

Jeffrey W. Robinson, ABA No. 0805038
 Bryn R. Pallesen, ABA No. 1810104
 Zoe A. Eisberg, ABA No. 1911094
 BALLARD SPAHR LLP
 1600 A Street, Suite 304
 Anchorage, Alaska 99501
 Telephone: 907-277-9511
 Email: robinsonjw@ballardspahr.com
 pallesenb@ballardspahr.com
 eisbergz@ballardspahr.com

FILED in the TRIAL COURTS
 State of Alaska Third District

JUN 22 2026

Clerk of the Trial Courts
 By _____ Deputy

Attorneys for Appellant Daniel J. Sullivan, Jr.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
 THIRD JUDICIAL DISTRICT AT ANCHORAGE

DANIEL J. SULLIVAN, JR.,

Appellant,

Case No. 3AN-26-_____ CI

v.

STATE OF ALASKA, DIVISION OF
 ELECTIONS,

Appellee.

NOTICE OF APPEAL

Appellant Daniel J. Sullivan, Jr., whose address is P.O. Box 1656, Petersburg, Alaska 99833, by and through undersigned counsel, hereby gives notice, pursuant to Alaska Appellate Rule 602(a)(2), AS 22.10.020(d), and AS 44.62.305, that he is appealing from the final decision of the Alaska Division of Elections dated June 15, 2026, a true and correct copy of which is attached hereto. Pursuant to Alaska Appellate Rule 602(a)(2) and 602(b), this appeal is taken to the Superior Court of the State of Alaska, in the Third Judicial District at Anchorage.

Pursuant to Alaska Appellate Rule 602(c), filed herewith is a statement of points on appeal; the filing fee required by Administrative Rule 9; and the cost bond required by Alaska Appellate Rule 602(e) and 204(c)(1).

DATED: June 22, 2026

BALLARD SPAHR LLP
Attorneys for Appellant Daniel J. Sullivan,
Jr.

By /s/ Jeffrey W. Robinson
Jeffrey W. Robinson, ABA No. 0805038
Bryn R. Pallesen, ABA No. 1810104
Zoe A. Eisberg, ABA No. 1911094

I hereby certify that on June 22, 2026,
a true and correct copy of the foregoing was served via
email / First Class Mail on

Alaska Department of Law
Office of the Attorney General
P O Box 110300
Juneau, AK 98111-0300
(attorney general@alaska.gov)

Carol Beecher
Director
Alaska Division of Elections
P O Box 110017
Juneau, AK 98111-0017
(carol.beecher@alaska.gov)

Rachel Witty
Civil Division Director
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(rachel.witty@alaska.gov)

Christopher O. Murray
First & Fourteenth, PLLC
2 North Cascade Avenue, Suite 1430
Colorado Springs, CO 80903
(chris@first-fourteenth.com)

Michael Francisco
First & Fourteenth, PLLC
800 Connecticut Avenue, NW
Washington, D C 20006
(michael@first-fourteenth.com)

/s/ Alexa A. Robertson



THE STATE
of **ALASKA**
V E R N O N L I E U T E N A N T

Office of the Lieutenant Governor

DIVISION OF ELECTIONS
Heidi Roth, Director
2400 Chena Street
Juneau, Alaska 99801
Phone: 907.586.3600
Fax: 907.586.3601

June 15, 2026

Mr. Daniel J. Sullivan
P.O. Box 1656
Petersburg, AK 99833

Dear Mr. Sullivan:

On Wednesday, June 10, I advised you that the Division of Elections had received two complaints regarding your eligibility for the office of United States Senator. In that letter, I forwarded these complaints which were filed by Stacey C. Stone on behalf of Carmela Warfield, the Chairman of the Alaska Republican Party.

I notified you that based on a review of the evidence presented and in the Division's possession, the Division has determined that the preponderance of evidence does not support your eligibility for the office of United States Senator. Pursuant to 6 AAC 25.260, I offered you the opportunity to submit additional information and evidence to respond to these complaints and support your eligibility by 5:00 p.m., June 11, 2026. You did not submit additional information and evidence to respond to the complaints.

It is my final determination under 6 AAC 25.260 that the preponderance of the evidence does not support your eligibility for the office of United States Senator. This letter will briefly summarize the basis for my final determination.

Alaska Statute 15.25.060 requires me to "place the names of all candidates who have properly filed" a declaration of candidacy on the primary election ballot. Declarations of candidacy are filed under oath and state, among other things, that the filer is in fact a candidate for the office for which the declaration is filed. 6 AAC 25.212 forbids me from placing a name on the primary election ballot "in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot."

On review of the complaints and other information in the Division's possession, I conclude that your declaration of candidacy was not properly filed with the Division because it was not filed in order to declare an actual good-faith candidacy for the office of United States Senator, but was instead filed with a purpose to confuse or mislead and to thereby compromise the ballot's fairness or neutrality. I highlight several facts that taken together bring me to this conclusion.

- (1) You requested to access the ballot under the name "Dan Sullivan" even though it appears from Division records that you have never registered to vote or sought ballot access under this name. Our records indicate that you are registered to vote under the name "Daniel J. Sullivan, Jr." That you chose the occasion of your declaration of candidacy for U.S. Senate to seek ballot access under a name you have not used in your interactions with the Division suggests—and in

combination with the additional facts I outline in this letter leads me to conclude—that you are seeking to confuse yourself with another candidate in the race, the incumbent Senator Dan Sullivan, rather than distinguish yourself from him. Indeed, you yourself appeared to be confused when you initially emailed the Division asking to be listed on the ballot as “Dan S. Sullivan.” “S” is Senator Sullivan’s middle initial, not yours.

- (2) You requested to be designated on the ballot as affiliated with the Republican Party. Until two days before you filed your declaration of candidacy, you had never—according to the Division’s records—been affiliated with the Republican Party in Alaska. Of course, under Alaska law, you are free to change your party affiliation. This said, that you chose to change your affiliation to the same political party—one you’d never affiliated with before—as the incumbent Senator immediately before filing a declaration of candidacy in which you asked to access the ballot under the same name – in a shortened form you’d never used before - as the incumbent Senator strongly suggests an intent to confuse yourself with the incumbent Senator rather than to distinguish yourself from him.
- (3) Your public campaign website (<https://www.sullivanforsenate.com/>) uses a format, color scheme and overall theme similar to the public website for Senator Sullivan’s campaign (<https://dansullivanforalaska.com/>). While the Division takes no position on whether you have appropriated the intellectual property of Senator Sullivan’s campaign, the similarity—particularly in light of the other facts I outline in this letter—appears to be deliberate. This again suggests an intention not to distinguish yourself from the incumbent Senator as any candidate genuinely seeking office would do, but to confuse Alaskans as to which “Dan Sullivan” is which.
- (4) A political consultant you have admitted is working with your campaign is a known longtime supporter of Democratic candidates including the primary Democratic challenger to Senator Sullivan. This consultant’s work on your behalf is, in isolation, innocuous. Alongside the other facts I have catalogued in this letter, however, it suggests a determined effort and a deliberate attempt to use the similarity of your name to confuse Alaska voters in the upcoming primary election.

In light of these unique, and to my knowledge utterly unprecedented facts (circumstances unlike any previously presented to the Division), I am forced to conclude that your declaration of candidacy, in which you stated under oath that you “declare myself to be a candidate for the office of United States Senator” was not filed in good faith for the purpose of genuinely pursuing election as Alaska’s U.S. Senator. Rather, these facts force the conclusion that your declaration of candidacy was filed with the purpose of confusing or misleading the electorate and compromising the fairness of the ballot by attempting to access the ballot under a version you have never used (“Dan Sullivan”) and with a party affiliation (Republican) that you have never before professed. Indeed, I conclude that the preponderance of the evidence is that you chose this new nickname and party affiliation because that name and party affiliation happen to be the name and party affiliation of another candidate in the race.

A declaration of candidacy filed for the purpose of confusing or misleading voters and compromising the fairness of the ballot is not properly filed as required by Alaska Statute 15.25.060. As such, I am unable to maintain your declaration of candidacy and I am de-certifying your candidacy for United States Senator. This decision is made pursuant to 15.25.042 and 6 AAC 25.260 along with other relevant provisions of law. Pursuant to 6 AAC 25.260(i), my determination in this matter is final. Although you

have 30 days to appeal this decision, if you intend to challenge the decision and seek judicial relief in Alaska Superior Court to be placed on the ballot, be aware ballots are printed on June 28

Sincerely,


Carol Beecher
Director

cc: Lt. Governor Nancy Dahlstrom

Jeffrey W. Robinson, ABA No. 0805038
Bryn R. Pallesen, ABA No. 1810104
Zoe A. Eisberg, ABA No. 1911094
BALLARD SPAHR LLP
1600 A Street, Suite 304
Anchorage, Alaska 99501
Telephone: 907-277-9511
Email: robinsonjw@ballardspahr.com
pallesenb@ballardspahr.com
eisbergz@ballardspahr.com

FILED in the TRIAL COURTS
State of Alaska Third District
JUN 22 2020
Clerk of the Trial Courts
By _____ Deputy

Attorneys for Appellant Daniel J. Sullivan, Jr.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DANIEL J. SULLIVAN, JR.,

Appellant,

Case No. 3AN-26-_____ CI

v.

STATE OF ALASKA, DIVISION OF
ELECTIONS,

Appellee.

**STATEMENT OF POINTS
ON APPEAL**

Appellant Daniel J. Sullivan, Jr., whose address is P.O. Box 1656, Petersburg, Alaska 99833, by and through undersigned counsel, and pursuant to Alaska Appellate Rule 602(c)(1)(A), hereby provides the following Statement of Points on Appeal:

(1) Whether the Division of Elections violated Alaska law and the United States Constitution when it excluded Mr. Sullivan from the ballot despite his meeting every lawful qualification and procedural requirement to run for the office of United States Senator, based on a standardless “good faith” requirement that appears nowhere in Alaska or federal law.

DATED: June 22, 2026

BALLARD SPAHR LLP
Attorneys for Appellant Daniel J. Sullivan,
Jr.

By /s/ Jeffrey W. Robinson
Jeffrey W. Robinson, ABA No. 0805038
Bryn R. Pallesen, ABA No. 1810104
Zoe A. Eisberg, ABA No. 1911094

I hereby certify that on June 22, 2026,
a true and correct copy of the foregoing was served via
email / First Class Mail on:

Alaska Department of Law
Office of the Attorney General
P O Box 110300
Juneau, AK 98111-0300
(attorney.general@alaska.gov)

Carol Beecher
Director
Alaska Division of Elections
P O Box 110017
Juneau, AK 98111-0017
(carol.beecher@alaska.gov)

Rachel Witty
Civil Division Director
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(rachel.witty@alaska.gov)

Christopher O. Murray
First & Fourteenth, PLLC
2 North Cascade Avenue, Suite 1430
Colorado Springs, CO 80903
(chris@first-fourteenth.com)

Michael Francisco
First & Fourteenth, PLLC
800 Connecticut Avenue, NW
Washington, D.C. 20006
(michael@first-fourteenth.com)

/s/ Alexa A. Robertson

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

DANIEL J. SULLIVAN, JR.,

Appellant,

v.

STATE OF ALASKA, DIVISION OF
ELECTIONS,

Appellee.

3AN-26-_____ CI

FILED in the TRIAL COURTS
State of Alaska Third District

JUN 22 2026

Clerk of the Trial Courts
By _____ Deputy

ON APPEAL FROM
A FINAL DECISION OF
THE STATE OF ALASKA, DIVISION OF ELECTIONS

**BRIEF OF APPELLANT
DANIEL J. SULLIVAN, JR.**

Filed in the Superior Court of the
State of Alaska on this _____ day
of June, 2026.

Clerk of the Superior Court

Deputy Clerk

Jeffrey W. Robinson, ABA No. 0805038

Bryn R. Pallesen, ABA No. 1810104

Zoe A. Eisberg, ABA No. 1911094

BALLARD SPAHR LLP

1600 A Street, Suite 304

Anchorage, Alaska 99501-5148

Telephone: 907-264-3311

907-264-3304

907-264-3306

Email: robinsonjw@ballardspahr.com

pallesenb@ballardspahr.com

eisbergz@ballardspahr.com

Attorneys for Appellant Daniel J. Sullivan, Jr.

