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

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| DANIEL J. SULLIVAN, JR., Appellant, v. STATE OF ALASKA, DIVISION OF ELECTIONS, Appellee. | ) | Case No. 3AN-26-07485CI |

**ORDER DENYING MOTION TO INTERVENE**

Intervenor Alaska Republican Party ("ARP") seek intervention in Case No. 3AN-26-07485CI, *Daniel J. Sullivan v. State of Alaska, Division of Elections*. For the reasons which follow, the Court DENIES the Motion to Intervene. However, ARP will instead be recognized as an Amicus.

## I. FACTUAL BACKGROUND

On May 29, 2026, Mr. Daniel J. Sullivan ("Mr. Sullivan") filed for candidacy for the office of United States Senator. Mr. Sullivan attached a notarized Declaration of Candidacy on May 29, 2026. The filling deadline for candidates expired on June 1, 2026.

On June 10, 2026, the Chair of the Alaska Republican Party, Carmela J. Warfield through counsel, filed two candidate eligibility complaints pursuant to AS § 15.25.042 and AAC § 25.260.[1]

Director Beecher sent a preliminary decision to Mr. Sullivan on June 10, 2026, informing him that the Division of Elections for the State of Alaska ("Division" or "the State") had determined "the preponderance of the evidence does not support your eligibility for the Office of United States Senator."[2] On June 15, 2026, Director Beecher issued a final determination regarding Mr. Sullivan's eligibility for office, finding that Mr.

[1] R 060-085, 127.
[2] R. 128-130.

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." 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."[3]

## II. PROCEDURAL HISTORY

On June 22, 2026, Mr. Sullivan appealed the Division's final decision to this Court. On June 24, 2026, the Division filed their opposition brief against the appeal.

On June 23, 2026, ARP filed their Motion to Intervene. Mr. Sullivan filed his opposition to the motion on June 24, 2026. The State does not oppose Intervenor's motion.

## III. DISCUSSION

### A. The Court has the Ability to Rule on ARP's Motion to Intervene

As an initial matter, Mr. Sullivan argues that ARP may not intervene because this case is an administrative appeal from a final agency decision and is therefore governed by the Alaska Rules of Appellate Procedure. Mr. Sullivan contends that the appellate rules do not provide a mechanism for third-party intervention and that Appellate Rule 602(h) limits the parties to an administrative appeal to the parties before the agency, here only being Mr. Sullivan and the Division.

Yet, Mr. Sullivan's argument overlooks that Appellate Rule 609(a) expressly authorizes the superior court to "make such orders as are necessary and proper to aid its appellate jurisdiction" after a notice of appeal has been filed.[4] That authority is broad enough to allow the Court to decide whether a proposed intervenor may participate in the appeal when intervention is necessary or appropriate under the circumstances.

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[3] *Id.*
[4] Alaska R. Appellate P. 609(a).

Alaska Supreme Court precedent also supports applying Civil Rule 24 in this context. In *Keane v. Local Boundary Commission*, the superior court allowed a third party to intervene in an administrative appeal from a Local Boundary Commission decision approving the incorporation of Pilot Point. The Alaska Supreme Court did not treat intervention as procedurally unavailable simply because the case reached the superior court as administrative appeal.[5] Rather, *Keane* confirms that intervention may be considered in an administrative appeal when the proposed intervenor satisfies the applicable standards under Civil Rule 24.[6]

As this Court sits as an intermediate appellate court reviewing the Division's decision, the Court has authority to consider ARP's motion. The Court will therefore evaluate ARP's request under Alaska Civil Rule 24 and the relevant Alaska case law.[7]

### B. ARP Does not Fulfill the Elements to Intervene as of Right

Alaska Rule of Civil Procedure 24 governs intervention.[8] Rule 24(a) provides for intervention as of right when the applicant satisfies a four-part test: timeliness, a protectable interest, impairment of that interest, and inadequate representation by existing parties.[9] Alaska courts construe Rule 24(a) liberally in favor of intervention.[10]

#### *1. ARP's Motion is Timely*

Courts consider when the applicant knew or should have known of their interest in the action, and whether the movant acted promptly once their rights were more broadly implicated than previously anticipated.[11]

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[5] *Keane v. Loc. Boundary Comm'n*, 893 P.2d 1239, 1239 (Alaska 1995).
[6] *Id.* at 1239, 1250.
[7] *Id.* at 1250.
[8] Alaska R. of Civ. P. 24(a), 24(b).
[9] *Hopper v. Est. of Goard*, 386 P.3d 1245, 1247 (Alaska 2017) (citing *State v. Weidner*, 684 P.2d 103, 113 (Alaska 1984).
[10] *Alaskans for a Common Language, Inc. v. Kritz*, 3 P.3d 906, 912 (Alaska 2000) (citing 7C Charles Alan Wright, Arthur R. Miller, & Mary Kay Kane, Federal Practice and Procedures § 1904, at 238 (1986)).
[11] *See Scammon Bay Ass'n, Inc. v. Ulak*, 126 P.3d 138, 144 (Alaska 2005) (holding that a motion to intervene was timely when the movant acted promptly after receiving notice that the court would adjudicate the extent of its fault).

