Tom Amodio, ABA #8511142
Kevin Boots, ABA # 0912090
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REEVES AMODIO LLC
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** Motion for admission Pro Hac Vice forthcoming*

REEVES AMODIO LLC
500 L STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKANS FOR MARY,

Plaintiff,

v.

NANCY DAHLSTROM, in her official capacity as Lieutenant Governor of Alaska; CAROL BEECHER, in her official capacity as Director of the Alaska Division of Elections; and the ALASKA DIVISION OF ELECTIONS,

Defendants.

Case No. 3AN-26-

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is a civil action for declaratory and injunctive relief under the Alaska Public Records Act, AS 40.25.110, *et seq*. Plaintiff Alaskans for Mary requested public records pertaining to ballots rejected in the 2026 General Election. Defendants Lieutenant Governor Nancy

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Dahlstrom, the Alaska Division of Elections, and its director, Carol Beecher, constructively denied and obstructed this request in violation of Plaintiff's rights and Defendants' obligations under the Public Records Act. Plaintiff is accordingly requesting a judgment declaring that the requested records must be disclosed under the Public Records Act, and an injunction directing Defendants to disclose those records without further delay.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to AS 22.10.020, 40.25.124, and 40.25.125.

3. Venue is proper in this district under AS 22.10.030 and Alaska Rule of Civil Procedure 3(c) because one or more Defendants have offices in this district and because Plaintiff's claim arises in this district.

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PARTIES

4. Plaintiff Alaskans for Mary is the duly organized political campaign in support of the election of Mary Peltola to the office of U.S. Senator for Alaska for the November 2026 General Election. Alaskans for Mary has a core interest in ensuring that its supporter's ballots are counted and that Peltola is elected to the U.S. Senate.

5. Defendant Nancy Dahlstrom is the Lieutenant Governor of Alaska and is sued in her official capacity. She is responsible for the control and supervision of the Alaska Division of Elections, including appointing the Director of the Alaska Division of Elections. AS 44.19.020, 15.10.105. She has constructive custody of the Absentee Register at issue.

6. Carol Beecher is the Director of the Alaska Division of Elections, and she is sued in her official capacity. Under AS 15.15.010, Beecher is the chief elections official for the State

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and is responsible for the "general administrative supervision over the conduct of state elections." AS 15.15.010. She has constructive custody of the Absentee Register at issue.

7. The Alaska Division of Elections is an executive branch agency responsible for the administration of Alaska's elections. It has custody of the Absentee Register at issue.

FACTS

8. On October 27, 2026, Plaintiff submitted a written request to each regional office of the Division of Elections seeking "a copy of the Absentee Register showing the accept or reject code for each absentee ballot returned for the 2026 General Election, or any other documents sufficient to show the identities of voters whose absentee ballots for the 2026 General Election have been rejected as well as the reasons for each rejection." A true and correct copy of Plaintiff's requests are attached as Exhibit 1.

9. Plaintiff did not receive a response to its requests.

10. On November 4, 2026, Plaintiff submitted additional correspondence demanding the requested records by 4:00 p.m. on Thursday, November 5, 2026. The November 4 demand letter outlined the Defendants' obligation under the implementing regulations to respond to a public records request "as soon as practicable"[1] and noted that Plaintiff would deem any failure to provide the records by 4:00 p.m. on November 5 as constructive denial. A true and correct copy of this correspondence is attached as Exhibit 2.[2]

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[1] 2 AAC § 96.325(a).
[2] The demand letters at Exhibit 2 were inadvertently dated November 5, 2026, but were transmitted to parties via email at 9:15 p.m. Alaska Standard Time.

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11. During a telephonic conferral and subsequent email correspondence on November 5th, counsel for Defendants declined Plaintiff's request to immediately provide the records at issue.

12. Defendants administered the General Election on November 3, 2026. As of this filing, votes are still being tabulated and no winner has been declared in the race for U.S. Senate.

13. By statute, the local canvass of in-person ballots was completed on November 4[3]; the questioned ballot board began review of questioned ballot envelopes on November 5[4]; early vote ballots voted the Friday before Election Day through Election Day are to be counted by November 10[5]; and district absentee and questioned ballot counting boards must certify results by November 18.[6]

14. Plaintiff cannot ensure that its voters' lawful votes were properly counted without knowing whose absentee ballots were rejected or questioned, and why. With the counting of absentee ballots and review by the questioned ballot board currently in progress, and certification deadlines rapidly approaching, each hour and each day that Defendants deny Plaintiff the requested records to which it is entitled costs Plaintiff the opportunity to help ensure that qualified voters have their ballots counted.

