



Municipality of Anchorage

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Anchorage Assembly Leadership

July 5, 2023

Mayor Dave Bronson
632 W. 6th Ave., Suite 850
Anchorage, AK 99501

Re: Advance Notice of Questions to be Addressed at July 21 Worksession—
*April 11 Election Complaint and Creation of ITD Policy Statement Regarding
Removable Storage Devices*

Mayor Bronson:

The Assembly has scheduled a worksession for Friday, July 21 to discuss the election complaint received by the Municipality on April 11, 2023.¹ The complaint quoted, verbatim, from a purported municipal “ITD Policy Statement” that was created and published only on a non-public municipal website mere hours before the complaint was submitted.² Exactly how the authors of the election complaint came to have a copy of the “policy” has generated significant public interest.³

We invite representatives of your administration to attend the worksession.

¹ See Sami Graham, Daniel E. Smith, John Henry, Renewed Election Complaint (April 11, 2023), attached as Exhibit A. Compare MUNICIPALITY OF ANCHORAGE, MUNICIPAL CLERK’S OFFICE, [Election] *Observer’s Handbook* at 17 (Oct. 13, 2022) (“Complaints that are not resolved by the Municipal Clerk or Election Administrator and that would change the outcome of the election, if found to be true, may be renewed by the observer or candidate. The renewed complaint shall be submitted to the Election Administrator in writing on a form entitled – ‘Election Commission – Alleged Failure to Comply with Law or Alleged Illegal Election Practices’.”); see also AR 222-328 *A Resolution of The Anchorage Municipal Assembly Updating and Amending the Election Observer’s Handbook and Associated Forms*.

² See, ITD Policy Statement and List Showing Uploaded Time and Date (April 11, 2023), attached as Exhibit B. See also Emily Goodykoontz, *Former Top Aide To Mayor Challenged Anchorage Election Using Policy Quietly Added That Day By City IT Director*, ANCHORAGE DAILY NEWS (May, 20, 2023), available at: <https://www.adn.com/alaska-news/anchorage/2023/05/20/former-top-aide-to-mayor-challenged-anchorage-election-using-policy-quietly-added-that-day-by-city-it-director/>

³ See, e.g., Editorial, *Anchorage Residents Deserve To Know: What Was That Shady Municipal Election Complaint About?* ANCHORAGE DAILY NEWS (June 17, 2023), available at: <https://www.adn.com/opinions/editorials/2023/06/17/editorial-anchorage-residents-deserve-to-know-what-was-that-shady-municipal-election-complaint-about/>

To ensure that the worksession is maximally productive, we wish to provide you and your administration with advance notice of the topics we wish to cover.

1. **Origin of the Purported Policy.** The purported “ITD Policy Statement” referenced by the renewed election complaint was not an official municipal operating policy or procedure. Official municipal policies and procedures must, among other things, be reviewed and approved by the Office of Management and Budget, the Municipal Attorney, the Municipal Manager, and signed by the Mayor.⁴ The policy was also unworkable in practice and, if applied to processes at the Election Center, would have needlessly added risk to the security protocols that ensure the integrity of local elections.⁵

The first topic that the Assembly wishes to explore is how the “ITD Policy Statement” was developed:

- Was the Statement drafted through any kind of a deliberative process? If so, what did that process entail?
- Who was involved in the development of the Statement?
- What persons were involved in posting the statement to the Municipality’s internal website?

⁴ See Municipality of Anchorage, P&P No. 1 *Municipal Operating Policies and Procedures* (Dec. 17, 1996) at § 7(c)(6) (“OMB will forward the final document to the Municipal Attorney for legal review, the Municipal Manager for review and then to the Mayor for signature”).

⁵ A thumb drive is currently used to transport vote counts from the municipality’s scanning, adjudication, and tabulation system, which is “air gapped,” to municipal computers that are used to report election results. When it was first procured, the thumb drive was obtained from and formatted by the municipal IT department and encrypted.