Mr. Sullivan filed his complaint on June 22, 2026. ARP filed their motion to intervene the next day on June 23, 2026. Because ARP acted immediately after the appeal was filed, the Court finds the motion is timely.

### *2. ARP has an Interest in the Subject Matter of the Action*

An applicant's interest in the subject matter of the litigation must be "direct, substantial, and significantly protectable."[12] Alaska Supreme Court has found legal interests when proponents defend a ballot initiative,[13] on a statutory basis,[14] or when raising constitutional issues with other legal interests.[15] A contingent interest is insufficient to satisfy this requirement.[16] The interest cannot be merely that of a beneficiary of legislation or too nebulous to create a real party in interest.[17]

Generalized political or ideological interests are insufficient as it lacks the concrete legally recognized stake necessary for intervention.[18] For example, lobby organizations attempting to defend legislation they supported have been found to lack a protectable interest because only governmental bodies have sufficient interest to defend and enforce state law.[19] Likewise, an indirect financial interest standing alone is insufficient to secure intervenor status.[20]

ARP first argues that it has a protectable interest because it is a major political party in Alaska and because it submitted the complaint that led to the Division's eligibility determination. The Court disagrees. ARP's status as the complaining party does not, by itself, create a legally protectable interest in the outcome of the appeal. The candidate

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[12] *Hopper*, 386 P.3d at 1248 (quoting *Weidner*, 684 P.2d at 113).
[13] *Alaskans for a Common Language*, 3 P.3d at 912 (citing *Bates v. Jones*, 904 F.Supp. 1080, 1086 (N.D.Cal. 1995)); *Washington State Bldg. & Constr. Trades Council v. Spellman*, 684 F.2d 627, 629-30 (9th Cir. 1982)).
[14] *Hopper*, 386 P.3d at 1248 (finding a conservator has an interest under Alaska Civil Rule 17 as conservators owe fiduciary duties to help make litigation related decisions).
[15] *Anchorage Baptist Temple v. Coonrad*, 166 P.3d 29, 33 (Alaska 2007) (*citing McCormick v. Smith*, 793 P.2d 1042, 1043-44 (Alaska 1990)); *Alaskans for a Common Language*, 3 P.3d at 912-14.
[16] *See State v. Weidner*, 684 P.3d 103, 113 (Alaska 1984) (establishing that the requisite interest for intervention as a matter of right must be direct, substantial, and significantly protectable).
[17] *Alaskans for a Common Language*, 3 P.3d at 912 n.20.
[18] *Alaskans for a Common Language*, 3 P.3d at 916.
[19] *Alaskans for a Common Language*, 3 P.3d at 916.
[20] *Anchorage Baptist Temple*, 166 P.3d at 33.

eligibility process is administered by the Division, not by the complaining party. Any number of individuals or entities could have brought the same concern to the Division's attention.[21] Once the complaint was made, the legal question became whether the Division properly applied the governing statutes and regulations. ARP's role in initiating that process does not give it a separate legal entitlement to defend the Division's decision as a party.

ARP next argues that it has a "significant and legally protectable interest in both its associational rights and the enforcement and integrity of the candidate eligibility process."[22] Political parties do have associational interests in some election-law contexts.[23] But ARP has not shown that those associational interests give it a legal right to exclude a candidate from the ballot in this appeal. The Alaska Supreme Court has recognized that political parties may not act as the sole gatekeepers of elected office.[24]

As the Alaska Supreme Court has stated, "political parties do not have a right to control the State's primary elections."[25] A political party's associational interest automatically give it party status in every lawsuit involving a candidate who identifies with or runs against a candidate preferred by that party. A party may file a complaint to the Division under AS § 15.25.042 and AAC § 25.260, which ARP did, but it does not have a right to keep an opponent off the ballot.

