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10 Attorneys for Plaintiff Randall Kowalke

11 **IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**

12 **THIRD JUDICIAL DISTRICT AT ANCHORAGE**

13 RANDALL KOWALKE,)

14 Plaintiff,)

15 vs.)

16 DAVID EASTMAN, STATE OF)
17 ALASKA, DIVISION OF ELECTIONS,)
18 and GAIL FENUMIAI in her official)
19 capacity as Director of Elections)

20 Defendant.)

21 Case No. 3AN-22-07404 CI

22 **AFFIDAVIT OF RANDALL KOWALKE**

23 STATE OF ALASKA)
24) ss.
25 3rd JUDICIAL DISTRICT)

26 RANDALL KOWALKE, being first duly sworn upon oath, deposes and states
27 as follows:
28

1 1. I am over the age of 18 years and have personal knowledge
2 of the statements contained this affidavit.

3
4 2. Attached to this affidavit is what has been labeled Exhibit 1; it is
5 a fair and accurate representation of the letter I received from Director Fenumiai
6 on June 20, 2022.

7
8 3. Attached to this affidavit is what has been labeled Exhibit 2; it is
9 a fair and accurate representation of the letter I submitted to the Director of
10 Elections and Division of Elections on June 10, 2022.

11
12 4. Attached to this affidavit is what has been labeled Exhibit 3; it is
13 a fair and accurate representation of David Eastman's article posted on his website
14 at [https://davideastman.org/articles/here-i-stand-i-can-do-no-other-so-help-me-](https://davideastman.org/articles/here-i-stand-i-can-do-no-other-so-help-me-god/)
15 [god/](https://davideastman.org/articles/here-i-stand-i-can-do-no-other-so-help-me-god/) as of August 15, 2022.

16
17 END OF AFFIDAVIT.

18 DATED this 26th th day of August, 2022 at Talkeetna, Alaska.

19
20
21 
22 RANDALL KOWALKE

23 SUBSCRIBED AND SWORN TO before me on this 26th day of
24 August, 2022 at Talkeetna, Alaska.



Angela M Smith
Notary Public for the State of Alaska.
My commission expires 12/01/2022

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. Randall Kowalke
PO Box 516
Willow, AK 99668

Dear Mr. Kowalke:

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,

A handwritten signature in blue ink that reads "Gail Fenumiai".

Gail Fenumiai, Director

www.elections.alaska.gov

Exhibit 1, page 1 of 1

EXHIBIT 1, page
1 of 1

June 10, 2022

From: Randall Kowalke
PO Box 516, 14137 E Wilderness Rim Road
Willow, Alaska 99688

To: Gail Fenumiai
Director of Elections
Alaska Division of Elections

Sent by email: elections@alaska.gov
gail.fenumiai@alaska.gov

Dear Ms. Fenumiai,

David Eastman, a candidate for House District 27, is ineligible for public office per the Alaska and U.S. Constitutions.

Article XII, Section 4 of the Alaska Constitution states: "No person...who aids or belongs to any party or organization or association which advocates, the overthrow by force or violence of the government of the United States or of the State shall be qualified to hold any public office of trust or profit under this constitution." Eastman is a member of Oath Keepers, an organization which advocates the overthrow by force or violence of the government of the United States.

Amendment XIV, Section 3 of the U.S. Constitution states: "No person shall. . . hold any office, civil or military, under the United States, **or under any State**, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, **or as a member of any State legislature**...to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof." Eastman has given aid and comfort to participants in the January 6th insurrection against the government of the United States.

