



August 11, 2026

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Nancy Dahlstrom
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State of Alaska
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Sent via email to: carol.beecher@alaska.gov & lt.governor@alaska.gov

RE: Notice of Violation of National Voter Registration Act and Demand for Remedial Actions and Documents

Lieutenant Governor Dahlstrom and Director Beecher,

The American Civil Liberties Union Foundation of Alaska (ACLU of Alaska), the American Civil Liberties Union Foundation (ACLU), and Asian Americans Advancing Justice | AAJC (Advancing Justice-AAJC), on behalf of the League of Women Voters of Alaska (LWVAK), the Alaska Public Interest Research Group (AKPIRG), and their members; Christine Waigl; and other similarly situated individuals and organizations, write to express their deep concern with the recent voter list maintenance program you initiated on June 16, 2026, and to seek assurances that all eligible voters who were impacted by your actions will be able to cast their ballots unimpeded, have their vote counted in the upcoming federal elections, most immediately in the upcoming August 18, 2026 primary election.

On June 16, 2026, the Division of Elections (DOE or Division) sent letters (June 16th letter or Letter) to approximately 3,048 registered voters in Alaska (the Impacted Voters) notifying them that DOE received information from the Alaska Department of Motor Vehicles (DMV) that they may not be citizens. According to the Lieutenant Governor, this information from the DMV is part of a routine administrative process by the Division to ensure “accurate voter registration records” in Alaska.¹ The Letter then requested that Impacted Voters contact the DOE to confirm citizenship status.

¹ Letter from Carol Beecher, Director of the AK Division of Elections to House Judiciary Committee Chair Andrew Gray and House State Affairs Committee Chair Ashley Carrick, August 6, 2026 (August 6 Beecher letter); *see also* Joint Statement of Department of Administration, Division of Motor Vehicles and the Division of Elections (July 24, 2026).

The DOE has since confirmed in testimony to the Legislature on July 22, 2026—less than a month before the August 18, 2026 primary elections—that it deactivated the voter registration of all voters who received said letter, moving them into inactive status. As a result, these individuals will be excluded from the official registration list and therefore will not be included on the list of persons eligible to vote utilized by precinct polling places unless they confirm their citizenship. AS 15.07.125.

The June 16th letter provided no notice to Impacted Voters that they were placed in inactive status or that, as a result, they would not appear on the official voter registration list. DOE also failed to inform recipients of the potential impacts or legal consequences that would result from either responding or failing to respond to the letter, and that recipients would be required to vote a questioned ballot as an “inactive” voter if they were not restored to the active voter list prior to the upcoming primary election. Impacted Voters were left to guess as to what effect a response or non-response would merit and whether they would have their voter registrations cancelled or be criminally prosecuted for voting. Alarming, some impacted voters have reportedly been told that it is “too late” to make changes to the official registration list prior to the August primary, meaning that even if they confirm their citizenship with the Division prior to the election, they may still be required to vote a questioned ballot.²

On August 6, 2026, the Division disclosed to the legislature that there are approximately 2,250 Impacted Voters who have either not responded to the June 16th letter or whose letter was returned as undeliverable.³ It remains unknown if the approximately 685 Impacted Voters who have already contacted the DOE and attested to their citizenship will still be required to vote a questioned ballot.⁴

Legislative counsel has subsequently determined that “the division has sent letters to—and consequently inactivated the registration of—voters who are in fact U.S. citizens.” Ex. 1, Letter from Andrew Dunmire, Legislative Counsel, to Representative Ky Holland 1 (Aug. 7, 2026).⁵

While we are appreciative that the DOE has committed to taking some remedial steps—namely, mailing a “follow-up notice to those who have not responded, explaining in clear terms that citizens remain fully eligible to vote, no documentation

² Liz Ruskin, *23 Alaska legislators ask state to restore voters wrongfully removed from rolls*, ALASKA PUBLIC MEDIA (July 30, 2026), <https://alaskapublic.org/news/politics/2026-07-30/23-alaska-legislators-ask-state-to-restore-voters-wrongfully-removed-from-the-rolls>.

³ August 6 Beecher letter.

