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Clerk of the Trial Courts

Counsel for Plaintiffs

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

LIZ VAZQUEZ, CHRIS DUKE, RANDY
ELEDGE, STEVE STRAIT, and
KATHRYN WERDAHL,

Plaintiffs,

v.

LT. GOVERNOR KEVIN MEYER, in his
official capacity as Lt. Governor for the
State of Alaska, and GAIL FENUMIAI, in
her official capacity as Director of the
Division of Elections,

Defendants.

Case No. 3AN-22-09235 CI

COMPLAINT

Liz Vazquez, Chris Duke, Randy Eledge, Steve Strait, and Kathryn Werdahl (“Plaintiffs”), by and through their counsel of record Holmes Weddle & Barcott, P.C., hereby file this complaint against Lt. Governor Kevin Meyer in his official capacity as Lt. Governor for the State of Alaska, and Gail Fenumiai in her official capacity as Director of the Division of Elections (“Defendants”) by stating and alleging the following:

JURISDICTION AND VENUE

1. The Alaska Superior Court has jurisdiction under and by virtue of AS 15.20.550.
2. Venue is proper in the Third Judicial District pursuant to Alaska R. Civ. P. 3(c) and 3(e).

PARTIES

3. Plaintiffs are public interest litigants who have a public interest in the integrity of elections for public office that occur within the State of Alaska.
4. Plaintiff Liz Vazquez is a defeated candidate in the election for Alaska State House District 16.
5. The remaining plaintiffs are qualified voters pursuant to AS 15.20.540.
6. Defendant Kevin Meyer is the Lieutenant Governor of the State of Alaska. He is vested with the executive power of the State and is responsible for the faithful execution of the election.
7. Defendant Gail Fenumiai is the Director of the Alaska Division of Elections, which administers the elections.

RELEVANT FACTUAL ALLEGATIONS

8. Jennifer “Jennie” Armstrong (“Armstrong”) filed a Declaration of Candidacy (“Declaration”) with the Division for election to the State House District 16 in the November General Election.

9. On or about June 13, 2019, Armstrong posted “last weekend, I moved to Alaska” on Instagram. Given the stated date, “last weekend” would have been between June 7 and June 9, 2019. Indicative of the fact that Armstrong maintained her residence in another state, and did not intend to make Alaska her principal place of abode until at least June 7, 2019.

10. On or about June 15, 2019, Armstrong applied for and received a “Nonresident 1 Day Sport Fish License.” The license number was 9714111. On said application and license, Armstrong asserted she was a resident of Louisiana and listed her permanent mailing address as 1625 N. Cumberland St. in Metairie, LA.

11. On or about June 23, 2019, Armstrong applied for and received a “Nonresident Annual Sport Fishing License.” The license number was 9734965. On said application and license, Armstrong asserted she was a resident of the State of Louisiana and listed her permanent mailing address as 1625 N. Cumberland St. in Metairie, LA.

12. On or about June 21, 2020, Armstrong applied for and received a “2020 Resident Sport Fishing License.” The license number was 20735794. Armstrong was also issued King Salmon Stamp number 20567094. On said application, Armstrong indicated that she was a resident for one year and zero months, thereby representing that her residency in Alaska did not begin until June 2019.

13. On or about July 20, 2021, Armstrong applied for and received a “2021 Resident Sport Fishing License.” The license number was 21898512. On said

application, Armstrong indicated that she was a resident for two years and one month, thereby representing that her residency in Alaska did not begin until June 2019.

14. Armstrong first registered to vote in Alaska on or about August 26, 2019. Voter registration is presumptive evidence of a person's intent to remain in a state indefinitely.

15. Armstrong is the manager and sole member of Wild Awake Creative LLC, which is a limited liability company registered in Alaska – entity number 10108846. Armstrong filed articles of incorporation for said LLC on June 30, 2019.