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[3] AS 15.15.370.
[4] *Id.* 15.20.205(a).
[5] *Alaska's Ballot Counting System and Schedule*, Alaska Div. of Elections, https://perma.cc/V58M-29Y3 (last visited Nov. 5, 2026).
[6] AS 15.20.201(c), 15.20.205(c).

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ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

CAUSES OF ACTION

COUNT I
Violation of Alaska Public Records Act

15. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint as if fully set forth herein.

16. The Alaska Public Records Act provides: "Unless specifically provided otherwise, the public records of all public agencies are open to inspection by the public under reasonable rules during regular office hours. The public officer having the custody of public records shall give on request and payment of the [required] fee . . . a certified copy of the public record." AS 40.25.110(a).

17. The documents that Plaintiff requested are public records that do not fall within any of the exceptions to inspection and disclosure, as set forth in AS 40.25.120(a).

18. Defendants violated the Alaska Public Records Act by denying, obstructing and attempting to obstruct Plaintiff's inspection of the public records that Plaintiff requested, in violation of AS 40.25.110 and 40.25.120.

19. A declaration of Plaintiff's rights and an injunction requiring Defendants to produce the requested public records are appropriate pursuant to AS 22.10.020(g) and 40.25.125.

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I. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays as follows:

A. That the Court enter an order declaring that Plaintiff has the right to inspect and obtain copies of the public records it requested from Defendants;

B. That the Court order Defendants to produce copies of the requested records in electronic format to Plaintiff or make the public records available to Plaintiff to inspect and copy without further delay;

C. That the Court issue an injunction against Defendants pursuant to AS 40.25.125 that restrains them from denying, obstructing, attempting to obstruct, or delaying Plaintiff's access to the requested records;

D. That the Court award Plaintiff its costs and attorneys' fees incurred as a result of having to pursue this litigation pursuant to AS 09.60.010 and any other applicable laws; and

E. That the Court award such other legal or equitable relief as the Court deems just and appropriate.

DATED this 6th day of November, 2026 at Anchorage, Alaska.

RETRIEVED FROM DEMOCRACYDOCKET.COM

REEVES AMODIO, LLC

By: */s/ Thomas P. Amodio*
Thomas P. Amodio
Alaska Bar No. 8511142

By: */s/ Kevin M. Boots*
Kevin M. Boots
Alaska Bar No. 0912090

By: */s/ Lily Ginsburg*
Lily Ginsburg
Alaska Bar No. 2411117

ELIAS LAW GROUP LLP

By: */s/ Abha Khanna*
Abha Khanna
**Pro Hac Vice forthcoming*

REEVES AMODIO LLC
500 L STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

By: */s/ Jacob D. Shelly*
Jacob D. Shelly
**Pro Hac Vice forthcoming*

By: */s/ Desiree M. Pelletier*
Desiree M. Pelletier
**Pro Hac Vice forthcoming*

CERTIFICATE OF SERVICE
I certify that the foregoing was served upon the following parties by email and U.S. Mail this 6th day of November, 2026 to the following:

Thomas Flynn
Chief Assistant Attorney General
Department of Law
1031 West Fourth Avenue, Ste. 200
Anchorage, AK 99501
thomas.flynn@alaska.gov

/s/ Jada Craig .
Jada Craig

REEVES AMODIO LLC
500 L STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

RETRIEVED FROM DEMOCRACYDOCKET.COM

Exhibit 1

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ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

October 27, 2026

VIA E-MAIL

Alaska Division of Elections, Region I Elections Office
PO Box 110018
Juneau, AK 99811-0018
electionsr1@alaska.gov

Re: Public Records Request

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary to request copies of public records under the Alaska Public Records Law ("APRA"), Alaska Stat. § 40.25.110 et seq, pertaining to ballots rejected in the 2026 General Election.

Specifically, I am requesting a copy of the Absentee Register showing the accept or reject code for each absentee ballot returned for the 2026 General Election, or any other documents sufficient to show the identities of voters whose absentee ballots for the 2026 General Election have been rejected as well as the reasons for each rejection.

