IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

LEAGUE OF WOMAN VOTERS OF ALASKA ET AL, Plaintiffs, v. CAROL BEECHER ET AL, Defendants.	Case No. 3AN-26-06319CI

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ORDER DENYING STATE'S MOTION TO DISMISS

On June 8, 2026, the State filed a Motion to Dismiss Plaintiffs' Complaint ("Motion"). Plaintiffs opposed.

For the following reasons the Motion is **DENIED**.

Background

The Alaska Division of Elections ("the Division") is controlled and supervised by the lieutenant governor.[1] The lieutenant governor appoints the director of elections, who acts for the lieutenant governor in the supervision of election offices and the administration of state elections.[2] The Division director is tasked with maintaining a statewide voter registration list ("VRL") containing "the names and addresses of all persons whose names appear on the master register and their political party affiliation."[3]

[1] AS 15.10.105(a).
[2] *Id.*
[3] AS 15.07.127.

Maintenance of the VRL is expressly governed by state statute, which prescribes the circumstances under which the Division director may cancel a voter's registration.[4] The director must cancel the registration of all deceased voters "at least once a month[.]"[5] The director must "promptly" cancel a person's voter registration after receiving evidence they were "convicted of a felony involving moral turpitude."[6]

The Director may send a notice requesting address confirmation or correction to voters: (1) whose mail from the division has been returned in the two years prior; (2) who have not had contact with the division in the two years prior, or; (3) who have not or appear not to have voted in the previous two general elections.[7] Inactivated voter registrations may only be cancelled "after the second general election that occurs after the registration becomes inactive if the voter does not contact the Division or vote or appear to vote[,]" subject to the National Voter Registration Act of 1993.[8]

The following information in the VRL is "confidential and is not open to public inspection: (1) the voter's age or date of birth; (2) the voter's social security number, or any part of that number; (3) the voter's driver's license number; (4) the voter's voter identification number; (5) the voter's place of birth; (6) the voter's signature."[9] However,

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[4] AS 15.07.130.
[5] AS 15.07.130(c).
[6] AS 15.07.135.
[7] AS 15.07.130(a).
[8] AS 15.07.130(3)(b).
[9] AS 15.07.195(a).

the Division may release confidential voter data to a government agency that will "use the information only for governmental purposes authorized under law[.]"[10]

On July 2, 2025, the United States Department of Justice (DOJ) issued a demand letter to the Lieutenant Governor for the most current copy of the VRL, including "all fields" contained in the list.[11] On August 4, 2025, the Director responded to DOJ's request in part, providing a copy of the VRL that included only publicly available information.[12] On August 14, 2025, DOJ responded to the Division and reiterated its demand for the "complete" VRL that "must contain all fields, including the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number."[13]

On December 19, 2025, the Lieutenant Governor agreed to provide the DOJ with the VRL including all information fields, and the Director executed a Memorandum of Understanding ("MOU") with the DOJ.[14] In the MOU, the Division agreed to remove voters the DOJ determined to be ineligible within 45-days' notice.[15] The MOU provides that DOJ may use the VRL list data for other purposes, including presenting the data to a contractor with the DOJ who needs the data "to perform duties related to the

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[10] AS 15.07.195(b).
[11] Am. Compl. at ¶ 18.
[12] *Id.* at ¶ 19.
[13] *Id.* at ¶ 21.
[14] *Id.* at ¶¶ 22-23, 29 (that same day, the Lieutenant Governor sent a letter to the Acting Chief of the Civil Rights Division of the DOJ stating that "Alaska will continue to comply with all state and federal laws while implementing this [MOU]").
[15] *Id.* at ¶¶ 25-26.

Department's list maintenance verification procedures."[16] Additionally, the MOU permits the DOJ to archive and store electronic data from the VRL "offline in a secure location."[17] The Lieutenant Governor transmitted the complete VRL to the DOJ on December 23, 2025.[18]

Plaintiff League of Women Voters of Alaska (LWVAK) is a 501(c)(3) nonprofit "committed to educating Alaskan voters; encouraging voter involvement in local, state, and federal elections; and ensuring voter access and protection."[19] Plaintiff Alaska Black Caucus (ABC) is a 501(c)(3) nonprofit "whose mission is to assert the Constitutional rights of African Americans in Alaska…in part by…promoting voter registration and active voter participation within the African American community throughout the state."[20] Plaintiff Alaska Public Interest Research Group (AKPIRG) is a 501(c)(3) nonprofit organization focused on "public interest consumer and good governance issues through advocacy and research."[21] AKPIRG "is an organizational partner of the Alaska Voter Hub, a nonpartisan coalition that strives to increase access to the ballot box through direct voter engagement and policy."[22]

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[16] *Id.* at ¶ 27.
[17] *Id.* at ¶ 28.
[18] *Id.* at ¶ 30.
[19] Am. Compl. at ¶ 12.
[20] *Id.* at ¶ 15.
[21] *Id.* at ¶ 18.
[22] *Id.* at ¶ 19.

