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**Motion for Admission Pro Hac Vice forthcoming*

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKA DEMOCRATIC PARTY, Plaintiff, v. NANCY DAHLSTROM, in her official capacity as Lieutenant Governor of the State of Alaska, CAROL BEECHER, in her official capacity as the Director of Elections for the Division of Elections for the State of Alaska, and STATE OF ALASKA, DIVISION OF ELECTIONS, Defendants.	Case No.

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

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Plaintiff, by and through its undersigned counsel, states:

1. This is an emergency action for declaratory and injunctive relief that seeks to require the Defendants to do what Alaska law already requires of them: supply all of the absentee voting officials they designated with ballots and voting materials and supervise absentee voting so that each designated site is open to voters for its advertised hours through the close of the polls on Election Day.

2. When voting began on October 19, 2026, the Division of Elections (the "Division") told voters in eighteen rural Alaska communities they could vote in person, in their community, either through early voting or in-person absentee voting, at a published location during published hours.

3. Voters traveled sometimes significant distances, including by boat or by plane, to vote as the Division indicated they could. They were turned away. That is because those in-person absentee voting and early voting locations never opened at all or opened for only some of the posted hours or days.

4. The Alaska Democratic Party has done what it can to assist voters impacted by these closures. But the Division has been reticent to share the information that would help the Party anticipate closures and assist voters in understanding when absentee-in-person voting locations would be open. The Division has yet to confirm the status of each of these locations.

5. Plaintiff does not ask the Court to assume that every listed site remains closed, to restructure the election, or to set aside the Division's ballot-security procedures. It asks the Court to order the Division to do what the election statutes

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already require: open every absentee-in-person site it designated and advertised for this election, and keep each open for its advertised hours through 8:00 p.m. on November 3.

JURISDICTION AND VENUE

6. This Court has jurisdiction to award declaratory and injunctive relief under AS 22.10.020(a), (c), and (g), and AS 09.40.230, and under Alaska Civil Rules 57 and 65.

7. Because Alaska Civil Rule 91(b) abolishes the writ of mandamus, Plaintiff seeks relief formerly available by mandamus through this action for declaratory and injunctive relief, including mandatory injunctive relief. Alaska R. Civ. P. 91(b); AS 22.10.020(c).

8. Venue is proper in the Third Judicial District under Alaska Civil Rule 3(c) and AS 22.10.030 because Defendants may be personally served in this district and because one or more of Plaintiff's claims arise in this district.

PARTIES

9. The Alaska Democratic Party is a political party as defined in AS 15.80.010 with approximately 70,000 members in Alaska. The Alaska Democratic Party is committed to democracy, fairness, and inclusiveness, and to the principle that every community in Alaska, wherever it is located, should have access to the resources it needs. Consistent with those commitments, the Alaska Democratic Party's purposes include electing candidates who share its values; encouraging Alaskans to participate

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in civic and political life; and helping its members and supporters register, vote, and have their votes counted.

10. The Alaska Democratic Party has members in Alakanuk, Chignik Bay, Chistochina, Ekwok, Gambell, Goodnews Bay, Holy Cross, Huslia, Kongiganak, Manokotak, Mountain Village, Nanwalek, Napaskiak, Newhalen, Pedro Bay, Pilot Station, Quinhagak, and Toksook Bay. The advertising of absentee-in-person sites that did not open, and failure of communication about what sites are open, has created confusion that impacts Democratic voters more broadly.

11. The Alaska Democratic Party has had to expend significant resources to address these issues. First, the Alaska Democratic Party has had to divert staff and volunteer resources from normal get-out-the-vote operations to chase down information about what sites are open and staffed and track that information. It has logged hundreds of calls. From October 26 through October 29, 2026, callers working with the Party conducted over 600 status checks of the Division's scheduled absentee-in-person and early voting sites, an average of about 160 sites per day. In over 150 of those checks the caller could not reach anyone, and many sites required two or three calls in a single day. The calls found over 80 instances of a site that was closed, temporarily closed, or operating on changed hours, and over 60 instances in which a site's reported closing time did not match the hours the Division had published. Second, the Party has been required to expend resources to communicate to voters when they can vote and assist those who have been impacted in trying to find alternatives. The Party has spent at least 200 staff hours on this work, roughly half of each workday for ten staff members over

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the course of a week, that would otherwise be directed towards other get-out-the-vote operations.

12. Defendant Carol Beecher is the Director of the Alaska Division of Elections, and she is sued in her official capacity only. Under AS 15.15.010, the Director has "general administrative supervision over the conduct of state elections."

13. Defendant State of Alaska, Division of Elections, is an executive branch agency responsible for the administration of Alaska's elections and enforcement of Alaska's election laws.

14. Defendant Nancy Dahlstrom is the Lieutenant Governor of Alaska and is sued in her official capacity only. Under AS 15.15.105, the "lieutenant governor shall control and supervise the division of elections."

FACTUAL ALLEGATIONS

A. Alaska's Absentee-In-Person Voting System and the Director's Statutory Duties.

15. Alaska law gives every qualified voter fifteen days to cast a ballot in person. Beginning on the fifteenth day before an election, a voter may vote early or may apply in person to an absentee voting official, and that opportunity continues through Election Day. AS 15.20.061(a); AS 15.20.064(a). For the November 3, 2026 general election, that period began on Monday, October 19, 2026, and it ends when the polls close at 8:00 p.m. on November 3. AS 15.15.080(a).