To ensure that the thumb drive could not be subsequently tampered with, the drive is stored in a locked safe, in a locked room that requires a code and thumb print to open, and the password for the thumb drive is known to an extremely limited number of individuals.

To ensure that the thumb drive is merely moving vote counts from one machine to another, and not otherwise having an effect on the election process, vote totals are displayed on the ballot-scanning machine both before and after the thumb drive is inserted (and can be observed not to have changed after the thumb drive is inserted); and published election results are seen to correspond to the totals displayed on the ballot-scanning machine.

Last, to ensure that the ballot-scanning machine is itself correctly displaying accurate vote counts, the Municipality conducts a “risk limiting audit.” As further detailed in the memorandum attached to AM 324-2023 (*see* page 395-404), the audit entails hand counting randomly selected ballots in batches (using dice to seed a random-number generator), and comparing the results of the hand count to totals reported by the machine. In the 2023 municipal election, 3,200 ballots were randomly selected for hand counting, and “the hand count and machine count of those ballots was identical.” AM 324-2023 at 402.

2. Extent of Administration Involvement in the Complaint. The renewed election complaint was submitted by your former chief of staff, Sami Graham, and two other individuals,⁶ and the content of the complaint has led members of the public to conclude that the complaints must have been in communication with the municipal information technology department. As the Anchorage Daily News editorial board put it:

There are surely a number of explanations for how Bronson administration ally and former chief of staff Sami Graham came to file an election complaint that cited a computer policy only hours old that didn't exist in any public form, but the simplest one is that the complaint was the result of coordination between Graham and administration officials. And the circumstances of that seeming coordination are cause for grave concern.

. . . the real red flag about the IT policy is that there's no reason Graham and her compatriots should have known it even existed. It had been added to the municipality's internal network by municipal IT director Marc Dahl on April 11, only two hours before Graham's complaint was filed, and the policy was not accessible by the public. None of the people making the complaint had any means of accessing the policy, but they somehow quoted it verbatim.

Also notable: The policy didn't exist at the time Graham said municipal elections employees had violated it (April 6 and 7), and Heinz said no elections personnel had been made aware of its existence before the complaint.⁷

The second topic the Assembly wishes to explore is whether and how municipal employees communicated (and/or coordinated) with the complainants about the "ITD Policy Statement" and/or the election complaint:

- What non-municipal employees were informed about the existence (or substance) of the "ITD Policy Statement," prior to April 12?
- What contact did the complainants have with municipal staff, such that they were aware of the "ITD Policy Statement" and its exact language? Who was involved in the communications, and when and how did they occur?

To the extent that any such communications were conducted by email or otherwise memorialized, the Assembly requests copies of the emails and memorializations, all of which are likely to be non-confidential public records.

⁶ See Exhibit A.

⁷ See Editorial, above at n.3.

3. Management Awareness. The final topic that the Assembly wishes to explore is the extent to which municipal management was aware that the ITD Policy Statement was being developed, or discussed with complainants.

- Were you, or any member of the Mayor's office, aware of the ITD Policy Statement before the Statement was posted on April 11?
- To what extent, if any, were you, or any member of the Mayor's office, involved in the development of the ITD Policy Statement?
- Were you, or any member of the Mayor's office, aware of the April 11 election complaint that referenced the ITD Policy Statement before the complaint was submitted?
- To what extent, if any, were you, or any member of the Mayor's office, involved in the development of the April 11 election complaint that referenced the ITD Policy Statement?

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Thank you for your attention to this matter. We hope the Administration will participate in the worksession on Friday, July 21, from 10:00am to 11:30am. If you have any questions, we would be happy to discuss.

Sincerely,



Christopher Constant, Chair



Meg Zaletel, Assembly Vice Chair

Cc: Anne Helzer-Municipal Attorney
Kent Kohlhasse - Municipal Manager
Mario Bird - Chief of Staff
Philippe Brice - Acting ITD Director
Anchorage Assembly