

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.)

Case No. 3AN-26-07485CI

ORDER ON ADMINISTRATIVE APPEAL

On June 22, 2026, Appellant Daniel J. Sullivan, Jr. (“Mr. Sullivan”) filed this appeal seeking review of the State of Alaska, Division of Elections’ Final Decision regarding his eligibility as a candidate for the office of United States (“U.S.”) Senator.

Petersburg resident Mr. Sullivan filed a Declaration for Candidacy for the U.S. Senate seat currently held by Senator Daniel S. Sullivan (“Senator Sullivan”).¹ In his Declaration, Mr. Sullivan certified that he met the qualifications for office set forth in the U.S. Constitution and the Alaska statutory requirements.² After receiving formal Complaints from the Alaska Republican Party,³ the Division of Elections (“Division”) decided to exclude Mr. Sullivan’s name from the primary election ballot because it determined his declaration was not filed “in order to declare an actual good-faith candidacy for the office of United States Senator.”⁴ Mr. Sullivan has filed an appeal to this Court alleging the Division’s decision is contrary to the expressed qualifications enumerated in the Constitution of the United States. Because the Court has determined the Division’s decision to exclude Mr. Sullivan from the primary ballot was based on a “good-faith” requirement that does not appear in the U.S. Constitution, the Alaska

¹ R. 011.

² R. 011.

³ R.60, 86. In addition to the Formal Complaints by the state Republican Party, the Director and Lieutenant Governor received an informal complaint from the NRSC asserting Mr. Dan J. Sullivan was a sham candidate whose declaration of candidacy was defective. R. 101.

⁴ R. 128.

Statutes, or the implementing regulations adopted by the Division, the Division's decision must be reversed.

I. FACTUAL AND PROCEDURAL BACKGROUND

In Alaska, the Division is responsible for providing the public with instructions and forms to file for elected office.⁵ This year, the Division provided the public with a candidate packet and instructions for United States Senator candidacy, including a section articulating the candidate filing requirements.⁶ The filing deadline for candidates intending to run for U.S. Senator was Monday, June 1, 2026.⁷

Mr. Sullivan is a United States Citizen, is over thirty years of age, and is a long-time resident of Petersburg, Alaska.⁸ On May 29, 2026, Mr. Sullivan filed his notarized declaration of candidacy for the office of U.S. Senator with the Division.⁹ In his declaration of candidacy, Mr. Sullivan filled in the ballot name information section under Step 5, and requested that his name appear on the ballot as "Sullivan, Dan."¹⁰ Mr. Sullivan indicated his party affiliation as Republican.¹¹

On July 11, 2025, incumbent Senator Sullivan had filed his own declaration for candidacy for the office of U.S. Senator.¹² In his declaration for candidacy, Senator Sullivan requested that his name appear on the ballot as "Sullivan, Dan."¹³ Senator Sullivan also indicated his party affiliation as Republican.¹⁴

On June 1, 2026, Division Director Carol Beecher ("Director Beecher" or "Director") sent a letter to Mr. Sullivan confirming the receipt of, and certifying, his declaration of candidacy.¹⁵ The letter stated that on the 2026 Primary Election Ballot, Mr. Sullivan's

⁵ R. 001.

⁶ R. 003.

⁷ R. 003.

⁸ R. 011, 048, 058.

⁹ R. 010-011.

¹⁰ R. 011.

¹¹ *Id.*

¹² R. 009.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ R. 016-017.

name would appear as “Sullivan, Dan J. (Registered Republican).”¹⁶ Division Director Beecher had sent a similar letter to Senator Sullivan on July 16, 2025, likewise confirming the receipt of, and certifying, his Declaration of candidacy.¹⁷ In that confirmation, Director Beecher indicated that Senator Sullivan’s name would appear as “Sullivan, Dan (Registered Republican).”¹⁸

On June 1, 2026, Director Beecher emailed both Mr. Sullivan and Senator Sullivan separately to confirm how each candidate would prefer their names to appear on the ballot to reduce confusion for voters.¹⁹

The same day, the National Republican Senatorial Committee (“NRSC”) sent a letter to Director Beecher, and Lieutenant Governor Nancy Dahlstrom (“Lieutenant Governor”), making various allegations regarding the intentions of Mr. Sullivan in filing his declaration of candidacy for U.S. Senator.²⁰ The letter asserted that Mr. Sullivan had filed his declaration of candidacy with the intention of confusing and misleading voters. Mr. Sullivan was not a historic member of the Alaska Republican Party (“ARP”) and had worked with a campaign strategist that the NRSC alleged previously worked with Democratic candidate Mary Pelota. They further alleged Mr. Sullivan had requested his name appear on the ballot in the same format as Senator Sullivan, and used similarly-styled campaign materials to Senator Sullivan.²¹ On June 3, 2026, Mr. Sullivan responded to the NRSC’s letter by filing a letter addressed to Director Beecher stating that he had no intention to confuse or mislead the voters and that his candidacy was genuine.²²

On June 8, 2026, Director Beecher emailed Mr. Sullivan to follow-up on her inquiry regarding Mr. Sullivan’s name appearance preference in a manner that would avoid voter confusion.²³ Mr. Sullivan responded the same day, stating initially that he would prefer to

¹⁶ *Id.*

¹⁷ R. 019-020.

¹⁸ *Id.*

¹⁹ R. 047, 053.

²⁰ R. 022-046.

²¹ *Id.*

²² R. 048-050.

²³ R. 052.

appear as Dan S. Sullivan, and then sent a follow-up email asking to be listed as Dan J. Sullivan.²⁴

On June 8, 2026, the Lieutenant Governor apparently sent a letter to Mr. Sullivan alerting him to an investigation triggered by the NRSC's June 1, 2026 letter.²⁵ The Lieutenant Governor's letter requested that Mr. Sullivan answer seven questions in a signed affidavit regarding his candidacy.²⁶ On June 10, 2026, Mr. Sullivan responded to the Lieutenant Governor's letter, indicating he had not received the letter from her office, but instead received a copy from a reporter.²⁷ Mr. Sullivan's letter rebutted the NRSC's allegations against him. He asserted that his candidacy is genuine as he had "considered running...for over a decade," that his family are long-time Alaska Republicans, and that he had no contact with any agent of the campaign of Mary Peltola.²⁸

On June 10, 2026, the Chair of the ARP, through counsel, filed two candidate eligibility complaints pursuant to AS 15.25.042 and 6 AAC 25.260.²⁹ The first complaint alleged that Mr. Sullivan misrepresented his party affiliation in his declaration when he stated his intent to register as a Republican.³⁰ The second complaint alleged that Mr. Sullivan's declaration of candidacy was filed for the unlawful purpose of creating confusion for voters and not to properly seek office.³¹

On that same day Director Beecher received the ARP complaints, she sent the Division's preliminary decision to Mr. Sullivan, informing him that "[b]ased on a review of the evidence presented and in the Division's possession, the Division has determined that the preponderance of the evidence does not support your eligibility for the Office of United States Senator."³² Director Beecher indicated that Mr. Sullivan could provide any additional evidence in response to the ARP's complaints and in support of his eligibility

²⁴ *Id.*

²⁵ R. 054-056.

²⁶ *Id.*

²⁷ R. 057-059.

²⁸ *Id.*

²⁹ R. 060-085.

³⁰ *Id.*

³¹ R. 086-126.

