document.</p>   | <ul style="list-style-type: none"> <li>Driver's license</li> <li>Social Security card</li> <li>Credit card</li> </ul>   | <p>When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.</p>   |
| <p><b>Louisiana</b><br/>§18:562</p>                                    | <p>Each applicant shall identify himself, in the presence and view</p>   | <ul style="list-style-type: none"> <li>Louisiana driver's license</li> <li>Louisiana special ID card</li> </ul>   | <p>If the applicant does not have identification, s/he shall sign an affidavit to that effect before the</p>   |

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|   | of the bystanders, and present identification to the commissioners.  | <ul style="list-style-type: none"> <li>Other generally recognized picture identification</li> </ul>  | commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the commissioners. However, an applicant that is allowed to vote without the picture identification required by this Paragraph is subject to challenge as provided in R.S. 18:565.  |
| Michigan<br>§168-523  | Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.  | <ul style="list-style-type: none"> <li>Michigan driver's license</li> <li>Michigan personal identification card</li> </ul> <p>A voter who does not possess either of the above may show any of the following, as long as they are current:</p> <ul style="list-style-type: none"> <li>Driver's license or personal identification card issued by another state</li> <li>Federal or state government-issued photo ID</li> <li>U.S. passport</li> <li>Military ID with photo</li> <li>Student ID with photo -- from a high school or accredited institution of higher education</li> <li>Tribal ID with photo</li> </ul> | An individual who does not possess, or did not bring to the polls, photo ID, may sign an affidavit and vote a regular ballot.  |
| Mississippi<br>§23-15-563<br>Mississippi's voter ID law requires USDOJ pre-clearance before it can take effect. | <p><i>NOTE: Mississippi's voter ID law is not in effect for the November 2012 election.</i></p> <p>An elector who votes in person in a primary or general election shall present government-issued photo identification before being allowed to vote. Voters who live and vote in a state-licensed care facility are exempt.</p> | <p><i>NOTE: Mississippi's voter ID law is not in effect for the November 2012 election.</i></p> <p>Mississippi's new constitutional amendment simply says "government-issued photo identification." Implementing legislation and/or administrative rules will be necessary to define precisely what this means.</p>  | <p><i>NOTE: Mississippi's voter ID law is not in effect for the November 2012 election.</i></p> <p>An individual without ID can cast an affidavit ballot which will be counted if the individual returns to the appropriate circuit clerk within five days after the election and shows government-issued photo ID.</p> <p>Voters with a religious objection to being photographed may vote an affidavit ballot, which will be counted if the voter returns to the appropriate circuit clerk within five days after the election and executes an affidavit that the religious exemption applies.</p> |
| Missouri<br>§115-427  | Before receiving a ballot, voters shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification.   | <ul style="list-style-type: none"> <li>Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority;</li> <li>Identification issued by Missouri Institution of Higher Education, including a university, college, vocational and technical school;</li> <li>A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;</li> <li>Driver's license or state identification card issued by another state.</li> </ul>   | If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.   |
| Montana<br>§13-13-114   | Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a   | <ul style="list-style-type: none"> <li>Driver's license</li> <li>School district or postsecondary education photo identification</li> </ul>  | If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if   |

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|   | current photo identification showing the elector's name. If the elector does not present photo identification the elector shall present one of several specified documents showing the elector's name and current address.                   | <ul style="list-style-type: none"> <li>Tribal photo identification</li> <li>Current utility bill, bank statement, paycheck, notice of confirmation of voter registration, government check, or other government document that shows the elector's name and current address</li> </ul>   | <p>the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast a provisional ballot.</p> <p>Montana uses signature verification to verify the eligibility of provisional ballots. If the voter's signature on the provisional ballot affirmation matches the signature on the voter's registration record, the ballot is counted. (§13-15-107 (2))</p>   |
| <p><u>New Hampshire</u><br/>§659:13</p>                     | The ballot clerk shall request that the voter present a valid photo identification. If the voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit. | <p>Through Aug. 30, 2013:</p> <ul style="list-style-type: none"> <li>A driver's license from NH or any other state, regardless of expiration date</li> <li>A photo ID card issued by the NH director of motor vehicles</li> <li>A voter ID card issued under R.S. 260:21</li> <li>A U.S. armed services photo ID card</li> <li>A U.S. passport, regardless of expiration date</li> <li>A valid student ID card</li> <li>Any other valid photo ID issued by federal, state, county or municipal government</li> <li>Any other photo ID that is determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a qualified voter affidavit as if no identification was presented.</li> </ul> <p>Beginning Sept. 1, 2013, the following IDs will be accepted if the name on the ID is substantially similar to that on the voter registration record and the expiration date does not exceed five years:</p> <ul style="list-style-type: none"> <li>A driver's license from any state</li> <li>A non-driver ID issued by the motor vehicle agency of any state</li> <li>A U.S. armed services ID card</li> <li>A U.S. passport</li> </ul> | <p>A person's identity may be verified by a moderator or supervisor of the checklist or the town or city clerk, but if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.</p> <p>If a voter does not have a valid photo identification, the ballot clerk shall inform the voter that he or she may execute a qualified voter affidavit. The voter may then cast a regular ballot.</p> <p>Within 60 days after the election, the secretary of state is required to mail a non-forwardable letter to each voter who executed a qualified voter affidavit, notifying the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 90 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. Any such letters returned as undeliverable must be turned over to the attorney general, who shall investigate for voter fraud. Notice from any voter receiving such a letter that s/he did not vote is also forwarded to the attorney general for investigation. The secretary must also turn over to the attorney general a list of all voters who fail to respond to the letter to confirm that they voted.</p> |
| <p><u>North Dakota</u><br/>§16.1-05-07</p>                  | Before delivering a ballot to an individual, the poll clerks shall request the individual to show identification.  | <ul style="list-style-type: none"> <li>Valid driver's license or state ID card</li> <li>Valid passport or federal agency ID card</li> <li>Valid government-issued tribal ID card</li> <li>Valid student ID card</li> <li>Valid U.S. military ID card</li> <li>Utility bill dated 30 days prior to election day with name and residential address</li> <li>Change of address verification letter from U.S. Postal Service</li> </ul>   | If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if a pollworker is able to vouch for the voter's identity and address. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.   |
| <p><u>Ibilo</u><br/>§3503.16(B)(1)(a) and 3505.18(A)(1)</p> | All voters must provide to election officials at the polling place on the  | <ul style="list-style-type: none"> <li>Current and valid photo identification, defined as a</li> </ul>  | A voter who has but declines to provide identification may cast a   |

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|   | <p>day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</p>  | <p>document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio</p> <ul style="list-style-type: none"> <li>Current utility bill</li> <li>Current bank statement</li> <li>Current government check, paycheck or other government document</li> </ul>  | <p>provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.</p> <p>Voters who cast a provisional ballot because they did not provide acceptable proof of identity must appear in person at the board of elections to provide such proof within the 10 days immediately following Election Day. (see the Ohio Secretary of State's <a href="#">FAQ on provisional voting</a>)</p>   |
| <p>Oklaoma<br/>26 O S. 2001, §7-114</p>   | <p>Each person appearing to vote shall provide proof of identity.</p>  | <p>"Proof of Identity" shall mean a document that satisfies the following:</p> <ul style="list-style-type: none"> <li>Shows a name that substantially conforms to the name in the precinct registry</li> <li>Shows a photograph</li> <li>Includes an expiration date that is after the date of the election</li> <li>Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation</li> </ul> <p>A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.</p>                  | <p>A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.</p> <p>Information provided by a person who votes a provisional ballot shall be investigated by the secretary of the county election board after the election. A provisional ballot shall be counted only if it is cast in the precinct of the voter's residence and if evidence of the provisional voter's valid voter registration, or of the voter's identity, is found. (§26-7-116.1)</p> <p>From the <a href="#">State Election Board's website</a>: After election day, County Election Board officials will investigate the information provided by the voter on the affidavit and either will approve the provisional ballot for counting or will reject it based on the outcome of that investigation. In order for a provisional ballot to be approved for counting, the information on the affidavit must match the information in the voter's registration record.</p> |
| <p>Pennsylvania<br/><br/><i>NOTE: PA's voter ID law will not be in effect for the November 2012 election.</i></p> | <p><i>NOTE: PA's voter ID law will not be in effect for the November 2012 election.</i></p> <p>Each elector who appears to vote and desires to vote shall present proof of identification.</p> | <p><i>NOTE: PA's voter ID law will not be in effect for the November 2012 election.</i></p> <p>Identification must satisfy the following:</p> <ul style="list-style-type: none"> <li>Shows the name of the individual, which must substantially conform to the individual's name on the precinct register</li> <li>Show a photograph of the individual to whom it was issued</li> <li>Be issued by the U.S. government, Commonwealth of PA, a municipality of the Commonwealth to an employee of the municipality, an accredited PA private or public institution of higher learning or a PA care facility</li> </ul> | <p><i>NOTE: PA's voter ID law will not be in effect for the November 2012 election.</i></p> <p>A voter who is indigent an unable to obtain ID without any payment or fee, or who is otherwise unable to obtain ID, may vote a provisional ballot.</p> <p>A voter who casts a provisional ballot because he or she is unable to provide proof of identification must execute an affirmation that he or she is the same person who appeared to vote on election day and do one of the following within six calendar days after the election:</p> <ul style="list-style-type: none"> <li>Appear in person at the county board of elections to complete</li> </ul>   |

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|   |   | <ul style="list-style-type: none"> <li>Include an expiration date and not be expired (exception for a military ID with an indication that it has an indefinite expiration date or a PA driver's license or non-driver ID card that is not more than 12 months past the expiration date)</li> </ul>  | <p>the affirmation and present proof of identification;</p> <ul style="list-style-type: none"> <li>Submit an electronic, facsimile or paper copy of the affirmation and the proof of identification.</li> </ul> <p>A voter who is indigent and unable to obtain proof of identification without payment of a fee must submit an affirmation that he or she is the same person who appeared to vote on election day and that he or she is indigent in the same time frame and manner as described above.</p>  |
| <p><b>Rhode Island</b><br/>§17-19-24.2<br/><i>NOTE: RI's new voter ID law takes effect in two stages. The first stage took effect on Jan. 1, 2012. The second stage will require photo ID beginning Jan. 1, 2014.</i></p> | <p>Any person claiming to be a registered and eligible voter who desires to vote at a primary, special or general election shall provide proof of identity.</p> | <p>Effective Jan. 1, 2012:</p> <p>A valid and current document showing a photo of the person to whom it was issued, including:</p> <ul style="list-style-type: none"> <li>RI driver's license</li> <li>RI voter identification card</li> <li>U.S. passport</li> <li>Identification card issued by a U.S. educational institution</li> <li>U.S. military identification card</li> <li>Identification card issued by the U.S. government or state of RI</li> <li>Government-issued medical card</li> </ul> <p>The following forms of ID will be acceptable until Jan. 1, 2014, when only the photo IDs listed above will be accepted for voting.</p> <p>A valid and current document without a photograph, including:</p> <ul style="list-style-type: none"> <li>Birth certificate</li> <li>Social security card</li> <li>Government-issued medical card</li> </ul> | <p>If the person claiming to be a registered and eligible voter is unable to provide proof of identity as required, the person shall be allowed to vote a provisional ballot pursuant to section 17-19-24.2. The local board shall determine the validity of the provisional ballot pursuant to section 17-19-24.3.</p> <p>Summary of section 17-19-24.3:</p> <p>The local board shall examine each provisional ballot application to determine if the signature matches the signature on the voter's registration. If the signatures match, the provisional ballot shall count. If the signatures do not match, the ballot shall not count and shall be rejected as illegal.</p>  |
| <p><b>South Carolina</b><br/>§7-13-710</p>  | <p>When a person presents himself to vote, he shall produce a valid and current ID.</p>   | <ul style="list-style-type: none"> <li>South Carolina driver's license</li> <li>Photo ID card issued by the SC Dept. of Motor Vehicles</li> <li>Passport</li> <li>Military ID bearing a photo issued by the federal government</li> <li>South Carolina voter registration card with a photo</li> </ul> <p>Voters who have a reasonable impediment to obtaining photo ID may show a non-photo voter registration card in lieu of photo ID, sign an affidavit attesting to the impediment, and cast a provisional ballot.</p>   | <p>From the <a href="#">State Election Commission's web site</a>:</p> <p>If you have a reasonable impediment to obtaining Photo ID, you may vote a provisional ballot after showing your non-photo voter registration card. A reasonable impediment is any valid reason, beyond your control, which created an obstacle to obtaining Photo ID. Some examples include:</p> <ul style="list-style-type: none"> <li>Religious objection to being photographed</li> <li>Disability or illness</li> <li>Work schedule</li> <li>Lack of transportation</li> <li>Lack of birth certificate</li> <li>Family responsibilities</li> <li>Election within short time frame of implementation of Photo ID law (January 1, 2013)</li> <li>Any other obstacle you find reasonable</li> </ul> <p>To vote under the reasonable impediment exception:</p> <ol style="list-style-type: none"> <li>Present your current, non-photo registration card at the polling place</li> </ol> |

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|   |  |  | <p>2. Sign an affidavit stating why you could not obtain a Photo ID</p> <p>3. Cast a provisional ballot that will be counted unless the county election commission has reason to believe your affidavit is false.</p> <p>If you do NOT have Photo ID and do NOT have a reasonable impediment to obtaining one, or you simply forgot to bring it with you to the polls, you may still vote a provisional ballot. However, for your vote to be counted, you must provide one of the Photo IDs to the county election commission prior to certification of the election (usually Thursday or Friday after the election).</p>  |
| <p><u>South Dakota</u><br/>§12-18-6.1 and 6.2</p>   | <p>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</p>   | <ul style="list-style-type: none"> <li>• South Dakota driver's license or nondriver identification card</li> <li>• U.S. passport</li> <li>• Photo ID issued by an agency of the U.S. government</li> <li>• Tribal ID card, including a photo</li> <li>• Student ID card, including a photo, issued by an accredited South Dakota school</li> </ul>   | <p>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</p>   |
| <p><u>Tennessee</u><br/>§2-7-112</p>  | <p>Each voter shall present to the precinct registrar one form of identification that bears the name and photograph of the voter.</p>  | <ul style="list-style-type: none"> <li>• TN driver's license</li> <li>• Valid photo ID card issued by any state</li> <li>• Valid photo ID license issued by TN Dept. of Safety</li> <li>• Valid U.S. passport</li> <li>• Valid U.S. military ID with photo</li> </ul>  | <p>If a voter is unable to present the proper evidence of identification, then the voter will be entitled to vote by provisional ballot in the manner detailed in the bill. The provisional ballot will only be counted if the voter provides the proper evidence of identification to the administrator of elections or the administrator's designee by the close of business on the second business day after the election.</p>  |
| <p><u>Texas</u><br/>Election Code §63.001 et seq.<br/><br/><i>NOTE: TX's new photo ID law takes effect after preclearance by the USDOJ. Preclearance was denied on March 13, 2012, and the state is expected to apply for reconsideration from the Federal District Court of Washington, D.C.</i></p> | <p>Existing law:<br/>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</p> <p>New law:<br/>On offering to vote, a voter must present to an election officer at the polling place one form of identification.</p> | <p>Existing law:<br/>Voter registration certificate</p> <ul style="list-style-type: none"> <li>• Driver's license</li> <li>• Department of Public Safety ID card</li> <li>• A form of ID containing the person's photo that establishes the person's identity</li> <li>• A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity</li> <li>• U.S. citizenship papers</li> <li>• A U.S. passport</li> <li>• Official mail addressed to the person, by name, from a governmental entity</li> <li>• A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the person's name and address</li> <li>• Any other form of ID prescribed by the secretary of state</li> </ul> <p>New law:<br/>• Driver's license<br/>• Election identification certificate</p> | <p>Existing law:<br/>A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.</p> <p>New law:<br/>A voter who fails to present the required identification may cast a provisional ballot. The voter must present, not later than the sixth day after the date of the election, the required form of</p> |

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|   |   | <ul style="list-style-type: none"> <li>Dept. of Public Safety personal ID card</li> <li>U.S. military ID</li> <li>U.S. citizenship certificate</li> <li>U.S. passport</li> <li>License to carry a concealed handgun issued by the Dept. of Public Safety</li> </ul> <p>All of the above must include a photo of the voter. With the exception of the certificate of citizenship, these forms of ID cannot be expired, or cannot have expired more than 60 days before the election.</p>   | <p>Identification to the voter registrar for examination OR the voter may execute, in the presence of the voter registrar, an affidavit under penalty of perjury stating that the voter has a religious objection to being photographed or that the voter does not have identification as a result of a natural disaster declared by the president or the governor which occurred not earlier than 45 days before the date the ballot was cast.</p>  |
| <p>Utah<br/>§20A-1-102(76),<br/>20A-3-104</p>   | <p>A voter shall present valid voter identification to one of the poll workers.</p>   | <ul style="list-style-type: none"> <li>Current valid UT driver's license</li> <li>Current valid identification card issued by the state or federal government</li> <li>UT concealed weapon permit</li> <li>U.S. passport</li> <li>Current valid U.S. military ID card</li> <li>Bureau of Indian Affairs card</li> <li>Tribal treaty card</li> <li>Tribal ID card</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct</li> </ul>   | <p>The voter may cast a provisional ballot as provided by §20A-3-105.5</p> <p>§20A-4-107 states that a county clerk may verify the identity and residence of a voter who fails to provide valid voter identification "through some other means."</p>   |
| <p>Virginia<br/>§24.2-643(B)</p>  | <p>The officer shall ask the voter to present any one of the specified forms of identification.</p>   | <ul style="list-style-type: none"> <li>Virginia voter registration card</li> <li>Social Security card</li> <li>Valid Virginia driver's license</li> <li>Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States</li> <li>Employee identification card containing a photograph</li> <li>Any valid student ID card issued by any institution of higher education located in Virginia</li> <li>Copy of a current utility bill, bank statement, government check or paycheck that shows the name and address of the voter</li> <li>Concealed handgun permit</li> </ul> | <p>Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot marked ID-ONLY that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot. In order to have his or her ballot counted, the voter must submit a copy of one of the forms of identification to the electoral board by facsimile, electronic mail, in-person submission, or timely United States Postal Service or commercial mail delivery, to be received by the electoral board no later than noon on the third day after the election.</p> |
| <p>Washington<br/>§29A.44 205</p>   | <p>Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book.</p>   | <ul style="list-style-type: none"> <li>Valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card</li> <li>A voter identification issued by a county elections officer, or</li> <li>A copy of a current utility bill, bank statement, paycheck, or government check or other government document</li> </ul>  | <p>Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot. The provisional ballot will be counted if the signature on the ballot declaration matches the signature in the voter's registration record.</p>  |
| <p>Wisconsin<br/>§5.02(6m) and 6.79<br/>(2)(a)<br/><br/>NOTE: Wisconsin's voter ID law was held unconstitutional on March 12, 2012 by a state judge. It is not currently in effect.</p> | <p>NOTE: Wisconsin's voter ID law was held unconstitutional on March 12, 2012 by a state judge. It is not currently in effect.</p> <p>Each elector shall be required to present identification.</p> | <p>NOTE: Wisconsin's voter ID law was held unconstitutional on March 12, 2012 by a state judge. It is not currently in effect.</p> <ul style="list-style-type: none"> <li>Wisconsin driver's license</li> <li>ID card issued by a U.S. uniformed service</li> </ul>   | <p>NOTE: Wisconsin's voter ID law was held unconstitutional on March 12, 2012 by a state judge. It is not currently in effect.</p> <p>An elector who appears to vote at a polling place and does not have statutory ID shall be offered the</p>  |

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| <p>by a state judge. It is not currently in effect.</p> | <ul style="list-style-type: none"> <li>• Wisconsin non-driver ID</li> <li>• U.S. Passport</li> <li>• Certificate of naturalization issued not more than 2 years before the election</li> <li>• ID card issued by a federally recognized Indian tribe in WI</li> <li>• Student ID card with a signature, an issue date, and an expiration date no later than 2 years after the election</li> </ul> <p>All of the above must include a photo and a name that conforms to the poll list.</p> <p>If the ID presented is not proof of residence, the elector shall also present proof of residence.</p> | <p>opportunity to vote a provisional ballot.</p> <p>An elector who votes a provisional ballot may furnish statutory ID to the election inspectors before the polls close or to the municipal clerk no later than 4pm on the Friday following Election Day.</p> |
|---|--|--|

**For More Information**

For more information on the issue of voter identification, contact NCSL's elections staff.

