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Attorneys for Intervening Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

DISABILITY LAW CENTER OF
ALASKA, NATIVE PEOPLES ACTION
COMMUNITY FUND, ALASKA PUBLIC
INTEREST RESEARCH GROUP,
ALEIJA STOVER, and CAMILLE ROSE
NELSON,

Plaintiffs,

ALASKA COMMUNITY ACTION ON
TOXICS, the ALASKA CENTER EDUCATION
FUND, and PLANNED PARENTHOOD
VOTES NORTHWEST AND HAWAII,

Intervening Plaintiffs,

vs.

KEVIN MEYER, LIEUTENANT
GOVERNOR OF ALASKA and the
STATE OF ALASKA, DIVISION OF
ELECTIONS,

Defendants.

Case No.: 3:20-cv-00173-JMK

**INTERVENING PLAINTIFFS' JOINDER IN PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
AND ADOPTION OF STIPULATION FOR DEADLINES**

JOINDER IN PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
Disability Law Center of Alaska, et al. v. Kevin Meyer, et al.
Case No. 3:20-cv-00173-JMK

ALASKA COMMUNITY ACTION ON TOXICS (“ACAT”), THE ALASKA CENTER EDUCATION FUND (“ACEF”), and PLANNED PARENTHOOD VOTES NORTHWEST AND HAWAII (“Planned Parenthood”) (collectively “Intervening Plaintiffs”) have moved to intervene in the instant case. The Intervening Plaintiffs have not been granted intervention status but, to avoid delays, the Intervening Parties file this Joinder in the Plaintiffs’ Motion for Preliminary Injunction [DE- 12] and agree to the deadlines stipulated to by the Plaintiffs and Defendants in this case [DE- 10]. The Intervening Plaintiffs hereby adopt and assert the arguments advanced by the Plaintiffs’ in their Motion for Preliminary Injunction and related pleadings filed with this Court [DE- 13-14]. Intervening Plaintiffs offer additional arguments below.

The Defendants correctly identified the serious and significant health risks posed to Alaskan voters from COVID-19. They then adopted a policy to protect certain Alaskan voters, but not all at-risk Alaskans. Unless restrained by this court, Defendants will automatically mail absentee ballot applications only to certain voters, based on their age. There is no rational basis for sending absentee ballot applications only to the one group of voters that Defendants plan to assist. Intervening Plaintiffs applaud Defendants’ action in taking proactive steps to minimize the risks of in-person voting, but constitutionally such steps cannot be limited by the age of the voter. Intervening Plaintiffs will suffer irreparable harm if this court does not grant the preliminary injunction sought by the Plaintiffs and joined by the Intervening Plaintiffs.

Intervening Plaintiffs and their members and representative populations consist of individuals that are age 65 or older and consist of other high-risk individuals including people at higher risk due to disabilities and/or underlying medical conditions. However, Intervening Plaintiffs also represent a

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large group of members and representative populations that Defendants apparently consider low-risk or otherwise unworthy of protection. Many of the Intervening Plaintiffs members are young and healthy and do not have underlying conditions but that is no guarantee that these individuals will not contract COVID-19 and face life threatening consequences from this disease.

The World Health Organization chief Tedros Adhanom Ghebreyesus confirmed that there are more than Sixteen Million individuals infected with COVID-19 worldwide making it “[t]he sixth time a global health emergency has been declared under the International Health Regulations, but it [is] easily the most severe.”¹ The Centers for Disease Control and Prevention have made it clear that COVID-19 can affect anyone and therefore, no one is guaranteed to skirt the devastating consequences of COVID-19. In fact, many individuals are unemployed, caring for family members, working from home while educating their children and facing unprecedented financial fallout. Even menial tasks such as shopping at the grocery store are more complicated in our post-COVID-19 world. All individuals deserve to be protected and given their many competing demands individuals that do not have other risk factors may find it difficult to request their own absentee ballot application.

Defendants clearly acknowledge the difficulty and the life-threatening risks of contracting COVID-19 posed by in person voting. Defendants’ policy to automatically mail absentee ballot applications is a sensible and practicable solution. However, Defendants’ decision to automatically mail absentee ballot applications only to those registered voters age 65 or older is not rational and is outright discriminatory. The unknown risk of who will face life threatening consequences from contracting COVID-19 has been completely overlooked by Defendants.

¹ Media Briefing, Ghebreyesus, Tedros Adhanom, World Health Organization (July 27, 2020) <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---27-july-2020>

Likewise, Defendants' policy fails to even consider other high-risk populations in Alaska that they know are high risk – such as Alaska Natives. In taking steps to minimize the risks of COVID-19, the Alaska Native Tribal Health Consortium explained the increased risk factors that respiratory illnesses pose to Native Alaskans:


“Living with us are generations of Alaska Natives with survival stories of pandemics including the Spanish Flu of 1918-19 where nearly 82 percent of the mortalities were Alaska Native people, the tuberculosis epidemics through the 1950s which was the leading cause of death in Alaska and at one point accounted for more than a third of all mortalities for Alaska Native people, and the 2008-09 H1N1 Flu in which Alaska Natives had four times higher mortality rate”²

The Defendants ignore the known risks to other high-risk populations and the unknown risk posed to those without certain risk factors. It is irrational and discriminatory for Defendants to create a policy to provide additional access to voting support based solely on age especially given so little is known about COVID-19. Accordingly, the Court should grant the Plaintiffs' Motion for Preliminary Injunction and order the Defendants to mail absentee ballot applications to all Alaskan voters - not just those voters that have reached the age of sixty-five (65).

DATED at Anchorage, Alaska this 28th day of July 2020.

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² Press Release, Alaska Native Health Consortium, (April 6, 2020) https://anthc.org/wp-content/uploads/2020/04/PR_200406_ID-NOW-Testing_FINAL.pdf

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Certificate of Service

On this 28th day of July 2020 a true and correct copy of the foregoing was served upon the following party through the CM-ECF electronic filing system:

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