

Director's Office  
240 Main Street Suite 400  
P.O. Box 110017  
Juneau, Alaska 99811-0017  
☎ 907-465-4611 📠 907-465-3203  
elections@alaska.gov



Elections Offices 📞  
Absentee-Petition 907-270-2700  
Anchorage 907-522-8683  
Fairbanks 907-451-2835  
Juneau 907-465-3021  
Nome 907-443-5285  
Mat-Su 907-373-8952

STATE OF ALASKA  
Division of Elections  
Office of the Lieutenant Governor

June 20, 2022

Mr. William Keppel  
PO Box 8  
Quinhagak, AK 99655

Dear Mr. Keppel:

The Division of Elections (DOE) received your complaint regarding the eligibility of Senator Lyman Hoffman as a candidate for Senate District S. 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).

Under the state constitution, legislators must be residents of Alaska for three years and residents of the district from which they are elected for one year before their declaration of candidacy. AK Const. Art. II, sec. 2; *see also Gilbert v. State*, 526 P.2d 1131, 1136 (Alaska 1974) (upholding these residency requirements). Candidates are residents wherever their "habitation is fixed, and to which, whenever absent, [they have] the intention to return." AS 15.05.020(2); *see also* AS 15.25.043. Candidates must also establish an "actual physical presence at a specific location within the district," at which they maintain "a habitation." AS 15.25.043(1). Candidates lose their residency by voting in another district or state, but they keep their residency "while away from the location for purposes of employment, education, military service, or vacation if [they do] not establish residency at another location." AS 15.25.043(2), (3).

The address where a candidate is registered to vote is presumably accurate. This address is "presumptive evidence of the person's voting residence," which "is negated only if the [candidate] notifies the director in writing of a change of voting residence." AS 15.05.020(8); *see also* AS 15.25.043. DOE determines a candidate's residence by a preponderance of the evidence, unless the candidate has registered to vote in a different district in the last year, requiring clear and convincing evidence that the candidate is not a resident of that district. AS 15.25.042(b), (c).

You allege that Senator Hoffman is not a resident of Senate District S, the district he seeks to represent. You state that he resides primarily in Anchorage rather than Bethel, which he only visits during the summer. You ask for evidence of meeting attendance, airline tickets, credit card purchases,

Mr. William Keppel

June 20, 2022

Page 2

utility payments, car insurance, and maintenance at Senator Hoffman's property in Bethel. You also suggest a list of witnesses.

DOE reviewed Senator Hoffman's voter and candidate records. In his declaration of candidacy, he swore that he is a resident of Bethel and has been since 2/13/1950. He has used his Bethel address to register to vote, vote, and apply for the PFD since at least 2016. He has not registered or voted as a resident anywhere else. There are no public documents that negate the presumption that he is a Bethel resident, and DOE cannot gather the other evidence you seek. Even if Senator Hoffman is absent from Bethel for parts of the year, he is permitted to do so by law and he remains a resident if he intends to return. You also indicate that he owns property in Bethel, which likely satisfies the requirement that he maintain "a habitation" in his district.

For these reasons, DOE has determined that Senator Hoffman is an eligible candidate. This determination is final and DOE will provide a copy of it and your complaint to Senator Hoffman.

Sincerely,



Gail Fenumiai, Director