IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA	
ROBERT GRIFFIN, STANLEY ALLEN VEZEY, TREVOR SHAW, FAMILIES OF THE LAST FRONTIER, AND THE ALASKA FREE MARKET COALITION, Plaintiffs, v. RICHARD STILLIE JR., *in his official capacity as chair of the Alaska Public Offices Commission*; AND LANETTE BLODGETT, ERIC FEIGE, DAN LASOTA, AND WALTER CARLTON MONEGAN III, *in their official capacities as members of the Alaska Public Offices Commission*, Defendants, v. ALASKANS FOR BETTER ELECTIONS, INC., Intervenor-Defendants.	Case No. 3:22-cv-00077 Motion for Summary Judgment

Motion for Summary Judgment

Plaintiffs Robert Griffin, Stanley Allen Vezey, Trevor Shaw, Families of the Last Frontier, and the Alaska Free Market Coalition ask this Court to grant summary judgment on each of their claims and enjoin enforcement of the chilling disclosure regime Ballot Measure 2 (BM2) imposes on core political speech.

In support of this Motion, the plaintiffs rely upon and incorporate by reference the facts, arguments, and legal authority set forth in the accompanying Memorandum in Support and the attached exhibits. All of BM2 is unconstitutional: its continuous 24-hour double-reporting rule, its full disclaimer in general, its out-of-state disclaimer in particular, its continuous 24-hour "true source" rule, its expedited hearings, its penalties, and its strict liability.

The Certificate of Service is included with the Memorandum in Support of this Motion.

Dated: April 10, 2026

Respectfully submitted,
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Introduction

Plaintiffs ask this court to grant summary judgment on each of their claims and enjoin enforcement of the chilling disclosure regime Ballot Measure 2 (BM2) imposes on core political speech. All of BM2 is unconstitutional: its continuous 24-hour double-reporting rule, its full disclaimer in general, its out-of-state disclaimer in particular, its continuous 24-hour "true source" rule, its expedited hearings, its penalties, and its strict liability. BM2 is subject to and fails strict scrutiny for two reasons. Firstly, it is invidious discrimination specifically designed to target rival political factions. Secondly, and its spoken and text messages disclaimer requirements are further subject to and fail strict scrutiny because they are a functional ban on 30-second radio ads. Even under exacting scrutiny, though, BM2 still falls short. Many of the restrictions serve no compelling state interest, and even those that do lack any proportionality in their tailoring, creating little to no benefit to Alaskans while causing severe burdens on fundamental free speech rights.

Summary of the Facts

In 2020, Alaska voters approved BM2, which—beginning with the 2022 state election cycle—imposes a confusing, contradictory, and excessively vague set of speech restrictions that would favor political incumbents and cripple their lower-budget opposition.

BM2 requires every piece of political messaging from an independent expenditure (IE) group to include an extensive disclaimer listing the group's top three contributors, those contributors' home cities, and those contributors' home

states. AS 15.13.090. This requirement applies to both audio and visual ads, as well as social media and text message promos. *See id.* An additional disclaimer applies to every piece of political messaging if the majority of the speaker's donations came from a person who either resided or had a principal place of business outside of Alaska. AS 15.13.090; AS 15.13.400.

BM2 also mandates that IE groups report to the Alaska Public Offices Commission within twenty-four hours if their donations from any specific individual had exceeded $2,000 in the past calendar year. AS 15.13.040(j)(3); AS 15.13.110. It also requires contributors to report within 24 hours, regardless of where he or she lives. AS 15.13.040. These reports are required to include the so-called "true source" of the donation, which was defined as "the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services." AS 15.13.400. Anyone alleging a violation of any of these provisions could demand expedited consideration from the Commission. 2 AAC 50.888. This meant the Commission was legally obligated to hold a hearing on expediting the complaint within twenty-four hours, telling the person whom the complaint was filed against that it could adjudicate the facts of the dispute at that hearing. *Id*. The Commission had no discretion to postpone the hearing, and it charged the person whom the complaint was filed against for a transcript even if they were found not to have violated the law. *See* 2 AAC 50.888; Ex. 58; Dkt. 112-4, 20.

Under BM2, the recipient of a political donation would be subject to $500 daily fines for a late or inaccurate report. AS 15.13.390(a). The donor would be subject to $1,000 daily fines, with the Commission given the power to triple the fee to $3,000 a day if it believed the violation "was intentional." *Id.*

To make BM2 law, self-described "political thinkers" created the Defendant-Intervenor group Alaskans for Better Elections (ABE). Ex. 8, 14:53; *see also* Dkt. 6, p. 3; Ex. 59, p. 1 ("I was the primary author of Ballot Measure 2"). Defendant-Intervenor was explicit that the goal of its legislation was to discourage IE groups from participating in Alaska elections. In multiple pieces drafted by Defendant-Intervenor, its treasurer proudly stated that when faced with the "price of admission to participate in Alaska," many IE groups would "take the ball and play on someone else's field." Ex. 9, p. 2; Ex. 10; Ex. 11. This, she declared, would be a "win." Ex. 9, p. 2; Ex. 10; Ex. 11.

One promo piece explained: "the recent primary provide[d] a stark illustration of why change is needed," complaining that "donors funneled hundreds of thousands of dollars into personal attack ads against a handful of incumbents" to "increase[e] enthusiasm among the party's most radical voters." Ex. 12, p. 2. Another, authored by one of the incumbents FLF ousted, complained that "arsonists" would "cut checks, dump resources into races, and leave town" unless the measure was enacted. Ex. 14, p. 2. A third complained that "shadowy organizations have unfettered access to Alaska's airwaves, flooding the TV, radio, and web with thousands of ads that try to tell us what to do." Ex. 15, p. 1. A fourth stated:

> Unfortunately, our current system in Alaska is set up to drive candidates to political extremes. This happens with a combination of partisan primaries and the influence of dark money groups outside that spend heavily to tinker with our primaries. These groups especially have focused on punishing legislators that work together by "primarying" them out: finding a more extreme partisan and spending tons of money to out-speak anyone else.

Ex. 16.

Defendant-Intervenor also was explicit that BM2 would protect incumbent politicians. One press release lamented "the detrimental effects money in politics has on state lawmakers," with one politician complaining "I feel like I spend a lot of that time running for office versus adopting policies" and another boasting that BM2 would "allo[w] people to focus on governing instead of raising enough money." Ex. 17. Another stated:

> We have seen an avalanche of Outside money bury the voices of regular Alaskans in recent elections. Outside influence – regardless of source or issue – has turned our long tradition of civic discourse into a mirror image of the debilitating partisanship that has gridlocked our national political system. We now fight over control of state government instead of debating solutions to move us toward a brighter, more prosperous future for all Alaskans.
> Money, not issues, drives our politics today. It doesn't have to be this way.

Ex. 18.

BM2's formal preamble stated its goal was to stop "the undermining of self-governance in Alaska by the undue influence of wealth, including from outside the state." Ex. 60, p. 1. Defendant-Intervenor frequently justified BM2 by claiming that IE groups would "out-speak" other voices. *See, e.g.*, Ex. 10 ("overwhelmed"); Ex. 13 ("drowned out"); Ex. 19 ("drowning out"); Ex. 9, p. 1 ("drown out"); Ex. 14, p. 1 ("overwhelm"); Ex. 16 ("out-speak"); Ex. 18 ("bury"); Ex. 20 ("buried"); Ex. 21

("drowning out"); Ex. 22, p. 1 ("floods the airwaves and drowns out"); Ex. 23 ("overwhelmed").

BM2 also included provisions unrelated to political speech, including one implementing a jungle primary system and another implementing a variant of ranked-choice voting (RCV). *See* Ex. 59, p. 1. Though Defendant-Intervenor represented in public that it was "[l]eading by example" and was "modeling the financial disclosure policies that BM2 will make standard practice," Ex. 9, p. 2, Defendant-Intervenor's radio ads did not include the disclaimer BM2 would mandate. *See* Ex. 24; Ex. 25; Ex. 26; Ex. 27. The measure was passed in November 2020. Dkt. 40, p. 4. On April 7, 2022, Plaintiffs filed suit against the members of the Commission to enjoin enforcement of the law.[1] Dkt. 1. The court granted Defendant-Intervenor's motion to intervene within a month. Dkt. 22. Plaintiffs applied for a preliminary injunction, which the Court denied on July 14. Dkt. 48. The Circuit Court upheld the denial, but reiterated that because "the factual record [was] yet to be fully developed," its ruling would "provid[e] little guidance on the appropriate resolution of the merits." *Smith v. Helzer*, 95 F.4th 1207, 1213 (9th Cir. 2024).

In the two election cycles since BM2's enactment, the Commission has struggled to enforce the law. At least one local court has already ruled that the Commission knowingly fined someone for a donation the commissioners knew he did not make. *See Alaskans for Honest Elections v. Alaska Pub. Offs. Comm'n*, 2024 Alas. Trial

[1] Only two of the original five defendants—Richard Stillie and and Dan LaSota—remain in this litigation. Lanette Blodgett, Eric Feige, and Walter Carlton Monegan III are currently the other three defendant commissioners.

Order LEXIS 84, *28 (Alaska Super. Ct. 2024) ("APOC appeared to understand that the $2358 in cash was not actually from Mathias, but elected to call it a wash and attribute that amount to Mathias"). Outside of court, the Commission would sometimes respond swiftly to questions regarding BM2's vague terms, *see, e.g.*, Ex. 61 (a speedy, detailed response to Elias Law Group), but other times left inquiries unanswered until citizens gave up and forwent their planned speech. *See, e.g.*, Ex. 62, p. 7 ("Unfortunately, due to the delay in hearing back on whether supported candidates can attend our fundraising events without facing repercussions, we were forced to cancel our fundraiser to support Dave Bronson's race.").

When one man reached out to the Commission to get clarification on how to register his ballot initiative group, he was told he did not need to register. Ex. 63, p. 1–4. 114 days later, the Commission informed him what they said was "inaccurate," adding: "It does not appear that you corrected [staff's] understanding." Ex. 64, p. 1. This led to an onerous investigation and, eventually, over $156,000 in fines. *See* Ex. 57; Ex. 65; Ex 66.

The Commission would fine even the smallest groups for violating campaign finance regulations, even as it acknowledged that the groups did not intend to be non-compliant. *See, e.g.*, Ex. 67, p. 1. When confronted with complaints that they were administering the law unfairly and arbitrarily, documents showed that the Commission told a critic "constitutional questions such as this are likely better addressed to the lawmakers." Ex. 62, p. 3.

Defendant-Intervenor took an active role in directing the Commission's enforcement, both by filing a seemingly-endless parade of complaints, *see, e.g.*, Ex. 68, p. 1–2 (explaining how some of Defendant-Intervenor's complaints overlap); Ex. 69, p. 1 ("ABE filed complaint after complaint with the Commission in 2023, claiming all sorts of things"), but also by having its co-chair write formal letters as the "primary author of Ballot Measure 2" telling the Commission to defer to his interpretation of the law. Ex. 59, p. 1–3. Defendant-Intervenor filed one complaint about the posts a private citizen made on his X (formerly Twitter) account, claiming that since that citizen was uploading content made by a non-profit organization he was associated with, this means his X handle was actually the group's and this was an illegal expenditure (the post was not promoted). Ex. 69, p. 5. After another complaint from Defendant-Intervenor, the Commission demanded to see the name of tithers to a church because it had rented a room to an IE group. *See* Ex. 70 (the audit); Ex. 71 (more auditing); Ex. 72 (response to the audit); Ex. 73 (the Defendant-Intervenor complaint); Ex. 74 (confirming that the rental was at market rate).

The expedited hearing process was also abused to distract IE groups on the eve of critical elections by forcing them to respond to frivolous complaints. Plaintiff FLF was subjected to an expedited hearing notice less than nineteen *hours* before the scheduled hearing. *See* Dkt. 112-4, p. 19.

In response to BM2's speech restrictions, many groups, such as Plaintiff Alaska Free Market Coalition (AFMC), have suspended operations entirely rather than engage in any political speech that could risk bringing frivolous complaints (which

necessitate litigation costs). Ex. 79, p. 8 ¶ 8–12, 30–31, 32 ¶ 14–21, 41 ¶ 2–12; Ex. 87, p. 1–2. Others, like FLF, have been unable to run radio ads because the spoken disclaimer takes up the entire runtime of the ad. Ex. 81, p. 2 ¶ 6. Witness Cheryl Frasca has confirmed that the large majority of conservative donors and activists in the state do not understand the Commission's onerous requirements, and that she has to fill out and file their forms for many of them so they don't inadvertently receive fines. Ex. 84, p. 1 ¶ 4–6.

Standard of Review

"Courts may enter summary judgment if 'the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.'" *Manley v. Rowley*, 847 F.3d 705, 710 (9th Cir. 2017) (quoting Fed. R. Civ. P. 56(a)). "When," as here, "the parties file cross-motions for summary judgment, [courts] review each separately, giving the non-movant for each motion the benefit of all reasonable inferences." *Flores v. City of San Gabriel*, 824 F.3d 890, 897 (9th Cir. 2016).

As a government restriction on protected speech, Defendants have the burden of proving the constitutional muster of BM2. *NAACP, W. Region v. Richmond*, 743 F.2d 1346, 1354 (9th Cir. 1984). "[I]n the First Amendment context, the moving party bears the initial burden of making a colorable claim that its First Amendment rights have been infringed, or are threatened with infringement, at which point the burden shifts to the government to justify the restriction." *Thalheimer v. City of San Diego*, 645 F.3d 1109, 1116 (9th Cir. 2011), overruled on other grounds by *Bd. of*

Trs. of Glazing Health & Welfare Tr. v. Chambers, 941 F.3d 1195 (9th Cir. 2019); *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 524-25 (2022) (describing burdens in First Amendment challenges).

Plaintiffs support this motion for summary judgment by "citing to particular parts of materials in the record" and accompanying declarations. Fed. R. Civ. P. 56(c). "Rule 56(e) therefore requires the nonmoving party [Defendants] to . . . designate 'specific facts showing that there is a genuine issue for trial.'" *Celotex v. Catrett*, 477 U.S. 317, 324 (1986) (describing Fed. R. Civ. P. 56(e)).

ARGUMENT

"If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech." *Citizens United v. FEC*, 558 U.S. 310, 349 (2010). "As a result, the First Amendment 'has its fullest and most urgent application'" to "'[d]iscussion of public issues and debate on the qualifications of candidates.'" *Arizona Free Enter. Club's Freedom Club PAC v. Bennett*, 564 U.S. 721, 734 (2011) (first quoting from *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 223 (1989))) (second quote from *Buckley v. Valeo*, 424 U.S. 1, 14 (1976)). These are the rights unlawfully burdened by BM2.

I. Ballot Measure 2 is Subject to and Fails Strict Scrutiny Because it is Invidious Discrimination

The entirety of BM2 is subject to—and fails—strict scrutiny because it is invidious discrimination.

Campaign finance restrictions may never be designed to "disfavor certain subjects or viewpoints," *Citizens United*, 558 at 340, 366, and courts must apply "strict scrutiny" to "laws that, though facially content neutral, [are] considered content-based regulations of speech" because "they were adopted by the government 'because of disagreement with the message the speech conveys.'" *Reed v. Town of Gilbert*, 576 U.S. 155, 164 (2015) (tidied) (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989)); *see also NAACP v. Button*, 371 U.S. 415, 439 (1963) ("'Regulatory measures . . . no matter how sophisticated, cannot be employed in purpose or in effect to stifle, penalize, or curb the exercise of First Amendment rights.'"). In evaluating whether a seemingly "content-neutral" regulation is in fact "content-skewed," "[t]he government bears the burden of proof. . . as it does in all First Amendment cases." *NAACP, W. Region v. Richmond*, 743 F.2d 1346, 1354 (9th Cir. 1984).