TABLE OF CONTENTS

I.	JURISDICTIONAL STATEMENT.....	1
II.	ISSUE PRESENTED	1
III.	STATEMENT OF FACTS.....	1
IV.	STANDARD OF REVIEW.....	5
V.	ARGUMENT	7
A.	The Division Had No Authority to Exclude Mr. Sullivan.....	8
i.	<i>The Division's Decision Was Not Grounded in the Declaration of Candidacy.....</i>	9
ii.	<i>The Division's Decision Violated Its Ministerial Duty.</i>	12
iii.	<i>The Division's Decision Ignored that Alaska Law Requires Confusion to Be Addressed by Ballot Design, not Exclusion.</i>	14
B.	The Division Violated the U.S. Constitution by Imposing an Additional Eligibility Requirement for U.S. Senate Candidacy.	16
VI.	CONCLUSION	19

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Alaska Democratic Party v. Beecher</i> , 572 P.3d 556 (Alaska 2025)	6, 12, 13
<i>Anderson v. Celebrezze</i> , 460 U.S. 780 (1983)	7
<i>Bates v. Jones</i> , 131 F.3d 843 (9th Cir. 1997)	7
<i>Committee to Recall Robert Menendez from the Office of U.S. Senator v.</i> <i>Wells</i> , 7 A.3d 720 (N.J. 2010)	18
<i>Davis v. Wayne Cnty. Election Comm'n</i> , 28 N.W.3d 354 (Mich. Ct. App. 2023)	13
<i>Fowler v. City of Anchorage</i> , 583 P.2d 817 (Alaska 1978)	12
<i>Gralike v. Cook</i> , 191 F.3d 911 (8th Cir. 1999)	16
<i>Grove v. Simon</i> , 2 N.W.3d 490 (Minn. 2024)	13
<i>Ivy v. Republican Party of Ark.</i> , 883 S.W.2d 805 (Ark. 1994)	14
<i>Kolhaas v. State</i> , 518 P.3d 1095 (Alaska 2022)	10, 11
<i>Kolhaas v. State, Office of Lieutenant Governor</i> , 147 P.3d 714 (Alaska 2006)	19
<i>Libertarian Party of Ky. v. Grimes</i> , 835 F.3d 570 (6th Cir. 2016)	7
<i>Mayfield v. Sec'y, Fla. Dep't of State</i> , 402 So. 3d 1002 (Fla. 2025)	13

<i>McHenry Township v. Cnty. of McHenry</i> , 201 N.E.3d 550 (Ill. 2022)	13
<i>Miller v. Treadwell</i> , 245 P.3d 867 (Alaska 2010)	6
<i>O’Callaghan v. State</i> , 826 P.2d 1132 (Alaska 1992)	12
<i>Sanchez v. Bravo</i> , 251 S.W.2d 935 (Tex. Civ. App. 1952)	6
<i>Schaefer v. Tomsend</i> , 215 F.3d 1031 (9th Cir. 2000)	18
<i>Shub v. Simpson</i> , 76 A.2d 332 (Md. 1950)	18
<i>Stack v. Adams</i> , 315 F. Supp. 1295 (N.D. Fla. 1970)	18
<i>State ex rel. Sullivan v. Hauerwas</i> , 36 N.W.2d 427 (Wis. 1949)	13
<i>Trump v. Anderson</i> , 601 U.S. 100 (2024)	18
<i>Trustees for Alaska, Alaska Ctr. for Env’t. v. Gorsuch</i> , 835 P.2d 1239 (Alaska 1992)	11
<i>U.S. Term Limits, Inc. v. Thornton</i> , 514 U.S. 779 (1995)	16, 17, 18, 19
<i>Vazquez v. State</i> , 544 P.3d 1178 (Alaska 2024)	6
Statutes	
Alaska Statute 15.25.060	12
Alaska Statute 15.25.030(a)	9
Alaska Statute 15.25.042	9, 13
Alaska Statute 22.10.020(d)	1

Alaska Statute 44.62.570(b)	5, 6
-----------------------------------	------

Other Authorities

6 AAC 25.212	7, 15, 16
6 AAC 25.250	11, 13
6 AAC 25.260	1, 9
Alaska Appellate Rule 601(b)	1
Alaska Appellate Rule 602(b)(2)	1
Alaska Civil Rule 3	1
U.S. Const. art. 1, § 3, cl. 3	8, 16

AUTHORITIES PRINCIPALLY RELIED UPON

United States Constitution, Article I, Section 3, Clause 3

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

United States Constitution, Article I, Section 5, Clause 1

Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members.

Alaska Statute 15.25.030(a)

(a) A person who seeks to become a candidate in the primary election or a special primary election shall execute and file a declaration of candidacy. The declaration shall be executed under oath before an officer authorized to take acknowledgments and must state in substance

- (1) the full name of the candidate;
- (2) the full mailing address of the candidate;
- (3) if the candidacy is for the office of state senator or state representative, the house or senate district of which the candidate is a resident;
- (4) the office for which the candidate seeks nomination;
- (5) the political party or political group with which the candidate is registered as affiliated, or whether the candidate would prefer a nonpartisan or undeclared designation placed after the candidate's name on the ballot;
- (6) the full residence address of the candidate, and the date on which residency at that address began;
- (7) the date of the primary election or special primary election at which the candidate seeks nomination;
- (8) the length of residency in the state and in the district of the candidate;

- (9) that the candidate will meet the specific citizenship requirements of the office for which the person is a candidate;
- (10) that the candidate is a qualified voter as required by law;
- (11) that the candidate will meet the specific age requirements of the office for which the person is a candidate; if the candidacy is for the office of state representative, that the candidate will be at least 21 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of state senator, that the candidate will be at least 25 years of age on the first scheduled day of the first regular session of the legislature convened after the election; if the candidacy is for the office of governor or lieutenant governor, that the candidate will be at least 30 years of age on the first Monday in December following election or, if the office is to be filled by special election under AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the date of certification of the results of the special election; or, for any other office, by the time that the candidate, if elected, is sworn into office;
- (12) that the candidate requests that the candidate's name be placed on the primary election or special primary election ballot;
- (13) that the required fee accompanies the declaration;
- (14) that the person is not a candidate for any other office to be voted on at the primary or general election and that the person is not a candidate for this office under any other declaration of candidacy or nominating petition;
- (15) the manner in which the candidate wishes the candidate's name to appear on the ballot;
- (16) if the candidacy is for the office of the governor, the name of the candidate for lieutenant governor running jointly with the candidate for governor; and
- (17) if the candidacy is for the office of lieutenant governor, the name of the candidate for governor running jointly with the candidate for lieutenant governor.

Alaska Statute 15.25.042(a)-(b)

- (a) If the director receives a complaint regarding the eligibility of a candidate for a particular office, the director shall determine eligibility under regulations adopted by the director. The director shall determine the eligibility of the candidate within 30 days of the receipt of the complaint.
- (b) Except as provided in (c) of this section, the director shall determine the eligibility of the candidate by a preponderance of the evidence.

Alaska Statute 15.25.060(a)

- (a) The primary election ballots shall be prepared and distributed by the director in the manner prescribed in this section. The director shall prepare and provide a primary election ballot for each political party that contains all of the candidates of that party for elective state executive and state and national legislative offices and all of the ballot titles and propositions required to appear on the ballot at the primary election. The director shall print the ballots on white paper and place the names of all candidates who have properly filed in groups according to offices. The order of the placement of the names for each office shall be as provided for the general election ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of names. The director shall also prepare and print a separate primary election ballot including only the ballot titles and propositions required to appear on the ballot.

6 Alaska Administrative Code 25.212

- (a) Subject to the limitations of AS 15.15.030 and the provisions of this section, a candidate's name will appear on a ballot in the manner in which the candidate has requested on that individual's candidacy filing paperwork submitted to the director.
- (b) A candidate's name may not appear on a ballot
 - (1) with a designation of any academic, professional, personal, or honorary degree or title held by a candidate; or
 - (2) in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.

- (c) A candidate's nickname may appear on a ballot if the nickname
 - (1) is a name by which the candidate is commonly and generally known in the community; and
 - (2) does not imply any action or position the candidate intends to take if elected.
- (d) Written notice of a candidate's request to change how the candidate's name appears on a ballot must be received by the director not later than the deadline for the candidate to withdraw from the election as provided under AS 15.25.055 for the primary and special primary election and AS 15.25.100 for the general election.
- (e) A decision under this section will be made by the director based on a preponderance of the evidence and may be directly challenged in superior court.

6 Alaska Administrative Code 25.260

- (a) Any person may question the eligibility of a candidate who has filed a declaration of candidacy with the director for statewide or districtwide office, by filing a complaint with the director. A complaint regarding the eligibility of a candidate must be received by the director not later than the close of business on the 10th day after the filing deadline for the office for which the candidate seeks election.
- (b) The complaint must be in writing and include the name, mailing address, contact phone number, and signature of the person making the complaint, and a statement in 200 words or less of the grounds, described in particular, on which the candidate's eligibility is being questioned.
- (c) The director's review under this section is limited to the grounds cited in the complaint that are related to candidate qualifications addressed in the candidate's declaration of candidacy. The director may not consider other grounds cited in the complaint, including grounds related to issues under the authority of the Alaska Public Offices Commission under AS 15.13.
- (d) Upon receipt of a complaint, the director will review any evidence relevant to the issues identified in the complaint which is in the custody of the division including the candidate's registration record or declaration of candidacy, and including, in the discretion of the director, any other document of public record on file with the state. Based on the review of the public documents, the director will determine whether a

preponderance of evidence supports or does not support the eligibility of the candidate.

- (e) The director will send notification in writing to the candidate whose eligibility is being questioned that a complaint has been received. The notification will include a copy of the complaint, and, based on the director's review of the public documents, a statement as to whether a preponderance of evidence supports or does not support the eligibility of the candidate.
- (f) If the director determines that a preponderance of evidence supports the eligibility of the candidate, the director will issue a final determination upholding the candidate's eligibility.
- (g) If the director determines that a preponderance of evidence does not support the eligibility of the candidate, notice to the candidate will identify any additional information or evidence that must be provided by the candidate in support of his or her eligibility, and the date by which the requested information must be received by the director. The director will consider any additional information provided by the candidate in issuing a final determination as to the candidate's eligibility.
- (h) If the information requested by the director under (g) of this section is not received from the candidate by the specified deadline, the director will issue a final determination regarding the candidate's eligibility based on the public records initially reviewed.
- (i) Upon issuing a final determination as to the candidate's eligibility, the director will send notice of the determination in writing to the person making the complaint and to the candidate. The determination of the director is final.
- (j) Nothing in this section limits the authority of the director to evaluate a candidate's eligibility for office, as addressed in the candidate's declaration of candidacy, in the absence of a complaint.

I. JURISDICTIONAL STATEMENT

This is a timely appeal from a final decision of the Division of Elections (the “Division”) dated June 15, 2026 regarding the eligibility of Daniel J. Sullivan, Jr. (hereinafter “Mr. Sullivan”) for the office of United States Senator. Such decision is final pursuant to 6 AAC 25.260(i). This Court has jurisdiction to hear this appeal pursuant to AS 22.10.020(d) and Alaska Appellate Rule 601(b). Venue lies with this Court pursuant to Alaska Civil Rule 3 and Alaska Appellate Rule 602(b)(2).

II. ISSUE PRESENTED

Mr. Sullivan, by and through undersigned counsel, seeks review of the following question presented by the Division’s rejection of his declaration of candidacy:

1. Whether the Division violated Alaska law and the United States Constitution when it excluded Mr. Sullivan from the ballot despite his meeting every lawful qualification and procedural requirement to run for the office of United States Senator, based on a standardless “good-faith” requirement that appears nowhere in Alaska or federal law?

III. STATEMENT OF FACTS

Daniel J. Sullivan, Jr. is running in the state’s primary election for U.S. Senate. He indisputably satisfies the requirements to do so under state and federal law. He is over 30 years of age and has been a U.S. citizen for more than nine years. Appendix (“App.”) 1.¹

¹ Citations to the record before the Division are to the pages of Mr. Sullivan’s concurrently filed Appendix. Should it aid the Court in determination of this appeal, Mr. Sullivan would submit an amended brief with citations to the pages of the Record on Appeal, once the Division has satisfied its obligation to compile and forward the full record, as required by Alaska Appellate Rule 604(b).

He has been a resident of Petersburg, Alaska for almost 50 years, and, whether elected to the U.S. Senate or not, intends to remain one. App. 1, 2.

Mr. Sullivan duly submitted a notarized Declaration of Candidacy with all necessary information and fees to the Director of the Division on May 29, 2026, before the filing deadline lapsed. App. 1. In the Declaration of Candidacy, Mr. Sullivan certified that he met the specific citizenship, age, and inhabitancy requirements for service in the U.S. Senate, and requested that he be affiliated with the Republican Party. *Id.* The Declaration of Candidacy form—as promulgated by the Division—explicitly states, “If this is not the party affiliation currently on your voter registration record, it will be changed to reflect what you provided.” *Id.* The form is self-executing.

On June 1, 2026, the National Republican Senatorial Committee (“NRSC”) sent Alaska Lieutenant Governor Nancy Dahlstrom (“Lt. Gov. Dahlstrom”) and Alaska Division of Elections Director Carol Beecher (“Director Beecher”) a letter imploring the Division to determine that Mr. Sullivan “is not an eligible candidate for U.S. Senate and therefore must not appear on the August 18, 2026 Alaska primary ballot.” App. 4; *see generally id.* at 4–10. The NRSC’s primary objection was that Mr. Sullivan shares the same first and last name as incumbent Senator Daniel S. Sullivan (“Senator Sullivan”). App. 6–7. That same day, the NRSC sent a threatening litigation hold demand to Mr. Sullivan, among others. App. 11–12.

After receiving NRSC’s demand, Mr. Sullivan sent a letter to Director Beecher in which he stated that his Declaration of Candidacy was complete and timely filed, and that he met the three constitutional requirements required to serve in the Senate: “I am older

than 30, I have been a U.S. citizen my whole life, and I reside in Alaska.” App. 13. In that same letter, Mr. Sullivan noted that the NRSC did not dispute that his Declaration of Candidacy was complete, accurate, and timely, but instead “takes issue with my name and that fact that I filed to run as a Republican.” App. 14. But, as Mr. Sullivan wrote, “Senator Sullivan and NRSC have no right to exclude me from the ballot simply because we happen to share a name.” App. 13.

Lt. Gov. Dahlstrom responded to Mr. Sullivan on June 8, 2026. App. 16–18. In her letter, the Lieutenant Governor, like the NRSC, did not dispute Mr. Sullivan’s qualifications to run for or serve as a United States Senator. *See generally id.* Instead, Lt. Gov. Dahlstrom informed Mr. Sullivan that she had opened an investigation to determine whether his declaration of candidacy “was properly filed with a good-faith intention to serve” and not “out of intention to confuse and manipulate voters.” App. 16. She requested that Mr. Sullivan answer seven questions “under penalty of perjury” to “assist” with the investigation. App. 17. Not one of the seven questions relates to Mr. Sullivan’s qualifications to serve as a U.S. Senator. *Id.* Lt. Gov Dahlstrom did not cite any legal authority for her request for a sworn affidavit or for her application of a “good-faith intention to serve” standard.

Mr. Sullivan declined to provide sworn answers to the seven questions, *see* App. 30–33, and instead responded to Lt. Gov. Dahlstrom via letter on June 10, 2026, App. 19–20. In that letter, Mr. Sullivan reiterated that his Declaration of Candidacy was complete and timely filed and that he met all legal requirements to be placed on the August 18, 2026 primary election ballot. App. 20.

