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Today the superior court will hear oral arguments in Midtown Citizens Coalition v. Municipality of Anchorage. "MCC" is an unofficial group that opposes the recall of Assembly member Felix Rivera. The question is whether the Muni properly certified the recall petition. #aklaw

> Oral argument in scheduled for January 21 at 3 pm in this case & will be telephonic. To listen, call 1-800-768-2983, code: 2640561#. Alternate phone numbers if the toll-free number gives you trouble: 1-907-206-2349 or 1-913-904-9867 or 1-212-231-3884.
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> — Alaska Court System (@AlaskaCourt) January 20, 2021

Before posting the MCC v. MOA briefs, it's worth noting that the legal arguments made by Rivera's supporters parallel those made by Dunleavy in Recall Dunleavy v. State. Both Rivera and Dunleavy argued that their recall petitions should have been denied by election officials.

So let's play a game called "Who Argued It." Guess which politician, Rivera or Dunleavy, made the following arguments in court:

1. "The grounds for recall stated in the petition are insufficient as a matter of law, and therefore the petition should have been rejected."



2. "Even under Alaska’s liberal recall standards, courts have not hesitated to find petitions legally insufficient when those petitions did not contain sufficient factual allegations of unlawful activity to state sufficient grounds for recall.”

3. "The allegations must be sufficiently particular to allow the official a meaningful opportunity to respond . . . . [and] ensure that voters have the information they need to vote."

4. "Since the recall of an elected official can only be for cause, there must be a de minimus exception for minor infractions such as administrative or procedural errors."

5. "For a duly-elected official in a for-cause recall jurisdiction, removal from office is an extraordinary proceeding and should not be treated lightly . . . allegations [must] clearly identify the acts and explain why they are worthy of recall.”

6. "[Alaska's framers] did not want officials to be recalled based on disagreement with their legitimate policy decisions.”

7. "Officials in jurisdictions with for-cause recall, like Alaska, are entitled to more process."

BONUS:

8. "[Recalls] must allege more than mere conclusory statements or arguments; otherwise our recall process drifts to the end of the spectrum where simple disagreement with an office holder's position on questions of policy becomes sufficient

grounds in and of themselves."