While a court will not nullify a law merely "on the basis of an alleged illicit legislative motive," *Renton v. Playtime Theatres*, 475 U.S. 41, 48 (1986) (quoting *United States* v. *O'Brien*, 391 U.S., at 382–386 (1968), when there is "record evidence of invidious discrimination," *Buckley*, 424 U.S. at 31, a campaign finance regulation can only be sustained if the government shows a "compelling interest" and demonstrates there is no "less restrictive means" available. *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 469 (2025) (articulating the strict scrutiny standard). "The term 'invidious discrimination' generally refers to treating a class differently in order to harm or repress it." *National Comm. of the Reform*

Party v. Democratic Nat'l Comm., 168 F.3d 360, 366 (1999). Such classes include political factions and "parties." *See id.*

BM2 shares uncanny similarities to the ballot measure litigated in *Moving Oxnard Forward, Inc. v. Ascension*, 124 F.4th 605 (9th Cir. 2024) (*rehearing en banc pending*). Like in *Oxnard*, the ballot measure was drafted shortly after a surprising blow to political incumbents and following "a considerable history of antipathy" with the plaintiff. *See id.* at 615–16. Like in *Oxnard*, the authors of the ballot measure acknowledged an objective in preventing a repeat of the previous cycle's electioneering. *See id.* at 615 ("The last two slides consist of graphics devoted to showing a particular '[e]xample of the size and volume of campaign contributions for one candidate over [the] past several years.'"). Like in *Oxnard*, the speech restrictions were included in a larger ballot measure dealing with unrelated election reform (term limits in *Oxnard*; RCV here). *Id.* Also, like in *Oxnard*, the "practical effect" of the ballot measure was "exacerbated" because it was not indexed to inflation. *Id.* at 619–20.

In fact, the conduct of the ballot measures authors is more egregious here than in *Oxnard*. Defendant-Intervenor was far more explicit that its goal was to stop the "primarying" of incumbent legislators, Ex. 16, so incumbents would not have to spend so much "time running for office." Ex. 17. Defendant-Intervenor stated it wanted to put a "price of admission," Ex. 9, p. 2; Ex. 10; Ex. 11, on the "privilege of influencing Alaska's elections," Ex. 28, p. 1, and that it would be a "win" if IE groups stopped participating. Ex. 9, p. 2; Ex. 10; Ex. 11. In "THE KEY TO BETTER

GOVERNMENT IS BETTER ELECTIONS," a promo piece contemplating BM2's effect on "big-money outsiders," Defendant-Intervenor remarked: "you know what? I think a lot of them will decide to spend their money trying to buy someone else's election." Ex. 29, p. 1.

There is also a much more extensive record documenting Defendant-Intervenor's awareness of the burden its new rules would impose on its political opponents. Defendant-Intervenor's strategic documents for passing BM2 emphasized:

> This plan will take advantage of radio's relative strength during the summer months. Because we plan to keep the messages simple, we will air 30-second ads, which will maximize the efficiency of the buy.

Ex. 30, p. 1.

Even though Defendant-Intervenor represented to the public that it was "[l]eading by example" and was "modeling the financial disclosure policies that BM2 will make standard practice," Ex. 9, p. 2, Defendant-Intervenor's ads did not include the onerous disclaimer, which takes twenty-six seconds to say. *See infra*, Section II; Ex. 24; Ex. 25; Ex. 26; Ex. 27; *see also* Ex. 2 (twenty-six second ad length).

Defendant-Intervenor justified its actions by saying its opponents were "arsonists," Ex. 14, p. 2, and "radical voters," Ex. 12, p. 2, supporting "overly divisive candidates," Ex. 31, p. 2. Silencing their "negative advertising," Ex. 32, Defendant-Intervenor contended, would "reduce polarization" and "reduce negative campaigning. Ex. 33; *see also* Ex. 34 ("Remember how the primaries were full of negative ads paid for by outside national groups working avidly to unseat incumbents that put Alaskans first?").

The *Oxnard* court enjoined the ballot measure, given evidence the ballot measure's authors wanted to "target" their political opposition and that the "practical effect" of the measure was to favor those political incumbents. *Moving Oxnard*, 124 F.4th at 615–16. And it did so even though the *Oxnard* case lacked a key detail that the record for BM2 indicated: the ballot authors' "invidious discrimination" included racial and religious discrimination.

"We Alaskans are a special breed," one Defendant-Intervenor promotional piece read, "even with all the nosy Outsiders trying to tell us what to do." Ex. 15, p. 1–2 (emphasizing this "spicy" piece should be signed by someone "young and Republican."). Defendant-Intervenor was explicit that the goal of BM2 was to increase the political power of native Alaskans, and rejecting the "breed[s]" of "nosy Outsiders" it did not want to have participate. Ex. 15, p. 2.

Defendant-Intervenor complained extensively about "big-money outsiders," Ex. 29, p. 1, from "New York or California," Ex. 15—"the likes of George Soros," Ex. 35, p. 1—who "get breath-sucking smog, traffic-choked freeways, and housing developments as far as the eye can see," Ex. 15, and were "more interested in the resources of the state than its people." Ex. 36. Defendant-Intervenor bragged that passing BM2 would mean an increase in indigenous "power" and that more "representatives" would be of indigenous ethnicity. Ex. 37, p. 1–3. Its ad campaign frequently invoked explicit appeals to urge indigenous Alaskans not to "let these outsiders get away with just a slap on the wrist." Ex. 38, p. 2; *see, e.g.*, Ex. 15, p. 1–2; Ex. 34; Ex. 37, p. 1–3; Ex. 39, p. 2; Ex. 40; Ex. 41; Ex. 42 (calling for

"ELECTIONS AS DIVERSE AS ALASKA" while showing a crowd of white and indigenous people without any black people); Ex. 43; Ex. 44; Ex. 45; Ex. 46; Ex. 47; Ex. 48.

Defendant-Intervenor also attacked the religion of the "radical voters" it wanted to silence. Ex. 12, p. 2. Within months of BM2 going into effect, Defendant-Intervenor filed a complaint to have the Commission audit a church, disclosing the name of its tithers. *See* Ex. 70 (the audit); Ex. 71 (more auditing); Ex. 72 (response to the audit); Ex. 73 (the Defendant-Intervenor complaint); Ex. 74 (confirming that the rental was at market rate).

Silencing rival political factions, discriminating among American citizens, and policing religious activities are not compelling government interests, even if the law's proponents assert "secular ends," *Church of Lukumi Babalu Aye v. Cty. of Hialeah*, 508 U.S. 520, 524 (1993), or the law is "facially content neutral" *Reed*, 576 U.S. at 164. Even if this Court were to assume that Defendant-Intervenor's motivations were a "compelling interest" (recall "[t]he government bears the burden of proof. . . in all First Amendment cases," *NAACP, W. Region*, 743 F.2d at 1354), BM2 is obviously not the "least restrictive means" of advancing permissible public policy. *Free Speech Coal.*, 606 U.S. at 469. In fact, Defendant-Intervenor promos featured a quote explaining that "[e]ven ranked choice voting by itself would undercut the influence of money in politics," Ex. 17, thereby acknowledging "less restrictive means," *Free Speech Coal.*, 606 U.S. at 469, of accomplishing its goal of stopping "breed[s]" of "nosy Outsiders." Ex. 15, p. 2.

In summary, BM2 is invidious discrimination subject to strict scrutiny, which it fails. Thus, summary judgment should be granted in favor of Plaintiffs.

II. Ballot Measure 2 is Subject to and Fails Strict Scrutiny Because it Bans an Entire Category of Speech

Even if one were to look past Defendant-Intervenor's record of invidious discrimination, BM2's spoken and text messaging disclaimer are nevertheless subject to strict scrutiny because it is a functional ban on 30-second radio ads.

The Government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether. *Citizens United*, 558 U.S. at 319. This is because "[t]he First Amendment. . . reflects a judgment by the American people that the benefits of its restrictions on the Government outweigh the costs," and "[o]ur Constitution forecloses any attempt to revise that judgment simply on the basis that some speech is not worth it." *United States v. Stevens*, 559 U.S. 460, 470 (2010).

Though presented as a disclosure requirement, the spoken disclaimer is for all practical purposes a ban on 30-second radio ads if they contain political speech. The spoken disclaimer must say:

> This communication was paid for by (person's name and city and state of principal place of business). The top contributors of (person's name) are (the name and city and state of residence or principal place of business, as applicable).[2] A MAJORITY OF CONTRIBUTIONS TO (OUTSIDE-FUNDED ENTITY'S NAME) CAME FROM OUTSIDE THE STATE OF ALASKA. I certify that this ad is not authorized, paid for, or approved by any candidate.

(Disclaimer text taken from AS 15.13.090).

[2] Three contributors must be named. AS 15.13.090(a)(2)(C).

Speaking very swiftly, expert witness Art Hackney recorded the disclaimer with FLF's donor information (Mr. Hackney never worked for FLF).[3] Ex. 2; Hackney Condensed Transcript, 114. Doing so took twenty-six seconds. Ex. 2. This means that anyone who paid for a thirty-second ad spot, as FLF had done, would effectively be wasting their money, as they would only be able to include the disclaimer. As Hackney explained:

> I ceased running less expensive :30 second issue messages because of the requirements that now make the disclosure information far longer than the message itself. . . . It forces groups to more than double their expenditures to accommodate these disclaimer requirements.

Ex. 1, p. 6.

The disclaimer provision uniquely burdened mid-budget IE groups like FLF and Hackney's clients. *See* Ex. 1, p. 6; Ex. 81, p. 1–2. In contrast, Defendant-Intervenor's own expert witness, Kimberly Hays of the Alaska AFL-CIO and its affiliate Putting Alaskans First Committee, came from a better-funded political faction. *See* Ex. 80, p. 6 ¶ 6–12, 8 ¶ 17–25. Hays acknowledged her employers were minimally affected by the spoken disclaimer issue, saying: "We do not run 30-second ads. . .we've always run 60-second [ads]." *Id.* at p. 47 ¶ 19–22. Hays even confessed that her groups were so financially comfortable that they had not even "asked for...the price differential" between the two ad-lengths. *Id.* at 49 ¶ 3–6.

The same holds true for text messages. FLF's disclaimer is 282 characters long: longer than many text message companies will even be willing to include in a single message, even if they charge by the character. *See* Ex. 1, p. 6. The record shows at

[3] In fact, Mr. Hackney vehemently disagrees with FLF's politics.

least one person expressing frustration and confusion that the disclaimer, which would likely exceed 100 characters, would have to be included in text messages, with the Commission insisting that the disclaimer be applied even if the text advocacy was accompanied by a (pricy) image that also displayed the disclaimer. *See* Ex. 1, p. 6; Ex. 62, p. 1–2.

In *Citizens United v. FEC*, the Supreme Court invalidated expenditure caps on political advertising, holding that the "rule that political speech cannot be limited based on a speaker's wealth is a necessary consequence of the premise that the First Amendment generally prohibits the suppression of political speech based on the speaker's identity." *Citizens United*, 558 U.S. at 350. Here, we have an inverse regulation: One that effectively puts in place an expenditure *floor*. To comply with BM2, an IE group must either pay for the more expensive sixty-second spot or remain silent. If the "'beggar thy neighbor' approach to free speech—'restrict[ing] the speech of some elements of our society in order to enhance the relative voice of others'—is 'wholly foreign to the First Amendment,'" then BM2's 'No Speech for Paupers' policy must be even more unacceptable. *Freedom Club PAC*, 564 U.S. at 741 (quoting *Buckley*, 424 U.S. at 48–49).

Regardless of what the Defendants and Defendant-Intervenor call it, the spoken disclaimer is a speech ban. It is incompatible with the First Amendment.

III. Even Under Exacting Scrutiny, Ballot Measure 2 Fails.

Even if this Court were to ignore the evidence of invidious discrimination and treat a de facto expenditure floor as a disclosure requirement, BM2 still fails exacting scrutiny. This is true for the full disclaimer in general, the out-of-state

disclaimer in particular, the continuous 24-hour double-reporting rule, the continuous 24-hour "true source" rule, the top three donor mandate, the expedited hearings, the penalties, and the strict liability—each of which is addressed in turn.

Disclosure requirements "are subject to exacting scrutiny," which "demands that the government show that it has (1) a sufficiently important interest (2) to which the challenged regulations are substantially related and narrowly tailored." *Smith*, 95 F.4th at 1214; *but see McCutcheon v. FEC*, 572 U.S. 185, 196–97 (2014) ("Under exacting scrutiny, the Government may regulate protected speech only if such regulation promotes a compelling interest and is the least restrictive means to further the articulated interest."). "To withstand this scrutiny, the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights." *Americans for Prosperity Found. v. Bonta*, 594 U.S. 595, 607 (2021). The Supreme Court has explained "such scrutiny. . . . is appropriate given the 'deterrent effect on the exercise of First Amendment rights' that arises as an 'inevitable result of the government's conduct in requiring disclosure.'" *Id.* (quoting *Buckley*, 424 U.S. at 65).

For a regulation to prevail under "exacting scrutiny," the government "must do more than 'simply posit the existence of the disease sought to be cured.'" *FEC v. Ted Cruz for Senate*, 596 U.S. 289, 307 (2022) (quoting *Colorado Republican Fed. Campaign Comm. v. FEC*, 518 U.S. 604, 618 (1996)). "It must instead point to 'record evidence or legislative findings' demonstrating the need to address a special

problem." *Cruz for Senate*, 596 U.S. at 307 (quoting *Colorado Republican*, 518 U.S. at 618).

Furthermore, "[t]he First Amendment does not permit laws that force speakers to retain a campaign finance attorney. . . . before discussing the most salient political issues of our day." *Citizens United*, 558 at 324.

A. Continuous double-reporting with a 24-hour rule fails exacting scrutiny because it is entirely redundant while imposing an extreme burden on the political speech of ordinary citizens.

Even the Defendant-Intervenor's own witness acknowledged the substantial burden that double-reporting with a 24-hour rule imposes on ordinary citizens. *See* Ex. 80, p. 34–36. The requirement is entirely redundant, and foreclosed by Supreme Court precedent.

Courts will "never accep[t] mere conjecture as adequate to carry a First Amendment burden," and instead require "'record evidence or legislative findings' demonstrating the need to address a special problem" before approving a campaign finance restriction. *Cruz for Senate*, 596 U.S. at 307 (first quoting *McCutcheon*, 572 U.S. at 210) (then quoting *Colorado Republican*, 518 U.S. at 618). In discovery, the Commission, the Defendants, and the Defendant-Intervenor were all unable to show one instance of a campaign finance crime being prevented by double-reporting (having both the recipient and the donor report the same contribution separately). *See, e.g.*, Dkt. 112. Similarly, neither Defendant-Intervenor's promotional materials nor internal documents showed any instance of pre-BM2 campaign finance fraud that double reporting would have caught.

Even if double reporting had a purpose, it is unclear why that purpose would be served by having such a short time frame and making it continuous year-round. When it was using the more deferential preliminary injunction standard, the Ninth Circuit took "pause" at how "Ballot Measure 2's contribution-reporting requirement applies at all times, rather than only close to an election." *Smith*, 95 F.4th at 1218. The record now shows how a 24-hour requirement 365 days a year has disastrous consequences for ordinary citizens. Witness Frasca described the struggle of trying to get a submission in for a donor in her nineties who lacked internet access. Ex. 84, p. 1 ¶ 6. She also attested to how a large portion of the state's conservative donors have to rely on her or else they would fail to get their forms in on time. *Id.* Plaintiff Bob Griffin has sworn that he gave up much of his political giving because of his concerns of running afoul of the 24-hour rule, especially given his work as a pilot where internet service can be spotty. Ex. 85, p. 2 ¶ 14. Shaw said he put the AFMC on ice because the risk of a donor forgetting to file his or her form on time was too great. Ex. 87, p. 1–2.

Perhaps most strikingly, this harm to free speech was also reflected in the testimony of Defendant-Intervenor's witnesses. Both Hays and John Henry Heckendorn admitted that they have to teach donors how to create a myAlaska account (something they are under no legal obligation to do). Hays Report, p. 28–30; Ex. 82, p. 94–97. Hays admitted that, because of the continuous reporting, both her employer and an out-of-state donor accidentally triggered over $10,000 in fines because of a donation made over the winter holidays when no one was at the office

to realize it was received. Ex. 80, p. 34–36. Ironically, this donor was also one of the top donors to BM2—meaning even the people who funded the law cannot understand how to comply with it. *Compare* Ex. 80, p. 36 ¶ 10–11; *and* Ex. 49; Ex. 50. It would be hard to find a better example of a law that "force[s] speakers to retain a campaign finance attorney. . . . before discussing the most salient political issues of our day" than BM2. *Citizens United*, 558 U.S. at 324.

Continuous 24-hour double reporting is a painful and deeply chilling burden on free speech, but neither the Defendants nor the Defendant-Intervenor has produced any evidence that this redundant requirement stops fraud. This requirement fails under exacting scrutiny just as it fails under strict scrutiny.

B. Ballot Measure 2's disclaimer fails exacting scrutiny because it is redundant, arbitrary, and unhelpful to voters while posing a profound burden on political speech.

Even if the goal of BM2's disclaimer is to educate voters (rather than a pretext for invidious discrimination), it is redundant, arbitrary and unhelpful to voters. It also imposes a colossal burden on political speech.