Defendant Nancy Dahlstrom is the Lieutenant Governor of the State of Alaska.[23] Defendant Carol Beecher is the Director of Elections for the Division of Elections for the State of Alaska.[24]

On May 4, 2026, Plaintiffs filed an Amended Complaint for Declaratory and Injunctive Relief ("Complaint") against Defendants Dahlstrom and Beecher (collectively "the State").[25] The Complaint alleged that the State's release of unredacted voter information to DOJ violated constitutional privacy rights of Alaskan voters.[26] It further alleges that:

> Defendants' actions in entering an agreement which binds the State to remove Alaskans from the voter registration list upon DOJ's unilateral request violate Article V, Section 1 and Article I, Section 7 of the Alaska Constitution by giving DOJ the power to select which Alaskans have the right to vote and by obligating Defendants to purge voters from the voter list without any stated basis in law or process to challenge such an action.[27]

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The Complaint brought four claims: (1) violation of the right to privacy under the Alaska Constitution ("Count I"); (2) violation of the right to vote under the Alaska Constitution ("Count II"); (3) violation of state law governing voter registration list maintenance ("Count III"), and; (4) violation of the right to due process under the Alaska

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[23] *Id.* at ¶ 21.
[24] *Id.* at ¶ 22.
[25] AKPIRG was added as a Plaintiff in the Amended Complaint, despite the fact that the State does not mention AKPIRG in its Motion to Dismiss. Opp'n to Mot. to Dismiss at 2.
[26] Am. Compl. at ¶ 7.
[27] *Id.* at ¶ 9.

constitution ("Count IV").[28] Plaintiffs' Complaint requests only declaratory and injunctive relief.[29]

On June 8, 2026, the State filed a Motion to Dismiss Plaintiffs' Complaint. Plaintiffs opposed. On August 12, 2026, Plaintiffs requested this Court take judicial notice of a public document and public testimony of Ms. Beecher associated with a March 19, 2026 hearing before the Alaska State Legislature. On August 27, 2026, this Court issued an Order Notifying Parties of Intent to Take Judicial Notice and Inviting Response. Defendant's filed Response to Request to Take Judicial Notice on September 3, 2026. Oral Arguments on State's Motion to Dismiss Plaintiff's Complaint were held before the Court on September 16, 2026.

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Legal Standard

1. *Motions to Dismiss*

A pleading that sets forth a claim for relief must contain "(1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgement for the relief the pleader seeks…"[30] "[No] technical forms of pleadings or motions are required," but the required statement and demand must give the defendant "fair notice" of the claim and the grounds upon which it rests.[31] A pleading that can be amended must be "complete in itself, including the exhibits, without reference to the

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[28] *Id.* at 15-19.
[29] *Id.* at 19-20.
[30] Ak Civ. R. 8(a).
[31] *Doan v. Banner Health Inc.*, 535 P.3d 537 (Alaska 2023).

superseded pleading…"[32] However, pleadings are meant to allow parties to arrive on a fair and just settlement of their controversies, and should not present barriers preventing that end.[33] All pleadings must be "construed as to do substantial justice."[34]

A motion to dismiss is warranted under Alaska Civil Rule 12(b)(6) when the pleading fails "to state a claim upon which relief can be granted."[35] Generally, these motions are "viewed with disfavor and 'unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief,' the motion should be denied."[36] A claim survives a motion to dismiss when on its face it merely "allege[s] a set of facts consistent with and appropriate to some enforceable cause of action."[37] The Court must "liberally construe the complaint and treat all factual allegations in the complaint as true[,]" however, "unwarranted factual inferences and conclusions of law are not considered admitted in resolving the merits" of a motion to dismiss.[38]

When material outside the pleadings is presented to the Court a motion to dismiss is automatically converted into one for summary judgment unless the court "affirmatively" and "expressly" rules that it is not considering evidence outside the pleadings.[39] Documents attached to the complaint can be relied upon without converting a 12(b)(6) motion to

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[32] ALASKA R. CIV. P. 15(e).
[33] *Mitchell v. Land*, 355 P2d 682 (Alaska 1960).
[34] ALASKA R. CIV. P. 8(f).
[35] ALASKA R. CIV. P. 12(b)(6).
[36] *State Dep't of Health and Soc. Servs., Div. of Fam. & Youth Servs. v. Native Vill. of Curyung*, 151 P.3d 388, 296 (Alaska 2006) (citing *Martin v. Mears*, 602 P.2d 421, 429 (Alaska 1979)).
[37] *Clemenson v. Providence Alaska Medical Center*, 203 P.3d 1148, 1151 (Alaska 2009) (quoting *Odom v. Fairbanks Mem'l Hosp.*, 999 P.2d 123, 128 (Alaska 2000) (internal quotation marks omitted)).
[38] *Id.*; *Dworkin v. First National Bank of Fairbanks,* 444 P.2d 777, 779 (Alaska 1968).
[39] ALASKA R. CIV. P. 12(b)(6); *Adkins v. Nabors Alaska Drilling, Inc.*, 609 P.2d 15, 21 n.11 (Alaska 1980) (citing *Martin v. Mears*, 602 P.2d 421, 426 (Alaska 1979)).

dismiss to a motion for summary judgment.[40] The Court "may consider materials outside the pleadings on a motion to dismiss if those materials are subject to 'strict judicial notice,'" and the opposing party is notified and given an opportunity to respond.[41] The Court may so consider "matters of public record" including filings from a related lawsuit without converting to a motion for summary judgment.[42]