⁴ *Id.*

⁵ Note also that Legislative Counsel strongly suggested that such action violates state law, stating that “there is no statute or regulation that explicitly grants [DOE] authority to inactive a voter’s registration based on a question about U.S. citizenship.” Ex. 1 at 3.

is required to affirm citizenship, [and] recipients may vote by questioned ballot or absentee ballot”⁶—additional steps are needed to ensure that the Division’s recent list maintenance does not run afoul of both the National Voter Registration Act of 1993 (NVRA) and potentially Section 203 of the Voting Rights Act of 1965 (VRA).⁷

Potential NVRA Violations

Section 8(b) of the NVRA requires that list maintenance programs be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965.” 52 U.S.C. § 20507(b)(1). It is likely that the list maintenance program you began with the June 16th Letter unlawfully targets naturalized citizens in a discriminatory manner. The Ninth Circuit has previously held that nearly identical maintenance programs are unlawful under this provision. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 714-715 (9th Cir. 2025). And other federal courts have reached similar conclusions. *United States v. Florida*, 870 F. Supp. 2d 1346, 1347-48 (N.D. Fla. 2012); *Texas League of United Latin Am. Citizens v. Whitley*, No. CV SA-19-CA-074-FB, 2019 WL 7938511, at *1 (W.D. Tex. Feb. 27, 2019).

Like the list maintenance programs in those states, Alaska’s program will only impact naturalized citizens on the voter rolls, as opposed to natural born citizens. *Cf. Mi Familia Vota*, 129 F.4th at 714 (because running a citizenship check through the SAVE database requires an immigration number, county recorders “can only conduct SAVE checks on naturalized citizens and non-citizens.”). Because “it is likely that the properly registered citizens who would be required to respond and provide documentation would be naturalized citizens,” this program is non-uniform and discriminatory and violative of Section 8(b) of the NVRA. *Id.* at 714-715. Similarly, when applying Section 8(b)’s “uniform” and “nondiscriminatory” provision in *United States v. Florida*, the court found that their program likely “ran afoul of this provision” because the methodology “made it likely that the properly registered citizens who would be required to respond and provide documentation would be primarily newly naturalized citizens,” and the program therefore “was likely to have a discriminatory impact on these new citizens.” 870 F. Supp. 2d at 1351. It did not matter whether responding to this inquiry was difficult: “A state cannot properly impose burdensome demands in a discriminatory manner,” full stop. *Id.*

Furthermore, it appears that the Letter did not comply with Section 203 of the VRA, in violation of Section 8(b)’s requirement that list maintenance programs comply with the VRA. *See* 52 U.S.C. § 20507(b)(1). Multiple jurisdictions within Alaska are covered by Section 203 for Native American languages and for Filipino. *See* Voting Rights Act Amendments of 2006, Determinations Under Section 203, 86 Fed. Reg. 69611 (Dec. 8, 2021). In 1975, Congress added Section 203 to the VRA’s array of protections after recognizing the strong link between limited English proficiency (LEP) and low voter participation, as well as the substantial language barriers that

⁶ August 6 Beecher letter.

had been erected to discriminate against eligible voters based on national origin, educational level, and language ability. 52 U.S.C. § 10503(a). The purpose of Section 203 is to provide LEP or non-English speaking citizens with the same information and opportunities to participate in the electoral process as the general electorate. LEP voters must be provided with translated voting materials including, but not limited to, voter registration materials, ballots, voter guides, and websites maintained by election officials. *Id.* § 10503(b)(3)(A) and (c). *See United States v. Metro. Dade Cty.*, 815 F. Supp. 1475, 1478 (S.D. Fla. 1993) (holding that Section 203 “should be broadly construed to apply to all stages of the electoral process, from voter registration through activities related to conducting elections, including for example the issuance, at any time during the year, of notifications, announcements, or other informational materials concerning the opportunity to register, the deadline for voter registration, the time, places and subject matter of elections, and the absentee voting process”). In other words, every American citizen has the right to make an informed choice regarding their voter registration, its status, and voting in the language that they are most comfortable speaking and reading. To the extent the Letter was sent in English only to impacted voters in covered jurisdictions, it violates Section 203 and as a result, Section 8(b) of the NVRA.