Courts have upheld some redundant disclaimers before, *see, e.g.*, *Citizens United*, 558 U.S. at 366 (upholding a disclaimer "displayed on the screen in a "clearly readable manner" for at least four seconds"), but never of the scale of redundancy in BM2. Not only is nothing in BM2's disclaimers new information (all of it is included in the mandatory reports available on the Commission's website), but the disclaimer requires some pieces of information (such as the name of the speaker and, in some cases, specific donors' locations) to be repeated twice. *See* AS 15.13.090. It also contains pointless superfluous information: Why, for example, would a voter who is

told a group's top donor is Robert Griffin of Fairbanks need to be reminded that Fairbanks is in the state of Alaska?

The expert report by Professor David Primo further emphasizes this point. His research showed that "survey respondents with access to disclosure information did no better than respondents without such information in identifying the positions of interest groups on a ballot measure." Ex. 6, p. 6. Evaluating the specific disclaimer requirement of BM2, Primo elaborated:

> At best, the information will have little impact once all the other information available to voters in a campaign is considered. At worst, the disclosures may distort the speech of groups making independent expenditures, confuse voters, or lead voters to make decisions at odds with their preferences.

Ex. 6, p. 4.

In addition to its ineffectiveness at educating voters and profound redundancy, BM2's disclaimer is also arbitrarily underinclusive if its goal is to educate voters. For starters, despite the great emphasis BM2 puts on requiring "true source" disclosures to the Commission, the disclaimer requires only the top three contributors, not the top three true sources. *Compare* AS 15.13.074; *and* AS 15.13.090; *see also* AS 15.13.400 (defining true source). Furthermore, there is little reason to believe knowing the third highest contributor would be of any more value to the voter than knowing the fourth highest or the fifth highest. This arbitrary top-three cut-off, paired with a lack of a true source requirement, enables more sophisticated donors to simply avoid having their names listed by using intermediary groups.

The disclaimer's ineffectiveness in educating voters is matched by its effectiveness in silencing political speech. As discussed in Section II, supra, when applied to spoken and text-based ads, the disclaimer is a de facto expenditure floor that bans thirty-second and 250-character text ads. To comply, poorer groups must forgo spoken and text-based advertising, whereas wealthier speakers like Hays's clients can purchase higher-cost 60-second ads. *See* Ex. 80, p. 47 ¶ 19–22, 49 ¶ 3–6.

Professor Primo's report also documented that the disclaimer, even in printed form, would likely have a chilling effect on speech and instead serve to "'facillitat[e] social pressure.'" Ex. 6, p. 12 (quoting Perez-Truglia, Ricardo, and Guillermo Cruces. 2017. "Partisan Interactions: Evidence from a Field Experiment in the United States." Journal of Political Economy 125(4):1208-1243). Plaintiff Trevor Shaw has confirmed this concern, saying that he had Plaintiff AFMC shut down because of his alarm that donors would be harassed due to having their names highlighted. Ex. 87, p. 1.

Even outside of the radio, television, and text-based ad sphere, the disclaimer requirements have a massive chilling effect. Defendant-Intervenor filed a complaint with the Commission against a private citizen because he posted an IE group's video on the social media platform X without writing out the disclaimer in his post. Ex. 69, p. 5. Defendant-Intervenor was also itself repudiated by the Commission for suggesting its press releases did not need a disclaimer. Ex. 75, p. 25–28, 31–36. Given that the disclaimer seemingly applies to everything from press releases to unpromoted social media posts, and even BM2's own author failed to grasp its

scope, the disclaimer requirement is another example of an unconstitutional law "forc[ing] speakers to retain a campaign finance attorney. . . . before discussing the most salient political issues of our day." *Citizens United*, 558 U.S. at 324.

Compliance complexity is not the only burden of the disclaimer rule. Even an ordinary print mailer by a sophisticated firm fully versed in the disclaimer's requirements would impose substantial monetary costs, as each reprint would need to be updated based on the day-to-day ratio of who is the top fourth versus the top third donor. *See* AS 15.13.090 (the requirement's confusing timeframe).

The disclaimer also raises the risk that a donor would be associated with an ad campaign he or she did not support. For example, under this law, an adamantly pro-choice libertarian who gives to a right-leaning IE group could end up opening the paper one day and seeing his name listed alongside anti-abortion messaging, or a pro-Israel Democrat who gives to a left-leaning IE group could find her name appearing in a text ad referring to the country as an apartheid state. Effectively conceding this point, Defendant-Intervenor witness Heckendorn, a professional political consultant, admitted that he runs ads without first getting the approval of the top donors whose names will be included. Ex. 82, p. 70 ¶ 21–23. Far from accomplishing Defendant-Intervenor's purported goal of "reduc[ing] polarization" (itself an impermissible, viewpoint-based motive), Ex. 33, the disclaimer incentivizes donors to withhold donations to all candidates who do not demonstrate 100% fealty to their personal positions.

While "exacting scrutiny does not require that disclosure regimes be the least restrictive means of achieving their ends," the record shows that neither the law's authors nor its enforcers made any effort to tailor the law to a "substantial" interest, let alone in a "narrow" fashion. *Smith*, 95 F.4th at 1214–15. Defendant-Intervenor boasted that "Alaskans are a special breed," Ex. 15, p. 1–2; remarked that with the disclaimer, "I think a lot of [donors] will decide to spend their money trying to buy someone else's election," Ex. 29, p. 1; and boasted that this would be a "win." Ex. 9, p. 2; Ex. 10; Ex. 11. The Commission, meanwhile, insisted in its corporate deposition that "it's not our job to analyze constitutional arguments." Dkt. 112-4, p. 23; *see also* Ex. 62, p. 3 ("constitutional questions such as this are likely better addressed to the lawmakers within the Alaska Legislature").

BM2's disclaimer is redundant, arbitrary and unhelpful to voters. It chills speech without being narrowly tailored to a substantial, or even an insubstantial, state interest, and thus fails exacting scrutiny just as it fails strict scrutiny.

C. The out-of-state disclaimer requirement is a particularly egregious burden on protected speech.

While the entire disclaimer is unconstitutional, the out-of-state disclaimer is a particularly onerous and unjustified example of compelled speech.

It "offends the First Amendment" to "compel a person to speak its message when he would prefer to remain silent or to force an individual to include other ideas with his own speech that he would prefer not to include." *303 Creative LLC v. Elenis*, 600 U.S. 570, 586 (2023). Therefore, campaign finance regulation may not "contraven[e] 'the fundamental rule of protection under the First Amendment, that a speaker has

the autonomy to choose the content of his own message.'" *Freedom Club PAC*, 564 U.S. at 739 (quoting *Hurley v. Irish-American Gay, Lesbian and Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995)).

Here, Defendant-Intervenor wrote extensively of how "Alaskans are a special breed" who dislike "all the nosy Outsiders trying to tell us what to do." Ex. 15, p. 2. Its promotional and internal documents frequently refer to the capital-O "Outside" and "Lower 48 political groups" with contempt. *See, e.g.*, Ex. 15, p. 2 ("nosy Outsiders"); Ex. 19 ("the large sums of Outside political dollars"); Ex. 29, p. 1 ("big-money outsiders"); Ex. 35, p. 1 ("the likes of George Soros"); Ex. 38, p. 2 ("Don't let these outsiders get away with just a slap on the wrist."); Ex. 51 ("Alaskans might be resistant to doing anything similar to how things are done Outside"); Ex. 52, 12:32–35 ("shell companies from the Lower 48"); Ex. 53 ("someone from the lower 48"); Ex. 54 ("'Alaska is the crown jewel of America,' said Shea Siegert, Campaign Manager of Yes on 2, 'so we can understand why people from Outside might have opinions about our state's future.'"); Ex. 55, p. 1, 2 ("over a quarter of a million dollars from Lower 48 political groups"; "hundreds of thousands of dollars from Outside sources"; "over $250,000 from Outside special interests"); Ex. 56 ("someone from the lower 48"); Ex. 60, p. 1 (the formal preamble of BM2 laments "the undermining of self-governance in Alaska by the undue influence of wealth, including from outside the state").

Even if this Court were to deny that Defendant-Intervenor *intended* BM2 to silence non-Alaskans from speaking (i.e. invidious discrimination), this venomous

language is proof that there is a strong hostility to outsiders in Alaska. Furthermore, as described in Section I, there is substantial evidence in the Defendant-Intervenor's own words and rhetoric indicating that hostility to so-called outsiders is inherently intertwined with racial animus. Forcing a disclaimer associating oneself with outsiders would be bound to undermine the speaker's message. This all might be why when it was asked at its corporate deposition "what is the purpose of having that out-of-state disclaimer," Defendant-Intervenor bluntly refused to name any purpose. Ex. 83, p. 108 ¶ 12–14 ("I'm not familiar with the disclaimer.").

Even if triggering voters' xenophobia were the type of "governmental interest in 'providing the electorate with information,'" *McCutcheon*, 572 U.S. at 223 (quoting *Citizens United*, 558 U.S. at 367) that courts acknowledged as a "sufficiently important interest," it is difficult to see how the outsider disclaimer is "narrowly tailored." *Smith*, 95 F.4th at 1214. The outsider disclaimer applies only based on where the majority of contributions come from, not where the group's roots are. *See* AS 15.13.400. A group entirely composed of Alaskans, like FLF, would have to include the disclaimer, but a group entirely composed of Virginians would not so long as it received 50.01% of its funding from a single wealthy Alaskan. *See id.* This is especially true since the Commission has begun letting some groups count federal (but not state) PACs as a "true source," meaning that "big-money outsiders," Ex. 29, p. 1, can incorporate a federal PAC based in-state and the recipients of their largesse would get to avoid the disclaimer. Exhibit 78, p. 1–2.

Even more so than the rest of BM2's disclaimer, the out-of-state disclaimer is a constitutionally unacceptable example of compelled speech.

D. Ballot Measure 2's 24-hour true source reporting requirement fails exacting scrutiny because it is vague, ambiguous, and ineffective at anything other than chilling speech.

Even if it were not motivated by invidious discrimination, the 24-hour true source requirement—which is useless at anything other than silencing political speech—fails exacting scrutiny because it is far too vague and ambiguous to pass constitutional muster.

"A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required." *Butcher v. Knudsen*, 38 F.4th 1163, 1168 (9th Cir. 2022) (quoting *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012)). "[V]agueness concerns are more acute when a law implicates First Amendment rights," because "[u]ncertain meanings inevitably lead citizens to steer far wider of the unlawful zone than if the boundaries of the forbidden areas were clearly marked." *Butcher*, 38 F.4th at 1169 (quoting *Grayned v. Cty. of Rockford*, 408 U.S. 104, 109 (1972)). In campaign finance cases, "vagueness scrutiny is more stringent." *Butcher*, 38 F.4th at 1169.

BM2 defines "true source" as "the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services." AS 15.13.400 That is a lot of words, but it leaves a lot of grey area on what is and is not included. So much grey area, in fact, that the Commission itself issued an advisory letting some groups count federal (but not state) PACs as a "true source," thereby creating a giant loophole for sophisticated

donors to avoid the requirement altogether. Exhibit 78, p. 1–2. Whether the Commission sticks to this interpretation, or courts uphold it, remains to be seen. What matters is that years after the implementation of BM2, the scope of its true source requirement is still being hotly debated by the most talented legal minds in Alaska. Yet at the same time, BM2 requires both IE groups *and individual donors* to be able to understand its meaning within 24 hours. AS 15.12.040(b).

Hays and Heckendorn both testified that they feel it is their job as paid employees of political firms to educate donors on how to actively comply with the reporting requirement—indicating that a firm that does not want its donors subjected to massive fines should be hiring someone to tell people how to do 24-hour reports. Hays Report, p. 10; Ex. 82, p. 96–97. There is no reason for the law to be "tailored" this way. *Smith*, 95 F.4th at 1214. The true source requirement is already exempted from the disclaimer, so there would be little harm in allowing donors extra time to understand this provision's requirements (twenty-five hours, perhaps?). *Compare* 15.13.074; *and* AS 15.12.040(r). This is especially true for donations made months or even years before the scheduled election, as it is of little relevance when the voter receives this information so long as it is before he casts his vote. *See Smith*, 95 F.4th at 1233 (Forrest, J. dissenting) ("Even assuming that prompt disclosure is helpful to voters *during an election cycle*, why a 24-hour filing deadline is needed in the lulls between active elections is a mystery."). The only thing this requirement appears to be effective at is what Defendant-Intervenor said

its goal was: putting a "price of admission," Ex. 9, p. 2; Ex. 10; Ex. 11, on the "privilege of influencing Alaska's elections." Ex. 28, p. 1.

The vague, ambiguous 24-hour true source requirement serves no valid purpose, imposes a crushing burden on political speech, and fails exacting scrutiny.

E. Ballot Measure 2's expedited hearing requirement fails exacting scrutiny because it gives the Commission no discretion to block bad faith actors from exploiting the rule so as to censor their opponents.

BM2's application to the expedited hearing format gives the Commission zero discretion in blocking bad faith actors from filing frivolous complaints just to waste an opponent's valuable time just before the election. Such a poorly-crafted rule must fail exacting scrutiny.

If a complainant wants the investigation process expedited, the Commission is legally obligated to hold a hearing on a complaint within twenty-four hours and must inform the person whom the complaint was filed against that it could adjudicate the facts of the dispute at that hearing. 2 AAC 50.888. This provision is already being abused: Plaintiff FLF was subjected to an expedited hearing notice just a few *hours* before its start time. *See* Dkt. 112-4, p. 19. As with all complaints, a hearing occurs even when the victim of the complaint *already got their speech precleared* with the Commission. *Compare* Ex. 76 (getting preclearance); Ex. 77, p. 1–3 (Defendant-Intervenor filed a complaint anyway).

The days before an election are among the most critical for any group engaged in electioneering: it is what years' worth of preparation builds up to. *See* Ex. 81, p. 2 ¶ 10. No law that demands someone attend a hearing with less than a day's notice

during that critical period is "substantially related and narrowly tailored" to a valid state interest. *Smith*, 95 F.4th at 1214.

F. Ballot Measure 2's penalties are far too high and subjective to survive exacting scrutiny.

On the opposite end of the spectrum from its zero-discretion expedited hearing process, BM2's penalty system gives inappropriately vast discretion to the Commission. The perpetual threat of barbarously high potential penalties that can be doled out at the whims of temporary political appointees is a profound threat to the First Amendment.

"Even when the Court is not applying strict scrutiny, [it] still require[s] 'a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one whose scope is in proportion to the interest served, that employs not necessarily the least restrictive means but a means narrowly tailored to achieve the desired objective.'" *McCutcheon*, 572 U.S. at 218 (tidied) (quoting *Board of Trustees of State Univ. of N. Y. v. Fox*, 492 U.S. 469, 480 (1989)). "[L]aws must provide proper 'precision and guidance' to ensure that 'those enforcing the law do not act in an arbitrary or discriminatory way.'" *Butcher*, 38 F.4th at 1168 (quoting *FCC*, 567 U.S. at 253). "[T]he First Amendment protects against the Government; it does not leave us at the mercy of *noblesse oblige*." *Stevens*, 559 U.S. at 480. "When laws fail to 'provide explicit standards for those who apply them,' they "impermissibly delegate basic policy matters for resolution on an ad hoc and subjective basis." *Butcher*, 38 F.4th at 1169 (quoting *Grayned*, at 108–09).

It is difficult to overstate the subjectivity of the penalties imposed by BM2, which can be "up to $500 a day" for recipients and "up to $1,000 a day" for donors (plus three times the cost of the donation or the daily fine if it was willful). AS 15.13.390. The Defendant-Intervenor itself acknowledged that even for "deliberate, and repeated, violations of the law," "imposition of completely un-mitigated penalties could be seen as leading to the imposition of disproportional civil penalties with respect to these violations." Dkt. 118-1, p. 3, 17. Yet aside from its extra, three-times-the-contribution penalty for "willful" behavior, BM2 provides no "precision and guidance" on how the Defendants should apply the penalties. *Butcher*, 38 F.4th at 1168 (quoting *FCC*, 567 U.S. at 253); *see also* AS 15.13.390. This is especially disturbing as the Defendants are temporary, political appointees, four out of five of whom must have been preapproved by a political party. § 15.13.020. The incentives for them to apply the law subjectively or unfairly are strong, and a court has already found the Commission knowingly fined someone for a donation they knew he did not make. *See AHE*, 2024 Alas. Trial Order LEXIS, at *28. Is it any surprise that individuals like Plaintiff Griffin have chosen to self-censor rather than risk their wrath? *See* Ex. 85, p. 2 ¶ 14.

