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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States of America, Plaintiff, v. State of Alaska; Carol Beecher, in her official capacity as Director of the Division of Elections of the State of Alaska; the Election Boards of the State of Alaska; and the State Ballot Counting Review Board of the State of Alaska, Defendants.	Case No. 3:26-cv-00376-SLG **DEFENDANTS' MOTION FOR EXPEDITED CONSIDERATION OF THEIR MOTION TO DISMISS THE AMENDED COMPLAINT**

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Defendants Carol Beecher, in her official capacity as Director of the Division of Elections of the State of Alaska; the Election Boards of the State of Alaska; and the State Ballot Counting Review Board of the State of Alaska (collectively, "the Division") respectfully move the Court for expedited consideration of their motion to dismiss the United States' amended complaint, with a decision requested by **Monday, November 2**.

Local Rule 7.3(a)(1)(A) permits expedited consideration of an underlying motion for "good cause." That standard is easily met here.

As explained in the accompanying declaration of counsel, the United States sued the Division less than two weeks before Election Day. The Division filed a motion to dismiss and requested expedited consideration of that motion because the complaint sought to cast doubt on integrity of Alaska's U.S. Senate election[1] and requested drastic federal court interference in Alaska's administration of this election: it asked the Court to prevent the Division from certifying the result if a specific candidate "does not win," pending "an investigation" into the intent of voters who vote for a different candidate.[2]

The Court granted the motion for expedited consideration and ordered the United States to respond by 3:00 p.m. today, Thursday, October 29, 2026.[3]

Rather than filing a substantive opposition to the Division's motion to dismiss, the United States has filed an amended complaint adding a second—but equally meritless—count[4] (relying on the same underlying legal theory) and then opposed the Division's motion on the ground that it has been mooted by the amended complaint.[5] In the context of these expedited proceedings, the Court should not tolerate this gamesmanship.

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1 *See* Dkt. 18.

2 *See* Dkt. 43 at 18, ¶ 50, 57.

3 *See* Dkt. 19 at 2.

4 *See* Dkt. 43 at 19-20.

5 Dkt. 46 at 2-3.

The Division is renewing its motion to dismiss and asks the Court to require the United States to file any opposition by 10 a.m. tomorrow, Friday October 30, 2026, and allow the Division to file a reply by midnight the same day. The United States has requested until 1:00 p.m. on Friday to oppose.

This lawsuit and this requested relief cast a cloud over Alaska's election that is contrary to the public interest and that the Court should not allow to linger. The Division asks the Court to consider its renewed motion on this expedited schedule and issue a decision dismissing the United States' meritless complaint by **Monday, November 2**. This will ensure that Alaskans heading to the ballot box (as well as those who have already voted) have confidence that their votes will count and the U.S. Senate election result will be timely certified free from unlawful interference by the United States.

DATED: October 29, 2026.

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By: /s/ *Margaret Paton Walsh*
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Certificate of Service

I hereby certify that on October 29, 2026, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:26-cv-00376-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/Margaret Paton Walsh
Margaret Paton Walsh, Chief Assistant Attorney General

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