16. Pre-election in-person voting is critical for many Alaska voters. In the 2024 general election, 92,281 Alaskans, more than 27% of voters, voted early in person;

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in the 2022 general election, 47,298 Alaskans, almost 18% of voters, did so.[1] Absentee-in-person voting specifically was used by 9,143 Alaska voters in the 2022 general election and 18,158 in the 2024 general election.[2]

17. The Legislature has made the Director responsible for absentee voting, explicitly providing that the Director "shall provide general administrative supervision over the conduct of absentee voting." AS 15.20.020.

18. Before the first day on which a voter may apply in person for an absentee ballot, the Director must distribute "the absentee ballots, envelopes, and other absentee voting material" for redistribution to absentee voting officials. AS 15.20.040.

19. The Director may designate absentee voting officials in areas of the state that do not have an election supervisor's office. Once she makes such a designation, the Director must supply each designated official with appropriate ballots at least fifteen days before the election. AS 15.20.045(a), (c).

20. The Director must give notice "of the location of absentee voting stations at least 45 days before each election." AS 15.20.050.

21. Beginning on the fifteenth day before the election, a qualified voter may apply in person to an absentee voting official, who must issue a ballot to the voter upon a qualifying application and identification and must accept the voter's ballot once it has been executed as prescribed. AS 15.20.061(a)–(c).

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[1] U.S. Election Assistance Comm'n, *Election Administration and Voting Survey: Alaska Data Brief* (2024), https://perma.cc/D54F-NHNK; U.S. Election Assistance Comm'n, *Election Administration and Voting Survey: Alaska Data Brief* (2022), https://perma.cc/7M7Q-WWGY.

[2] Statistics, Alaska Div. of Elections, https://perma.cc/EAL4-68JK (select "2022 General" and "2024 General" under Absentee, Early, and Questioned Ballot Statistics).

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22. In connection with the 2026 general election, the Division described its pre-election in-person voting procedures in an October 26, 2026 letter from Director Beecher to Senator Bill Wielechowski (the "Beecher Response").[3]

23. According to the Beecher Response, the Division operates two kinds of pre-election in-person voting sites. The first, which the Division calls Early Voting locations or "absentee voting stations," are required at every Division regional office, carry ballots for all forty House Districts, and have direct access to the Voter Registration System.[4] The Division designated its 2026 Early Voting locations by June 1, 2026.

24. The second kind, absentee-in-person sites, according to the Beecher Response, are operated by local partners. Beginning in April of each election year, the Division asks municipal and tribal offices whether they will operate a site. A community that agrees returns a signed agreement stating the days and hours the site will be open, and an absentee voting official ("AVO") staffs the site.[5]

25. For the 2026 general election, 109 communities in the Division's Region IV agreed to host an AVO site.[6] The Director was therefore required to supply the AVO at each of those sites with ballots. Under AS 15.20.045(a), "[a]t least 15 days before the election the director shall supply each absentee voting official with appropriate ballots."

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[3] Letter from Carol Beecher, Dir., Alaska Div. of Elections, to Sen. Bill Wielechowski (Oct. 26, 2026), https://www.documentcloud.org/documents/28847756-letter-to-senator-wielchowski-re-avos-102626/ ("Beecher Response").
[4] *Id.* at 1.
[5] *Id.* at 1.
[6] *Id.* at 1.

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For the November 3, 2026 general election, the Director had to supply each AVO with appropriate ballots no later than October 19, 2026.

26. According to the Beecher Response, the Division mailed voting materials to AVO sites during the first week of October 2026 in bags with USPS tracking numbers, some bags are picked up by local workers directly from the flight, and Division staff try to contact any location whose bag has not been confirmed as picked up.[7]

27. Those efforts have not been sufficient. As of October 27, 2026, at least one designated AVO site, Upper Kalskag, still had not received ballots, more than a week after the October 19, 2026 statutory deadline. AS 15.20.045(a).

B. The Division Designated and Advertised Eighteen Rural Absentee-In-Person Sites That Did Not Open as Advertised.

28. For the 2026 general election, the Division posted each AVO site's location and hours on its website and represented that it would update the listing as necessary.[8] But the Division designated and advertised eighteen absentee-in-person voting sites that have not opened or operated as advertised. Those sites are located in the following eighteen communities (the "Affected Communities"): Alakanuk, Chignik Bay, Chistochina, Ekwok, Gambell, Goodnews Bay, Holy Cross, Huslia, Kongiganak,

[7] Beecher Response at 1.
[8] Beecher Response at 1.

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Manokotak, Mountain Village, Nanwalek, Napaskiak, Newhalen, Pedro Bay, Pilot Station, Quinhagak, and Toksook Bay.[9]

29. Each Affected Community had provided the Division with a signed agreement listing the site's location and days and hours of operation, and the Division posted those locations and hours on its website as places where voters could vote in person beginning October 19, 2026.[10] Archived copies of the Division's website preserve its listing of absentee-in-person sites as it stood on or about October 22–23 and October 27, 2026.[11]

30. On October 23, 2026, Senator Bill Wielechowski notified Lieutenant Governor Nancy Dahlstrom and Director Beecher by letter (the "Wielechowski Letter") that the advertised absentee-in-person sites in all eighteen Affected Communities reportedly had not opened during October 19–21, 2026.[12]

31. The Wielechowski Letter noted that its count did not include closures for Alaska Day and reflected only the communities that had reported, so the actual number of sites that failed to open could be higher.[13]