**Denver Office**

Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230

**Washington Office**

Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 Washington, D.C. 20001

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# TANANA CHIEFS CONFERENCE

*Healthy, Strong, Unified Tribes*

122 First Avenue • Fairbanks, Alaska 99701 • 907.452.8251 • [www.tananachiefs.org](http://www.tananachiefs.org)

## SUBREGIONS

March 28, 2013

### **Upper Kuskokwim**

McGrath  
Medfra  
Nikolai  
Takotna  
Telida

The Honorable Wes Keller  
The Honorable Bob Lynn  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

### **Lower Yukon**

Anvik  
Grayling  
Holy Cross  
Shageluk

Dear Representatives:

### **Upper Tanana**

Dot Lake  
Eagle  
Healy Lake  
Northway  
Tanacross  
Tetlin  
Tok

On behalf of our 42 members communities Tanana Chiefs Conference (TCC) urges the Legislature and the State of Alaska to maintain the current operations for voting. Currently, rural Alaskan residents face more challenges than urban residents when exercising their right to vote. House Bill 3 (HB 3), if enacted, would further weaken the ability for all of rural Alaska to exercise their right to vote, a fundamental right for all eligible Alaskans.

### **Yukon Flats**

Arctic Village  
Beaver  
Birch Creek  
Canyon Village  
Chalkyitsik  
Circle  
Fort Yukon  
Venetie

In bush communities, state facilities which provide the forms of identification acceptable under this bill do not exist. HB 3 would create another barrier for people in these communities to vote. For many rural citizens, travel to an urban center where state identification could be obtained is expensive and sometime very rare. Also, there are not always two poll workers at the polling location. Early voting only requires one polling worker. In smaller communities – the pool of potential poll workers is minimal at best.

### **Yukon Koyukuk**

Galena  
Huslia  
Kaltag  
Koyukuk  
Nulato  
Ruby

Over the past several years TCC has been involved with Get Out the Native Vote (GOTNV) campaigns to help increase voter turn-out and awareness across our region. This campaign has been primarily focused on the Alaska Native community, but also supports the mission of increasing overall voter turnout. As a non-partisan group, GOTNV hopes to increase awareness of issues and potential candidates without taking party affiliation into account. Through these efforts we have been able to register hundreds of rural voters who did not have access to a state run facility. Registering people to vote only requires one person and does not require photo ID if you are known to the registrar. Creating another barrier through mandating photo identification to vote would diminish the efforts put forward each year to increase rural voting.

### **Yukon Tanana**

Alatna  
Allakaket  
Evansville  
Fairbanks  
Hughes  
Lake Minchumina  
Manley Hot Springs  
Minto  
Nenana  
Rampart  
Stevens Village  
Tanana

More stringent identification requirements would also have an adverse effect on state resources. The State of Alaska should not mandate citizens to purchase a state identification card to exercise their right to vote. Many other states that have mandated strict identification policies hold the burden of paying for citizens to obtain cards. It is far more likely that rural voters would simply not vote as a result of this legislation.

The State of Alaska has not experienced a significant amount of voter fraud. We feel that this bill is attempting to correct a problem where none currently exists. TCC strongly opposes any efforts to mandate more stringent identification requirements and hope you will consider all implications to rural Alaska set forth in HB 3. We thank you for your service to our state and for your time in considering this letter.

Best Regards,

Jerry Isaac  
President

Cc: House Judiciary Members



February 20, 2013

**AMERICAN CIVIL  
LIBERTIES UNION OF  
ALASKA**

1057 W. Fireweed, Suite 207  
Anchorage, AK 99503  
(907) 258-0044  
(907) 258-0288 (fax)  
[WWW.AKCLU.ORG](http://WWW.AKCLU.ORG)

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BRIAN SPARKS, Sitka  
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EMMA HILL, Anchorage  
STUDENT ADVISOR

The Honorable Bob Lynn, Chair  
The Honorable Wes Keller, Vice-Chair  
House State Affairs Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801

via email: [Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)  
[Rep.Wes.Keller@akleg.gov](mailto:Rep.Wes.Keller@akleg.gov)

**Re: House Bill 3 – Relating to Voter Photo ID Requirements**  
**ACLU Review of Constitutional Infirmities**

Chair Lynn, Vice-Chair Keller:

Thank you for the opportunity to submit written testimony regarding House Bill 3, Relating to Voter Photo ID Requirements.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. In that regard, we appreciate the opportunity to provide the Committee with information highlighting significant constitutional infirmities with the proposed Legislation.

*Given the fundamental nature of the right to vote*, we hope that the Committee will give thorough consideration to the issues set forth below. In that regard, we would be happy to work with you or the Committee to answer any questions you might have.

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**The State of Alaska Should Not Impair the Right to Vote,  
a Fundamental Right and the Bedrock of Democracy**

The primary authority for government in a democratic society is the election of representatives by the people. Citizens have a fundamental right to vote for the candidates and propositions they choose. Alaska Const., Art. I, Sec. 5; Alaska Const., Art. V, Sec. 1. Laws and regulations relating to the operation of elections and polling places must generally contain “reasonable, nondiscriminatory restrictions” on how, when, and where a voter may cast her ballot. *O’Callaghan v. State*, 914 P.2d 1250, 1254 (Alaska 1996). Unfortunately, **HB 3 does not meet this very basic standard, especially in the unique circumstances here in Alaska.**

HB 3 would repeal the existing voter identification statute, which allows a qualified voter at the polls to appear and present voter identification that **includes an Alaska driver’s license, a passport, a voter identification card, another state identification card, or any document (such as a utility bill) which shows the name and address of the voter.** AS 15.15.225.

HB 3 would replace these provisions with a requirement that an individual produce one piece of photo identification (such as a driver’s license) or two pieces of non-photo identification. HB 3 would also replace the existing exception allowing a person to vote if she is personally recognized by a poll worker, limiting that exception only to cases where *two* poll workers recognize the individual.

**Photo ID bills have been controversial throughout the country. Voters who are poor or members of an ethnic minority are among those most likely to lack an appropriate photo ID. This holds true in Alaska as well as other places. Further, many people living in rural areas are least likely to have or need photo ID and have the least access to state agencies and bureaucracy; they are the ones most likely to find HB 3’s new requirements most burdensome.** Some members of those communities, especially elders, may simply lack certain identity documents; some may have grown up at times and in places where the issuance of birth certificates was uncommon.

**Beyond these traditional arguments, the ACLU of Alaska would highlight the fact that the State of Alaska does not make photo identification available to a large number of rural Alaskans.** The Division of Motor Vehicles refuses to provide photo ID services to people who live in small communities. Instead, those citizens may receive identification cards with no photograph, where the words “valid without photo” appear on the license.<sup>1</sup> The ACLU of Alaska does not argue that the State must open a DMV branch in every village, but **the State’s own failure to provide equal services should bar imposing an unequal burden on those same under-served voters.**

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<sup>1</sup> See Alaska Division of Motor Vehicles, Form 480: Application for Rural Area Driver License, Permit, or ID Card, at <http://doa.alaska.gov/dmv/forms/pdfs/480form.pdf>; Alaska Division of Motor Vehicle, Guide to Rural Driving Information, at <http://www.doa.alaska.gov/dmv/akol/rural.htm#vwop>.

The State cannot allow a voter in Anchorage to appear at the polling place with only her driver's license, while barring a voter in Gambell who shows up with his driver's license, which through state policy will lack a photo. As stated above, **voting laws must be "nondiscriminatory" to meet basic constitutional review.** Since the State refuses to provide photo identification to a large minority of Alaskans, **a selective preference for photo identification is not a neutral or nondiscriminatory basis for election law.**

"[A] citizen has a constitutionally protected right to participate in elections *on an equal basis with other citizens in the jurisdiction.*" *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) (emphasis added). If the State will not provide driver's licenses with photographs on an equal basis around the state, a photo ID preference is not a neutral one. A statute like HB 3 which erects procedural hurdles in the way of some voters and not others will be heavily scrutinized by the courts.

#### **Courts Will Particularly Scrutinize the Legitimacy of a Statute Which Will Disproportionately Bar Alaska Natives from the Ballot Box**

Anyone familiar with rural, off-the-road-system villages described above will know that **those unable to get photo identification locally will overwhelmingly be Alaska Natives.** That the discriminatory preference for photo identification imposes a heavier burden on a particular racial group **will surely gain the attention of courts, and of the federal Department of Justice, in their review of the constitutionality of HB 3,** should it pass.

Although the State and other jurisdictions are engaged in ongoing litigation about the Voting Rights Act, **Alaska remains under federal supervision as one of a small number of states with a long-standing, demonstrated history of racial discrimination at polling places, in Alaska's case against Alaska Natives.** Along with several states in the Jim Crow south, Alaska maintained a literacy test for voters for years. Even after its literacy test was repealed, Alaska provided little or no language support for Alaska Native voters in many of the same small villages likely to be affected by HB 3. Litigation settled as recently as 2010 resulted in a settlement with the State, substantially reforming its treatment of Alaska Native voters in the Bethel Census Area.

In jurisdictions covered by Section Five of the Voting Rights Act (VRA), including the whole State of Alaska, changes in voting laws require pre-clearance by the United States Department of Justice. In order to obtain pre-clearance, new laws must not cause "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer v. United States*, 425 U.S. 130, 141 (1976). The U.S. Department of Justice has recently refused to pre-clear a Texas voter ID law. *Texas v. Holder*, 12-CV-128, 2012 WL 3743676 (D.D.C. Aug. 30, 2012) (three-judge panel) (upholding refusal to pre-clear Texas law).

The Texas law failed review from the court and the Department of Justice for many reasons which attach with even more strength in the case of HB 3. The original Texas law required voters

to get a “certificate” from the local county registrar and present it at the polling place (essentially like the Alaska voter ID cards issued on registration); voters who did not have their certificate at the polling place could provide alternate ID, including expired driver’s licenses and utility bills. *Id.* at \*1.

The challenged Texas law would have replaced that law with a strict requirement: voters must present a state driver’s license, a concealed carry permit, a passport, a national citizenship certificate, or a U.S. military ID. *Id.* Voters would be allowed to get a non-driver’s ID if they lacked any of those five forms of identification, by appearing at a Texas state office. *Id.* ***In the Texas case, the court found it dispositive that, in 81 Texas counties, obtaining free photo identification would require substantial travel out of the county and burden the voter.*** *Id.* at \*13 (emphasis added); *see also South Carolina v. United States*, CIV.A. 12-203 BMK, 2012 WL 4814094, at \*2 (D.D.C. Oct. 10, 2012) (noting with approval that photo IDs were available at centers in every county in South Carolina); *id.* at \*5 (noting that voters without cars could excuse their lack of photo identification on that basis).

If merely driving out of the county could void the Texas law, the questions presented by the burden imposed on voters in Alaska – predominantly racial minorities – who must *fly* out of their home communities to reach a DMV office would present a comparatively easy question for a court.

### **HB 3 Makes No Provision for a Free Identification Card and Has the Effect of a Prohibited Poll Tax**

The State may not impose a tax on the right to vote, even if the cost is minimal. “To introduce wealth or payment of a fee as a measure of a voter’s qualifications is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant.” *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 668 (1966) (striking down as unconstitutional a \$1.50 poll tax). While a photo ID law was upheld in Indiana, the Indiana voter ID law specifically provided for *free* voter identification cards. *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 198 (2008). **HB 3 thus differs in three important ways from the Indiana photo identification law: it would be enacted in a state covered by the VRA; it would take effect in a state that denies photo ID to a substantial minority of its population; and it contains no provision for free photo IDs.**

All of the documentation described as proper voter identification would cost money to someone who lacks a copy thereof. For instance, a driver’s license costs \$20 in Alaska, and a non-driver ID costs \$15.<sup>2</sup> A first-time adult passport applicant would have to pay \$165.<sup>3</sup> The Division of

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<sup>2</sup> Alaska Division of Motor Vehicles, Driver’s License and Reinstatement Fees, at <http://doa.alaska.gov/dmv/akol/fees.htm>.

<sup>3</sup> U.S. Dep’t of State, Passport Fees, at [http://travel.state.gov/passport/fees/fees\\_837.html](http://travel.state.gov/passport/fees/fees_837.html).

Vital Statistics charges \$30 for a certified copy of a birth certificate.<sup>4</sup> A certified copy of an adoption order, marriage certificate, or name change order – assuming that a voter had ever been married, adopted, or changed her name – would cost \$5 each.<sup>5</sup>

Other identification is similarly available only to certain segments of the population, and whether the documents cost money may vary: tribal ID, student ID, government employee ID, or military ID. Only the state voter ID card is free, but it does not meet the requirements of section (a), since it does not include a photograph. HB 3 would put the Division of Elections in the absurd position where it could not accept its own identification card as adequate to establish a voter's identification.

Moreover, even though comparable proposals have allowed *expired* identification to be used, **HB 3 inexplicably limits the permitted identification to currently valid licenses, passports, and other identification, in a way unrelated to legitimate state interests: after all, even expired identification will tend to show who the person is.** This requirement would be stricter than the acceptance of expired licenses as voter identification in Georgia and Indiana, as well as the overturned Texas scheme. *See Texas v. Holder*, 2012 WL 3743676, at \*15 (criticizing as stricter than other identification schemes, which allowed expired licenses to be used, a Texas law which only allowed licenses that had expired within 60 days of the election to be used). The identification is being used to verify that the voter is who she says she is, not to ensure that she can drive legally.

The State cannot constitutionally charge a tax for the purpose of being a registered voter. And the State cannot bring through the back door what it cannot carry in the front door: a voter ID requirement that effectively requires voters to pay money to the state to cast a vote violates the constitution. The right to vote is and should remain free to everyone.

### **HB 3 Unreasonably Restricts the Most Reliable Means of Identification: Personal Knowledge**

In light of our history as a state of many small and intimate communities, Alaska has long allowed poll workers who recognize a voter by sight to waive the identification requirement. In a village of a few hundred people, everyone knows everyone. Demanding identification from someone you have known for decades is an exercise in silly bureaucracy.

HB 3 would require that *two* different poll workers sign off on confirmations of identity. This requirement is not calculated to deter fraud. In a polling place where one poll worker honestly

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<sup>4</sup> Alaska Division of Vital Statistics, Birth Certificates, at <http://dhss.alaska.gov/dph/VitalStats/Pages/birth/default.aspx>.

<sup>5</sup> Alaska Court System, Records, at <http://courts.alaska.gov/trialcts.htm#recs>.

recognizes a voter and one poll worker does not recognize the voter, the single poll worker's confirmation of the identity of the voter should be more than adequate. The best argument for requiring *two* poll workers to confirm the voter's identity would be to deter collusion between a fraudulent voter and a fraudulent poll worker, by requiring a second poll worker to intervene. However, in this unlikely scenario – **never documented in Alaska** - where a poll worker and a voter collude to commit voter fraud, the pair could simply choose another avenue for fraud; colluding to use a false identity card. Ultimately, the problem in the scenario above is not the law, but the hiring of a poll worker willing to commit fraud.

At the same time that HB 3 makes it *more difficult* to prove one's identity by documentation, HB 3 simultaneously makes it more difficult to prove one's identity by personal recognition; the two provisions, working in tandem, will tend to disenfranchise poor and rural voters under circumstances where the voter's identity is not in serious question. For instance, a person coming to the polling place who is personally recognized by one poll worker and who is carrying his voter ID will be unable to vote, since she meets neither of the criteria outlined by HB 3.

**Since personal recognition will be of special importance in small villages, the expansion of identification requirements and the contraction of the opportunity to waive the identification requirement will both have their most onerous consequences in small villages and in the Alaska Native community in particular.**

### **HB 3 Does Not Represent a Proportionate Response to In-Person Electoral Fraud, Which Is Virtually Non-Existent in Alaska**

The alleged purpose of the Bill is to prevent voter fraud, and to ensure that individuals who appear at the polls are the registered voters they claim to be. **However, the Alaska Division of Elections acknowledges that the problem of voter fraud is essentially non-existent in Alaska.** Ms. Fenumiai, the head of the Division stated that she was aware of only a single instance of voter fraud in which a person voted while falsely claiming to be another person.<sup>6</sup> In that case, the individual was engaged in a much larger identity theft scheme, had obtained a passport and other identification, and was working as an Anchorage police officer. Since he already possessed false identity documents, there is no reason to believe that HB 3 would have barred him from voting, even if it had been the law at the time.

The existing evidence tends to show that Alaska's current voter identification law adequately prevents voter fraud, and that HB 3 would not deter voter fraud at all. **In light of the discriminatory effects of the Bill, courts would likely strongly question whether the Bill responded to a real or imaginary threat.**

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<sup>6</sup> See Letter from Gail Fenumiai to Vicki Otte, January 17, 2013 [attached hereto as an exhibit].

**HB 3 also shows little sign of being narrowly tailored to defeating fraud, instead containing many provisions that restrict access to the ballot box in ways unrelated to fraud prevention.** As stated above, prohibiting the use of expired or otherwise invalid licenses does not meaningfully relate to preventing fraud.

Certainly, existing law arguably leaves potential avenues by which a determined person could *theoretically* accomplish voter fraud. Any teenager can also tell you that fake driver's licenses can be gotten without too much difficulty. Rafael Espinoza, the Anchorage police officer highlighted above, could also tell this Committee that a real driver's license and passport can be gotten fraudulently.

**The State's efforts to ensure the legitimacy of the voting process cannot be gauged to eliminate every possible avenue of fraud.** The State cannot make it harder to vote than to land a job as a law enforcement officer. State policy should instead reflect a careful balance of ensuring that legitimately registered voters can vote and that voter fraud is deterred. Since the State had no evidence that the prior protections were ineffective, the Legislature should decline to erect new, unneeded restrictions that will disenfranchise voters throughout the state, especially Alaska Native voters.

### **Conclusion**

We hope that the State Affairs Committee will note the multiple constitutional infirmities with the proposed language in HB 3, and take note of the negative policy implications therein.

While the ACLU of Alaska **does not contest the State's ability and duty to ensure the security of the polls**, as drafted, **HB 3 goes far outside this permissible sphere, and would systemically bar legitimate voters from the ballot box.** The State cannot change its policy from allowing voters to use free identification to imposing a fee on voter registration in the guise of new identification requirements. It cannot impose with one hand a photo ID preference at the ballot box, while depriving voters of access to that photo ID with the other.

**It cannot hope that a stricter voter ID law will pass Department of Justice review where more forgiving laws have failed.** It cannot base its complete overhaul of photo ID laws based on vague allegations or theoretical fears unsupported by evidence. Voting laws require more respect for individual voting rights.

**The issues raised above present substantial Constitutional problems and would entangle the State in lengthy, costly, and needless litigation, should HB 3 pass as currently written.**

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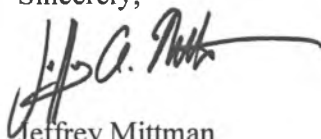
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Please feel free to contact the undersigned should you require any additional information. Again, we are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman  
*Executive Director*  
ACLU of Alaska

cc: Representative Lynn Gattis, [Rep.Lynn.Gattis@akleg.gov](mailto:Rep.Lynn.Gattis@akleg.gov)  
Representative Shelley Hughes, [Rep.Shelley.Hughes@akleg.gov](mailto:Rep.Shelley.Hughes@akleg.gov)  
Representative Doug Isaacson, [Rep.Doug.Isaacson@akleg.gov](mailto:Rep.Doug.Isaacson@akleg.gov)  
Representative Charisse Millett, [Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)  
Representative Jonathan Kreiss-Tomkins, [Rep.Jonathan.Kreiss-Tomkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tomkins@akleg.gov)

Director's Office  
PO Box 110017  
Juneau, Alaska 99811-0017  
907.465.4611 907.465.3203 FAX  
[elections@alaska.gov](mailto:elections@alaska.gov)



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Regional Offices  
Anchorage 907.522.8683  
Fairbanks 907.451.2835  
Juneau 907.465.3021  
Nome 907.443.5285

**STATE OF ALASKA**  
**Division of Elections**  
**Office of the Lieutenant Governor**

January 17, 2013

Ms. Vicki Otte  
CEO/Chair  
MTNT  
880 H Street, Suite 100  
Anchorage AK 99501

Dear Ms. Otte:

I have received your public records request for:

"[A]n opportunity to inspect or obtain copies of public records that demonstrate instances of voter fraud including, but not limited to, instances wherein a person not eligible to vote in Alaska attempted to or did cast a ballot and any instances in which a person attempted to or did vote using another person's identity."

My office has no records responsive to your request. The only instance that I am aware of in which a person voted using another person's identity is the case of Rafael Espinoza (Rafael Mora-Lopez), which was a widely-reported case of passport fraud. However, my office is not the holder of records relevant to the criminal investigation and prosecution of this individual.

