



THE STATE
of **ALASKA**
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March 19, 2026

SENT VIA EMAIL

Senator Matt Claman
Chair Senate Judiciary Committee

Representative Andrew Gray
Chair House Judiciary Committee

Senator Scott Kawasaki
Chair Senate State Affairs Committee

Representative Ashley Carrick
Chair House State Affairs Committee

Re: The Division of Elections' confidential sharing of voter information with the Department of Justice pursuant to AS 15.07.195(c)(1) and Section 11 of the NVRA (52 U.S.C. §20501(a)).

Dear Chairs of the House and Senate Judiciary and State Affairs committees:

The Department of Law submits this letter to clarify its testimony and respond to questions posed during the joint House State Affairs and Judiciary committee hearing on March 2, 2026, and the joint Senate State Affairs and Judiciary hearing on March 4, 2026. We respectfully request this letter be included in the record.

As laid out below, the Division of Elections' disclosure of voter information to the Department of Justice ("DOJ") was authorized by federal and state law and included strong safeguards for voter privacy. Section 11 of the National Voter Registration Act ("NVRA") and AS 15.07.195(c)(1) permit disclosure of otherwise confidential voter information to other government agencies for lawful governmental purposes, consistent with numerous Alaska statutes that allow limited information sharing with government agencies. The memorandum of understanding ("MOU") with DOJ limits the use of the information to federal voting-rights enforcement and voter-list maintenance and imposes strict confidentiality and data-security requirements. The division's actions also reflect Alaska's longstanding practice of cooperating with DOJ's Civil Rights Division across administrations. Finally, the disclosure is consistent with Alaska's constitutional right to privacy because the legislature implemented that right through the statute at issue, balancing individual privacy interests with the state's compelling interest in complying with federal election laws.

1. The division acted carefully and lawfully in cooperating with DOJ.

The division did not provide DOJ with Alaska's full voter registration list. Instead, consistent with the MOU and as clarified by the Lieutenant Governor's cover letter, the division transmitted only a list of current, eligible voters—not individuals designated ineligible due to reasons such as non-citizenship or felony convictions. The list of eligible voters included only a limited set of non-public fields beyond what appears in the public voter list: date of birth, condition code and date, public and private registration address, and the last four digits of the Social Security number in instances where an Alaska driver's license number was unavailable. The division did not provide voter identification numbers.

DOJ requested the data pursuant to Section 11 of the NVRA, which authorizes DOJ to enforce federal list-maintenance requirements and related voting-rights provisions. As stated in the MOU, DOJ sought this information to "test, analyze, and assess [Alaska's list of registered voters] for proper list maintenance and compliance with federal law."

Alaska Statute 15.07.195(c)(1) authorizes the division to disclose otherwise confidential voter information to federal, state, or local government agencies when the receiving agency uses the information solely for governmental purposes authorized by law. This statutory provision permitting disclosure is consistent with similar information-sharing exceptions across Alaska statutes, which allow or require disclosure to federal agencies of confidential data found in state records such as motor-vehicle records; public-benefits fraud investigations; child-protection proceedings; and professional-licensing enforcement. These statutory exceptions recognize that limited, controlled information sharing is often necessary for governmental operations and law-enforcement purposes.

The division provided this information only after DOJ executed the MOU, which established DOJ's legal authority to request the information, limited its use to authorized federal voting-rights and list-maintenance purposes, imposed strict confidentiality and data-security obligations, and required DOJ to notify, investigate, halt, and prevent any data breach—safeguards designed to protect voter information. In addition, the MOU does not supersede the division's obligation to follow all state and federal laws, including statutory notice and waiting-period requirements, before inactivating or removing any voter from the rolls, regardless of DOJ's findings. Importantly, Alaska remains fully responsible for independently verifying voter eligibility and complying with all list-maintenance laws.

2. The division's cooperation aligns with longstanding, bipartisan practice and supports election-integrity goals shared by both the state and DOJ.

The division acted in good faith to cooperate with its federal governmental partner. This cooperation follows the presumption of regularity which presumes, in the absence of evidence to the contrary, that public officials are properly carrying out their official duties.¹ The division has a well-established history of responsible cooperation with DOJ on civil-rights matters across administrations, even when doing so imposes additional burdens on the division that may go beyond the bare minimum required by law.