Also on June 10, 2026, the Chair of the Alaska Republican Party, Carmela J. Warfield, through counsel, filed two candidate eligibility complaints against Mr. Sullivan. *See* App. 21–24. The first complaint demanded that Director Beecher and the Division conclude that Mr. Sullivan is not an eligible candidate for the office of U.S. Senator because “he misrepresented his registered party affiliation” on his Declaration of Candidacy, App. 21. The second complaint asserted that Mr. Sullivan is ineligible to qualify as a candidate because his Declaration of Candidacy “has the intent and effect of confusing and misleading Alaska voters and interferes with the state of Alaska’s duty to ensure the integrity, credibility, and neutrality of the ballot and Alaska’s elections.” App. 23.

Later on June 10, 2026, Director Beecher sent Mr. Sullivan a letter (the “Preliminary Decision”) copying Lt. Gov. Dahlstrom, informing him that the Division had “determined that the preponderance of the evidence does not support your eligibility for the office United States Senator.” App. 25. The Preliminary Decision mentioned the NRSC letter and both of Ms. Warfield’s complaints, but did not include any substantive support for the Division’s determination. *Id.*

Five days later, on June 15, 2026, Director Beecher issued the Division’s final determination as to Mr. Sullivan’s eligibility for the office of U.S. Senator, determining him to be ineligible (the “Final Decision”). App. 26–28. Director Beecher concluded that Mr. Sullivan’s Declaration of Candidacy “was not properly filed with the Division because it was not filed in order to declare an actual good-faith candidacy for the office of the United States Senator, but was instead filed with a purpose to confuse or mislead and to thereby compromise the ballot’s fairness or neutrality.” App. 26. The Final Decision did not dispute

that Mr. Sullivan’s Declaration of Candidacy was complete and timely filed. Nor did it dispute that Mr. Sullivan meets the age, citizenship, and inhabitancy qualifications to run for U.S. Senate. *Id.* It recognized that Mr. Sullivan had been affiliated with the Republican Party at the time he submitted his Declaration of Candidacy. App. 27. And it did not cite any legal support for the existence of a “good-faith” requirement separate from the qualifications and procedural requirements enumerated in the U.S. Constitution and Alaska law.

On June 17, 2026, the Division of Legal and Research Services issued a legal review memorandum (the “Memorandum”) to Alaska State Representative Andrew Gray addressing whether Mr. Sullivan is an eligible candidate for the United States Senate. App. 29–33. The Memorandum concludes that “the three qualifications laid out in the federal constitution are the only qualifications a person must meet to be eligible to run for the Senate,” and that Mr. Sullivan appears to meet those qualifications. App. 29. The Memorandum also concluded that the Lieutenant Governor “lack[s] authority to interrogate the motives underlying a person’s decision to file for a Congressional seat.” App. 31. The Division has not addressed the content of this Memorandum or explained why the Final Decision took a contrary approach.

This appeal followed.

IV. STANDARD OF REVIEW

Inquiry in Alaska administrative appeals extends to the following questions: “(1 whether the agency has proceeded without, or in excess of jurisdiction; (2) whether there was a fair hearing; and (3) whether there was a prejudicial abuse of discretion.”

AS 44.62.570(b). The Court must find an abuse of discretion where “the agency has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.” *Id.*

Sitting as an appellate court, this Court applies its “independent judgment to questions of constitutional law, and adopt[s] the rule of law that is most persuasive in light of precedent, reason, and policy.” *Vazquez v. State*, 544 P.3d 1178, 1185 (Alaska 2024) (citing *Gefre v. Davis Wright Tremaine, LLP*, 306 P.3d 1264, 1271 (Alaska 2013)). Likewise, “[s]tatutory interpretation, including the applicability of a statute, and whether factual findings satisfy statutory requirements, are questions of law that [are] review[ed] de novo.” *Vazquez*, 544 P.3d at 1185 (citing *Wielechowski v. State*, 403 P.3d 1141, 1146 (Alaska 2017); *Sam M. v. State, Dep’t of Health & Soc. Servs., Off. of Child.’s Servs.*, 442 P.3d 731, 736 (Alaska 2019)).

An additional layer of scrutiny is required in election cases involving candidate qualifications because such cases implicate a voter’s fundamental right to choose her preferred candidate. Evaluation of issues presented in that context must necessarily begin with the “bedrock principle” that “[t]he right of the citizen[s] to cast [their] ballot[s] and thus participate in the selection of those who control [their] government is one of the fundamental prerogatives of citizenship.” *Miller v. Treadwell*, 245 P.3d 867, 868 (Alaska 2010) (alterations in original) (quoting *Carr v. Thomas*, 586 P.2d 622, 626 (Alaska 1978)); see *Sanchez v. Bravo*, 251 S.W.2d 935, 938 (Tex. Civ. App. 1952). As a result, Alaska law “favors interpreting ambiguous statutes in favor of providing greater access to the ballot”

and requires “a presumption of candidate eligibility when interpreting ambiguous statutes.” *Alaska Dem. Party v. Beecher*, 572 P.3d 556, 561, 566 (Alaska 2025).

Federal precedent is in accord. Any restriction on “candidates’ eligibility for the ballot . . . inevitably affects—at least to some degree—the individual’s right to vote and his right to associate with others for political ends.” *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983) (citation omitted). Therefore, for a state to impose any restriction on ballot access, it must provide “justifications for the burden imposed by its rule.” *Id.* at 789. The most “severe” burden on these rights is “exclusion or virtual exclusion from the ballot.” *Libertarian Party of Ky. v. Grimes*, 835 F.3d 570, 574 (6th Cir. 2016). Such a burden warrants strict scrutiny. *Bates v. Jones*, 131 F.3d 843, 846 (9th Cir. 1997).

V. ARGUMENT

The Division abused its discretion and exceeded its statutory jurisdiction when it determined that Mr. Sullivan was not a qualified candidate for the office of United States Senator and decertified his candidacy in the 2026 primary election. Director Beecher’s decertification of Mr. Sullivan’s candidacy violates both Alaska and federal law for at least two independent reasons.

First, the Division had no authority to reject Mr. Sullivan’s candidacy based on a “good faith” requirement that appears nowhere in the governing statutes or regulations. Rather, the Division’s review of Mr. Sullivan’s Declaration of Candidacy was limited by law to assessing whether he met the qualifications for the office he seeks. To the extent that the Division had concerns about voter confusion because Mr. Sullivan and Senator Sullivan have similar names, it was required to address those concerns via the “manner” in which

the names are placed on the ballot, not by excluding Mr. Sullivan altogether because he happens to share the incumbent's name. 6 AAC 25.212.

Second, by imposing an additional “good faith” qualification on Mr. Sullivan’s candidacy—without any basis in the law or regulations to do so—Director Beecher and the Division violated Article I, § 3 of the Federal Constitution, which sets forth the three exclusive qualifications for the office of United States Senator: namely, that the candidate be at least 30 years of age; that the candidate be a citizen of the United States; and that the candidate be an inhabitant of the state they seek to represent.

By any measure, Mr. Sullivan is a qualified candidate, and the Division abused its discretion and acted contrary to law when it wrongfully imposed additional qualifications on Mr. Sullivan in order to decertify his candidacy for the office of United States Senator.

A. The Division Had No Authority to Exclude Mr. Sullivan.

The Division acted without legal authority when it excluded Mr. Sullivan from the ballot based solely on the conclusion that his Declaration of Candidacy “was not filed in good faith for the purpose of genuinely pursuing election.” App. 27. That reasoning was not grounded in any qualification posed by Mr. Sullivan’s Declaration of Candidacy, as the governing regulations require. As such, the determination violated the Division’s ministerial duty to list qualified candidates on the ballot. And it ignored that Alaska demands an alternative, and far less burdensome, means of addressing any hypothetical potential of voter confusion: responsible ballot design. For all three reasons, the decision must be reversed.

i. *The Division's Decision Was Not Grounded in the Declaration of Candidacy*

The Division's role in determining which candidates to place on the ballot is sharply limited. When candidate eligibility objections are filed, the director "shall determine eligibility under regulations adopted by the director." AS 15.25.042(a). The relevant regulation sharply restricts what the Division can consider in making that determination: "The director's review under this section *is limited to* the grounds cited in the complaint that *are related to candidate qualifications addressed in the candidate's declaration of candidacy*. 6 AAC 25.260(c) (emphasis added). This regulation limits Director Beecher's ability to second-guess Mr. Sullivan's eligibility for candidacy to *the candidate qualifications addressed in his declaration of candidacy*.

In addressing the objections to Mr. Sullivan's candidacy, Director Beecher could therefore review Mr. Sullivan's qualifications only insofar as they are "addressed in" Mr. Sullivan's Declaration of Candidacy. But Alaska law details exactly what that Declaration of Candidacy must say, AS 15.25.030(a), and it requires nothing like the "good faith . . . purpose of genuinely pursuing election" that Director Beecher concluded Mr. Sullivan lacks. App. 27. The closest the Declaration gets is a sworn "request[] that the candidate's name be placed on the primary election or special primary election ballot," AS 15.25.030(a)(12), a request that Mr. Sullivan undeniably made and that not even the Division denies he in fact wishes to occur. If the legislature had intended to further require a "good faith . . . purpose of genuinely pursuing election," whatever that phrase may mean, it would have added it to the components that the Declaration already requires. *See id.* The

legislature has not done so, nor has it imposed such a good faith requirement anywhere else.

The requirement the Division applied simply does not exist. Nothing in Alaska law regulates in any way the private motivations that draw individuals to declare or campaign for office. Members of unpopular political parties, for example, frequently run for election, though there is little chance they will succeed. Likewise, in Alaska's open primary system, it is common knowledge that multiple members of the same political party will appear on the primary ballot. Indeed, some candidates may declare their candidacy not in the hope of winning, but rather to increase their stature and raise their personal or professional profile in the community. Still others may run to promote a niche issue they believe should be of paramount public importance.

As the Alaska Supreme Court has previously acknowledged, Alaska voters are savvy. They are well-equipped to understand the dynamics of an open primary and to choose a qualified candidate. In 2022, the Court in *Kolhaas v. State*, 518 P.3d 1095 (Alaska 2022), rejected various challenges to the then-newly implemented ranked-choice voting system brought by registered Republican voters, among them a claim that an open primary and the ability of candidates to self-identify by political party would infringe on political parties' associational rights by allowing candidates to hide their political beliefs through disingenuous party designations. The Court easily rejected this challenge, noting that "[a] candidate may appear on the ballot as affiliated with a political party only if that candidate truly has registered with the Division of Elections as affiliated with that party." *Id.* at 1109.

Under this arrangement, the Court noted, “[t]heoretically, a candidate could register with a political party whose beliefs that candidate did not share to usurp the party label as an election tactic . . . [but] parties can warn voters about Trojan horse candidates—those who might run under a party’s banner but do not share the party’s values.” *Id.* (internal quotation marks omitted). The Court further noted that “Alaska voters are not easily fooled . . . [and] with our confidence in Alaska voters’ common sense, we cannot presume that voters will misinterpret a candidate’s statement of party affiliation as a party’s seal of approval.” *Id.* at 1110. Likewise, voters “understand that the candidate does not speak on the party’s behalf or with the party’s approval.” *Id.*

The Division’s error in applying a “good faith” requirement that is unaddressed by the Declaration of Candidacy—and indeed, does not exist at all—requires vacatur of the Division’s final decision. “An agency is bound by the regulations it promulgates.” *Trustees for Alaska, Alaska Ctr. for Env’t. v. Gorsuch*, 835 P.2d 1239, 1244 (Alaska 1992) (citing 2 Kenneth C. Davis, *Administrative Law Treatise* § 7:21 at 98 (2d Ed.1979)). “An agency has not acted in the manner required by law if its actions are not in compliance with its own regulations.” *Id.* at 1244 (citing *Jager v. State*, 537 P.2d 1100, 1107 (Alaska 1975)). The text of 6 AAC 25.250(c) is clear and unambiguous. It does not allow the Division to frolic and consider a candidate’s mental state in determining whether the candidate is qualified to run for federal office. It does not allow the Division to consider whether a candidate has declared their intent to run for office in “good faith” or “bad faith.” It instead expressly limits the Division’s review of complaints regarding candidate qualification *only* to determining whether the “candidate qualifications addressed in the candidate’s

declaration of candidacy” are present. It was therefore unlawful for Director Beecher to disqualify Mr. Sullivan based on a purported eligibility requirement that appears nowhere on the statutorily defined Declaration of Candidacy form.

ii. The Division’s Decision Violated Its Ministerial Duty.

Moreover, the Division’s decision to exceed the scope of the authority it is granted to review candidate qualifications is fundamentally inconsistent with its ministerial obligation to place the names of qualified candidates for U.S. Senate on the primary election ballot. Alaska Statute 15.25.060 commands that the Director “*shall* prepare and provide a primary election ballot that contains all of the candidates for elective state executive and state and national legislative offices” AS 15.25.060 (emphasis added). “Shall” expresses a mandatory requirement. *Fowler v. City of Anchorage*, 583 P.2d 817, 820 (Alaska 1978) (“Unless the context otherwise indicates, the use of the word ‘shall’ denotes a mandatory intent.”). The Director “shall print the ballots . . . and place the names of all candidates who have properly filed in groups according to offices.” AS 15.25.060.

The Division is required to comply with its governing statutes and regulations, just as it is required to comply with Alaska Supreme Court precedent favoring ballot access. *See, e.g., Alaska Democratic Party v. Beecher*, 572 P.3d 556, 567 (Alaska 2025) (affirming decision of the Division of Elections to fulfill statutory mandate in manner that favored candidates’ right of access to the ballot); *see also O’Callaghan v. State*, 826 P.2d 1132, 1133 (Alaska 1992) (holding that candidate is not disqualified from appearing on the ballot after withdrawing from one party’s nomination but then filling a vacancy on another party’s

ticket despite general bar under prior statutory regime against withdrawn candidates running for the same position from which they had previously withdrawn).