This information is a "public record" subject to disclosure under APRA. "[P]ublic records" are defined broadly to include "books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency." Alaska Stat. § 40.25.220. The Division of Elections, regional offices, and absentee ballot review boards that process absentee ballots are public agencies, and a list of rejected absentee ballots is a "public record" because it is a document developed by an agency and preserved for its informational value. "*Unless specifically provided otherwise*, the public records of all public agencies are open to inspection by the public[.]" *Id.* § 40.25.110 (emphasis added).

No Alaska statute protects the requested information from disclosure. Alaska law provides that six specific identifiers in a voter's registration data should remain confidential: the voter's (1) age or date of birth, (2) Social Security number or any part thereof, (3) driver's license number, (4) voter identification number, (5) place of birth, and (6) signature. Alaska Stat. § 15.07.195(a). Neither a voter's name nor a voter's ballot status appears among these specifically protected categories. Indeed, far from requiring secrecy, Alaska law treats the status of a voter's ballot and the reasons for its rejection as public information by allowing observers to attend absentee ballot review board meetings. Alaska Stat. Ann. § 15.10.170(a). Further, Alaska Secretary of State regulations provide that the Absentee Register "may be reviewed by interested persons at any time

during the election process at the regional elections offices," indicating that the non-confidential information contained on the Absentee Register – including the status of each absentee voter's ballot – is a public record. 6 AAC § 25.040. For the avoidance of doubt, this request does not seek those confidential fields, nor does it seek the content of any marked ballots.

Pursuant to 2 AAC § 96.325(a) and Alaska Stat. § 40.5.120(b), please respond to this request as soon as practicable within ten working days. Given that the 2026 General Election is now ongoing, we request that you provide your responses on a rolling basis as ballots are received and processed in the days leading up to election day. Please produce the requested information in electronic format and direct all correspondence regarding this request to akhanna@elias.law and rmedina@elias.law. Please do not hesitate to contact me with any questions concerning this request or if I can provide any further information that may expedite your response.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information. **In the event of a denial, Alaskans for Mary reserves the right to pursue all available legal remedies, including an action for injunctive relief under Alaska Stat. § 40.25.125**.

Please acknowledge this request upon receipt.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Very truly yours,

Abha Khanna
Attorney for Alaskans
for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

October 27, 2026

VIA E-MAIL

Alaska Division of Elections, Region II Elections Office
2525 Gambell Street, Suite 100
Anchorage, AK 99503-2838
electionsr2@alaska.gov

Re: Public Records Request

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary to request copies of public records under the Alaska Public Records Law ("APRA"), Alaska Stat. § 40.25.110 et seq, pertaining to ballots rejected in the 2026 General Election.

Specifically, I am requesting a copy of the Absentee Register showing the accept or reject code for each absentee ballot returned for the 2026 General Election, or any other documents sufficient to show the identities of voters whose absentee ballots for the 2026 General Election have been rejected as well as the reasons for each rejection.

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No Alaska statute protects the requested information from disclosure. Alaska law provides that six specific identifiers in a voter's registration data should remain confidential: the voter's (1) age or date of birth, (2) Social Security number or any part thereof, (3) driver's license number, (4) voter identification number, (5) place of birth, and (6) signature. Alaska Stat. § 15.07.195(a). Neither a voter's name nor a voter's ballot status appears among these specifically protected categories. Indeed, far from requiring secrecy, Alaska law treats the status of a voter's ballot and the reasons for its rejection as public information by allowing observers to attend absentee ballot review board meetings. Alaska Stat. Ann. § 15.10.170(a). Further, Alaska Secretary of State regulations provide that the Absentee Register "may be reviewed by interested persons at any time

during the election process at the regional elections offices," indicating that the non-confidential information contained on the Absentee Register – including the status of each absentee voter's ballot – is a public record. 6 AAC § 25.040. For the avoidance of doubt, this request does not seek those confidential fields, nor does it seek the content of any marked ballots.

Pursuant to 2 AAC § 96.325(a) and Alaska Stat. § 40.5.120(b), please respond to this request as soon as practicable within ten working days. Given that the 2026 General Election is now ongoing, we request that you provide your responses on a rolling basis as ballots are received and processed in the days leading up to election day. Please produce the requested information in electronic format and direct all correspondence regarding this request to akhanna@elias.law and rmedina@elias.law. Please do not hesitate to contact me with any questions concerning this request or if I can provide any further information that may expedite your response.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information. **In the event of a denial, Alaskans for Mary reserves the right to pursue all available legal remedies, including an action for injunctive relief under Alaska Stat. § 40.25.125**.

