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IN THE SUPERIOR COURT FOR STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

LEAGUE OF WOMEN VOTERS OF
ALASKA and ALASKA BLACK
CAUCUS,

Plaintiffs,

vs.

NANCY DAHLSTROM, in her
official capacity as Lieutenant
Governor for the State of Alaska and
CAROL BEECHER, in her official
capacity as Director of the Alaska
Division of Elections

Defendants.

Case No. 3AN-26-06319CI

STATE'S MOTION TO DISMISS

I. Introduction

Consistent with many years of cooperation with federal government agencies to advance compliance with state and federal law, the Alaska Division of Elections (the Division) shared Alaska's Voter Registration List (VRL) with the United States Department of Justice (DOJ). The Division did so after receiving a request for that data from the chief of DOJ's Civil Rights Division and signing a memorandum of understanding (MOU) with the DOJ.

The voter list included voters' names, residential addresses, dates of birth, and either the last four digits of the voter's social security number or, if that was not available, the voter's state driver's license number. The MOU outlines the purpose of providing the data and the measures that will be undertaken to ensure its security. It states that the DOJ will identify potentially ineligible voters to the Division and the

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Division will remove those voters from the rolls consistent with the requirements of state and federal law. A cover letter from the Lieutenant Governor to the DOJ that accompanied the signed MOU plainly expressed the State's intent to comply with state and federal law in any list maintenance activities related to the MOU. That intent was then publicly confirmed at two legislative hearings.

Despite this, two public interest groups—League of Women Voters of Alaska (LWVAK) and the Alaska Black Caucus (ABC)—sued the Division alleging that by sharing voter data with the DOJ, the Division violated Alaskan voters' right to privacy under Article I, Section 22 of the Alaska Constitution and that by signing the MOU, the Division committed to performing voter list maintenance in violation of Article I, Section 7 and Article V, Section 1 of the Alaska Constitution and AS 15.07.130.

The Division now moves to dismiss the complaint in its entirety. None of the plaintiffs' claims are justiciable, and even if they were, they all must be dismissed. The plaintiffs have not established their standing to bring the privacy claim. And even if they had standing, the privacy clause prohibits the public disclosure of sensitive information, not the sharing of government data with other government agencies for legitimate purposes, as the Division did here. The plaintiffs' list maintenance claims are not ripe. And those claims rely on a misstatement of the contents of the MOU, assuming without any basis that the Division will act contrary to state statute and its expressed intent.

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II. Facts

In December 2025, the Alaska Division of Elections provided Alaska’s VRL to the DOJ, pursuant to an MOU. [Complaint ¶¶ 22-23] The list included voters’ names, residential addresses, dates of birth, and either the last four digits of the voter’s social security number or the voter’s state driver’s license number. [Complaint ¶ 7] The MOU provides that the DOJ will notify the State “of any voter list maintenance issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, the Justice Department found when testing, assessing, and analyzing [the] VRL for NVRA and HAVA compliance.” [Complaint ¶ 25, Ex. D at 5] And that the State will remove ineligible voters from its rolls within 45 days of receiving such notice. [Complaint ¶ 26]

In addition to the sections of the MOU quoted in the complaint, section XII of the document includes a severability clause that states:

Nothing in this MOU is intended to conflict with current law or regulation or the directives of the Department or the [sic] your state. If a term of this MOU is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOU shall remain in full force and effect. [Complaint, Ex. D at 8]

Lieutenant Governor Dahlstrom confirmed in a cover letter accompanying the signed MOU that “Alaska will continue to comply with all state and federal laws while implementing this memorandum of understanding.” [Complaint ¶ 29, Exhibit E at 1]

On April 22, 2026, the plaintiffs filed this lawsuit alleging violations of the constitutional right to privacy and right to vote.

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III. Argument

When considering a motion to dismiss, courts should construe “the complaint liberally,” “accepting as true all factual allegations.”¹ A motion to dismiss should be granted if it is “beyond doubt that the plaintiff can prove no set of facts that would entitle him or her to relief.”² Plaintiffs, however, always have the burden to establish their standing to bring suit,³ and courts are “not obliged to accept as true ‘unwarranted factual inferences and conclusion of law.’”⁴

A. The plaintiffs’ claims are not justiciable.

A court should decide only justiciable cases, which means cases where the plaintiff has standing, the issue is not moot, and the case is ripe.⁵ Here, LWVAK and ABC have failed to include allegations establishing their standing to bring the privacy claim under any theory, and their list maintenance claims are not ripe.

