



July 18, 2017

Josie Bahnke  
Division of Elections, Director  
Alaska Division of Elections  
P.O. Box 110017  
Juneau, AK 99811-0017

*by email: josie.bahnke@alaska.gov*

**Re: Public records request concerning Alaska's participation in the  
Kobach Commission's information request**

Dear Ms. Bahnke:

This letter constitutes a request under the Alaska Public Records Act, AS 40.25.100 *et seq.* It is submitted on behalf of the American Civil Liberties Union of Alaska Foundation to the Division of Elections. As detailed below, the ACLU of Alaska seeks records concerning the Alaska Division of Election's interactions with the Presidential Advisory Commission on Election Integrity ("Commission").

The Commission, created on May 11, 2017, states that its mission is to study the registration and voting processes used in federal elections and advise the President on those aspects of the electoral process that undermine the American people's "confidence in the integrity" of federal elections.<sup>1</sup>

The Commission Vice Chair Kris Kobach recently sent letters to all states, requesting the "views and recommendations" of state officials concerning federal elections and "publicly-available" voter-roll data.<sup>2</sup> The Commission's request presents serious concerns for Alaskans' privacy. As Kansas Secretary of State, Vice Chair Kobach has disenfranchised 18,000 Kansas voters in a move called a "mass denial of a fundamental constitutional right" by the U.S. Court of Appeals for the Tenth Circuit.<sup>3</sup>

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<sup>1</sup> Letter from Kris. W. Kobach, Vice Chair, Presidential Advisory Commission on Election Integrity, to Denise Merrill, Secretary of State of Connecticut, (June 28, 2017) <https://www.washingtonpost.com/blogs/wonkblog/files/2017/06/PEIC-Letter-to-Connecticut-1.pdf>.

<sup>2</sup> *Id.*; Pam Fessler, *White House Panel Asks States for their Voter Rolls*, NPR (June 29, 2017), <http://www.npr.org/sections/thetwo-way/2017/06/29/534901343/white-house-panel-asks-states-for-their-voter-rolls>

<sup>3</sup> *Fish v. Kobach*, 840 F.3d 710, 755 (10th Cir. 2016).

Given Vice Chair Kobach's history of voter suppression and intimidation,<sup>4</sup> it is our hope to keep the Alaskan people informed of how the State of Alaska responds to the Commission. Additionally, we are also sending a letter to Lieutenant Governor Mallott, if the requests for Alaskans' voter roll data are revived, to construe the requests narrowly to protect Alaskans' privacy interests.

## **Documents Requested**

Pursuant to the Alaska Public Records Act, AS 40.25.100 *et seq.*, the ACLU of Alaska requests records relating to the Alaska Division of Elections' cooperation with and communication with the Commission, as detailed below.

Please note, we do **not** request actual voter roll data. Given Alaskans' interest in maintaining security over how the voter roll data is transmitted, please consider the voter roll data exempted from supporting records requested below.

1. All records that the Division of Elections has provided to the Commission to date, including but not limited to the responses to the seven questions asked in the June 28, 2017, letter from Vice Chair Kobach and any supporting records.
2. All of Division of Elections records and communications including correspondence referring to, supporting, or related to your "views and recommendations" requested in the June 28 letter from Vice Chair Kobach, including all records that were not transmitted to the Commission.
3. All communications between your office and the Commission or any of its members since January 20, 2017.
4. All records and communications containing legal analysis, conclusions, recommendations, or opinions concerning the statutory or constitutional considerations in the release of any information to the Commission.
5. All records and communications between the Alaska Division of Elections and any other state or federal individual, program, or agency regarding the Commission.

Because this request is being submitted in the public interest and is likely to "contribute significantly to the public's understanding of the operations or activities of the state government," we ask that you waive or reduce any fees associated with retrieving these records pursuant to AS § 40.25.110(d) and 2 AAC 96.370. If you decline to waive or reduce fees, please provide an explanation for the declination and an estimate of the costs expected to be incurred to comply with the request.

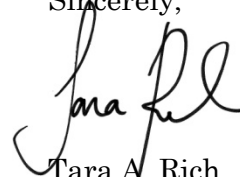
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<sup>4</sup> Tomas Lopez & Jennifer Clark, *Uncovering Kris Kobach's Anti-Voting History*, Amrit Cheng, *Kris Kobach, the 'King of Voter Suppression,' Will Lead Trump's Sham Voter Fraud Commission*, NYU Brennan Center for Justice (May 11, 2017), <https://www.brennancenter.org/blog/uncovering-kris-kobach%E2%80%99s-anti-voting-history>; Amrit Cheng ACLU Q&A (May 12, 2017), <https://www.aclu.org/blog/speak-freely/kris-kobach-king-voter-suppression-will-lead-trumps-sham-voter-fraud-commission-be>.

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Thank you for your assistance. Please do not hesitate to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tara A. Rich". The signature is fluid and cursive, with a large initial "T" and "R".

Tara A. Rich  
Legal & Policy Director