

# In the Supreme Court of the State of Alaska

**State of Alaska, Division of Elections  
and Director Gail Fenumiai,**  
Appellants,

v.

**Recall Dunleavy,**  
Appellee.

Supreme Court No. **S-17706**

## **Order**

Disposition of Appeal

Date of Order: **5/8/2020**

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Trial Court Case No. **3AN-19-10903CI**

Before: Winfree, Stowers, Maassen, and Carney, Justices, and Eastaugh, Senior Justice.\* [Bolger, Chief Justice, not participating]  
Stowers, Justice, dissenting in part.

Before the court is an appeal filed by the State of Alaska, Division of Elections, and Gail Fenumiai, Director of the Division of Elections, from the superior court's order dated January 14, 2020, that granted in part and denied in part the parties' cross-motions for summary judgment. Specifically, the superior court granted summary judgment to Recall Dunleavy on its grounds for recall numbered 1, 2, 3(a), and 4 but granted summary judgment to the State on the ground for recall numbered 3(b), striking that ground from Recall Dunleavy's recall application. This court conducted oral argument on March 25, 2020. Having considered the parties' arguments, the superior court record, and the parties' briefs, including their supplemental briefs responding to the court's written questions,

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\* Sitting by assignment made under article IV, section 11 of the Alaska Constitution and Alaska Administrative Rule 23(a).

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IT IS ORDERED that the conclusions of the superior court's January 14, 2020 order that are challenged in this appeal are AFFIRMED. A full opinion explaining this order will follow.

Clerk of the Appellate Courts

/s/ M. Montgomery

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Meredith Montgomery

STOWERS, Justice, dissenting in part.

I disagree with the Order's affirmance of the superior court's decision regarding grounds for recall numbered 3(a) (separation of powers) and 4 (mistaken veto), and I therefore dissent in part.

cc: Supreme Court Justices  
Trial Court  
Court System Communications

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