³² R. 127.

by 5:00 pm the following day, June 11, 2026, prior to the Division issuing a final determination.³³

On June 15, 2026, Director Beecher issued the Division's final determination regarding Mr. Sullivan's eligibility for office. The Division found Mr. Sullivan's declaration of candidacy was not properly filed because "it was not filed in order to declare an actual good-faith candidacy for the office of the United States Senator."³⁴ The Division's determination found that Mr. Sullivan's declaration was "instead filed with a purpose to confuse or mislead and to thereby compromise the ballot's fairness or neutrality."³⁵

On June 22, 2026, following the final determination by the Division, Mr. Sullivan filed this administrative appeal with the Alaska Superior Court.³⁶ At the parties' request, this Court granted expedited consideration, and has proceeded on an extremely accelerated schedule. The Court heard oral argument on June 24, 2026.

While the Division had previously indicated that ballots were scheduled to be certified on June 28, 2026, the Division has subsequently clarified that the latest ballots can be printed and still adhere to their statutory duty, is June 30, 2026 at 12:00 pm.³⁷

II. ARGUMENTS OF THE PARTIES

A. Appellant Mr. Sullivan

In this appeal, Mr. Sullivan makes several principal arguments. First, he argues the Division lacks the authority to reject his candidacy based on a "good-faith" requirement. This argument has several components. In his view, the Division's decision must be grounded in the declaration of candidacy, but was not. Alaska Statute 15.25.030(a) describes the requirements for a declaration of candidacy, and it says

³³ R. 127.

³⁴ R. 128-130.

³⁵ *Id.*

³⁶ As part of his statement of the facts, Mr. Sullivan references a legal opinion drafted by legislative Counsel for Representative Andrew Gray. That opinion was filed with the State of Alaska after the Division made its final determination regarding Mr. Sullivan's eligibility on June 15. Thus, the legal opinion was not considered by the Division and is therefore not included in the administrative record, and this Court does not here consider it as part of its analysis.

³⁷ *Aff. Carol Beecher.*

nothing about “good-faith.” Further, he asserts the Director’s review is limited by the regulations the Division has promulgated. That review is described and circumscribed by 6 AAC 25.260(c). Mr. Sullivan further asserts the text of regulation 6 AAC 25.250(c) is clear and unambiguous; it does not allow the Division to consider the candidate’s mental state, “good-faith” or “bad-faith”. Finally, he asserts the Division’s review of complaints is limited to issues concerning the candidate’s constitutionally enumerated qualifications.

Second, Mr. Sullivan argues the Division’s decision actually violated its specific duties. He says the Division’s duty permits review for challenges to facial defects, or explicit statutory mechanisms. Further, the Division is charged with preparing and providing a ballot that contains all names of qualified candidates, and by excluding him it failed to do so.

Finally, Mr. Sullivan argues the Division violated Article 1, Section 3 of the U.S. Constitution when it imposed a “good-faith” requirement. He describes that requirement as a qualification, and notes that established legal precedent does not permit the States to adopt additional qualifications which do not appear in the Constitution.

B. Appellee The Division of Elections

The Division makes several arguments in response to the appeal. First, the Division relies upon the Doctrine of Laches and claims that Mr. Sullivan waited too long to bring his appeal, and it should be dismissed as untimely.

Second, the Division argues its decision was correct because Mr. Sullivan’s declaration was not properly filed. It says the filing was improper because the candidate’s aim is to confuse, mislead or otherwise frustrate the conduct of the election.

Third, the Division argues the Constitution doesn’t require it to put a candidate on the ballot where evidence shows he is seeking to compromise the fairness of ballot. It urges the statutory requirement to determine “proper filing” requires more than simple preparation of a list of all candidates that have filed a declaration. It notes that various courts around the country require the candidates to file in “good-faith”. The Division

argues that election procedures designed to protect integrity and reliability of the election process are permissible.

Finally, the Division argues that its determination of “good-faith” (or not) is perfectly permissible as part of its authority to regulate the time, place and manner of elections.

C. Reply Arguments

In his Reply, Mr. Sullivan argues the Division has drastically departed from its approach to previous complaints about candidate qualifications. According to Mr. Sullivan, the Division previously refused to step outside the four corners of the election laws. He notes the Division previously found a candidate (then sitting Representative Eastman) who was affiliated with an alleged extremist organization (the Oath Keepers) to be qualified where he met the constitutional and statutory requirements for the office.

Similarly, Mr. Sullivan notes the Division found qualified a convicted felon (Eric Hafner) serving a lengthy prison sentence outside Alaska. In that case, once again, the candidate met the constitutional and statutory requirements for the office.

In effect, Mr. Sullivan alleges that he has been singled out for different treatment. He says he is the only person who has been subjected to the Division’s “good-faith” requirement, despite the fact that he meets the constitutional qualifications for the office of U.S. Senator.

D. Amicus Arguments

1. *Dustin Darden*

The Court considers the amicus brief of Mr. Dustin Darden, a separate declared candidate for U.S. Senate in Alaska. Mr. Darden argues that the Division’s removal of Mr. Sullivan affects candidates and voters in the State of Alaska.

Mr. Darden argues that the State of Alaska must create a stable rule regarding eligibility criteria that informs candidates of the necessary qualification in advance of filing. Mr. Darden asserts that “with no clear rule, every future candidate is at risk of the same

treatment.” Finally, Mr. Darden asserts that issues of election accessibility ought to be determined promptly in a public forum.

2. Alaska Republican Party

The Court considers the ARP’s brief in amicus status. ARP argues that Director Beecher acted under plain statutory authority when she de-certified Mr. Sullivan’s “sham candidacy.” ARP asserts that because Mr. Sullivan failed to respond to the Director’s seven questions, she had no choice but to find Mr. Sullivan ineligible for office.

ARP asserts that Mr. Sullivan failed to exhaust his administrative procedures when he did not respond to Director Beecher’s preliminary determination as to his eligibility. ARP argues that the language of the regulatory scheme implies such an exhaustion requirement, and if it does not, that this Court should “judicially create” one. ARP then argues that even if the Court were to consider the merits of Mr. Sullivan’s appeal, it should uphold the Director’s decision.

Finally, ARP asserts that the Director’s actions do not violate the Qualifications Clause of Article I of the U.S. Constitution because the action was taken pursuant to Alaska’s lawful authority to enforce ballot access rules.

III. STANDARD OF REVIEW

In Alaska, appellate review of an agency decision involves the application of four principal standards of review, depending on the nature of the issue.³⁸ The substantial evidence standard applies to questions of fact; the reasonable basis standard applies to questions of law involving agency expertise; the substitution of judgment standard applies to questions of law where no expertise is involved; and the reasonable and not arbitrary standard applies to review of administrative regulations.³⁹

³⁸ *Alyeska Pipeline Serv. Co. v. State*, 288 P.3d 736, 739 (Alaska 2012) (citing *Alaskan Crude Corp. v. State, Dep’t of Nat. Res., Div. of Oil & Gas*, 261 P.3d 412, 419 (Alaska 2011)).

³⁹ *City of Soldotna v. State*, 556 P.3d 1158, 1163 (Alaska 2024).