Please acknowledge this request upon receipt.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Very truly yours,

Abha Khanna
Attorney for Alaskans
for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

October 27, 2026

VIA E-MAIL

Alaska Division of Elections, Region III Elections Office
675 7th Avenue, Suite A1
Fairbanks, AK 99701-4501
electionsr3@alaska.gov

Re: Public Records Request

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary to request copies of public records under the Alaska Public Records Law ("APRA"), Alaska Stat. § 40.25.110 et seq, pertaining to ballots rejected in the 2026 General Election.

Specifically, I am requesting a copy of the Absentee Register showing the accept or reject code for each absentee ballot returned for the 2026 General Election, or any other documents sufficient to show the identities of voters whose absentee ballots for the 2026 General Election have been rejected as well as the reasons for each rejection.

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Please acknowledge this request upon receipt.

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Very truly yours,

Abha Khanna
Attorney for Alaskans
for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

October 27, 2026

VIA E-MAIL

Alaska Division of Elections, Regional IV Elections Office
PO Box 577
Nome, AK 99762-0577
electionsr4@alaska.gov

Re: Public Records Request

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary to request copies of public records under the Alaska Public Records Law ("APRA"), Alaska Stat. § 40.25.110 et seq, pertaining to ballots rejected in the 2026 General Election.

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Abha Khanna
Attorney for Alaskans
for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

October 27, 2026

VIA E-MAIL

Alaska Division of Elections, Region V Elections Office
1700 E. Bogard Road, Suite B 102
Wasilla, AK 99654-6565
electionsr5@alaska.gov

Re: Public Records Request

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary to request copies of public records under the Alaska Public Records Law ("APRA"), Alaska Stat. § 40.25.110 et seq, pertaining to ballots rejected in the 2026 General Election.

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Please acknowledge this request upon receipt.

RETRIEVED FROM DEMOCRACYDOCKET.COM

Very truly yours,

Abha Khanna
Attorney for Alaskans
for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

November 5, 2026

VIA E-MAIL

Alaska Division of Elections, Region I Elections Office
PO Box 110018
Juneau, AK 99811-0018
electionsr1@alaska.gov

Re: Alaskans for Mary's October 27, 2026, Public Records Request for Absentee Register

RETRIEVED FROM DEMOCRACYDOCKET.COM

Dear Records Custodian:

I write on behalf of Alaskans for Mary regarding its October 27, 2026, public records request (the "Request") pertaining to ballots rejected in the 2026 General Election. The Request formally sought "a copy of the Absentee Register showing the accept or reject code for each absentee ballot returned for the 2026 General Election, or any other documents sufficient to show the identities of voters whose absentee ballots for the 2026 General Election have been rejected as well as the reasons for each rejection." As our correspondence made clear at the time, this Request did *not* seek any personal confidential information. Although Alaskans for Mary served the Request on your office over one week ago, we have not yet received any response from your office, including any indication that your office intends to promptly produce the records requested therein pursuant to the Alaska Public Records Act ("APRA"), Alaska Stat. § 40.25.110 *et seq.*

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An immediate production of records responsive to the Request is warranted by three considerations: (1) the records at issue are indisputably subject to disclosure under APRA; (2) exigent events—namely, Alaska's post-election deadlines for counting absentee, early, and questioned ballots—require prompt production of the requested Records, which will be of diminishing usefulness to Alaskans for Mary as relevant post-election deadlines come and go; and (3) your office has a legal duty to produce the requested records as quickly as possible, and the burden of doing so here is extremely minimal.

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Attorney for Alaskans for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

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ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

November 5, 2026

VIA E-MAIL

Alaska Division of Elections, Region II Elections Office
2525 Gambell Street, Suite 100
Anchorage, AK 99503-2838
electionsr2@alaska.gov

Re: Alaskans for Mary's October 27, 2026, Public Records Request for Absentee Register

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1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

November 5, 2026

VIA E-MAIL

Alaska Division of Elections, Region III Elections Office
675 7th Avenue, Suite A1
Fairbanks, AK 99701-4501
electionsr3@alaska.gov

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VIA E-MAIL

Alaska Division of Elections, Region IV Elections Office
PO Box 577
Nome, AK 99762-0577
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I am therefore sending you formal notice that, if Alaskans for Mary does not receive the records described in the Request by **4:00 p. m. on Thursday, November 5, 2026**, we will deem such failure to constitute **constructive denial** of our request. We **reserve the right to pursue judicial relief** in such an event pursuant to Alaska Stat. §§ 40.25.124, .125.

