
Alaska: Public Records From 2004 Election Will Be Released

(September 20, 2006) - Contributed by Alaska Democratic Party Press Release

State Decides Security Not Threatened

The State of Alaska agreed today to give the Alaska Democratic Party (ADP) an electronic database containing votes from the 2004 General Election, in response to a lawsuit the Democrats filed last April. "The Alaska Democratic Party has successfully proven that the GEMS database is a public record and that the public is entitled to have it," said Jake Metcalfe, chair of the Alaska Democratic Party. "We have fought for the release of these public records since last year so that the people of Alaska can be assured that their votes in the 2004 elections were counted correctly." The electronic database will be delivered Thursday to David Shoup, the ADP's attorney. A hearing in the case had been scheduled to begin Monday in Superior Court in Anchorage. Shoup said Darrell Davis, the Chief Security Officer for the State of Alaska computer system, changed his mind and decided that release of the records was not a threat to security after all. Davis had previously advised the Division not to release the database because of security risks.

In recent rulings in the case, Superior Court Judge Stephanie Joannides found that the State of Alaska bore the burden of proof to show that the file was not a public record, and she ruled against the state's argument that the Democrats had waited too long to request the information.

The Democratic Party will ask several experts to examine the electronic file, Metcalfe said.

"Alaskans must have an accurate accounting of the 2004 election results. The accountability of our election system is at stake. Confidence in the integrity of our elections is fundamental to our democracy. It's a shame it took a lawsuit to force the disclosure of public information," Metcalfe said.

The ADP filed a formal public records request on Dec. 19, 2005, seeking the "central tabulator data file" taken from the Diebold-supplied computer used to run the "GEMS" (Global Election Management Software) application. This is the electronic file containing all final vote tallies for the 2004 General Election.

The Alaska Democratic Party has been trying since last year to get the public records of the election in order to find out why there are numerous errors and discrepancies in the state's reported results of the 2004 General Election. The Division of Elections' first said the file could not be released because it was a proprietary file belonging to Diebold. After Diebold agreed to allow the release, the state still refused, saying it would create "security risks."

According to the Division of Elections' vote reports that were produced by the state's Diebold computer system and are posted on the Division's official web site, a far larger number of votes were cast than the official totals reported in the statewide summary. In the case of President George Bush's votes, the district-by-district totals add up to 292,267, but his official total was only 190,889, a difference of 101,378 votes. In the U.S. Senate race, Lisa Murkowski received 226,992 votes in the district-by-district totals, but her official total was only 149,446, a difference of 77,546 votes.

In 20 of the 40 State House Districts, more ballots were cast than there are registered voters in the district, according to information on the state's web site. In 16 election districts, the voter turnout percentage shown is over 200%.

Under the public records regulations, the Division was supposed to release the data file on Jan. 4. On Jan. 4 the Division extended the deadline until Jan. 19.

In a Jan. 19 letter, the Division asserted that the file was proprietary information belonging to its contractor, Diebold Elections Systems.

In a Feb. 3 letter, the Division advised the Democrats that Diebold had agreed to waive its proprietary rights to the GEMS database files, and said that the records would be provided if it determined that the integrity of the election system could be protected. In the Feb. 3 letter the Division asked for an additional 10-day extension until Feb. 13, and the Democrats agreed. On Feb. 13, the Division again extended the deadline to Feb. 27. In a letter dated Feb. 22, the Division denied the Democrats' public records request, citing "security risks." The ADP filed a lawsuit in April to force release of the public records.