Under the “reasonable basis” standard, the court defers to agency interpretations that involve agency expertise or their own regulations.⁴⁰ A court will uphold the decision of an agency unless it is “plainly erroneous and inconsistent with the regulation.”⁴¹ An agency decision will involve expertise when the decision; requires technical or scientific expertise,⁴² is made pursuant to explicitly delegated agency authority,⁴³ the agency is better positioned to make determinations due to its specialized knowledge,⁴⁴ involves creating standards to be used in the case before it, or resolves policy questions that are inseparable from the facts of the case.⁴⁵

The substitution of judgment standard applies two questions of law where no agency expertise is involved. Under this standard, the court reviews the administrative determination *de novo*. Generally, courts acting in an appellate role on decisions from administrative agencies consider only the administrative record.⁴⁶ In cases where *de novo* review is granted, the reviewing court substitutes its judgment for that of the agency, particularly when interpreting constitutional provisions or pure issues of law.⁴⁷ That is, the court is not bound by the agency’s legal conclusions while exercising its independent judgment, and instead adopts the law most persuasive in light of precedent, reason, and policy.⁴⁸

In its review, the Superior Court has appellate jurisdiction over final decisions of administrative agencies. Pursuant to AS 44.62.570(b), the scope of review is limited to: (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.⁴⁹

⁴⁰ *Alaska Ctr. for the Env't v. State*, 80 P.3d 231, 242-243 (Alaska, 2003).

⁴¹ *Id.*

⁴² *Sitka Tribe of Alaska v. State*, 540 P.3d 893, 901 (Alaska, 2023).

⁴³ *Bullock v. State*, 19 P.3d 1209, 1213-1214 (Alaska, 2001).

⁴⁴ *Weaver Bros. v. Alaska Transp. Comm'n*, 588 P.3d 819, 821 (Alaska, 1978).

⁴⁵ *Gunderson v. Univ. of Alaska*, 922 P.2d 229, 223 (Alaska 1996).

⁴⁶ A.S. § 22.10.020(d). Under Alaska law, the Superior Court has discretion to conduct a trial *de novo* in appeals from administrative agencies. Alaska R. App. P. 609(b)(1).

⁴⁷ *Native Vill. of Elim v. State*, 990 P.2d 1 (Alaska 1999) (emphasizing that the Court “interprets constitutional and legal issues *de novo*, applying reason, practicality, and common sense while considering the plain meaning and intent of the law”) (citing *Moore v. State, Dep't of Transp. and Pub. Facilities*, 875 P.2d 765, 767-68 (Alaska 1994)).

⁴⁸ *Jones v. State, Dep't of Revenue*, 441 P.3d 966, 972 (Alaska 2019).

⁴⁹ AS § 44.62.570(b).

Abuse of discretion is established if the agency has not proceeded in the manner required by law, the order is not supported by the findings, or the findings are not supported by the evidence.⁵⁰ Under this same statute, the superior court may enter judgment setting aside, modifying, remanding, or affirming the agency's decision without limiting or controlling the discretion legally vested in the agency.⁵¹

Here, Mr. Sullivan and the Division differ over which standard of review should apply. Mr. Sullivan argues for a substitution of judgment standard because the court applies its independent judgment to issues of constitutional law. The Division argues that it has evaluated Mr. Sullivan's declaration of candidacy and that the court should apply the reasonable basis standard. The Division further argues that this is not a question of law, because it has interpreted administrative regulations 6 AAC 25.212 and 6 AAC 25.260 to determine that, by preponderance of the evidence, Mr. Sullivan has entered his candidacy to confuse voters. Under the reasonable basis standard, the Division argues that the court must defer to its interpretation because this interpretation involves agency expertise. On the other hand, Mr. Sullivan requests the court to review the matter *de novo*.

The court does not find the Division's argument persuasive and does not apply a reasonable basis standard. Pursuant to 6 AAC 25.260(j), the court recognizes that the Division Director can start an investigation either with or without the submission of a complaint.⁵² The Division Director's review is limited to the grounds cited in the complaint that are related to candidate qualifications.⁵³

Here, the Division received two complaints.⁵⁴ Neither complaint contained grounds relating to Mr. Sullivan's age, status as a citizen, or his Alaskan residency.⁵⁵ Reasonable

⁵⁰ *Shears v. Myers*, 280 P.3d 552, 556 (Alaska 2012).

⁵¹ AS § 44.62.570(b).

⁵² 6 AAC 25.260(j).

⁵³ See U.S. Const. art. I, § 36.

⁵⁴ R. 086-087.

⁵⁵ The complaint states 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." R. 086. The first complaint argues "a candidate's name may not appear on the ballot in a manner that is

basis review does not apply because the Division's final decision imposes an additional requirement for candidacy that involves a fundamental question of statutory construction and law, rather than localized administrative expertise.

As noted above, where an agency decision involves a question of law, the standard that applies is the substitution of judgment standard.⁵⁶ Determining the qualifications of a candidate for federal office and interpreting the U.S. Constitution are core legal questions within the unique expertise of the judiciary. Consequently, the Superior Court must independently evaluate the legal merits of the Division's decisions without giving deference to the agency's legal formulation.

IV. DISCUSSION

A. The Doctrine of Laches: Did Mr. Sullivan Timely Pursue his Appeal?

The Division argues that the equitable Doctrine of Laches should bar Mr. Sullivan's appeal to the Superior Court. The Division argues that Mr. Sullivan waited to file his appeal of the Division's administrative decision for 7 days. According to the Division, the delay between June 15 when the Division issued its final determination, and June 22 when this appeal was filed, was prejudicial and should bar this appeal. The Division further argues that Mr. Sullivan became aware as early as June 1 of the Division's concerns regarding his eligibility, and therefore his delay is even more unreasonable. The Division asserts it was prejudiced by the delay in filing because the delay has prevented the Division and the Court from responsibly addressing important election law issues.

Laches is an equitable remedy that bars a claim for relief where a party's own undue delay prejudiced the opposing party.⁵⁷ Laches has two independent elements: (1)

'confusing or misleading to voters or compromises the fairness or neutrality of the ballot.'" *Id.* The second complaint claims Mr. Sullivan's declaration "was not filed in good faith and intended to cause confusion" as his name would create "substantial risk voters will mistakenly attribute his candidacy to the incumbent." R. 087.

⁵⁶ *City of Soldotna*, 556 P.3d at 1163.

⁵⁷ *City & Borough of Juneau v. Breck*, 706 P.2d 313, 315 (Alaska 1985).

that the plaintiff has unreasonably delayed in bringing the action, and (2) that this unreasonable delay has caused undue harm or prejudice to the defendant.⁵⁸

Here, Mr. Sullivan's "delay" in filing his appeal with the Superior Court does not persuade the court to invoke the equitable Doctrine of Laches. The Division issued its final determination regarding Mr. Sullivan's eligibility on Monday, June 15. Mr. Sullivan filed his appeal one week later, a timeline that on its own does not constitute unreasonable delay. Taking into account that June 19 is Juneteenth, a state and federal holiday, Mr. Sullivan had a mere four working days to draft and file his appeal with the Court. This accelerated timeline does not constitute an unreasonable delay on the part of Mr. Sullivan, even in the face of the June 28 ballot deadline.

Further, the Division's argument that Mr. Sullivan's delay should be calculated based on the timeframe when he first became aware of the Division's concerns regarding his eligibility on June 1 is unavailing. Mr. Sullivan had no administrative appeal to bring to the Superior Court until the Division had issued a final determination regarding his eligibility on June 15. Further, Mr. Sullivan had no means of anticipating the Division would remove his name from the ballot. Thus, he had no obligation to preemptively seek relief for an unknown decision.