An immediate production of records responsive to the Request is warranted by three considerations: (1) the records at issue are indisputably subject to disclosure under APRA; (2) exigent events—namely, Alaska's post-election deadlines for counting absentee, early, and questioned ballots—require prompt production of the requested Records, which will be of diminishing usefulness to Alaskans for Mary as relevant post-election deadlines come and go; and (3) your office has a legal duty to produce the requested records as quickly as possible, and the burden of doing so here is extremely minimal.

1. The records subject to the Request are clearly subject to disclosure under APRA.

The Absentee Register, as well as the accept or reject codes therein, is indisputably a "public record" subject to disclosure under APRA, which "articulate[s] a broad policy of open records." *Gwich'in Steering Comm. v. State, Office of the Governor*, 10 P.3d 572, 578 (Alaska 2000) (further characterizing public access rights as "fundamental" in Alaska) (citations omitted).

"[P]ublic records" are defined broadly under APRA to include "books, papers, files, accounts, writings, including drafts and memorializations of conversations, and other items, regardless of format or physical characteristics, that are developed or received by a public agency, or by a private contractor for a public agency, and that are preserved for their informational value or as evidence of the organization or operation of the public agency." Alaska Stat. § 40.25.220. The Division of Elections, regional offices, and absentee ballot review boards that process absentee ballots are public agencies, and a list of rejected absentee ballots is a "public record" because it is a document developed by an agency and preserved for its informational value. "*Unless specifically provided otherwise*, the public records of all public agencies are open to inspection by the public[.]" *Id.* § 40.25.110 (emphasis added). APRA therefore "creates a presumption in favor of disclosure," in recognition of "Alaska's strong commitment to ensuring broad public access to government records." *Fuller v. City of Homer*, 75 P.3d 1059, 1061–62 (Alaska 2003).

No Alaska statute protects the requested information from disclosure. Alaska law provides that six specific identifiers in a voter's registration data should remain confidential: the voter's (1) age or date of birth, (2) Social Security number or any part thereof, (3) driver's license number, (4) voter identification number, (5) place of birth, and (6) signature. *See* Alaska Stat. § 15.07.195(a). Neither a voter's name nor a voter's ballot status appears among these specifically protected categories, which must be "narrowly construe[d]." *Fuller*, 75 P.3d at 1062. Moreover, the Court of Appeals has made clear in other contexts "that a person's name and address, by themselves, do not constitute information about which a person can have a reasonable expectation of privacy[.]" *State v. Chryst*, 793 P.2d 538, 542 (Alaska Ct. App. 1990); *cf. Int'l Ass'n of Fire Fighters, Loc. 1264 v. Mun. of Anchorage*, 973 P.2d 1132, 1136 (Alaska 1999) (concluding release of public employee name and salary information did not violate right to privacy).

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Indeed, far from requiring secrecy, Alaska law treats the status of a voter's ballot and the reasons for its rejection as public information by allowing observers appointed by candidates and parties to attend absentee ballot review board meetings. *See* Alaska Stat. § 15.10.170(a); *see also* Alaska Stat. § 15.15.400 (allowing public purchase of voter list containing voter name, party affiliation, and voting history). In other words, Alaska law expressly contemplates that members of the public will be able to learn firsthand whether a specific voter's ballot is accepted or rejected; the Request seeks nothing more than a written compilation of those public determinations.

Further, Alaska Secretary of State regulations provide that the Absentee Register "may be reviewed by interested persons at any time during the election process at the regional elections offices," indicating that the non-confidential information contained on the Absentee Register—including the status of each absentee voter's ballot—is a public record. 6 AAC § 25.040.

2. Because the requested records concern ballot counting, untimely production prejudices and irreparably harms Alaskans for Mary.

Alaskans for Mary is the official campaign committee of Mary Peltola, a candidate in Alaska's ongoing election for U.S. Senate. Accordingly, its chief purpose is to help achieve the election of Mary Peltola to the U.S. Senate. The records subject to the Request directly concern the ongoing election and the ballots counted—or rejected—in connection with that election.

