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MEMORANDUM

TO: Julie Cozzi  
Borough Clerk



FROM: Brooks Chandler  
Borough Attorney

RE: Preclearance of Changes in Election Ordinance

DATE: June 25, 2013

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Earlier today the United States Supreme Court declared Section 4 of the Voting Rights Act unconstitutional. This is the section of the Act which specifies those jurisdictions required to obtain preclearance not by name but based upon a "formula" that includes several criteria deemed measurements of participation of minority voters in comparison with white voters in any particular jurisdiction down to the county level. The formula has subjected Alaska to the Section 5 preclearance requirement since 1975. The Court did not rule on the constitutionality of Section 5 itself.

We have reviewed the opinion and believe effective today no municipality in Alaska is

required to obtain preclearance of changes in their election practices. Therefore the proposed changes to the Borough's election code being considered by the Assembly will not need to be precleared by the Department of Justice prior to this year's municipal election. The effective date section of the ordinance should be amended to make clear that the changes are to take effect upon adoption of the ordinance.

If you have any additional questions regarding this issue, please let me know.