However, even if Mr. Sullivan had unreasonably delayed in bringing his appeal to the Superior Court, the Division has failed to demonstrate that a delay caused it undue harm or prejudice. The Division asserts that Mr. Sullivan's delay has forced the Division to defend the appeal, assemble the administrative record, draft its briefs, and protect the ballot certification process on an expedited basis. The Division itself is responsible for setting deadlines by which candidates can apply to run for office. Mr. Sullivan did not deviate from the timelines set by the Division, and should not be punished for appealing its decision. That is his right. While the expedited timeline of this appeal is certainly unusual, the Division fails to show how being tasked with this tight turnaround has caused

⁵⁸ *Moore v. State*, 553 P.2d 8, 15 (Alaska 1976).

prejudice. Indeed, the examples of work it lists are all routine tasks that the Division would do for any administrative appeal and does not warrant the application of Laches.

The Division further asserts that not only has Mr. Sullivan's delay prejudiced it, but that this court has likewise been prejudiced by being forced to "steamroll through ... delicate legal issues" to meet expedited deadlines on matters of great importance. While the court appreciates the Division's concern for its deliberative process, expedited timelines for consideration do not present adequate reason to halt consideration altogether. The court has an obligation to the people of Alaska, in every case it considers, to ensure the faithful execution of the law. This obligation is heightened in the context of elections, not diminished. The court accepted the expedited timeline agreed to by the parties and has duly considered the issues presented in this appeal. The Doctrine of Laches is not a bar to the appeal in this case.

B. Does Mr. Sullivan Meet the Candidate Qualifications for U.S. Senate as Laid out by the U.S. Constitution?

Mr. Sullivan argues that the U.S. Constitution imposes three, and only three, qualifications for candidacy for U.S. Senate. Mr. Sullivan argues he meets these three qualifications, and was properly certified as a candidate. In addition to the requirements imposed by the U.S. Constitution, the Division asserts that it may create a "good-faith" requirement for U.S. Senate candidacy under the U.S. Constitution, Article I, § 4. Mr. Sullivan argues that he meets the constitutional requirements and that there is no "good-faith" requirement as articulated by the Division.

The qualification clause of Article I, § 3 of the U.S. Constitution declares:

[n]o 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.⁵⁹

The Division of Elections is tasked with administering elections in Alaska and determining whether persons are eligible for public office. State law mandates that, "[t]he

⁵⁹ U.S. Const., art. 1, 3, cl. 3.

director shall provide general administrative supervision over the conduct of state elections, and may adopt regulations under AS 44.62 (Administrative Procedure Act) necessary for the administration of state elections.”⁶⁰ When a person seeks to become a candidate for public office in a primary election, the person files a declaration of candidacy with the Division providing information set out in statute.⁶¹ This includes information relevant to whether the person is qualified to serve in public office such as whether they are a citizen, where they reside, and their age.⁶² Alaska law further requires that, “[i]f 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.”⁶³

Alaska Statute 15.25.030(a) provides that “[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” and that declaration must meet the enumerated substantive requirements.⁶⁴ An applicant becomes a candidate following the certification of their declaration of candidacy by the Division Director.

Here, the Division provided the public a document outlining the qualifications for U.S. Senator as: “30 years of age; citizen of the United States for 9 years; and an inhabitant of the state from which elected.”⁶⁵ After Mr. Sullivan filed his declaration of candidacy, Division staff prepared a checklist indicating he met all the Division’s initial filing requirements as of June 1, 2026.⁶⁶ On the same day, Director Beecher prepared a letter addressed to Mr. Sullivan in Petersburg, Alaska certifying Mr. Sullivan’s declaration of candidacy.⁶⁷ This sequence of events indicates the Division initially accepted Mr. Sullivan’s declaration of candidacy as complete, and that he met the necessary requirements, thereby making him a candidate for purposes of AS 15.25.030. The

⁶⁰ AS 15.15.010.

⁶¹ AS 15.25.030.

⁶² *Id.*

⁶³ AS 15.25.042(a).

⁶⁴ AS 15.25.030(a).

⁶⁵ R. 001.

⁶⁶ R. 013.

⁶⁷ R. 016.

Division's letter further confirmed that "o[O]n the 2026 Primary Election ballot, your name will appear as follows: Sullivan, Dan J (Registered Republican)."⁶⁸

Regarding the constitutional sufficiency of Mr. Sullivan's declaration, the Division's candidacy form does not provide the applicant a designated place to state their age or their citizenship and its length.⁶⁹ The form does require the applicant to certify that they meet the specific citizenship and age requirements of the office, which Mr. Sullivan did.⁷⁰

Mr. Sullivan asserted his status as a lifelong U.S. Citizen, a resident of Alaska, and over the age of thirty in a letter to the Division on June 3, 2026.⁷¹ Mr. Sullivan reiterated his qualifications in a second letter to the Lieutenant Governor on June 10, 2026.⁷² The factual contentions in these letters, being a part of the agency record and this Court's review, are uncontested by the Division. Thus, based on a review of the administrative record, the court finds that Mr. Sullivan fully satisfies the constitutional qualifications for U.S. Senate, that he timely completed the necessary filing forms, and that the Division properly certified him as a candidate for the office of U.S. Senate prior to its final determination.

C. Does the Division's Final Decision Violate the U.S. Constitution?

Mr. Sullivan argues that the Division violated the U.S. Constitution by imposing a "good-faith" qualification requirement. Mr. Sullivan asserts that the Division may not lawfully add qualifications, such as "good-faith", that do not appear in the Constitution. The Division asserts that it has the authority to impose a "good-faith" requirement under

⁶⁸ *Id.*

⁶⁹ R. 004. Based on this Court's review of the Division's declaration of candidacy form for 2026, it appears that the form does not fully comport with the statutory requirements laid out in AS 15.25.030. The statute requires that "[t]he declaration ... must state in substance: ... (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; ... (11) that the candidate will meet the specific age requirements of the office for which the person is a candidate." The 2026 declaration of candidacy form does not require a candidate to state in substance their length of residency in the state or district, that the candidate has been a citizen of the United States for at least nine years as required by the Constitution, or that the candidate will be thirty years of age at the start of their prospective term. The declaration does ask a candidate to certify to that information, but in this Court's view, certifying to a fact is not the same as stating that fact in substance.

⁷⁰ R. 011, 004.

⁷¹ R. 048.

⁷² R. 057-059.

Article I, Section 4 of the U.S. Constitution. The Division argues that the Constitution does not require it to put candidates on the ballot where evidence shows that the Candidate is seeking to compromise the fairness of an election.

As previously stated, Article I, Section 3, Clause 3 of the U.S. Constitution outlines the three requirements for candidacy for U.S. Senate. The U.S. Supreme Court found in *U.S. Term Limits v. Thornton* “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.”⁷³ The Supreme Court further noted the unanimity among the courts which had considered the issue of extrinsically imposed eligibility requirements – not a single court had upheld a state’s attempt to add candidate qualifications.⁷⁴ Thus, the qualifications for serving in the U.S. Senate are exclusively established by Article I, Section 3 of the U.S. Constitution.⁷⁵ Individual states, and indeed Congress, possess no authority to add to, subtract from, or otherwise increase these qualifications.⁷⁶

The term “qualifications” is undefined by the Constitution and is therefore accorded its plain meaning. The Oxford English Dictionary defines qualifications as “[a] quality, accomplishment, or set of skills that makes someone fit for a particular job, office, or function.”⁷⁷ The U.S. Supreme Court stated that “qualifications relate to the fitness or capacity of the party for a particular pursuit or profession.”⁷⁸

Director Beecher stated in her final determination that Mr. Sullivan was ineligible for office. However, as discussed above, Mr. Sullivan’s declaration of candidacy met the qualifications under Article 1, § 3 of the Constitution. The Director determined that Mr.

