

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

ARCTIC VILLAGE COUNCIL, )  
LEAGUE OF WOMEN VOTERS OF )  
ALASKA, ELIZABETH L. JONES, and )  
BARBARA CLARK, )

Plaintiffs, )

v. )

KEVIN MEYER, in his official capacity )  
as the Lieutenant Governor of the State of )  
Alaska; GAIL FENUMIAI, in her official )  
capacity as the Director of the Alaska )  
Division of Elections; and ALASKA )  
DIVISION OF ELECTIONS, )

Defendants. )

Case No.: 3AN-20-07858 CI

**AFFIDAVIT OF GAIL FENUMIAI**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

I, Gail Fenumiai, declare under penalty of perjury that the following is true and correct:

1. I am the director of the Division of Elections for the State of Alaska, and I have personal knowledge of the matters in this declaration. This is my second affidavit filed in this matter.

2. The October 9 “target date” listed on the Division’s website for sending out absentee voting materials for the November general election has always been just that: a target date. The “target date” for the primary election was July 24, 2020; but

ballots were mailed starting July 22.

3. For weeks now, the Division has been diligently working to process applications in an attempt to get as many ballots out in the first mailing as possible. The absentee ballots arrived ahead of schedule and the Division decided to begin mailing as soon as possible, which at this time is likely to be sometime between October 2 through 5. That decision had nothing whatsoever to do with this lawsuit. Our goal has only been to give Alaska absentee voters as much time as possible to receive, vote and return their ballots to us, and to give ourselves as much time as possible to prepare and send absentee voting materials and to process returned ballots.

4. I understand that the plaintiffs in this lawsuit have suggested that, instead of reprinting absentee ballot envelopes to remove the witnessing requirement, the Division place stickers over the parts of the envelopes related to witnessing, and/or include a flyer with the absentee ballots. Possibly the stickers would be preprinted with information about dating the envelope. Neither of these options is realistically practical or possible.

5. Absentee ballot materials to be mailed to voters are not prepared by hand. They are prepared by mail inserter equipment. First, voters' addresses are printed on the return ballot envelopes for each house district using a separate piece of equipment. The outer envelope, return envelope, ballot, secrecy sleeve and instructions are then placed into inserter bins. The equipment inserts all of these materials into the outer envelopes, , and seals them. The equipment that is used to process the mailings only has a certain number of inserter slots and we already use all the inserter slots available with what we

insert already: the outer envelope, return envelope, instructions, ballot and secrecy sleeve.

6. Inserting an additional flyer would require unsealing and re-sealing the envelopes completed by the equipment, which may not be physically possible. Unsealing the outer envelopes would ruin the seal and the division does not have an adequate supply of outer envelopes to use to replace existing ones. In any case, we do not have staff capacity to do this work. Our staff is currently completely taken up with other work related to both the REAA election and general election.

7. The instruction sheets for the absentee ballot mailings have already been printed. That printing took about four days.

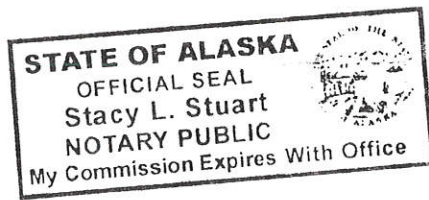
8. We do not have in stock any kind of sticker that would be appropriate to cover up the portions of the absentee ballot return envelope that address witnessing. I do not know how or where we would order something like that. It would take time to research and place an order. I also do not know whether it would be possible to have those stickers printed with instructions about dating the envelope as part of an order or whether the Division would have to find a way to do that with our own printers. I do not know how long it would take to fulfill an order or, once fulfilled, if it would be possible to print the stickers on our own printers.

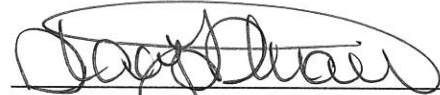
9. However, we do not have the staff capacity to undertake this kind of sticker-placing project at this late date. Again, Division staff is already completely maxed out with the work that they need to do to prepare and administer the REAA and general elections. I do not have staff available to assign to this type of project.

10. Also, I do not know how the stickers might affect the inserter machine. It is possible these stickers could catch in the equipment and slow processing or damage the ballot package and/or equipment.

  
Gail Fenumiai

SUBSCRIBED AND SWORN to before me this 28 day of September, 2020.



  
Notary Public in and for Alaska  
My commission expires: \_\_\_\_\_