32. Calls made by Plaintiff to advertised sites found a parade of failures. On October 26, the Tuntutuliak site was closed because its AVO did not show up, and the

[9] Letter from Sen. Bill Wielechowski, Alaska State Legislature, to Lt. Gov. Nancy Dahlstrom and Carol Beecher, Dir., Alaska Div. of Elections (Oct. 23, 2026), https://www.documentcloud.org/documents/28847757-letter-to-lt-governor-and-doe-10-23-26/ ("Wielechowski Letter").
[10] Beecher Response at 1.
[11] Early & Absentee In-Person Voting Locations, Alaska Div. of Elections, https://web.archive.org/web/20261023010327/https://www.elections.alaska.gov/avo (last visited Oct. 29, 2026); Early & Absentee In-Person Voting Locations, Alaska Div. of Elections, https://web.archive.org/web/20261027204045/https://www.elections.alaska.gov/avo/ (last visited Oct. 29, 2026).
[12] Wielechowski Letter at 1.
[13] *Id.* at 2.

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Kiana site was closed because the clerk was out of town and people could not vote. On October 27, staff in Tuluksak reported that the person in charge had resigned although the ballots were on site, and staff in Twin Hills reported that no one would do it, even though they had the supplies. On October 28, the Tununak building was open but no one was there to set up the supplies. And on October 29, Twin Hills reported that it would not offer early voting at all because the AVO would not return until Election Day.

33. Local partners in some Affected Communities reported that they had never received the necessary voting materials from the Division.[14] Others reported that they did not know that they were expected to operate an absentee-in-person site for the general election.[15] On October 26, a staff member at the Toksook Bay site said she did not know about early absentee-in-person voting and that the community was only doing it on election day, and the Division's Regional Supervisor said the Division was listing the site as a temporary closure due to lack of AVO, although early voting supplies were on site. The same day, the Holy Cross site was listed as a temporary closure and reported that it had not yet received ballots, and the official at the Crooked Creek site said she was not told to open today for voting.

34. Voters in one or more Affected Communities, relying on the Division's published listing, traveled to their community's advertised site during its advertised hours, in some cases by boat or by plane, found the site closed, and were turned away

[14] Wielechowski Letter at 1.
[15] *Id.* at 1.

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without being able to vote. Senator Wielechowski told reporters that his information came from groups with people on the ground who went to the polling places on October 19 and 20 and found them closed.[16]

35. The Wielechowski Letter asked the Division to ensure immediately that every designated site opened at its advertised times with the materials and support it needed, to share the Division's communications with absentee-in-person operators, and to keep the Senator's office informed.[17]

C. The Division's Response Confirmed the Failures and Left Them Unresolved.

36. Director Beecher responded on October 26, 2026, a full week into the absentee-in-person voting period.[18]

37. The Beecher Response treated all eighteen locations as absentee-in-person (AVO) sites rather than Early Voting locations and confirmed that each had provided a signed agreement listing its location and hours, which the Division had posted on its website.[19]

38. The Beecher Response reported that, of the eighteen sites, twelve had confirmed that they were open, three had declined to open, and the Division was still working to hear from the remaining three.[20]

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[16] Eric Stone & Hannah Flor, *Some Rural Alaska Absentee Voting Sites Failed to Open Ahead of Midterms*, Alaska Pub. Media (Oct. 27, 2026, updated Oct. 29, 2026), https://alaskapublic.org/news/politics/elections/2026-10-27/some-rural-alaska-absentee-voting-sites-failed-to-open-ahead-of-midterms.
[17] Wielechowski Letter at 2.
[18] Beecher Response at 1.
[19] *Id.* at 1.
[20] *Id.* at 1.

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39. The Beecher Response did not identify which Affected Communities fell into each category.[21] It did not state when any of the twelve reportedly open sites began operating or whether those sites have kept their advertised hours. Officials in Huslia and Toksook Bay told reporters that voting was available only by appointment; an official in Gambell said voting had opened later than planned; and officials in Newhalen said they were closing early. None of those details appeared on the Division's website.[22] The Alakanuk site, reported open on October 27, was reported closed until Election Day on October 29, and staff at the Gambell site on October 29 were unaware of when voting started.

40. The Beecher Response did not state that the Division had confirmed delivery of ballots or voting materials to the designated official at any of the eighteen sites.[23]

41. The Beecher Response did not state that the Division had designated any replacement officials, arranged any alternative in-person voting opportunities, or otherwise acted to restore in-person voting in the communities whose sites declined to open or whose status remained unknown.[24]

42. The Beecher Response did not state that the Division had notified voters in any Affected Community of a closure or change, or that it had corrected its website listing for any of the eighteen sites.[25] In a follow-up email to a reporter, a Division

[21] *Id.* at 1.
[22] Stone & Flor, *Rural Absentee Voting Sites*.
[23] Beecher Response at 1.
[24] *Id.* at 1–2.
[25] *Id.* at 1–2.