2. *Standing*

For a claim to be justiciable by this Court, there must be an "actual controversy."[43] An actual controversy exists when a claim is ripe, has not been rendered moot, and is brought by a party with standing.[44]

Alaska's standing requirements are more lenient than their federal counterparts, in part because "they favor ready access to a judicial forum."[45] However, "while Alaska's standing rules are liberal this court should not issue advisory opinions or resolve abstract questions of law."[46] The "basic requirement" of standing is adversity.[47] Alaska recognizes four types of standing: (1) interest-injury standing; (2) citizen taxpayer standing; (3) third-party standing, and; (4) associational standing.[48]

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[40] *Ahwinona v. State*, 922 P.2d 884, 886 (Alaska 1996).
[41] *Pedersen v. Blythe*, 292 P.3d 182, 185 (Alaska 2012) (noting that "other authorities have found 'strict judicial notice' to encompass statutes and regulations, matters of public record (including other court proceedings), and matters of common knowledge.")
[42] *Nizinski v. Currington*, 517 P.2d 754, 756 (Alaska 1974).
[43] AS 22.10.020(g); *State v. ACLU of Alaska*, 204 P.3d 364, 368 (Alaska 2009) (citing *Jefferson v. Asplund,* 458 P.2d 995, 998–99 (Alaska 1969)).
[44] *Id.* (citing *Brause v. State, Dep't of Health & Soc. Servs.,* 21 P.3d 357, 358 (Alaska 2001)).
[45] *Thomas v. Anchorage Equal Rights Comm'n*, 102 P.3d 937, 942 (Alaska 2004).
[46] *Bowers Office Products, Inc. v. Univ. of Alaska,* 755 P.2d 1095, 1097–98 (Alaska 1988).
[47] *Friends of Willow Lake, Inc. v. State Dep't of Transp. & Public Facilities*, 280 P.3d 542, 546 (Alaska 2012).
[48] *Id.*

Interest-injury is established when a plaintiff has "a sufficient personal stake in the outcome of the controversy and an interest which is adversely affected by the complained-of-conduct."[49] The alleged injury need only be "an identifiable trifle[,]" and the plaintiff must have a "personal stake in the outcome of the controversy."[50] To establish interest-injury standing, a plaintiff's interest must be "cognizable;" it cannot be "indeterminable, remote, fluctuating or uncertain."[51]

"To establish citizen-taxpayer standing, plaintiffs must show that the case is of public significance and that they are appropriate plaintiffs."[52] A plaintiff is not appropriate when the plaintiff has "no true adversity of interest[,]" is incapable of competently advocating for their position, or if "there [is] another potential plaintiff more directly affected by the challenged conduct who had sued or was likely to sue."[53] "The crucial inquiry is whether the more directly concerned potential plaintiff has sued or seems likely to sue in the foreseeable future."[54]

Third-party standing usually requires the existence of a "special relationship ... between plaintiff and third party, such as [a] parent asserting [a] minor child's constitutional rights, or when 'the interested party's attempt to vindicate his rights would forfeit these very rights.'"[55]

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[49] *Id.* (citing *Keller v. French*, 205 P.3d 299, 304 (Alaska 2009)).
[50] *Friends of Willow Lake, Inc.*, 280 P.3d at 546-547; *Keller*, 205 P.3d at 304.
[51] *Wagstadd v. Superior Court, Family Court Div.*, 535 P.2d 1220, 1225 (Alaska 1975) (citing *Frothingham v. Mellon*, 262 U.S. 447, 486-87 (1923)).
[52] *Keller v. French*, 205 P.3d 299, 302 (Alaska 2009).
[53] *Id.*
[54] *Trustees for Alaska v. State*, 736 P.2d 324, 330 (Alaska 1987).
[55] *Ebli v. Dep't of Corr.*, 451 P.3d 382, 392 (Alaska 2019) (quoting *Friends of Willow Lake* at 546, n. 12).

"[A]n association has standing to bring suit on behalf of its members when: (1) its members would otherwise have standing to sue in their own right; (2) the interests it seeks to protect are germane to the organization's purpose; and (3) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit."[56]

3. Ripeness

"The ripeness doctrine requires a plaintiff to claim that either a legal injury has been suffered or that one will be suffered in the future."[57]A claim for declaratory judgment is ripe "between parties having adverse legal interests [and] of sufficient immediacy and reality to warrant the issuance of a declaratory judgment."[58] "While 'pure legal questions that require little factual development are more likely to be ripe,' a party bringing a pre-enforcement challenge must nonetheless present a 'concrete factual situation.'"[59] "Our primary concern is whether the case involves uncertain or contingent future events that may not occur as anticipated, or indeed may not occur at all."[60]

