

November 12, 2008

Gail Fenumiai, Director  
Division of Elections  
Court Plaza Building  
240 Main Street, 4th Floor  
Juneau, AK 99801

*via e-mail and fax*

Dear Director Fenumiai:

Given the continued interest of the national media in Alaska's yet-undecided Senate race, we expect that you are aware of questions regarding unexpectedly low voter turnout reported in Alaska.

To help ensure that such questions do not have a negative impact on voter confidence amongst your constituents, we write to offer recommendations that can help you carry out your statewide ballot accounting reconciliation and audit efficiently and decisively:

- Conduct a full accounting of ballots and reconcile ballot totals with the number of voters signed in on *all* precinct registers pursuant to Alaska Stat. § 15.15.430.
- Permit the ballot reconciliation process to be transparent and observable not only to the candidates and their representatives, but also to any media, election advocacy organizations, and interested voters.
- Ensure that the public is given sufficient access to witness and verify both the random selection of precincts to be audited and the manual count, with reasonable opportunities for public comment.
- Voluntarily increase the number of audit units selected, based on closeness of the contest in question; and
- Ensure that all ballot types, including absentee, mail-in and accepted provisional ballots, are subject to the selection process.

We acknowledge that you are faced with a very short time frame, particularly in the selection of precincts to be audited, but we hope that these suggestions will nevertheless provide helpful guidance as you finalize your vote count. We anticipate that you will do all you can to ensure that every registered, qualified voter that went to the polls on election day could cast a ballot, and every ballot that was cast was accurately counted.

Because it is so important that all citizens trust the voting process, voter confidence is a top priority shared by all election stakeholders – voters, election administrators, elected officials, candidates, and non-partisan voter interest groups alike. As voter advocates, we strongly believe confidence is engendered and strengthened through transparent, accessible, impartial, and accountable election practices.

In October, the Brennan Center for Justice, Common Cause and the Verified Voting Foundation released *Is America Ready to Vote*, a report that evaluated election procedures in all fifty states and recommended best practices for election administration including ballot reconciliation and post-election auditing. In it, we acknowledged your state for its voter-verified paper record system and post-election audit requirement, and commended Alaska's "generally good" ballot reconciliation procedures. Alaska's audit requirement already includes some of the more important principles – randomness of the selection, a manual audit count, and a trigger to increase the scope in case of discrepancies, for example. However, we think that you may be able to take additional steps to improve your canvassing and auditing procedures in this closely contested race.

To that end, we have attached an outline of best practices recommended for post-election ballot reconciliation. Additionally, we would like to direct your attention to *Principles and Best Practices for Post- Election Audits*, which includes recommendations that will help you strengthen Alaska's post-election audit. The *Principles* document is available at <http://electionaudits.org/principles>.

We are eager to work with your office to tailor and adapt these protocols to be most effective and efficient within Alaska's election structure. We stand ready to assist you in this extremely important undertaking.

Thank you very much for your consideration and we very much look forward to hearing from you.

Sincerely,

Lawrence Norden  
*Counsel, Brennan Center for Justice*

Susannah Goodman  
*Director of Voting and Election Reform, Common Cause*

Pamela Smith  
*President, Verified Voting Foundation*

cc: Sean Parnell, Lieutenant Governor