1. The plaintiffs have not established interest-injury standing for any of their claims.

The plaintiffs here are two organizations. [Complaint ¶¶ 12-17] Because organizations are not entitled to vote, they do not register to do so. Thus, the

¹ *Kanuk ex rel. Kanuk v. State*, 335 P.3d 1088, 1092 (Alaska 2014).

² *Id.*

³ *Cowan v. Yeisley*, 255 P.3d 966, 976 n.40 (Alaska 2011) (“We have stated that a plaintiff must establish that the plaintiff has ‘an interest which is adversely affected by the complained-of conduct’ in order to have standing to sue.” (citing *Keller v. French*, 205 P.3d 299, 304 (Alaska 2009))).

⁴ *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)).

⁵ *State v. Am. Civil Liberties Union of Alaska*, 204 P.3d 364, 368 (2009).

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organizations' data is not part of the VRL, and they have pled no violation of organizational privacy. Similarly, because they do not have a right to vote, the organizations cannot have that right infringed in any way.

Interest-injury standing requires a plaintiff to establish "a sufficient personal stake in the outcome of the controversy and an interest which is adversely affected by the complained-of conduct."⁶ But here, the plaintiffs simply assert that "LWVAK's interests are negatively impacted by the degradation of voter privacy in Alaska and the threat of disenfranchisement of eligible voters" [Complaint ¶ 14] and that "ABC's interests are negatively impacted by violations of voter privacy and the threat of disenfranchisement without due process." [Complaint ¶ 16]

Although an alleged injury "need not be great—'an identifiable trifle' is a sufficient basis for standing,"⁷ a plaintiff must still have a "personal stake in the outcome of the controversy."⁸ These organizations fail to identify the "interests" they have that are "negatively impacted" by the Division's sharing the VRL with the DOJ.⁹ Citizens, not organizations, have a "personal stake" in their individual privacy and voting rights. This Court should find that LWVAK and ABC have not established interest-injury standing.

⁶ *Friends of Willow Lake, Inc. v. State, Dep't. of Transp. & Public Facilities*, 280 P.3d 542, 546 (Alaska 2012) (citing *Keller*, 205 P.3d at 304)).

⁷ *Id.* at 546-47.

⁸ *Keller*, 205 P.3d at 304 (quotation omitted).

⁹ *See id.* at 304-05 (concluding that the *Keller* plaintiffs did not have interest-injury standing simply because they asserted an injury).

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2. The plaintiffs have not established citizen-taxpayer standing or third-party standing.

“To establish citizen-taxpayer standing, plaintiffs must show that the case is of public significance and that they are appropriate plaintiffs.”¹⁰ A plaintiff is “not appropriate . . . when there [is] another potential plaintiff more directly affected by the challenged conduct who had sued or was likely to sue.”¹¹ Here, actual voters whose data appears in the VRL certainly qualify as “potential plaintiffs more directly affected by the challenged conduct.”¹² Nor may LWVAK and ABC successfully argue that they are appropriate plaintiffs because no one else has brought a similar suit: “That individuals who are more directly affected have chosen not to sue despite their ability to do so does not confer citizen-taxpayer standing on an inappropriate plaintiff.”¹³

In *Law Project for Psychiatric Rights, Inc. v. State*, the Alaska Supreme Court held that a public interest organization whose mission was “to mount a strategic litigation campaign against forced psychiatric drugging and electroshock” lacked standing to challenge the State’s practices with respect to administering psychotropic medications to children.¹⁴ That case directly parallels this one. The plaintiffs attempt to assert the individual constitutional rights of others, but they cannot do so using citizen-taxpayer standing. Like the plaintiff in *LPPR*, these plaintiffs “seek[] to establish a

¹⁰ *Id.* at 302 (Alaska 2009).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 303.

¹⁴ *Law Project for Psychiatric Rights, Inc. v. State*, 239 P.3d 1252, 1253 (Alaska 2010).

