

PUBLIC INTEREST

— LEGAL FOUNDATION —

August 11, 2021

VIA EMAIL

Ms. Gail Fenumiai
Director
Alaska Division of Elections
PO Box 110017
Juneau, AK 99811-0017
Email: gail.fenumiai@alaska.gov, elections@alaska.gov

RE: NVRA public disclosure request

Dear Ms. Fenumiai:

I am writing on behalf of the Public Interest Legal Foundation to request inspection (or production) of records related to voter list maintenance activities conducted in concert with Alaska's membership in the Electronic Registration Information Center ("ERIC").

The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies and promotes list maintenance procedures designed to protect the integrity of American elections.

The National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1); *see also Project Vote/Voting for Am., Inc. v. Long*, , 682 F.3d 331, 334-335 (4th Cir. 2012) (The NVRA requires election officials to provide list maintenance records to the public).

Pursuant to Section 20507(i) of NVRA, we request that your office reproduce or provide the opportunity to inspect the following records:

1. All "ERIC Data"¹ received from ERIC during the years 2019, 2020, and 2021 concerning registered voters identified as deceased or potentially deceased.²

¹ "ERIC Data" means "data included in reports provided by ERIC" to member states concerning deceased and relocated registrants, and other information related to voter registration list maintenance. *See* ERIC Membership Agreement at Section 4(a) (page 15), *available at* https://ericstates.org/wp-content/uploads/2020/02/ERIC_Bylaws_01-2020.pdf (last accessed June 23, 2021).

² "The Social Security Death Master File, sometimes referred to as the "Social Security Death Index," is used by ERIC to identify voters who have died so that they can be removed from ERIC states' voter rolls." ERIC, 2017 Annual Report at 6, https://ericstates.org/wp-content/uploads/2019/01/FINAL_ERIC_2017_Annual_Report.pdf.

2. All reports and/or statewide-voter-registration-system-generated lists showing all registrants removed from the list of eligible voters for reason of death for the years 2019, 2020, and 2021. Such lists will optimally include unique voter identification numbers, county or locality, full names, addresses, and dates of birth.

The Foundation is aware that Section 4(a) of the ERIC Membership Agreement (last updated on February 3, 2020) states that Members shall not disclose ERIC Data without a court order compelling disclosure(s). Please advise if your office elects to follow the Membership Agreement here or comply with Section 20507(i) of NVRA **on or before August 25, 2021**.

Thank you for your time and attention to this matter. Please feel free to utilize the contact information below for further correspondence.

Sincerely,



Logan Churchwell
Research Director
Public Interest Legal Foundation
lchurchwell@publicinterestlegal.org