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[56] *Alaskans for a Common Language, Inc. v. Kritz*, 3 P.3d 906, 915 (Alaska 2000) (adopting the test for associational standing as described in *Hunt v. Washington State Apple Advertising Comm'n,* 432 U.S. 333, 343 (1977)).
[57] *Brause v. State, Dep't of Health & Soc. Servs.*, 21 P.3d 357, 359 (Alaska 2001) (quoting *Federal Practice and Procedure*) (noting also that the court should avoid "decisions involv[ing] lawmaking…both as a matter of defining the proper role of the judiciary in society and as a matter of reducing the risk that premature litigation will lead to ill-advised adjudication.")
[58] *Borer v. Eyak Corp.*, 507 P.3d 49, 58 (Alaska 2022) (quoting *State v. ACLU of Alaska*, 204 P.3d 364, 369 (Alaska 2009)).
[59] *State v. ACLU of Alaska*, 204 P.3d 364, 368 (Alaska 2009) (quoting *Alaska Right to Life Political Action Cmte. v. Feldman*, 504 F.3d 840 (9th Cir. 2007)).
[60] *Eng v. Alaska Dep't of Public Safety*, 557 P.3d 1198, 1206 (Alaska 2024) (internal citations and quotations omitted).

There is no set formula for determining ripeness, rather, the Court must balance the "fitness of the issues for judicial decision and the hardship to the parties of withholding court consideration."[61] In other words, "[t]he need to decide is a function of the probability and importance of the anticipated injury. The risks of decision are measured by the difficulty and sensitivity of the issues presented, and by the need for further factual development to aid decision."[62]

Accordingly, "varying degrees of concreteness might be deemed acceptable depending on the need for a judicial decision."[63] And, with regard to "traditionally afforded" rights, the court "may adopt [a] somewhat relaxed approach to justiciability" due to the importance of the anticipated injury.[64]

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Discussion

1. *Standing*

    a. *The Court finds Associational Standing has been established by Plaintiff's as they have presented pleadings that are germane to the organization's purpose.*

The State expressly states that Plaintiffs' members have standing to sue and does not claim that the declaratory relief requires their individual participation in the lawsuit. However, the State argues that Plaintiffs do not have associational standing for privacy

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[61] *State v. ACLU*, 204 P.3d 364, 369 (Alaska 2009) (internal quotations omitted).
[62] *Brause v. State, Dep't of Health & Soc. Servs.*, 21 P.3d 357, 359 (Alaska 2001) (quoting *Federal Practice and Procedure*).
[63] *State v. ACLU*, 204 P.3d 364, 369 (Alaska 2009).
[64] *Id.* (quoting *Alaska Right to Life Political Action Comm. v. Feldman,* 504 F.3d 840, 851 (9th Cir.2007)).

claims because they "fail to establish that privacy is 'germane to' either LWVAK's or ABC's stated purpose."[65] Plaintiffs disagree.[66]

Given Alaska's liberal interpretation of standing requirements, the Court finds Defendants' argument ineffective. The requirement is that the interest be *germane*, not that the interest be explicitly enumerated in an organization's mission statement. The LWVAK lists "voter access *and protection*" as part of its mission.[67] While privacy is not expressly mentioned, "voter protection" is axiomatically germane to issues of voting LWVAK members' privacy. ABC expressly provides that its mission "is to assert *the Constitutional rights* of African Americans in Alaska."[68] The right to privacy, the right to vote, and the right to due process are enumerated rights provided under the Alaska Constitution, and the basis of claims in this case. AKPIRG pleads both that the organization has "interests in voter engagement and good governance"[69] which are "negatively impacted by the violations of voter privacy … and the potential removal of voters from the [VRL]."[70]

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The interests Plaintiffs seek to protect are clearly germane to their respective organizations' purpose. The State acknowledges that Plaintiffs' members have standing to sue and does not claim that the declaratory relief requires their individual participation

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[65] Mot. to Dismiss at 8.
[66] Opp'n to Mot. to Dismiss at 5-7.
[67] Mot. to Dismiss at 8 (quoting Am. Compl. at ¶ 12) (emphasis added).
[68] *Id.* (quoting Am. Compl. at ¶ 15) (emphasis added).
[69] *Id.* (quoting Am. Compl. at ¶ 20)
[70] *Id.*

in the lawsuit. Therefore, the Court finds that Plaintiffs have successfully established associational standing.[71]

b. The Court finds Citizen-Taxpayer standing has been established as the existence of more directly affected individuals does not foreclose this standing in the instant case.

"To establish citizen-taxpayer standing, plaintiffs must show that the case is of public significance and that they are appropriate plaintiffs."[72] The State does not argue that this case is not one of public significance, that there is no adversity between the parties, or that Plaintiffs are incapable of competently advocating for their position. Rather, the State argues that Plaintiffs do not have citizen-taxpayer standing because "actual voters whose data appears in the VRL certainly qualify as 'potential plaintiffs more directly affected by the challenged conduct.'"[73] Plaintiffs disagree and describe the State's argument as misstating the law, which provides that "the arguable existence of a more directly impacted individual does not strip an *otherwise appropriate* plaintiff of citizen-taxpayer standing if that more directly impacted individual does not or is not likely to sue."[74]

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Defendants cite *Keller*, in support of their argument that Plaintiffs are inappropriate.[75] In *Keller*, the Alaska Supreme Court held, "[t]hat individuals who are