Donors and IE groups in Alaska are subject to a vast, sweeping, and vague law that could bring crippling penalties. Those confident in the Defendants' grace feel free to speak, but those who don't trust the Defendants must remain silent. This is not how the First Amendment works.

G. Ballot Measure 2 fails exacting scrutiny because it imposes strict liability for core political speech.

BM2 imposes strict liability for political speech, meaning entirely inadvertent filing mistakes lead to massive penalties.

The Supreme "Court has long recognized that the constitutionality of a vague statutory standard is closely related to whether that standard incorporates a requirement of *mens rea*," *Colautti v. Franklin*, 439 U.S. 379, 395 (1979). "Strict liability is generally disfavored in criminal law, particularly with respect to cases that implicate the First Amendment." *United States v. Sheehan*, 512 F.3d 621, 629 (D.C. Cir. 2013); *see also United States v. U.S. Gypsum Co.*, 438 U.S. 422 (1978) ("limited circumstances in which Congress has created and this Court has recognized such offenses"); *Butcher*, 38 F.4th at 1165 (emphasizing the duty to prevent unnecessary burdens on the "core political speech that lies at the heart of the First Amendment"). The highest courts of Colorado and Ohio have already struck down strict liability regimes on federal constitutional grounds, *see In re Judicial Campaign Complaint Against Stormer*, 137 Ohio St. 3d 449, 453 (Ohio 2013); *Dallman v. Ritter*, 225 P.3d 610, 629 (Colo. 2010), and the D.C. Circuit threw out a political speech conviction for being based on strict liability. *See Sheehan*, 512 F.3d at 624. Our own circuit strongly implied strict liability could not apply to speech-based offenses in its (pre-*Citizens United*) *United States v. Pasillas-Gaytan* ruling, throwing out a strict liability conviction for misstatements in a government interview because of "the general rule that criminal liability requires an 'evil-meaning mind.'" 192 F.3d 864, 868 (9th Cir. 1999).

BM2 "imposes strict liability for failure to comply," *See Smith*, 95 F.4th at 1231 (Forrest, J. dissenting), even for the most innocuous mistakes, and where a person was following the Commission's previous recommendation. *See* Ex. 64, p. 1 ("It does not appear that you corrected [staff's] understanding."). Defendant-Intervenor's own witness, Hays, testified that both she and one of BM2's top donors accidentally triggered over $10,000 in fines because he made a donation over the winter holidays when no one was at the office to realize it was received. Ex. 80, p. 34–36. Hays minimized this civil liberties violation by saying "we successfully got our fines mitigated" (but not removed). Hays Report, p. 3. This mitigation, though, was entirely based on "the mercy of *noblesse oblige*." *Stevens*, 559 U.S. at 480. In other cases, the Defendants have not been as merciful, even when the Defendant-Intervenor itself argued "imposition of completely un-mitigated penalties could be seen as leading to the imposition of disproportional civil penalties with respect to these violations." *Compare* Dkt. 118-1, p. 3, 17; *and AHE*, 2024 Alas. Trial Order LEXIS, at *28. Well-connected people like Hays may still feel comfortable speaking at the "mercy" of the Defendants, but everyday citizens like Bob Griffin do not. *Stevens*, 559 U.S. at 480; *compare* Hays Report, p. 3; Ex. 85, p. 2 ¶ 12–17. And even when an individual may be confident enough in the Defendants' discretion to make a donation, recipients like the AFMC have declined to receive it because they view the strict liability regime as so risky to potential donors that it would be unkind to them to allow them to take such a risk. Ex. 87, p. 1–2.

BM2's enforcement is inextricably linked to its strict liability regime, which cannot be constitutionally applied to core political speech.

CONCLUSION

For these reasons, Plaintiffs Robert "Bob" Griffin, Stanley Allen Vezey, Trevor Shaw, Families of the Last Frontier, and the Alaska Free Market Coalition ask this court to grant their motion for summary judgment and enjoin Defendants from enforcing BM2.

Dated: April 10, 2026

Respectfully submitted,
Liberty Justice Center

/s/ Reilly Stephens

Reilly Stephens*
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CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limit of Cir. R. 32-1 because this brief contains 9,302 words, excluding the items exempted by Local Rule 7.4. The brief's type size and typeface comply with Local Rule 7.5.

Dated: March X, 2026 LIBERTY JUSTICE CENTER

By: /s/ Reilly Stephens

Reilly Stephens

Attorneys for Plaintiff–Appellant

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2026, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF System. Prior to filing this, I served the motion, memorandum, and exhibits by email to the counsel for Defendants and Defendant-Intervenor.

Dated: April 10, 2026 LIBERTY JUSTICE CENTER

By: /s/ Tim Kilcullen

Tim Kilcullen

Attorneys for Plaintiff–Appellant

EXHIBIT 1

HACKNEY COMMUNICATIONS

Arthur J. Hackney

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Introduction

I have been retained by plaintiffs in the case of *Smith v. Stillie* to provide an expert report related to my opinions on how aspects of Ballot Measure 2, enacted by initiative in 2020, impacts political speech. I am being compensated $200 per hour to prepare this report and for other time I spend on this matter, except for testimony time and travel time, which are compensated at $400 and $100 per hour, respectively. I have not published any papers in the last 10 years, nor given court testimony in the last 4 years. My qualifications as an expert are discussed in my report below, as well as in Exhibit 1. The information I considered in preparing this report is discussed in the body of the report and footnotes, as well as referenced in Exhibit 2, which is an audio example of the disclaimers required by Ballot Measure 2, and Exhibit 3, which are documents related to this case I reviewed in preparing this report.

Expert Report

I was born in Anchorage, Alaska in November of 1951. My family moved to Fairbanks as I entered the 4th grade in 1963. My father was elected to the legislature and served for two terms in the State House and one term in the State Senate. I was first involved in politics helping my father's campaign.

In 1978 I started my own television production company. Since 1979 I have produced and placed candidate and public affairs messaging in Alaska and in 20 other states for over 150 candidates and issues both directly and through IE's, 501 C4's, C6's, and 527's from local Assembly all the way to Presidential. I started exclusively as a television producer and in 1984 expanded into a full service corporate and political messaging company including extensive work raising money for campaigns and causes.

Coming from an Alaska political family and working for leaders in Alaska politics made me deeply appreciative from a young age of the importance of political speech as the tip of the spear of free speech in America.

The stories of the impacts of governmental regulation on campaign disclosure and donors are endless. In 1975 a group of legislators made no secret that their intent in passing legislation requiring that the name and address of anyone doing business with a candidate for office - be published. Some desired to drive Speaker of the House Tom Fink - who owned an insurance business - out of politics. They succeeded as Fink resigned from office rather than having to expose his insurance clients' personal information.

Over the decades of my producing political and issue messaging I have many times been caught with unnoticed changes made in the previous legislative session and had to recut ads with the changed requirements. My experience has been that these changes rarely if ever protected the public interest - they are usually 'bright ideas' supplanted by other 'bright ideas', etc.

America's Founding Fathers delivered their messaging under pen names to avoid social and political backlash and to put the focus on the messaging and not on the messenger.

The implication of backlash is as true today as it was then.

Donors, in particular, face personal threats and intimidation when their names are published. Political messaging is compromised by having individual names required on published materials and the donors being subjected to media coverage and being called out for their financial participation in process.

The impact is chilling. In recent years, the first thing potential donors often ask is "will my name have to be published".

After the election of George W. Bush in 2000 I moved to Washington DC and became President of a firm handling not only candidate campaigns, but the NFIB and NRA nationally. The passage of McCain Feingold in 2002 was a classic and immense example of the onerous and arbitrary impacts that could be imposed on political speech. Our company - Edmonds Hackney & Associates - in partnership with an issue client - drew national attention to the impact arbitrary regulations could have by producing two "spec" ads against Presidential candidate John Edwards - one a television ad and then a full-page newspaper ad that was a frame-by-frame storyboard of the television ad. We held a press conference in the Hyatt on Capitol Hill with Ben Ginsburg of Patton Boggs and presented both ads. As Ben pointed out, under McCain Feingold the newspaper ad was totally legal yet the identical television ad would be unauthorized and even result in criminal penalties.

We then started running ads for our firm saying "We found the campaign advertising loophole" and went to work for the Newspaper Association of America, increasing newspaper's share of campaign spending by promoting the fact that campaigns could

legally deliver messages in newspapers which would be illegal in electronic venues. Irrational - but the law…

After returning to Alaska in 2004 I continued experiencing the cycles of often-changing legislative interpretations of what campaign messaging and campaign donors had to disclose, both in reporting and in advertising disclaimers.

In 2006, contributions to Alaska political candidates were capped at $500 arbitrarily limiting what individuals could do with their own after-tax dollars for the stated purpose of reducing the potential of corrupting influences on elections.

I had joined the bipartisan American Association of Political Consultants in 1990, was elected to the Board in 2003 and served as President from 2013 - 2015, then Chairman, and since as Chairman Emeritus. AAPC created a Foundation to fight efforts across the country that would discourage political speech. For example, we successfully fought regulations requiring full disclaimers on tiny digital ads - taking up more space than the messaging itself.

Citizens' United in 2010 established that corporations and unions had the same 1st Amendment rights to expend funds on political speech after newspapers and unions had held a unique messaging advantage for more than a decade. This began the era of independent expenditure groups taking on a greater role in political and issue messaging. An example of how this balanced the playing field is when President Obama in 2012 said of small businesses that it was government investment that created their business success and profitability - with the cryptic statement to the effect "you didn't build that". Many newspapers refused to report on President Obama's comments, which outraged some small businesses. It was because of Citizens United that independent expenditures were allowed to put that messaging into the public space so the public could decide what they thought of it.

In Alaska, after lengthy legal challenges, the 9th Circuit Court ruled that $500 contribution limits were unconstitutional and to this day campaigns can now accept unlimited personal donations and IE's can accept unlimited contributions from all sources except foreign.

None-the-less, the rules of disclosure for campaign messaging continue to get altered, sending increasingly chilling messages that deter individuals from exercising their right to donate to causes they believe in.

Ballot Measure 2 established an Open Primary and a Ranked Choice General Election.

A third component of Ballot Measure 2 established that independent groups had to disclose not only the source of their funding but the sources of where the funder got contributions from originally - and where those funds originated - literally requiring

groups to be responsible for forensic detective work - and further - to then put this information in produced messaging.

Many of the “groups” that form to promote issue messaging are grass-roots in nature. My experience is that since the adoption of Ballot Measure 2, while most groups generally focus in good faith on their current required reporting, they often fail to notice and make clear to donors that duplicative reporting is required by the donors themselves - generally people of good intent who are not experienced in parsing through regulatory legalese and fine print. As a result the “business” of fining these individuals is a very active one. Even though the groups trying to real Ranked Choice Voting filed reports showing contributions, individuals who made those donations did not understand that they had to file separate but duplicative reports personally. Keith Manternach was just fined $1,550.00, Bob Griffin was fined $1,950.00, Frank McQueary was fined $1,000.00, and Carolyn Overstreet was fined $4,950.00 for contributions they made to the repeal group’s campaign. Every page of Commission records going back decades is filled with such fines of individuals.

Even the authors of Ballot Measure 2 were tripped-up by their own requirements. From July to September 2023, the group Alaskans for Better Elections released six press releases criticizing efforts to repeal Ranked Choice Voting via a ballot initiative. Each of these press releases, either directly or indirectly, attacked the group which was pushing the repeal initiative. The press releases appeared on the Better Elections website with the proper disclaimer, but the press releases themselves lacked that required disclaimer.[1] An investigation by the Alaska Public Offices Commission (APOC) concluded that the press releases were, in fact, electioneering communications since they dealt with a pending ballot measure.[2] In other words, Alaskans for Better Elections were breaking the very law that they had created.

Why couldn’t ABE follow it’s own rules? For the very reason of this case. They have a created disclosure requirements that have to follow a convoluted five-factor APOC process which inquires: (1) whether the communication identifies the ballot measure directly or indirectly, (2) the extent to which the communication encourages voters to do something, (3) the extent to which the communication can be viewed as neutral, (4) the entity’s history of communicating about the topic and, (5) the timing of the communications relative to the ballot measure process.[3] These are subjective questions allowing for personal opinion and even bias to come into play. If the very group that brought these disclosure requirements into existence cannot manage to comply with

[1] SOA7221–22
[2] SOA07233–35
[3] SOA07228

them, the problem is with the arbitrary and confusing nature of the requirements themselves.

Alaskans for Better Elections again found itself in trouble between December 2024 and January 2025 when it made a public communication stating that "it takes 3-minutes to withdraw your name from a petition trying to get rid of Alaska's open primary."[4] The statement was objectively true - signatories to a ballot initiative are legally entitled to remove their names if they change their minds. But APOC began an inquiry about whether the very statement was electioneering - and ABE's counsel conceded that it was.[5]

Phil Izon wrote to the APOC saying he wanted to know whether his "citizen initiative" would have to register under Ballot Measure 2's censorship provisions and, if so, how to file his reports.[6] The responding APOC staff member, Thomas Lucas, was curt and dismissive, telling him that no group needed to register "unless it spends to support or oppose a candidate or ballot proposition."[7]

On this advice, Izon went several months without filing a Ballot Measure 2 disclosure report. In 2023, APOC finally got around to telling him he was in violation of the law – and his group was now on the hook for thousands of dollars in fines.[8] Izon spent the entire weekend attempting to compile months of donor reports, as began calling and emailing APOC pleading for assistance in explaining how to navigate the site requirements.[9] Nevertheless, APOC imposed $56,250 in fines on his group, and an additional $11,000 in personal fines on its founder for not filing reports[10] that, when originally asked, APOC's own staff member had said were not necessary.[11]

There is also the case of Open for Business Anchorage, a non-profit group that tried to make independent expenditures in an Anchorage mayoral election run-off.[12] Unlike Izon, Open for Business timely registered as an independent expenditure group.[13] It also filled out required quarterly reports[14]. However, Open for Business did not file the 24-hour and ten-day reports required by Ballot Measure 2 on top of quarterly reports.[15]

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[4] SOA07224
[5] SOA07226
[6] SOA00432
[7] SOA00429
[8] SOA00427–28
[9] SOA00464–72
[10] SOA10913
[11] SOA00429
[12] SOA00415
[13] SOA0414–15
[14] SOA00416
[15] SOA00416–17

As the group's treasurer later explained to APOC, this was not willful noncompliance, but rather the result of the group being "inexperienced, run by volunteers, and simply unaware of the requirement to file reports within ten days or 24 hours of making independent expenditures."[16] Nevertheless, APOC imposed $8,604 in penalties.[17]

The reality of the provisions imposed by Ballot Measure 2 are so convoluted, onerous and counterintuitive that ordinary citizens are discouraged from involvement in political speech. Only experienced entities with top legal talent can engage in political speech - and evidence shows that even they can get crosswise with the very laws they promulgated as evidenced by Alaskans for Better Elections' APOC violations.

I ceased running less expensive :30 second issue messages because of the requirements that now make the disclosure information far longer than the message itself. Attached as Exhibit 2 is a sample ad for Families of the Last Frontier, demonstrating how they would only have 8 words to deliver a campaign message with 84 words then required to fulfill disclaimer requirements. It forces groups to more than double their expenditures to accommodate these disclaimer requirements.