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personal constitutional right on behalf of an unknown number of [voters] through citizen-taxpayer standing. But [they] offer no persuasive argument to permit substituting citizen-taxpayer standing for third-party standing in this case.”¹⁵ Thus, they have failed to show that they have citizen-taxpayer standing to bring their claims.

Nor does LWVAK or ABC have third-party standing to sue on behalf of Alaska voters. “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.’”¹⁶ Neither organization claims any such special relationship with Alaska voters—nor could they plausibly do so. They do not have third-party standing.

3. The plaintiffs lack associational standing to bring the privacy claim.

Alaska recognizes one more type of standing—associational standing—and has adopted the test employed by the United States Supreme Court.¹⁷ Under this test, “an 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.”¹⁸

¹⁵ *Id.* at 1255-56.

¹⁶ *Ebli v. Dep’t of Corrections*, 451 P.3d 382, 392 (Alaska 2019) (quoting *Friends of Willow Lake*, 280 P.3d at 546 n.12)).

¹⁷ *Alaskans for a Common Language, Inc. v. Kritz*, 3 P.3d 906, 915 (Alaska 2000).

¹⁸ *Id.* (citing *Hunt v. Washington State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977)).

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The complaint fails to establish that privacy is “germane to” either LWVAK’s or ABC’s stated “purpose.” Instead, the complaint asserts that LWKAK is “a 501(c)(3) nonprofit, nonpartisan, membership organization committed to educating Alaskan voters; encouraging voter involvement in local, state, and federal elections; and ensuring voter access and protection,” [Complaint ¶ 12] and that ABC is “a 501(c)(3) nonprofit, nonpartisan, membership organization whose mission is to assert the Constitutional rights of African Americans in Alaska. ABC advances this mission in part by actively supporting and advancing the political well-being of the African-American community, including by promoting voter registration and active voter participation within the African-American community throughout the state.” [Complaint ¶ 15] Neither plaintiff describes any prior activity related to privacy nor alleges that privacy is “germane to [its] purpose.”¹⁹ Thus, the plaintiffs lack associational standing with respect to the privacy claim.

In sum, LWVAK and ABC do not have standing under any doctrine to bring the privacy claim.

4. The list maintenance claims are not ripe.

A ripe claim requires a substantial controversy between parties having adverse interests with “sufficient immediacy and reality to warrant the issuance of a declaratory

¹⁹ Cf. *Alaskans for a Common Language*, 3 P.3d at 915 (noting that the enactment of the initiative is not only ‘germane’ to Alaskans for a Common Language’s organizational purposes, it is its primary organizational purpose.”)

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judgment.”²⁰ When determining whether an issue is ripe, courts “balance ‘the fitness of the issues for judicial decision’ with ‘the hardship to the parties of withholding court consideration[,]’” including whether “concrete factual scenarios” would assist in reaching an ultimate resolution.²¹ The ripeness doctrine cautions courts against deciding cases in “a factual vacuum” because it creates risks of erroneous decisions and “devotes judicial resources to problems that may never materialize.”²²

Counts Two, Three, and Four fail on the face of the complaint for lack of ripeness. Those Counts contend that future list maintenance conducted pursuant to the plaintiffs’ reading of the MOU will violate Article V, Section 1 (Count Two) and Article I, Section 7 (Count Four) of the Alaska Constitution and Alaska’s list maintenance statute, AS 15.07.130 (Count Three). But the complaint acknowledges that when it was filed, DOJ had “not yet notified the Division of any ‘issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns’” with Alaska’s VRL. [Complaint ¶ 41] And the complaint does not allege that the Division has undertaken any list maintenance activities resulting from the MOU.

Instead, 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 voter registration list maintenance statutes and the Alaska

²⁰ *Borer v. Eyak Corporation*, 507 P.3d 49, 58 (2022) (quoting *Brause v. State, Dep’t of Health & Soc. Servs.*, 21 P3d 357, 359 (Alaska 2001) (internal quotations omitted)).

²¹ *Id.* at 58.

²² *Brause*, 21 P.3d at 359.

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Constitution. That has not happened. The plaintiffs' list maintenance claims are not sufficiently immediate to warrant court consideration, and there is no potential for harm to any party by withholding that consideration unless and until a ripe, justiciable claim arises. Because the plaintiffs do not allege that the Division has acted on the MOU as they read it, their list maintenance claims are not yet ripe and Counts Two, Three and Four should be dismissed.