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[71] *See* Opp'n to Mot. to Dismiss at 5-7.
[72] *Keller v. French*, 205 P.3d 299, 302 (Alaska 2009).
[73] Mot. to Dismiss at 6 (quoting *Id.*).
[74] Opp'n to Mot. to Dismiss at 9 (citing *Trustees for Alaska v. State*, 736 P.2d 324, 330 (Alaska 1987) (holding that the "mere possibility" that a potential plaintiff "might be more interested" does not make any other plaintiff an inappropriate plaintiff)).
[75] Reply ISO State's Mot. to Dismiss at 8.

more directly affected have chosen not to sue despite their ability to do so *does not* confer citizen-taxpayer standing on an inappropriate plaintiff."[76] However, in *Keller,* Plaintiffs attempted "to assert the personal constitutional rights of a small number of third parties involved in a legislative investigation."[77] More importantly, in *Keller*, there existed potential plaintiffs "who were more directly affected by the investigation and *who actually sued* some of the French defendants."[78]

In its Motion to Dismiss, the State identifies Plaintiffs' members as the more directly impacted plaintiffs, however, failed to present any evidence that members of Plaintiff-organizations have filed suit or are likely to do so.[79] During oral argument the State highlighted only the mere absence of any individual voter filing suit as support for its position.[80] "The mere possibility that another party might sue, however, does not necessarily justify a denial of standing."[81] Furthermore, the Court is "not obliged to accept as true 'unwarranted factual inferences and conclusions of law.'"[82] With no evidence regarding more directly affected individuals and no arguments made as to the other requirements of citizen-taxpayer standing the Court finds that Plaintiffs have established this form of standing.

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[76] *Keller v. French*, 205 P.3d 299, 303 (Alaska 2009).
[77] *LPPR v. State,* 239 P.3d 1252, 1255-56 (Alaska 2010).
[78] *Keller*, 205 P.3d at 303 (emphasis added).
[79] Defendants argue that Plaintiffs mischaracterize the caselaw, noting that in *Trustees for Alaska* the potential plaintiff was the Attorney General, whose "interest in the suit was not just different, but directly contrary to Trustee's interest." Reply in Supp. of Mot. to Dismiss at 7, n. 12.
[80] Oral Argument of *League of Woman Voters of Alaska et al. v. Dahlstrom et al.* (recorded September 16, 2026, at 15:56 PT)(on file with Alaska Court System).
[81] *Baxley v. State*, 958 P.2d 422, 429 (Alaska 1998).
[82] *Haines v. Comfort Keepers, Inc.*, 393 P.3d 422, 429 (Alaska 2017) (quoting *Dworkin v. First Nat. Bank of Fairbanks*, 44 P.2d 777, 779 (Alaska 1968)).

Furthermore, the State presents Plaintiffs' allegations of actual injury to the organization's interests as conclusions of law. Whether or not the Plaintiff-organizations' interests were injured is a question of fact, rather than a conclusion of law, therefore the Court cannot adjudicate this issue on a motion to dismiss.

c. The Court having found other forms of standing, declines to determine whether Interest Injury has been established.

It's unlikely that Plaintiffs established interest-injury standing because their alleged interests are overly broad and difficult to identify. Interest-injury standing is established when a plaintiff has "a sufficient personal stake in the outcome of the controversy and an interest which is adversely affected by the complained-of-conduct."[83] The alleged injury need only be "an identifiable trifle[,]" and the plaintiff must have a "personal stake in the outcome of the controversy."[84] This Court in finding both associational and citizen-taxpayer standing declines to rule on whether Plaintiffs have sufficiently established interest injury standing.

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d. The Court finds that Third Party Standing has not been established.

Third-party standing usually requires the existence of a "special relationship ... between plaintiff and third party, such as [a] parent asserting [a] minor child's constitutional rights, or when 'the interested party's attempt to vindicate his rights would forfeit these very rights.'"[85]

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[83] *Id.* (citing *Keller v. French*, 205 P.3d 299, 304 (Alaska 2009)).
[84] *Friends of Willow Lake, Inc.*, 280 P.3d at 546-547; *Keller*, 205 P.3d at 304.
[85] *Ebli v. Dep't of Corr.*, 451 P.3d 382, 392 (Alaska 2019) (quoting *Friends of Willow Lake* at 546, n. 12).

The State argues that Plaintiffs lack third-party standing because neither LWVAK or ABC "claims any special relationship with Alaska voters—nor could they plausibly do so."[86] Plaintiffs do not respond to this argument.

As a facial matter, Plaintiffs did not establish a special relationship with their members and clearly do not have third-party standing in this case.

2. *Ripeness*

The State argues that all Plaintiffs' claims, with exception to their claim for violation of privacy rights, "fail on the face of the complaint for lack of ripeness."[87] Specifically, the State argues that Counts II-IV "contend that *future* list maintenance conducted pursuant to the plaintiffs' reading of the MOU will violate" the Alaska Constitution and Alaska's VRL maintenance statute, and these claims are insufficient to establish "sufficient immediacy" necessary to establish ripeness.[88] The State explains, "the complaint imagines a hypothetical future scenario in which—contrary to the language of the MOU and the Lieutenant Governor's cover letter—the Division violates its own [VRL] statutes and the Alaska Constitution. That has not happened."[89] The Plaintiffs claim that "[b]ecause the unredacted VRL has already been shared and DOE has already committed to removing voters identified by DOJ as 'ineligible' within 45