ARP's asserted interest in the "integrity" of the candidate eligibility process is likewise too generalized to support intervention as of right. In previous cases, the Alaska Supreme Court found a protectable interest which share the characteristic of being legally cognizable rights or responsibility that the law specifically assigns to intervenor.[26] Unlike

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[21] *See* 6 AAC 25.260 ("Any person may question the eligibility of a candidate...").
[22] Mot. to Intervene at 2.
[23] *State, Div. of Elections v. Green Party of Alaska*, 118 P.3d 1054, 1059-70 (Alaska 2005) (State could not prohibit two willing political parties from using a combined primary ballot); *State v. Alaska Democratic Party*, 426 P.3d 901, 907-09 (Alaska 2018) (State could not enforce the party affiliation rule to stop Democratic Party from allowing independent candidates to run in its primary); *Kohlhaas v. State*, 518 P.3d 1095, 1108-09 (Alaska 2022) (Ballot Measure 2's nonpartisan top-four primary and ranked-choice general election were constitutional).
[24] *Kohlhaas*, 518 P.3d at 1118.
[25] *Id.*
[26] *McCormick v. Smith*, 793 P.2d 1042, 1043-45 (Alaska 1990) (interest where voters initiated a recall and sought to defend it in litigation challenging the recall was allowed intervention because the city "relinquished

parties who held such a legally cognizable right or responsibility, ARP has not shown that it has a similar right.

The public, candidates, political parties, and the State all share an interest in lawful and accurate candidate eligibility determinations. But a shared interest in proper enforcement of election laws is not the type of direct and individualized interest required under Rule 24(a). ARP has not identified a statutory, constitutional, or other legally cognizable responsibility that belongs specifically to ARP and that would be adjudicated in this appeal.

### *3. ARP Cannot Show Their Interest Would be Impaired Because of this Action*

To intervene, applicants must show their interest is impaired as a consequence of the action. Courts focus on whether the disposition of the action will impair as a practical matter the applicant's ability to protect their interest in the transaction upon which the suit is based.[27] This inquiry focuses on whether a movant will suffer practical effects if not permitted to intervene.[28] Such practical consequences are principles of *res judicata* in future proceedings or protecting a legally cognizable interest.[29] When an applicant's "non-participation will cause only inconvenience, there is little harm and intervention" will generally not be permitted.[30]

In *Alaskans for a Common Language*, initiative committee members were allowed to intervene because their efforts "to enact a law requiring the use of English in

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its responsibility" to defend the fundamental right of representing its voters interest); *Laborers Loc. No. 942 v. Lampkin*, 956 P.2d 422, 437-439 (Alaska 1998) (allowing intervention of a union during a challenge of a negotiated agreement in court because it helped negotiate the agreement and beneficiaries of the process); *Hopper v. Est. of Goard*, 386 P.3d 1245 (Alaska 2017) (allowing conservator who owed statutory fiduciary duty may intervene as of right); *Alaskans for a Common Language*, 3 P.3d at 911-916 (Alaskans for Common Language had an interest as initiative sponsors).

[27] *Harvey v. Cook*, 172 P.3d 794, 800 (Alaska 2007).

[28] *Id.*

[29] *See Hopper*, 386 P.3d at 1248 (concluding that co-conservator's interest was impaired where they challenged deficiencies and fraudulent behavior in settlement judgment affecting their ward); *see also Anchorage Baptist Temple*, 166 P.3d at 34 (holding that churches demonstrated an interest that could be impaired as a result of taxpayer's action challenging statute they relied upon).

[30] *Harvey*, 172 P.3d at 800.

government would be frustrated."[31] By contrast, impaired interests are not found where alternative methods exist for an applicant to protect their interests.[32]

ARP claims that their interest would be impaired or impeded if the ballots containing both their preferred candidate and Mr. Sullivan were printed, either causing voter confusion or by undermining ARP's asserted interest in the integrity of the candidate-eligibility determination process.

This asserted interest is not a "practical" interest that would allow ARP to intervene. As explained above, ARP has not shown that it has a legally cognizable interest in the candidate eligibility determination process as that is a generalized interest.[33] Without such an interest, ARP cannot show that its interest would be impaired by the result of this appeal. The practical consequence ARP identifies is not impairment of its own legal right, but the possibility that the Division's decision may be reversed and that the ballot may include a candidate ARP believes should be excluded. That is not enough to satisfy this element.

