

FOR IMMEDIATE RELEASE
July 17, 2020

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LAWSUIT ARGUES THAT ALASKA OFFICIALS MAY NOT MAIL ABSENTEE BALLOT APPLICATIONS ONLY TO OLDER VOTERS

ALASKA - Today, a coalition of advocacy organizations and individuals sued Alaska Lieutenant Governor Kevin Meyer and the Alaska Division of Elections over their decision to mail absentee ballot applications to all registered voters age 65 and older, while leaving all younger voters to navigate the absentee ballot system on their own. The lawsuit argues that the state's actions violate the Twenty-Sixth Amendment, which categorically prohibits age discrimination in voting, as well as other state and federal laws, including the Alaska Constitution and the Americans with Disabilities Act.

The suit explains not only that the selective mailing is plainly unconstitutional, but that it is irrational because the State's mailing leaves out many Alaskans who would be prime candidates to vote by absentee ballot including individuals at high risk for COVID-19 complications, individuals with disabilities, and those, including Alaska Native people, that live in rural Alaska. The selective mailing also comes at a time when COVID cases are rising and when all Alaskans, regardless of age, are being asked to reduce in-person gatherings.

The plaintiffs are the Disability Law Center, Native Peoples Action Community Fund, Alaska Public Interest Research Group, and individuals Aleija Stover and Camille Rose Nelson. Collectively, they represent constituents that are negatively impacted by the state's arbitrary decision to prioritize voting rights of older voters over the rights of their clients.

They are represented by Scott Kendall of Holmes, Weddle, & Barcott in Anchorage, Jason Harrow of Equal Citizens, and Michael Donofrio of Stris & Maher. Harrow and Donofrio are co-authors of a recent research report entitled "Age Discrimination in Voting From Home," released last month and available at <http://voteathome26.us>, that explained why age discrimination in absentee balloting violates the Twenty-Sixth Amendment.

"The Constitution does not permit states to pick and choose who can vote easily and who cannot," Harrow explained. "The Twenty-Sixth Amendment prevents any age discrimination in the process of voting, including absentee voting. Alaska officials would plainly violate the Constitution's other voting rights amendments if they mailed absentee ballot applications only to white people, only to men, or only to voters who pay a tax—so it is astonishing that election officials think they can get away with this move because the discrimination here is 'only' based on age."

Statement from Michael Donofrio: “When our group studied this issue last month, it became clear that the intent of the framers of the Twenty-Sixth Amendment was to prohibit any and all age discrimination in voting. It is unfortunate that, nearly fifty years after the Amendment’s passage, Alaska officials are engaging in unconstitutional discrimination in the midst of a pandemic. This needs to stop.”

Statement from Scott Kendall: “The Division of Elections had the right idea when they responded to COVID by making absentee voting from home easier for Alaskans. However, they cannot cherry-pick who receives that assistance by only helping one demographic group to vote. Fortunately, the answer is simple: send an absentee application to every Alaskan registered to vote. When more Alaskans vote, and vote safely from home, we all win.”

Statement from Chad Hansen, staff attorney with Disability Law Center of Alaska: “There are many thousands of people with disabilities in Alaska—many of whom are at high-risk for complications from COVID—who would love to receive applications to vote by absentee ballot. It is illegal and offensive for state officials to force them to find their own way while sending applications to another group of voters.”

Statement from Kendra Kloster, executive director of Native Peoples Action Community Fund: “The state’s discriminatory action leaves many Alaskans on their own in these challenging times. All Alaskans deserve equal access to voting opportunities. Furthermore, limiting absentee ballot applications for ages 65 and older as a safety precaution is short-sighted. For a truly safe election process that will protect our Elders and community members, the state needs to be taking extra precautions for everyone regardless of age. Already Alaska Native people face serious challenges to voting in rural Alaska, including lack of internet service for requesting absentee ballots, requiring a driver’s license to apply online, and more limitations on in-person voting. Now with COVID-19, our people are at a higher risk for community spread with an already stretched healthcare capacity.”

Statement from the Alaska Public Interest Research Group: “Lieutenant Governor Meyer in May promised to make voting easier for all Alaskans, a critical good governance action. But now he has mailed absentee ballot applications only to those 65 and older and left younger Alaskans to navigate a complicated system on their own. These discriminatory actions don’t match up to the Lieutenant Governor’s rhetoric of equal treatment, and pose public health as well as constitutional risks. The courts must hold him to his promise.”

A copy of the full complaint is available [here](#).

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