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[86] Mot. to Dismiss at 7.
[87] Mot. to Dismiss at 9.
[88] *Id.* (noting that Plaintiffs acknowledge that as of the filing of the Amended Complaint DOJ had not identified any issues with Alaska's VRL and the Division had not yet "undertaken any list maintenance activities resulting from the MOU").
[89] Mot. to Dismiss at 9-10.

days of receiving a list from DOJ, all claims are ripe for review."[90] Plaintiffs argue that "DOE's actions are not insulated from judicial review based on a catch-all severability clause in its agreement with DOJ or various, non-binding statements that they will not violate Alaska law."[91]

Plaintiffs argue they effectively established that they will suffer legal injury in the future because, under the terms of the MOU, Defendants agree that they will remove voters from the VRL within 45 days' notice from the DOJ, in violation of state and federal law.[92] Plaintiffs explain that:

> Declining to adjudicate this concrete dispute now would force Plaintiffs to wait until they discover that DOE has taken further steps to 'clean' Alaska's voter rolls under the MOU (*i.e.*, after it has already removed voters from the rolls), prejudicing Plaintiffs' members' fundamental rights to vote and due process, and requiring costly and burdensome emergency litigation in order to protect the rights of voters who may be facing disenfranchisement in advance of an election.[93]

The need for the decision is informed by the likelihood and severity of injury.[94] Here, Plaintiffs allege that should this Court not adjudicate their claims, Alaskan voters may be removed from the VRL and deprived of their right to vote without being afforded a period to correct the government's mistakes as is provided under the law. Additionally,

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[90] Opp'n to Mot. to Dismiss at 1-2.
[91] *Id.* at 2.
[92] *Id.* at 13.
[93] *Id.*
[94] *State v. ACLU of Alaska*, 204 P.3d 364, 369 n. 24 (Alaska 2009) ("Where a statute criminalized conduct, threats of enforcement will support a pre-enforcement challenge if the threats are real and actually force the plaintiff to choose between forgoing the behavior and facing penalties.")

the Court should note that it is presently October. Assuming Plaintiffs' allegations to be true, it is possible Alaskan voters could be removed from the VRL in violation of the law right before the upcoming general election in November. Therefore, the severity of the alleged potential injury is high.

Defendants argue that the MOU requires compliance with state law and assurances are in place to prevent the alleged future injury. Plaintiffs argue these assurances are insufficient to show the injury is unlikely to occur. Plaintiffs cite various court rulings in other jurisdictions which have found that similar use of VRL data was unlawful.[95] However, Defendants assert that in those cases, state entities were *forced* to turn over voter data, whereas here, the State *willingly* entered into an agreement to provide the information, therefore those cases do not apply.[96]

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a. Count 1

The State did not dispute the ripeness of this claim. Even if disputed, the Court finds that the disclosure of the VRL to the DOJ in alleged violation of Article I, Section 22 of the Alaska Constitution to be a suffered legal injury by Plaintiff-organizations for the purposes of ripeness. Such an action is ripe for this Court's review.

[95] Opp'n to Mot. to Dismiss at 18, n. 58.
[96] Reply ISO State's Mot. to Dismiss at 14.

b. Counts II-IV

i. The pleadings present a sufficient factual concrete basis and high probability of action to support a finding of ripeness as a matter of law.

Counts II – IV fall under the latter category of ripeness, rising through allegations of a legal injury which will be suffered in the future. To determine ripeness of pre-enforcement challenges, the party must still allege concrete factual situations. Here, the Defendant cautions the Court from venturing into the realm of the hypothetical. That doing so would require the Court to rely on the hypothetical actions, inactions, or reactions of both the Division as well as the DOJ. Defendants argue since there has been no notification by the DOJ, nor has the Division taken any actions regarding the VRL that the claims are not ripe. Defendants paint Plaintiff's argument as the creation of a hypothetical future where violations of law may occur.

In opposition, Plaintiffs argue that the language present in the currently active MOU presents conflicts with state law and enforcement under that language will result in injurious conduct to Plaintiff's members. Specifically, prejudicing the fundamental right to vote and due process as well as creating the need for emergency litigation when the MOU is acted upon.

DOJ initiated communication to the Division regarding apparent discrepancies between registered voters listed as active and the State's whole voting age population.[97]

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[97] Am. Compl. Ex. A, at 1.

The Division responded with statistics demonstrating a steady decline in the discrepancy and the issue being partially based on data source usage and state law.[98] Even after the State responded, directed DOJ to the public VRL, and addressed DOJ's concerns, DOJ still requested Alaska's unredacted VRL. This interaction demonstrates to the Court a sufficiently high probability of DOJ action pursuant Section VIII of the MOU.

To hold otherwise would require the Court to find that the Division handed over the State's VRL while not being supported by any express purpose or rational need for DOJ to acquire the VRL. The State's argument that DOJ may never submit any list of names, is incongruous with DOJ's stated reasoning for contacting the State. Furthermore, the State's response to DOJ, both in providing the initial public redacted VRL and release of the unredacted VRL demonstrate a sufficiently high probability of both DOJ and State action to this Court.