16. Armstrong is also the sole manager and member of Wild Awake Publishing LLC, which is a limited liability company registered in Alaska – entity number 10110213. Armstrong filed articles of incorporation for said LLC on July 24, 2019. At that time, Armstrong was the also sole manager and member of Wild Awake Publishing LLC, which was a limited liability company registered in Louisiana – charter number 43390020K. Armstrong waited until July 30, 2019 to file an “Affidavit to Dissolve” to the LLC in question with the Louisiana Secretary of State's office.

17. Armstrong did not demonstrate the intent to remain in Alaska until at least June 7, 2019, but possibly later than June 23, 2019, and as late as August 26, 2019.

18. Armstrong executed her Declaration on May 28, 2022 and filed the same with the Division on June 1, 2022.

19. As a result of the date of filing the Declaration, to be eligible to hold office as a member of the state legislature, Armstrong must have been a resident on or before June 1, 2019.

20. As of June 1, 2019, Armstrong had not maintained her principal place of abode within the State of Alaska for 30 days or longer.

21. As of June 1, 2019, Armstrong maintained residency in another state, not Alaska.

22. As of June 1, 2019, Armstrong was not physically present in Alaska with the intent to remain in Alaska indefinitely.

23. Armstrong was not physically present in Alaska with the intent to remain in Alaska indefinitely until at least June 7, 2019, and therefore, Armstrong did not establish a domicile for thirty days, as required by relevant law, in Alaska until at least July 7, 2019.

24. On November 8, 2022, the General Election occurred.

25. On November 29, 2022, Defendants certified Armstrong as the winner of the election of House District 16.

26. Armstrong is not qualified to be certified as a member of the legislature as she has not been a resident of the State of Alaska for at least three years immediately preceding her filing for office.

COUNT I – ELECTION CONTEST
AS 15.20.540(2)

27. Plaintiff realleges and incorporates by reference all previous and subsequent paragraphs as if set forth herein.

28. AS 15.20.540(2) provides grounds for a defeated candidate to contest the election of any person when the person certified as elected is not qualified as required by law.

29. Alaska Const. Art. II, § 2 mandates that each member of the state legislature “be a qualified voter who has been a resident of Alaska for at least three years and of the district from which elected for at least one year, immediately preceding his filing for office.”

30. AS 01.10.055, pertaining to residency in the State of Alaska, provides in pertinent part:

(a) A person establishes residency in the state by being physically present in the state with the intent to remain in the state indefinitely and to make a home in the state.

(b) A person demonstrates the intent required under (a) of this section

(1) by maintaining a principal place of abode in the state for at least 30 days or for a longer period if a longer period is required by law or regulation; and

(2) by providing other proof of intent as may be required by law or regulation, which may include proof that the person is not claiming residency outside the state or obtaining benefits under a claim of residency outside the state.

31. AS 15.05.020 states that “[a] change of residence is made only by the act of removal joined with the intent to remain in another place . . . [t]here can only be one residence.”

32. Pursuant to the Alaska Constitution, Armstrong is ineligible to be a member of the Alaska state legislature because she was not a resident of the State of Alaska on or before June 1, 2019.

33. Pursuant AS 01.10.055, as of June 1, 2019, Armstrong was not a resident of the State of Alaska.

34. Pursuant to AS 15.05.020, as of June 1, 2019, Armstrong had not engaged in the act of removal, and therefore, was not a resident of the State of Alaska.

35. Accordingly, Armstrong, the person certified as the winner of the election for House District 16 by Defendants, is not qualified for that office as required by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

1. That the judge pronounce judgment declaring that the second-place finisher, Liz Vazquez, won the election for House District 16, because she received the most votes of any legally qualified candidate.
2. Entry of judgment directing Director Fenumiai to revoke the election certificate reflecting that Armstrong won the election for House District 16 and directing Director Fenumiai to issue a new election certificate reflecting that the second-place finisher, Liz Vazquez, won the election for House District 16.
3. For such other and further relief, as the court deems just and equitable.

DATED this 30th day of November, 2022, at Anchorage, Alaska.

HOLMES WEDDLE & BARCOTT, P.C.
Counsel for Plaintiffs

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