Another avenue of communication that Ballot Measure 2 has complicated is text advertisements. Keep It Alaska, a school choice advocacy group, wrote to APOC explaining that it was sending out text advertisements which featured an image, similar to the image one would see on a mailer.[18] These images contained the required BM2 disclaimer.[19] APOC staff assured Keep It Alaska this was sufficient.[20] A day later, though, they wrote a new email saying it would be "best practice" to also pay to include the entire disclaimer as a text message. Keep in mind these text message ads wordcount massively affects their cost.[21]

Keep It Alaska also wanted to hold a fundraiser to support its electoral efforts, with the headline speaker set to be a person who was himself a candidate for office.[22] The group wrote to APOC for clarification, as the law is not clear on what a coordinated expenditure is and whether holding an event featuring a candidate counts as electioneering.[23] APOC gave vague, non-committal responses, such as "Generally, an

[16] SOA00416
[17] SOA00416–17
[18] SOA007325-26
[19] *Id.*
[20] SOA007325
[21] *Id.*
[22] SOA007304-05
[23] *Id.*

IE group supporting a candidate may not coordinate activities."[24] Keep It Alaska then had to cancel the fundraiser, because they could not get a timely, straight answer.[25]

Keep It Alaska canceled its fundraiser because it could not swiftly determine the answer to a complicated legal question.[26] Sometimes, that isn't possible – you just risk getting fined whatever you do. Take former State Senator Peter Micciche. After issuing a constituent newsletter, Micciche was uncertain whether the letter counted as electioneering under the byzantine five part test mentioned above.[27] If it was to be reimbursed by his office, then it would not be a campaign expense at all (filing fraudulent campaign expenditures is a crime, as it makes one seem like you have more donors --- and are thus a more credible candidate – than you are).[28] On the other hand, if it was not reimbursable, and thus was a campaign expenditure, it was hitting the 24-hour threshold.[29]

The APOC complaint process encourages gamesmanship. Take for example the complaint filed against Families of the Last Frontier within two weeks of an election: Crunch time for any independent expenditure group.[30] In an effort to comply with the right to an expedited hearing for complainants included in Ballot Measure 2, APOC gave GOPAC less than twenty-four-hours' notice of a lengthy hearing in Anchorage it had to attend to plead its case.[31] APOC requires everyone else provide accountings of their speech within 24 hours, regardless of the expense, but when conducting its own hearings, demands that you request the transcript and pay it a fee.[32]

Preserve Democracy, a conservative-leaning but non-partisan group that works to boost political turnout in elections actually went to APOC to get its planned Get Out The Vote effort pre-cleared.[33] ABE filed a complaint against it anyway, arguing that by turning out the vote in certain regions, it would somehow help Republican candidates (who do better when those regions have higher voter participation).[34] Preserve Democracy ultimately prevailed, but it had to spend time and money fighting off an investigation.[35] It may have been able to afford such an expense – my clients, who are ordinary Alaskan men and women, often cannot.

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[24] SOA07299-SOA07306
[25] SOA07301
[26] *Id.*
[27] SOA00403-04
[28] *Id.*
[29] *Id.*
[30]SOA09696-09726
[31] SOA09695; SOA9762
[32] SOA07092
[33] SOA00420-422
[34] SOA01988-SOA02082
[35] *See* Civil Penalties; neither PD for Tshibaka have any fine)

Year after year I have watched these rules change and donors get more and more unwilling to contribute their after-tax dollars to causes they believe in because they feel that they will be subjected to confusing reporting requirements and then potential repercussions for those contributions, which have become more and more ominous. The stories of supporters of causes - and their families - being threatened and harassed are common.

Political speech is the tip of the spear of free speech in America, and these onerous regulations - and penalties - chill free speech and the importance of letting messaging enter the public marketplace with as few restrictions as possible.

EXHIBIT 1 – QUALIFICATIONS

Arthur J Hackney
1401 w 9th Avenue
Anchorage, Alaska 99501

Arthur Hackney was born in the Territory of Alaska and is a lifetime member of the Pioneers of Alaska. He has been one of the top corporate and political media consultants in Alaska for over 45 years, handling over 150 political and public affairs campaigns, including the entire Alaska Congressional Delegation for two decades. He worked on campaigns for the late Ted Stevens for 35 years and was on his 23rd campaign for Congressman Don Young when the Congressman passed away. He has also written and produced media for public affairs and political campaigns in over twenty states for U.S. House, U.S. Senate and President.

From May 1978 – December 1984, Art was President of Holden Hackney Productions – a state-wide video and film production company. From December 1984 – June 1990 Art was President of Holden Hackney & Breeze – a full-service communications firm with offices in Anchorage and Seoul, South Korea. From June 1990 – June 2001 Art was President of Hackney Hackney & Smith of Anchorage. From June 2001 – June 2004 Art was President of Edmonds Hackney & Associates in Washington, DC – arriving just ahead of 9/11, working for clients including the NRA, NFIB, Newspaper Association of America and the Alaska Governor 2002 election. From June 2004 to the present, Art has been CEO of Art Hackney Communications – a corporate and political communications firm in Anchorage. Art has won more state and national awards than any other individual media producer in America for start-to-finish strategy, concept, copywriting and production.

Art is Past President and current Chairman Emeritus of the American Association of Political Consultants and has served on the Board of the International Association of Political Consultants, Americans for Job Security and as a member of the Leadership Trust of the National Federation of Independent Business. Art served as Co-Chair of the George W Bush Campaign in Alaska and sat on the national finance committee for the campaign.

In 2003, President Bush named Art to the Presidential Advisory Committee on the Arts for Kennedy Center. Art has been active in raising money for charitable and arts organizations in Alaska for decades. In the past Art has served as President of the American Advertising Federation, Alaska, and as a Board Member of the Anchorage Symphony, the Alaska Support Industry Alliance and the Aleut Enterprise Corporation as well as a special advisor to the Governor of Alaska.

Art's favorite pastimes are adventure travel, U.S. and world history and politics, fine dining and wines, motorcycles, baseball and tennis. He has traveled extensively throughout Europe, the Far East, East Africa, Australia, the Caribbean, Central America and across the continental US and Hawaii.

EXHIBIT 2

Exhibit 2 is an audio file, and thus cannot be printed or converted into a pdf. Exhibit 2 was submitted via PACER.

EXHIBIT 3

Cited Documents from the Hackney Report

Citations 1, 2, 3, 4, & 5

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Phillip Izon, Complainant, v. Alaskans for Better Elections, Alaskans for Better Elections, Inc., and Alaskans for Better Elections Foundation Respondents.	)	Case No. **23-04-CD**

ORDER DISMISSING COMPLAINT IN PART AND REMANDING TO STAFF

On February 28, 2024, the Alaska Public Offices Commission considered Phillip Izon's complaint against Alaskans for Better Elections (ABE), ABE, Inc., and ABE Foundation, which support open primaries and ranked-choice voting. Mr. Izon alleges that the respondents had to comply with AS 15.13 beginning November 23, 2022—the day that he and others applied to repeal the election method by ballot measure (22AKHE)—and have largely not done so. ABE and the entities respond that their activities did not require AS 15.13 compliance until roughly December 2023 or January 2024 because before then their communications were susceptible of reasonable interpretations other than as a call to oppose 22AKHE. The Commission agrees in large part, dismissing Mr. Izon's allegations against the respondents from November 23, 2022, through October 16, 2023,[1] except for six press releases addressing ABE's filing of APOC

[1] This was the filing date of an addendum to the complaint.

SOA07209

complaints. The Commission concludes that these press releases needed paid-for-by disclaimers but did not trigger the respondents' duty to register and file campaign reports. The Commission remands to staff for further investigation of (1) whether the six press releases had compliant disclaimers, (2) the timing of two ads disseminated in December 2023 or January 2024—which the respondents concede triggered AS 15.13 compliance—and (3) the allegations of registration failures, inaccurate reports, and incomplete disclaimers in light of the respondents' concession that the AS 15.13 rules now apply.

BACKGROUND

I. ABE continues advocating for open primaries and ranked-choice voting after the election method's passage in 2020.

In 2019, ABE was a registered initiative proposal group gathering signatures for a measure that asked voters to adopt ranked-choice voting, open primaries, and campaign disclosure reforms. The group acquired a web domain, alaskansforbetterelections.com, and had a Facebook page, https://www.facebook.com/Alaskans4ABE. After the initiative was accepted for placement on the November 2020 ballot as Measure 2, the group registered as a ballot proposition group, with the name Yes on 2 for Better Elections.[2] Yes on 2 filed disclosure reports and included paid-for-by disclaimers on its communications. Shortly after the election, Yes on 2's website added a "Measure 2 Passes!" banner, leaving in place its paid-for-by disclaimer.[3] Yes on 2 filed year-end

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2 *See* AS 15.13.050(c) (requiring ballot proposition groups supporting one measure to include the initiative's title or common name as "a part of the name of the group").

3 Wayback Machine for alaskansforbetterelections.com (Nov. 19, 2020), https://web.archive.org/web/20201119031309/https://alaskansforbetterelections.com/; Exh. 9 to Staff's Amended Report (Jan. 23, 2024). The Wayback Machine cannot be used

reports for the years 2020 and 2021, ultimately disbanding as a ballot proposition group in early 2022.[4] At that time, it closed out its campaign account by donating the surplus to ABE Foundation, a 501(c)(3) organization incorporated a year earlier.[5]

Meanwhile in 2021, ABE Foundation and ABE, Inc., which had been incorporated as a 501(c)(4) organization the same month as the filing of the Better Elections initiative application, continued to maintain the website.[6] The two entities shared an executive director and jointly controlled the website, Facebook page, and other ABE content.[7]

By June 2021, the two entities had updated the website, focusing on promoting the election changes as good policy and educating voters on the new method.[8] The website's major changes were: (1) updating the logo from "Yes on 2 for Better Elections" to "Alaskans for Better Elections"; (2) replacing the passage banner with a message proclaiming "new 'Alaska Style Elections'"; (3) describing ABE as a "nonpartisan, not

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to ascertain a precise date for when a particular website change occurred, but it reflects what a given website looked like on the day that it captured an archive of the page. *See* explanation at https://web.archive.org/web/20200101000000*/alaskansforbetterelections.com (indicating ABE's website was saved 367 times between November 8, 2019, and March 8, 2024 (last visited Mar. 13, 2024)).

4 Yes on 2 for Better Elections Year-End Report (Feb. 15, 2022), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=34601&ViewType=CD.

5 *Id.*; Exh. 4 to Mr. Izon's Complaint (Oct. 9, 2023).

6 Exh. 1 to Complaint; Exhs. 4 & 18 to Staff's Amended Report.

7 Exh. 18 to Staff's Amended Report. Given the joint nature of the entities' communications, this order refers to "ABE" as collectively meaning the corporation, the foundation, and/or the group (if the group was in existence at the time). ABE registered as a group again in April 2023. Exh. 17 to Staff's Amended Report.

8 Wayback Machine for alaskansforbetterelections.com (June 24, 2021), https://web.archive.org/web/20210624182115/https://alaskansforbetterelections.com/.

for profit group of Alaskans dedicated to educating voters about the election system changes passed in ballot measure two in November 2020"; (4) providing a tool allowing viewers to rank seafood in a mock election; and (4) replacing the campaign paid-for-by disclaimer with a statement that ABE was "a 501(c)(4) organization made up of ordinary Alaskans who believe the power of elections belongs to the people."

The website still included older content, including press releases and stories in the media from the campaign, and a button to donate to ABE. It also had buttons to "learn more" about ranked-choice voting, dark money, and open primaries. The ranked-choice voting "learn more" page had answers to these questions: "What's The Problem?" "What's The Solution?" "How Does Ranked Choice Voting Work?" "What Are The Benefits Of Ranked Choice Voting?" "What Does Majority Winner Mean? Does Alaska Have a Majority Winner Problem?" "Are You Sure This is Still One Person, One Vote?" "It's All About Competition." "Who Does Ranked Choice Voting Benefit?" "How Would Ranked Choice Voting Make Elections More Representative?" "Is Ranked Choice Voting Confusing?" "Where Else is Ranked Choice Voting Used?"[9]

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[9] Wayback Machine for alaskansforbetterelections.com (June 24, 2021) https://web.archive.org/web/20210624183059/https://alaskansforbetterelections.com/about/ranked-choice-voting/. The Complaint at pp. 9-10 of 16 states that these FAQs were in place by March 27, 2023; in fact, they were on the site years earlier—June 24, 2021, at least. *See id.* The answers to almost all the questions were unchanged from 2022 to 2023, except the answer to "What's the Problem?" was partially rewritten and combined with the answer to "What's the Solution?" which was removed. "How Does Ranked Choice Voting Work?" also had been removed by April 18, 2022. *Compare* Exh. 15 to Complaint *with* Wayback Machine for alaskansforbetterelections.com (June 24, 2021) https://web.archive.org/web/20210624183059/https://alaskansforbetterelections.com/about/ranked-choice-voting/.

After that, the website did not change until about January 2022.[10] The seafood mock election, and the campaign press releases and links to media stories were removed. The "learn more" pages and "donate" button stayed on the site.

II. In 2022, ABE's advocacy increases with the first uses of the new election method while AHE applies to place a repeal measure on the ballot.

Beginning around March 2022, the website was updated more frequently, addressing the first uses of open primaries and ranked-choice voting in the June, August, and November elections that year. The site had instructions on how to do ranked-choice voting, policy statements about the advantages, and neutral information about upcoming elections.[11] The site's media tab reappeared and by late September 2022 had a two-page list of ABE press releases and newsletters:[12]

- "Alaska's First Ranked Choice Election A Success" (Aug. 31, 2022)
- "Polling Shows Alaskan Voters Understand Ranked Choice Voting" (Aug. 30, 2022)

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10 Wayback Machine for alaskansforbetterelections.com (Jan. 18, 2022), https://web.archive.org/web/20220118042357/https://alaskansforbetterelections.com/.

11 Wayback Machine for alaskansforbetterelections.com (Mar. 30, 2022), https://web.archive.org/web/20220330061710/https://www.alaskansforbetterelections.com/; Wayback Machine for alaskansforbetterelections.com (July 5, 2022), https://web.archive.org/web/20220705185303/https://alaskansforbetterelections.com/. The July 5, 2022, capture had a new site identification: "The nonpartisan Alaskans for Better Elections Foundation is dedicated to providing public education and research about how Alaska-style elections work. The foundation is governed by a board of directors that includes Alaskans with diverse political views from every corner of the state."

12 Wayback Machine for alaskansforbetterelections.com (Sept. 30, 2022), https://web.archive.org/web/20220930130831/https://alaskansforbetterelections.com/media. The site identification had changed: "Alaskans for Better Elections is a nonpartisan nonprofit dedicated to providing public education and research about how Alaska-style elections work. The 501(c)(3) foundation and 501(c)(4) corporation are governed by directors that include Alaskans with diverse political views from every corner of the state."

- "Remember to Vote—August 16, 2022!" (Aug. 15, 2022)
- "Early Voting Starts Statewide August 1, 2022" (July 29, 2022)
- "Remember to Vote!" (June 10, 2022)
- "Election Day is June 11, 2022" (June 7, 2022)
- "Special Primary Early Voting Locations Open May 27, 2022" (May 27, 2022)
- "Alaska Black Leadership Caucus Invites Alaskans For Better Elections to Present at Democracy in the Park" (May 27, 2022)
- "Juli Lucky and Amanda Moser join the Alaskans for Better Elections Team to Support the Transition to Alaska's New Election System" (May 11, 2022)

By the end of November, the site had more pages listing press releases and newsletters.[13] The most recent ones were:

- "Ranked Choice Voting Produces Winners with Strong Mandates and Outcomes as Diverse as Alaska" (Nov. 23, 2022)
- "Brass Tacks: What you need to know for RCV Tabulation" (Nov. 23, 2022)
- "Polling Shows Alaskan Voters Received Clear Instructions on the System, Found Ranking to be 'Simple,' and saw more Competitive Races" (Nov. 15, 2022)
- "Election Night Brass Tacks" (two releases on Nov. 8, 2022)
- "Election Day! It's Happening!" (Nov. 7, 2022)

The same day as the November 23 press release, the Division of Elections tabulated the ranked choice votes from the general election, determining the winners. And Mr. Izon and two others proposed an initiative to repeal ranked-choice voting and

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13 Wayback Machine for alaskansforbetterelections.com (Nov. 26, 2022), https://web.archive.org/web/20221126193329/https://alaskansforbetterelections.com/media/. The Wayback Machine captured only the first page of press releases on this date.

open primaries by filing an application with the lieutenant governor.[14] The press release did not mention the filing of the repeal application.[15] It began, "Today, Alaska became the first state in the country to elect its state and federal officials using ranked choice voting, an election system that rewards candidates who build deep and broad voter coalitions."[16] It made three main policy points: (1) a "near consensus" of voters found the system easy, (2) statewide candidates for governor, the U.S. Senate, and the U.S. House "succeeded by broadening their campaign base to appeal to voters outside their traditional party base," and (3) voters had "more opportunities to support candidates that best shared their values and priorities" in state legislative races that had more candidates.

The day of the vote tabulation, ABE also posted multiple times on Facebook, expressing excitement, describing how the tabulation would be done, and thanking the Division of Elections.

The media page on the website added two new pieces before the end of 2022. The first was a November 26 press release, "Alaskans for Better Elections celebrate the formation of a Bipartisan Majority Coalition in the Alaska Senate."[17] The press release attributed the coalition to the new election method. The second was a December 9 newsletter, "Ranked Choice Voting election is certified!"—also linked to ABE's

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14 Exh. 12 to Staff's Amended Report.