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While not addressing the merits of the claims, this Court also finds that the language present within the MOU presents a controversy ripe for review. The Court on ruling on the State's Motion is unable to comport the language of AS 15.07.130 with the MOU's language regarding "any voter list maintenance issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns…"[99] Plaintiffs correctly highlight that commitment to removal at the request of DOJ presents future injury to Plaintiffs. In response, the State's reply argues two hypothetical situations. First a situation in which

[98] Am. Compl. Ex. B, at 2.
[99] Am. Compl. Ex. D, at 5.

DOJ sends a list which only contains the names of those who are deceased or convicted of a felony, and whose removal would comport with state law.[100] Second it argues a situation in which DOJ never submits a list.[101] As the Court has already discussed, the interactions between the Division and DOJ represent a high probability of future action by DOJ and the Division.

The first argument is equally unpersuasive to the Court. While the State may engage in hypothetical scenarios in which the MOU's language can comply with state law, the inverse is also true. Any DOJ submission containing the names of a living non felon, who meets the requirements to maintain status on the VRL under Alaska law, can still be a name submitted by DOJ. Any such submission would present the Court with justiciable, ripe claims to review.

This Court recognizes that it cannot speculate as to the motivations of nonparty DOJ, however the Division is a party in this case. The Division and DOJ negotiated the terms of the MOU, and the Division was more than capable of providing terms or procedures that could better conform with this State's laws. Instead, the State has given DOJ carte blanche to submit whenever it pleases, a list of whosever names it decides, for whatever reason DOJ determines, for any number of eligible voters. At which point the State has agreed to "within forty-five (45) days … state will clean its VRL/Data by removing ineligible voters…"[102] While the State has and will point to Section XII of the

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[100] Reply ISO State's Mot. to Dismiss at 10.
[101] *Id.*
[102] Am. Compl. Ex. D, at 5.

MOU, the Court remains unconvinced that such a clause on its own can shield this matter from judicial consideration. To hold otherwise would render the Court's judicial review of such agreements "a meaningless exercise, precluding resolution of the critical legal issues."[103]

Therefore, based on the interactions between the Division and DOJ, parties' pleadings and exhibits, and conflicting language between the MOU and state law, the Court finds the record supports a sufficient concrete factual situation of sufficiently high probability, from which a pre-enforcement challenge may be supported.

ii. The Court finds the pleadings present sufficient immediacy of a highly severe anticipated injury to Plaintiffs as to establish ripeness as a matter of law.

Having addressed whether the claims meet the sufficient reality necessary to support ripeness the Court must also address whether it meets the sufficient immediacy to do so as well. The amended complaint was filed in May of 2026, with motion work occurring since June and oral argument held in September of the same year. "The need to decide is a function of the probability and importance of the anticipated injury..."[104] The Court writes this order in October, leaving approximately three weeks until Alaska's elections on November 3, 2026. Plaintiff has presented claims which impact the ability of voters to exercise their right to vote, present within the MOU. Nothing in the MOU prevents the DOJ from submission of a list be it today or three days before the election.

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[103] *City & Cnty. of S.F. v. Trump*, 897 F.3d 1225, 1240 (9th Cir. 2018)
[104] *Brause v. State, Dep't of Health & Soc. Servs.*, 21 P.3d 357, 359 (Alaska 2001) (quoting *Federal Practice and Procedure*).

Again, the Division and DOJ negotiated the terms of the MOU, the Division was more than capable of addressing these issues, especially with the knowledge of an upcoming election.

Ultimately, the Court must balance the need for further factual development against the difficulty and sensitivity of the issues presented.[105] State's contentions to wait until DOJ submits a list argue a need for further factual development. However, the situation presented to the Court is of the State's own making. Therefore, the Court does not afford the State the luxury of waiting to see what actions DOJ takes, against the backdrop and timing of Plaintiff's claims. Plaintiffs present claims of sufficiently high probability, significant sensitivity, and with three weeks until the general election sufficient immediacy of anticipated injury. Furthermore, the Court recognizes the severity of the anticipated injury as high, pertaining to Plaintiff Organization members' right to vote. For these reasons this Court holds Counts II-IV to be ripe as a matter of law.

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3. Alaska Civil Rule 12(b)(6)

A motion to dismiss is warranted under Alaska Civil Rule 12(b)(6) when the pleading fails "to state a claim upon which relief can be granted."[106] The State argues in the alternative, that should this Court find that Plaintiffs' have standing, Plaintiffs' claims for violation of Alaska's right to privacy clause and statutory VRL maintenance should nevertheless be dismissed on 12(b)(6) grounds.[107]

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[105] *Id.*
[106] ALASKA R. CIV. P. 12(b)(6).
[107] Mot. to Dismiss at 10.

a. The constitutional right to privacy applies.