Now that election day has passed, Alaska law imposes a series of rapid-fire deadlines for tallying, counting, and canvassing the ballots cast in the election. *See* Alaska Div. of Elections,

Alaska's Ballot Counting System and Schedule, https://www.elections.alaska.gov/ballot-counting-process/counting-system-and-schedule/ (last visited Nov. 4, 2026) [hereinafter *Alaska's Ballot Counting System and Schedule*]. Election officials are already engaged in the task of counting some absentee ballots, *see id.*, and beginning on November 5, 2026, questioned ballot counting review boards will begin to review all questioned ballots received by that date, *see* Alaska Stat. § 15.20.205. Election boards will also announce 7-day, 10-day, and 15-day counts on November 10, November 13, and November 18, respectively. *See Alaska's Ballot Counting System and Schedule*, *supra*. These counting procedures will continue through November 18, at which point district absentee boards and questioned ballot boards will be expected to certify their results. *See id.*

The usefulness of the requested records diminishes substantially as these deadlines progress and election day itself passes further into the rearview mirror. Alaskans for Mary seeks the relevant records to safeguard an accurate ballot count and ensure that Peltola's supporters are not unlawfully disenfranchised. However, absent prompt production, the requested records will no longer be usable for these purposes. Failure to produce the records in a timely manner therefore imposes irreparable harm on Alaskans for Mary. *See, e.g.*, *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014) ("[O]nce the election occurs, there can be no do-over and no redress.").

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3. Your office has a duty to produce records as soon as practicable, which should allow for production by Thursday, November 5.

Public agencies have a duty to "promptly fulfill requests" under APRA and therefore must "disclose public records . . . in an expeditious manner." *Basey v. Dep't of Pub. Safety, Div. of Alaska State Troopers, Bureau of Investigations*, 462 P.3d 529, 534 (Alaska 2020) (quoting 2 AAC 96.200(a)). While APRA's implementing regulations set an outer deadline of 10 working days to respond to a request, *see* 2 AAC § 96.325(a), they also make clear that agencies have an obligation to produce responsive materials "as soon as practicable," *id.* Here, the requested records—the Absentee Register with specific categories of information redacted—can be readily produced. Indeed, Alaska law contemplates that they already be readily available for inspection in person. *See* 6 AAC 25.040 (establishing that the Absentee Register "may be reviewed by interested persons at any time during the election process at the regional elections offices").

Consistent with this duty to act promptly, APRA makes clear that a requestor can sue to obtain records whenever a custodian "obstructs" or "attempts to obstruct" timely inspection of a public record. Alaska Stat. § 40.25.125. The same provision makes clear that requestors can seek injunctive relief "without exhausting" the APRA's other remedies in such circumstances. *Id.* As the Department of Law made clear just weeks ago, this path to relief means that requestors like Alaskans for Mary need "not wait" on a final decision to seek relief. *See America First Legal Foundation v. Alaska Judicial Council*, No. 3AN-26-09043CI, Amicus Brief of State of Alaska at 8 (Alaska Super. Ct. Oct. 20, 2026).

* * *

As the foregoing makes clear, (1) Alaskans for Mary has a clearly established legal entitlement to the records at issue in the Request; (2) the Request concerns extremely time-sensitive material that will soon be rendered of little use to Alaskans for Mary; and (3) your office is under a legal duty to produce the records as soon as practicable, which in this case should be far

less than 10 working days. In view of these considerations, failure to produce responsive materials by **4:00 p.m. on Thursday, November 5, 2026**—seven full working days after we served our request—reasonably constitutes delay or obstruction that amounts to constructive denial of our request. We therefore respectfully request that you complete production of materials responsive to the Request by this Friday, with rolling daily productions thereafter as the Absentee Register is updated. **We reserve all rights to relief if your office fails to comply with this request for prompt production.**

Please acknowledge this request upon receipt.

Very truly yours,

Abha Khanna
Attorney for Alaskans for Mary

cc: Alaska Division of Elections
PO Box 110017
Juneau, AK 99811
elections@alaska.gov

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ELIAS LAW GROUP

1700 Seventh Ave, Suite 2100 | Seattle, WA 98101

November 5, 2026

VIA E-MAIL

Alaska Division of Elections, Region V Elections Office
1700 E. Bogard Road, Suite B 102
Wasilla, AK 99654-6565
electionsr5@alaska.gov

Re: Alaskans for Mary's October 27, 2026, Public Records Request for Absentee Register

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