Respectfully,



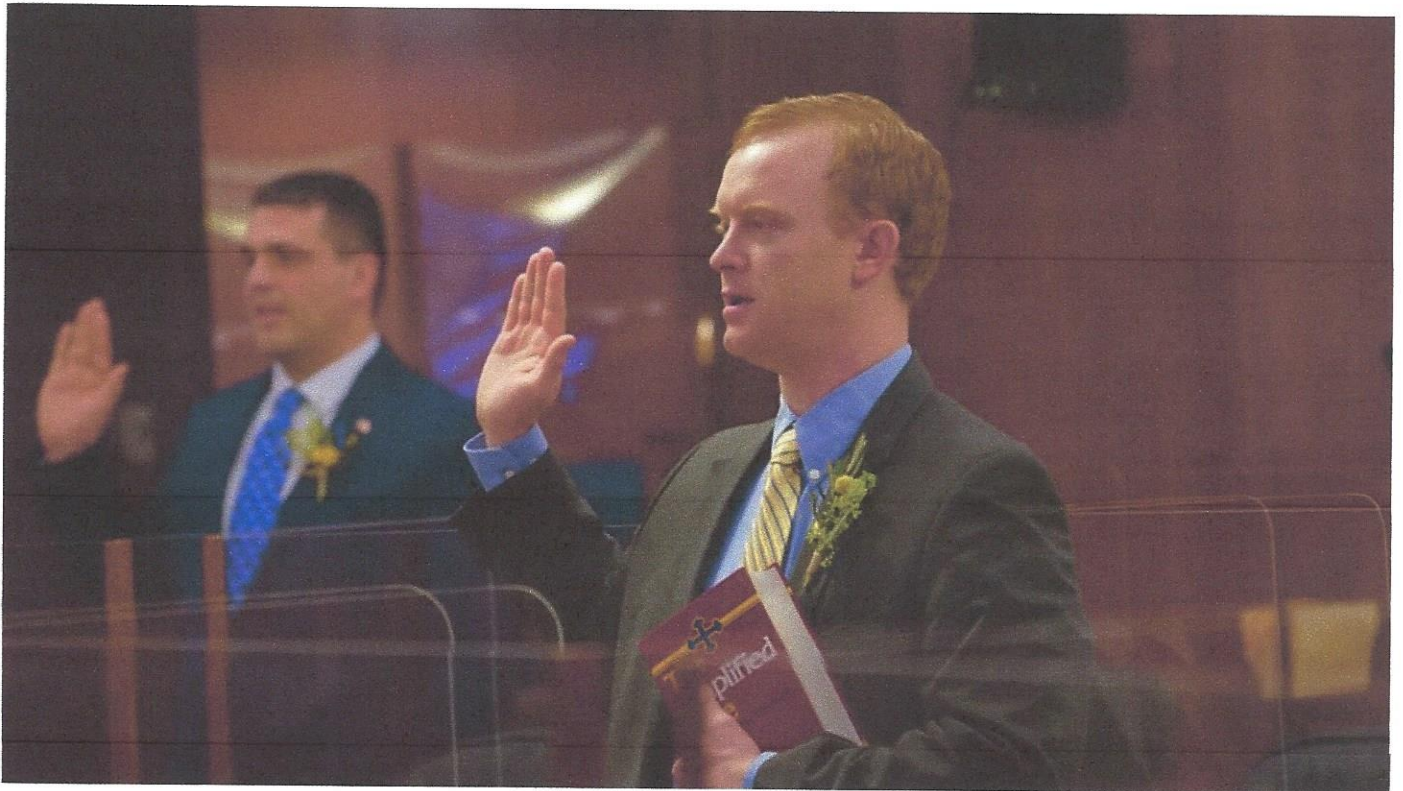
Randall Kowalke
(907)315-0805



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so help me God

WRITTEN BY REP. DAVID EASTMAN ON JANUARY 30, 2022



To each and every Alaskan I am privileged to represent in the Alaska State House today:

As your representative, I refuse to step aside and throw the law-abiding members of Oathkeepers to the Cancel Culture wolves. While those who break the law should be prosecuted, I refuse to condemn the more than 30,000 military veterans and first responders who have served our nation honorably, have never advocated for violence and, like me, would have intervened to stop the violence on January 6th if



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they could. While my connection with Oathkeepers is a slight one, having applied for membership more than a dozen years ago and never attended a meeting, it does associate me with individuals like Ray Epps. I hope that Mr. Epps has redeeming qualities. I just don't know what any of those qualities might be. I don't consider some 30,000 veterans guilty by association because of men like Ray Epps. As a veteran, I didn't join Oathkeepers to associate with men like him, but with the vast majority of my fellow veterans who continue to honor their oath to the Constitution "and the Laws of the United States which shall be made in Pursuance thereof." I will continue to associate with those veterans if they will continue to have me, and I also welcome the creation of other organizations to meet the growing need to bring together veterans and public servants to honor the oath that they have taken to the Constitution.