The requested records do not exist and therefore, we must deny your request under 2 AAC 96.335(a)(1).. That regulation reads:

"A request for a public record that complies with this chapter may be denied only if . . .

(1) the record is not known to exist after the public agency makes a diligent search for it."

Because the division has no responsive records, this is technically a denial of your request. Accordingly, we are required by regulation to advise you that you have the right to administratively appeal this denial by complying with the procedures in 2 AAC 96.340. A copy of the appeal procedure is enclosed. You also have the option of obtaining immediate judicial review of this denial by seeking an injunction from the

[www.elections.alaska.gov](http://www.elections.alaska.gov)

Ms. Vicki Otte  
January 17, 2013  
Page 2 of 2

superior court under AS 40.25.125. Choosing not to pursue an injunction in superior court will have no adverse effect on your rights in the administrative appeal. An administrative appeal from the denial of a request for public records requires no appeal bond.

If you have any further questions, please let me know.

Sincerely,



Gail Fenumiai

Enclosure: 2 AAC 96.335-350

[www.elections.alaska.gov](http://www.elections.alaska.gov)

**Secure and Fair Elections (“SAFE”) Act**  
(Free standing version)<sup>1</sup>

- Sec. 1. **Definitions.** (a) “Act” shall mean the *[State]*’s Secure and Fair Elections Act.
- (b) “Application” shall mean the form approved by the Secretary of State to register an applicant to vote. The National Mail Voter Registration Form issued pursuant to federal law shall be accepted as an Application.
- (c) “Division” shall mean the *[[ State]’s Division of Motor Vehicles]*.
- (d) “Qualifying identification” shall mean the following forms of identification if the name and photograph of the voter and has not expired. Expired documents shall be valid if the bearer of the document is 65 years of age or older:
- (1) a driver’s license issued by any state or district of the United States;
  - (2) a state identification card issued by any state or district of the United States;
  - (3) a concealed carry of handgun license or a concealed carry of handgun or weapon license issued by any state or district of the United States;
  - (4) a United States passport;
  - (5) an employee badge or identification document issued by a municipal, county, state, or federal government office or agency of the United States;
  - (6) a military identification document issued by the United States;
  - (7) a student identification card issued by a public postsecondary institution of education; or
  - (8) a public assistance identification card issued by a municipal, county, state, or federal government office or agency of the United States.
- (e) “Evidence of United States citizenship” shall mean one of the following, or a legible photocopy of one of the following documents:
- (1) The applicant’s driver’s license or nondriver’s identification card issued by the Division or the equivalent governmental agency of another state within the United States if the agency indicates on the applicant’s driver’s license or nondriver’s identification card that the person has provided satisfactory proof of United States citizenship;
  - (2) the applicant’s birth certificate that verifies United States citizenship to the satisfaction of the county election officer or the Secretary of State;
  - (3) pertinent pages of the applicant’s United States valid or expired passport identifying the applicant and the applicant’s passport number, or presentation to the county election officer of the applicant’s United States passport;
  - (4) the applicant’s United States naturalization documents or the number of the certificate of naturalization. If only the number of the certificate of naturalization is provided, the applicant’s name shall not be included on the registration roll until the number of the certificate of naturalization is verified with the United States bureau of citizenship and immigration services by the county election officer or the Secretary of State, pursuant to 8 U.S.C. § 1373(c);
  - (5) other documents or methods of proof of United States citizenship issued by the federal government pursuant to the immigration and nationality act of 1952, and amendments thereto;
  - (6) the applicant’s bureau of Indian affairs card number, tribal treaty card number or tribal enrollment number;
  - (7) the applicant’s consular report of birth abroad of a citizen of the United States of America;
  - (8) the applicant’s certificate of citizenship issued by the United States citizenship and immigration services;
  - (9) the applicant’s certification of report of birth issued by the United States department of state;
  - (10) the applicant’s American Indian card, with KIC classification, issued by the United States department of homeland security;
  - (11) the applicant’s final adoption decree showing the applicant’s name and United

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<sup>1</sup> Some terms which may differ from state to state are included in brackets and italicized (ie. *[Kansas]*)

States birthplace;

(12) the applicant's official United States military record of service showing the applicant's place of birth in the United States; or

(13) an extract from a United States hospital record of birth created at the time of the applicant's birth indicating the applicant's place of birth in the United States.

(14) any other information or documentation related to an applicant's United States citizenship if the State Election Board assesses such information or documentation as satisfactory.

(f) "Registrar" shall mean the Registrar of Vital Statistics.

(g) "State" shall mean the State of [State].

(h) "State Election Board" shall mean a board, the members of which shall be the Lieutenant Governor, the Secretary of State and the Attorney General.

**Sec. 2. Mail-in Ballot Voting Procedure.** (a) For any voter applying for a mail-in ballot, voter shall provide with the application for a mail-in ballot the voter's current and valid driver's license number, nondriver's identification card number or a photocopy of any other qualifying identification.

(b) No county election officer shall provide a mail-in ballot to a person who is requesting a mail-in ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting a mail-in ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide such person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full driver's license number, nondriver's identification card number issued by the division, or submits such person's application for a mail-in ballot and a copy of qualifying identification to the county election officer for verification. If a person applies for an mail-in ballot to be transmitted by mail but fails to provide qualifying identification or the qualifying identification of such person cannot be verified by the county election officer, the county election officer shall provide information to such person regarding the provisional ballot process and shall provide such person an opportunity to provide qualifying identification. For the purposes of this Act, state offices and offices of any subdivision of the state will allow any person seeking to vote by a mail-in ballot the use of a photocopying device to make one photocopy of qualifying identification at no cost.

(c) Except as otherwise provided by law, no person shall knowingly sign an application for a mail-in ballot for another person. A violation of this provision is a [Class C Misdemeanor]. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate family member with proper authorization being given.

(d) No person, unless otherwise authorized by law, shall knowingly intercept, interfere with, or delay the transmission of mail-in ballots from the county election officer to the voter.

(e) A voter may return such voter's mail-in ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the mail-in ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

**Sec 3. In-Person Voting Procedure.** (a) A person desiring to vote shall provide to the election official at the polling location a valid form of qualifying identification.

(b) An election official at the polling location shall request a valid form of qualifying

identification from the voter. If the member of the election board is satisfied that the voter is the person depicted in the qualifying identification, the election official shall place such member's initials in the space provided and allow the voter to vote;

(c) If a voter is unable or refuses to provide qualifying identification, the voter may vote a provisional ballot. If the voter's name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot. The voter shall provide a valid form of qualifying identification to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of documents received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's document is valid qualifying identification and the provisional ballot was properly cast, the ballot shall be counted.

(d) The following persons are exempt from the photographic identification document requirements of this act:

(1) persons with a permanent physical disability that makes it impossible for such persons to travel to a county or state office to obtain qualifying identification and have qualified for permanent mail-in voting status by providing a statement signed by a doctor affirming such physical disability;

(2) members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;

(3) members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;

(4) the spouse or dependent of a member referred to in paragraph (2) or (3), who, by reason of the active duty or service of the member, is absent from the county on election day; and

(5) any voter whose religious beliefs prohibit photographic identification. Any person seeking an exemption under this provision must complete and transmit a declaration concerning such religious beliefs to the county election officer or the Secretary of State. The declaration form shall be available on the official website of the Secretary of State.

**Sec. 4. Registration.** (a) Applications shall give voter eligibility requirements and such information as is necessary to prevent duplicative voter registrations and enable the relevant election officer to assess the eligibility of the applicant and to administer voter registration, identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered. Applications shall contain a statement that the applicant shall be required to provide qualifying identification when voting.

(b) The Secretary of State shall create a process for the county election officer or chief state election official to indicate whether an applicant has provided with the application the information necessary to assess the eligibility of the applicant, including such applicant's United States citizenship. This section shall be interpreted and applied in accordance with federal law. No eligible applicant whose qualifications have been assessed shall be denied registration.

(c) The county election officer or Secretary of State's office shall accept any completed application for registration, but an applicant shall not be registered until the applicant has provided satisfactory evidence of United States citizenship. Satisfactory evidence of United States citizenship shall be provided in person at the time of filing the Application for registration or by including, with a mailed registration application, a photocopy of one of the documents listed as evidence of United State citizenship. After a person has submitted satisfactory evidence of United States citizenship, the county election officer shall indicate this information in the person's permanent voter file.

(d) Any person who is registered in this state on the effective date of this act is deemed to have provided satisfactory evidence of United States citizenship and shall not be required to submit evidence of citizenship.

(e) For purposes of this section, proof of voter registration from another state is not satisfactory evidence of United States citizenship.

(f) A registered voter who moves from one residence to another within the state or who modifies such voter's registration records for any other reason shall not be required to submit

evidence of United States citizenship.

(g) If evidence of United States citizenship is deemed to be unsatisfactory due to an inconsistency between the document submitted as evidence and the name or sex provided on the application for registration, such applicant may sign an affidavit containing both the following:

(1) Stating the inconsistency or inconsistencies related to the name or sex, and the reason therefor; and

(2) Swearing under oath that, despite the inconsistency, the applicant is the individual reflected in the document provided as evidence of citizenship. However, there shall be no inconsistency between the date of birth on the document provided as evidence of citizenship and the date of birth provided on the application for registration. If such an affidavit is submitted by the applicant, the county election officer or secretary of state shall assess the eligibility of the applicant without regard to any inconsistency stated in the affidavit.

(h) All documents submitted as evidence of United States citizenship shall be kept confidential by the county election officer or the Secretary of State and maintained as provided by record retention laws.

(i) Nothing in this section shall prohibit an applicant from providing, or the Secretary of State or county election officer from obtaining satisfactory evidence of United States citizenship, as described in Section 1 of this act, at a different time or in a different manner than an application for registration is provided, as long as the applicant's eligibility can be adequately assessed by the Secretary of State or county election officer as required by this section.

**Sec. 5. State Election Board.** (a) There is hereby established the State Election Board, consisting of the Secretary of State, the Attorney General, and the Lieutenant Governor. The State Election Board shall meet on the call of the Secretary of State and shall assess information or documentation provided by any applicant for voter registration as evidence of United States citizenship pursuant to the voter registration requirements of this act;

(b) Procedure. If an applicant is a United States citizen but does not have any of the documentation listed in Section 1 as satisfactory evidence of United States citizenship, such applicant may submit any evidence, including any information or documentation, that such applicant believes demonstrates the applicant's United States citizenship.

(1) Any applicant seeking an assessment of evidence under this section may directly contact the office of the Secretary of State by submitting a voter registration application or the national voter registration form and any supporting information or documentation of United States citizenship. Upon receipt of this information or documentation, the Secretary of State shall notify the State Election Board that such application is pending.

(2) The State Election Board shall give the applicant an opportunity for a hearing, upon the applicant's request in writing, and an opportunity to present any additional evidence to the State Election Board. Notice of such hearing shall be given to the applicant at least five days prior to the hearing date. An applicant shall have the opportunity to be represented by counsel at such hearing.

(3) The State Election Board shall assess the information or documentation provided by the applicant to determine whether the applicant has provided satisfactory evidence of United States citizenship. A decision of the State Election Board shall be determined by a majority vote of the election board.

(4) If an applicant submits an application and any supporting information or documentation prior to the close of registration for an election cycle, a determination by the State Election Board shall be issued at least five days before such election date.

(5) If the State Election Board finds that the information or documentation presented by such applicant constitutes satisfactory evidence of United States citizenship, such applicant will have met the requirements under this act to provide satisfactory evidence of United States citizenship.

(6) If the State Election Board finds that the information or documentation presented by an applicant does not constitute satisfactory evidence of United States citizenship, such applicant shall have the right to appeal such determination by the State Election Board by instituting an action under 8 U.S.C. § 1503. Any negative assessment of an applicant's eligibility by the State

Election Board shall be reversed if the applicant obtains a declaratory judgment pursuant to 8 U.S.C. § 1503 demonstrating that such applicant is a national of the United States.

**Sec. 6. No Fee for Identification Card for Qualifying Individuals.** (a) The division shall not require or accept payment of application or photo fees for any person 17 years of age or older for purposes of meeting voter photographic identification requirements of this act. Such person shall:

(1) swear under oath that such person desires an identification card in order to vote in an election in the State and that such person does not possess any of the forms of identification acceptable as qualifying identification as defined under this act. The affidavit shall specifically list the acceptable forms of qualifying identification as defined in this act.

(2) such person shall also produce evidence that such person is registered to vote in the state.

(b) The division shall adopt rules and regulations in order to implement the provisions of paragraph (a).

**Sec. 7. No Fee for Birth Certificates for Qualifying Individuals.** (a) The registrar shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of meeting the voter registration requirements of this act. Such person shall swear under oath: (1) that such person plans to register to vote in the state; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship as defined in this act. The affidavit shall specifically list the documents that constitute evidence of United States citizenship as defined in this act.

(b) The registrar shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for the purpose of obtaining a fee-waived nondriver identification card in order to meet the voting requirements under this act. Such person shall swear under oath: (1) that such person is registered to vote in the state; and (2) such person has executed the affidavit described in Section 6 of this act.

(c) The Registrar shall adopt rules and regulations in order to implement the provisions of this Section.

**Sec. 8. Notice to Voters.** The Secretary of State shall provide advance notice of the identification requirements of this act in a manner calculated to inform the public generally of the requirements for forms of personal identification as provided in this act. Such advance notice shall include, at a minimum, the use of advertisements and public service announcements in print, broadcast television, radio and cable television media, as well as the posting of information on the opening pages of the official internet websites of the Secretary of State and Governor.

**Sec. 9. No Transmittal Fee for Birth Certificates.** The boards of county commissioners shall designate a county office or department to provide assistance at no charge to any person applying for a birth certificate from the registrar for the purpose of registering to vote. Such county departments shall transmit the necessary forms to the registrar's office at no cost to the person applying for the birth certificate.

**Sec. 10. Rule and Regulations.** The Secretary of State may adopt rules and regulations in order to implement this act.

**Sec. 10 Severability.** If any provision of this act is held to be unconstitutional under the United States or the State constitutions, that provision shall be severed from the act, and the other

provisions of this act shall remain valid and in effect.

Sec. 11. **Effective Date.** This act shall take effect and be in force from and after its publication in the statute book.

# BRENNAN CENTER FOR JUSTICE

## SUMMARY OF VOTER ID LAWS PASSED

Alabama, Kansas, Mississippi, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and Wisconsin all passed new voter ID laws in their 2011 or 2012 legislative sessions. For each state, this memorandum provides: a brief description of the substance of the new law; its effective date and current status; the types of photo IDs accepted; exceptions to the ID requirement, if any; any affidavit alternative to providing a photo ID; the photo ID requirements for early and absentee voting, if any; provisions relating to obtaining free ID; and public education requirements.<sup>1</sup>

### ALABAMA

**Effective Date:** The law was passed, but it is not currently in effect. By its terms, the law would not take effect until 2014. In addition, because the law is subject to Section 5 of the Voting Rights Act, it requires preclearance approval by the Department of Justice or a federal district court. Alabama has submitted the law to the Department of Justice for preclearance.

#### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID to an appropriate election official:

- Alabama driver's license or non-driver ID card issued by the Alabama Department of Motor Vehicles;
- Any other photo ID issued by Alabama, any other state government, or the U.S.;
- U.S. passport;
- Employee photo ID card issued by Alabama or the U.S.;
- U.S. military photo ID;
- Alabama photo voter ID card;
- Student or staff photo ID issued by a public or private college, university, or postgraduate technical or professional school located within Alabama; or
- Tribal ID card with photo.

#### **Exceptions Available**

An individual without photo ID may vote only if identified by two election officials in the polling place as a voter on the poll list who is eligible to vote and the election officials execute an affidavit so stating. Otherwise, the voter must cast a provisional ballot.

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<sup>1</sup> For purposes of this memorandum, "exceptions" to the photo ID requirement refers to categories of voters exempted from providing photo ID to vote. An "affidavit alternative" is a procedure whereby certain voters without qualifying ID can execute an affidavit to either obtain a regular ballot or to accompany a provisional ballot in lieu of providing photo ID.

**Absentee Voting ID Requirements**

Persons voting absentee must submit copy of proper photo ID. Anyone entitled to vote by absentee ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or any other federal law shall not be required to produce photo ID when voting absentee.

**Free IDs**

The Secretary of State is required to issue a photo ID to registered voters at no cost. A person must obtain a new photo ID card each time they move within the state.

**Public Education Requirements**

The Secretary of State is directed to inform the public of the voter ID requirement by whatever means they deem necessary.

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**KANSAS**

**Effective date:** Jan. 1, 2012

**Photo IDs Permitted**

The following forms of identification shall be valid if the identification contains the name and photograph of the voter and has not expired. Expired documents shall be valid if the bearer of the document is 65 years of age or older:

- A driver's license issued by Kansas, or by another state or district of the U.S.;
- A state ID card issued by Kansas, or by another state or district of the U.S.;
- A concealed carry of handgun license issued by Kansas, or a concealed carry of handgun or weapon license issued by another state or district of the U.S.;
- A U.S. passport;
- An employee badge or ID document issued by a municipal, county, state, or federal government office or agency;
- A military ID issued by the U.S.;
- A student ID card issued by an accredited postsecondary institution of education in the state of Kansas; or
- A public assistance ID card issued by a municipal, county, state, or federal government office or agency; or
- An ID card issued by an Indian tribe.<sup>2</sup>

**Exceptions Available**

Persons over 65 may use expired documentation as proof of identity. Additionally the following persons are exempt from the photo ID requirement:

- Persons with permanent physical disability that makes it impossible for them to travel to obtain an ID and have qualified for permanent advance voting status;

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<sup>2</sup> This form of ID was added to the list of permitted IDs by the passage of S.B. 129, effective July 1, 2012. Notably, although the text of this bill indicates that it shall take effect and be in force from and after its publication in the statute book, the Kansas legislative [website](#) indicates an effective date of July 1, 2012.

- Members if uniformed service on active duty who, by reason of such duty, are out of the country on election day or spouse or dependent who by reason of the service member are also out of the country;
- Members of the merchant marine who, by reason of service, are out of the country on election day or spouse or dependent who by reason of the service member are also out of the country;
- Voters whose religious beliefs prohibit photo ID (such persons must submit declaration concerning such beliefs to secretary of state).

#### **Affidavit Alternative**

There is no affidavit option for voting without an ID.

#### **Early/Absentee Voting ID Requirements**

Kansas driver's license number, Kansas nondriver's identification card number or a copy of voter's photo ID is required for both early voting and absentee voting.

#### **Free ID**

Although this law makes available free ID cards for persons requiring them to vote, such IDs require an applicant to swear under oath that he or she desires an ID to vote in an election in Kansas and does not possess any acceptable form of ID under the law. The applicant must also produce evidence that he or she is registered to vote in Kansas. Pursuant to a separate bill, S.B. 129, effective July 1, 2012, no fee will be charged for a certified copy of a birth certificate if it is requested by a person over 17 for purposes of voting and such person lacks any of the forms of ID required by H.B. 2067.

#### **Public Education Requirements**

The secretary of state is charged with providing advance notice of the personal identification requirements in a manner calculated to generally inform the public. Minimally, the advance notice must include: use of advertisements and PSA in print, broadcast television, radio, cable television and posting information on the opening website pages of the secretary of state and governor.

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### **MISSISSIPPI<sup>3</sup> (constitutional amendment by voter petition)**

#### *Passed Ballot Initiative*

**Effective Date:** The constitutional amendment takes effect if and when preclearance approval by the Department of Justice or a federal district court is granted for H.B. 921, the enabling legislation described below.

#### **Photo IDs Permitted**

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<sup>3</sup> See Miss. Sec'y of State, Initiative # 27: Voter Identification (2011), <http://www.sos.ms.gov/Elections/Initiatives/Initiatives/Voter%20Identification-PW%20revised.pdf> (last visited September 7, 2011). To be clear, Initiative #27 is not state legislation, but an initiative placed on the ballot by voter petition.

Prior to voting, a voter must provide “government issued photo identification.”<sup>4</sup>

*Passed Legislation*

**Photo ID Required to Vote (Implementing Legislation for Initiative #27)**

**Effective Date:** Takes effect if and when preclearance approval by the Department of Justice or a federal district court is granted. Mississippi submitted the law to the Department of Justice for preclearance on May 18, 2012.

