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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

Jenny-Marie Stryker and Alaska Democratic Party, Appellants, v. Nancy Dahlstrom, in her official capacity as Lieutenant Governor; Carol Beecher, in her official capacity as Director of the Division of Elections; and State, Division of Elections, Appellees.	Case No. 3AN-26-07680CI

RESPONSE OF INTERVENOR TREG TAYLOR

Intervenor Tregarrick "Treg" Taylor hereby files his response to Appellees' (referred to herein collectively as the "Division") petition for rehearing (the "Petition").

I. INTRODUCTION

This matter is a Rule 601 administrative appeal brought by Jenny-Marie Stryker and the Alaska Democratic Party challenging the Division of Elections' treatment of a single candidate, Jose Roel Antonio Tagle, Jr., and his eligibility to run for Alaska House District 22. The appellants initially appealed the Division's dismissal of their complaint, which this Court affirmed on August 12, 2026. After the Lieutenant Governor reversed her

decision disqualifying Tagle, the Court reopened the appeal on September 22, 2026, and the appellants filed an Amended Statement of Points and Amended Brief addressing the Division's handling of Tagle's certification.

On October 29, 2026, the Division filed the present Petition. Although this appeal has at all times concerned only Tagle and his eligibility, Section III of the Petition asks this Court, for the first time, to extend its ruling to Taylor by vacating his gubernatorial nomination or declining to certify his election victory if he receives the most votes in the upcoming election. Taylor has never been a party to this Rule 601 appeal and has not been afforded notice or an opportunity to be heard concerning the relief the Division now seeks.

The Division's attempt to expand this appeal to encompass Taylor and his gubernatorial candidacy exceeds the proper scope of a petition for rehearing. For the reasons discussed below, Taylor respectfully requests that the Court deny the Petition.

II. LAW AND ARGUMENT

a. THE COURT CANNOT EXPAND THIS ADMINISTRATIVE AGENCY APPEAL TO INCLUDE A NONPARTY OR MATTERS OUTSIDE THE ADMINISTRATIVE RECORD

Alaska Appellate Rule 601(a) provides that Part Six of the appellate rules governs appeals and petitions for review to the superior court from decisions of administrative agencies. Accordingly, the procedural rules governing appellate review under Part Six apply to these proceedings. Under Rule 602(h), only the parties to the underlying administrative proceeding are parties to the appeal. Rule 604(b)(1), in turn, defines the record on appeal as the original papers and exhibits filed with the agency, together with a transcript of the proceedings before the agency. Thus, review is confined to the record

developed before the agency, not a new evidentiary record assembled after the agency's decision.

Taylor was not a party to the underlying administrative proceeding concerning Tagle, nor is he a party to this Rule 601 appeal. The separate APOC proceeding involving Taylor was not part of the underlying administrative action that is the subject of this appeal and is therefore not part of the record before the Court. Nothing in Rules 601, 602, or 604 permits the Division to expand the parties or the administrative record through a petition for rehearing.

These provisions also inform the proper scope of rehearing. A petition for rehearing is not an opportunity to supplement the administrative record, introduce new matters, or advance arguments that could have been raised during the original appeal. Rather, rehearing is limited to the grounds set forth in Alaska Appellate Rule 506(a), which permits rehearing only where the Court has overlooked, misapplied, or misconceived a controlling authority, material fact, proposition of law, or material question in the case. As the Alaska Court of Appeals explained in *Booth v. State*, Rule 506(a) does not permit parties to raise new arguments after having an opportunity to analyze the Court's decision.[1]

Here, the Court could not have overlooked, misapplied, or misconceived any law or fact concerning Taylor because no such issue was before it. The administrative record on appeal concerned Tagle's eligibility and the Division's treatment of his candidacy. It did not include the record from Taylor's separate APOC proceeding, nor did it include any administrative record concerning the Division's treatment of Taylor's gubernatorial candidacy. The Court cannot have overlooked or misapplied facts, legal arguments, or

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1 903 P.2d 1079, 1090 (Alaska App. 1995).

administrative findings that were never presented to it and were not part of the record under review. The Division's request therefore identifies no error warranting rehearing with respect to Taylor. Instead, it asks the Court to decide, for the first time, issues concerning a separate candidate, a separate administrative proceeding, and a separate election. That is precisely what Rule 506(a) does not permit.

b. THE SUPERIOR COURT'S DECISION IN THIS ADMINISTRATIVE AGENCY APPEAL DOES NOT ESTABLISH PRECEDENT OR BIND THE DIVISION IN MATTERS INVOLVING OTHER CANDIDATES