No matter how many Democrat legislators (or legislators like Speaker Stutes, Democrats in all but title) threaten punishment, I refuse to participate in the Cancel Culture currently threatening to consume the Alaska Legislature. To cancel and punish and threaten to evict our fellow lawmakers is to cancel and punish not just them, but the thousands of Alaskans whose voice they carry into our state capitol.

I will continue to carry that voice to the best of my ability. I am well aware that the Left currently uses punishment and threats to discourage conservative legislators from more ably representing the voices of the voters who elected them, both on committees and on the floor of the House of Representatives. I will not sacrifice or diminish the voice of my constituents for the sake of either personal comforts or inducements at the hands of my Democrat colleagues. The Alaska Constitution gives to the people of Alaska the right to recall their elected officials. As legislators, we should not presume to exercise that right for them or threaten our fellow legislators that we will do so. These threats must end.

If my continuing to stand and represent the good people of my district in the face of such threats is what finally brings them to an end in the Alaska House of Representatives, so be it. At West Point, we were taught, and I taught others, that if we were truly willing to lay down our life for our country in combat, then we should also be willing to be fired for it. Indeed I am.

I have not been one to idly call for the resignation or firing of anyone. But I will say this to my fellow legislators of both parties:

Exhibit 3, page 2 of 5



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go toe to toe with the Left in each of these arenas and many others. If you are not willing and able to do so in the legislature, please step aside so that others can take your place who will. The future of our country is worth more than an easier path to winning re-election. Know that when you honor your oath you will have my support. I will not throw you to the wolves for honoring your oath, just as I would not abandon my fellow veterans for seeking to honor theirs.

Stand With Alaskans in the Mat-Su Valley | Sign Our Petition

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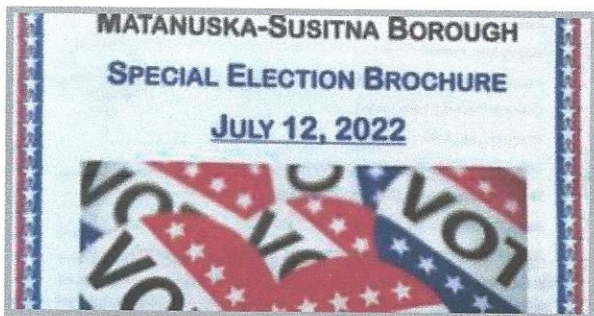


Exhibit 3, page 3 of 5



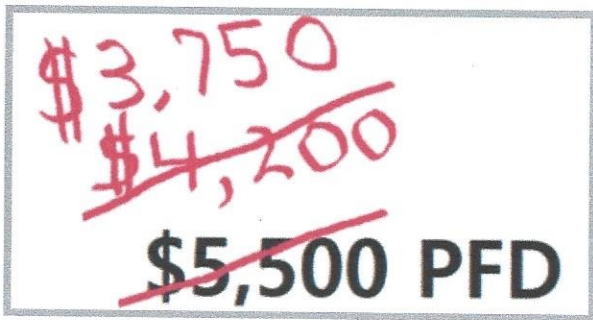
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State for 2022	State for 2022	State for 2022	State for 2022
Seaman, Mark (D) Alaska Democratic Party Nominee	Walker, James A. (R) Alaska Republican Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee
Dunleavy, Mike J. (R) Alaska Republican Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee
Reyer, Kevin G. (R) Alaska Republican Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee
Town, William S. "Tom" (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee
Walker, Bill (R) Alaska Republican Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee
Ward, Brian (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Johnson, James A. (D) Alaska Democratic Party Nominee	Walker, George (R) Alaska Republican Party Nominee

May 31st, 2022

What Happens Tomorrow is So Much More Important for Alaska Politics than Election Day

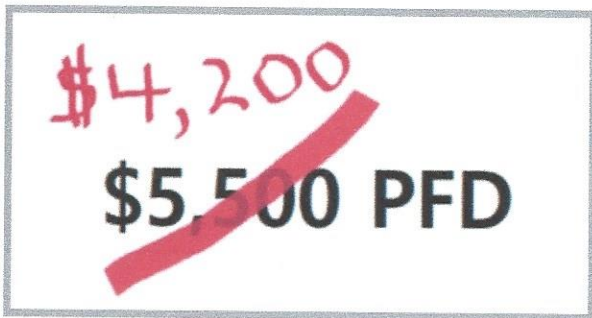
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