Section 8(c) of the NVRA requires that “[a] State shall *complete*, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A) (emphasis added). On June 16, 2026, DOE began a systematic and “routine” voter list maintenance program that resulted in immediate inactivation of over 3,000 voters. This program began 33 days before the August 18, 2026 primary election and appears not to have concluded within 30 days of a federal election. To the extent that remedial measures are not taken, DOE’s actions may violate Section 8(c). *See* Ex. 1 at 4 (Legislature Counsel stating that “[c]onducting systematic list maintenance at this time may violate the ‘quiet period’ required by the NVRA.”).

Because this list maintenance program continued to take place less than thirty days prior to the federal primary election, no pre-suit notice is required under 52 U.S.C. §20510(b)(3). Should these violations not be remedied, this letter can serve as the pre-suit notice required by 52 U.S.C. § 20510(b)(2) for purposes of the November 3, 2026 General Election and the August federal primary (though notice is not required for that election).

Potential Voting Rights Act Violations

As explained above, Section 203 of the VRA mandates that certain jurisdictions provide elections materials in other languages in addition to English. Several jurisdictions within Alaska are covered under Section 203. To the extent that the June 16th letter to Impacted Voters in Section 203-covered jurisdictions was sent only in English, this would constitute a violation of the VRA for the reasons stated above.

No pre-suit notice is required to bring a lawsuit under Section 203 of the VRA.

Request for Remedial Measures

To remedy any potential violation of the NVRA and VRA, undersigned counsel, on behalf of LWVAK and AKPIRG, and their members; Ms. Waigl; and other similarly situated individuals and organizations, request that the DOE commit to the following remedial steps for the upcoming August 18, 2026 primary elections, as well as the November 3, 2026 elections, if eligible Impacted Voters have not been reinstated to active status and placed on the official registration list beforehand:

1. Ensure all polling locations in the state have a list of the Impacted Voters;
2. Require that poll workers must affirmatively inform Impacted Voters on this list who arrive to vote at a polling location that they can cast a questioned ballot;
3. Ensure that all poll workers understand, inform Impact Voters, and enforce that only attestation of citizenship, and no additional documentary proof of citizenship, is required for impacted voters to cast a questioned ballot;
4. Commit to counting all questioned ballots cast by Impacted Voters provided they include the attestation of citizenship;
5. Send, and make publicly available, guidance to this effect to all Regional Supervisors, polling place chairpersons, poll workers, registrars, and all other relevant election workers; and
6. Ensure that the June 16th Letter, and all other subsequent communications related to this issue sent to Impacted Voters in Alaska jurisdictions covered by Section 203, be sent in all languages required by Section 203 of the VRA.
7. Ensure that polling locations in Alaska jurisdictions covered by Section 203 have a poll worker or other officials able to communicate with Impacted Voters in the covered language that they can cast ballot.
8. Send Impacted Voters who requested a mail/absentee ballot before June 16, 2026 a questioned ballot and inform them that only attestation of citizenship, and no additional documentary proof of citizenship, is required for them to cast a questioned ballot.

Any failure to take the following remedial steps would likely constitute a violation of the NVRA and the VRA. Because this list maintenance program is taking place less than thirty days prior to the federal primary election, no pre-suit notice is required under 52 U.S.C. §20510(b)(3). Should these violations not be remedied, this letter can serve as the pre-suit notice required by 52 U.S.C. § 20510(b)(2) in relation to the November 3, 2026 General Election.

Request for Document Production

Additionally, the NVRA requires that Alaska, upon request, produce “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). We therefore request that the following documents be produced without delay:

1. The list of all 15,200 registered voters your office identified as potential non-citizens, which was provided to the DMV;
2. All records supporting your contention that the registered voters provided to the DMV were potentially non-U.S. citizens;
3. The list of approximately 3,048 registered voters which the DMV identified as people who may not be U.S. citizens;
4. All documents and communications relating to the development and implementation of the issuance of the June 16 Letter;
5. All advisory or guidance documents and communications, whether formal or informal, provided to Division of Elections Staff, Voter Registrars, Poll Workers, Regional Supervisors, or other Election Workers regarding the development and implementation of the issuance of the June 16 Letter.

Please provide the requested documents electronically by email to cwoods@acluak.org.

Sincerely,

/s/ Cindy Woods

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