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spokesperson stated that Levelock and Chignik Bay "no longer have absentee in-person voting" and that Holy Cross was a temporary closure.[26] As of October 28, 2026, the Division's website listed the sites in Ekwok, Goodnews Bay, Kongiganak, Mertarvik, and Scammon Bay as "temporarily closed," without saying how long the closures would last, and the sites in Chignik Bay, Fort Wainwright, and Levelock had been removed from the website entirely.[27] The Division declined to explain to reporters why eight sites had been temporarily closed or removed from its website.[28]

43. The Beecher Response stated that local sites may change or extend their hours until the polls close.[29]

44. The Beecher Response further stated that, because the Division was focused on administering the general election, it could not at that time search for, review, and produce its communications with AVOs.[30]

45. The information needed to determine which sites are operating, and why the others are not, is in the Division's exclusive possession. The Division holds the signed site agreements and the shipment tracking records, and it is the party in contact with each local operator.

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[26] *At Least 18 Early and Absentee Voting Sites in Rural Alaska Fail to Open*, Wrangell Sentinel (Oct. 27, 2026), https://wrangellsentinel.com/stories/at-least-18-early-and-absentee-voting-sites-in-rural-alaska-fail-to-open,79914.
[27] Early & Absentee In-Person Voting Locations, Alaska Div. of Elections, https://web.archive.org/web/20261027204045/https://www.elections.alaska.gov/avo/ (last visited Oct. 27, 2026); Stone & Flor, *Rural Absentee Voting Sites*.
[28] *Id.*
[29] Beecher Response at 1.
[30] *Id.* at 2.

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46. As of the filing of this Complaint, the Division has not publicly identified which of the eighteen advertised sites are operating, and Plaintiff is unable to determine from the Division's own information where, or whether, voters in each Affected Community can vote in person before Election Day. As of October 29, 2026, the Alakanuk site was reported closed until Election Day; the Ekwok, Goodnews Bay, Holy Cross, and Kongiganak sites had been listed as temporarily closed on each day from October 26 through October 28; the Toksook Bay site had been reported closed on each of those days; and callers could not reach anyone at the Nanwalek site on October 28 or 29 or at the Napaskiak site on October 29. Statewide on October 29, eleven advertised sites were reported closed and seven more were opening late or operating on changed hours.

D. The Site Failures Severely Burden Voters in the Affected Communities.

47. The Affected Communities are small, remote communities in rural Alaska. Many are not connected to the road system, and traveling to another community to vote requires travel by boat or by small plane, which is expensive, time-consuming, and dependent on weather. Approximately 82% of Alaska's communities are not connected to the road system,[31] and roughly half of Alaska's precincts are accessible

[31] Am. Soc'y of Civ. Eng'rs, *2025 Report Card for America's Infrastructure: Alaska* (2025), https://infrastructurereportcard.org/state-item/alaska/.

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only by boat or plane.[32] Rural voting continues to be hampered by "erratic and undependable plane service and mail delivery."[33]

48. For many voters in the Affected Communities, the advertised absentee-in-person site in their own community may be the only practical means of voting before Election Day.

49. The deadline for the Division to receive an application for a ballot by mail for the November 3, 2026 general election was October 24, 2026. AS 15.20.081(b). That deadline passed before the Division responded to the Wielechowski Letter.[34] Voters who relied on the Division's advertised in-person sites and did not apply for a mailed ballot cannot now obtain one.

50. Electronically transmitted ballots remain available until 5:00 p.m. on November 2, 2026. AS 15.20.081(b). But electronic delivery is a practical alternative only for voters who have the equipment, connectivity, and assistance needed to receive, print, and return an electronically transmitted ballot. Many voters in the Affected Communities lack reliable internet access or printing capability.

51. Election Day voting in rural Alaska is not a reliable substitute for the absentee-in-person sites. In the 2022 general election, polling places in Teller and

[32] U.S. Election Assistance Comm'n, *The State of Alaska Div. of Elections Election Official Training – Television Broadcast* 1 (2020), https://perma.cc/JK5K-8T8J.
[33] Yereth Rosen, *Calls for Higher Voting Participation Pervade Alaska Federation of Natives Convention*, Alaska Beacon (Oct. 27, 2026), https://alaskabeacon.com/2026/10/27/calls-for-higher-voting-participation-pervade-alaska-federation-of-natives-convention/ (last visited 10/30/2026)
[34] Beecher Response at 1.

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Nuiqsut did not open until late afternoon on Election Day.[35] On the day of the August 2026 primary, several polling places, mostly in rural areas, opened late because of staffing shortages, and voters in Nunapitchuk reportedly had only about three hours to vote in person.[36]

52. The Nunapitchuk polling place, which serves 343 registered voters, opened at 5:00 p.m. on primary day after no election worker arrived to open it that morning.[37] In the 2024 primary, polling places in Wales and Kaktovik never opened after local workers did not respond to the Division, and at least fourteen rural absentee-in-person sites were not open two days after early voting began because election materials had not arrived.[38]

53. Voting by mail in rural Alaska is also unreliable. In the August 2026 primary, at least seventy-five absentee-in-person ballots from western Alaska communities were not counted because they reached the Division's Nome regional

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[35] Alena Naiden, *2 Rural Alaska Polling Places Didn't Open Until Late Afternoon on Election Day*, Anchorage Daily News (Nov. 10, 2022), https://www.adn.com/alaska-news/rural-alaska/2022/11/10/two-rural-alaska-polling-places-didnt-open-until-late-afternoon-on-election-day/.

[36] James Brooks, *Some Rural Alaska Polling Stations Opened Late on Election Day, a Sign of Continuing Problems*, Alaska Beacon (Aug. 18, 2026), https://alaskabeacon.com/briefs/some-rural-alaska-polling-stations-opened-late-on-election-day-a-sign-of-continuing-problems/; Evan Erickson, *Nunapitchuk Voters Only Had About 3 Hours to Vote In-Person on Primary Election Day*, Alaska Pub. Media (Aug. 19, 2026), https://alaskapublic.org/news/politics/elections/2026-08-19/nunapitchuk-voters-only-had-about-3-hours-to-vote-in-person-on-primary-election-day.