Furthermore, ARP's claims of voter confusion are overstated. Alaska courts have consistently expressed confidence in the intelligence and capability of Alaska voters.[34] The Alaska Supreme Court has rejected paternalistic arguments premised on the assumption that voters are unable to understand ballot formats, candidate designation,[35] or complex election reforms.[36] It recognizes instead that voters are capable of reading and evaluating information presented to them.[37] If Mr. Sullivan appears on the ballot, voters will still be able to choose among the candidates based on the information available

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[31] *Alaskans for a Common Language*, 3 P.3d at 913.
[32] *Neese*, 218 P.3d at 989-992 (denying intervention as consumers were "free to pursue such a claim in their private class action" and "able to seek desired remedies in their separate class action").
[33] *See supra* Section III, B, 2.
[34] *Green Party*, 118 P.3d at 1068 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 797 (1983)).
[35] *Id.* (holding that there is "no basis for predicting that Alaska voters might be incapable of understanding combined ballots" and emphasizing confidence that "Alaska voters would have little trouble understanding and choosing between combined ballots"); *Alaska Democratic Party*, 426 P.3d at 912-13 (Alaska 2018) (citing *Green Party*, 118 P.3d at 1068).
[36] *Kohlhaas*, 518 P.3d at 1110 (relying on "Alaska voters' common sense" to find that voter will not misinterpret a candidate's statement of party affiliation as a party's seal of approval" and reaffirming that Alaska voters are capable of understanding electoral innovations).
[37] *Id.*

to them. ARP's concern that voters may be confused by a candidate's name does not transform its generalized interest in the election's outcome into a protectable legal interest.

### *4. ARP's Interest is Adequately Represented by an Existing Party*

When considering the fourth prong, it is presumed that the State will adequately represent the interests of the people of the State of Alaska when it is a party to litigation.[38] The State has a duty to "neutrally represent[] the interests of all its citizens and the associations they belong to."[39] Inadequacy of existing party representation is proven by showing collusion, adversity of interest, possible nonfeasance, or incompetence.[40] If an applicant advances arguments that existing parties are unlikely to raise, this supports a finding that the applicant's interest may not be adequately represented.[41]

ARP claims that it has a "distinct associational and organizational interest" from the State's institutional interests.[42] As the complaining party, ARP asserts that it has a role in "invoking and relying on the efficacy of the eligibility review process."[43] It also argues the State's focus is only on compliance with statutory and regulatory requirements while Mr. Sullivan's is to compel his placement on the ballot over ARP's objections.[44]

The Court is unpersuaded that this distinction establishes inadequate representation. The Division issued the decision that ARP seeks to defend. In this appeal, the Division is aligned with ARP's desired outcome: affirmance of the Division's determination. The Division is also the entity charged with ensuring the statutory and regulatory requirements are met during the candidate eligibility. Thus, to the extent ARP's asserted interest is ensuring that the eligibility determination process complies with governing law, the Division is fully capable of representing that interest.

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[38] *Alaskans for a Common Language*, 3 P.3d at 913 (citing *McCormick*, 793 P.2d at 1044).
[39] *Anchorage Baptist Temple*, 166 P.3d at 34.
[40] *Mundt v. Nw. Expls., Inc.*, 947 P.2d 827, 830-831 (Alaska 1997) (quoting *McCormick v. Smith*, 793 P.2d 1042, 1045 (Alaska 1990)).
[41] *Anchorage Baptist Temple*, 166 P.3d at 34-36.
[42] R. in support of Mot. to Intervene at (filed on June 24, 2026).
[43] Mot. to Intervene at 3.
[44] Mot. to Intervene at 3-4.

Unlike in *Alaskans for a Common Language* where the State was actively against the initiative, the Division here has represented its position against Mr. Sullivan's candidacy and represents those interests neutrally in a manner that would support ARP's position.[45] ARP has not shown any collusion, adversity of interest, possible nonfeasance or incompetence by the Division. The only arguably distinct argument ARP identifies is that Mr. Sullivan failed to exhaust his administrative remedies.[46] But ARP has not shown that the Division could not raise that argument if it believed the argument had merit. The fact that ARP would prefer to frame the appeal differently, or add an additional argument, does not establish inadequate representation.

## IV. CONCLUSION

Therefore, as proposed Intervenor Alaskan Republican Party fails to show that it has a legitimate interest in this appeal, cannot show its practical interest is impaired, and is unsuccessful in claiming another party cannot represent its interest, the Court DENIES Alaskan Republican Party's Motion to Intervene.

Nonetheless, the court will consider the ARP's briefing as an Amicus.

IT IS SO ORDERED.

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

Thomas A. Matthews
Superior Court Judge

[45] *Alaskans for a Common Language*, 3 P.3d at 913-14.
[46] ARP's Br. (filed on June 24, 2026).