For example, in 2021, DOJ was prepared to sue Alaska for alleged NVRA violations, asserting that its Division of Motor Vehicle (DMV) driver's license applications and change-of-address forms failed to function as voter registration forms or explain voter-registration requirements. Alaska cooperated with that investigation and entered into a MOU committing to revise forms, assign compliance staff, provide training, and submit reports. The state met all the MOU requirements before its expiration in 2025. In 2021, DOJ also investigated the division's compliance with the Americans with Disabilities Act (ADA). The State likewise cooperated with that investigation, providing DOJ with extensive state information and records. DOJ concluded in June 2024 that the State had violated the ADA but ultimately closed the matter in July 2025 without litigation. Separately, on January 17, 2025, DOJ signaled an intent to sue Alaska over alleged failures to provide required language assistance in the North Slope Borough. After multiple cooperative discussions among the State, DOJ, and local governments, Alaska expressed a willingness to undertake improvements without litigation. In each instance, the division acted consistently with its established practice of cooperating with DOJ's Civil Rights Division because the division and DOJ have a mutual interest in election integrity.

3. No court has found the MOU unlawful or prevented a state from cooperating with the DOJ under the NVRA enforcement provision and state law.

The memoranda provided by legislative counsel review court decisions that are not on point here. Those courts have only considered whether the DOJ can compel an uncooperating state to provide confidential voter information under the disclosure

¹ See, e.g., *Wallace v. State*, 933 P.2d 1157, 1162 (Alaska App. 1997) (relying on *Wright v. State*, 501 P. 2d 1360, 1372 (Alaska 1972); *Gallego v. United States*, 276 F. 2d 914, 917 (9th Cir. 1960).

provisions of NVRA² and the Civil Rights Act,³ and under the Help America Vote Act (HAVA), which does not contain a records disclosure provision.⁴ Notably, these three recent cases from other states all arose from a state's *refusal* to cooperate with DOJ. Those decisions do not address whether a state may choose to cooperate with DOJ, as Alaska has done here. Further, none of these cases analyzed DOJ's authority to obtain voter information under Section 11, the enforcement provision, of the NVRA.⁵ Putting aside the fact that these decisions are in different federal districts outside Alaska, all of them considered other provisions of the NVRA and other federal laws. None of them address, let alone overturn, Alaska's or any other state's MOU with DOJ.

Additionally, these courts only considered these questions under the election information disclosure laws of those particular states: California, Oregon, and Michigan. The laws in those states do not contain disclosure exceptions like Alaska's that expressly allow sharing of voter information with other government agencies.⁶ Here, the division followed our state's laws and long practice of cooperation with federal law enforcement.

4. That Alaska law authorizes the sharing of voter information does not violate Alaskans' constitutional right to privacy.

The privacy provision of Alaska's constitution states that the “legislature shall implement” it.⁷ The legislature did so in this instance by passing AS 15.07.195(c). That statute allows the State to share confidential voter information with a federal law enforcement agency, as the State did here, subject to specific conditions that were met here.

Alaskans' constitutional right to privacy is not absolute and is analyzed using a balancing test that weighs an individual's reasonable, subjective expectation of privacy

² 52 U.S.C. 20507(i)(1).

³ 52 U.S.C. §§20702, 20703.

⁴ *United States v. Benson et al.*, 2026 WL 362789 (W. D. Mich. 2026); *United States v. Oregon*, 2026 WL 318402 (D. Oregon 2026); *United States v. Weber*, 2026 WL 11807 (C.D. Calif. 2026).

⁵ 25 U.S.C.A. §20510(a).

⁶ *Cf.* Cal. Elec. Code §2194(b)(1)-(2); OR Rev Stat §247.948 (2021); MCL 168.509gg.

⁷ AK Const. Art. 1, sec. 22.

To: Chairs (S)JUD, (S)STA, (H)JUD, (H)STA,
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against the State's compelling interest.⁸ With respect to the statute at issue here, the State has a compelling interest in complying with federal list maintenance rules, which help ensure the integrity of our elections.

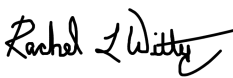
The legislature is free to seek to amend the statute if it believes a different balance is more appropriate from a policy perspective.

5. Conclusion

We hope this explanation assists the Legislature in understanding the State's legal basis and decision-making process.

Sincerely,

STEPHEN J. COX
ATTORNEY GENERAL

By: 
Rachel Witty
Civil Division Director

⁸ *Doe v. Dept. of Public Safety*, 444 P. 3d 116, 126-27 (2019).