[37] *Nunapitchuk Precinct Opened Hours Late for Alaska's Primary, Voting Advocates Say*, Anchorage Daily News (Aug. 18, 2026), https://www.adn.com/alaska-news/rural-alaska/2026/08/18/nunapitchuk-precinct-has-failed-to-open-on-time-for-alaskas-primary-voting-advocates-say/; *The State Says All Precincts Opened on Primary Election Day. Alaska Native Advocates Say Barriers to Voting Remain.*, Anchorage Daily News (Aug. 26, 2026), https://www.adn.com/politics/2026/08/26/the-state-says-all-precincts-opened-on-primary-election-day-alaska-native-advocates-say-barriers-to-voting-remain/.

[38] *2 Rural Alaska Precincts Fail to Open for Primary Voting After Workers Don't Respond to State*, Alaska Pub. Media (Aug. 21, 2024), https://alaskapublic.org/news/2024-08-21/2-rural-alaska-precincts-fail-to-open-for-primary-voting-after-workers-dont-respond-to-state; *Early In-Person Voting Locations in Rural Alaska Turn Away Voters as Delivery of Election Materials Delayed*, Anchorage Daily News (Aug. 7, 2024), https://www.adn.com/politics/2024/08/07/early-in-person-voting-locations-in-rural-alaska-turn-away-primary-voters-amid-delays-in-the-delivery-of-election-materials.

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office too late.[39] The Division then announced a change to how Region IV absentee-in-person ballots would be routed by mail for the general election.[40]

54. The State itself has admitted to the United States Supreme Court that mail delivery "isn't guaranteed for remote areas of Alaska."[41]

55. For these reasons, voters in the Affected Communities have strong reasons to vote early and in their own communities, and absentee-in-person voting protects them against the risk that their Election Day polling place will not open on time or that a later-cast ballot will not arrive in time to be counted.[42]

56. The burden on these voters is not limited to the distance to an alternative site. Voters who relied on the Division's published listing and made the trip to a site that was not open have already borne the cost of a futile trip that the Division's own information induced.[43] For many, a second trip before the polls close is not realistic.

57. The absence of accurate information is itself a burden. Because the Division has not identified which sites are operating, has not notified affected voters, and has not confirmed that it corrected its published listing, voters in the Affected

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[39] James Brooks, *Mail Trouble Canceled Some Alaska Primary Votes in Western Alaska*, Alaska Beacon (Sept. 17, 2026), https://alaskabeacon.com/2026/09/17/mail-trouble-canceled-some-alaska-primary-votes-in-western-alaska/ (75 absentee-in-person ballots "failed to reach the Division of Elections regional office in Nome before Aug. 31, the deadline to be counted"); see also Alaska Div. of Elections, *Region IV Notice of Mail Delivery Change for Absentee In-Person Ballots for the 2026 REAA and General Election* (Sept. 16, 2026), https://www.elections.alaska.gov/region-4-update-notice-of-mail-delivery-change-for-absentee-in-person-ballots-for-the-2026-reaa-and-general-election/ (mail delivery delay "affected approximately 75 absentee in-person ballots from Region IV").

[40] *Id.* (for the next two elections, absentee-in-person return mail from the Region IV Office will be rerouted to the Region II Office in Anchorage).

[41] Br. of Amicus Curiae State of Alaska in Supp. of Neither Party at 4, *Watson v. Republican Nat'l Comm.*, No. 24-1260 (U.S. Jan. 9, 2026), https://perma.cc/6YD7-QU7K.

[42] Wielechowski Letter at 2.

[43] Stone & Flor, *Rural Absentee Voting Sites*.

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Communities cannot learn where, or whether, they can vote in person before Election Day.

58. Defendants have not identified any state interest that is served by failing to supply, staff, and open the sites they designated and advertised, or by failing to correct the information they published about those sites.

E. The Site Failures also Deprive Voters of Court-Ordered Language Assistance.

59. Many voters in rural Alaska speak an Alaska Native language as their first language and English as their second. Section 203 of the Voting Rights Act requires the State to provide language assistance to those voters. 52 U.S.C. § 10503.

60. In 2013, Alaska Native voters and four tribal councils sued the Lieutenant Governor and the Division for failing to provide that assistance in the Dillingham, Wade Hampton (now Kusilvak), and Yukon-Koyukuk census areas. After a two-week trial, the United States District Court for the District of Alaska held that the Division had violated Section 203.[44]

61. In September 2015, the court entered a Stipulated Judgment and Order (the "*Toyukak* Order"). It permanently enjoined the Division "from violating the requirements of Section 203" in those census areas and orders the Division to implement a detailed language assistance program.[45] The *Toyukak* Order binds the Division and "its agents, employees, contractors, successors, and all other persons

[44] *Toyukak v. Treadwell*, No. 3:13-cv-00137-SLG, Partial Decision on Record (D. Alaska Sept. 3, 2014) (reproduced as Appendix B to the *Toyukak* Order).
[45] *Toyukak v. Mallott*, No. 3:13-cv-00137-SLG, Stipulated Judgment and Order ¶ 3 (D. Alaska Sept. 30, 2015) ("*Toyukak* Order"), https://narf.org/nill/documents/20150930_alaska_voting_order.pdf.