**Photo IDs Permitted<sup>5</sup>**

The law requires each voter to present current and valid photo identification before voting, which includes, but is not limited to:

- A current and valid Mississippi driver’s license;
- A current and valid identification card issued by the State of Mississippi;
- A current and valid U.S. passport;
- A current and valid employee ID card, issued by the U.S. government, the State of Mississippi, or any state entity;
- A current and valid Mississippi license to carry a pistol or revolver;
- A valid tribal identification card;
- A current and valid U.S. military ID;
- A current and valid student ID, issued by an accredited Mississippi higher education; or
- An official Mississippi voter ID card.

**Exceptions Available**

- A voter with religious objections to being photographed may cast an affidavit (provisional) ballot at the polls, which will count if she visits the registrar’s office within 5 days of the election and executes an affidavit affirming her religious beliefs.

**Early/Absentee Voting ID Requirements**

The photo ID law requires the Secretary of State to prepare instructions on how absent voters may comply with the law’s ID requirements.

**Free ID**

The Secretary of State must negotiate a Memorandum of Understanding between the Mississippi Department of Public Safety and the registrar of each county for the purpose of providing a Mississippi Voter ID Card free of charge to registered Mississippi voters who do not have a valid unexpired Mississippi driver’s license or state ID. The registrar will require presentation of one of the following before issuing a Mississippi Voter ID Card:

- A photo ID document;
- Documentation showing the person’s date and place of birth;

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<sup>4</sup> Other than “state issued photo identification” which will be offered “free of charge from the Mississippi Department of Public Safety” to certain voters, the initiative does not specify which IDs will be accepted.

<sup>5</sup> Notably, the implementing legislation permits a broader range of photo ID to be accepted than does Initiative #27, which requires government issued photo ID. Whether and how this inconsistency is reconciled remains to be determined.

- A social security card;
- A Medicare card;
- A Medicaid card; or
- Other acceptable evidence of verification of residence in the county as determined by the Secretary of State.

### **Public Education Requirements**

No public education requirements are specified by statute.

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## NEW HAMPSHIRE

**Effective Date:** The law was passed on June 27, 2012, after the legislature overrode a gubernatorial veto. The law went into effect on September 5, 2012, when the Department of Justice granted preclearance under Section 5 of the Voting Rights Act. However, before November 1, 2012, a voter who does not present the requisite photo ID will be informed of the new law and permitted to vote without executing a challenged voter affidavit.

### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID:

- A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date;
- An identification card issued by the director of motor vehicles;
- A United States armed services identification card;
- A United States passport, regardless of expiration date;
- Any other valid photo identification issued by federal, state, county, or municipal government;
- A valid student identification card;
- A photo identification not authorized specifically above, but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk.<sup>6</sup>

As of September 1, 2013, a voter must provide one of the following valid forms of photo ID:

- A driver's license issued by any state or the federal government
- A non-driver's identification card issued by the motor vehicles division, department, agency or office of any state
- A United States armed services identification card
- A United States Passport
- A qualified voter affidavit as identified below

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<sup>6</sup> Provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit.

### **Non-Photo IDs Permitted**

Verification of the person's identity by a moderator, supervisor of the checklist, or the town or city clerk is also acceptable.<sup>7</sup>

### **Affidavit Alternative**

There is a qualified voter affidavit that can be filled out and submitted in lieu of presenting photo identification. If the voter submits an affidavit, a letter of identity verification will be sent by the Secretary of State. The letter will be mailed 60 days after the election, unless it is a primary in which case the letter will be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter will be mailed by the July 1 or January 1 next following the election.

The Secretary of State will mark the envelope with instructions to the U.S. Post Office not to forward the letter and to provide address correction information. The letter will notify the person that someone who did not present valid photo identification voted using his or her name and address, and instruct the person to return the letter within 90 days with a written confirmation that the person voted, or contact the attorney general immediately. Any letters that are returned as undeliverable or any letters returned saying the person did not vote will be referred to the attorney general for an investigation into fraudulent voting.

### **Free IDs**

The fee for voter identification cards will be \$10, with exceptions for people who turn in his or her driver's license before its expiration date if they are over 65. A person who requires a photo identification card for voting may obtain a voucher from his or her town or city clerk or the Secretary of State exempting the person from the fee.

### **Public Education Requirements**

The Secretary of State will prepare an explanatory document explaining the proof of identity requirements, and will provide copies of the document to all towns and wards so it will be available to all persons registering to vote and at polling places at each election. The Secretary of State will take whatever measures he or she deems necessary to educate the public including displaying the information on the Department of State's website, and will provide explanatory information to media outlets that request the information and encourage such outlets to assist the department in educating the public.

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## **PENNSYLVANIA**

**Effective Date:** The law was passed with an effective date of March 14, 2012, but it was challenged in Pennsylvania state court<sup>8</sup> and is now subject to a preliminary injunction. Under the terms of that injunction—issued by the Commonwealth Court of Pennsylvania on October 2, 2012—voters may

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<sup>7</sup> Provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit.

<sup>8</sup> *Applewhite et al. v. Commonwealth of Pennsylvania, et al.* Commonwealth Court of Pennsylvania (Filed May 1, 2012).

be asked for photo ID at the polls during the November election but voters lacking such ID can still vote a regular ballot. The petitioners' application for a permanent injunction of the law remains outstanding. In addition, the Department of Justice initiated an investigation on July 23, 2012 into whether the law complies with Section 2 of the Voting Rights Act and other federal voting rights laws.

#### **Photo IDs Permitted**

Prior to voting, a voter must provide one of the following valid forms of photo ID:

- Photo ID issued by the department of transportation that is not more than twelve months past the expiration date;
- Unexpired photo ID issued by the U.S. government that includes an expiration date;
- U.S. military photo ID that does not contain an expiration date, but notes that the expiration date is indefinite;
- Unexpired municipal employee Photo ID that includes an expiration date;
- Unexpired student photo ID from an accredited public or private higher education institution that includes an expiration date; or
- Unexpired photo ID from certain state care facilities that includes an expiration date.

#### **Non-Photo IDs Permitted**

A voter who has a religious objection to being photographed must provide a valid-without-photo driver's license or a valid-without-photo ID card issued by the department of transportation.

#### **Limited Exception for Indigent Voters**

A voter who is unable to produce the required ID on the grounds that he or she is indigent and cannot obtain such ID for free must cast a provisional ballot, and provide an affirmation to the county board within six days, affirming his or her identity and indigent status, or the ballot will not count.

#### **Absentee Voting ID Requirements**

An absentee voter who has been issued a current and valid driver's license must provide his or her license number. An absentee voter who has not been issued a current and valid driver's license can provide the last four digits of his or her social security number. A qualified absentee voter who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act or by an alternative ballot under the Voting Accessibility for the Elderly and Handicapped Act will not be required to provide proof of ID.

#### **Free IDs**

The department of transportation must issue free voter ID cards to any registered voter who provide an affirmation that they lack the ID the law requires and require ID for voting purposes.

#### **Public Education Requirements**

Between the effective date of the law and September 17, 2012, the photo ID specified in the law will be requested but not required. During this time frame, if any voter who will be required to produce photo ID starting on September 17, 2012 is unable to produce the photo ID requested, election officials will provide him or her with written information about the new law's requirements.

## RHODE ISLAND

**Effective Date:** July 2, 2011. Certain provisions effective Jan. 1, 2012 and certain other provisions effective Jan. 1, 2014.

### **Photo IDs Permitted**

Proper ID is defined as “a valid and current document showing a photograph of the persons to whom the document was issued, including without limitation”<sup>9</sup>:

- Rhode Island driver’s license;
- Rhode Island voter ID card (*i.e.*, new, free ID card for voters);
- U.S. passport;
- Photo ID from U.S. educational institution;
- U.S. military photo ID ;
- Any photo ID card issued by U.S. or Rhode Island; or
- Government-issued medical card with photo.

Until Jan. 1, 2014, voters may also prove their identity by showing non-photo documentation, “including without limitation”:

- Birth certificate
- Social security card
- Government-issued medical card

### **Exception available**

Any voter without a qualifying photo ID can complete a provisional ballot application and cast a provisional ballot. If the signature on the provisional ballot application matches the signature on the voter registration, then the Board of Elections will count the ballot.

### **Affidavit Alternative**

There is no affidavit alternative.

### **Early/Absentee Voting ID Requirements**

The photo ID law does not apply to absentee voting. Under existing Rhode Island law, all absentee ballots must be either notarized or signed by two witnesses.

### **Free IDs**

Rhode Island must start issuing free voter ID cards pursuant to regulations yet to be promulgated by the Secretary of State.

### **Public Education Requirements**

No public education requirements are specified by statute.

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<sup>9</sup> The language, “without limitation,” suggests that any current photo identification that includes the name and photograph of the voter will be accepted.

## SOUTH CAROLINA

**Effective Date:** The Department of Justice has denied preclearance approval and this change will not become effective until or unless it is precleared by a federal district court as required by the Voting Rights Act. South Carolina has sued for preclearance in federal court.<sup>10</sup> Trial in the litigation concluded on August 31, 2012, oral argument was held on September 24, 2012, and a decision is expected in the near future.

### **Photo IDs Permitted**

All voters must produce a “valid and current”:

- South Carolina driver’s license;
- Any other photo ID issued by South Carolina Department of Motor Vehicles;
- U.S. passport;
- U.S. military photo ID; or
- South Carolina voter registration card with photo (*i.e.*, new, free ID card for voters).

*\*Student IDs are not accepted in South Carolina for purposes of identification for voting.*

### **Affidavit Alternative**

Persons with religious objections to being photographed or who have a “reasonable impediment” to obtaining a photo ID may cast a provisional ballot and submit an accompanying affidavit. County Boards of Registration and Elections must find such affidavits to be valid unless officials have grounds to believe that an affidavit is false. Affidavits must confirm the identity of the voter, state that the voter cast a provisional ballot, and state that:

- The voter has a religious objections to being photographed; or
- The voter has a “reasonable impediment” to obtaining photo ID. The voter must identify the impediment on the affidavit, unless otherwise prohibited by state or federal law.

### **Early/Absentee Voting ID Requirements**

The photo ID law does not apply to mail-in absentee voting. Under preexisting South Carolina law, to vote absentee, a voter must have a witness attest to his or her signature, and consistent with federal law, if a first time voter registered by mail, they must include proof of identity under HAVA with their mail-in absentee ballot.

### **Free IDs**

The State Elections Commission must make free voter registration card available to anyone aged 17 or older who shows a birth certificate or “other evidence acceptable to the department of his name and date of birth.”

### **Public Education Requirements**

The State Elections Commission must establish an “aggressive” voter education program, including:

- Posting information at County boards and State elections offices, and on their websites;

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<sup>10</sup> *South Carolina v. Holder*, US District Court for the District of Columbia (Filed February 7, 2012).

- Training poll workers at their mandatory training sessions to answer questions from voters;
- Posting documentation at polling places describing the changes in the legislation;
- Conducting at least two county-wide public education seminars prior to December 15, 2011;
- Conducting additional seminars at the local or statewide levels
- Placing ads in State newspapers and with local media outlets to disseminate information concerning the changes;
- Notifying each registered voter who does not have State driver's license or ID card of the provisions of this act no later than Dec. 2011.

South Carolina's State Elections Commission must create a list containing all registered voters who are otherwise qualified to vote but do not have a South Carolina driver's license or other form photo ID issued by the Department of Motor Vehicles as of Dec. 1, 2011. The list must be made available to any registered voter upon request. The Commission may charge a reasonable fee for the list.

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## TENNESSEE

**Effective Date:** January 1, 2012

### **Photo IDs Permitted**

Voter must supply "evidence of identification," defined as:

- Tennessee driver's license;
- Valid photo ID issued by Tennessee, any other state government, or U.S., provided that such ID contains a photograph; *except* a student ID card issued by institute of higher learning, which is specifically excluded;
- Valid non-driver ID card issued by Tennessee Department of Safety;
- Valid U.S. passport;
- Valid employee photo ID card issued by Tennessee, any other state government, or U.S., provided that such ID contains a photograph; or
- Valid U.S. military photo ID that contains a photograph;

### **Exceptions Available**

The photo ID law does not apply to:

- Voters in nursing homes who are eligible to vote at their facility per existing law; or
- Voters eligible to cast an emergency absentee ballot due to hospitalization under existing law.

### **Affidavit Alternative**

A voter who meets the following conditions may execute an affidavit of identity at the polls on Election Day and shall be permitted to vote:

- A voter who has a religious objection to being photographed;
- A voter who is indigent and unable to obtain proof of ID without payment of a fee.

### **Early/Absentee Voting ID Requirements**

The photo ID requirements apply to all persons voting early. The photo ID law did not change absentee voting rules. Under preexisting Tennessee law, first-time voters who register to vote by mail cannot vote by absentee ballot; they must vote in person.

### **Free IDs**

Free IDs are available if the elector is a U.S. citizen who will be at least 18 on the date of the next election, and the elector requests that the card be provided without charge for purposes of voting

### **Public Education Requirements**

No public education requirements are specified by statute.

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## TEXAS

**Effective Date:** The Department of Justice has denied preclearance approval and this change will not become effective until or unless it is precleared by a federal district court as required by the Voting Rights Act. The Department of Justice has denied preclearance approval, and Texas sued for preclearance in federal court.<sup>11</sup> On August 30, 2012, federal court preclearance was denied on the ground that Texas had failed to meet its burden of showing that the law would not have a discriminatory effect on minority voters.

### **Photo IDs Permitted**

The following are acceptable forms of photo identification:

- A driver's license, election ID certificate, or personal ID card issued to the person by the Department of Public Safety that is unexpired or expired no earlier than 60 days before the election (note: an election certificate issued to a person 70 years or older does not expire);
- U.S. military ID card that contains the person's photograph and is unexpired or expired no earlier than 60 days before the election;
- U.S. citizenship certificate issued to the voter with their photograph;
- U.S. passport that is unexpired or expired no earlier than 60 days before the election; or
- A license to carry a concealed handgun issued by the Department of Public Safety that is unexpired or expired no earlier than 60 days before the election.

Student IDs are not accepted in Texas for purposes of identification for voting.

### **Exceptions Available**

A person may obtain an exemption from the ID requirement on the basis of disability if they produce a statement in a form determined by the Texas Secretary of State that the applicant does not have any of the prescribed forms of identification, and they have an:

- U.S. Social Security Administration determination of disability; or
- U.S. Department of Veterans Affairs disability rating of at least 50%.

### **Affidavit Alternative**

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<sup>11</sup> *Texas v. Holder.*, U.S. District Court for the District of Columbia (Filed January 24, 2012).

A voter without a photo ID may cast a provisional ballot, which will count if she signs an affidavit attesting to the fact that she:

- has a religious objection to being photographed, or
- does not have an ID as a result of a natural disaster declared by the U.S. President or Texas' Governor no earlier than 45 days before the election and that disaster caused the inability to access the voter's ID.

The affidavit may be signed at the time the provisional ballot is cast or at the time the voter appears before the voter registrar within 6 days following the election to have the provisional ballot counted.

### **Early/Absentee Voting ID Requirements**

The photo ID requirement does not apply to absentee voting, including early voting by mail. Photo ID requirements apply to all in-person or curbside early voting.

### **Free IDs**

Texas will issue an Election Identification Certificate (EIC) to persons who do not have another qualifying ID for purposes of voting. The applicant must present a voter registration certificate or register to vote at the time of applying for an EIC. There is no fee for an initial or duplicate EIC.

### **Public Education Requirements**

The voter registrar of each county shall provide notice of the identification requirements for voting and a detailed description of those requirements with each voter registration certificate or renewal registration certificate he or she issues. In addition, the Secretary of State, and the voter registrar of each county that maintains a website, shall provide notice of the ID requirements for voting in each language in which voter registration materials are available. The Secretary of State shall prescribe the wording of the notice to be included on the websites, and shall also conduct a statewide effort to educate voters regarding the identification requirements for voting. The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of ID information in each language in which voter registration materials are available. Finally, the presiding judge at each polling place shall post a list of the acceptable forms of ID outside in a prominent place.

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## **VIRGINIA**

**Effective Date:** The law is currently in effect. It was granted preclearance by the Department of Justice on August 20, 2012.

### **Voter IDs Permitted**

Prior to voting, a voter must provide one of the following forms of ID:

- Commonwealth of Virginia voter registration card;
- Social security card;
- Valid Virginia driver's license or any other ID issued by a Virginia government agency, one of its political subdivisions, or the U.S. government.
- Any valid student identification card issued by any institution of higher education located in the Commonwealth of Virginia;

- Any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or
- A copy of a current utility bill, bank statement, government check, or paycheck that shows the name and address of the voter.

This law eliminates the preexisting option of executing an affidavit of identity when voting at the polls or applying for an absentee ballot in person, while expanding the list of acceptable IDs.

#### **Early/Absentee Voting ID Requirements**

This law applies to in-person applications for an absentee ballot.

#### **Public Education Requirements**

No public education requirements are specified by statute.

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### WISCONSIN

**Effective Date:** The law was passed but is not currently in effect. Two Wisconsin state courts have issued permanent injunctions barring enforcement of the law, and those rulings have been certified to the Court of Appeals.<sup>12</sup> The law cannot go into effect unless the Court of Appeals acts to reverse both rulings. In addition, two challenges to the law are pending in federal court.<sup>13</sup>

#### **Photo IDs Permitted**

A voter may use one of the following documents, so long as it is unexpired or expired after the date of the most recent election, the name of the individual to whom the document was issued (conforms to the individual's voter registration form), and contains a photograph of the individual:

- Wisconsin Driver's License;
- Wisconsin ID Card;
- ID card issued by a U.S. uniformed service;
- U.S. Passport;
- Certificate of U.S. Naturalization that was issued not earlier than 2 years before that Election Day;
- Unexpired ID card receipt (*i.e.*, receipt showing that the voter applied for a state ID, that unexpired receipt may be used as proof of identity);
- ID card issued by a federally-recognized Indian tribe in Wisconsin; or
- Unexpired ID card issued by a Wisconsin university or college that is accredited, that contains a date of issuance and signature of the individual to whom it is issued, and that contains an expiration date indicating that the card expires no later than 2 years after the

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<sup>12</sup> Those cases are *League of Women Voters of Wisconsin v. Walker*. Wisconsin Court of Appeals, District IV (Filed: October 20, 2011) and *Milwaukee Branch of the NAACP v. Walker*. Dane County Circuit Court (Filed: December 16, 2011)

<sup>13</sup> Those cases are *Frank v. Walker*. United States District Court for the Eastern District of Wisconsin. (Filed: December 13, 2011) and *Jones v. Deininger*. U.S. District Court for the Eastern District of Wisconsin (Filed: February 23, 2012).

date of issuance. The student must also establish that he or she is enrolled as a student or university or college on the date that the card is presented. Student IDs as they are currently issued by all post-secondary institutions are not accepted in Wisconsin for purposes of identification for voting.

### **Exceptions Available**

- Military and overseas voters are exempt from providing statutory ID when requesting absentee ballot or voting absentee.
- A person designated as a confidential elector (such as a domestic violence victim or police officer) is not required to provide statutory ID if the voter has a confidential voter card issued by Law Enforcement Organization (LEO).
- A voter who has surrendered his or her driver license is not required to provide photo ID, but must provide the original copy of the citation or notice.
- Persons with a religious objection are not exempt from the ID requirement; however the law provides for such individuals to obtain an acceptable ID without a photograph.

### **Affidavit Alternative**

There is no affidavit option for voting without an ID.

### **Early/Absentee Voting ID Requirements**

ID required for both early voting and absentee voting. The following exceptions apply to absentee voting:

- An absentee elector, who has received an absentee ballot from the municipal clerk by mail for a previous election, has provided a copy of statutory ID with that previous absentee ballot, and has not changed his or her name or address since providing statutory ID, is not required to provide statutory ID with subsequent absentee ballots.
- An indefinitely confined elector may submit a statement with the indefinitely confined elector's address, signed by the individual who witnesses the absentee certificate envelope verifying that elector's name and address.
- Electors residing in a qualified retirement home, qualified community-based residential facility, certified residential care apartment complex, certified or licensed adult family home where the municipal clerk does not send special voting deputies for absentee voting are exempted. Otherwise, these electors may submit a statement signed by the individual who witnesses the absentee certificate envelope that contains: (1) the certification of the authorized representative that the elector resides there; (2) the complex, facility or home is registered or certified as required by law; and (3) the name and address of the elector.
- When absentee voting is conducted by special voting deputies in certain homes, facilities and complexes, the absentee elector may submit a statement with the absentee elector's name and address signed by the special voting deputies verifying the absentee elector's name and address are correct. The statement shall be enclosed in the certificate envelope. If the elector presents statutory ID, the special voting deputies shall make a copy and enclose it in the certificate envelope.
- A voter who has surrendered his or her driver license is not required to provide photo ID, but must provide the original copy of the citation or notice.
- A person designated as a confidential elector (such as a domestic violence victim or police officer) is not required to provide statutory ID if the voter has a confidential voter card issued by Law Enforcement Organization (LEO).

