



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

December 11, 2018

Senator Pete Kelly, President
Senator Berta Gardner, Minority Leader
Speaker Bryce Edgmon
Rep. Charisse Millett, Minority Leader

State Capitol
120 4th Street
Juneau, AK 99801-1182

Dear Senators Kelly and Gardner, Speaker Edgmon, and Rep. Millett:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Alaska Advisory Committee's [Advisory Memorandum](#), *Alaska Native Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Alaska Committee's focused attention to barriers to voting.

The Commission requests that your offices review the recommendations on pp. 10-12 in the Advisory Memorandum. The Committee's inquiry was two-fold: to determine whether the state is providing access to language minority Alaska Natives in accordance with the *Toyukak v. Mallott* settlement and court order, and to determine the potential impact of mail-in voting on Alaska Native voters. The Committee's recommendations are attached to this letter in a stand-alone document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked Senators Murkowski and Sullivan, Congressman Young, Lt. Governor Meyer, and the Division of Elections to review the recommendations.

We also invite you to view the Commission's September 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Lhamon", is positioned below the word "Sincerely,".

Catherine E. Lhamon
Chair

cc: **Natalie Landreth**
Chair
Alaska Advisory Committee to the U.S. Commission on Civil Rights

Encl. **Alaska Advisory Committee [Advisory Memorandum](#) (via email only)**
Recommendations in Report



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

December 11, 2018

Josie Bahnke
Director, Division of Elections
Court Plaza Building
240 Main Street, 4th Floor
P.O. Box 110017
Juneau, AK 99811

Dear Ms. Bahnke:

The U.S. Commission on Civil Rights is pleased to transmit to your office our Alaska Advisory Committee's [Advisory Memorandum](#), *Alaska Native Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Alaska Committee's focused attention to barriers to voting.

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We have similarly asked Senators Murkowski and Sullivan, Congressman Young, Lt. Governor Meyer, and Legislature leadership to review the recommendations.

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Sincerely,



Catherine E. Lhamon
Chair

cc: Natalie Landreth
Chair
Alaska Advisory Committee to the U.S. Commission on Civil Rights

Encl. Alaska Advisory Committee [Advisory Memorandum](#) (via email only)
Recommendations in Report



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

December 11, 2018

Kevin Meyer
Lt. Governor, State of Alaska
State Capitol, 3rd Floor
P.O. Box 110001
Juneau, AK 99811

Dear Lt. Governor Meyer:

The U.S. Commission on Civil Rights is pleased to transmit to your office our Alaska Advisory Committee's [Advisory Memorandum](#), *Alaska Native Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Alaska Committee's focused attention to barriers to voting.

The Commission requests that your office review the recommendations on pp. 10-12 in the Advisory Memorandum. The Committee's inquiry was two-fold: to determine whether the state is providing access to language minority Alaska Natives in accordance with the *Toyukak v. Mallott* settlement and court order, and to determine the potential impact of mail-in voting on Alaska Native voters. The Committee's recommendations are attached to this letter in a stand-alone document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked Senators Murkowski and Sullivan, Congressman Young, the Division of Elections, and Legislature leadership to review the recommendations.

We also invite you to view the Commission's September 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

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Catherine E. Lhamon
Chair

cc: Natalie Landreth
Chair
Alaska Advisory Committee to the U.S. Commission on Civil Rights

Encl. Alaska Advisory Committee [Advisory Memorandum](#) (via email only)
Recommendations in Report



UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Avenue, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

December 10, 2018

The Honorable Lisa Murkowski
United States Senate
522 Hart SOB
Washington, DC 20510

The Honorable Dan Sullivan
United States Senate
702 Hart SOB
Washington, DC 20510

The Honorable Don Young
Member of Congress
2314 Rayburn HOB
Washington, DC 20515

Dear Senators Murkowski and Sullivan and Representative Young:

The U.S. Commission on Civil Rights is pleased to transmit to your offices our Alaska Advisory Committee's [Advisory Memorandum](#), *Alaska Native Voting Rights*.

The Commission maintains 51 Advisory Committees - one for each state and the District of Columbia. The role of the Committees is to study civil rights issues in their communities and report findings and recommendations to the Commission. The Commission appreciates the Alaska Committee's focused attention to barriers to voting.

The Commission requests that your offices review the recommendations on pp. 10-12 in the Advisory Memorandum. The Committee's inquiry was two-fold: to determine whether the state is providing access to language minority Alaska Natives in accordance with the *Toyukak v. Mallott* settlement and court order, and to determine the potential impact of mail-in voting on Alaska Native voters. The Committee's recommendations are attached to this letter in a stand-alone document. In response to these recommendations, we advise that you take the steps necessary to protect civil rights in your jurisdiction.