15 Exh. 12 to Complaint (Oct. 9, 2023).

16 *Id.*

17 Wayback Machine, alaskansforbetterelections.com (Mar. 26, 2023), https://web.archive.org/web/20230326032934/https://alaskansforbetterelections.com/wp-content/uploads/2022/11/20221126_Senate_Coalition.pdf; Exh. 12 to Complaint at p. 3.

Facebook page.[18] The newsletter repeated and provided more information on the November 23 release's three claims with words, graphics, and a video; linked to media stories about the election results; and had two quotes from senators stating that the results signaled that voters wanted them to work together.[19] ABE's Facebook page in that period had similar content, as well as linking to stories from other media sources about the election results and the claimed successes of the method.

Around this same time, approximately November 2022 to January 2023, the ABE entities were running a 60-second TV advertisement about how ranked-choice voting was easy enough for kindergarteners.[20] The ad opened with a voiceover: "Some critics say ranked-choice voting was too complicated for Alaskans to understand, so we asked a focus group of Alaska kindergartners."[21] The focus group facilitator asked the children to rank their favorite ice cream flavors and animals, whether they could count "all the way to four," and whether it was hard to rank things to a resounding chorus of "no!" It ended with a voiceover: "Ranked choice voting. Turns out, it's not that complicated." On screen for about four seconds at the end, the ad identified ABE as the source: "This communication was paid for by Alaskans for Better Elections."

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18 Exh. 12 to Complaint at p. 3.

19 Wayback Machine, alaskansforbetterelections.com (Dec. 9, 2022), https://web.archive.org/web/20221209203631/https://mailchi.mp/0396666a5460/alaska-ranked-choice-voting-election-certified.

20 Exh. 20 to Staff's Amended Report at pp. 6-7. Kids Not Complicated 60s.mov (Ship Creek Group), https://vimeo.com/showcase/10307041/video/779943034, password: ABESCG2023.

21 Kids Not Complicated 60s.mov, *supra* note 20.

ABE's Facebook page on December 5, 2022, ran a 60-second video with a similar message, "Alaskans Have Spoken: It's Not Complicated."[22] The video featured voters explaining why they vote and how to rank-choice vote, and declaring the method "very easy," "quick," "pretty simple," and "honestly, kinda fun."

III. In 2023, ABE's advocacy shifts toward opposing legislative repeal efforts while AHE begins gathering signatures for the proposed repeal measure.

Overlapping with the "not complicated" advertising, repeal efforts on two fronts progressed in early 2023. State legislators pre-filed three bills to repeal open primaries and ranked-choice voting. All the bills were referred to committees in their respective bodies on the opening days of legislative session in January.[23] That same week, the lieutenant governor certified the repeal application and identified the initiative proposal as 22AKHE.[24] In February, the Division of Elections issued petition booklets for the sponsors, Alaskans for Honest Elections (AHE), to work on collecting a sufficient number of voters' signatures to place 22AKHE on the ballot sometime in 2024.

That spring, ABE opposed the legislative repeal efforts as legislative committees heard two of the bills. By early March, the website added a button, "Sign the Petition to

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22 ABE RCV Testimonials 60s_broadcast (Ship Creek Group), https://vimeo.com/showcase/10307041/video/771001864, password: ABESCG2023.

23 33rd Legislature (2023-2024) Bill History/Action for Legislature on House Bill 1, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB1; 33rd Legislature (2023-2024) Bill History/Action for Legislature on House Bill 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4; 33rd Legislature (2023-2024) Bill History/Action for Legislature on Senate Bill 2, https://www.akleg.gov/basis/Bill/Detail/33?Root=SB%20%20%202.

24 Exh. 12 to Staff's Amended Report.

Protect our Election System."[25] Clicking the button went to the petition:

> "We Alaskans believe election reform is working to restore power to the people and strengthen democracy. Efforts to repeal the election system put into place by voters in 2020 are contrary to the express will of the Alaskan people and will reinstate the dysfunction of a closed primary system. We are signing our names to this petition to ask that you publicly oppose efforts to repeal Alaska's election system."[26]

Below the fields for signers to provide contact and other information, a Background section detailed claimed advantages—more competition and "a more diverse candidate pool" in the open primary, winners earning "broad support," elected officials "working more collaboratively," and a system "simple to use"—and stated that "former Governor Sarah Palin and a small group of legislators are trying to overturn these reforms."[27] The Background section concluded with a plea to sign the petition to provide to legislators:

> The political elite that want to limit voters' choices are pushing legislators to close the primary and revert to a system that allows candidates to win with less than a majority. We need your help to let legislators know what we know—that a majority of Alaskans want to see elected officials work together and approve of the reforms that resulted in better outcomes in the last election. I hope you'll join me in showing your support for better elections by signing this petition asking legislators to oppose all attempts to repeal the electoral reforms approved by voters in 2020.[28]

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25 Exh. 14 to Staff's Amended Report at p. 1.

26 Exh. 14 to Complaint at p. 1; Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

27 Exh. 14 to Complaint at pp. 2-4 (pg. 4 goes before pg. 3); Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

28 Exh. 14 to Complaint at pp. 3, 5; Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

Also in March, ABE's website included a "Take Action" tab, which linked to a page with three options—signing the petition mentioned above, emailing a legislator, and signing up to testify before a legislative committee.[29] Through an "Oppose a Repeal" option, the tab also linked to a form where viewers could sign up for updates on how to provide support, add their names to a list of supporters, and indicate whether they were willing to email a legislator or testify.[30] The site still had a "Donate" button as well.

That same month, one of the bills, House Bill 1, was heard in the House State Affairs Committee. No public testimony was taken on that date, but ABE's executive director and Mr. Izon for AHE received invitations and testified.[31]

On April 12, 2023, Alaskans for Better Elections registered with Commission as a group, suggesting that ABE's advocacy would soon turn to 22AKHE.[32] Groups must register before making campaign expenditures in opposition to an initiative proposal application.[33] The registration stated that the group was formed to "[e]ncourage Alaskans to uphold election reforms that give voters more choice and power," and would actively

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29 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327100141/https://www.alaskansforbetterelections.com/take-action/.

30 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327113807/https://www.alaskansforbetterelections.com/oppose-repeal/.

31 Minutes from H. State Affairs Comm. (Mar. 28, 2023), https://www.akleg.gov/basis/Meeting/Detail?Meeting=HSTA%202023-03-28%2015:00:00.

32 Exh. 17 to Staff's Amended Report.

33 AS 15.13.050(a).

campaign before "the initiative is . . . [on] the ballot."[34] In addition, ABE added details required by AS 15.13.090(a)(2) to its website identification statement:

> Paid for by Alaskans for Better Elections, 721 Depot Drive, Anchorage, AK 99501. Bruce Botelho, Chair, approved this message. The top three contributors are Alaskans for Better Elections, Inc, Anchorage, AK; Paula DeLaiarro, Anchorage, AK; and Juli Lucky, Anchorage, AK.[35]

ABE, however, contended that it did not begin campaigning against 22AKHE then or as of November 2023. It registered, filed quarterly reports as of its registration date, and updated the disclaimer as "an instance of being 'better safe than sorry.'"[36]

Meanwhile, legislative activity on one repeal bill, as well as ABE's opposition to the bills, continued. The House State Affairs Committee heard House Bill 4 twice in early May and passed the bill out of committee.[37] The House Judiciary Committee took the bill next, holding three hearings in mid-May.[38] Through its website and Facebook page, ABE organized people to testify against the bill and send letters of opposition. Before one hearing, a pop-up on the website stated: "URGENT! We need 60 people 3pm Tuesday to call in and testify. Legislators are trying to overturn the will of the people by repealing

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34 Exh. 17 to Staff's Amended Report.

35 Wayback Machine, alaskansforbetterelections.com (May 5, 2023), https://web.archive.org/web/20230505212845/https://alaskansforbetterelections.com/.

36 Exh. 18 to Staff's Amended Report at 2; *see* Respondents' Answer (Nov. 3, 2023).

37 House Journal at 1002 (May 10, 2023), available at https://www.akleg.gov/basis/Journal/Pages/33?Chamber=H&Bill=HB%20%20%204&Page=01002#1002; 33rd Legislature (2023-2024) Bill History/Action for Legislature on HB 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4#tab4_4.

38 33rd Legislature (2023-2024) Bill History/Action for Legislature on HB 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4#tab4_4.

open primaries via HB4."[39] The media page also added a press release for the first time since December— "Public Testimony Favors Open Primaries and Ranked-Choice Voting" (May 3, 2023).[40] The "Take Action" tab continued to offer the same four options—testifying before the legislature, signing the petition to legislators, emailing legislators, and opposing the repeal, which led to the form to sign up for updates and select ways to offer support, such as communicating with legislators.[41]

The Legislature adjourned its regular session on May 17, ending any possible action on the repeal bills until the next session in January 2024.

Over the summer, ABE's new communications mostly consisted of six press releases about ABE's APOC complaints against AHE and others it believed were campaigning for the proposed repeal initiative.[42] The press releases were posted on the website (and are also attached to this order):

- "APOC Staff Investigation: Ranked Choice Education 'Church' & Other Repeal Groups Violated Campaign Finance Laws" (Sept. 11, 2023)
- "APOC Staff Investigation: Kelly Tshibaka & Preserve Democracy Violated Campaign Finance Laws" (Aug. 29, 2023)[43]

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39 Wayback Machine, alaskansforbetterelections.com (May 1, 2023), https://web.archive.org/web/20230501222801/https://www.alaskansforbetterelections.com/.

40 Wayback Machine, alaskansforbetterelections.com (June 4, 2023), https://web.archive.org/web/20230604115333/https://www.alaskansforbetterelections.com/media/.

41 *Id.*

42 Wayback Machine, alaskansforbetterelections.com (Sept. 11, 2023), https://web.archive.org/web/20230911172047/https://www.alaskansforbetterelections.com/media/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004144554/https://www.alaskansforbetterelections.com/media/.

43 The date on the website entry linking to the press release is August 29, 2023; the date on the actual press release is the day before.

- "Audio Evidence Reveals Link Between Church & Campaign" (July 25, 2023)
- "Kelly Tshibaka & Preserve Democracy Accused of Violating Campaign Finance Laws" (July 17, 2023)
- "APOC Investigating Alaskans for Honest Elections" (July 12, 2023)
- "Ranked Choice Education 'Church' running a ballot measure?" (July 5, 2023)

The website had a paid-for-by disclaimer; the press releases themselves identified the source as ABE but did not include complete disclaimers.[44]

ABE also redesigned its home page and rewrote content that was largely the same substantively. It continued to urge viewers to "Take Action Today to Protect Alaska's Open Primaries" in all the ways that it had previously done so—sign the petition to legislators, testify, email your legislator, sign up for ABE emails, add your name to ABE's list of supporters, and donate to ABE.[45] Its opening banner now read:

> In 2020, Alaskans chose to unrig the system and pass pro-voter reforms that give us more choices in every election. Now, with open primaries, we have the freedom to vote for the best candidate, regardless of party. Despite these successes, extreme politicians and political parties are immediately trying to get rid of election reform. These special interests want to take power back from the voters, forcing us to vote in closed primaries and limiting our choices to the lesser of two evils. Help protect our hard-won freedoms, the nonpartisan open primary, and Alaska-style elections today.[46]

It provided links on the website to its Facebook posts, which included videos of the public's legislative testimony, links to other media stories, and short audio segments of

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44 *See* AS 15.13.090 (requirements include identification of top three contributors).

45 Wayback Machine for alaskansforbetterelections.com (Aug. 2, 2023), https://web.archive.org/web/20230802034255/https://www.alaskansforbetterelections.com/.

46 *Id.*

people explaining what they liked about the election method.[47] The website also added supporters' profile pictures and quotes.[48]

IV. In fall 2023, Mr. Izon files a campaign complaint against ABE as AHE's signature-gathering nears completion.

In early October, Mr. Izon filed a complaint with the Commission and amended it a week later.[49] He alleged that (1) ABE had made "express communications" in opposition to 22AKHE starting on November 23, 2022, which required the group, foundation, and corporation to register, file reports on contributions and expenditures, and place paid-for-by identifiers on communications; and (2) the foundation and group violated rules prohibiting giving in another's name and requiring the reporting of true sources when the foundation gave the group $20,000 and the reports did not name the foundation's donors.

In late October, ABE had a booth at the Alaska Federation of Natives convention and added content about the convention to its website.[50] This included a press release, "Alaska Federation of Natives Endorses Preservation of Open Primaries and Ranked Choice Voting" (Oct. 24, 2023) and a video of conference attendees, "AFN Highlights,"

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47 *Id.*; Wayback Machine for alaskansforbetterelections.com (Aug. 16, 2023), https://web.archive.org/web/20230816022404/https://www.alaskansforbetterelections.com/.

48 Wayback Machine for alaskansforbetterelections.com (Aug. 30, 2023) https://web.archive.org/web/20230830084756/https://www.alaskansforbetterelections.com/.

49 Complaint Form & Complaint at pp. 1-16 of 16 (Oct. 9, 2024); Addendum to Complaint (Oct. 16, 2024).

50 Wayback Machine for alaskansforbetterelections.com (Dec. 19, 2023) https://web.archive.org/web/20231219025205/https://www.alaskansforbetterelections.com/.

describing why they liked the election method. Apparently around the time of the convention, ABE also invited individuals to record a 10- or 15-second video about how the election method elevates Alaska Native voices.[51]

In early November, ABE answered Mr. Izon's complaint, arguing that the complaint against the group and entities should be dismissed.[52] The group and entities stated that they had not made express communications opposing 22AKHE and explained that ABE registered as a group only in an abundance of caution. They did not address the allegations about the foundation's contribution to the registered group.

The deadline grew nearer for AHE to return the 22AKHE petition booklets with voters' signatures to the Division of Elections.[53] Sometime in December 2023 or January 2024, two ABE communications called for petition signers to withdraw their signatures. One declared: "It takes 3 minutes to withdraw your name from the petition trying to get rid of Alaska's Open Primary."[54] The other stated: "Some people are upset that Murkowski won the election last year, and are circulating a petition to get rid of open primaries in Alaska. If you signed this petition by mistake, you can withdraw your name before the deadline!"[55] Both included paid-for-by disclaimers.

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51 Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7. The video request was not included in the materials provided for the commissioners' review and did not appear to be posted any longer on ABE's Facebook page as of this order's date.

52 Respondents' Answer (Nov. 3, 2023).

53 Exh. 12 to Staff's Amended Report (showing booklets were due Feb. 7, 2024).

54 Exh. 1 to Mr. Izon's Reply (Jan. 22, 2024).

55 Exh. 2 to Reply.

Meanwhile, staff was investigating Mr. Izon's complaint and issued initial and amended investigation reports in January 2024.[56] Staff analyzed ABE's website, using the Wayback Machine to see how the site appeared on earlier dates, as well as ABE's Facebook page. Staff also obtained links from ABE showing the "not complicated" ads described in the complaint. In both reports, staff concluded that since the date identified in the complaint (November 23, 2022), these communications did not meet the legal test for "express communications," and so did not require ABE to comply with AS 15.13. Thus, staff recommended dismissal of the complaint in its entirety. Staff did not review the withdraw-your-signature messages, which had not yet been provided to staff.

Mr. Izon filed a reply to staff's report.[57] First, he asked the Commission to address his allegations that the $20,000 contribution that ABE Foundation gave to the registered ABE group was not properly reported. Second, he repeated his claims that the group, foundation, and corporation's communications were express and required AS 15.13 compliance as of November 23, 2022. Third and finally, Mr. Izon asked the Commission to disqualify staff from the matter due to bias. He alleged that staff was partial to ABE's views on the merits of open primaries and ranked-choice voting because after quoting his description of ABE's Facebook posts, staff's report stated that the posts are "factually correct." He also asserted bias based on a purported factual error in staff's report,

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56 Staff's original report (Jan. 12, 2024) was issued the same day that AHE delivered their petition books to the Division of Elections. Division of Elections Petition status, https://www.elections.alaska.gov/petitions-and-ballot-measures/petition-status; Staff's Amended Report (Jan. 23, 2024).

57 Reply (Jan. 22, 2024).

pointing out that the withdraw-your-signature messages, which he attached to the reply and had not previously given to staff, advocated direct action against 22AKHE.

A day later, staff amended the report to address the sentence purportedly evincing bias. Staff explained that the sentence was "an editing error" and changed it to state that Mr. Izon's complaint accurately described ABE's Facebook posts.[58]

On February 28, 2024, the Commission considered the complaint. Staff presented its amended investigation report, and Mr. Izon and ABE addressed the Commission through counsel. ABE's counsel conceded that the withdraw-your-signature messages were express communications and stated that ABE issued them in December 2023 or January 2024. But he maintained that ABE had not engaged in express communications requiring AS 15.13 compliance before then. The Commission took the matter under advisement and now issues this order.