The State claims Plaintiffs fail to plead a claim for violation of their constitutional right to privacy because the information the Division disclosed to the DOJ does not constitute "sensitive personal information" and therefore is not protected by Alaska's constitutional right to privacy clause.[108] Plaintiffs disagree.[109]

Article 1, Section 22 of the Alaska Constitution provides that "[t]he right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section."[110] "[T]he privacy risks posed by computer databases of personal information was central to the privacy amendment's adoption[.]"[111] Because the State Constitution's right to privacy is explicit, its protections are necessarily more robust and broader in scope than those of the implied federal right to privacy.[112] However, "the right to privacy is neither absolute nor unconditional and still may be overcome by a statute enacted for compelling reasons using means that are narrowly tailored to achieve the statute's objectives."[113]

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"For the right to privacy to apply, there must be both a legitimate expectation of privacy and a claim of a substantial infringement, as distinguished from a minimal one."[114] "Alaska's right to privacy generally protects two types of interests. One is an

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[108] *Id.* at 11.
[109] Opp'n to Mot. to Dismiss at 14.
[110] ALASKA CONST. Art. 1 § 22.
[111] *Doe v. Dep't of Pub. Safety*, 444 P.3d 116, 128 (Alaska 2019).
[112] *State v. Planned Parenthood of Alaska*, 171 P.3d 577, 581 (Alaska 2007).
[113] *Doe*, 444 P.3d at 127.
[114] *Id.* at 126–27.

individual's interest in personal autonomy and independence in decision making. The other is an individual's interest in protecting "'sensitive personal information ... which if, disclosed ..., could cause embarrassment[,] anxiety,' " humiliation, harassment, or economic and physical reprisals."[115]

i. The disclosed information may be protected under the privacy clause.

The State explains that the information provided to the DOJ "is widely demanded—and willingly provided—in a variety of public settings and for some voters, is available on public websites."[116] It further argues that the Complaint does not effectively allege that the information "could cause—or has caused—embarrassment, anxiety, humiliation, harassment, or economic and physical reprisals, much less that any of the plaintiffs' members face such consequences."[117] Lastly, the State notes that pursuant to AS 15.07.195(b), voters "may elect in writing to keep the voter's residential address confidential and not open to public inspection if the voter provides a separate mailing address."[118]

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Plaintiffs argue that "because privacy risks posed by the aggregation of personal information in government databases was fundamental to the privacy clause's adoption, the wholesale disclosure of Alaska's unredacted VRL to the federal government falls squarely within the ambit of the constitutional protection."[119] Plaintiffs further argue that

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[115] *Id.* at 127.
[116] Mot. to Dismiss at 11.
[117] *Id.*
[118] *Id.* at 12 (quoting AS 15.07.195(b)).
[119] Opp'n to Mot. to Dismiss at 15.

given the sensitivity of the information, which includes not only personal identifying information but may also include voting history and party affiliation, their members have a legitimate expectation of privacy in this aggregate constellation of personal data.[120]

Lastly, Plaintiffs argue that the expectation of privacy in the disclosed VLR data is reasonable because "the power to maintain accurate voter registration lists in the first-place rests solely with the states, not the federal government."[121] And, "Plaintiffs have alleged that DOJ's collection of VRL data goes 'beyond its stated purpose *to create an unauthorized national voter database and to conduct criminal and immigration investigations.*'"[122] Plaintiffs argue that because Defendants' release of the full VRL information to the DOJ presents a credible risk to Plaintiffs' members, including removal from the VRL, Plaintiffs' members have a legitimate expectation "that the state will protect them" from the disclosure.[123]

Defendants' argument requires the Court to accept their claim that "there are no allegations of potential violence or, indeed, any specific tangible harm to voters that might result from sharing the VRL data with the DOJ[,]" and to disregard Plaintiffs' allegations that their personal information will be used to create an unauthorized database

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[120] *Id.* at 15-17. The Court gives less weight to the argument regarding political affiliation and voting history, given that it is not confidential and publicly available by request under state statute.
[121] *Id.* at 18-19.
[122] *Id.* at 19 (quoting Am. Compl. at pg 2) (emphasis added).
[123] *See Alaska Wildlife Alliance v. Rue*, 948 P.2d 976, 980 (Alaska 1997) (holding that even a statute "requiring disclosure of a person's identity must yield to the constitutional right to privacy" under appropriate circumstances holding that even though public employees generally do not have any expectation of privacy in their status as public employees, they had a legitimate expectation that the state would protect them by not disclosing them names when credible threats were made against the lives of public employees).

or unlawfully restrict their right to vote.[124] The State may claim that Plaintiffs' theory regarding the federal government's imminent and likely potential to so abuse Alaskans' personal data contained in the complete VRL is outlandish or incorrect, however, on a motion to dismiss, this Court is obligated to accept Plaintiffs' claims as true. Therefore, the Court finds that the privacy claims survive dismissal.

Furthermore, given the fundamental nature of the rights at stake, the seriousness of the allegations, and the existence of similar litigation in other states, this Court shall allow this case to proceed to discovery and fact-finding that will determine whether Plaintiffs' claims have merit.

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Conclusion

This Court finds Plaintiffs' establishment of two different forms of standing, as well as a matter of law, ripeness on Counts I-IV. In the alternative, this Court finds that the information present in the Complaint is sufficient to withstand dismissal under Alaska Civil Rule 12(b)(6). For the foregoing reasons, Defendant's Motion to Dismiss is **DENIED**.

IT IS SO ORDERED.

DATED at Anchorage, Alaska this 16th day of October, 2026.

ADOLF V. ZEMAN
Superior Court Judge

[124] Reply ISO State's Mot. to Dismiss at 12.

Alaska Trial Courts

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