**Free IDs**

DOT-issued identification cards can be obtained for free (both as initial issuances or renewal), if the elector is a U.S. citizen who will be at least 18 on the date of the next election, and the elector requests that the card be provided without charge for purposes of voting. If there is a religious objection, a card may be issued without a photograph.

**Public Education Requirement**

The Government Accountability Board is required to conduct a public informational campaign for the purpose of informing prospective voters of the voter identification requirements the new photo identification and proof of residence requirements. Any voter casting an in-person ballot before the 2012 Spring Primary Election who cannot produce or refuses to produce photo ID will be given information in writing about the new photo ID requirements.

**Questioned Ballot Oath & Affidavit Envelope – Please print and press hard – You are making a copy**

|  |  |
|--|--|
| <p>1. <b>You MUST complete this section</b></p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No I am a citizen of the United States.<br/> <input type="checkbox"/> Yes <input type="checkbox"/> No I am at least 18 years old.</p>   | <b>For Office Use</b>  |
| 2. Last Name _____ First Name _____ Middle Initial _____ Suffix (Sr., Jr., Etc.) _____   | VN _____   |
| 3. Name Previously Registered _____  | D/P _____  |
| 4. Alaska Residence Address Where You Claim Residency  | Initials _____   |
| <p>_____</p> <p><b>House No.                      Street Name                      City                      Alaska State</b></p> <p>If your mailing address is different than your residence address, and you want to keep your residence address confidential, check the following box. *[ ] Yes, please keep my address confidential.</p>   | <b>For Review Board Use Only</b>   |
| 5. Mailing Address _____ City _____ State _____ Zip Code _____   | District Registered _____ Sequence No. _____   |
| 6. *You <b>MUST</b> provide at least <b>ONE</b>  | Count Code _____ Reject Code _____   |
| Social Security No. ____/____/____ Last 4 Digits of SSN _____<br>AK Driver's License No. _____ AK State ID Card No. _____<br>[ ] I have not been issued a SSN, AK Driver's License or AK State ID No.  |  |
| 7. *You <b>MUST</b> provide Date of Birth ____/____/____<br><small style="margin-left: 100px;">Month Day Year</small>  | Purge Date _____   |
| 8. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female   |  |
| 9. *Alaska Voter Number _____ (if known)   | Election Official Use<br><b>Reason for Questioned Ballot</b>   |
| 10. *Daytime Phone No. _____<br>*Evening Phone No. _____   |  |
| 11. Write Political Affiliation Here _____   | <input type="checkbox"/> Not on Precinct Register<br><input type="checkbox"/> Moved<br><input type="checkbox"/> No Identification & Unknown<br><input type="checkbox"/> Not a US Citizen<br><input type="checkbox"/> Not 18 years of Age<br><input type="checkbox"/> Felony Conviction<br><input type="checkbox"/> _____ |
| 12. <i>I swear or affirm, under penalty of perjury, that:</i> The information on this form is true, accurate and complete to the best of my knowledge. I further certify that I am a resident of Alaska and I have not been convicted of a felony, or having been so convicted, have been unconditionally discharged from incarceration, probation and/or parole. I am not registered to vote in another state, or I have taken the necessary steps to cancel that registration. I am or have been a registered voter in Alaska at some time in the last 4 years or am newly registering. I have not and will not vote in any other manner in this election. |  |
| * <b>Voter Signature</b> _____   |  |
| 13. This form must be witnessed. By signing as a witness, I attest that to the best of my knowledge, the applicant is the person he/she claims to be and this certification was made in my presence on the date indicated.   |  |
| <b>Signature of Election Official</b> _____  | <b>Date</b> _____  |
| District & Precinct No. _____  | Primary Ballot Choice _____  |
| Questioned Register Line _____   |  |

\*Items are kept confidential by the Division and are not available for public inspection except that confidential addresses may be released to government agencies or during election processes as set out in state law. E23 (Rev 05/23/2011) AS 15.05, 07, 20. 6 AAC 25.

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State of Alaska > Department of Revenue > Permanent Fund Division > FAQ's

## FAQ's

### Eligibility for a Dividend

### Applying for a Dividend

Do I have to apply every year for a dividend?

When is the dividend application period?

What is the deadline for applying for a dividend?

How do I apply online?

How do I get an application booklet? I did not receive one in the mail.

How do I know that my application was received by the PFD Division?

What do I do if this is the first time I am applying for a dividend?

You must complete a dividend application and adult supplemental schedule. You will be required to submit an original birth certificate, passport or naturalization certificate, and other required information as requested from the PFD Division after we receive your application. If you do not have a certified birth certificate, go to [vitalchek.com](http://vitalchek.com) for information about ordering one. We will not accept a photocopy or hospital certificate.

Will my certified birth certificate, passport or naturalization certificate be returned after I apply?

If I did not apply for a prior year for myself, can I apply now?

If I did not apply for a prior year for my child, can I apply now?

Can my spouse and I file on one application?

### Changing address, name or Social Security number

### Status of Dividend Application

### Responding to Requests for Information and Documentation

### Applications in Review or Denied Status



**Curyung Tribal Council**  
**PO Box 216 • 531 D Street**  
**Dillingham, Alaska 99576**  
**Phone: (907) 842-2384**  
**Fax: (907) 842-4510**

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**Curyung Tribal Council**  
**Resolution 2013-13**

**The Curyung Tribal Council strongly opposes Housing Bill 3: "An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots."**

**WHEREAS:** Curyung Tribal Council is the federally recognized Alaska Native tribe serving its tribal members and the community of Dillingham; and

**WHEREAS:** Curyung Tribal Council, acting as the duly recognized governing body pursuant to the Constitution of Curyung, has the authority of establishing relationships and entering into contracts for the benefit and wellbeing of the Tribe; and

**WHEREAS:** There has been a recent wave of voter ID laws sweeping the lower 48 states under the guise of protecting the integrity of elections and preventing voter fraud. However, according to the National Urban League, "Voter ID laws have grown at an epidemic rate and have a disproportionately negative impact on minority citizens"; and

**WHEREAS:** Rural residents of our state, many of whom are of Alaska native descent, do not have access to, or the ability to, obtain a photo ID. In most cases in our area, the only places to get photo identification are at hub locations in Dillingham and Naknek/King Salmon; and

**WHEREAS:** There has been no evidence that we can find that shows rampant and widespread voter fraud in Alaska that would warrant enacting a law that could potentially limit access to rural residents having the ability to vote; and

**WHEREAS:** Adding an unnecessary hurdle to an Alaskan resident, a Native elder comes to mind, whose primary language may not be English, seems to be contrary to the spirit of having as many people involved in the elections process as possible; and

**WHEREAS:** Voting is a basic right, years of protest and sacrifice have led to the protection of eligible voters from measures taken to disenfranchise them. We should be making the process as easy as possible for voters, not finding ways to make it more difficult; and


**WHEREAS:** The Curyung Tribal Council has faith in the current elections system administered by the State to address any possible voter fraud issues. There is nothing wrong with the current list of ID the Division of Elections requires of people when they go to their polling place, so we see no reason to add unnecessary law for a system that clearly is not broken; and

**NOW THEREFORE BE IT RESOLVED** The Curyung Tribal Council strongly opposes Housing Bill 3: "An Act relating to voter identification at the polls; and relating to the counting of absentee and questioned ballots."

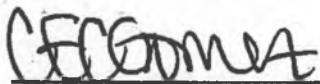
**CERTIFICATION:**

This resolution was duly considered and adopted by the Curyung Tribal Council in Dillingham, Alaska on March 12, 2013 at which a quorum of Council members were in attendance.

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| For <u>  7  </u>     | Against <u>  0  </u> | Abstain <u>  0  </u> |
| Present <u>  7  </u> | Absent <u>  0  </u>  |                      |

  
\_\_\_\_\_  
Thomas Tilden, 1<sup>st</sup> Chief

ATTEST:

  
\_\_\_\_\_  
Courtenay Gomez, 3<sup>rd</sup> Chief

ATTORNEYS  
Heather R. Kendall-Miller  
Natalie A. Landreth  
Erin C. Dougherty

## Native American Rights Fund

801 B Street, Suite 401, Anchorage, AK 99501 (907) 276-0680 FAX (907) 276-2466

EXECUTIVE DIRECTOR  
John E. Echehawik

MAIN OFFICE  
1505 Broadway  
Boulder, CO 80302-6926  
(303) 447-8760  
FAX (303) 443-7776

WASHINGTON OFFICE  
1712 N Street N.W.  
Washington, D.C. 20036-2976  
(202) 785-4166  
FAX (202) 822-0068

WEBSITE ADDRESS  
[www.narf.org](http://www.narf.org)

February 20, 2013

The Honorable Bob Lynn  
House State Affairs Committee  
State Capitol  
Juneau, AK 99801

Representative Lynn and Committee Members:

My name is Natalie Landreth and I am a Senior Staff Attorney and Corporate Officer at the Native American Rights Fund. Founded in 1970, the Native American Rights Fund (NARF) is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Alaska Native and Indian tribes, organizations and individuals nationwide. NARF has been in Alaska since 1984, and I have personally been practicing law here for 10 years. It is on behalf of the many Alaska Native and American Indian clients I have represented over the years in election cases (including one going on right now), that I write to oppose HB 3.

This bill is first and foremost a solution in search of a problem. There is no documented voter fraud in Alaska (save for the one identity theft issue already discussed). The voter identification system is working just fine as it is. HB 3 is therefore totally unnecessary.

NARF has reviewed the testimony of the ACLU and agrees with it. This bill is inherently discriminatory and will have a disparate impact on the poor, the elderly and Alaska Natives in particular. There are already numerous barriers to voting in rural Alaska and this bill would surely disenfranchise even more. I detail only some of the problems here.

The first problem is that in rural Alaska the most common form of identification at the polls is simply recognition. Everyone in a village knows everyone else and thus pollworkers pretty much never ask for identification. I have checked with all of my clients in voting cases and this is the longstanding practice. HB 3 would prevent them from doing this and require *two* pollworkers to identify the person and sign beside their name on the register. I have reviewed some pollworker timesheets for numerous village precincts in the Bethel Census Area and it is not uncommon for there to be just *one* pollworker at the precinct at a given time. In such situations, it would be impossible for a voter to meet this requirement for reasons totally beyond their control.

Second, the personal recognition, or "waiver" as it is called in the bill, does not apply if a person is not on the official register for the precinct. This creates a significant problem because the State conducts voter purges approximately every two years during which voters can be removed from the register simply for failing to return a postcard in time. This is a particularly acute problem for the many Yup'ik speaking people in the Y-K Delta who may discard that piece of mail because they do

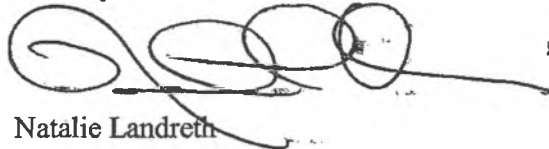
not understand it must be returned. It is again not uncommon for people who have voted for years to go vote and find that they are no longer on the register, either through human error or by virtue of having been purged. Those people would not be allowed to vote even with personal recognition.

Third, I do see that HB 3 allows for tribal IDs but in my 10 years of practice in the state I have never once seen an Alaska tribal ID with a photograph on it. I did some investigation in preparation for this testimony and I did discover about 12 tribes in the Interior and Y-K Delta regions that have "hardcard systems" that have photographs but I have not personally seen them. The vast majority of tribal IDs will not have photographs on them, and I am aware of no requirement that they have photographs. It is more common for tribal IDs in the Lower 48 to have photographs but not so in Alaska.

Finally, the bill is not saved by the fact that it allows for two forms of identification that do not require a photograph. With the exception of the tribal ID and possibly the license in (2)(D), Alaska Natives – especially ones over the age of 50 or so – will not have the other forms. For example, many older Alaska Natives were born at home and do not have official or certified birth certificates. They also will not have naturalization papers and those who were married in a church may not have a court marriage record. These may be more common today but those over a certain age simply did not live that way. This further highlights why the burden of HB 3 falls on older Alaskans and Alaska Natives in particular.

It is for these reasons and those detailed in the ACLU letter that we strongly oppose this bill.

Thank you

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Natalie Landreth



State of Alaska  
Department of Health & Social Services  
Division of Public Assistance  
<http://www.hss.state.ak.us/dpa/>

# Application for Services

If you need help filling out this form or have questions, please tell us – we can help!

## How do I apply?

Complete page A of this application form with your name, address, and signature, and give it to us.

## What do I do next?

Fill out the whole application form.

- Attend an interview with a Public Assistance caseworker or Fee Agent.
- Provide proof of your income, expenses, and other circumstances.

You may apply for one or more program benefits with the same application.

## How long will it take?

It may take up to 30 days to process your application.

You can get food stamps within 7 days if:

- Your household's monthly gross income (income before deductions) is less than \$150 and your cash and money in the bank is not more than \$100; or,
- Your household's monthly rent/mortgage/utility payments are more than your monthly gross income, cash, and money in the bank.

If eligible, benefits for Temporary Assistance and Food Stamps start the date we receive your completed page A. Adult Public Assistance, Medicaid benefits, and benefits from other programs may start on a different date.

## Do I have to go to an interview?

Yes. A personal interview is required before the caseworker can determine if you are eligible for assistance. You may schedule an interview at the Public Assistance office or with your local Fee Agent. If you cannot attend an interview in person, contact the Public Assistance office so other arrangements can be made. Your application will be denied if you do not attend an interview within 30 days.

## Programs

### Medicaid

Offers medical coverage to families, children, elderly, disabled adults, and pregnant women. Also helps with Medicare Parts A and B premiums.

### Chronic & Acute Medical Assistance

Helps people with specific illnesses who don't qualify for Medicaid and have little or no income.

### Food Stamps

Helps people buy food.

### Temporary Assistance Program

Gives monthly cash payments to eligible families with children.

### Adult Public Assistance

Gives monthly cash payments and medical assistance to eligible elderly, blind, and disabled persons.

### General Relief Assistance

Helps eligible individuals and families with emergency rent and utility needs. Also helps with burial costs.

Information Page - Read and keep this page for your records.

# What do I need to bring to my interview?

To avoid delays, bring these items with you to your interview. Go to your interview even if you do not have all of the items. We may be able to assist if you need help getting them. For some programs, certain expenses may be allowed in determining your eligibility and benefit amounts.

## For Any Program or Service:

- Identification, such as a Driver's License, State ID card, or Certificate of Indian Blood.
- Proof of where you live, such as a rental agreement or current bill showing your residence address.
- Proof of lawful immigration status, such as an Alien Registration Card, for anyone in your household who is an immigrant and applying for benefits. Note: This information is not needed if you are applying for Medicaid for Emergency Treatment of Aliens.
- Proof of money in the bank, such as recent bank statements for checking, savings and credit union accounts for all the people in your household.
- Proof of income received by everyone in your household. This can be provided by the most recent pay stubs or a work statement from an employer. If self-employed, bring in income and expense records. Bring proof of unearned income, like unemployment benefits, SSI, Social Security, Veteran's benefits, child support, worker's compensation, school grants or loans, rental income, etc.

## For Food Stamps, Medicaid or Alaska Temporary Assistance:

- Proof of your housing costs, such as receipts or documents that show your housing costs, including rent, space rent, mortgage payments, utility bills, property tax, home insurance.
- Proof of medical expenses belonging to anyone in your household who is elderly or disabled.
- Proof of child care costs due to someone working, looking for work, attending training or school, or participating in a required work activity.
- Proof of child support paid by a person in your household. You will need to show the child support order, the amount of the monthly obligation, and the amount you currently pay.

## For Medicaid:

- Proof of U.S. citizenship, such as a birth certificate, of all persons applying for benefits.
- Proof of medical or health insurance, including a copy of the Medicare Card, if you have any.
- Proof of pregnancy and due date, if someone in your household is pregnant.

## For Adult Public Assistance:

- Proof of application for Supplemental Security Income (SSI).

## For General Relief Assistance:

- Proof of your need, such as an eviction notice or utility shut off notice.

## Your appointment is on:

Date/Day \_\_\_\_\_ Time \_\_\_\_\_ Phone \_\_\_\_\_

Location/Interviewer \_\_\_\_\_ Fax \_\_\_\_\_

Fee Agent - date rcvd/signature

DPA - date received

# Application for Services

## A What kind of help do you need?

Check the programs or services you need.



- Medicaid
- Chronic & Acute Medical Assistance



- Food Stamps



- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Temporary Assistance</li> <li><input type="checkbox"/> Adult Public Assistance                             <ul style="list-style-type: none"> <li><input type="checkbox"/> blind or disabled</li> <li><input type="checkbox"/> elderly assistance</li> </ul> </li> <li><input type="checkbox"/> General Relief Assistance                             <ul style="list-style-type: none"> <li><input type="checkbox"/> rent or utilities</li> <li><input type="checkbox"/> burial expenses</li> </ul> </li> </ul> | <p>Other Services</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> finding work</li> <li><input type="checkbox"/> child care</li> <li><input type="checkbox"/> child support</li> <li><input type="checkbox"/> prenatal care</li> <li><input type="checkbox"/> other</li> </ul> |
|--|--|

## Programs

### Medicaid

Offers medical coverage to families, children, elderly, disabled adults, and pregnant women. Also helps with Medicare Parts A and B premiums.

### Chronic & Acute Medical Assistance

Helps people with specific illnesses who don't qualify for Medicaid and have little or no income.

### Food Stamps

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### General Relief Assistance

Helps eligible individuals and families with emergency rent and utility needs. Also helps with burial costs.

## B Who are you? (Please print)

|   |               |                                      |                     |
|---|---------------|--------------------------------------|---------------------|
| Name (First, Middle, Last)  |               | Social Security Number (optional)    |                     |
| Home Address or Directions to Your Home   |               | City                                 | State      Zip Code |
| Mailing Address   |               | City                                 | State      Zip Code |
| Home Phone  | Message Phone | Other Names (maiden, nicknames, etc) |                     |
| <p>Answer these questions to see if you can get food stamps within seven days:</p> <ul style="list-style-type: none"> <li>• Do you have more than \$100 in cash or money in the bank? <span style="float: right;"><input type="checkbox"/> yes   <input type="checkbox"/> no</span></li> <li>• Is your household's monthly gross income (income before deductions) less than \$150? <span style="float: right;"><input type="checkbox"/> yes   <input type="checkbox"/> no</span></li> <li>• Are your costs for rent/mortgage/utilities more than your monthly gross income, cash and money in the bank? <span style="float: right;"><input type="checkbox"/> yes   <input type="checkbox"/> no</span></li> </ul> |               |                                      |                     |
| Sign Here   | Date          | E-mail                               |                     |
| X   |               |                                      |                     |

Notes

# People in your household



## 1 Tell us about yourself and the people living in your home.

Race and ethnicity information is optional. It is requested to assure benefits are given without regard to race, color or national origin. Your answers will not affect your eligibility or benefit amount. If you need more space, use page 8.

| Household Members<br>(Enter name)                         | Relation<br>(NR = Not Related) | Birth Date | Social Security Number | Sex (M/F)                                      | US Citizen? (Yes/No) | Education (Last Grade Completed GED, College) | Race                     | Ethnic Group |
|---|--------------------------------|------------|------------------------|--|----------------------|---|--------------------------|--------------|
|   |                                |            |                        |  |                      |   | Optional-Use codes below |              |
| Complete these sections only for those who need benefits. |                                |            |                        |  |                      |   |                          |              |
| Example: Joe Smith  | NR                             | 2/10/74    | 555-55-5555            | M  | Yes                  | 12th  | WH                       | N            |
|   | Self                           |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
|   |                                |            |                        |  |                      |   |                          |              |
| <b>Race:</b> (You may select more than one race)          |                                |            |                        |  |                      | <b>Ethnicity:</b>                             |                          |              |
| AN = Alaskan Native                                       |                                | WH = White |                        | BL = Black or African American                 |                      | Y = Hispanic or Latino                        |                          |              |
| AI = American Indian                                      |                                | AS = Asian |                        | PI = Native Hawaiian or other Pacific Islander |                      | N = Not Hispanic or Latino                    |                          |              |

**2** Has anyone in your household received public assistance (Temporary Assistance, cash, food stamps, Medicaid, Food Distribution Program on Indian Reservations FDPIR) in Alaska or any other state?  yes  no  
If yes, who, when and where? \_\_\_\_\_

**3** Are you requesting assistance for anyone in your household who is pregnant?  yes  no  
If yes, who? \_\_\_\_\_ When is baby due? \_\_\_\_\_

**4** Has anyone been convicted of any of the following types of felonies?  yes  no  
 Drug-related felony? Date of conviction: \_\_\_\_\_ Who and where? \_\_\_\_\_  
 Making a false statement about where you live in order to receive assistance from two or more states at the same time. Date of conviction: \_\_\_\_\_ Who and where? \_\_\_\_\_

**5** Is any adult in your household fleeing from prosecution, custody, confinement for a felony or class A misdemeanor from any state?  yes  no  
If yes, who? \_\_\_\_\_

**6** Is anyone in your household attending a college or university?  yes  no  
If yes, who? \_\_\_\_\_

# Income in your household



**7** Do you, or anyone who lives with you, receive money from employment?  yes  no  
 Include money from all jobs received this month or that will be received next month.  
 If yes, check all boxes that apply.