Alaska, like many other states, treats election officials' obligation to place qualified candidates on the ballot as a non-discretionary and ministerial duty. *Alaska Democratic Party*, 572 P.3d at 562. Such ministerial duties are subject only to review or challenge for facial defects or explicit statutory mechanisms for challenging candidate qualifications under the narrow mechanism established by AS 15.25.042 and 6 AAC 25.250. There is nothing unusual about this; many states likewise provide no discretion in this area. *See, e.g., Davis v. Wayne Cnty. Election Comm'n*, 28 N.W.3d 354, 372 (Mich. Ct. App. 2023) (“[W]hen it comes to who is or is not placed on the primary ballot, the statutory scheme leaves nothing to the secretary of state’s discretion.”); *Grove v. Simon*, 2 N.W.3d 490, 495 (Minn. 2024) (noting the Minnesota Secretary of State’s understanding that he “did not have the authority to investigate a candidate’s eligibility”); *McHenry Township v. Cnty. of McHenry*, 201 N.E.3d 550, 562 (Ill. 2022) (“[W]hen a candidate’s nominating papers . . . appear on their face to comply with the statutory requirements of the Election Code, a clerk may not . . . look beyond the face of the submission for a basis to reject it; he or she must certify the candidate’s name.”); *Mayfield v. Sec’y, Fla. Dep’t of State*, 402 So. 3d 1002, 1007 (Fla. 2025) (rejecting the contention that the Secretary of State “may go beyond the face of the paperwork to assess whether a candidate is legally and constitutionally eligible for the office” (footnote omitted)); *State ex rel. Sullivan v. Hauerwas*, 36 N.W.2d 427, 428 (Wis. 1949) (per curiam) (holding that Wisconsin statutes “confer[] no jurisdiction upon the Board of Election Commissioners to determine the eligibility of candidates or to refuse

to print the names of such candidates on the primary ballots as required by statute,” even when the candidate admittedly did not satisfy the age qualifications for office); *cf. Ivy v. Republican Party of Ark.*, 883 S.W.2d 805, 807 (Ark. 1994) (“Arkansas law is well-settled that the party chairman and secretary do not have the judicial authority to determine that a candidate is ineligible to hold public office, nor can they refuse to place the candidate’s name upon the ballot.” (citation omitted)).

The Director’s disregard of her ministerial statutory obligation to place Mr. Sullivan on the primary ballot has disturbing implications. In the Director’s estimation, she could reject candidacy declarations filed by any candidate (either in response to a complaint or *sua sponte*) if the Director determines that the candidate was acting in “bad faith” under a standardless analysis with no grounding in the governing statute or regulations. To allow such a determination would let the Director bar candidates from the ballot based on nothing more than her own view of who voters should be allowed to vote for. Nothing in Alaska law gives her that power to extinguish the rights of (1) qualified candidates to run for public office; and (2) voters to choose from among a full and complete panoply of qualified candidates.

iii. The Division’s Decision Ignored that Alaska Law Requires Confusion to Be Addressed by Ballot Design, not Exclusion.

The Division’s underlying concern in excluding Mr. Sullivan from the ballot seems to have been that voters might be confused by the fact that Mr. Sullivan has a similar name to incumbent Senator Sullivan. But nothing in Alaska law authorizes the Division to exclude a qualified candidate from the ballot merely because he shares a name with an

existing officeholder. To do so would, of course, deprive Mr. Sullivan of his constitutional right to stand for office. Fortunately, Alaska law provides for a different and far less burdensome solution: 6 AAC 25.212 instructs the Division not to place a candidate's name on the ballot "in a *manner* that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot." 6 AAC 25.212(b)(2) (emphasis added). Thus, if the Division was legitimately concerned about voter confusion, then the solution was not to exclude Mr. Sullivan from the ballot, but rather to alter the "manner" in which his name and Senator Sullivan's name are listed.

The thrust of the Division's argument is that Mr. Sullivan's presence on the ballot will be "confusing" or "misleading" because the Division believes that Mr. Sullivan has declared his candidacy in order to divert votes from Senator Sullivan. As discussed above, the Division flatly lacks authority to speculate about a candidate's motivations and utilize such speculation to exceed the scope of its lawful review of a candidate's qualifications, as it wrongly does in its Final Decision. But even if the Division were correct in its presumption, a plan or desire to divert votes away from one candidate—or even to promote a different candidate—does not eliminate Mr. Sullivan's right to be considered himself. Nor does a desire to weaken another candidate's chances of election mean that Mr. Sullivan would not sit if elected himself.

If the Division were truly worried about voters confusing Mr. Sullivan and Senator Sullivan, the solution is obvious: distinguish the two men on the ballot by referring to them as Daniel J. Sullivan, Jr. and Daniel S. Sullivan, respectively, or (if they prefer) as Dan J. Sullivan and Dan S. Sullivan. To the extent voters may be unsure which Sullivan has which

initial, surely Senator Sullivan's campaign will be well situated to warn voters about the difference and ensure that those who wish to vote for Senator Sullivan go to the polls armed with the knowledge of his middle initial. The official election pamphlet promulgated by the Division would no doubt help address this concern, as well. But what the Division may *not* do is precisely what it has done here: singularly and patronizingly assume that voters are too simple to appreciate the nuances of a dynamic campaign or the differences between two candidates, particularly in a race that has been the subject of an astonishing amount of press coverage. Rather than taking reasonable steps to comply with the mandates of 6 AAC 25.212 and print ballots that clearly present voters with the full panoply of available candidates, the Division has abused its discretion and improperly foisted its own obligation to prevent voter confusion onto Mr. Sullivan.

B. The Division Violated the U.S. Constitution by Imposing an Additional Eligibility Requirement for U.S. Senate Candidacy.

The exclusion of Mr. Sullivan from the ballot also plainly violates the United States Constitution. The United States Constitution sets forth three requirements to serve as a Senator in the United States Senate: "No Person shall be a Senator who shall not have attained the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen." U.S. Const. art. 1, § 3, cl. 3 (the "Qualifications Clause"); *accord U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 800–01 (1995). The three qualifications listed in the Qualifications Clause of the U.S. Constitution are exclusive. *Gralike v. Cook*, 191 F.3d 911, 922 (8th Cir. 1999) ("the *sole source* of qualifications for Congressional office is contained in Article

I”); *U.S. Term Limits, Inc.*, 514 U.S. at 800–01 (“The Constitution and laws of the United States determine what shall be the qualifications for federal offices, and state constitutions and laws can neither add to nor take away from them.” (quotation marks omitted)). The evidence—unchallenged (and unchallengeable) by the Division, the Lieutenant Governor, Alaska Republican Party Chairman Warfield, and the NRSC—establishes that Mr. Sullivan meets all three Qualifications Clause requirements. He is over the age of 30, has been a United States citizen for well over nine years, and currently is and will remain an inhabitant of Alaska. App. 1.

In rejecting Mr. Sullivan’s Declaration of Candidacy, Director Beecher appears to have created a new and nebulous *fourth* criterion for the office of United States Senator that appears nowhere in the Federal Constitution: the Division’s subjective determination of whether a candidate has filed a “good-faith candidacy.” But it has been the clear rule for more than thirty years that state-imposed restrictions on candidate eligibility for federal office which exceed those specifically enumerated by the United States Constitution are “contrary to the ‘fundamental principle of our representative democracy,’ embodied in the Constitution, that ‘the people should choose whom they please to govern them.’” *U.S. Term Limits*, 514 U.S. at 783 (quoting *Powell v. McCormack*, 395 U.S. 486, 547 (1969)). As our country’s high court explained in *U.S. Term Limits, Inc. v. Thornton*, “[a]llowing individual States to adopt their own qualifications for congressional service would be inconsistent with the Framers’ vision of a uniform National Legislature representing the people of the United States.” *Id.* at 784. In other words, “[i]f the qualifications set forth in the text of the Constitution are to be changed, that text must be amended.” *Id.* States flatly do not “possess

the power to supplement the exclusive qualifications set forth in the text of the Constitution.” *Id.* at 827.

The reasoning of *U.S. Term Limits* has repeatedly required the rejection of efforts to add qualification requirements similar to the “good faith” requirement the Division attempted to impose here. The case itself contains multiple examples. In *Shub v. Simpson*, 76 A.2d 332 (Md. 1950), for example (cited with approval at page 799 of *Term Limits*), the Maryland Court of Appeals struck down a requirement that congressional candidates take loyalty oaths. Likewise, in *Stack v. Adams*, 315 F. Supp. 1295 (N.D. Fla. 1970) (also cited at page 799 of *U.S. Term Limits*), a U.S. district court applying Florida law invalidated a law that would have required a state officeholder to resign before declaring candidacy for federal office, despite acknowledging that the law served a legitimate state interest in “prevent[ing] a state official from using the prestige or power of that office in seeking election to a higher or different office . . .” *Id.* at 1297.

In the aftermath of *U.S. Term Limits*, courts across the country have uniformly struck down states’ efforts to add to the hurdles to qualify for office created by the Qualifications Clause or to otherwise bar qualified candidates from running for federal office. *See, e.g., Schaefer v. Tomsend*, 215 F.3d 1031 (9th Cir. 2000) (holding unconstitutional proposed 29-day California residency requirement for candidates for U.S. House of Representatives); *Committee to Recall Robert Menendez from the Office of U.S. Senator v. Wells*, 7 A.3d 720, 748–49 (N.J. 2010) (holding unconstitutional New Jersey laws subjecting sitting Senators to recall following initial determination of candidate qualification and election to office); *Trump v. Anderson*, 601 U.S. 100, 113–14 (2024) (Colorado state officials lacked authority

to bar President Trump from appearing on the ballot as a result of allegations that he had engaged in insurrection in connection with the January 6, 2021 attack on the United States Capitol). Indeed, the Alaska Supreme Court has expressly approved of guidance from *U.S. Term Limits*, quoting *U.S. Term Limits* in concluding that “the states can exercise no powers whatsoever” which were not expressly provided by the federal government through the Tenth Amendment. *Kolhaas v. State, Office of Lieutenant Governor*, 147 P.3d 714, 719 (Alaska 2006).

State election regulations comport with *Term Limits* only if they “d[o] not even arguably impose any substantive qualification rendering a class of potential candidates ineligible for ballot position.” 514 U.S. at 835. But here, the Division imposed a substantive, mental-state-based qualification for U.S. Senate candidates in Alaska, and cynically and arbitrarily determined that Mr. Sullivan did not meet that qualification. In doing so, the Division violated the Qualification Clause. This was a prejudicial abuse of discretion in excess of the Division’s jurisdiction.

VI. CONCLUSION

For the foregoing reasons, Mr. Sullivan respectfully requests that the Court expeditiously sustain Mr. Sullivan’s appeal, vacate the Final Decision of the Division of Elections, and issue an order declaring that Mr. Sullivan is an eligible candidate for the office of United States Senator and directing the Division to include his name and affiliation with the Republican Party on the ballot for the August 18, 2026 primary election.

DATED: June 22, 2026

BALLARD SPAHR LLP

*Attorneys for Appellant Daniel J. Sullivan,
Jr.*

By /s/ Jeffrey W. Robinson

Jeffrey W. Robinson, ABA No. 0805038

Bryn R. Pallesen, ABA No. 1810104

Zoe Eisberg, ABA No. 1911094

I hereby certify that on June 22, 2026,
a true and correct copy of the foregoing was served via
email / First Class Mail on:

Alaska Department of Law
Office of the Attorney General
P O Box 110300
Juneau, AK 9811-0300
(attorney.general@alaska.gov)

Carol Beecher
Director
Alaska Division of Elections
P O Box 110017
Juneau, AK 9811-0017
(carol.beecher@alaska.gov)

Rachel Witty
Civil Division Director
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501
(rachel.witty@alaska.gov)

Christopher O. Murray
First & Fourteenth, PLLC
2 North Cascade Avenue, Suite 1430
Colorado Springs, CO 80903
(chris@first-fourteenth.com)

Michael Francisco
First & Fourteenth, PLLC
800 Connecticut Avenue, NW
Washington, D.C. 20006
(michael@first-fourteenth.com)

/s/ Alexa A. Robertson

APPELLATE RULE 513.5(c)(3) CERTIFICATE

The undersigned certifies that the foregoing document is set in 13-point proportionally spaced Times New Roman, in conformity with Appellate Rule 513.5(c)(1)(A).

DATED: June 22, 2026

BALLARD SPAHR LLP
*Attorneys for Appellant Daniel J. Sullivan,
Jr.*

By /s/ Jeffrey W. Robinson
Jeffrey W. Robinson, ABA No. 0805038
Bryn R. Pallesen, ABA No. 1810104
Zoe Eisberg, ABA No. 1911094

IN THE SUPERIOR COURT OF THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DANIEL J. SULLIVAN, JR.,

Appellant,

v.

STATE OF ALASKA, DIVISION OF
ELECTIONS,

Appellee.

3AN-26-_____ CI

FILED IN THE SUPERIOR COURT OF THE
State of Alaska Third District
JUN 22 2026
Clerk of the Trial Courts
By _____ Deputy

ON APPEAL FROM
A FINAL DECISION OF
THE STATE OF ALASKA, DIVISION OF ELECTIONS

APPENDIX TO BRIEF OF APPELLANT
DANIEL J. SULLIVAN, JR.

Filed in the Superior Court of the
State of Alaska on this _____ day
of June, 2026.

Clerk of the Superior Court

Deputy Clerk

Jeffrey W. Robinson, ABA No. 0805038

Bryn R. Pallesen, ABA No. 1810104

Zoe A. Eisberg, ABA No. 1911094

BALLARD SPAHR LLP

1600 A Street, Suite 304

Anchorage, Alaska 99501-5148

Telephone: 907-264-3311

907-264-3304

907-264-3306

Email: robinsonjw@ballardspahr.com

pallesenb@ballardspahr.com

eisbergz@ballardspahr.com

Attorneys for Appellant Daniel J. Sullivan, Jr.