⁷³ 514 U.S. 779, 800—01 (1995).

⁷⁴ *Id.* at 783 (“Allowing 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. If the qualifications set forth in the text of the Constitution are to be changed, that text must be amended.”).

⁷⁵ *Gralike v. Cook*, 191 F.3d 911, 922 (8th Cir. 1999).

⁷⁶ *U.S. Term Limits*, 514 U.S. at 798-800.

⁷⁷ Oxford English Dictionary (3d ed.); see also Black’s Law Dictionary 1360 (9th ed) (defining “qualified” as “[p]ossessing the necessary qualifications; capable or competent”).

⁷⁸ *Cummings v. Missouri*, 71 U.S. 277, 319, (1866).

Sullivan's declaration "was not filed in order to declare an actual good-faith candidacy."⁷⁹ Director Beecher in essence found that Mr. Sullivan lacked a particular quality or fitness, specifically a "good-faith" intention, and for this reason alone de-certified his candidacy for office.⁸⁰ Because the Director relied on a qualification outside of the three qualifications specified in Article I of the U.S. Constitution, the court finds that the Division's "good-faith" requirement is unlawful under Section 3. As a qualification for candidacy, the Division's "good-faith" standard is a plain violation of Article I, § 3 and the U.S. Supreme Court's finding in *Powell* and its progeny.⁸¹

Rather than a qualification, the Division asserts that its "good-faith" standard is a permissible regulation under Article I, § 4 of the U.S. Constitution, which authorizes states to regulate "[t]imes, Places and Manner of holding Elections."⁸² Supposing the "good-faith" requirement is in fact a regulation of the "manner" in which elections take place and not a qualification, the issue is whether the application of the Division's "good-faith" test is articulated in Alaska law.

D. The Division's Time, Place, and Manner Argument

The Division argues it has the right to impose a "good-faith" requirement on candidates for public office because it relates to the "Time, Place and Manner" of holding elections. The source of the Division's authority is the United States Constitution, Article I, Section 4, which provides:

The times, places and manner of holding elections for Senators and representatives, shall be prescribed in each state by the legislature thereof.⁸³

Since the Constitution delegates the authority to state legislatures, the Division's authority must then come from Alaska statutes. Alaska Statute 15.25.030 describes the method by which a person may become a candidate: by filing a declaration of candidacy.

⁷⁹ R. 128.

⁸⁰ R. 129.

⁸¹ See *Powell v. McCormack*, 395 U.S. 486 (1969); *U.S. Term Limits*, 514 U.S. 798.

⁸² U.S. Const. art. I, § 4.

⁸³ U.S. Const. art. I, §4.

The declaration is to be filed with the Division. The time and manner of filing are stated in AS 15.25.040. However, Alaska statutes are silent on the issue of “good-faith” asserted by the Division. Stated differently, the Alaska Legislature has not included a motive or “good-faith” requirement in any of the election statutes passed by the legislature under the “time place and manner” authority it is delegated by the U.S. Constitution.

Nonetheless, the legislature has provided authority for the Director to determine eligibility of a candidate for particular office. That authority comes from AS 15.25.042(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.⁸⁴

To implement the statutory mandate to determine a candidate’s eligibility following a complaint, the Division adopted 6 AAC 25.260. That regulation states that the Director’s review:

[I]s 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 15.13.⁸⁵

After receiving a complaint:

[T]he 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.⁸⁶

Upon completing that review, the director then determines whether, by a preponderance of the evidence, the information contained in the public record “supports or does not

⁸⁴ AS 15.25.042(a).

⁸⁵ 6 AAC 25.260(c).

⁸⁶ *Id.* § 25.260(d).

support the eligibility of the candidate.”⁸⁷ Despite the above, “[n]othing in [6 AAC 25.260] limits the authority of the director to evaluate a candidate's eligibility for office.”⁸⁸

E. The Division’s “Good-Faith” Requirement Does not Appear in the Constitution, Statutes, or Regulations

Despite the Division’s assertion that Mr. Sullivan may be excluded from the ballot because he lacks “good-faith”, there is no statute which provides such a criterion. The concept of “good-faith”, or pure motive, or bona fide intent is simply absent. Further, while the legislature has provided authority for the Division to establish regulations to evaluate complaints, the Division has self-imposed a clear limitation on what may be considered.

As noted above, when reviewing a complaint, the Division “is limited to the grounds cited in the complaint that are related to candidate qualifications addressed in the candidate’s declaration of candidacy.” Significantly, this regulation was revised in 2024 to focus on the candidate’s declaration. Previously, the regulation more broadly focused on the U.S. and State Constitutions, and the Alaska statutes:

The director will review only those issues in the complaint related to candidate qualifications established by the United States Constitution, the Alaska Constitution, or the Alaska Statutes.⁸⁹

Thus, it is clear the Director knows how to draft regulations to address candidate eligibility, and has made changes to those regulations when necessary. But the regulations do not contain a “good-faith” element. Moreover, the language of the regulations is restrictive. The regulations limit the Director’s review to the declaration of candidacy.

The Division seeks to include in the candidacy certification process for Mr. Sullivan a “good-faith” standard that it articulates for the first time. However, the statutory requirements to run for an Alaskan office do not contain an explicit “good-faith” standard. Under AS 15.25.030, candidates must fulfill specific procedural requirements depending on their path to the ballot, and none of these procedural requirements indicate a “good-

⁸⁷ *Id.*

⁸⁸ *Id.* § 25.260(j).

⁸⁹ 6 AAC 25.260(c) (effective February 24, 2022 to July 10, 2024).

faith” requirement. Thus, there are no enumerated statutory or regulatory requirements for U.S. Senate candidates who otherwise qualify under the U.S. Constitution.

Under the circumstances, the Division’s assertion that it may examine the “good-faith” intent of the candidate as part of its authority to address the time, place, and manner of holding elections is without merit.

Regardless, the Division asserts that aspects of the U.S. Constitution and the regulatory code grant it an implicit authority to review in-depth candidate qualifications and assess for “good-faith”.

F. The Scope of the Division’s Authority

Mr. Sullivan argues that the Division exceeded the scope of its authority when it removed him from the ballot. He contends that the Division’s authority is limited to determining whether a candidate satisfies the legal qualifications for office. He argues, if a candidate is otherwise qualified,⁹⁰ concerns about voter confusion must be addressed through ballot design or regulation of the manner in which the candidate’s name appears on the ballot, not by excluding the candidate entirely.⁹¹

The Court agrees that the Division’s authority must be analyzed under two separate regulatory provisions. First, 6 AAC 25.260 governs complaints regarding a candidate’s eligibility. Under that regulation, the Division Director may investigate a candidate’s eligibility after receiving a complaint and may also evaluate a candidate’s eligibility in the absence of a complaint.⁹² But that authority is not unlimited. The regulation limits the Director’s review to grounds cited in the complaint that are related to candidate qualifications addressed in the candidate’s declaration of candidacy.⁹³ The regulation also limits the Director’s review to evidence relevant to those issues that is in the Division’s

⁹⁰ See AS 15.25.060; *Fowler v. City of Anchorage*, 583 P.2d, 817, 820 (Alaska 1978) (“shall” expresses a mandatory requirement); *Alaska Democratic Party v. Beecher*, 572 P.3d 556, 567 (Alaska 2025) (affirming Division’s decision to fulfill statutory mandate in manner that favored candidates’ right of access to the ballot).