ANALYSIS

The complaint's primary allegation is that the ABE group and entities made expenditures opposing 22AKHE without registering with APOC before making expenditures,[59] filing reports on contributions and expenditures,[60] and placing paid-for-by disclaimers on their communications.[61] Registration and reporting requirements apply to expenditures, defined in relevant part as including "an express communication" and "not

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58 Amended Staff Report (Jan. 23, 2024) at 1 n.1 & 6.

59 AS 15.13.050(a).

60 AS 15.13.040(d)-(e); AS 15.13.110(g).

61 AS 15.13.090.

an issues communication."[62] Paid-for-by identification applies to both types.[63] An express communication is one that "when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation" to support or oppose a ballot proposition or proposal,[64] while an "issues communication" is one that directly or indirectly identifies a ballot initiative or initiative proposal.[65]

Here, the Commission concludes that none of the challenged communications from November 23, 2022, through October 16, 2023, were express or issues communications,[66] except for six press releases issued in July through September 2023 about ABE's APOC complaints. The press releases identified the proposed repeal initiative, and so must include paid-for-by disclaimers, but ABE was not otherwise required to comply with AS 15.13 registration and reporting requirements in this period.

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62 AS 15.13.400(7)(C); *see* AS 15.13.050(a) (requiring registration before making "expenditures"); AS 15.13.040(e)(2) (requiring report of "all expenditures").

63 AS 15.13.090(a) (requiring identification of "[a]ll communications," which encompasses express and issues communications, as well as another type not at issue here); *Alaska Wins* Advisory Op., AO 17-03-CD (approved Feb. 21, 2018), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=15979.

64 AS 15.13.400(8). Although the definitions of "express" and "issues" communications do not directly apply to the ballot measure and proposal context, the Commission has long applied them to this context. *See Brief of Appellee, Alaska Policy Forum v. APOC*, 2023 WL 3972969 at *12-21 (Alaska Apr. 4, 2023) (describing APOC's longstanding use and rationale for doing so).

65 AS 15.13.400(3) (defining "communication" as excluding ones that "do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c)"); AS 15.13.065(c)(2) (defining "proposition" as including "an initiative proposal application filed with the lieutenant governor under AS 15.45.020"); *Alaska Wins* Advisory Op., *supra* note 63.

66 This is the timeframe encompassed within the complaint filed October 9, 2023, and the addendum filed on October 16, 2023.

This changed as of the withdraw-your-signature ads in December 2023 or January 2024. As of those ads, ABE concedes—and the Commission agrees—that the messages were express communications, necessitating ABE's compliance with the registration, reporting, and paid-for-by requirements. The Commission remands issues left open by these findings for further investigation by staff, as explained below.

I. ABE was not required to register or file campaign disclosure reports from November 23, 2022, to October 16, 2023.

The express communication analysis—whether ABE's communications "when read as a whole and with limited reference to outside events," are "susceptible of no other reasonable interpretation but as an exhortation" to oppose the repeal application—begins with the content of the messages themselves and then looks to surrounding context.[67] In previous decisions considering expenditures for communications about a subject that overlaps with an active ballot measure effort, the Commission distilled relevant factors, including (1) whether the communications identified the ballot measure directly or indirectly, (2) the extent to which the communications encouraged voters to do something, (3) the extent to which the communications were neutral, (4) the entity's history of communicating about the topic, and (5) the timing of the communications relative to the ballot measure efforts.[68] ABE's communications were decidedly not

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67 AS 15.13.400(8).

68 *Alaskans for Better Elections v. Preserve Democracy*, Complaint No. 23-02-CD (Jan. 4, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25548; *Yes on 2 for Better Elections v. Alaska Policy Forum*, Complaint No. 20-05-CD (July 12, 2021), on appeal to Alaska Supreme Court, No. S-18533, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=22767; *Bags for Change* Advisory Op., AO 19-04-CD (approved Sept. 18, 2019), http://aws.state.ak.us/ApocReports/Paper/Download.

neutral, but all of the other factors point toward the conclusion that the Commission reaches—ABE's challenged communications, i.e., the website, Facebook page, and "not complicated" ads—were not express communications.

Much of the complaint lays out ABE's undisputed advocacy for the election method that the initiative proposal would repeal, but what the Commission finds dispositive is that the communications did not identify the repeal initiative directly or indirectly (except for the press releases discussed below) and did not urge action against the proposed repeal initiative.[69] The communications were not express. The November 23, 2022, press release was about the election results tabulated that day, not about the repeal application filed that same day or even about any repeal efforts at all.[70] The press release proclaimed the results as evidence of the benefits of the new election method, and made no mention of the repeal petition indirectly or directly, nor did it contain a call for action.[71] The "not complicated" advertising in December 2022 to January 2023 similarly sought to convince viewers that ranked-choice voting was easy to do, but again did not identify the repeal petition nor make any call for action.[72] The same is true of the

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aspx?ID=21018; *Renewable Res. Found., Inc.* Advisory Op., AO 14-04-CD (approved Mar. 14, 2014), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8471 (draft opinion) & https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8251 (approval of draft); *Renewable Res. Coal.* Advisory Op., AO 08-02-CD (approved June 11, 2008), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=4878.

69 *See* Complaint at pp. 6-11 of 16; Addendum to Complaint at p. 1.

70 *See* Complaint at pp. 6-7 of 16.

71 Exh. 12 to Complaint.

72 Kids Not Complicated 60s.mov, *supra* note 20; ABE RCV Testimonials 60s_broadcast, *supra* note 22; *see* Complaint at p. 7 of 16.

website's questions and answers about ranked-choice voting; there is no mention of any repeal effort and no call for readers to do anything, other than learn ABE's view on the benefits of the election method.[73]

Thereafter as legislative session convened with three bills seeking to repeal the election methods, the focus on ABE's website and Facebook page turned to opposing a legislative repeal from January through May 2023. In this period, the Commission finds that ABE's advocacy cannot be read only as a call to oppose 22AKHE or as indirect references to 22AKHE—ABE was asking Alaskans to oppose legislative repeal. The content of the communications makes this clear. ABE asked Alaskans to sign a petition "asking *legislators* to oppose all attempts to repeal the electoral reforms approved by voters in 2020."[74] ABE also asked supporters of the election method to "email your legislator," and "sign up to testify" before a legislative committee.[75] Even actions not pointedly directed at the Legislature—signing up to receive updates on how to support

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73 Exh. 15 to Complaint; *see* Complaint at pp. 9-10 of 16.

74 Exh. 14 to Complaint at 5 (emphasis added); Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

The mention on the petition page that Sarah Palin was an opponent of the election method does not change this analysis; the petition was still plainly directed at lobbying legislators threatening to repeal the election method. The Commission also finds that mentioning Palin was insufficient to indirectly identify 22AKHE, particularly when the full reference was to "Palin and a small group of legislators," and Palin was not a primary 22AKHE sponsor. *See* Complaint, p. 8 of 16; Exh. 12 to Staff's Amended Report.

75 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327100141/https://www.alaskansforbetterelections.com/take-action/.

ABE, donating to ABE, or adding one's name to a list of supporters—cannot be read only as a call to oppose 22AKHE or as an indirect identification of 22AKHE. They are also other ways of opposing a legislative repeal.

Over the summer, ABE's advocacy on the website and Facebook page continued in a similar vein, although there was less active legislative opposition with the Legislature not in session. The language on the website's opening banner spoke of opponents potentially more extensive than legislators—"extreme politicians," "political parties," and "special interests"—but still did not identify 22AKHE directly or indirectly as a threat.[76] The website urged action in the same variety of ways discussed above that could be interpreted as calls to oppose the repeal bills, which remained active and would be under consideration again in the Legislature's second regular session.

In the fall, ABE's Facebook page asked individuals to record videos about how the election method elevates Native voices.[77] The Commission finds that this, too, cannot be read only as encouraging action to oppose 22AKHE. The video request apparently did not mention 22AKHE.[78] And at the time, ABE was lobbying the delegates of the Alaska Federation of Natives for a resolution supporting the preservation of the election

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76 Wayback Machine for alaskansforbetterelections.com (Aug. 2, 2023), https://web.archive.org/web/20230802034255/https://www.alaskansforbetterelections.com/; *see* Complaint at p. 11 of 16.

77 Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7.

78 *See* Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7. The Commission was not able to review the video request directly as it was no longer on the Facebook page but presumes Mr. Izon and staff would have described it as mentioning the initiative proposal had it done so.

method—a resolution that made no mention of any repeal efforts.[79]

The one notable exception to the lack of identification of 22AKHE were the six press releases about the complaints that ABE filed alleging campaign disclosure violations by backers of the repeal initiative proposal.[80] The press releases were on ABE's website and Facebook page.[81] Nevertheless, the Commission finds that the press releases were susceptible of reasonable interpretations other than a call to oppose the proposed repeal initiative and so they were not express communications. To the extent that there was any call to action, the press releases could be read as encouraging Commission action to correct campaign violations and fine violators to provide accurate information to the public.

The history and timing factors also favor the Commission's conclusion that ABE's communications were not express from November 23, 2022, through October 16, 2023. Ever since the election method's passage in 2020, ABE had informed voters about the mechanics and perceived benefits of the new election method on its website and

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79 Wayback Machine, alaskansforbetterelections.com (Dec. 3, 2023), https://web.archive.org/web/20231203005637/https://www.alaskansforbetterelections.com/alaska-federation-of-natives-endorses-preservation-of-open-primaries-and-ranked-choice-voting/; Wayback Machine, alaskansforbetterelections.com (Mar. 13, 2024) https://www.alaskansforbetterelections.com/wp-content/uploads/2023/10/AFN-Resolution-23-26.pdf.

80 Wayback Machine, alaskansforbetterelections.com (Sept. 11, 2023), https://web.archive.org/web/20230911172047/https://www.alaskansforbetterelections.com/media/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004144554/https://www.alaskansforbetterelections.com/media/; *see* attached press releases; Complaint at pp. 11-12 of 16; Addendum to Complaint at p. 1.

81 Addendum to Complaint at p. 1.

Facebook page. ABE's communications increased in 2022 because that was when Alaska held its first elections using the new method of open primaries and ranked-choice voting. And ABE's advocacy around Alaska's first uses of the election method began before—despite overlapping with—the filing of the initiative application, supporting that the advocacy was not intended, much less exclusively intended, as a call to action to oppose the proposed repeal initiative. Plus, the initiative proposal was in a far lower profile stage than an active campaign for an initiative that has been placed on the ballot.[82] From November 2022 to February 2023, the sponsors were waiting for Division of Elections review and issuance of petition booklets, and thereafter signature-gathering was under way. Consideration of this history and timing puts ABE's communications in context as a continuation of its educational advocacy and in some instances as a call to action against a threat—legislative repeal—more pressing than the nascent initiative proposal.

For all these reasons, the Commission dismisses the allegations that the ABE group, foundation, or corporation were required to register with the Commission and file campaign disclosure reports from November 23, 2022, through October 16, 2023.

II. ABE was required to provide paid-for-by disclaimers on the press releases about its APOC complaints against groups supporting the initiative proposal.

Because the communications were not express, such that ABE must comply with all the AS.15.13 requirements, the Commission analyzes whether any of the challenged communications identify a ballot measure directly or indirectly.[83] If so, ABE must place

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82 *See Preserve Democracy*, *supra* note 68, at 8-9.

83 AS 15.13.400(3) (defining "communication" as excluding ones that "do not directly or indirectly identify" among other things, an initiative proposal application); *see*

paid-for-by disclaimers on the communications.[84]

The 2023 press releases about ABE's APOC complaints meet this test.[85] The press release dated July 25 identifies 22AKHE by name. That one and three others dated July 5, July 12, and September 11, identified the potential violators of AS 15.13 as those "attempting to repeal Alaska's open primary and ranked choice voting system" or "backers of an effort to repeal open primaries and ranked choice voting." Campaigning related to initiative proposals—not lobbying legislators or other actions—requires compliance with AS 15.13, so these references indirectly identified 22AKHE. The final two press releases dated July 17 and August 28 also indirectly identify 22AKHE by accusing the identified nonprofit of failing to register as a ballot group and linking to the complaint that alleged AS 15.13 violations arising out of the 22AKHE efforts.[86]

For these reasons, ABE was required to place compliant paid-for-by disclaimers on the six press releases. The Commission remands to staff to investigate whether ABE complied by having disclaimers on the website where the releases were located or

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AS 15.13.400(13) (defining "issues communication" as applied to candidates); *Renewable Res. Found., Inc.* Advisory Op., *supra* note 68.

84 AS 15.13.090(a) (applying disclaimer requirements to "[a]ll" communications); *Alaska Wins* Advisory Op., *supra* note 63.

85 The six press releases are attached to this order.

86 Wayback Machine, alaskansforbetterelections.com (Sept. 7, 2023), https://web.archive.org/web/20230907165323/https://www.alaskansforbetterelections.com/apoc-staff-investigation-kelly-tshibaka-preserve-democracy-violated-campaign-finance-laws/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004135101/https://www.alaskansforbetterelections.com/kelly-tshibaka-and-preserve-democracy-accused-of-violating-campaign-finance-laws/.

whether ABE had to include the disclaimers on the press releases themselves, and to recommend a civil penalty if staff finds a violation.[87] As discussed in Section I of this order, none of ABE's other challenged communications from November 23, 2022, through October 16, 2023, directly or indirectly identified 22AKHE, and so they did not require paid-for-by disclaimers.

III. ABE was required to comply with the registration, reporting, and paid-for-by disclaimer rules as of the withdraw-your-signature messages.

ABE admits that its messages urging signers of the 22AKHE initiative petition to withdraw their signatures triggered its obligations to register, file campaign reports, and include paid-for-by disclaimers on its communications.[88] The messages circulated in December 2023 or January 2024. The Commission agrees that that these messages were express communications—they are "susceptible of no other reasonable interpretation but as an exhortation" to defeat the proposed repeal initiative.[89]

Because the timing of these messages is uncertain and staff did not previously review them, the Commission remands to staff to investigate:

- The date that these ads were issued, which triggered the application of the registration, reporting, and paid-for-by requirements;
- Whether these ads had complete and accurate paid-for-by disclaimers as

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87 The Commission rejects Mr. Izon's request to disqualify staff due to bias. *See* Reply at pp. 4-5. Staff's statement in its initial report that the merits of ABE's views on ranked-choice voting were factually correct was an editing error. And Mr. Izon's criticism of staff for not analyzing the withdraw-your-signature ads—which staff did not yet have—does not evince bias. Even if staff got a fact wrong, that would not establish bias because impartial investigators may make mistakes.

88 Exhs. 1 & 2 to Reply; Hrg. Argument (Feb. 28, 2024).

89 AS 15.13.400(8).

required by AS 15.13.090;

- Whether the $20,000 contribution from ABE Foundation to ABE group—reported earlier than required in June 2023—still needed to be reported and if so, whether the group and foundation correctly reported the donation in compliance with true-source rules, if applicable;
- Whether ABE Foundation improperly gave $20,000 in "the name of another" to ABE under AS 15.13.074(b), given that AS 15.13 now applies to their contributions and expenditures;
- Whether ABE properly registered as a group before these messages circulated, given Mr. Izon's allegation that the previously reported group type was inaccurate;
- Whether ABE Foundation and ABE, Inc., must register and what reports they must file, if any, as of the date of these messages, or whether the respondents are otherwise accurately reporting the corporation's and foundation's contribution of resources to the registered ABE group for any joint express communications; and
- Whether to impose civil penalties and in what amounts for any violations identified by staff.

ORDER

The Commission dismisses Mr. Izon's allegations against the respondents from November 23, 2022, through October 16, 2023, except for six press releases addressing ABE's filing of APOC complaints.

The Commission finds that the six press releases, available on ABE's website and attached to this order, required paid-for-by disclaimers but did not trigger any obligation by the respondents to register with Commission and file campaign reports.

The Commission finds that ABE, ABE, Inc., and ABE Foundation are required to comply with the requirements in AS 15.13 as of the date the withdraw-your-signature messages were circulated.