B. Alternatively, all counts of the complaint should be dismissed for failure to state a claim under Alaska Civil Rule 12(b)(6).

In addition to their justiciability problems, the plaintiffs' claims fail as a matter of law on their merits. Sharing the basic information in the VRL with the DOJ does not raise a constitutional concern. And nothing in the MOU allows eligible voters to have their voting rights infringed or gives the DOJ authority to demand that result.

1. The constitutional right to privacy under Article I, Section 22 does not cover the confidential data in the VRL.

Article I, Section 22 of the Alaska Constitution provides that: "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this statute." This constitutional "right to privacy is not absolute."²³ The Alaska Supreme Court has explained that "Alaska's right to privacy generally protects two types of interests. One is an individual's interest in personal autonomy and independence in decision making. The other is an individual's interest in protecting 'sensitive personal information'"²⁴ And the Court has defined "sensitive personal

²³ *Gray v. State*, 525 P.2d 524, 528 (Alaska 1974).

²⁴ *Doe v. Dep't of Public Safety*, 444 P.3d 116, 127 (Alaska 2019).

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information” as information “which, if disclosed even to a friend, could cause embarrassment or anxiety,”²⁵ or “could cause . . . humiliation, harassment, or economic and physical reprisals.”²⁶ [Complaint ¶ 44] “For the right to privacy to apply, there must be both a legitimate expectation of privacy and a claim of substantial infringement, as distinguished from a minimal one.”²⁷

The information that the Division disclosed to the DOJ is not the type of “sensitive personal information” the Alaska Supreme Court has said the constitutional privacy right covers. Nor does the complaint contain any allegations that the information disclosed 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. Providing an individual’s full name, date of birth, drivers’ license number, or the last four digits of their social security number simply does not raise the specter of the kinds of consequences that have concerned the Court in prior cases. This sort of information is widely demanded—and willingly provided—in a variety of public settings and for some voters, is available on public websites. For example, the court system’s public website identifies litigants by full name and date of birth. And whenever an individual presents their driver’s license as a form of photo identification they are disclosing their license number.

²⁵ *DeNardo v. ABC Inc. RVs Motorhomes*, 51 P.3d 919, 928 (Alaska 2002).

²⁶ *Doe*, 444 P.3d at 127.

²⁷ *Id.* at 126-27.

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For most voters, sharing residential addresses is similarly unlikely to cause negative consequences. Many voters' residence addresses are included in the Division's public voter file. [Complaint ¶ 45 & n.12²⁸] In *Doe v. Department of Public Safety*, the Alaska Supreme Court recognized that revealing the residential address of a sex offender on a publicly accessible website "potentially subjects him to harassment and physical attack."²⁹ There might be other situations in which an individual could face serious consequences if their address could be found on a public government website. For that reason, AS 15.07.195(b) provides that a voter "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." But even that protection comes with exceptions for election observers and the subjects of a recall election where the voter cast a ballot.³⁰

In sum, as a matter of law, the information in the VRL provided to the DOJ is not "sensitive personal information" protected by Alaska's privacy clause.

2. Sharing the VRL with the DOJ does not constitute "disclosure" for purposes of privacy clause analysis.

Even if the Court thinks that for some voters—or for some categories of information in the VRL—the privacy clause could apply, disclosure of this information to the federal government under an MOU expressly providing for the continuing

²⁸ Footnote 12 cites the Division's website—at <https://www.elections.alaska.gov/Core/publicandconfidentialinformation.php>—describing both public and confidential information in a voter record.

²⁹ *Doe*, 444 P.3d at 129.

³⁰ See AS 15.07.195(b)(1)-(3).

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security of the information does not constitute “disclosure” for the purposes of the privacy clause. Put another way, even if Alaska voters have a “legitimate expectation of privacy” in the information in the VRL, providing that information to the DOJ does not constitute a “substantial infringement” of that privacy.³¹ In particular, to the extent that something like a residential address could be sensitive information (for example, for a victim of domestic violence or stalking) giving that information to the federal government, with security protections in place, is not remotely equivalent to publishing the information on the internet on a publicly accessible website.³²

Similarly, although many voters may consider their social security number—even the last four digits of that number—to be “sensitive information,” “disclosing” that number to the same government that created it and assigned it to the voter cannot credibly be described as a “substantial infringement” of Alaska voters’ privacy rights.