⁹¹ 6 AAC 25.212.

⁹² 6 AAC 25.260(j).

⁹³ 6 AAC 25.260(c).

custody, including the candidate's registration record, declaration of candidacy, and other public records on file with the State.⁹⁴

Second, 6 AAC 25.212 governs the appearance of a candidate's name on the ballot.⁹⁵ That regulation provides that, subject to AS 15.15.030 and the limitations in the regulation itself, a candidate's name will appear on the ballot in the manner requested by the candidate in the candidate's filing paperwork.⁹⁶ It also provides that a candidate's name may not appear in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.⁹⁷ A decision under that regulation is made by the Director based on a preponderance of the evidence and may be directly challenged in Superior Court.⁹⁸

These provisions give the Division authority to review candidate qualifications and to regulate the manner in which a candidate's name appears on the ballot. But, they do not create a free-standing authority to exclude an otherwise qualified candidate from the ballot based solely on speculation that the candidate's name or candidacy may confuse voters. The distinction matters. A question about whether a candidate satisfies the constitutional and statutory qualifications for office is an eligibility question. A question about whether the candidate's requested name format is confusing or misleading is a ballot-presentation question.

The Division may address both, but it must do so within the authority granted by statute and regulation. When a candidate's rights are subjected to severe restrictions, regulation must be narrowly drawn to advance a state interest of compelling importance.⁹⁹ The Alaska Supreme Court has applied this standard in ballot access cases, holding that the state must show a compelling interest in order to justify infringements of these rights.¹⁰⁰ Restrictions on ballot access impinge not only on the rights of potential

⁹⁴ 6 AAC 25.260(c), (d), (j).

⁹⁵ 6 AAC 25.212.

⁹⁶ 6 AAC 25.212(a).

⁹⁷ 6 AAC 25.212(b)(2).

⁹⁸ 6 AAC 25.260(d).

⁹⁹ *Guerin v. State*, 537 P.3d 770, 783 (Alaska 2023) (citing *Vogler v. Miller*, 651 P.2d 1, 3 (Alaska 1982)).

¹⁰⁰ *Sonneman v. State*, 969 P.2d 632, 638 (Alaska 1998) (citing *Vogler*, 660 P.2d at 1193 (Alaska 1983)).

candidates, but on those of the voters as well.¹⁰¹ The Division's actions here likewise limit the rights of potential candidates and must therefore be done narrowly within the legislative statutes and regulations of the agency.

G. The Division Could Have Promulgated a Regulation on “Good-Faith”, But Did Not

As noted previously, upon receipt of a complaint, the Director may only determine candidate eligibility under regulations adopted by the Director. If the Director was concerned that so-called “sham candidates” might file declarations for the purpose of confusing or misleading voters, she certainly could have done so. But, the Director did not promulgate such a regulation.

Instead, when the Director promulgated a new standard for addressing complaints regarding candidate eligibility in 2024, the standard was narrowed. Instead of limiting the Director's review to the candidate's qualifications under the U.S. and Alaska Constitutions, and Alaska statutes, the Director must now focus on the qualifications addressed in the candidate's declaration of candidacy.

At oral argument, the Division's counsel acknowledged the unprecedented nature of the situation presented by this case – two candidates with the same name. But many other states have faced this situation, and Alaska could have predicted this situation would eventually arise. Similarly, several other states have addressed the issue of “good-faith” in candidate applications. Given that potential, and the limitation on the Director's review of eligibility complaints, the Division should have addressed such concerns by regulation. Having failed to do so, it may not now assert a new requirement, standard, limitation, or qualification after presentation of the candidate's declaration. All potential candidates are entitled to notice of what rules and regulations will govern this election.¹⁰²

¹⁰¹ *Id.*

¹⁰² In 1992, the Alaska Attorney General issued an Opinion in 1992 regarding the Alaska Republican Party's effort to enforce its prior registration requirement. The party sought to impose a new rule requiring candidates to be registered as party members for at least six months to be eligible. The Opinion notes that any such rule would not be enforceable by the director because only the regulations adopted by the director could be used to address eligibility. “Additionally, they do not put candidates on notice that, after they have

H. Summary of Constitutional, Statutory, and Regulatory Analysis

In sum, the court concludes the Division's application of a "good-faith" test to Mr. Sullivan's declaration of candidacy is not supported by the U.S. Constitution, Alaska statutes, or the Division's implementing regulations. As such, the Division's decision to exclude Mr. Sullivan from the primary ballot is without a legal basis.

V. THE DIVISION'S EVALUATION OF THE COMPLAINTS

Because the Division asserts that it pursued its regulatory process and concluded the preponderance of the evidence favored disqualification, the court will alternatively evaluate the Division's findings. As discussed previously, the Division could evaluate Mr. Sullivan's legal eligibility under 6 AAC 25.260 and could regulate the manner of his name's appearance under 6 AAC 25.212.¹⁰³ The absence of a "good-faith" regulation narrows the court's evaluation to whether the Division's decision follows authority that exists.¹⁰⁴ That means this Court's review is limited to whether the Division had a valid basis, supported by a preponderance of the evidence, to conclude that Mr. Sullivan's candidacy was invalid.¹⁰⁵

When reviewing *de novo*, the court finds the Division's finding is not supported by the record. The Division's concerns around Mr. Sullivan's candidacy stem from a letter sent on June 1, 2026 by the NRSC, which complained to the Division that they believed Mr. Sullivan was a "sham candidate" made to confuse Alaskan voters.¹⁰⁶ This letter was publicized to the public and within the custody of the Division to consider Mr. Sullivan's candidacy eligibility.

filed for office, the state might declare them ineligible for a particular party's nomination even though they are statutorily and constitutionally eligible for the particular office." 1992 Alaska Op. Atty. Gen. (Inf.) 217 (Alaska A.G.), 1992 WL 564972 (October 27, 1992).

¹⁰³ See *supra* Section D.

¹⁰⁴ See 6 AAC 25.260.

¹⁰⁵ 6 AAC 25.260(d).

¹⁰⁶ R. 022-046.

In response, Mr. Sullivan sent a letter on June 3, 2026, stating that he had no intention to confuse or mislead voters and that his candidacy was genuine.¹⁰⁷ He stated he met all three qualifications for candidacy in Alaska.¹⁰⁸

However, the Lieutenant Governor further requested Mr. Sullivan to respond to another seven questions, requiring him to respond in a signed affidavit on June 8, 2026.¹⁰⁹ These questions were related to his affiliation to the Republican Party, whether he had a nickname, his website, and any interactions he could have with the Democratic Party or other political consulting firms.¹¹⁰ Those questions may have related to the Division's concern about motive or voter confusion, but none of these questions directly concern the constitutional qualifications for senate candidacy.¹¹¹ Nor do they establish Mr. Sullivan failed to provide the information required by law in his declaration of candidacy.

Mr. Sullivan did not respond to these questions with a signed affidavit but sent a letter back addressing these concerns.¹¹² But, nothing in the cited statutes or regulations required him to respond to those questions by affidavit as a condition of ballot access. The Division had authority to request additional information relevant to candidate eligibility and it could consider a failure to respond where the requested information concerned eligibility.¹¹³ But, the Division could not treat Mr. Sullivan's failure to answer questions about motive, consulting relationships, or campaign in order to disqualify him for candidacy eligibility. These questions have little or no bearing on his candidacy eligibility.¹¹⁴

¹⁰⁷ R. 048-050.