APPENDIX TO BRIEF OF APPELLANT

<u>Document</u>	<u>Page</u>
State of Alaska Declaration of Candidacy (May 29, 2026)	1
Mr. Sullivan's Campaign Website Homepage (May 29, 2026)	2
Mr. Sullivan's Campaign Website Press Page (May 29, 2026)	3
Letter from NRSC to Lt. Gov. Dahlstrom and Director Beecher (June 1, 2026)	4
NRSC Litigation Hold Demand to Mr. Sullivan (June 1, 2026)	11
Letter from Mr. Sullivan to Director Beecher (June 3, 2026)	13
Letter from Lt. Gov. Dahlstrom to Mr. Sullivan (June 8, 2026)	16
Letter from Mr. Sullivan to Lt. Gov. Dahlstrom (June 10, 2026)	19
Chair Warfield's First Campaign Eligibility Complaint (June 10, 2026)	21
Chair Warfield's Second Campaign Eligibility Complaint (June 10, 2026)	23
Division of Elections Preliminary Decision (June 10, 2026)	25
Division of Elections Final Decision (June 15, 2026)	26
Legal Services Memo (June 17, 2026)	29

Open letter by ~~xxxxxx~~ having full title is forthcoming by early the next 50 years. ~~xxxxxx~~ the talented, has grown up in a large, Catholic family, in the constant effort of to develop the parents, his and his sister's. ~~xxxxxx~~ realized his father's dream about, a strong man who, personal responsibility, and a commitment to serving others.

inspired by the thought that teachers and workers are both so young
people. Rather, reflected in school, earned a degree in education
and began a second career as an elementary school teacher.

The attorney's letter also demands the return of the papers to the parents and calls for the return of the papers to the attorney. "There are circumstances in which the return of the papers to the attorney and the return of the papers to the attorney is going to result in a return of the papers to the attorney."

1 2 3

Appendix 2



Page 11

Sullivan Responds to U.S. Government's Allegations of Human Rights Abuse in Sudan
Sullivan Responds to U.S. Government's Allegations of Human Rights Abuse in Sudan

On October 11, 2001, the U.S. Government's Department of State issued a press release stating that the U.S. Government has received information that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan.

Page 12



Page 13

On October 11, 2001, the U.S. Government's Department of State issued a press release stating that the U.S. Government has received information that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan.

On October 11, 2001, the U.S. Government's Department of State issued a press release stating that the U.S. Government has received information that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan. The U.S. Government's Department of State also stated that the Sudanese government is planning to launch a military offensive against the Sudanese people in the Sudan.

Page 14

Sullivan



10/20/2001 10:20:01 AM
10/20/2001 10:20:01 AM
10/20/2001 10:20:01 AM



Senator Tim Scott
Chairman

Jennifer DeCasper
Executive Director

The Honorable Nancy Dahlstrom
Lieutenant Governor
Alaska State Capitol
120 4th Street, 3rd Floor
Juneau, AK 99801

Ms. Carol Beecher
Director of Elections
Division of Elections
Court Plaza Building
240 Main Street, 4th Floor
Juneau, AK 99801

June 1, 2026

Dear Lt. Gov. Dahlstrom and Director Beecher:

We are writing regarding an urgent matter to protect the integrity of the Alaska voting system from being corrupted by an individual attempting to confuse Alaska voters and rig the election in favor of Democratic Senate Candidate Mary Peltola ("Candidate Peltola"). You are charged with facilitating the "fairness, simplicity, and clarity [of Alaska's] voting procedure."¹ In accordance with that authority, you must determine that Daniel J. Sullivan, Jr. of Petersburg, Alaska ("Sham Candidate Sullivan") is not an eligible candidate for U.S. Senate and therefore must not appear on the August 18, 2026 Alaska primary ballot.

- I. The Lieutenant Governor Has The Legal Authority And Duty To Ensure Confidence In Alaska's Elections; She Therefore Must Not Certify As Eligible Any Candidates For Office Whose Primary Purpose Is To Confuse Alaska Voters And Rig The Election In Favor Of Another Candidate.**

To be sure, both the United States and Alaska Constitutions guarantee the right of political parties to associate in order to advance their political goals. Furthermore, state ballot access requirements must be crafted in a manner that does not unduly burden a candidate's right of free expression and political association. However, the law also recognizes that states have a legitimate interest in maintaining orderly elections and jealously guards the right of citizens to cast a ballot free from interference. To that end, Alaska regulations provide that a candidate's name may not appear on the ballot in a

¹ Alaska Stat. § 15.15.030.

manner that is “confusing or misleading to voters or compromises the fairness or neutrality of the ballot.”²

Alaska law entrusts the Lieutenant Governor with the responsibility to “administer state election laws” and “control and supervise the division of elections.”³ The Director of Elections is tasked, in turn, with “general administrative supervision over the conduct of state elections.”⁴ In particular, the director is responsible for “prepar[ing] all official ballots” in a way that “facilitate[s] fairness, simplicity, and clarity in the voting procedure,” and “reflect[s] most accurately the intent of the voter.”⁵

State and federal law both emphasize the critical role of state law and election officials in ensuring the integrity the electoral process. The state law that establishes the Division of Elections and charges the Lieutenant Governor and Director of Elections makes clear that “[i]t is essential that the nonpartisan nature, integrity, credibility, and impartiality of the administration of elections be maintained.”⁶ And the U.S. Supreme Court has upheld a state’s strong interest in “preserving the integrity of its election process”⁷ and “public confidence in the integrity of the electoral process,” which “encourages citizen participation in the democratic process.”⁸ More specifically, the Supreme Court has even recognized that states have an “important” interest in avoiding voter “confusion” and “deception” in the context of electoral ballots.⁹ To that end, Alaska regulations provide that a candidate’s name may not appear on the ballot in a manner that is “confusing or misleading to voters or compromises the fairness or neutrality of the ballot.”¹⁰ You must uphold your statutory obligation to enforce these regulations and protect the principles they safeguard by keeping Sham Candidate Sullivan off the ballot.

It is not just voters who would be harmed if Sham Candidate Sullivan appears on the August ballot. Listing him on the ballot under the label of “Republican” would also infringe on the Republican Party’s freedom of association. Political parties “enjoy freedom of association protected by the First and Fourteenth Amendments”¹¹—including “the freedom to identify the people who constitute the association, and to limit the association to those people only.”¹² Yet even though the Republican Party wants nothing to do with Sham Candidate Sullivan, he is trying to hijack Alaska’s voting laws in an effort to trick voters into believing the Party supports his candidacy. The First Amendment does not permit this misuse of state law, and your office should conclude as much.

² Alaska Admin. Code tit. 6, § 25.212.

³ Alaska Stat. §§ 44.19.020(1), 15.10.105(a).

⁴ *Id.* § 15.15.010.

⁵ *Id.* § 15.15.030.

⁶ *Id.* § 15.10.105(b).

⁷ *Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989).

⁸ *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 197 (2008).

⁹ *Jenness v. Fortson*, 403 U.S. 431, 442 (1971).

¹⁰ Alaska Admin. Code tit. 6, § 25.212.

¹¹ *Eu*, 489 U.S., at 224 (internal quotation marks omitted).

¹² *California Democratic Party v. Jones*, 530 U.S. 567, 574 (2000).

II. There Is Clear Evidence At Least One Alaskan Democrat Consultant, Who Is Supporting The Campaign Of Candidate Peltola, Is Also Assisting Sham Candidate Sullivan's Campaign For The Same Senate Seat, Demonstrating Intent To Confuse Alaska Voters In An Attempt To Rig The Election in Candidate Peltola's Favor.

Although Alaska Democrats tried to conceal this fact, as reported in the *New York Times*, the metadata on the press release announcing Sham Candidate Sullivan's entry into the Alaska Senate race revealed its author was Amber Lee, an Alaskan "Democratic consultant" who is supporting Candidate Peltola for U.S. Senate and in fact is a longtime Peltola supporter.¹³ Federal Election Commission records show that Amber Lee's consulting firm, Amber Lee Strategies, has received thousands of dollars for "PAC Strategy Consulting" from a PAC that has been a supporter of Candidate Peltola.¹⁴ This is no surprise. Lee has long been affiliated with Democratic candidates and progressive causes. Her company's website boasts work on behalf of multiple Democratic candidates for the Alaska Legislature and other liberal and progressive interest groups such as the Environmental Defense Fund.¹⁵

There is no credible explanation for this type of coordination between Sham Candidate Sullivan and Candidate Peltola's consultants other than to exploit Alaska's voting system in order to benefit Candidate Peltola. If Sham Candidate Sullivan were truly seeking to prevail, he would have had no incentive to share the most confidential details of his impending candidacy with Candidate Peltola's Democratic consultant allies. But he is not seeking to prevail. Sham Candidate Sullivan is coordinating with Candidate Peltola's Democrat consultants to help Candidate Peltola win by taking the actions outlined below to promote confusion between Sham Candidate Sullivan and U.S. Senator Dan Sullivan. The incentive and motivation for the Peltola campaign consultants to help Sham Candidate Sullivan with his campaign to confuse Alaskan voters is obvious: If Alaskans are confused and mistakenly vote for Sham Candidate Sullivan when they want to vote for U.S. Senator Dan Sullivan, it directly benefits Candidate Peltola's chance for victory. But of course it would be a victory through cheating. What follows is ample evidence that Sham Candidate Sullivan's actions are purposefully intended to confuse Alaskans and help Candidate Peltola rig the election in her favor.

III. Sham Candidate Sullivan Has Falsely Claimed That He Is A Republican Which Is Grounds To Disqualify His Candidacy.

Sham Candidate Sullivan has filed a sworn Declaration of Candidacy for U.S. Senate apparently certifying as "true and complete" that he is a registered Republican

¹³ Jazmine Ulloa, *Palin Lost a Shot at a House Seat but She Has a Second Chance*, N.Y. TIMES (Sept. 1, 2022); see also Tim Balk, *Senator Dan Sullivan Has a New Challenger in Alaska: Dan Sullivan*, N.Y. TIMES (May 31, 2026); Attachment A (screenshots of press release metadata).

¹⁴ Expenditures of Vote Alaska Before Party PAC to Amber Lee Strategies, https://www.fec.gov/data/dishbursements/?recipient_name=amber+lee&data_type=processed.

¹⁵ Amber Lee Strategies, <https://www.amberleestrats.com>.

voter.¹⁶ Yet, as detailed below, the overwhelming evidence on the public record suggests that Sham Candidate Sullivan is not a registered Republican voter and has never been. His Declaration of Candidacy is therefore defective and must not be certified.

Based on the most recent public records, Sham Candidate Sullivan is not registered as affiliated with the Republican Party as his Declaration of Candidacy apparently states. As of the date of this letter, the Alaska Division of Elections “My Voter Portal indicates that Sham Candidate Sullivan’s party affiliation is “undeclared.”¹⁷ As you know, the State of Alaska Voter Registration Application provides voters with an optional field to declare a political affiliation. The form is signed under penalty of perjury. The Registrar Handbook published by the Division of Elections makes clear that “[a]pplicants who ... do not indicate a political affiliation on their registration application will be registered as undeclared.”¹⁸ There is no available evidence on the public record that Sham Candidate Sullivan has filed an updated Voter Registration Application listing his political affiliation as “Republican.” To the contrary, the available evidence suggests that the most recent Voter Registration Form that Sham Candidate Sullivan signed either included a blank party affiliation field or listed his affiliation as “undeclared.”

The Alaska law governing the declaration of candidacy makes clear that the declaration must state “the political party or political group with which the candidate is *registered as affiliated*, or whether the candidate would prefer a nonpartisan or undeclared designation placed after the candidate’s name on the ballot.”¹⁹ The law simply does not allow a candidate to affiliate with a political party on the basis of a declaration of candidacy. Additionally, while the regulations permit candidates who have *already* filed a declaration of candidacy to change political affiliation, that procedure is available only to candidates who have already filed a proper declaration of candidacy.²⁰ Therefore, Sham Candidate Sullivan’s Declaration of Candidacy is defective and must not be accepted.

IV. Sham Candidate Sullivan’s Attempted Republican Affiliation Is Also Evidence That The Primary Intent of His Candidacy Is To Confuse Alaskans And Rig The Election In Favor Of Candidate Peltola.

Sham Candidate Sullivan’s attempt to run as a “registered Republican” is further evidence that the true purpose of his candidacy is to confuse Alaskan voters. Most Alaskans know that their current U.S. Senator Dan Sullivan is a registered Republican and he has filed his reelection candidacy as a Republican. Sham Candidate Sullivan has never been a Republican. As the attached letter from Alaska Republican Party Chair Carmela Warfield makes clear, Sham Candidate Sullivan “has no affiliation with the

¹⁶ Alaska Division of Elections, Candidates, <https://www.elections.alaska.gov/candidates> (last visited June 1, 2026) (listing Daniel J. Sullivan as a “registered Republican”).

¹⁷ Alaska Division of Elections, My Voter Portal, <https://myvoterportal.alaska.gov/voter> (last visited June 1, 2026).

¹⁸ Alaska Division of Elections, Registrar Handbook, at 10 (Revised Oct. 12, 2023).

¹⁹ Alaska Stat. § 15.25.030(a)(5) (emphasis added).

²⁰ Alaska Admin. Code tit. 6, §25.214(a).

Alaska Republican Party.”²¹ The party has disavowed him. And rightly so. The only possible explanation for his sudden desire to affiliate with the Republican Party after a decades of supporting Democrats is to further confuse Alaskans seeking to reelect their incumbent U.S. Senator. Some voters may mistakenly cast a ballot for Sham Candidate Sullivan because they are confused by the identical name and party affiliation on the ballot. This kind of obvious manipulation of the Alaska election system should not be allowed.

Sham Candidate Sullivan has a long public history of supporting Democrats and progressive causes, including Candidate Peltola's prior campaigns. Over the years, he has donated a total of \$650 to numerous Democrats nationwide, including \$130 to Candidate Peltola, \$100 to Alaska Democrat Scott McAdams, and \$50 to Kat Abughazaleh for Illinois, a self-described progressive and democratic socialist.²² Sham Candidate Sullivan was also publicly reported as supporting Democrat Mark Begich's 2014 Senate campaign.²³ The only plausible explanation for someone with this record running for office as a “registered Republican” is to mislead unwitting Alaska voters who intend to cast a ballot for incumbent Republican U.S. Senator Dan Sullivan. This is an obvious and outrageous manipulation of the Alaska election system that should not be allowed.

V. Sham Candidate Sullivan's Blatant Use And Copying Of U.S. Senator Dan Sullivan's Long Established Campaign Logo And Materials Is Both A Violation Of U.S. Trademark Law And Compelling Evidence That The Primary Goal Of His Candidacy Is To Confuse Alaskan Voters And Rig The Election In Favor Of Candidate Peltola.

