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STATE OF ALASKA
Division of Elections
Office of the Lieutenant Governor
June 20, 2022

Dear _____:

The Division of Elections (DOE) received your complaint regarding the eligibility of Representative David Eastman as a candidate for House District 27. After reviewing public documents, DOE has determined that a preponderance of evidence supports his eligibility. *See* 6 AAC 25.260(e), (f).

When DOE receives a complaint regarding the eligibility of a candidate, it must determine the candidate's eligibility within 30 days. AS 15.25.042(a). Complaints must include certain information and be received by the close of business on the tenth day after the filing deadline. 6 AAC 25.260(a), (b). DOE reviews the relevant evidence it has, including the candidate's registration records and declaration of candidacy, and it can also review public records held by other state agencies. 6 ACC 25.260(d). DOE may only consider "candidate qualifications established by the United States Constitution, the Alaska Constitution, or the Alaska Statutes," excluding Chapter 13 of Title 15. 6 AAC 25.260(c).

You allege that Representative Eastman is disqualified by the state and federal constitutions. The state constitution disqualifies from public office anyone who advocates, or belongs to an organization that advocates, violent overthrow of the state or federal government. AK Const. Art. XII, sec. 4; *see also* AS 24.05.060. The Fourteenth Amendment prohibits anyone from holding state office if they took an oath to support the federal constitution and "engaged in insurrection or rebellion" against the federal government or gave "aid or comfort to [its] enemies." U.S. Const. Am. XIV, sec. 3.

To the extent these constitutional provisions apply, a preponderance of the evidence does not show that Representative Eastman is ineligible. DOE reviewed Representative Eastman's voter registration records and declaration of candidacy and it is unaware of any relevant records held by other state agencies. DOE is aware that Representative Eastman reportedly is a member of the Oath Keepers organization and attended the rally in Washington, D.C. on January 6, 2021. DOE does not have any specific information about these allegations in its possession. But even assuming these allegations are true, DOE has determined that they do not—without more—provide a basis to prevent Representative Eastman from running for state office.

This determination is final and DOE will provide a copy of it and your complaint to Representative Eastman.

Sincerely,

Gail Fenumiai, Director