¹⁰⁸ R. 009.

¹⁰⁹ R. 054-056.

¹¹⁰ *Id.*

¹¹¹ R. 055.

¹¹² R. 057-059.

¹¹³ See 6 AAC 25.260(j).

¹¹⁴ The questions are listed as followed:

- (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?

On June 10, 2026, the ARP filed their two complaints with the Division, alleging that Mr. Sullivan misrepresented his party affiliation and his candidacy was meant to confuse voters.¹¹⁵ Those complaints triggered the Division's review under 6 AAC 25.260.¹¹⁶ But, the scope of that review remained limited to grounds related to candidate qualifications addressed in the declaration of candidacy.¹¹⁷ The declaration of candidacy made two issues potentially relevant here: Mr. Sullivan's requested party designation and the manner in which he requested his name to appear on the ballot.¹¹⁸ The remaining allegations concerning motive, campaign strategy, or possible political coordination did not independently establish that Mr. Sullivan lacked the legal qualifications to run for U.S. Senate.¹¹⁹

Applying the preponderance of the evidence standard to the record, the court concludes that the Division's decision was not supported by the evidence before it.¹²⁰ Under preponderance of the evidence, a party must persuade the factfinder that the asserted fact is probably true.¹²¹ The record does not show that it was more likely than not that Mr. Sullivan failed to satisfy the constitutional or statutory qualifications for office.

First, the record does not show that Mr. Sullivan was ineligible based on party affiliation. Mr. Sullivan stated he became an unaffiliated after his original party affiliation,

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 this 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?

R. 055.

¹¹⁵ R. 060-085.

¹¹⁶ 6 AAC 25.260.

¹¹⁷ *Id.* § 25.260(c).

¹¹⁸ R. 060-061.

¹¹⁹ See R. 055.

¹²⁰ 6 AAC 25.260(d).

¹²¹ *Saxton v. Harris*, 395 P.2d 71, 73 (Alaska 1964).

the Alaska Independence Party, was terminated and disbanded in 2026.¹²² He chose to run as a Republican because of his conservative views.¹²³ An individual may change his party affiliation at any time and a recent party affiliation does not, by itself, establish that a candidate is ineligible.¹²⁴ While Mr. Sullivan has not been registered with the Republican Party prior to filing his candidacy, that timing does not prove that Mr. Sullivan falsely represented his political beliefs or lacked the legal ability to request a Republican designation if otherwise permitted by Alaska election law. Indeed, Mr. Sullivan claims that he believes in conservative principles and Republican viewpoints.¹²⁵ The Division did not identify evidence to refute his claims.

Second, ARP's complaint alleging Mr. Sullivan's name would cause confusion does not overcome the fact that Mr. Sullivan responded to the Division's email about how he would prefer his name to be presented on the ballot to prevent voter confusion.¹²⁶ Mr. Sullivan initially requested to appear as "Dan S. Sullivan," which created an understandable concern because that formulation closely resembled the incumbent Senator's name.¹²⁷ But, Mr. Sullivan quickly corrected that request and asked to be listed as "Dan J. Sullivan."¹²⁸ He has continued to request that formulation. Mr. Sullivan's full legal name is Daniel James Sullivan, and he asserts that he is commonly known as Dan Sullivan.¹²⁹ The record does not contain evidence sufficient to disprove that assertion or to show that no ballot-name format could address any potential confusion.

Furthermore, the court notes that Mr. Sullivan addressed the three requirements of candidacy for U.S. Senator for the State of Alaska properly. He is over the age of 30.¹³⁰ He is a lifelong U.S. citizen which puts him over the requirement of at least 9 years of

¹²² See Alaska Div. of Elections, *Alaska Division of Elections Receives Notice of Alaskan Independence Party Dissolution* (Jan. 14, 2026), <https://www.elections.alaska.gov/alaska-division-of-elections-receives-notice-of-alaska-independence-party-dissolution/>.

¹²³ R. 048, 058.

¹²⁴ AS 15.07.050(c) (allowing voters to mark their party choice on a voter registration application).

¹²⁵ R. 058.

¹²⁶ R. 052.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ R.058.

¹³⁰ R. 048, 058.

U.S. citizenship.¹³¹ Mr. Sullivan is a resident of Alaska, with a residential address in Petersburg, Alaska.¹³²

The Division cites to several cases for the proposition that states have the authority, under state or federal law, to limit candidates. In *Planas v Planas*, a candidate for state representative was disqualified from the ballot where his name mirrored the name of an existing and well known candidate.¹³³ The District Court of Appeal of Florida, Third District, held it was lawful to disqualify a would-be candidate where the candidate designated a name on his ballot application that “ha[d] not been adopted by him ... and under which [he] ha[d] not transacted private and official business.”¹³⁴ There, the court held the appellant had not acted in the “good faith and ... honest purpose,” required of candidates.¹³⁵ However, in *Planas*, the court relied on the fact that the appellant’s stated name was not actually his name for private purposes, and thus determined that his candidacy was not in good faith.¹³⁶

In *State v. Marsh*, a potential candidate intended to list his name on the ballot as Fred Johnson.¹³⁷ Another potential candidate who had previously filed was named Fred H. Johnson. As a result, the Nebraska Supreme Court held that the Secretary of State was justified in removing the potential candidate because his true name was Arthur Fred Johnson, Arthur F. Johnson, or A. Fred Johnson, rather than his listed ballot name of Fred Johnson.¹³⁸ The court found such a tactic would be a “patent fraud” as “electors are entitled to have their identification of candidates unobscured by trickery or fraud.”¹³⁹

The same line of reasoning is given in *None of the Above v. Hardy*, where the Louisiana Court of Appeal found a candidate attempting to be on the ballot as “None of the Above” was “misleading and deceptive.”¹⁴⁰ The court reasoned that plaintiff had

¹³¹ *Id.*

¹³² R. 004, 048, 058.

¹³³ *Planas v. Planas*, 937 So.2d 745, 745 (Fla. Dist. Ct. App. 2006).

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *State v. Marsh*, 120 Neb. 297, 232 N.W. 104, 104 (1930).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *None Of The Above v. Hardy*, 377 So. 2d 385, 386-87 (La. Ct. App. 1979).

changed his name a month after qualifying, and admitted he had “no hope of being a serious candidate. His sole purpose was to arouse interest in the adoption of a None of the Above option by the legislature.” As a result, he violated the statute which required his name to not be deceptive.¹⁴¹

However, Mr. Sullivan’s case here is factually different from all of the Division’s cited cases. Here, Mr. Sullivan filed his declaration of candidacy using a name that he has gone by throughout his life.¹⁴² Mr. Sullivan’s use of the nickname Dan, rather than Daniel, is likewise longstanding.¹⁴³ He did not change his name recently and has stated his goal is to represent the Alaskan people.¹⁴⁴ Thus, the Division’s assertion that Mr. Sullivan’s filing is not in “good-faith” cannot be fairly compared to any of the Division’s cited cases.