Perhaps the most obvious evidence that Sham Candidate Sullivan's candidacy is primarily about confusing Alaskans is Sham Candidate Sullivan's own website and campaign materials. It is shocking the extent to which Sham Candidate Sullivan simply stole U.S. Senator Dan Sullivan's long established campaign logo and campaign branding: same blue and gold color scheme; same font and typography; same prominent display of “Sullivan,” with an identical size of “U.S. Senate” designation; and even the same Alaska North Star over the entire logo.²⁴ U.S. Senator Dan Sullivan has used the same campaign logo and material for over 13 years. Now Sham Candidate Sullivan, in clear violation of U.S. trademark laws, plastered this stolen campaign logo all over his website and press releases. The only reason Sham Candidate Sullivan would make his campaign logos, websites, and letterhead identical to U.S. Senator Sullivan's is to confuse Alaskan voters about who he is. He knows this will mislead Alaskans who are supporters

²¹ See Attachment B (Letter of Alaska Republican Party Chair Carmela Warfield).

²² See Attachment C (FEC records of Sham Candidate Sullivan's federal political contributions).

Nathaniel Herz, *In GOP Primary, Some Worry Being Dan Sullivan Could Hurt — or Help—Dan Sullivan*, ANCHORAGE DAILY NEWS (July 24, 2014) (quoting a Begich spokesman indicating that he expected Dan Sullivan of Petersburg to vote for Democrat Mark Begich).

²⁴ See Attachment D (images of campaign logos between the long-established campaign logos, websites and signs of U.S. Senator Dan Sullivan and the stolen and misappropriated logos, website and campaign letterhead used by Sham Candidate Sullivan)

of U.S. Senator Dan Sullivan and cause them to mistakenly support Sham Candidate Sullivan, thereby helping to rig the election in Candidate Peltola's favor.

VI. Alaskans' Confidence In The Integrity Of Their Electoral System, Especially Ranked Choice Voting, Will Be Significantly Undermined Unless Sham Candidate Sullivan's Declaration Of Candidacy Is Rejected.

In sum, Sham Candidate Sullivan has taken actions that reveal the primary goal of his candidacy is to create confusion for Alaskan voters. Sham Candidate Sullivan has gone to great lengths in this regard. He has attempted to claim he is a Republican like U.S. Senator Dan Sullivan even though he clearly is not. He has blatantly stolen U.S. Senator Dan Sullivan's long established campaign logo, website and materials in violation of intellectual property laws to further confuse Alaskan voters. Why would Sham Candidate Sullivan go to such lengths? Do these actions suggest a candidacy focused on advancing his own policy views and ideas to benefit Alaskans? Do these actions respect the integrity of the Alaskan voting system? Certainly not. Sham Candidate Sullivan's deceitful and illegal actions are being taken in coordination with a Democratic campaign consultant and supporter of Candidate Peltola's campaign in the obvious hopes that confusion about Sham Candidate Sullivan will siphon votes away from U.S. Senator Dan Sullivan to Sham Candidate Sullivan which will directly benefit Candidate Peltola.

Your office should not countenance such abuse of the Alaskan voting system, particularly when the Declaration of Candidacy itself does not conform to the legal requirements. Sham Candidate Sullivan's sham candidacy threatens to undermine Alaskans' confidence in the newly implemented ranked choice voting ("RCV") system. RCV is the current law of the state, but it has come under significant criticism. One of the main criticisms is that the RCV system could lend itself to abuse and manipulation by nefarious actors who will use it to manipulate outcomes in devious ways that confuse voters and thwart the will of the Alaskan people. Allowing Sham Candidate Sullivan to appear on the ballot only furthers these criticisms and threatens confidence in Alaska's election system.

It is telling that even public RCV advocates such as prominent Alaskan lawyer Scott Kendall have called Sham Candidate Sullivan's candidacy "pathetic." After hearing of Sham Candidate Sullivan's filing, Kendall posted, "I really hope that neither the Dem party nor Peltola are involved in this. It represents politics at its worst - purposefully trying to confuse voters into wasting their ballot. Candidates need to wage a battle of ideas, not resort to cowardly nonsense."²⁵ What Kendall hoped was not the case has turned out to be true - an Alaskan Democratic consultant and activist supporting the Peltola Campaign was directly involved in this.

Permitting this behavior to stand risks negative consequences not just for Alaska but for America. The outcome of the Alaska Senate race may decide which party controls

²⁵ Scott Kendall, X (May 30, 2026), <https://x.com/scotterkendall/status/2060564395990904893?s=46&tl=Lw5960Yx05vFb22409nA>.

the United States Senate. National Democrats, led by Senate Minority Leader Chuck Schumer, have said that their path to the Senate majority includes electing Candidate Peltola in Alaska.

It is clear from all the evidence that Sham Candidate Sullivan is taking these actions to proactively confuse Alaskan voters and rig the voting system to the obvious benefit of Democrat Candidate Peltola's campaign. His work with a Candidate Peltola Democratic activist and supporter is further proof of this. Such a fraud on the Alaskan election system is exactly what the Lieutenant Governor is authorized by both state and federal law to prevent. Alaska cannot allow its electoral process to be used for any political party's advantage. You are the officials charged with safeguarding the process and integrity of Alaskan elections. You have the responsibility under the law to ensure a fair, simple and clear process that prevents Alaskan voters from being deceived or confused into voting for an individual they did not intend to support.

We are confident that your office will immediately recognize Sham Candidate Sullivan's sham candidacy for what it is and determine that Sham Candidate Sullivan has not satisfied the basic eligibility requirements for a declaration of candidacy as required by Alaska law. However, in the event that your office does not deem Sham Candidate Sullivan's Declaration of Candidacy defective, the NRSC reserves the right to pursue all available legal remedies to ensure that the Alaska electoral process remains fair. To that end, we have sent preservation demands to Sham Candidate Sullivan, Ms. Lee and the campaign of Candidate Peltola to ensure that any records of their apparent coordination in furtherance of this scheme to commit fraud on Alaskan voters are preserved in the event of future litigation.²⁶

Thank you for your prompt consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Blake Murphy".

Blake Murphy
General Counsel
NRSC

²⁶ See Attachment E (Preservation Notices to Daniel J. Sullivan, Amber Lee, Amber Lee Strategies, and Alaskans for Mary).



Robert J. Lippert

Chairman

Elizabeth Lenz

Executive Director

Mr. Daniel J. Sullivan
PO Box 1656
Petersburg, AK 99833

VIA Email: dan@sullivanforsenate.com

June 1, 2026

Re: Preservation of Records Notice

Dear Mr. Sullivan:

I write as General Counsel to the NRSC, the national party committee, which has sent the attached letter to Alaska's Lieutenant Governor and Director of Elections concerning your defective Declaration of Candidacy for U.S. Senate. The facts surrounding this matter, including metadata from the press release announcing your candidacy, indicate that you received material assistance from consultants affiliated with Mary Peltola. They also suggest that your candidate filings may not be complete and truthful. The NRSC reserves its rights to pursue all available legal remedies concerning this matter.

Because litigation or other administrative complaints concerning this matter are foreseeable, we hereby request that you take all measures to preserve relevant evidence. Specifically, please preserve any and all records concerning the following:

- **Records related to your communications with or about Amber Lee or Amber Lee Strategies.** Please preserve any and all records relating to your communications with or about your 2026 Senate Candidacy with Ms. Amber Lee or representatives of Amber Lee Strategies including records pertaining to the preparation of your Declaration of Candidacy, Voter Registration Application, party affiliation, communications plans, website development or other materials related to your U.S. Senate campaign. Please also preserve any accounting and financial records detailing any consulting work undertaken by Ms. Lee or Amber Lee Strategies on behalf of you or your campaign including bank records, invoices, and other financial and transactional records including transactions on electronic payment platforms such as Venmo, Zelle, PayPal, etc.
- **Records related to your communications with Mary Peltola, Alaskans for Mary, and their agents.** Please preserve any and all records relating to your communications with Mary Peltola, Alaskans for Mary and or their agents regarding your 2026 Senate Candidacy, including records related to the preparation of your Declaration of Candidacy,



Senator Tom Sullivan

Chairman

Jennifer H. O'Connell

Executive Director

Voter Registration Application, party affiliation, communications plans, website development or other materials related to your U.S. Senate campaign. Please also preserve any records including schedules, transportation receipts, or other expense reports related to meetings or discussions with Mary Peltola, Alaskans for Mary, and their agents. Finally, please preserve any accounting and financial records detailing any payments made by Mary of Alaska on behalf of you or your campaign, including bank records, invoices, and other financial and transactional records including transactions on electronic payment platforms such as Venmo, Zelle, PayPal, etc.

Such records may include physical records, including letters, files or notes, as well as electronically stored information such as e-mail messages, text messages, open-source messaging apps such as Signal, WhatsApp, Telegram, data contained in instant message applications (such as Google Chat, Slack, Microsoft Teams), private social media messaging including messages sent via Facebook, X, Instagram and similar platforms, call logs and phone records or auto-generate transcripts from meeting platforms (Zoom, Google Meet, Teams, etc.), voicemails, computer files, Microsoft Word documents, Excel documents, scanned PDFs, facsimiles, personal calendars, day-timers, appointment books and diaries, and any other information or data stored electronically, such as in cloud-based storage or on disks, CD-ROMs, hard drives, or thumb-drives, including those stored on handheld electronic devices. The type of records you should retain should be construed broadly. We ask that you preserve all such information and records in your possession, custody and control at present and on an ongoing basis, including by disabling any auto-delete or disappearing message settings immediately. Thank you for your prompt attention to this matter.

Sincerely,

Blake Murphy
General Counsel
NRSC

Enclosure (Letter to Letter to Lt. Gov. Dahlstrom and Director Beecher)

Dan Sullivan
P.O Box 1656
Petersburg, Alaska 99833
907-213-8197
dan@sullivanforsenate.com

June 3, 2026

Carol Beecher
Director of Elections
Alaska Division of Elections
240 Main Street, 4th Floor
Juneau, AK 99801

Re: My Candidacy for Senate

Dear Director Beecher:

I write in response to the NRSC's letter, dated June 1, 2026, challenging my candidacy for United States Senate in the August 18, 2026 primary election on the ground that I share a first and last name with incumbent Senator Dan Sullivan. I have every right to run for Senate. I am a registered Alaska voter. I filed an accurate and timely declaration of candidacy, and I have the constitutional qualifications: I am older than 30, I have been a U.S. citizen my whole life, and I reside in Alaska. I am running because I am tired of sitting back and watching our current Senator routinely fail to represent the interests of ordinary Alaskans like me. The fact that Senator Sullivan shares my first and last names adds insult to injury, motivating me to raise my hand as an alternative choice for Alaskans. Senator Sullivan and NRSC have no right to exclude me from the ballot simply because we happen to share a name.

In addition to complaining about my name, the NRSC complains that I was not previously a registered Republican. Historically, I affiliated with the Alaskan Independence Party. However, the party was disbanded, and my registration was automatically marked as unaffiliated. I wish to run for office as a Republican to give Alaska voters another choice for what Republican representation in the U.S. Senate can look like. The form itself informed me that "if this is not the party affiliation currently on your voter registration record, it will be changed to reflect what

you provided.” I faithfully followed the instructions on the form provided by your office to indicate as such. And the primary ballot will itself tell voters that my designated affiliation does not imply that the Alaska Republican Party endorses me.

Alaska law requires you to place my name on the August primary ballot as a Republican candidate for U.S. Senate. Section 15.25.060 of the Alaska Statutes provides that you “shall ... place the names of all candidates who have properly filed in groups according to offices” on the primary ballot. It gives you no discretionary authority to exclude me. And when third parties, like the NRSC, question a candidate’s eligibility, Title 6, Section 25.260 of the Alaska Administrative Code provides that your review of their complaint “is limited to the grounds cited in the complaint that are related to candidate *qualifications* addressed in the candidate’s declaration of candidacy.” You are prohibited from considering “other grounds cited in the complaint.” None of the NRSC’s cited grounds are related to my indisputable qualifications to run for and serve as a U.S. Senator from Alaska. You therefore have no authority to exclude me from the ballot.

The NRSC’s letter does not allege that I failed to timely file a complete and accurate declaration of candidacy. Instead, it takes issue with my name and the fact that I filed to run as a Republican. As explained above, I followed the instructions on the form itself to designate myself as a Republican candidate for U.S. Senate, and I listed my legal name—I have no other. It is my right to do so whether the NRSC supports my candidacy or not. As far as I am aware, there is no Alaska or federal law that gives the NRSC the exclusive right to determine who may run as a Republican candidate for U.S. Senate. If such a right did exist, we would not need primary elections at all—the NRSC could just pick our nominees.

As to my name, the NRSC claims it will confuse the voters of Alaska, but Title 6, Section 25.212 of the Alaska Administrative Code says only that a candidate’s name may not be placed on the ballot “*in a manner* that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.” This regulation instructs your office to ensure the *manner in which* my and Senator Sullivan’s names go on the ballot does not confuse voters. It does not permit your office to exclude me from the ballot based on my legal name. The NRSC’s argument that the regulation does exclude me would deprive me of my right to run for office for no adequate reason. Your office is of course free to take reasonable steps to avoid voter confusion where two individuals with the same name are running for office—for example, by including a middle initial.

In short, I properly met all legal requirements to be placed on the August 18, 2026 primary election ballot as a Republican candidate for U.S. Senate. Your office has no legal basis to exclude my name from the ballot. Doing so would violate my rights and be an affront to Alaska

voters. I wish to give the people of Alaska an alternative choice of representation in the U.S. Senate. Your office may not lawfully deny me the chance to run or Alaska voters the opportunity to vote for me.

Respectfully,

A handwritten signature in cursive script that reads "Daniel J. Sullivan". The signature is written in dark ink and is positioned above the printed name.

Daniel J. Sullivan

Mr. Daniel James Sullivan, Jr.
June 8, 2026
Page 2 of 3

We have received and reviewed your June 3 letter responding to these allegations (enclosed). Your letter did not adequately respond to the specific allegations that your candidacy is motivated by an intent to deceive Alaskan voters.