We have similarly asked Lt. Governor Meyer, the Division of Elections, and the Alaska Legislature to review the recommendations.

We also invite you to view the Commission's September 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*.

The Commission appreciates your consideration, in the hope of ensuring civil rights protections. We look forward to hearing from you on what actions you will take in response.

Sincerely,

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Catherine E. Lhamon, Chair

Encl. Alaska Advisory Committee [Advisory Memorandum](#) (via email only)
Recommendations in Report

**Advisory Memorandum of the Alaska Advisory Committee
to the U.S. Commission on Civil Rights:**

Alaska Native Voting Rights

Recommendations

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.¹ In keeping with these responsibilities, and in consideration of the testimony heard on this topic, the Alaska Advisory Committee submits the following recommendations to the Commission:

1. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a formal request to the U.S. Department of Justice to:
 - a. Vigorously enforce Section 203 of the Voting Rights Act in Alaska.
 - b. Continue to send federal observers to monitor state of Alaska elections even after the Toyukak Order expires, to ensure its implementation remain in place.
2. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a recommendation to the U.S. Postal Service to:
 - a. Require specific training of all Alaska postal service employees to handle election material to ensure prompt delivery.
 - b. Ensure prompt postmarking of election mail, especially in rural areas of the state. This may include proactive recruitment of postmasters in rural post offices to ensure adequate support to rural residents.
 - c. Prioritize handling election mail as among other mail.
3. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a recommendation to the Alaska Congressional Delegation to:

¹ 45 C.F.R. § 703.2 (a).

- a. Provide appropriations from the Help America Vote Act to support language assistance efforts in Alaska.
4. The U.S. Commission on Civil Rights should send this advisory memorandum and issue a recommendation to the State of Alaska Legislature urging the State to:
 - a. Provide appropriations to ensure the Division of Elections has the funding to continue complying with Section 203 of the Voting Rights Act, the Toyukak Order, and Title VI of the Civil Rights Act.
 - b. Consider improving broadband service in rural areas of the State, to ensure that voters have access to all online election material, including translated official election pamphlets provided by the Division of Elections.
 - c. Consider enacting legislation resembling Title VI of the Civil Rights Act to help ensure statewide access to voting materials for voters who speak an Alaska Native language.
5. The U.S. Commission on Civil Rights should send this advisory memorandum and issue the following recommendations to the Alaska Governor, Lieutenant Governor, and the State of Alaska Division of Elections:
 - a. Conduct analyses on the vote-by-mail system and its potential impact on the following communities: (i) Alaska Natives, (ii) rural residents, (iii) linguistically isolated and limited English proficient residents, and (vi) the illiterate voting age population.
 - b. Pause plans to move forward with a vote-by-mail system in any census area covered by the *Toyukak v. Mallott* settlement agreement, unless the Division of Elections can ensure that all terms of the Toyukak Order will be fully complied with.
 - c. Continue providing language assistance in Gwich'in and Yup'ik because these languages continue to be covered by Section 203 despite the 2020 expiration of the Toyukak Order.
 - d. Implement a hybrid voting system that includes: a strong early voting option; in-person voting both in early/absentee voting and on Election Day; and a vote-by-mail system to avoid voter disenfranchisement.

- e. Continue to convene community speaker-based language panels to strengthen language access efforts and consider identifying additional panel members from the University of Alaska Fairbanks, Alaska Native Language Center, if available.
- f. Consider implementing recommendations and best practices from the President's Commission on Election Administration regarding access to the polls and polling place management.²
- g. Review Title VI language access requirements to ensure compliance.
- h. Evaluate the effectiveness of poll worker and outreach worker training to identify areas for improvement.
- i. Based upon testimony heard regarding the substantial undertaking to implement a state-wide language assistance program and the testimony indicating that problems and challenges remain, the State should extend the Toyukak Order past 2020.
- j. Given the lack of broadband access in most parts of rural Alaska,³ require alternative methods for receiving election materials such as sending election material directly to voting centers and inform voters by broadcasting informational commercials on radio and television.

² *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration*, PRESIDENTIAL COMMISSION ON ELECTION ADMINISTRATION (Jan. 2014), <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

³ Hayton, *Transcript* at 88; Tucker, *Written Testimony* at 1-2; Merlino, *Transcript* at 119-20.