As a general matter, the Division is incorrect that a decision in this appeal would bind it with respect to Taylor or any candidate other than Tagle. Respectfully, the superior court lacks statutory authority to issue precedential decisions,[2] and the Alaska Supreme Court has expressly recognized that superior court decisions are not precedential and do not bind other superior courts.[3] Accordingly, the Division's concern that this Court's decision might establish a binding rule governing Taylor's candidacy or the certification of other candidates is misplaced. The Court's decision concerns the administrative action before it and the record developed in that proceeding; it does not establish a precedential determination governing candidates who were not parties to the underlying proceeding.

c. THE DIVISION'S REQUEST TO NULLIFY TAYLOR'S CANDIDACY WITHOUT NOTICE OR AN OPPORTUNITY TO RESPOND VIOLATES DUE PROCESS

Under the Alaska Constitution, "[n]o person shall be deprived of life, liberty, or property, without due process of law," and "procedural due process under the Alaska Constitution requires notice and opportunity for a hearing appropriate to the nature of the

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2 *See* AS 22.10.010 *et seq*.

3 *Alaska Pub. Int. Rsch. Grp. v. State*, 167 P.3d 27, 45 (Alaska 2007).

case."[4] These protections extend to administrative agency appeals, where the parties must have a meaningful opportunity to brief and argue their positions and the court must have the benefit of a complete record. These requirements are not mere formalities; they implicate "the core of due process."[5]

The right to seek elected office is fundamental.[6] Yet the Division now asks this Court to declare Taylor's gubernatorial nomination void, or otherwise prevent certification of his election if he receives the most votes, without ever having afforded him notice or an opportunity to be heard.

There can be no dispute that Taylor was not a party to the underlying administrative proceeding or this appeal. His candidacy was never identified as an issue for the Court to decide, and no party served him with any pleading, motion, or other filing suggesting that this litigation could jeopardize his nomination or prevent certification of his election. He had no reason to know that a proceeding concerning another candidate's eligibility could ultimately be used to invalidate his own nomination.[7]

Here, the circumstances make the Division's request particularly troubling. The Division initially refused to certify Taylor's advancement to the general election but reversed course in August and certified his nomination. Since then, the Division has never declared Taylor ineligible, withdrawn his certification, or otherwise taken any action adverse to his candidacy. The Division's decision to certify Taylor's advance to the

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4 *Griswold v. Homer Bd. of Adjustment*, 426 P.3d 1044, 1045 (Alaska 2018).

5 *Fairbanks N. Star Borough v. Victory Ministries of Alaska,* Inc., 515 P.3d 111, 116–17 (Alaska 2022)

6 *Peloza v. Freas*, 871 P.2d 687, 690 (Alaska 1994).

7 Indeed, attached to the Petition is a letter from Director Beecher to Tagle informing him that he is no longer eligible to hold the office he seeks. Taylor received no such correspondence from the Division. This further underscores that Taylor is not, and has never been, a party to this proceeding.

general election left him with no adverse agency determination, nor an injury, to challenge in court. Taylor therefore had no reason to anticipate that the Division would later ask the Court to invalidate his nomination.

Now, on the eve of the general election, the Division asks this Court to order the very result previously reversed: a determination that Taylor is ineligible to run for Governor. The Division cannot first certify Taylor's nomination, leave him with no adverse decision to challenge, and then wait until the eve of the election to seek an order invalidating that same nomination in proceedings to which he was never a party.

Basic principles of due process preclude that result. The Court cannot adjudicate Taylor's right to seek office, much less declare his nomination void or deny certification of his election, through proceedings in which he was neither a party nor afforded any opportunity to defend his interests. As the Alaska Supreme Court recognized in *State, Department of Highways v. Burgess Construction Co.*, due process does not permit a court to render a decision affecting the rights of a person who did not participate in the proceedings leading to that decision.[8] The Division cannot use a petition for rehearing to obtain precisely the relief that would have required Taylor's participation from the outset.

III. CONCLUSION

The Division's position is extraordinary. It certified Taylor's nomination, never declared him ineligible, never served him with a single pleading in this case, and never gave him reason to believe that his candidacy was at stake. Now, on the eve of the general election, it asks this Court to invalidate his nomination in litigation concerning someone else.

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[8] 575 P.2d 792, 795 (Alaska 1978).

That is not a rehearing. It is an attempt to litigate a new case, against a new candidate, on a record that is not before the Court, without giving that candidate the most basic opportunity to defend himself. Due process does not work that way. The Division cannot keep Taylor out of the courtroom and then ask the Court to keep him off the ballot.

The Court should deny the Petition. Anything less would trample Taylor's constitutional right to due process and disenfranchise the thousands of Alaskans who have already voted for him since early voting began on October 18, as well as those who intend to do so tomorrow on Election Day.

DATED this 2nd day of November, 2026.

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By: /s/ Richard R. Moses
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 2nd day of November, 2026, a true and correct copy of the foregoing was served on the following in the manner indicated:

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