To assist with our investigation into the credible allegations challenging the propriety of your declaration of candidacy, I request that you respond—in an affidavit signed by you under penalty of perjury—to the following questions:

- (1) Have you ever affiliated as a member of the Republican Party before filing your declaration of candidacy? If so, please provide information regarding such affiliation including the date(s) and jurisdiction(s) where you were affiliated with the Republican Party.
- (2) Have you ever held yourself out as being associated or affiliated with the Republican Party before filing your declaration of candidacy for this election?
- (3) What other versions of your name have you used previously when registering with the Division of Elections? Have you always only used the nickname “Dan” and your last name? Why, if you registered under a different name in the past, did you use only “Dan Sullivan” in this instance when requesting ballot access?
- (4) Describe the process for designing your campaign website and logo, including the names of all persons and vendors who assisted in its creation. Please explain whether you intentionally mimicked the campaign website and logo for U.S. Senator Dan Sullivan.
- (5) Have you had any direct or indirect interaction whatsoever with Amber Lee and/or her consulting firm Amber Lee Strategies about your declaration of candidacy? If so, please describe your interactions with Ms. Lee and Amber Lee Strategies.
- (6) Have you had any direct or indirect interaction whatsoever with any other candidate for United States Senate or an agent of such a candidate about your declaration of candidacy?
- (7) Have you had any direct or indirect interaction whatsoever with any agent of the Democratic Party with respect to your declaration of candidacy?

As part of your affidavit, please address whether in the event the State determines your declaration of candidacy to be genuine and proper, and that your name may appear, you would object to your name appearing on the ballot as “**Sullivan, Daniel James Jr. (non-incumbent)**” to distinguish you from incumbent U.S. Senator Dan Sullivan and reduce the risk of voter confusion. Please also address whether you would object to your name appearing without the Republican party designation.

Mr. Daniel James Sullivan, Jr.
June 8, 2026
Page 3 of 3

Your response under oath is needed to ensure that we base our final decision on reliable and credible information. The Division's obligation to administer elections includes protecting the integrity, credibility, and impartiality of Alaska's elections. This includes protecting the public confidence that elections are fairly administered and that voters are not misled about the identity of candidates appearing on the ballot. In addition to responding to these questions, your affidavit can also include any other information you believe is relevant to the charge that your declaration of candidacy is intended to confuse or mislead voters or compromise the fairness or neutrality of the ballot.

To facilitate timely consideration of your response, please provide your affidavit on or before noon on Wednesday, June 10, 2026 to lt.governor@alaska.gov with a copy to attorney.general@alaska.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Dahlstrom", with a stylized flourish at the end.

Nancy Dahlstrom
Lieutenant Governor

Enclosure

June 10, 2026

Nancy Dahlstron
Lieutenant Governor
State of Alaska

Re My Candidacy for Senate

Dear Lieutenant Governor Dahlstron:

I write in response to your June 8, 2026 letter. I originally received the letter not from your office, but from a reporter. This indicates that you started working with the press to generate a story on your investigation before ever contacting me. In fact, we have never received the letter to you. This conduct is deeply troubling for an elected official who is charged- as you claim – with administering the election laws of the State of Alaska. The premise of your letter is that “credible” allegations have been made that I am running for office in coordination with Mary Peltola to confuse Alaska voters. This allegation is entirely false and, respectfully, no evidence whatsoever has been provided to your office to support it.

I am running for U.S. Senate as a Republican under my lawfully given name. It is a name and party affiliation that I share with my father and my grandfather. I am not a registered Democrat, and I have had no conversations whatsoever with the Peltola campaign about my candidacy. The law forbids your office from denying me access to the ballot just because Senator Sullivan and the NRSC would prefer I not be allowed to run. This investigation by your office – and coordination of it with the press – is an unprecedented affront to my rights as a candidate and the rights of Alaska voters to select their own representation in the U.S. Senate.

I have considered running for political office for over a decade. I made the decision to formally run for the United States Senate in the upcoming primary election because Senator Sullivan has routinely failed the people of Alaska, and they deserve a better representative. It is my right to do so. The only “evidence” the NRSC provides for its alternative theory of my candidacy is that an Alaska political consultant named Amber Lee has been involved in my campaign, and Ms. Lee was once a consultant for a super PAC named “Vote Alaska Before Party.” As I have publicly said, Amber Lee is working as a political advisor to my campaign. I am a first-time candidate and found myself in need of strategic guidance, so I reached out to Ms. Lee. As far as I know, Ms. Lee does not work for the Peltola campaign. She does have prior political experience in the State of Alaska. The fact that a political consultant has done prior political consulting is not a legitimate reason for your office to investigate me and demand I supply you with an affidavit under penalty of perjury on less than 48 hours’ notice.

You also asked about my website. It features multiple prominent photographs of me. I look nothing like Senator Sullivan. It describes my background and life experience, which is very different from Senator Sullivan's. It includes a press release that says in the very first line that I am running against the incumbent Senator. And it includes my logo, which is based on the Alaska flag and differs in multiple significant ways from Senator Sullivan's.

While I find your investigation to be inappropriate, I have no problem repeating what I have already said publicly. I have had no contact with the Peltola campaign about running for office. Your office has absolutely no credible basis to continue to question my candidacy.

I filed a timely Declaration of Candidacy for the U.S. Senate. All of the information I provided is true and correct. My understanding is Senator Sullivan's legal name Daniel Scott Sullivan. My name is Daniel James Sullivan, and like the incumbent, I also go by "Dan." I have publicly gone by "Dan Sullivan" as long as I can remember, just like my father before me and my grandfather before him. A search of public records will reinforce my longtime use of "Dan Sullivan."

Finally, it is my right to affiliate with the Republican Party on the ballot. As I already explained to the Division of Elections, I moved to Alaska in 1980 and registered with the Alaskan Independence Party. The party disbanded in 2026, leaving me unaffiliated. When I decided to run for office, I chose to do so as a Republican. My father and grandfather were both Republicans and raised me to believe in compassionate conservatism. It is that viewpoint that drives my political beliefs and led me to choose to run as a Republican. The form provided to me by the Division of Elections gave me the option to do so.

I properly met all legal requirements to be placed on the August 18, 2026 primary election ballot as a Republican candidate for U.S. Senate. Your office has no legal basis to exclude my name or party affiliation from the ballot. Rather than choosing to question the legitimacy of the many candidates that have filed for U.S. Senate in Alaska this year that do not claim Alaska residence, you continue to harass me and my pursuit of office.

The NRSC is free to advocate against my candidacy and for the candidacy of Senator Sullivan. What it is not allowed to do is use your office as a pawn to kick me off the ballot.

Respectfully,
Daniel J. Sullivan

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

FOUNDED IN 1914

OVER A CENTURY OF SERVICE TO OUR CLIENTS
2550 DENALI STREET, SUITE 500 • ANCHORAGE, ALASKA 99503-2752
TELEPHONE (907) 274-0666 • FAX (907) 277-4657

June 10, 2026

VIA EMAIL AND US MAIL

Ms. Carol Beecher
Director of Elections
State of Alaska, Division of Elections
Court Plaza Building
240 Main Street, 4th Floor
Juneau, AK 99801

cbeecher@alaska.gov

Re: U.S. Senate Candidate Eligibility Complaint Against Daniel J. Sullivan Jr.

Dear Director Beecher:

Daniel J. Sullivan Jr.'s Declaration of Candidacy ("Declaration") is defective under Alaska law, rendering him ineligible to qualify as a candidate. These defects are established by the following statement of grounds submitted pursuant to 6 AAC 25.260. In light of these deficiencies, you must uphold your statutory obligations and conclude that Sullivan is ineligible.

STATEMENT OF GROUNDS

- Sullivan's Declaration must be rejected because he misrepresented his registered party affiliation. The statute requires a declaration to state the political party "with which the candidate *is registered* as affiliated"¹—a mandatory requirement measured at the time of filing. Sullivan's Declaration states he is affiliated with the Republican Party,² but Division records³ show his party affiliation at filing was "Undeclared."⁴ He has perpetuated this misrepresentation through statements made to the Division and local media.⁵ The declaration form cannot override the statutory

¹ Alaska Stat. § 15.25.030(a)(5) (emphasis added). See also *Kohlhaas v. State*, 518 P.3d 1095 (Alaska 2022) (holding that a candidate may not lie about party affiliation and may be listed on the ballot as affiliated with a political party only if the candidate is actually registered with that party).

² Exhibit A: Declaration of Candidacy of Daniel J. Sullivan.

³ Exhibit B: Voter Registration Records of Daniel J. Sullivan.

⁴ Exhibit C: March 26, 2026 State of Alaska Voter Registration Application of Daniel J. Sullivan.

⁵ Compare Letter to Lieutenant Governor Dahlstrom from Daniel James Sullivan, Jr. June 3, 2026 (stating that he historically affiliated with the Alaskan Independence Party and never indicates that he registered Republican) with Alex DeMarban, "State opens probe into Sen. Dan Sullivan's namesake challenger as he says he can legally run", Anchorage Daily News, June 9, 2026 available at <https://www.adn.com/news/politics/sullivan-probe/> (in which Daniel J. Sullivan reported that he registered as a Republican in December 2025).

requirement,⁶ and Alaska law permits agencies to act only within their legislatively granted authority.⁷ Nor can the defect in his Declaration be cured after filing, as any mechanism to change ballot designation applies only to a valid declaration⁸ and is now time-barred.⁹ By a preponderance of the evidence, Sullivan is not an eligible candidate.

COMPLAINANT

Carmela J. Warfield, Chairman
Alaska Republican Party
PO Box 110707
Anchorage, Alaska 99511
(907) 868-1093

I, Carmela J. Warfield, Chairman of the Alaska Republican Party, declare that the foregoing is true and correct to the best of my knowledge and belief. If necessary, I am prepared to execute a sworn statement as to the factual assertions set forth herein.

Signed: Carmela J. Warfield, Chairman, Alaska Republican Party Date: JUNE 10, 2026

Sincerely,

HOLMES WEDDLE & BARCOTT, P.C.



Stacey C. Stone, Esq.

⁶ Contrary to the plain language of the statutory requirements for a Declaration of Candidacy, the Division's form states that if the party affiliation listed on the Declaration "is not the party affiliation currently on your voter registration record, it will be changed to reflect what you have provided."

⁷ See Alaska Stat. § 44.62.030 ("...a regulation adopted is not valid or effective unless consistent with the statute and reasonably necessary to carry out the purpose of the statute"); thus, agency materials cannot override statutory requirements.

⁸ See Alaska Admin. Code tit. 6, § 25.214(a) (providing that "[a] candidate who *has filed* a declaration of candidacy and wishes to change the candidate's political affiliation or nonpartisan or undeclared designation on the ballot shall file a written request for the change of designation in the manner required for filing a declaration under AS 15.25.040." (emphasis added)).

⁹ Alaska Stat. § 15.25.040.

LAW OFFICES OF
HOLMES WEDDLE & BARCOTT
A PROFESSIONAL CORPORATION

FOUNDED IN 1914

OVER A CENTURY OF SERVICE TO OUR CLIENTS

2550 DENAL STREET, SUITE 500 • ANCHORAGE, ALASKA 99503-2752

TELEPHONE (907) 274-0666 • FAX (907) 277-4057

June 10, 2026

VIA EMAIL AND US MAIL

Ms. Carol Beecher
Director of Elections
State of Alaska, Division of Elections
Court Plaza Building
240 Main Street, 4th Floor
Juneau, AK 99801

cc: [REDACTED]

Re: U.S. Senate Candidate Eligibility Complaint Against Daniel J. Sullivan Jr.

Dear Director Beecher:

Daniel J. Sullivan Jr. is ineligible to qualify as a candidate because his Declaration of Candidacy ("Declaration") has the intent and effect of confusing and misleading Alaska voters and interferes with the state of Alaska's duty to ensure the integrity, credibility, and neutrality of the ballot and Alaska's elections. The following statement of grounds submitted pursuant to 6 AAC 25.260 establishes the grounds for his ineligibility. In light of these deficiencies, you must uphold your statutory obligations and conclude that Sullivan is ineligible.

STATEMENT OF GROUNDS

- Alaska law provides "[i]t is essential that the nonpartisan nature, integrity, credibility, and impartiality of the administration of elections be maintained."¹ States have an important interest in "preserving the integrity of its election process"² and avoiding "confusion" and "deception" in the context of electoral ballots.³ The Division of Elections must "prepare all official ballots to "facilitate fairness, simplicity, and clarity in the voting procedure," and to "reflect most accurately the intent of the voter."⁴ A candidate's name may not appear on the ballot in a manner that is "confusing or misleading to voters or compromises the fairness or neutrality of the ballot."⁵

¹Alaska Stat. § 15.10.105(b). See also Attachment A Letter of Lieutenant Governor Dahlstrom to Daniel James Sullivan, Jr., June 8, 2026 (noting that "The Division's obligation to administer elections includes protecting the public confidence that elections are fairly administered and that voters are not misled about the identity of candidates appearing on the ballot."), available

² *Eu v. San Francisco Cnty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989).

³ *Jenness v. Fortson*, 403 U.S. 431, 442 (1971).

⁴ Alaska Stat. § 15.15.030

⁵ Alaska Admin. Code tit. 6, § 25.212(b)(2)

KENAI OFFICE • 125 N. WILLOW STREET • KENAI, ALASKA • TEL (907) 283-7167 • FAX (907) 283-8435

SEATTLE OFFICE • 3101 WESTERN AVENUE, SUITE 500 • SEATTLE, WA 98121 • TEL (206) 292-8008 • FAX (206) 340-0289

- Sullivan's Declaration was not filed in good faith and intended to cause confusion.⁶ To safeguard the same principles of electoral fairness that Alaska law enshrines, a nearby state prohibits such candidacies.⁷ Sullivan's candidacy would result in two candidates with the same name and party affiliation appearing on the ballot, creating substantial risk voters will mistakenly attribute his candidacy to the incumbent. This likelihood of confusion—particularly given his use of the same campaign logo, with only minimal alterations—undermines the fairness and neutrality of the ballot. By a preponderance of the evidence, Sullivan is not an eligible candidate.