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acting in concert with or on behalf of the Division," and applies to "all federal, state, and local elections" they administer.[46]

62. The *Toyukak* Order requires the Division to provide Yup'ik language assistance "in all villages" in the Dillingham and Kusilvak census areas.[47] For absentee voting sites in those areas, it requires the Division to have "resident bilingual workers available during the entire time that absentee voting is occurring," trained in person and "fully bilingual and literate in English and the language/dialect spoken in the village."[48] The *Toyukak* Order also requires the Division's pre-election outreach and radio announcements in the covered languages to tell voters the dates and locations of early voting.[49]

63. Five of the Affected Communities are in census areas covered by the *Toyukak* Order. Alakanuk, Mountain Village, and Pilot Station are in the Kusilvak Census Area, and Ekwok and Manokotak are in the Dillingham Census Area.

64. When an absentee-in-person site in a covered village does not open, no bilingual worker is available there "during the entire time that absentee voting is occurring," as the *Toyukak* Order requires. Yup'ik-speaking voters in that village lose not only their in-person absentee voting opportunity but also the in-person language assistance a federal court has ordered the Division to provide.

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[46] *Id.* ¶ 4.
[47] *Toyukak* Order § III(G)(2).
[48] *Id.* § III(O)(1).
[49] *Id.* §§ III(I)(1)(e), III(J)(2)(c)(iv).

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65. For those voters, mail and electronic voting are not equal substitutes. Neither offers the language assistance that the *Toyukak* Order guarantees at absentee voting sites in their villages.

F. Voters in the Affected Communities Bear Burdens That Other Alaska Voters Do Not.

66. Voters who live in communities with a Division regional office have access to Early Voting locations that are required by law, staffed by the Division, stocked with ballots for all forty House Districts, and connected directly to the Voter Registration System.

67. Voters in the Affected Communities have no such option. Their only opportunity to vote in person before Election Day in their own communities is an absentee-in-person site that depends on the Division to designate an AVO official, deliver ballots and materials, and supervise the site's operation.

68. Because of Defendants' failures, voters in the Affected Communities have been denied the in-person pre-election voting opportunity that the Division advertised to them and that it continues to provide to voters elsewhere in Alaska.

69. The resulting burdens fall on voters in remote rural communities, the majority of whose residents are Alaska Native, who already face disproportionate barriers to voting on Election Day and by mail, as described above. The communities whose sites failed to open in the first week of early voting are villages where Alaska Natives are a majority of the population.[50] Early-voting turnout has been lowest in the

[50] *At Least 18 Early and Absentee Voting Sites*, Wrangell Sentinel.

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four House districts where Alaska Native people are a majority; in one Arctic district, only 27 ballots, 0.3% of registered voters, were cast in the first three days.[51]

70. The unequal treatment of voters in the Affected Communities does not result from any legislative judgment or deliberate policy choice. It results from Defendants' failure to perform the duties the Legislature assigned to them, and it serves no legitimate state interest.

G. Defendants Can Provide the Requested Relief and Have No Excuse for Failing to Do So.

71. The relief Plaintiff seeks can be implemented within the Division's existing procedures. By the Division's own account, local sites may change or extend their hours until the polls close.[52] The Director may designate a replacement absentee voting official, including Division staff, where a designated official has withdrawn or failed to serve. AS 15.20.045(a). And absentee-in-person ballots are sealed in signed envelopes and reviewed by absentee review boards, so the Division's ballot-security and eligibility safeguards would remain in place. The Division has shown it can do so quickly. On October 26, the Regional Supervisor reported that a replacement AVO for the Teller site had signed the site agreement that day, so the site was prepared for voters now. And after advocates located a volunteer, the Division announced an absentee-in-person site in Kipnuk on October 22 that opened five days later, on October 27.[53]

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[51] *Alaska Native Leaders Work to Boost Voting Turnout as Rural Communities Face Longstanding Barriers*, Anchorage Daily News (Oct. 24, 2026), https://www.adn.com/politics/2026/10/24/alaska-native-leaders-work-to-boost-voting-turnout-as-rural-communities-face-longstanding-barriers/.

[52] Beecher Response at 1.

[53] *Polls to Open in Kipnuk for First Time Since Ex-Typhoon Devastated Western Alaska Village*, KYUK (Oct. 22, 2026), https://www.kyuk.org/alaska-state-news/2026-10-22/polls-to-open-in-kipnuk-for-first-time-since-ex-typhoon-devastated-western-alaska-village.

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72. Defendants knew or should have known that rural absentee-in-person sites were at risk of failing to open, and they should have prepared for that risk. In-person voting in rural Alaska has repeatedly broken down, including in the 2022 general election and the August 2026 primary, as alleged above. The Division itself acknowledged the fragility of rural voting when it changed how Region IV absentee-in-person ballots would be routed for this election. Yet Defendants did not ensure that each designated official had received ballots and materials, knew that the official was expected to operate a site, or had a backup official in place.

