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STATE OF ALASKA  
Division of Elections  
Office of the Lieutenant Governor

March 6, 2013

The Honorable Mark Begich  
United States Senator  
111 Russell Senate Office Building  
Washington, DC 20510

Dear Senator Begich:

On behalf of the agency directly responsible for administering elections in Alaska, I am responding to your statements to the Alaska Legislature in a joint session and at the CCTHITA Native issues forum in Juneau on March 4.

I strongly dispute your assertions that the division makes it more difficult to vote here or that the state has imposed any obstacles to voting. I also dispute your characterization of Section 5 of the VRA.

There are two major misconceptions in your comments that bear correcting. The first is the nature and extent of the state's language assistance program and the second is the effect of Section 5 of the VRA on that program specifically, and on Alaska in general.

First, the state has a robust language assistance program mandated by sections 203 and 4(f)(4)—not Section 5—of the VRA. The state relies on those provisions, census information, surveys, and contacts with tribal offices to determine specific locations where language assistance is needed. Based on these criteria, the Division of Elections currently provides for language assistance to limited English proficient voters through the use of translated election materials, radio announcements, and ballot information in Yup'ik, Siberian Yupik, Inupiaq, Tagalog, Koyukon Athabascan, and Spanish. The division also provides for bilingual outreach workers and bilingual poll workers to assist voters prior to and on Election Day in these languages as well as other Alaska Native language dialects such as Gwich'in.

As noted on the division's website, the state provides written translated election materials for languages that are historically written and oral language assistance for languages that are historically unwritten, such as Alaska Native languages. For this latter category of languages, the state produces a written Yup'ik sample ballot and also produces an audio translation of the ballot in Inupiaq, Koyukon Athabascan, Siberian Yupik, and Yup'ik. The state has never printed translated ballots in historically unwritten Alaska Native languages, and has never been required to do so. Therefore, your statement that the state has "attempted to stop printing" such ballots is misinformed.

In addition to on-call translators available on Election Day, the state provides oral language assistance through the use of bilingual outreach workers, bilingual poll workers, and translators in communities where there is a need. The state also produces audio translations of election information and translated radio and TV announcements.

During the 2012 election cycle, all ballots and ballot measures were translated into the above-noted languages, either orally or in writing. In fact, the state included an audio translation of the ballot in the above-noted languages on the touch screen voting equipment used in the precincts where the languages are spoken and added the audio interpretation of the ballot measure language for the Alaska Native languages to the division's website. Further information on the state's language assistance program can be found at <http://www.elections.alaska.gov/la.php>.

Second, your statements misconstrue both the application of Section 5 of the VRA to language assistance in particular and the state's general position against Section 5 in pending litigation.

Section 5 does not contain any substantive requirements about language assistance; the state's language assistance program is mandated by entirely different sections of the VRA that are not being challenged in any forum. Section 5 therefore has no bearing on the state's language assistance program beyond imposing an additional layer of procedural bureaucracy on the state's administration of that program. In the division's view, the only role Section 5 plays in Alaska is to subject any elections-related change, big or small, to the scrutiny of non-Alaskan attorneys and analysts in Washington, DC before the state may enact or administer such changes. The State is not in any way attempting to decrease the assistance we provide to Alaskan voters who require language assistance; the state seeks only to be able to administer, implement, and improve our state's voting laws without unwarranted interference from the federal government. The Alaska Division of Elections knows more about Alaskan voters, Alaska Native languages, and local Alaska conditions than federal government officials do. Restoring local control of our elections will allow for flexible, efficient administration of the voting laws. This will benefit, not disserve, all Alaskan voters.

Alaska's interest in the current voting rights litigation does not reflect any lack of commitment to ensuring that Alaska Natives have the same access to the ballot and ability to elect representatives of their choice. Again, the substantive provisions of the VRA that govern language assistance and discrimination in voting are not being challenged. Alaska remains committed to providing language assistance to all voters who need it, so that all Alaskans can exercise their right to vote.

Finally, I want to be clear that the state has never sponsored legislation requiring photo identification at the polls, and the division has never turned away a voter for lack of such identification. If a voter must vote a questioned ballot because the voter lacks the identification required under existing law, the elections board determines from information provided by the voter on the questioned ballot envelope whether that voter's ballot may be counted.

I hope you will take the time to publicly correct your statements.

Sincerely,



Gail Fenumiai  
Director, Division of Elections

cc: 2013 Alaska State Legislature