



Lieutenant Governor Kevin Meyer  
STATE OF ALASKA

September 4, 2020

Stephen Koteff, Legal Director ACLU of Alaska  
1057 W Fireweed Ln Ste 207  
Anchorage, AK 99503  
*Via Email Only*

Dear Mr. Koteff,

Thank you for your letter of August 31 concerning the upcoming statewide elections. My office has been working diligently with the Division of Elections and our Department of Law to evaluate our options for the upcoming general election.

I am sure you would agree that election integrity begins with following the law. If an election is not conducted legally by following the statutes duly passed by the legislature, there can be no basis to believe in the election's integrity. Making exceptions to the statutes, even on a piecemeal basis, would erode the foundation upon which Alaskans have built their faith in the election process.

The Office of Lt. Governor lacks the power to unilaterally waive the statutory witness requirement. The witness requirement is central to the absentee ballot statutory scheme and is not a mere procedural requirement. AS 15.20.081(d) sets forth the witness requirement, and AS 15.20.203(b)(2) mandates that an absentee ballot be rejected and not counted if it is not properly witnessed.

If my office were to ignore this clear statutory language and count ballots that were not properly witnessed, those absentee ballots could later be invalidated in a court challenge. It would be irresponsible for me to tell voters not to follow the witness requirement and risk their votes not counting.

Like you, I care deeply about every Alaskan's safety during this pandemic, and we have learned a lot over these past several months about how to best prevent spreading the virus. Just like going to the grocery store or receiving deliveries at your home, maintaining a social distance of six feet and wearing masks goes a long way and both of these can be accomplished for witnessing a ballot. Witnessing could also take place through a window if necessary. Although not ideal, we are all having to change the way we do things, and I would encourage voters to think creatively about how to fulfill this requirement in a safe manner.

Sincerely,

A handwritten signature in black ink that reads "Kevin Meyer".

Kevin Meyer  
Lieutenant Governor