73. In August 2026, the Alaska Federation of Natives wrote to the Division about rural election-worker vacancies and asked it to ensure that every advertised early voting location is open during all published hours and to establish a process for immediately notifying voters of unexpected closures; a Division spokesperson said the Division had no comment on the letter.[54] The Division office covering rural Alaska has experienced high staff turnover, and rural polling places regularly face severe staffing shortages during early voting and on Election Day.[55] And in 2024, Director Beecher confirmed that twenty rural communities received absentee ballots only after early voting had started.[56]

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[54] Rhonda McBride, *Native Leaders Demand Action on Rural Election Problems Ahead of Voting*, KYUK (Aug. 18, 2026), https://www.kyuk.org/politics/2026-08-18/native-leaders-demand-action-on-rural-election-problems-ahead-of-voting.
[55] *Alaska Native Leaders Work to Boost Voting Turnout*, Anchorage Daily News.
[56] *Steps Taken to Ensure Rural Alaska Voting Goes Smoother Than Primary, State Election Leaders Say*, Alaska's News Source (Nov. 5, 2024), https://www.alaskasnewssource.com/2024/11/05/steps-taken-ensure-rural-alaska-voting-goes-smoother-than-primary-state-election-leaders-say/.

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74. Defendants have had time to act. They have known of the site failures since at least October 23, 2026, when they received the Wielechowski Letter, and the Division's own follow-up procedures should have alerted them earlier to sites whose materials had not been picked up.[57] On information and belief, Defendants have since done nothing to restore in-person voting in the Affected Communities whose sites declined to open or have not responded: they have not designated replacement officials, arranged alternative voting opportunities, notified affected voters, or corrected their published listing.

75. And on October 26, staffers working for Plaintiff reported specific closed sites, including those in Alakanuk, Goodnews Bay, Mountain Village, Pilot Station, and Toksook Bay, directly to the Division's Regional Supervisor.

H. Plaintiff and Affected Voters Face Immediate and Irreparable Harm.

76. Absentee-in-person voting ends when the polls close at 8:00 p.m. on November 3, 2026. As of the filing of this Complaint, only three days of absentee-in-person voting remain at many of these locations.

77. Each day that a designated site in an Affected Community does not operate during its advertised hours, eligible voters in that community lose an opportunity to vote in this election. Once the polls close, that opportunity cannot be restored, and its loss cannot be measured or compensated with money.

[57] Wielechowski Letter at 1; Beecher Response at 1.

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78. Voters who rely on the Division's published listing will continue to travel to sites that are not open and cannot accept their ballots. For many of those voters, a second attempt before the polls close will not be realistic, and they will be disenfranchised.

79. Because many of the voters are Plaintiff's members, Plaintiff will suffer immediate and irreparable injury before Defendants can be heard in opposition unless the Court orders Defendants to open, supply, and staff the designated sites in the Affected Communities, to keep each open for its advertised hours through the close of the polls, to publish accurate site information, and to notify affected voters. Alaska R. Civ. P. 65(b).

CLAIMS FOR RELIEF

COUNT I

Violation of AS 15.20.045, AS 15.20.040, and AS 15.20.020

80. Plaintiff incorporates and re-alleges paragraphs 1 to 80 by reference. AS 15.20.045(a) permits the Director to designate absentee voting officials in areas of the state that do not have an election supervisor's office, and it requires that the Director "shall supply each absentee voting official with appropriate ballots" at least fifteen days before the election. Two related provisions reinforce that duty: the Director must distribute "the absentee ballots, envelopes, and other absentee voting material" for redistribution to absentee voting officials before the first day on which a voter may apply in person, AS 15.20.040, and the Director "shall provide general administrative supervision over the conduct of absentee voting," AS 15.20.020. For the November 3, 2026 general election, those duties had to be performed by October 19, 2026.

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81. Defendants exercised their designation authority for each of the eighteen absentee-in-person sites in the Affected Communities. The Division entered into a signed agreement for each site identifying its location and hours, published those locations and hours on its website, and told voters they could vote there beginning October 19, 2026. Having made those designations, Defendants were required to supply each designated official with appropriate ballots and materials by that date and to supervise the sites so that each could serve voters.

82. Defendants failed to do so. Local partners in the Affected Communities reported that they never received the necessary materials or did not know they were expected to operate a site, and the designated sites did not open as advertised.[58] Defendants have not stated that delivery to any of the eighteen sites was confirmed, and mailing ballot bags in early October does not satisfy a statute that requires the ballots to be supplied to the designated official.[59] Since learning of the failures, Defendants have not designated replacement officials, arranged alternative voting opportunities, or otherwise made the designated sites functional.

83. Defendants do not have the authority to act outside the law or in direct contravention of the Alaska Election Code, and specifically of AS 15.20.020, AS 15.20.040, and AS 15.20.045. The missed deadline does not extinguish Defendants' duty while the election remains open. Plaintiff is entitled to a declaration that Defendants have violated these provisions and to mandatory injunctive relief, in the

[58] Wielechowski Letter at 1.
[59] Beecher Response at 1.

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nature of the relief formerly available by mandamus, requiring Defendants to supply and staff each designated site in the Affected Communities, designating replacement officials where necessary, for the remainder of the voting period. AS 22.10.020(c); Alaska R. Civ. P. 91(b).

COUNT II
Violation of Alaska Const. art. V, § 1 (Right to Vote)

84. Plaintiff incorporates and re-alleges paragraphs 1 to 84 by reference.

85. Article V, Section 1 of the Alaska Constitution guarantees the right to vote to "[e]very citizen of the United States who is at least eighteen years of age" and "who meets registration residency requirements which may be prescribed by law."