Finally, the court is not convinced that the Division’s remedy of removing Mr. Sullivan from the ballot is the correct course of action to rectify the situation. The Division’s power is subject to the limitations in AS 15.15.030 and 6 AAC 25.212. Regulation 6 AAC 25.212, does not impose a broad, generalized obligation on the Department to design ballots to reduce voter confusion.¹⁴⁵ Instead, the regulation establishes a specific, restrictive standard regarding how a candidate’s name is presented, prohibiting any name format that is confusing or misleading to voters.¹⁴⁶

Alaska Statute 15.15.030 gives the Director authority to prepare ballots in a manner that promotes fairness, simplicity, and clarity in the voting procedure.¹⁴⁷ That statute supports ballot-design solutions, including appropriate name formatting, instructions, and other matters of ballot form.¹⁴⁸ This statutory authority grants the Director discretion over the size of the ballot, the type of print, and the necessary instructional

¹⁴¹ *Id.* at 387.

¹⁴² R. 058.

¹⁴³ *Id.*

¹⁴⁴ R. 057-058.

¹⁴⁵ See 6 AAC 25.212.

¹⁴⁶ 6 AAC 25.212(b)(2) (“A candidate’s name may not appear on a ballot in a manner that is confusing or misleading to voters or compromises the fairness or neutrality of the ballot.”)

¹⁴⁷ See AS 15.15.130.

¹⁴⁸ *Id.*

notes to voters, an authority Mr. Sullivan argues the Division should use to prevent voter confusion via ballot design instead of exclusion of a candidate.

In Alaska, the Director may determine whether a candidate's proposed name presentation violates this standard based on a "preponderance of the evidence." There is nothing affirmative in either the regulation or statute that allows the Division to exclude a candidate. That is, while 6 AAC 25.212(b)(2) allows the Director to restrict the manner in which a candidate's name appears to prevent voter confusion, the regulation does not outline a mechanism for completely excluding an otherwise qualified candidate from the ballot solely because they share a similar name with another candidate; rather, the restriction targets the "manner" of the name's appearance.

Likewise, AS 15.15.030 gives the Director authority to prepare ballots in a manner that promotes fairness, simplicity, and clarity in the voting procedure.¹⁴⁹ That statute supports ballot-design solutions, including appropriate name formatting, instructions, and other matters of ballot form.¹⁵⁰ It does not authorize the removal of a candidate who satisfies the legal qualifications for office.

The court does not minimize the Division's concern that voters should not be misled. Alaska election law gives the Division tools to address that concern. The Division may regulate the way a candidate's name appears on the ballot if the requested manner is confusing or misleading.¹⁵¹ In fact, the Division has suggested such a clarification, by suggesting Mr. Sullivan's name to appear on the ballot as "Sullivan, Dan J. (Registered Republican)" and the incumbent senator as "Sullivan, Dan (Registered Republican)."¹⁵² The Division has even asked for clarification from the candidates themselves to avoid voter confusion.¹⁵³

The Division may also design the ballot to facilitate fairness, simplicity, and clarity. But those tools are different from the complete exclusion of a candidate. Where a less

¹⁵¹ 6 AAC 25.212(b)(2).

¹⁵² Compare R. 016, with R. 019.

¹⁵³ R. 052-053.

drastic ballot-presentation remedy is available, and where the candidate otherwise satisfies the legal qualifications for office, the Division must identify clear statutory or regulatory authority before removing the candidate from the ballot which it has not done.¹⁵⁴

For these reasons, the court concludes that the Division abused its discretion by removing Mr. Sullivan from the ballot. The record does not establish by a preponderance of the evidence that Mr. Sullivan is legally ineligible to run for U.S. Senate. Nor do the cited statutes or regulations authorize exclusion of an otherwise qualified candidate based solely on concerns that can be addressed through ballot-name regulation or ballot design.

VI. ALASKA POLICY IN FAVOR OF BALLOT ACCESS

Alaska Supreme Court precedent favors resolving any question about eligibility in Dan J Sullivan's favor. In fact, that Court recently re-emphasized its policy in *Beecher*.¹⁵⁵ There, the Court emphasized:

Restrictions on ballot access infringe on the constitutionally protected rights of not only candidates, but voters as well. "The right to vote is integral to the functioning of our democracy: '[t]he right of the citizen to cast [a] ballot and thus participate in the selection of those who control [the] government is one of the fundamental prerogatives of citizenship and should not be impaired or destroyed by strained statutory constructions.'"¹⁵⁶

Beecher involved a challenge brought by the Alaska Democratic Party against the Division relating to the Division's placement of the fifth-place finisher in the primary election on the general election ballot. Reviewing one of its prior decisions, the court noted,

Crucially, we resolved the question in favor of allowing the candidate to appear on the ballot because of "our clear policy favoring open access to the ballot" where the "election code does not clearly prohibit it."¹⁵⁷

¹⁵⁴ See *supra* Section IV, E.

¹⁵⁵ *Alaska Democratic Party v Beecher*, 572 P.3d 556, 566 (Alaska 2025).

¹⁵⁶ *Id.* (citing *Vogler v. Miller*, 651 P.2d 1, 3 (Alaska 1982) (citing *Williams v. Rhodes*, 393 U.S. 23, 30, 89 S. Ct. 5, 21 L.Ed.2d 24 (1968), and quoting *Guerin v. State*, 537 P.3d 770, 783-84 (Alaska 2023) (alterations in original) (quoting *Carr v. Thomas*, 586 P.2d 622, 626 (Alaska 1978)).

¹⁵⁷ *Beecher*, 572 P.3d at 566 (quoting *O'Callaghan v State*, 826 P.2d 1132, 1137 (Alaska 1992)).

Reviewing a second prior decision, the Court again emphasized the policy in such cases:

“[W]here there is a statutory ambiguity as to whether or not a candidate is eligible to run for office, the statute should be construed in favor of eligibility” as long as the statute can be reasonably interpreted that way.¹⁵⁸

In the *Beecher* court’s phrasing, there is a presumption in favor of candidate eligibility.¹⁵⁹

Here, the Division has utilized a previously unidentified criteria, “good-faith”, to exclude Mr. Sullivan from the primary ballot. This exclusion is contrary to the Alaska Supreme Court’s well-established presumption in favor of candidate eligibility.

VII. CONCLUSION

In summary, the Division’s decision to exclude Mr. Sullivan from the primary ballot because it determined his declaration was not filed “in order to declare an actual good-faith candidacy for the office of United States Senator”¹⁶⁰ was not based upon the constitutional requirements of Article I, § 3, the Alaska statutes governing elections, or regulations promulgated by the Division. Instead, the decision was based upon a new, previously unstated, “good-faith” criteria. In addition, the Director’s assertion that Mr. Sullivan seeks to confuse or misguide voters is not supported by a preponderance of evidence. Instead, the Division accepted at face-value the assertions of the complaint, and disregarded Mr. Sullivan’s assertions.

The Final Decision of the Division of Elections is VACATED. Mr. Dan J. Sullivan is declared to be an eligible candidate for the office of United States Senator. The Division shall include his name and affiliation with the Republican Party on the ballot for the August 18, 2026, primary election.

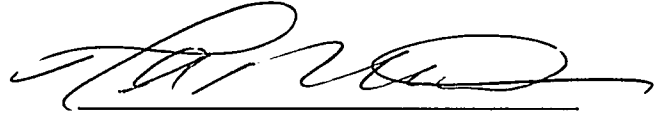
¹⁵⁸ *Beecher*, 572 P.3d at 566 (quoting *Municipality of Anchorage v Mjos*, 179 P.3d 941, 943 (Alaska 2008)).

¹⁵⁹ *Beecher*, 572 P.3d at 566.

¹⁶⁰ R. 128.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 26th day of June, 2026.

A handwritten signature in black ink, appearing to read 'T. Matthews', written over a horizontal line.

Thomas A. Matthews
Superior Court Judge