- Full-time Work     Seasonal Work     Vacation Pay     Contract Income     Tips  
 Part-time Work     Sick Pay     Bonuses     Other (day labor, on-call, commissions)

For all the items checked above, please fill in the boxes below:

| Household Member Who Works | Employer    | Full-time, Part-time, or Seasonal | Number of Hours Worked per Week | Hourly Wage or Monthly Salary | Amount Paid This Month | Amount To Be Paid Next Month | How Often Paid? |
|----------------------------|-------------|-----------------------------------|---------------------------------|-------------------------------|------------------------|------------------------------|-----------------|
| Example: Joe Smith         | XYZ Company | Part                              | 10                              | \$10                          | \$400                  | \$400                        | Weekly          |
|                            |             |                                   |                                 |                               |                        |                              |                 |
|                            |             |                                   |                                 |                               |                        |                              |                 |
|                            |             |                                   |                                 |                               |                        |                              |                 |

**8** Has anyone in your household had a job end in the last 60 days?  yes  no  
 If yes, who? \_\_\_\_\_

**9** Do you, or anyone who lives with you, receive money from self-employment?  yes  no

Include money from all jobs received this month or that will be received next month.  
 If yes, check all boxes that apply.

- B&B/Rent Rooms     Crafts/Carving     Odd Jobs     Taxi Driving  
 Carpenter     Commercial Fishing     Repair Person     Trapping  
 Child Care/Babysitting     Manage Rental Property     Sales Person     Other

For all the items checked above, please fill in the boxes below:

| Household Member Who is Self-Employed | Type of Business | Seasonal, Year-round | Business Income This Month | Business Income Next Month | Business Expenses This Month | Business Expenses Next Month |
|---------------------------------------|------------------|----------------------|----------------------------|----------------------------|------------------------------|------------------------------|
| Example: Joe Smith                    | Fishing          | Seasonal             | \$900                      | \$900                      | \$100                        | \$100                        |
|                                       |                  |                      |                            |                            |                              |                              |
|                                       |                  |                      |                            |                            |                              |                              |
|                                       |                  |                      |                            |                            |                              |                              |

# Questions about your household



**10** Do you, or anyone who lives with you, receive money from any other source (not from working)?  yes  no

If yes, check all the boxes that apply.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Alimony                                     | <input type="checkbox"/> Insurance/Lawsuit Settlement | <input type="checkbox"/> Permanent Fund Dividend      |
| <input type="checkbox"/> Annuities                                   | <input type="checkbox"/> Interest/Dividends           | <input type="checkbox"/> Social Security Benefits     |
| <input type="checkbox"/> Bingo/Gambling Winnings                     | <input type="checkbox"/> Military Benefits            | <input type="checkbox"/> Subsidized Adoption Payments |
| <input type="checkbox"/> Child Support                               | <input type="checkbox"/> Money from Friends/Relatives | <input type="checkbox"/> Supplemental Security Income |
| <input type="checkbox"/> Education Assistance                        | <input type="checkbox"/> Native Corporation Dividends | <input type="checkbox"/> Unemployment Benefits        |
| <input type="checkbox"/> Foster Care Payments                        | <input type="checkbox"/> Oil/Mineral Royalties        | <input type="checkbox"/> Veteran's Benefits           |
| <input type="checkbox"/> General Assistance from Native Corporations | <input type="checkbox"/> Pension/Retirement Benefits  | <input type="checkbox"/> Workers' Compensation        |
|  |   | <input type="checkbox"/> Other _____                  |

For all the items checked above, please fill in the boxes below:

| Who Receives the Payment? | Type of Payment | Amount This Month | Amount Expected Next Month | How Often?    |
|---------------------------|-----------------|-------------------|----------------------------|---------------|
| Example: Joe Smith        | Unemployment    | \$400             | \$400                      | Every 2 weeks |
|                           |                 |                   |                            |               |
|                           |                 |                   |                            |               |
|                           |                 |                   |                            |               |
|                           |                 |                   |                            |               |

**11** Do you expect any changes in any of the income or employment you listed above, or do you expect any new income or employment not listed above?  yes  no

If yes, please explain: \_\_\_\_\_

**12** Do you work for or get help with food, shelter, utilities, or other expenses that are not paid in cash?  yes  no

If yes, please explain: \_\_\_\_\_

**13** Do you, or anyone who lives with you, own any property such as a house, land, apartment, mobile home, duplex, condo, camper or cabin?  yes  no

If yes, complete the information below. Include any property that is paid for, you are still paying for, or that is owned with someone else.

| Who Owns the Property? | Type of Property Owned | Estimated Value | Amount Owed |
|------------------------|------------------------|-----------------|-------------|
| Example: Joe Smith     | Condo                  | \$75,000        | \$70,000    |
|                        |                        |                 |             |
|                        |                        |                 |             |
|                        |                        |                 |             |

# Questions about your household



**14** Do you, or anyone who lives with you, own any vehicles such as a car, truck, motorcycle, boat, snowmobile, recreational vehicle (RV) or all-terrain vehicle (ATV)?  yes  no

If yes, please complete the information below. Include any vehicles that are paid for, you are paying for, or are owned with someone else. Also include vehicles that are not running or that you are not using.

| Who Owns the Vehicle? | Vehicle Type, Model and Year | What is Vehicle Used for? | Estimated Value | Amount Still Owed |
|-----------------------|------------------------------|---------------------------|-----------------|-------------------|
| Example: Joe Smith    | 1987 Ford Escort             | Work                      | \$800           | \$200             |
|                       |                              |                           |                 |                   |
|                       |                              |                           |                 |                   |
|                       |                              |                           |                 |                   |

**15** Do you, or anyone who lives with you, have any of the items below?  yes  no

If yes, check all the boxes that apply. Include items owned with someone else and accounts with no money in them right now.

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Annuities               | <input type="checkbox"/> College Savings Plan      | <input type="checkbox"/> Mineral Rights            | <input type="checkbox"/> Savings Account |
| <input type="checkbox"/> Burial Policy Agreement | <input type="checkbox"/> Credit Union Accounts     | <input type="checkbox"/> Native Corporation Shares | <input type="checkbox"/> Stocks/Bonds    |
| <input type="checkbox"/> Cash on Hand            | <input type="checkbox"/> Commercial Fishing Permit | <input type="checkbox"/> Pension Plan              | <input type="checkbox"/> Trust Funds     |
| <input type="checkbox"/> Certificate of Deposit  | <input type="checkbox"/> IRA Account               | <input type="checkbox"/> Retirement Funds          | <input type="checkbox"/> Other           |
| <input type="checkbox"/> Checking Account        | <input type="checkbox"/> Life Insurance Policy     | <input type="checkbox"/> Safe Deposit Box          |  |

For all items checked above, please fill in the boxes below:

| Who Owns the Item?  | Type of Item     | Where Held?   | Account Number | Total Value/ Balance |
|---------------------|------------------|---------------|----------------|----------------------|
| Example: Jane Smith | Checking Account | Frontier Bank | 452231         | \$400                |
|                     |                  |               |                |                      |
|                     |                  |               |                |                      |
|                     |                  |               |                |                      |

**16** Have you, or anyone in your household, sold, given away, or transferred any property, vehicles or other resources in the past five years?  yes  no

If yes, please complete the information below:

| Who Owned It?      | Vehicle, Property, or Resource | Sold, Gave Away, or Transferred? | When?    | Estimated Value |
|--------------------|--------------------------------|----------------------------------|----------|-----------------|
| Example: Joe Smith | Truck                          | Gave Away                        | May 2005 | \$4,000         |
|                    |                                |                                  |          |                 |
|                    |                                |                                  |          |                 |
|                    |                                |                                  |          |                 |

# House and Shelter Expenses



**17** What are your shelter expenses? Check the boxes that apply and fill in the amount. Do not enter amounts paid by housing assistance such as HUD, AHFC or Section 8.

- Rent \$ \_\_\_\_\_ per month
- Mortgage \$ \_\_\_\_\_ per month
- Mobile Home Lot or Space Rent \$ \_\_\_\_\_ per month

**18** What shelter expenses are billed separately from your rent or mortgage?

- Home/Rent Insurance \$ \_\_\_\_\_ per \_\_\_\_\_
- Property Taxes \$ \_\_\_\_\_ per \_\_\_\_\_
- Condo/Association Fees \$ \_\_\_\_\_ per \_\_\_\_\_
- Other (such as deposits) \$ \_\_\_\_\_ per \_\_\_\_\_

**19** Check the boxes next to the utility bills your household is responsible for paying:

- Heat (such as gas, electric, propane, wood, etc.)
- Water
- Telephone
- Electricity
- Sewer
- Garbage
- Other \_\_\_\_\_

**20** Does another person or agency help you pay all or part of your shelter costs (including energy or heating assistance)?  yes  no

If yes, who pays? \_\_\_\_\_ What expense? \_\_\_\_\_ Amount paid? \_\_\_\_\_

# Other Household Expenses



**21** Does anyone in your household have child care or elderly or disabled adult care expenses?  yes  no

If yes, who is responsible for paying? \_\_\_\_\_

Who is it for? \_\_\_\_\_ Monthly Amount \$ \_\_\_\_\_

**22** Does anyone in your household pay child support?  yes  no

If yes, who pays? \_\_\_\_\_ Monthly Amount \$ \_\_\_\_\_

**23** Does anyone in your household who is disabled or age 60 or older, have medical expenses?  yes  no

If yes, who has the expense? \_\_\_\_\_ Monthly Amount \$ \_\_\_\_\_

# Medical Information



You and your children may be eligible for health coverage. We will enroll you/them now, unless you check this box to decline coverage.  I decline

**24** Does anyone in your household need help paying for any unpaid medical bills from the past three months? If yes, we may be able to help. You must provide proof of income and resources for each month.  yes  no

Who? \_\_\_\_\_ What months? \_\_\_\_\_

**25** Does anyone in your household have medical costs due to an accident?  yes  no  
If yes, who? \_\_\_\_\_ Accident date? \_\_\_\_\_

**26** List household members who have health insurance such as Medicare, Indian Health Services, VA, TRICARE, Worker's Compensation, private, employer-provided insurance, etc.

| Benefits Covered |           |          |        |        |       |
|------------------|-----------|----------|--------|--------|-------|
| Hospital         | Physician | Rx Drugs | Dental | Vision | Other |
| X                |           | X        |        | X      |       |
|                  |           |          |        |        |       |
|                  |           |          |        |        |       |
|                  |           |          |        |        |       |
|                  |           |          |        |        |       |

| Household Member   | Insurance Name and Address       | Date Coverage Begins | Policy/Group/Claim Numbers |
|--------------------|----------------------------------|----------------------|----------------------------|
| Example: Joe Smith | Acme, 123 F St. Palmer, AK 99555 | 3/4/2007             | 78910                      |
|                    |                                  |                      |                            |
|                    |                                  |                      |                            |
|                    |                                  |                      |                            |
|                    |                                  |                      |                            |

**27** Do any household members expect changes in health insurance coverage?  yes  no  
If yes, who and why? \_\_\_\_\_

**28** Did anyone in your household have health insurance cancelled or stopped within the past 12 months?  yes  no  
If yes, who and why? \_\_\_\_\_

**29** List the name and place of birth of children under age 16 in your household.

| Child's Name | Child's Place of Birth |
|--------------|------------------------|
|              |                        |
|              |                        |
|              |                        |
|              |                        |

# Signature Page



**30** You may authorize someone 18 years or older to help you apply for public assistance benefits. This person can also speak for you at the interview, help you complete forms, and report changes for you. You will have to repay any benefits you may get by mistake because of information this person gives us.

Do you want someone to help you with your public assistance case?  yes  no

\_\_\_\_\_  
Name of Person (Authorized Representative)

\_\_\_\_\_  
Phone/Message Number

**31** Do you want another person to receive or spend your benefits on behalf of your household?

yes  no

If yes, which benefits? \_\_\_\_\_

cash  food

\_\_\_\_\_  
Name of Person (Alternate Payee)

\_\_\_\_\_  
Phone/Message Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City and State

\_\_\_\_\_  
Zip Code

**32** Some people in Alaska live in areas where getting to food stores is difficult. They often rely on subsistence hunting and fishing for their food needs. If you are in this situation, you may use food stamp benefits to buy subsistence hunting and fishing items. These items include nets, lines, hooks, fishing rods, harpoons, and knives, but not firearms, ammunition, clothing, shelter, or fuel.

Do you want to use food stamps to buy subsistence hunting and fishing items?  yes  no

If yes, sign here.

X \_\_\_\_\_

Signature of Adult Household Member

\_\_\_\_\_  
Date

## 33 Statement of Truth

Under penalty of perjury, I certify that all information contained in this application, including U.S. citizenship or lawful immigrant status of all persons applying for benefits, is true and correct to the best of my knowledge.

I have read or had read to me the "Rights and Responsibilities" section of the application and I understand my rights and responsibilities, including fraud penalties, as described in this application.

X \_\_\_\_\_

Signature of Adult Applicant

\_\_\_\_\_  
Date

X \_\_\_\_\_

Signature of Other Adult Applicant

\_\_\_\_\_  
Date

X \_\_\_\_\_

Signature of Witness, if signed with an "X"

\_\_\_\_\_  
Date

**Notes**

State of Alaska  
Department of Health & Social Services  
Division of Public Assistance

## Authorization for Release of Information

### What is an 'Authorization for Release of Information'?

Your signature on this form gives the Department of Health and Social Services, its agents, and the Department of Law permission to ask for information about your health, finances, family and personal history. This information is only used in the administration of public assistance programs and will not be released to any other person or agency outside of the Department of Health and Social Services or its representatives. The Release of Information will be in effect while you are an applicant or recipient of Public Assistance, and for any later investigations of your eligibility and receipt of benefits.

### Who will we ask for information?

The people or organizations that may be contacted include, but are not limited to: the Alaska Housing Finance Corporation, the Department of Fish and Game, the Department of Labor, the Department of Law, the Department of Military and Veterans Affairs, the Department of Public Safety, the Department of Revenue, U. S. Citizenship and Immigration Services, employers, financial institutions, landlords, local governments, Native corporations, private individuals, public assistance program contractors and grantees, school authorities, the Social Security Administration, stock brokerage firms, and tax assessors.

### I Authorize This Release of Information:

\_\_\_\_\_  
Signature of Adult

\_\_\_\_\_  
Signature of Other Adult

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

A Copy of this Release is as Valid as the Original

State of Alaska  
Department of Health & Social Services  
Division of Public Assistance

## Contact People and Organizations

### Why do you need to complete this form?

To determine your eligibility for assistance, we may need to contact people or organizations that can answer questions about your situation. By completing this form, you are allowing us to contact the people and organizations you provide.

### What questions do we ask?

We often ask questions about where you live, who lives with you, and your household's income and resources. We may also ask for information about a child's parent not living in the home.

### What information do we provide them?

When we contact these people or organizations, we tell them our name and title. We also tell them that we work for the Division of Public Assistance. We do not give them any information about you or your public assistance case.

**1** Information about two people who know you well:

| Name and Relation to You | Mailing Address | Daytime Phone |
|--------------------------|-----------------|---------------|
|                          |                 |               |
|                          |                 |               |

**2** Information about your landlord:

| Name | Mailing Address | Daytime Phone |
|------|-----------------|---------------|
|      |                 |               |
|      |                 |               |

**3** Information about your employer:

| Name | Mailing Address | Daytime Phone |
|------|-----------------|---------------|
|      |                 |               |
|      |                 |               |

**4** Information about your bank account(s):

| Name of Financial Institution | Mailing Address | Daytime Phone |
|-------------------------------|-----------------|---------------|
|                               |                 |               |
|                               |                 |               |

## Would You Like to Register to Vote?

### You may register to vote in Alaska if:

1. You are a United States citizen.
2. You are a resident of Alaska.
3. You are at least 18 years of age or will be 18 within 90 days of completing the registration application.
4. You are not a convicted felon, unless you have been unconditionally discharged.
5. You are not registered in another state, unless you cancel that registration. (There is an area on the Alaska registration application for you to cancel if needed.)

### Important Notices

1. Applying to register or declining to register to vote will not affect the services or the amount of benefits that you will be provided by this agency.
2. If you would like help filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the registration form in private.
3. If you decline to register to vote, your decision will be confidential. If you choose to register to vote, the office at which your voter registration application is submitted will remain confidential and will be used only for your voter registration purposes.
4. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Director of the Division of Elections by calling 907-465-4611, or toll-free at 866-952-8683 or you may write to: Director, Division of Elections, PO Box 110017, Juneau, AK 99811-0017.

**If you are not registered where you live now, would you like to apply to register to vote here today?**

(Check one)

- Yes.** I would like to register to vote. (Please fill out the attached registration application.)
- No.** I do not want to register to vote.

**Note: If you do not check either box, you will be considered to have decided NOT to register to vote at this time.**

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Date

*This form will be retained with this agency.*

*Completed voter registration applications will be mailed to the Division of Elections.*

# STATE OF ALASKA VOTER REGISTRATION APPLICATION

Refer to instructions on the reverse side for specific information and identification requirements.  
Please print clearly in blue or black ink.

|  |                    |                   |   |                       |                                |
|--|--------------------|-------------------|---|-----------------------|--------------------------------|
| <b>1. You MUST complete this section for registration.</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No    I am a citizen of the United States.<br><input type="checkbox"/> Yes <input type="checkbox"/> No    I am at least 18 years old or will be within 90 days of completing this application.<br><b>If you checked NO to either question, do not complete this form as you are not eligible to register to vote.</b>  |                    |                   |   |                       |                                |
| <b>2. Last Name</b>  |                    | <b>First Name</b> |   | <b>Middle Initial</b> | <b>Suffix (Sr., Jr., etc.)</b> |
| <b>3. Former Name:</b> (If your name has changed)  |                    |                   |   |                       |                                |
| <b>4. You MUST provide the Alaska residence address where you claim residency. Do not use PO, PSC, HC or RR.</b>   |                    |                   |   |                       |                                |
|  |                    |                   |   | <b>ALASKA</b>         |                                |
| <b>House #</b>   | <b>Street Name</b> |                   | <b>Apt #</b>  | <b>City</b>           | <b>State</b>                   |
| <input type="checkbox"/> Keep my residence address confidential. (Your mailing address in section 5 must be DIFFERENT from your residence address in section 4 to remain confidential.)  |                    |                   |   |                       |                                |
| <b>5. Mailing Address:</b>   |                    |                   | <b>10.</b> <input type="checkbox"/> I am a voter with a disability and would like information on alternative voting methods.  |                       |                                |
| _____  |                    |                   | <b>11.</b> <input type="checkbox"/> I am interested in serving as an election official.<br>(Provide your phone number and/or email address in section 12.)  |                       |                                |
| _____  |                    |                   | <b>12.</b> *Daytime Phone No. _____<br>*Evening Phone No. _____<br>*Email Address _____   |                       |                                |
| _____  |                    |                   | <b>13. Political Affiliation</b> For information on political types see reverse No. 5.<br><u>Select only ONE Below</u><br><b>Political Parties:</b><br><input type="checkbox"/> Alaska Democratic Party<br><input type="checkbox"/> Alaska Libertarian Party<br><input type="checkbox"/> Alaska Republican Party<br><input type="checkbox"/> Alaskan Independence Party<br><b>or</b> <b>Political Groups:</b><br><input type="checkbox"/> Green Party of Alaska<br><input type="checkbox"/> Alaska Constitution Party<br><input type="checkbox"/> Veterans Party of Alaska<br><b>or</b> <b>Other:</b><br><input type="checkbox"/> Nonpartisan (no party affiliation)<br><input type="checkbox"/> Undeclared (no party declared)<br><input type="checkbox"/> _____ |                       |                                |
| <b>6. You MUST provide at least ONE</b><br>*Social Security No. _____/_____/_____<br>*Last 4 Digits of Social Security No. _____<br>*Alaska Driver's License No. _____<br>*Alaska State ID Card No. _____<br><input type="checkbox"/> I have not been issued a Social Security, Alaska Driver's License or State ID number.  |                    |                   |   |                       |                                |
| <b>7. You MUST provide</b><br>*Date of Birth _____/_____/_____<br><small style="margin-left: 100px;">Month                      Day                      Year</small>  |                    |                   |   |                       |                                |
| <b>8. *AK Voter Number</b> _____<br><small style="margin-left: 200px;">(if known)</small>  |                    |                   |   |                       |                                |
| <b>9. Sex</b> <input type="checkbox"/> Male <input type="checkbox"/> Female  |                    |                   |   |                       |                                |
| <b>14. If you are registered to vote in another state, you MUST cancel that registration by providing the following:</b><br><b>City:</b> _____ <b>State:</b> _____ <b>County:</b> _____ <b>Zip Code:</b> _____   |                    |                   |   |                       |                                |
| <b>Voter Certificate. Read and Sign:</b> I certify, under penalty of perjury, that the above information I provided on this document is true and correct. I am not registered to vote in another state, or I have provided information to cancel that registration. I further certify that I am a resident of Alaska and I have not been convicted of a felony, or having been so convicted, have been unconditionally discharged from incarceration, probation and/or parole.<br><b>WARNING:</b> If you provide false information on this application you can be convicted of a misdemeanor AS 15.56.050. |                    |                   |   |                       |                                |
| <b>* SIGNATURE:</b> _____  |                    |                   | <b>DATE:</b> _____  |                       |                                |
| <b>Registrar/Agency/Official – Check ID and complete this section</b>  |                    |                   | <b>For Office Use Only</b>  |                       |                                |
| <b>Registrar Name</b>  | <b>NVRA Agency</b> |                   | VN _____  | D/P _____             | OR                             |
| <b>Agency Name</b>   |                    |                   |   |                       |                                |

\*Items are kept confidential by the Division of Elections and are not available for public inspection except that confidential addresses may be released to government agencies or during election processes as set out in state law.