86. Where the constitutionally protected right to vote is burdened, Alaska courts "assess the character and magnitude of the asserted injury to the right[]" and weigh it against "the precise interests put forward by the State as justifications for the burden imposed by its rule." *State, Div. of Elections v. Green Party of Alaska*, 118 P.3d 1054, 1061 (Alaska 2005) (quotation marks and citations omitted). "This is a flexible test: as the burden on constitutionally protected rights becomes more severe, the government interest must be more compelling and the fit between the challenged legislation and the state's interest must be closer." *Id.*; *see also State v. Arctic Vill. Council*, 495 P.3d 313 (Alaska 2021). Alaska's Constitution "is more protective of rights and liberties than is the United States Constitution." *Arctic Vill. Council*, 495 P.3d at 321 (quoting *Green Party*, 118 P.3d at 1060).

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87. "The accessibility, prominence, facilities, and prior notice of [a] polling place's location all have an effect on a person's ability to exercise his franchise." *Perkins v. Matthews*, 400 U.S. 379, 387 (1971). Here, Defendants' failure to supply, staff, and open the absentee-in-person sites they designated and advertised in the Affected Communities, and their failure to tell voters which sites are operating, impose a severe burden on the right to vote. For voters who relied on those sites, the burden is outright disenfranchisement. They live in remote communities where reaching another site may require travel by boat or by plane; the deadline to apply for a mailed ballot passed on October 24, 2026; electronic delivery depends on equipment and connectivity many of them lack; and rural Election Day polling places have repeatedly failed to open on time.

88. That burden does not serve any compelling state interest, particularly when (i) the Division's existing procedures already allow local sites to change or extend their hours until the polls close; (ii) the Director may designate replacement absentee voting officials, including Division staff, where a designated official has withdrawn or failed to serve; (iii) absentee-in-person ballots remain subject to the Division's envelope, eligibility-review, and anti-duplication safeguards; and (iv) the relief Plaintiff seeks requires no change to counting or certification deadlines. Thus, the burden Defendants' failures impose on the fundamental right to vote cannot be justified by any legitimate state interest. Even interests that are "legitimate . . . in the abstract" cannot "justify the burden on the rights of absentee voters guaranteed by article V, section 1 of the Alaska Constitution." *Arctic Vill. Council*, 495 P.3d at 324–26.

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89. Many Alaska voters in the Affected Communities will suffer direct and irreparable injury if Defendants are not ordered to open, supply, and staff the sites they designated and advertised. Without relief from this Court, those voters will be deprived of their right to vote in the November 3, 2026 general election, as rural Alaska voters have been in recent elections.

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Plaintiff respectfully requests that the Court:

(a) Declare that Defendants' failure to supply, staff, and open the absentee-in-person sites they designated and advertised in the Affected Communities violates AS 15.20.020, AS 15.20.040, and AS 15.20.045, and article V, section 1 of the Alaska Constitution;

(b) Issue a temporary restraining order and preliminary injunction requiring Defendants to open every absentee-in-person site they designated and advertised in the Affected Communities for the November 3, 2026 general election, and to keep each site open for its advertised hours through 8:00 p.m. on November 3, 2026, including by delivering whatever ballots and materials each site requires and, where a designated official is absent, unwilling, or was never told of the designation, designating a replacement absentee voting official under AS 15.20.045(a);

(c) Provide that the relief ordered shall be implemented through the Division's existing absentee-in-person procedures, preserving its ballot-security,

eligibility-review, and anti-duplication safeguards, and shall not alter any counting or certification deadline;

(d) Require no more than nominal security under Alaska Civil Rule 65(c);

(e) Award Plaintiff its costs and attorney's fees incurred for bringing this action pursuant to AS 09.60.010 and any other applicable laws; and

(f) Grant such other relief as the Court may deem just, proper, and equitable.

DATED this 30th day of October 2026, at Anchorage Alaska.

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/s/ River E.M. Sterne

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VERIFICATION OF THE ALASKA DEMOCRATIC PARTY

I, Eric Croft, state as follows:

1. I am the Chair of the Alaska Democratic Party, a Plaintiff in this action, and I am authorized to make this verification on its behalf.

2. I have read the foregoing Verified Complaint. The facts stated in the Verified Complaint are within my personal knowledge or are based on information reported by the sources identified in those paragraphs, and I believe them to be true.[i]

I certify under penalty of perjury that the foregoing is true.

Executed on October 30, 2026.

Eric Croft
Chair, Alaska Democratic Party
1500 W 33rd Street, Suite 210
Anchorage, AK 99503

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing Verification was acknowledged before me this 30th day of October, 2026, by Eric Croft, Chair of the Alaska Democratic Party.

STATE OF ALASKA
NOTARY PUBLIC
Cheri L. Woods
Commission #240307003

Notary Public in and for Alaska
My Commission expires: 3-7-2028

[i] Plaintiff Alaska Democratic Party conducted and coordinated the information gathering that formed the basis for the information presented to this court on absentee and early voting poll availability from October 26 through 29, and is ongoing. The activity was overseen by Brian Koppe, ADP Voter Access Director and was conducted by a team of employees from ADP Coordinated Campaign, Alaskans for Mary, and the DSCC. ADP Chair Eric Croft and ED Jenny-Marie Stryker met with Mr. Koppe by Zoom on 10/30 to review how the information was gathered and recorded. Based on that review, Chair Croft has a good faith belief that the information presented to the attorneys and the court is true and accurate. This is a fluid situation and ADP continues to monitor the information received from rural Alaska and the Division of Elections.