COMPLAINANT

Carmela J. Warfield, Chairman
Alaska Republican Party
PO Box 110707
Anchorage, Alaska 99511
(907) 868-1093

I, Carmela J. Warfield, Chairman of the Alaska Republican Party, declare that the foregoing is true and correct to the best of my knowledge and belief. If necessary, I am prepared to execute a sworn statement as to the factual assertions set forth herein.

Signed: Carmela J. Warfield, Chairman, Alaska Republican Party Date: June 10, 2026

Sincerely,

HOLMES WEDDLE & BARCOTT, P.C.



Stacey C. Stone, Esq.

⁶ Despite never having registered as affiliated with the Republican Party, Daniel J. Sullivan, Jr.'s Declaration swears he is a registered Republican. (Exhibit B: Declaration of Candidacy of Daniel J. Sullivan). Sullivan is using a materially identical campaign logo to the incumbent officeholder. (Exhibit C: Comparison of campaign logos.) He has hired a Democrat operative who supports Democrat Senate Candidate Mary Peltola to advise his campaign. (Alex DeMarban, "Sen. Dan Sullivan's namesake challenger says he can legally run and isn't backing down", Anchorage Daily News, June 8, 2026 available [here](#).) See generally Exhibit D: June 1, 2026 Letter of NRSC to Lieutenant Governor Dahlstrom and Director Beecher.

⁷ See Wash. Rev. Code Ann. §29A.84.320(3). In 2024, two candidates withdrew their candidacies in Washington state to avoid legal exposure under this provision. (Jeanie Lindsay, "Democratic candidate for Washington governor says name doppelgangers out to deceive voters," Oregon Public Broadcasting, May 13, 2024.)



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Office of the Lieutenant Governor

DIVISION OF ELECTIONS
Office of the Director
400 North Street, Suite 100
OBS 1007
P.O. Box 1007
Juneau, Alaska 99801
Phone 907-465-4600

June 10, 2026

Mr. Daniel J. Sullivan
P.O. Box 1656
Petersburg, AK 99833

Dear Mr. Sullivan:

The Division of Elections received the two attached complaints regarding your eligibility for the office of United States Senator. The Division previously received a letter raising the same concerns with your candidacy, to which you responded. The Lieutenant Governor then opened an investigation and requested your sworn answers to specific questions by noon today. You responded with another letter.

Based on a review of the evidence presented and in the Division's possession, the Division has determined that the preponderance of evidence does not support your eligibility for the office of United States Senator.

Under 6 AAC 25.260, you may provide any additional information and evidence to respond to these complaints and support your eligibility by 5:00pm, June 11, 2026. The Division will then issue a final determination, with or without another response from you.

Sincerely,


Carol Beecher
Director

cc: Lt. Governor Nancy Dahlstrom



THE STATE
of **ALASKA**
GOVERNOR MIKE DEER

Office of the Lieutenant Governor

DIVISION OF ELECTIONS
Office of the Director
2401 Loring Drive, Suite 400
Anchorage, Alaska 99503
June 15, 2026
Phone: 907-261-5446

June 15, 2026

Mr. Daniel J. Sullivan
P.O. Box 1656
Petersburg, AK 99833

Dear Mr. Sullivan:

On Wednesday, June 10, I advised you that the Division of Elections had received two complaints regarding your eligibility for the office of United States Senator. In that letter, I forwarded these complaints which were filed by Stacey C. Stone on behalf of Carmela Warfield, the Chairman of the Alaska Republican Party.

I notified you that based on a review of the evidence presented and in the Division's possession, the Division has determined that the preponderance of evidence does not support your eligibility for the office of United States Senator. Pursuant to 6 AAC 25.260, I offered you the opportunity to submit additional information and evidence to respond to these complaints and support your eligibility by 5:00 p.m., June 11, 2026. You did not submit additional information and evidence to respond to the complaints.

It is my final determination under 6 AAC 25.260 that the preponderance of the evidence does not support your eligibility for the office of United States Senator. This letter will briefly summarize the basis for my final determination.

Alaska Statute 15.25.060 requires me to "place the names of all candidates who have properly filed" a declaration of candidacy on the primary election ballot. Declarations of candidacy are filed under oath and state, among other things, that the filer is in fact a candidate for the office for which the declaration is filed. 6 AAC 25.212 forbids me from placing a name on the primary election ballot "in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot."

On review of the complaints and other information in the Division's possession, I conclude that your declaration of candidacy was not properly filed with the Division because it was not filed in order to declare an actual good-faith candidacy for the office of United States Senator, but was instead filed with a purpose to confuse or mislead and to thereby compromise the ballot's fairness or neutrality. I highlight several facts that taken together bring me to this conclusion.

- (1) You requested to access the ballot under the name "Dan Sullivan" even though it appears from Division records that you have never registered to vote or sought ballot access under this name. Our records indicate that you are registered to vote under the name "Daniel J. Sullivan, Jr." That you chose the occasion of your declaration of candidacy for U.S. Senate to seek ballot access under a name you have not used in your interactions with the Division suggests—and in

combination with the additional facts I outline in this letter leads me to conclude—that you are seeking to confuse yourself with another candidate in the race, the incumbent Senator Dan Sullivan, rather than distinguish yourself from him. Indeed, you yourself appeared to be confused when you initially emailed the Division asking to be listed on the ballot as “Dan S. Sullivan.” “S” is Senator Sullivan’s middle initial, not yours.

- (2) You requested to be designated on the ballot as affiliated with the Republican Party. Until two days before you filed your declaration of candidacy, you had never—according to the Division’s records—been affiliated with the Republican Party in Alaska. Of course, under Alaska law, you are free to change your party affiliation. This said, that you chose to change your affiliation to the same political party—one you’d never affiliated with before—as the incumbent Senator immediately before filing a declaration of candidacy in which you asked to access the ballot under the same name – in a shortened form you’d never used before - as the incumbent Senator strongly suggests an intent to confuse yourself with the incumbent Senator rather than to distinguish yourself from him.
- (3) Your public campaign website (<https://www.sullivanforsenate.com/>) uses a format, color scheme and overall theme similar to the public website for Senator Sullivan’s campaign (<https://dansullivanforalaska.com/>). While the Division takes no position on whether you have appropriated the intellectual property of Senator Sullivan’s campaign, the similarity—particularly in light of the other facts I outline in this letter—appears to be deliberate. This again suggests an intention not to distinguish yourself from the incumbent Senator as any candidate genuinely seeking office would do, but to confuse Alaskans as to which “Dan Sullivan” is which.
- (4) A political consultant you have admitted is working with your campaign is a known longtime supporter of Democratic candidates including the primary Democratic challenger to Senator Sullivan. This consultant’s work on your behalf is, in isolation, innocuous. Alongside the other facts I have catalogued in this letter, however, it suggests a determined effort and a deliberate attempt to use the similarity of your name to confuse Alaska voters in the upcoming primary election.

In light of these unique, and to my knowledge utterly unprecedented facts (circumstances unlike any previously presented to the Division), I am forced to conclude that your declaration of candidacy, in which you stated under oath that you “declare myself to be a candidate for the office of United States Senator” was not filed in good faith for the purpose of genuinely pursuing election as Alaska’s U.S. Senator. Rather, these facts force the conclusion that your declaration of candidacy was filed with the purpose of confusing or misleading the electorate and compromising the fairness of the ballot by attempting to access the ballot under a version you have never used (“Dan Sullivan”) and with a party affiliation (Republican) that you have never before professed. Indeed, I conclude that the preponderance of the evidence is that you chose this new nickname and party affiliation because that name and party affiliation happen to be the name and party affiliation of another candidate in the race.

A declaration of candidacy filed for the purpose of confusing or misleading voters and compromising the fairness of the ballot is not properly filed as required by Alaska Statute 15.25.060. As such, I am unable to maintain your declaration of candidacy and I am de-certifying your candidacy for United States Senator. This decision is made pursuant to 15.25.042 and 6 AAC 25.260 along with other relevant provisions of law. Pursuant to 6 AAC 25.260(i), my determination in this matter is final. Although you

have 30 days to appeal this decision, if you intend to challenge the decision and seek judicial relief in Alaska Superior Court to be placed on the ballot, be aware ballots are printed on June 28.

Sincerely,


Carol Beecher
Director

cc: Lt. Governor Nancy Dahlstrom

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to 129 6th St., Rm. 329

MEMORANDUM

June 17, 2026

SUBJECT: Qualifications to run for U.S. Senate (Work Order No. 34-LS1778)

TO: Representative Andrew Gray
Attn: Dylan Hitchcock-Lopez

FROM: Andrew Dunmire 
Legislative Counsel

You asked several questions about recent events involving an Alaska resident named Daniel J. Sullivan who filed to run against incumbent U.S. Senator Daniel S. Sullivan.

Is Daniel J. Sullivan an eligible candidate for the office of United States Senator for Alaska?

The Federal Constitution provides three qualifications a person must meet to be eligible to serve in the Senate:

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.¹

In *U.S. Term Limits v. Thornton*, the Supreme Court found that "the Framers intended the Constitution to be the exclusive source of qualifications for Members of Congress, and that the Framers thereby 'divested' States of any power to add qualifications"² Consequently, the three qualifications laid out in the federal constitution are the only qualifications a person must meet to be eligible to run for the Senate. Based on media reports describing Daniel J. Sullivan, it appears that he meets these three qualifications and is therefore an eligible candidate for the U.S. Senate seat on the ballot in 2026. To impose additional requirements on Mr. Sullivan—such as a requirement that he filed to run "in good faith"—would improperly add to the exclusive list of Constitutional qualifications

¹ Art. I, sec. 3, cl. 3.

² 514 U.S. 779, 800–01 (1995).

In other words, the division argued that only candidates who lack one of the three constitutional qualifications can be denied access to the ballot. "Candidates cannot be removed from the ballot because they may not—or even probably will not—qualify. They can be removed only if they actually do not qualify."

The trial court judge agreed with the division, and found that Mr. Hafner was qualified to run for Congress because he met the age and citizenship requirements and it was possible that he would meet the inhabitancy requirement before Election Day.⁸ That case was ultimately appealed to the Alaska Supreme Court, but the appellants dropped the disqualification argument, and the supreme court accordingly did not address it.⁹

Consequently, not only does the Lieutenant Governor lack authority to interrogate the motives underlying a person's decision to file for a Congressional seat, but doing so contradicts the position that the division recently advocated in court when it asserted that it must place a qualified candidate's name on the ballot.

What authority does the Lieutenant Governor have to compel a candidate to answer questions under oath?

There do not appear to be any statutes that expressly grant the Lieutenant Governor authority to compel a candidate to answer questions like those posed in her June 8 letter to Mr. Sullivan. In a subsequent letter dated June 15, 2026, and signed by Carol Beecher (on "Office of the Lieutenant Governor" letterhead), the division wrote that it "offered [Mr. Sullivan] the opportunity to submit additional information and evidence" pursuant to 6 AAC 25.260. However, subsection (c) of that regulation states that the regulation only authorizes the director to review a candidate's qualifications:

(c) The director's review under this section *is limited to the grounds cited in the complaint that are related to candidate qualifications* addressed in the candidate's declaration of candidacy. The director may not consider other grounds cited in the complaint, including grounds related to issues

⁷ *Id.* at 20.

⁸ *Order Denying Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction*, at page 13 ("Nevertheless, an election challenge at this time fails because Hafner does qualify to run. Although it may be unlikely, Hafner could be pardoned or otherwise could become an inhabitant of Alaska before Election Day in November 2024.") available at <https://www.courts.alaska.gov/opinions/2024/06/2024-000033.pdf>.

⁹ *Alaska Democratic Party v. Beecher*, 572 P.3d 556, 560 n 24 (Alaska 2025) ("We do not further address the superior court's rejection of the claim of constitutional disqualification because [the Alaska Democratic Party] does not raise it on appeal.").

under the authority of the Alaska Public Offices Commission under AS 15.13.¹⁰

As discussed above, the qualifications for a U.S. Senator are age, citizenship, and inhabitancy. A person's motivation to run for office is not a "qualification," and accordingly 6 AAC 25.260 does not grant the division authority to review a candidate's motives.

I am not aware of any other statute or regulation that gives the division authority to compel a candidate to answer questions about motive under oath before the candidate is allowed to have their name placed on the ballot. But even if such authority did exist, it would violate the holding of *U.S. Term Limits* that a state does not "possess the power to supplement the exclusive qualifications set forth in the text of the Constitution."¹¹

Can the Lieutenant Governor legally bar Daniel J. Sullivan from appearing on the ballot if he refuses to answer her questions under oath?

Based on the discussion above, it is my opinion that the division may only disqualify a candidate from an election for Congressional office if the candidate does not meet one of the three qualifications found in the U.S. Constitution. Nevertheless, in its June 15, 2026, letter the division wrote that 6 AAC 25.212 "forbids" it "from placing a name on the primary election ballot 'in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.'"

As a general matter, the U.S. Constitution is supreme in all areas of law, and an administrative regulation cannot override or contravene a constitutional requirement. Therefore, if Daniel J. Sullivan is constitutionally entitled to be recognized as a candidate for U.S. Senate, then no regulation can prevent him from appearing on the ballot.

Moreover, the relevant paragraph of 6 AAC 25.212 reads as follows:

- (b) A candidate's name may not appear on a ballot
 - (1) with a designation of any academic, professional, personal, or honorary degree or title held by a candidate; or
 - (2) in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.

The plain language of this regulation does not "forbid" the division from placing Mr. Sullivan's name on the ballot. Instead, it says that his name may not be placed on the ballot in a manner that is confusing or misleading to voters. Rather than completely excluding one candidate from the ballot, the division could comply with this regulation

¹⁰ Emphasis added.

¹¹ 514 U.S. at 827.

Representative Andrew Gray
June 17, 2026
Page 5

by crafting a more narrowly tailored solution. It could, for example, design the ballot in a manner that allows voters to distinguish between the two candidates.

Consequently, for all the reasons discussed above, the Lieutenant Governor was likely not legally justified in her decision to reject Mr. Sullivan's declaration of candidacy.

ASD:lei
26-190.lei