# State of Alaska

## Division of Elections

### *Voter Registration Application*

To register to vote in Alaska you must be a U.S. Citizen, a resident of Alaska, and at least 18 years old or will be 18 years old within 90 days of completing this application.

Initial registration or registration changes must be made at least 30 days prior to an election. Once your application is processed, a notice will be mailed to you within 3 to 4 weeks.

#### 1. When Completing This Application You **MUST** Provide:

- **Alaska Residence Address Where You Claim Residency** – A complete physical residence address must be included on your application. The residence address you provide will be used to assign your voter record to a voting district and precinct. Your application will not be processed if you leave the residence address blank or if you provide a PO Box, HC No. and Box, PSC Box, Rural Route No., Commercial Address or Mail Stop Address on Line 4 of the application.

If your residence has been assigned a street number, provide that number. If not, indicate exactly where you live such as, highway name and milepost number, boat harbor, pier and slip number, subdivision name with lot and block or trailer park name and space number. If you live in a rural village in Alaska, you may provide the community name as your residence address.

If you have a different mailing address than your residence address, you may choose to keep your residence address confidential. Confidential addresses are not released to the general public, but may be released to government agencies or during election processes as set out in state law.

**Are you temporarily out of State?** If so, and you have intent to return (active military and military spouses are exempt from intent requirements), you may maintain your Alaska residence as it appears on your current record. If you provide a new residence address, it must be within Alaska.

- **Proof of Identity** – Your identity must be verified. If you have been issued a Social Security number, Alaska Driver's License, or Alaska State ID card, you **MUST** provide at least one number on Line 6 of the application. If you have never been issued one of the identification numbers, please indicate so by checking the box on Line 6.
- **Date of Birth** – You **MUST** provide your date of birth.

#### 2. Are you submitting this application by mail, by fax, or email? If so, and if you are not already registered to vote in Alaska, your identity must be verified either at the time you register or the first time you vote. If you would like to ensure that your identity is verified at the time you register, submit a copy of one of the below:

- Current and valid photo identification
- Passport
- Birth certificate
- Driver's license
- State identification card
- Hunting and Fishing license

#### 3. Are you registering from outside the State of Alaska? If so, you must provide proof of Alaska residency, such as a copy of your Alaska driver's license, Alaska hunting or fishing license, student loan or college tuition documents showing Alaska as state of residence, proof of employment in Alaska, military leave and earnings statement that identifies Alaska as the state of legal residence or other documentation that supports your claim as an Alaska resident. If you do not provide proof of Alaska residency, your application will not be processed.

#### 4. Have you been convicted of a felony? If so, you may register to vote only if you have been unconditionally discharged. Provide a copy of your discharge papers with this application if available.

#### 5. Political Affiliation. Those parties that have gained recognized political party status under Alaska Statutes 15.60.010(25) are listed under **Political Parties**. Those groups that have applied for party status but have not met the qualifications to be a recognized political party under Alaska Statutes 15.60.010(25) are listed under **Political Groups**. Under **Other**, nonpartisan means you are not affiliated with any recognized political party or group and undeclared means you do not wish to declare a political affiliation. If you do not check a political affiliation, you will be registered as undeclared unless you are already registered under an affiliation.

Mall, fax or email (as a pdf, tiff or jpg attachment) your completed application to one of the offices below:

Visit our website at: [www.elections.alaska.gov](http://www.elections.alaska.gov)

**Region I Elections Office**  
PO Box 110018  
Juneau, AK 99811-0018  
(907) 465-3021 – Telephone  
(907) 465-2289 – Fax  
Toll Free 1-866-948-8683

**Region II Elections Office**  
Anchorage Office  
2525 Gambell Street Suite 100  
Anchorage, AK 99503-2838  
(907) 522-8683 – Telephone  
(907) 522-2341 – Fax  
Toll Free 1-866-958-8683  
Matanuska-Susitna Office  
North Fork Professional Building  
1700 E. Bogard Road, Suite B102  
Wasilla, AK 99654-6565  
(907) 373-8952 – Telephone  
(907) 373-8953 – Fax

**Region III Elections Office**  
675 7<sup>th</sup> Avenue Suite H3  
Fairbanks, AK 99701-4594  
(907) 451-2835 – Telephone  
(907) 451-2832 – Fax  
Toll Free 1-866-959-8683

**Region IV Elections Office**  
PO Box 577  
Nome, AK 99762-0577  
(907) 443-5285 – Telephone  
(907) 443-2973 – Fax  
Toll Free 1-866-953-8683

**Yup'ik Language Assistance**  
Toll Free 1-866-954-8683

State of Alaska  
 Department of Health & Social Services  
 Division of Public Assistance

### What happens if I do not follow the rules?

You may be prosecuted if you knowingly give false, incorrect, or incomplete information to get or try to get public assistance benefits you are not eligible for, or to help someone else get benefits for which they are not eligible. You must repay any benefit you wrongly receive.

| Food Stamp Program  |  |
|---|--|
| I understand that if I...   | I may...   |
| Commit an intentional program violation of the Food Stamp Program defined in 7CFR273.16 or any of the following: <ul style="list-style-type: none"> <li>• hide information or make false statements</li> <li>• use electronic benefit transfer (EBT) cards that belong to someone else</li> <li>• use food stamp benefits to buy alcohol or tobacco</li> <li>• trade or sell benefits or EBT cards</li> </ul> | <ul style="list-style-type: none"> <li>• lose food stamp benefits for 12 months for the first offense and be required to repay all benefits overpaid to me</li> <li>• lose food stamp benefits for 24 months for the second offense and be required to repay all benefits overpaid to me</li> <li>• lose food stamp benefits permanently for third offense and be required to repay all benefits overpaid to me</li> <li>• be fined up to \$250,000.00, imprisoned up to 20 years or both</li> </ul> |
| <ul style="list-style-type: none"> <li>• trade food stamp benefits for controlled substances, such as drugs</li> </ul>  | <ul style="list-style-type: none"> <li>• lose food stamp benefits for 24 months for the first offense</li> <li>• lose food stamp benefits permanently for the second offense</li> </ul>  |
| <ul style="list-style-type: none"> <li>• give false information about who I am and where I live so I can get extra benefits</li> </ul>  | <ul style="list-style-type: none"> <li>• lose food stamp benefits for 10 years for each offense</li> </ul>   |
| <ul style="list-style-type: none"> <li>• have been convicted of trading or selling food stamps worth more than \$500, or trading food stamps for firearms, ammunition, or explosives</li> </ul>   | <ul style="list-style-type: none"> <li>• be barred from the Food Stamp Program permanently</li> </ul>  |

| Alaska Temporary Assistance Program  |  |
|--|--|
| I understand that if I...  | I may...   |
| <ul style="list-style-type: none"> <li>• commit an intentional program violation or I am convicted of fraud</li> <li>• give false information about who I am and where I live so I can get extra benefits</li> </ul> | <ul style="list-style-type: none"> <li>• lose benefits for 6 months for the first offense</li> <li>• lose benefits for 12 months for the second offense</li> <li>• lose benefits permanently for the third offense</li> <li>• other penalties may also apply and I may be subject to criminal prosecution</li> </ul> |

| Medicaid Program   |  |
|--|--|
| I understand that if I...  | I may...   |
| <ul style="list-style-type: none"> <li>• commit an intentional program violation or program abuse that results in misuse or overuse of Medicaid benefits or found guilty of misconduct related to Medicaid benefits</li> <li>• commit Medical Assistance fraud under AS 47.05.210</li> </ul> | <ul style="list-style-type: none"> <li>• be required to pay back the amount of Medicaid services that I or anyone in my household received</li> <li>• be excluded from Medicaid for up to 10 years</li> <li>• have to pay fines up to \$25,000 and be subject to criminal prosecution</li> </ul> |

Read and keep this page.



April 1, 2013

The Honorable Wes Keller  
The Honorable Bob Lynn  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Representatives:

Doyon, Limited is the Native Regional Corporation for Alaska's Interior. We have just over 18,600 shareholders; roughly 25% live outside of Fairbanks, but within the Interior region. On behalf of our shareholders, this letter is written to express our concerns regarding House Bill 3 (HB 3).

Doyon, Limited has long participated in a non-partisan effort to increase voter registration and voter turnout, educate shareholders on why voting matters and inform voters of candidate positions and ballot initiatives. This Get out the Native Vote effort (GOTNV) includes partnerships across our region and our state.

Within the GOTNV effort, we acknowledged that early voting opportunities are more likely to be available in urban areas; we acknowledge there is a digital divide between urban and rural citizens, and furthermore that there are challenges facing rural Alaska around mail delivery. These are serious issues Alaska's rural resident's face as they exercise their right to vote. Doyon's concern is that if HB 3 were to be enacted, it would create further unnecessary barriers for our rural Alaskan shareholders as they exercise their right to vote.

Furthermore, our shareholder base includes thousands of others who have transitioned, or are transitioning into urban hubs. Approximately a quarter of our shareholders are based in Fairbanks, and over 10 percent of our shareholders are Anchorage based. Many have not updated their voter registration since moving, which would reflect their new residency. This bill also negatively impacts these shareholders as they engage in federal and state elections.

Doyon, Limited believes that the challenges posed by this legislation do not outweigh the benefit of blocking the small potential for voter fraud. Doyon, Limited opposes the mandate for more voter identification requirements and hopes you will consider the implications to rural Alaska set forth in HB 3. We thank you for your service to our state and for your time in considering this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Schutt".

Aaron M. Schutt  
President and CEO

Cc: House Judiciary Members

## ALASKANS FOR ALASKA

[www.AlaskansforAlaska.com](http://www.AlaskansforAlaska.com) P.O. Box 93 Elfin Cove, AK 99825 [alaskansforalaska@gmail.com](mailto:alaskansforalaska@gmail.com)

April 1, 2013

Dear House Judiciary Committee,

### Response to the State Affairs committee meeting on HB 3, held March 14, 2013:

- 1) The focus of committee testimony was primarily on one type of voting fraud – those who vote in more than one state. This type isn't as widespread as voter registration fraud is. According to the Pew Institute, the two greatest areas of Voter Fraud are absentee voting fraud and voter registration fraud. (<http://www.pewstates.org/research/analysis/election-fraud-85899414756>)
- 2) The intent to return versus the intent to live in Alaska is the heart of our local problems. Some of our local registered voters intend to **return to work** seasonally in Alaska, but not to **live** in Alaska.
- 3) Many at the committee hearing spoke of the fear of disenfranchising a single voter. Legitimately registered Alaskan voters in Elfin Cove are already being disenfranchised by registered voters who do not live in our state.

### Statistics of the issue:

- 1) Elfin Cove has 20 year-round residents, yet we have 67 registered voters.  
(Sources: 2010 US Census and AK Dept. of Elections Voter Registration Records for Elfin Cove)
- 2) Alaska has 488k registered voters, yet only 465K voting age residents. This assumes 100% voter registration.  
[http://www.elections.alaska.gov/doc/hava/StatePlan\\_6.30.2010\\_FINAL\\_to\\_EAC.pdf](http://www.elections.alaska.gov/doc/hava/StatePlan_6.30.2010_FINAL_to_EAC.pdf)
- 3) The above noted statistic shows this is a State-wide issue, not just an Elfin Cove issue.

### Illustrations of the problem:

Two Elfin Cove seasonal business owners are good examples of voter registration fraud. Neither have ever lived in the State of Alaska and make no claim of residency except for voter registration.

- **Joe Kulavik** (Community of Elfin Cove Nonprofit Corp.(CECNPC) Director 2005-2012-position requires an AK voter card). He was identified as a Vancouver, WA resident in the AK State Trooper's April 2010 press release concerning his business's fishing violations conviction. ([http://deckboss-thebrig.blogspot.com/2010\\_04\\_01\\_archive.html](http://deckboss-thebrig.blogspot.com/2010_04_01_archive.html)) Kulavik lists his address as 7419 NE 14<sup>th</sup> St, Vancouver, WA on corporate filings for his two Elfin Cove businesses: Elfin Cove Eagle Charters Alaska, LLC ( AK- LLC) (<http://www.commerce.state.ak.us/CBP/Main/CorporationDetail.aspx?id=63246D>) and Cross Sound Lodge, LLC (WA- LLC) ([http://www.sos.wa.gov/corps/search\\_detail.aspx?ubi=602667252](http://www.sos.wa.gov/corps/search_detail.aspx?ubi=602667252)). Also the address listed on his Non-resident AK Hand Troll permit for 2011 and 2012 (<http://www.cfec.state.ak.us/plook/>) and shown on Clark County, WA property records(<http://gis.clark.wa.gov/gishome/Property/?action=ACCOUNT&account=37912866>). Kulavik has been an Alaskan voter since 11/2007 using Eagle Charters' business address- P.O. Box 77, Elfin Cove, AK as his mailing address on the voter registration list. (AK Dept. of Elections records)
- Out-of-state business owners registering to vote in Alaska has become a pattern in Elfin Cove. The latest example is **Kelly Crump**, who joined the voter rolls in June 2012. The address, 283 Spencer Way, Farmington, Utah 84025, is listed on AK corporate filings for his Northern Star Lodge, LLC (formed 12/2/2010) as both the mailing and physical addresses (<http://www.commerce.state.ak.us/CBP/Main/CorporationDetail.aspx?id=131871>) and again for the newly formed Water's Edge Lodge, LLC (formed 2/12/2013)( <http://www.commerce.state.ak.us/CBP/Main/CorporationDetail.aspx?id=10010616>). This is Crump's home residence ( <http://www.daviscountyyutah.gov/treasurer/taxresult.cfm?serialnum=70640027>). Crump gives the Utah address as his mailing address on the 2012 AK voter registration list, and the lodge he leased for the 2012 season as his physical address. (AK Dept. of Elections records)
- Tanaku Lodge partners and brothers-in-law, **Dennis Meier** and **James Benton**, were recently arraigned and are awaiting trial next week (4/8/2013) for filing false residency information on fish and game applications and unsworn falsification on forms. Benton faces (23) counts and Meier faces (8) counts (<http://www.courtrecords.alaska.gov/eservices/home.page.7>). Both have had AK voter cards since the mid-1990s (AK Dept. of Elections records). Benton was a past chairman and Meier is the current Chairman of the CECNPC. The troopers have forwarded their voter registration case to the Division of Elections. What will the Division of Elections do if these men are declared non-residents?
- The 2011 and 2012 voter lists for Elfin Cove contains a dozen out-of-state residents that are using their business addresses to obtain voter cards. They, and their families, have never lived in Elfin Cove or the State of Alaska other than the few months of summer to run their businesses.
- What does it take to really be considered an Alaskan resident? Does it simply mean an "intent to return" with only the purchase of a share of a business and being in the state but a few months a year? This seems to be the criteria used with the "small businesses" operating in our communities. If this is so, what will stop a large special interest group (or a collection of them) from starting a LLC and selling shares to their members. After these "owners" take a 30 day vacation to the Last Frontier they could register as voters using the LLC's address as their residence address. This voting block could, in selected districts, control the future of the development of large projects like mines and drilling prospects. Using Elfin Cove's District 34 as an example, just 12,500 voters could guarantee the election of their own "Representative" even if all the voters in the last election voted against them. These issues affect all Alaskans...please strengthen the voter process.

Thank you, **Alaskans for Alaska**



April 3, 2013

**AMERICAN CIVIL  
LIBERTIES UNION OF  
ALASKA**

1057 W. Fireweed, Suite 207  
Anchorage, AK 99503  
(907) 258-0044  
(907) 258-0288 (fax)  
[WWW.AKCLU.ORG](http://WWW.AKCLU.ORG)

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EMMA HILL, Anchorage  
STUDENT ADVISOR

The Honorable Wes Keller, Chair  
The Honorable Bob Lynn, Vice-Chair  
House Judiciary Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801

*via email:* [Rep.Wes.Keller@akleg.gov](mailto:Rep.Wes.Keller@akleg.gov)  
[Rep.Bob.Lynn@akleg.gov](mailto:Rep.Bob.Lynn@akleg.gov)

**Re: House Bill 3 – Relating to Voter Photo ID Requirements**  
***ACLU Review of Constitutional Infirmities***

Chair Keller, Vice-Chair Lynn:

Thank you for the opportunity to submit written testimony regarding House Bill 3, Relating to Voter Photo ID Requirements.

The American Civil Liberties Union of Alaska represents thousands of members and activists throughout the State of Alaska who seek to preserve and expand individual freedoms and civil liberties guaranteed under the United States and Alaska Constitutions. In that regard, we appreciate the opportunity to provide the Committee with information highlighting significant constitutional infirmities with the proposed Legislation.

*Given the fundamental nature of the right to vote*, we hope that the Committee will give thorough consideration to the issues set forth below. In that regard, we would be happy to work with you or the Committee to answer any questions you might have.

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**The State of Alaska Should Not Impair the Right to Vote,  
a Fundamental Right and the Bedrock of Democracy**

The primary authority for government in a democratic society is the election of representatives by the people. Citizens have a fundamental right to vote for the candidates and propositions they choose. Alaska Const., Art. I, Sec. 5; Alaska Const., Art. V, Sec. 1. Laws and regulations relating to the operation of elections and polling places must generally contain “reasonable, nondiscriminatory restrictions” on how, when, and where a voter may cast her ballot. *O’Callaghan v. State*, 914 P.2d 1250, 1254 (Alaska 1996). Unfortunately, **HB 3 does not meet this very basic standard, especially in the unique circumstances here in Alaska.**

HB 3 would repeal the existing voter identification statute, which allows a qualified voter at the polls to appear and present voter identification that **includes an Alaska driver’s license, a passport, a voter identification card, another state identification card, or any document (such as a utility bill) which shows the name and address of the voter.** AS 15.15.225.

HB 3 would replace these provisions with a requirement that an individual produce one piece of photo identification (such as a driver’s license) or two pieces of non-photo identification. HB 3 would also replace the existing exception allowing a person to vote if she is personally recognized by a poll worker, limiting that exception only to cases where *two* poll workers recognize the individual.

**Photo ID bills have been controversial throughout the country. Voters who are poor or members of an ethnic minority are among those most likely to lack an appropriate photo ID. This holds true in Alaska as well as other places. Further, many people living in rural areas are least likely to have or need photo ID and have the least access to state agencies and bureaucracy; they are the ones most likely to find HB 3’s new requirements most burdensome.** Some members of those communities, especially elders, may simply lack certain identity documents; some may have grown up at times and in places where the issuance of birth certificates was uncommon.