Finally, the statute making certain information in the VRL “confidential” and “not open to public inspection,”³³ specifically authorizes the Division to share that information with “a local, state, or federal government agency” so long as the receiving agency “use[s] the information only for governmental purposes authorized under law.”³⁴

This statutory provision flatly contradicts any argument that voters have a “reasonable expectation” that the information in the VRL will not be disclosed to the federal

³¹ *Doe*, 444 P.3d at 126-27.

³² *Cf. id.* at 120-21 (describing how information in Alaska’s sex offender registry is “post[ed] on the internet for public viewing.”)

³³ AS 15.07.195.

³⁴ AS 15.07.195(c)(1).

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government. The Division's decision to share the VRL with the DOJ thus did not violate any voter's right to privacy.

3. The MOU neither requires the Division to violate state or federal law nor grants the DOJ control over Alaska's VRL.

Even if the plaintiffs' list-maintenance claims were otherwise justiciable, their claims arise entirely from their misinterpretation of the MOU's language, warranting dismissal under Alaska Civil Rule 12(b)(6) for failure to state a viable claim. When a court interprets a contract—including a less formal agreement like a memorandum of understanding—it does so with the goal of giving effect to the “reasonable expectations of the parties.”³⁵ Interpreting a contract “requires consideration of the provision and agreement as a whole.”³⁶ Words are read “in the light of all the circumstances, and if the principal purpose of the parties is ascertainable it is given great weight[,]” and the stated intentions of the parties are “interpreted as consistent with each other and with any relevant course of performance, course of dealing, or usage of trade.”³⁷

The parties to the MOU—the State of Alaska and the DOJ—agree that any action under the MOU will be taken in accordance with state and federal law.³⁸ Alaska law already contains provisions under its voter registration list maintenance statutes that preserve Alaskans' constitutionally-protected rights to vote and to both substantive and

³⁵ *Baker v. Ryan Air, Inc.* 345 P.3d 101, 106 (Alaska 2015).

³⁶ *Graham v. Municipality of Anchorage*, 446 P.3d 349, 352, 354 (Alaska 2019).

³⁷ Restatement (Second) of Contracts § 202(1), (5) (Am. Law Inst. 1981).

³⁸ See MOU Sec. XII, Complaint Ex. D at 8 and Letter from Lt. Governor Dahlstrom, Complaint Ex. E.

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procedural due process before their names are removed from the State's VRL.³⁹ Thus, the plaintiffs' allegations that the MOU somehow requires the Division to violate state law is wrong as a matter of law. And the Court is not bound to accept the plaintiffs' erroneous legal conclusions when considering a motion to dismiss.⁴⁰

The plaintiffs also appear to believe that section VIII of the MOU gives the DOJ control over Alaska's VRL by requiring the State to remove voters that the DOJ has flagged within 45 days. [Complaint ¶¶ 39-40]. But the plaintiffs simply ignore other provisions of the MOU. Their interpretation of the agreement is unsupported when reading section VIII in the context of the agreement as a whole. Under sections VIII and XII.B read together, *if* the DOJ identifies any Alaskan on the State's VRL for potential removal, the State will conduct list maintenance in accordance with AS 15.07.130, AS 15.07.135, and federal law.⁴¹

In sum, the plaintiffs' claims are already subject to dismissal for lack of justiciability. But even if the plaintiffs had standing and their claims were ripe, the complaint should still be dismissed. The information on the VRL is not constitutionally protected. And a comprehensive review of the MOU and its cover letter disproves the plaintiffs' claims. The State has not agreed to violate its own statutes, the Alaska

³⁹ See AS 15.07.130, *see also* Complaint Ex. B at 4-5.

⁴⁰ *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)).

⁴¹ AS 15.07.130(a); 52 U.S.C. § 20507.

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constitution, or any federal law. Nor has the State given the DOJ control over Alaska's VRL. The complaint should be dismissed for failure to state a claim.

IV. CONCLUSION

Based on the foregoing, the State respectfully asks this Court to dismiss the complaint.

DATED: June 8, 2026.

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