**Beyond these traditional arguments, the ACLU of Alaska would highlight the fact that the State of Alaska does not make photo identification available to a large number of rural Alaskans.** The Division of Motor Vehicles refuses to provide photo ID services to people who live in small communities. Instead, those citizens may receive identification cards with no photograph, where the words “valid without photo” appear on the license.<sup>1</sup> The ACLU of Alaska does not argue that the State must open a DMV branch in every village, but **the State’s own failure to provide equal services should bar imposing an unequal burden on those same under-served voters.**

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<sup>1</sup> See Alaska Division of Motor Vehicles, Form 480: Application for Rural Area Driver License, Permit, or ID Card, at <http://doa.alaska.gov/dmv/forms/pdfs/480form.pdf>; Alaska Division of Motor Vehicle, Guide to Rural Driving Information, at <http://www.doa.alaska.gov/dmv/akol/rural.htm#vwop>.

The State cannot allow a voter in Anchorage to appear at the polling place with only her driver's license, while barring a voter in Gambell who shows up with his driver's license, which through state policy will lack a photo. As stated above, **voting laws must be "nondiscriminatory" to meet basic constitutional review.** Since the State refuses to provide photo identification to a large minority of Alaskans, **a selective preference for photo identification is not a neutral or nondiscriminatory basis for election law.**

"[A] citizen has a constitutionally protected right to participate in elections *on an equal basis with other citizens in the jurisdiction.*" *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) (emphasis added). If the State will not provide driver's licenses with photographs on an equal basis around the state, a photo ID preference is not a neutral one. A statute like HB 3 which erects procedural hurdles in the way of some voters and not others will be heavily scrutinized by the courts.

#### **Courts Will Particularly Scrutinize the Legitimacy of a Statute Which Will Disproportionately Bar Alaska Natives from the Ballot Box**

Anyone familiar with rural, off-the-road-system villages described above will know that **those unable to get photo identification locally will overwhelmingly be Alaska Natives.** That the discriminatory preference for photo identification imposes a heavier burden on a particular racial group **will surely gain the attention of courts, and of the federal Department of Justice, in their review of the constitutionality of HB 3,** should it pass.

Although the State and other jurisdictions are engaged in ongoing litigation about the Voting Rights Act, **Alaska remains under federal supervision as one of a small number of states with a long-standing, demonstrated history of racial discrimination at polling places, in Alaska's case against Alaska Natives.** Along with several states in the Jim Crow south, Alaska maintained a literacy test for voters for years. Even after its literacy test was repealed, Alaska provided little or no language support for Alaska Native voters in many of the same small villages likely to be affected by HB 3. Litigation settled as recently as 2010 resulted in a settlement with the State, substantially reforming its treatment of Alaska Native voters in the Bethel Census Area.

In jurisdictions covered by Section Five of the Voting Rights Act (VRA), including the whole State of Alaska, changes in voting laws require pre-clearance by the United States Department of Justice. In order to obtain pre-clearance, new laws must not cause "retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise." *Beer v. United States*, 425 U.S. 130, 141 (1976). The U.S. Department of Justice has recently refused to pre-clear a Texas voter ID law. *Texas v. Holder*, 12-CV-128, 2012 WL 3743676 (D.D.C. Aug. 30, 2012) (three-judge panel) (upholding refusal to pre-clear Texas law).

The Texas law failed review from the court and the Department of Justice for many reasons which attach with even more strength in the case of HB 3. The original Texas law required voters to get a "certificate" from the local county registrar and present it at the polling place (essentially

like the Alaska voter ID cards issued on registration); voters who did not have their certificate at the polling place could provide alternate ID, including expired driver's licenses and utility bills. *Id.* at \*1.

The challenged Texas law would have replaced that law with a strict requirement: voters must present a state driver's license, a concealed carry permit, a passport, a national citizenship certificate, or a U.S. military ID. *Id.* Voters would be allowed to get a non-driver's ID if they lacked any of those five forms of identification, by appearing at a Texas state office. *Id.* ***In the Texas case, the court found it dispositive that, in 81 Texas counties, obtaining free photo identification would require substantial travel out of the county and burden the voter.*** *Id.* at \*13 (emphasis added); *see also South Carolina v. United States*, CIV.A. 12-203 BMK, 2012 WL 4814094, at \*2 (D.D.C. Oct. 10, 2012) (noting with approval that photo IDs were available at centers in every county in South Carolina); *id.* at \*5 (noting that voters without cars could excuse their lack of photo identification on that basis).

If merely driving out of the county could void the Texas law, the questions presented by the burden imposed on voters in Alaska – predominantly racial minorities – who must *fly* out of their home communities to reach a DMV office would present a comparatively easy question for a court.

### **HB 3 Makes No Provision for a Free Identification Card and Has the Effect of a Prohibited Poll Tax**

The State may not impose a tax on the right to vote, even if the cost is minimal. “To introduce wealth or payment of a fee as a measure of a voter's qualifications is to introduce a capricious or irrelevant factor. The degree of the discrimination is irrelevant.” *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663, 668 (1966) (striking down as unconstitutional a \$1.50 poll tax). While a photo ID law was upheld in Indiana, the Indiana voter ID law specifically provided for *free* voter identification cards. *Crawford v. Marion County Election Bd.*, 553 U.S. 181, 198 (2008). **HB 3 thus differs in three important ways from the Indiana photo identification law: it would be enacted in a state covered by the VRA; it would take effect in a state that denies photo ID to a substantial minority of its population; and it contains no provision for *free* photo IDs.**

All of the documentation described as proper voter identification would cost money to someone who lacks a copy thereof. For instance, a driver's license costs \$20 in Alaska, and a non-driver ID costs \$15.<sup>2</sup> A first-time adult passport applicant would have to pay \$165.<sup>3</sup> The Division of

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<sup>2</sup> Alaska Division of Motor Vehicles, Driver's License and Reinstatement Fees, at <http://doa.alaska.gov/dmv/akol/fees.htm>.

<sup>3</sup> U.S. Dep't of State, Passport Fees, at [http://travel.state.gov/passport/fees/fees\\_837.html](http://travel.state.gov/passport/fees/fees_837.html).

Vital Statistics charges \$30 for a certified copy of a birth certificate.<sup>4</sup> A certified copy of an adoption order, marriage certificate, or name change order – assuming that a voter had ever been married, adopted, or changed her name – would cost \$5 each.<sup>5</sup>

Other identification is similarly available only to certain segments of the population, and whether the documents cost money may vary: tribal ID, student ID, government employee ID, or military ID. Only the state voter ID card is free, but it does not meet the requirements of section (a), since it does not include a photograph. HB 3 would put the Division of Elections in the absurd position where it could not accept its own identification card as adequate to establish a voter's identification.

Moreover, even though comparable proposals have allowed *expired* identification to be used, **HB 3 inexplicably limits the permitted identification to currently valid licenses, passports, and other identification, in a way unrelated to legitimate state interests: after all, even expired identification will tend to show who the person is.** This requirement would be stricter than the acceptance of expired licenses as voter identification in Georgia and Indiana, as well as the overturned Texas scheme. *See Texas v. Holder*, 2012 WL 3743676, at \*15 (criticizing as stricter than other identification schemes, which allowed expired licenses to be used, a Texas law which only allowed licenses that had expired within 60 days of the election to be used). The identification is being used to verify that the voter is who she says she is, not to ensure that she can drive legally.

The State cannot constitutionally charge a tax for the purpose of being a registered voter. And the State cannot bring through the back door what it cannot carry in the front door: a voter ID requirement that effectively requires voters to pay money to the state to cast a vote violates the constitution. The right to vote is and should remain free to everyone.

### **HB 3 Unreasonably Restricts the Most Reliable Means of Identification: Personal Knowledge**

In light of our history as a state of many small and intimate communities, Alaska has long allowed poll workers who recognize a voter by sight to waive the identification requirement. In a village of a few hundred people, everyone knows everyone. Demanding identification from someone you have known for decades is an exercise in silly bureaucracy.

HB 3 would require that *two* different poll workers sign off on confirmations of identity. This requirement is not calculated to deter fraud. In a polling place where one poll worker honestly

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<sup>4</sup> Alaska Division of Vital Statistics, Birth Certificates, at <http://dhss.alaska.gov/dph/VitalStats/Pages/birth/default.aspx>.

<sup>5</sup> Alaska Court System, Records, at <http://courts.alaska.gov/trialcts.htm#recs>.

recognizes a voter and one poll worker does not recognize the voter, the single poll worker's confirmation of the identity of the voter should be more than adequate. The best argument for requiring *two* poll workers to confirm the voter's identity would be to deter collusion between a fraudulent voter and a fraudulent poll worker, by requiring a second poll worker to intervene. However, in this unlikely scenario – **never documented in Alaska** - where a poll worker and a voter collude to commit voter fraud, the pair could simply choose another avenue for fraud; colluding to use a false identity card. Ultimately, the problem in the scenario above is not the law, but the hiring of a poll worker willing to commit fraud.

At the same time that HB 3 makes it *more difficult* to prove one's identity by documentation, HB 3 simultaneously makes it more difficult to prove one's identity by personal recognition; the two provisions, working in tandem, will tend to disenfranchise poor and rural voters under circumstances where the voter's identity is not in serious question. For instance, a person coming to the polling place who is personally recognized by one poll worker and who is carrying his voter ID will be unable to vote, since she meets neither of the criteria outlined by HB 3.

**Since personal recognition will be of special importance in small villages, the expansion of identification requirements and the contraction of the opportunity to waive the identification requirement will both have their most onerous consequences in small villages and in the Alaska Native community in particular.**

### **HB 3 Does Not Represent a Proportionate Response to In-Person Electoral Fraud, Which Is Virtually Non-Existent in Alaska**

The alleged purpose of the Bill is to prevent voter fraud, and to ensure that individuals who appear at the polls are the registered voters they claim to be. **However, the Alaska Division of Elections acknowledges that the problem of voter fraud is essentially non-existent in Alaska.** Ms. Fenumiai, the head of the Division stated that she was aware of only a single instance of voter fraud in which a person voted while falsely claiming to be another person.<sup>6</sup> In that case, the individual was engaged in a much larger identity theft scheme, had obtained a passport and other identification, and was working as an Anchorage police officer. Since he already possessed false identity documents, there is no reason to believe that HB 3 would have barred him from voting, even if it had been the law at the time.

The existing evidence tends to show that Alaska's current voter identification law adequately prevents voter fraud, and that HB 3 would not deter voter fraud at all. **In light of the discriminatory effects of the Bill, courts would likely strongly question whether the Bill responded to a real or imaginary threat.**

**HB 3 also shows little sign of being narrowly tailored to defeating fraud, instead containing many provisions that restrict access to the ballot box in ways unrelated to fraud**

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<sup>6</sup> See Letter from Gail Fenumiai to Vicki Otte, January 17, 2013 [attached hereto as an exhibit].

**prevention.** As stated above, prohibiting the use of expired or otherwise invalid licenses does not meaningfully relate to preventing fraud.

Certainly, existing law arguably leaves potential avenues by which a determined person could *theoretically* accomplish voter fraud. Any teenager can also tell you that fake driver's licenses can be gotten without too much difficulty. Rafael Espinoza, the Anchorage police officer highlighted above, could also tell this Committee that a real driver's license and passport can be gotten fraudulently.

**The State's efforts to ensure the legitimacy of the voting process cannot be gauged to eliminate every possible avenue of fraud.** The State cannot make it harder to vote than to land a job as a law enforcement officer. State policy should instead reflect a careful balance of ensuring that legitimately registered voters can vote and that voter fraud is deterred. Since the State had no evidence that the prior protections were ineffective, the Legislature should decline to erect new, unneeded restrictions that will disenfranchise voters throughout the state, especially Alaska Native voters.

### **Conclusion**

We hope that the Judiciary Committee will note the multiple constitutional infirmities with the proposed language in HB 3, and take note of the negative policy implications therein.

While the ACLU of Alaska **does not contest the State's ability and duty to ensure the security of the polls**, as drafted, **HB 3 goes far outside this permissible sphere, and would systemically bar legitimate voters from the ballot box.** The State cannot change its policy from allowing voters to use free identification to imposing a fee on voter registration in the guise of new identification requirements. It cannot impose with one hand a photo ID preference at the ballot box, while depriving voters of access to that photo ID with the other.

**It cannot hope that a stricter voter ID law will pass Department of Justice review where more forgiving laws have failed.** It cannot base its complete overhaul of photo ID laws based on vague allegations or theoretical fears unsupported by evidence. Voting laws require more respect for individual voting rights.

**The issues raised above present substantial Constitutional problems and would entangle the State in lengthy, costly, and needless litigation, should HB 3 pass as currently written.**

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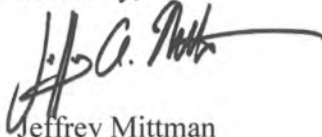
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House Judiciary Committee  
*Constitutional Analysis of H.B. 3*  
April 3, 2013  
Page 8

Please feel free to contact the undersigned should you require any additional information. Again, we are happy to reply to any questions that may arise either through written or verbal testimony, or to answer informally any questions which Members of the Committee may have.

Thank you again for the opportunity to share our concerns.

Sincerely,



Jeffrey Mittman  
*Executive Director*  
ACLU of Alaska

cc: Representative Neal Foster, [Rep.Neal.Foster@akleg.gov](mailto:Rep.Neal.Foster@akleg.gov)  
Representative Gabrielle LeDoux, [Rep.Gabrielle.LeDoux@akleg.gov](mailto:Rep.Gabrielle.LeDoux@akleg.gov)  
Representative Charisse Millett, [Rep.Charisse.Millett@akleg.gov](mailto:Rep.Charisse.Millett@akleg.gov)  
Representative Lance Pruitt, [Rep.Lance.Pruitt@akleg.gov](mailto:Rep.Lance.Pruitt@akleg.gov)  
Representative Max Gruenberg, [Rep.Max.Gruenberg@akleg.gov](mailto:Rep.Max.Gruenberg@akleg.gov)

HAINES BOROUGH  
RESOLUTION No. 13-03-445

Approved

**A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY OPPOSING HOUSE BILL NO. 3, "AN ACT RELATING TO VOTER IDENTIFICATION AT THE POLLS AND RELATING TO THE COUNTING OF ABSENTEE AND QUESTIONED BALLOTS."**

**WHEREAS**, the Alaska Division of Elections has accepted as voter identification Voter Registration Cards, paycheck stubs, birth certificates, hunting and fishing licenses, and other forms of voter identification listed in AS 15.15.225 and 6 AAC 25; and

**WHEREAS**, the purpose of the Voter Registration Card is to identify the voter's physical residence, political affiliation, and precinct location; and

**WHEREAS**, in some of Alaska's rural communities. Access to facilities that produce photo identification is limited and cost prohibitive; and

**WHEREAS**, some voters have limited access to photo identification due to age or disability; and

**WHEREAS**, current Alaska election laws provide for a questioned ballot review process that allows additional scrutiny of ballots cast by voters with insufficient identification; and

**WHEREAS**, Alaska's municipal clerks have reported no voter fraud issues; and

**WHEREAS**, House Bill No. 3 will create more difficulty for voters at the polls thus negatively impacting the goal of increasing voter participation and satisfaction; and


**WHEREAS**, the Alaska Division of Elections, in partnership with Alaska's municipal clerks, has been dedicated to providing excellent training for polling place workers to ensure that voting requirements are met; and

**WHEREAS**, Governor Sean Parnell, Lieutenant Governor Mead Treadwell, the Alaska Division of Elections, and Alaska's municipalities have worked to maintain a convenient system that encourages all eligible citizens to vote,

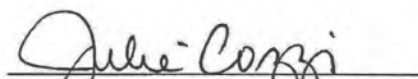
**NOW, THEREFORE BE IT RESOLVED** that the Haines Borough Assembly hereby opposes House Bill No. 3 and requests the state of Alaska Legislature to retain the current list of acceptable forms of voter identification listed in AS 15.15.225 and 6 AAC 25; and

**BE IT FURTHER RESOLVED** that this resolution shall be provided to the Governor, Lieutenant Governor, and all members of the state of Alaska Legislature.

**ADOPTED** by a duly constituted quorum of the Haines Borough Assembly this 12<sup>th</sup> day of March, 2013.

  
Stephanie Scott, Mayor

Attest:

  
Julie Cozzi, MMC, Borough Clerk



Through the chair, members of the committee, for the record my name is Forrest Wolfe and I am staff to representative Bob Lynn. ~~Thank you again for hearing House Bill 3 for the 2<sup>nd</sup> time~~

HB3 is a pro-active measure which seeks to further secure our elections, while also respecting Alaska's unique voting population.

~~While voter fraud may not be rampant in Alaska,~~ many of our elections are decided by a handful of votes, or even a coin toss. Because of this, every vote truly does count and even one case of voter fraud is one case too many.

Under HB3, the simplest way for the majority of Alaskans to vote is to provide their driver's license or other photographic identification.

Recognizing that for some Alaskans obtaining a photo ID may be a little more difficult, the bill also allows for a voter to present two forms of non-photo ID, such as a birth certificate, social security card, hunting/fishing license, voter ID card, or tribal ID. Any valid identification card, license, or permit issued by any branch, department, agency or entity of the Federal government or the state.

I would like to point out that when registering for the PFD for the first time, you are required to submit an original or certified copy of a birth certificate to the division. There are absolutely no exceptions to this policy, so it would seem that if a voter in Alaska receives their PFD, they would also have their birth certificate.

Further, in order to receive public assistance from the State of Alaska, such as Medicaid or food stamps, the Division of Public Assistance requires an applicant to present them with a photo ID, social security card, AND birth certificate, prior to being approved. So it would appear that if a voter is receiving some form of public assistance, they would have access to at least some of the acceptable documents.

👤 we heard in previous testimony, in order to receive services from Indian Health Services, you are required to present your tribal ID, which is another acceptable document under HB3.

If a voter still is unable to provide any combination of two of the non-photo IDs, HB3 has a provision for the identification requirements to be waived as long as the voter is known by two election officials, and these election officials are willing to sign their names next to the voters' in the register.

👤 we heard in previous testimony, the majority of the villages in the YK delta are using the current form of the identification waiver to vote. HB3 simply increases the number of election officials from 1 to 2, and requires the officials to place their name next to the voter, so if fraudulent votes were cast, the state could hold the election officials responsible as well.

Finally, if a voter cannot meet any of these requirements, they may ALWAYS cast a questioned ballot. In your bill packets we have provided you with an example of this questioned ballot form to show you exactly how easy it is to fill out. Questioned ballots count just as much as any other vote, there is not any cumbersome process to go through other than filling out this simple form.

**Once again, HB3 seeks to do nothing more than make our elections more secure, and does so without disenfranchising any voters. Your passage of HB3 today is respectfully requested.**

**With me to answer questions I have Director of Elections, Gail Fenumiai, on line I have Kansas Secretary of State Kris Kobach, from the department of Law Cori Badgely and Libby Baklaar, and from Legal Services is Alpheus Bullard.**



Travis Lewis <tlewiselfincove@gmail.com>

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**Quote about registered voters in AK and voting age population**

1 message

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allison ply <ply.allison@gmail.com>

Sat, Mar 30, 2013 at 7:06 PM

To: Lane <twolanep@gmail.com>, Travis Lewis <tlewiselfincove@gmail.com>, Lane Ply <alaskansforalaska@gmail.com>, Meredith <mply1234@gmail.com>, allison ply <ply.allison@gmail.com>

This report was submitted by:

Gail M. Fenumiai, Director  
Alaska State Division of Elections  
240 Main Street, Suite 400  
P.O. Box 110017  
Juneau, Alaska 99811-0017  
(907) 465-4611

“Alaska has over 488,000 registered voters. According to the Alaska Department of Labor and Workforce Development, the estimated voting age population in 2005 was 454,226. Alaska attributes its inflated registration rolls to the fact that Alaska Statute Title 15 allows a person who is temporarily out of state to remain registered in Alaska if that person has the “intent” to return (military and military spouses are exempt from intent requirements). Because of Alaska’s Permanent Fund Dividend program benefits and no state income tax, many Alaskans choose to maintain their Alaska residency even if they currently live outside the state.” p.5 State of Alaska, HAVA State Plan 2010 Updated- June 30, 2010

[http://www.elections.alaska.gov/doc/hava/StatePlan\\_6.30.2010\\_FINAL\\_to\\_EAC.pdf](http://www.elections.alaska.gov/doc/hava/StatePlan_6.30.2010_FINAL_to_EAC.pdf)