The Commission remands to staff for further investigation of:

- Whether the six press releases about the APOC complaints, which were posted on the website, had complete and accurate paid-for-by disclaimers as required by AS 15.13.090;
- The date that the withdraw-your-signature ads were disseminated;
- Whether the withdraw-your-signature ads had complete and accurate paid-for-by disclaimers as required by AS 15.13.090;
- Whether the $20,000 contribution from ABE Foundation to ABE group—reported earlier than required in June 2023—still needed to be reported and if so, whether the group and foundation correctly reported the donation in compliance with true-source rules, if applicable;
- Whether ABE Foundation improperly gave $20,000 in "the name of another" to ABE under AS 15.13.074(b), given that AS 15.13 now applies to the respondents' contributions and expenditures;
- Whether ABE properly registered as a group before the withdraw-your-signature messages circulated, given Mr. Izon's allegation that the previously reported group type was inaccurate;
- Whether ABE Foundation and ABE, Inc., must register before making expenditures and what reports they must file, if any, or whether the respondents are otherwise accurately reporting the corporation's and foundation's contribution of resources to the registered group for any joint express communications; and
- Whether to impose civil penalties and in what amounts for any violations identified by staff.

This is a not a final Commission order for the purposes of an appeal as of right to superior court.[90] The Commission retains jurisdiction to resolve the remaining allegations after staff's further investigation.

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90 *See* AS 44.62.560 (providing for judicial review by the superior court of "a *final* administrative order" (emphasis added)).

Dated: March 15, 2024

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[91]

Certificate of Service: I hereby certify that on this date, I served, by **certified mail, US mail,** and **email** a true and correct copy of the foregoing in this proceeding on the following:	
Kevin Clarkson Law Offices of Kevin Clarkson 2223 Latona Drive NE Keizer, OR 97303 kclarkson@gci.net Tom Amodio Reeves Amodio LLC 500 L Street #300 Anchorage, AK 99501 tom@reevesamodio.com	and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

3.15.24
Paralegal Date

91 Commissioners Richard Stillie, Lanette Blodgett, Eric Feige, and Dan LaSota participated in this matter. The decision was made on a 4-0 vote.

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 5, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

Ranked Choice Education "Church" running a ballot measure?

APOC complaint alleges widespread violations including use of a church to launder donations, obscuring donors and potentially obtaining illegal tax deductions

ANCHORAGE—Alaskans for Better Elections today filed a complaint with the Alaska Public Offices Commission (APOC) alleging four organizations and two men perpetrated more than two dozen campaign finance law violations in their attempt to repeal Alaska's open primary and ranked choice voting system.

The complaint–filed against Alaskans for Honest Elections, Alaskans for Honest Government, Ranked Choice Education Association, Wellspring Ministries, Phillip Izon, and Art Mathias–details numerous violations, including:

- Wellspring Ministries, an Anchorage church, subsidizing the campaign activities of the Ranked Choice Education Association without reporting;
- The Ranked Choice Education Association, recently formed as a "church" in the State of Washington, illegally acting as a de facto ballot group while laundering donations to obscure donor identity and possibly procure unlawful tax deductions;
- Alaskans for Honest Elections laundering money through Ranked Choice Education Association, while failing to report their donors and expenditures;
- Alaskans for Honest Government acting as an unregistered ballot group;
- Philip Izon reporting over $200,000 of fictional contributions;
- Multiple failures to properly register with APOC, disclose donors and report expenditures.

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SOA07239

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 12, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Investigating Alaskans for Honest Elections

New evidence of additional campaign finance law violations also filed

ANCHORAGE—Alaskans for Better Elections today submitted to the Alaska Public Offices Commission (APOC) additional evidence demonstrating widespread violations by those attempting to repeal Alaska's open primary and ranked choice voting system.

Last week, ABE filed an APOC complaint alleging Alaskans for Honest Elections, Alaskans for Honest Government, Wellspring Ministries, Ranked Choice Education Association, Art Mathias, and Phillip Izon perpetrated more than two dozen campaign finance law violations. Yesterday, APOC formally accepted the complaint after determining that the facts alleged "if true, show violations of [campaign finance laws]" and notified respondents they have 15 days to respond to the allegations.

Below is a summary of newly-discovered evidence supporting the original allegations:

- The Ranked Choice Education Association (RCEA) "church" continues to issue incriminating communications, leaving no question that RCEA is operating as an unregistered ballot group while masquerading as a church. For example:
  - Confessing that the RCEA was formed as a "church";
  - Conceding that the RCEA accepted in kind contributions from an actual church, Wellspring Ministries;
  - Stating that the RCEA is responsible for getting the repeal measure "on the ballot";
  - Stating that the RCEA is "the group behind the repeal";
  - Stating that the RCEA is in control of the signature-gathering efforts for the measure in Alaska; and
  - Making partisan statements from the RCEA about other political figures.
- Evidence further implicating the "official" ballot group, Alaskans for Honest Elections (AHE), has come to light, including:
  - Evidence that AHE was active for many months prior to registering with APOC; and
  - Conceding on social media that all donations from RCEA to AHE were actually unlawful contributions made in the name of another;
- Finally, Mr. Izon recently made public statements essentially confessing that another group he controls, Alaskans for Honest Government (AHG) operated an unregistered ballot group in violation of the law for many months prior to the filing of the complaint.

ABE thanks APOC for promptly processing its complaint. The investigation report is expected by August 10, 2023.

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ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 17, 2023

CONTACT: Juli Lucky
media@alaskansforbetterelections.com

Kelly Tshibaka and Preserve Democracy Accused of Violating Campaign Finance Laws

Allegations: Failure to register as a lobbyist, failure to register as a ballot group and disclose donors, failure to report campaign activities

ANCHORAGE—Alaskans for Better Elections today filed a complaint with the Alaska Public Offices Commission (APOC) alleging Kelly Tshibaka and her nonprofit, Preserve Democracy, perpetrated more than a dozen campaign finance law violations.

The chief allegations are:

- Preserve Democracy failed to register as a ballot group, which is necessary before advocating for or against a ballot proposition;
- Preserve Democracy failed to report in-kind contributions to the registered ballot group Alaskans for Honest Elections;
- Preserve Democracy failed to register as an Independent Expenditure Group prior to acting to influence an election;
- Kelly Tshibaka failed to register as a lobbyist, despite appearing before the legislature and publicly stating that she was advocating with the legislature.

"Alaskans are entitled to know who is influencing our elections," said Bruce Botelho, former Alaska Attorney General and board member of Alaskans for Better Elections. "Alaskans for Better Elections has registered with APOC and complied with all disclosure requirements. Voters deserve the same from everyone, no matter what side of the issue they're on."

After receiving the complaint, APOC will review it for probable cause and announce a timeline for the investigation.

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SOA07241

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 25, 2023

CONTACT: Juli Lucky
media@alaskansforbetterelections.com

Audio Evidence Reveals Link Between Church & Campaign

APOC Investigating Kelly Tshibaka, Preserve Democracy, Wellspring Ministry

ANCHORAGE—Alaskans for Better Elections today submitted to the Alaska Public Offices Commission (APOC) two supplemental filings, including audio recordings demonstrating Kelly Tshibaka and Preserve Democracy and Art Mathias and Wellspring Ministry violated campaign finance laws in attempting to repeal open primaries and ranked choice voting.

In the recordings from a February 9, 2023 event at Bell's Nursery

- Tshibaka can be heard confirming Preserve Democracy is "working in tandem" with Alaskans for Honest Elections; explaining it's "super important" to "get a counter message out there so that when [22AKHE is] on the ballot, we win; and urging Alaskans to help with Alaskans for Honest Elections' signature-gathering efforts at "Wellspring Church."

- Mathias can be heard saying, "Kelly, I just want to make sure everybody heard: next Thursday night, Wellspring Ministry–that's where you can actually sign the petition. So this is a fabulous turnout. I hope to see every one of you over there, 7 o clock, next Thursday where you can sign up"—which directly contradicts attorney Kevin Clarkson's recent claims that Wellspring Ministries "simply owns the building... and rents a mail depository and office presence to RCEA" and is "not engaged in promoting 22AKHE."

Last week, ABE filed an APOC complaint alleging Tshibaka, Preserve Democracy, and Alaskans for Honest Elections perpetrated more than a dozen campaign finance law violations—including failure to register as a ballot group and failure to report in-kind contributions to Alaskans for Honest Elections. Yesterday, APOC formally accepted the complaint, and notified the respondents they have 15 days to respond to the allegations. On July 12, APOC began investigating the allegation Matthias and Wellspring Ministries subsidized campaign activities without reporting.

ABE thanks APOC for promptly processing its complaint.

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SOA07242

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
August 28, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Staff Investigation: Kelly Tshibaka & Preserve Democracy Violated Campaign Finance Laws

Potential fines up to $45,000 for failure to file financial reports, failure to register and disclose donors, failure to report campaign activities

ANCHORAGE—The Alaska Public Offices Commission (APOC) staff released its investigation report Friday finding that Kelly Tshibaka and her nonprofit, Preserve Democracy, violated several campaign finance laws.

Among APOC staff findings:

- Preserve Democracy failed to register with APOC, which is necessary before advocating for or against a ballot proposition;
- Preserve Democracy failed to disclose its donors;
- Preserve Democracy failed to identify its donors on its communications and to file required financial reports

Staff recommended a minimum fine of $16,450 and noted that Preserve Democracy and Ms. Tshibaka face potential maximum fines of $45,250.

Alaskans for Better Elections in July filed a complaint with the Alaska Public Offices Commission (APOC) alleging Kelly Tshibaka and her nonprofit, Preserve Democracy, committed numerous campaign finance violations.

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SOA07243

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
September 11, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Staff Investigation: Ranked Choice Education "Church" & Other Repeal Groups Violated Campaign Finance Laws

Pastor inflicted "substantial" public harm in alleged effort to hide funding

ANCHORAGE—The Alaska Public Offices Commission (APOC) released a staff report concluding that backers of an effort to repeal open primaries and ranked choice voting violated more than a dozen campaign finance laws.

Among the APOC staff findings:

- Art Mathias, founder of Wellspring Ministries and Wellspring Fellowship, President of Ranked Choice Education Association (RCEA), a Washington-based "church," and Director of Alaskans for Honest Election (AHE), "contributed his funds to RCEA knowing that they would be repurposed to support AHE through contributions" and contributed "$90,000 [to] AHE using RCEA as a third party conduit"

- Alaskans for Honest Elections, Alaskans for Honest Government, and Ranked Choice Education Association all failed to file required reports on time, and failed to place a 'paid for by' on their websites.

Staff recommended a total minimum fine of $59,205 and noted the respondents could face potential maximum fines of $343,000.

In addition, an Alaskans for Better Elections (ABE) Board Member registered a complaint with the Internal Revenue Service, alleging that the Ranked Choice Education Association "church" is abusing its religious nonprofit status by funding partisan election reform efforts.

The APOC staff report supports the majority of allegations in ABE's July complaint outlining suspected campaign finance law violations by Alaskans for Honest Elections, Alaskans for Honest Government, Wellspring Ministries, Ranked Choice Education Association, and Mr. Mathias. The Alaska Public Offices Commission will consider the staff report at a hearing before issuing a final order.

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SOA07244

Citations 6, 7, & 11

Hebdon, Heather R (DOA)

From: Lucas, Tom R (DOA)
Sent: Monday, November 21, 2022 11:12 AM
To: Alaskans For Honest Government
Subject: RE: Hello, I hope this is the right email

Phil,

One entity is Alaskans For Honest Elections - 501(C)4 not for profit. No registration requirement unless it spends to support or oppose a candidate or ballot proposition. Then it would be required to register as an entity.
One entity is Alaskans For Honest Government PAC registered with FEC. And, apparently, registered with APOC as an entity, but probably should have registered as a group if its principal purpose is to influence elections or file a referendum petition with the Lieutenant Governor.
One entity is Alaskans For Honest Elections Bill Initiative - no official formation documents just the name of the initiative. No need to separately register if your FEC entity registers as an Alaska group.

If you have any questions or desire further information, please do not hesitate to contact me.

Thomas R. Lucas
Campaign Disclosure Coordinator

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: Alaskans For Honest Government <info@alaskansforhonestgovernment.org>
Sent: Friday, November 18, 2022 4:58 PM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: Re: Hello, I hope this is the right email

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Tom for the quick response. Regarding the formation, I have three entities I want to make sure are filed correctly with the State.
One entity is Alaskans For Honest Elections - 501(C)4 not for profit
One entity is Alaskans For Honest Government PAC registered with FEC
One entity is Alaskans For Honest Elections Bill Initiative - no official formation documents just the name of the initiative.

How would these need to be registered with the State? As entities or groups, thank you.

Phil

On Fri, Nov 18, 2022 at 1:20 PM Lucas, Tom R (DOA) <tom.lucas@alaska.gov> wrote:

Phil,

It appears that what you are contemplating is a referendum (a ballot proposition to repeal a law), not an initiative. The two are treated differently during the signature gathering stage. For a referendum, any money spent is not considered an expenditure until the referendum becomes a proposition (that is, sufficient signatures were gathered and the Lieutenant Governor has scheduled it for the ballot at an election).

Nevertheless, a group formed to sponsor a referendum must file a report within 30 days after its first filing with the Lieutenant Governor and within 10 days after the end of each calendar quarter thereafter:

Sec. 15.13.110. Filing of reports.
(a) Each candidate, group, and nongroup entity shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it must cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it must cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on February 1 of that year. The report shall be filed

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;

(2) one week before the election;

(3) 105 days after a special election; and, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office ac

(4) February 15 for expenditures made and contributions received that were not reported previously count under AS 15.13.116(a)(9), or when expenditures were not made or contributions were not received during the previous year.

(e) A group formed to sponsor a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter, each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section.

But, because the definition of an expenditure does not include money spent during the signature gathering stage of a referendum (unlike, an initiative), the quarterly reports filed can be $0 reports. There is one caveat, however. If the sponsoring group for a referendum decides to file $0 reports, it will not be able to transfer any excess funds to the proposition stage, unless it includes all contributions received and expenditures made on its first report at the proposition stage. Alternatively, the sponsoring group could simply choose to report all contributions received and expenditures made on its quarterly reports.

Which leads to how you are currently registered – as an entity. This is fine where a sponsoring group has not yet organized, but it can lead to reporting complications if money is transferred over to the proposition stage – basically, any purchases made by the entity before filing with the Lieutenant Governor would be considered non-monetary contributions to the sponsoring group.

I am certain you will have questions and invite you to call so that we can discuss them.

Thomas R. Lucas

Campaign Disclosure Coordinator

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

Phone: (907) 276-4176

Fax: (907) 276-7018

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-----Original Message-----

From: Alaskans For Honest Government <info@alaskansforhonestgovernment.org>

Sent: Friday, November 18, 2022 11:26 AM

To: DOA-APOC-Reports (DOA sponsored) <doa.apoc.reports@alaska.gov>

Subject: Hello, I hope this is the right email

We are starting a citizen initiative, I know Ballot Measure 2 has specifics regarding reporting expenses associated with Ballot Measure 2. Can you please let me know how this works for all expenses prior to the state approved initiative.

Currently when I log in to the APOC to file for an expense, it has a drop down menu. Our ballot initiative most likely will not be on the website for a couple months.

Can you please explain to me how we report our expenses associated with the ballot measure prior to being approved.

Thank You,

Phil

Citation 8

From:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent:	Thursday, February 23, 2023 4:55 PM AKST
To:	nevesiltstudio@gmail.com
CC:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>; Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject:	APOC Registration & Reporting Obligations
Attachments:	221121 Email re Group Formation.pdf

Good afternoon Mr. Izon,

I am writing to follow up on the attached email chain between you and Tom Lucas (APOC staff) and also because the agency has received some public inquiries about the formation and reporting requirements for your group.

In the attached email, Tom appears to have misunderstood the purpose of your group in that he believed you were seeking to file a referendum, when in actuality, you were filing an initiative proposal application. It does not appear that you corrected his understanding and unfortunately the information he provided is not accurate as to your group's requirements.

As he pointed out, initiatives and referendums are treated differently under campaign disclosure – that is to say that groups that form to either file a referendum application or file an initiative proposal application have different reporting obligations. Unlike a referendum sponsor, sponsors of an initiative proposal application have reporting obligations during the signature gathering stage. This is because money raised in support of an initiative proposal application meets the definition of a contribution and similarly, money spent to influence an initiative proposal application meets the definition of an expenditure [AS 15.13.400(4)(A)(iii) and AS 15.13.400(7)(A)(v)].

What this means is that you need to:

1. register as an initiative proposal application group;
2. file independent expenditure reports within 10 days of making an expenditure;
3. file quarterly reports within 7 days after the end of each calendar quarter;
4. your contributors who give $500 or more in the aggregate must also file statements of contributions within 30 days of making the contribution.

I would also recommend that you review the training material posted on our website for independent expenditures and ballot measure groups. It has a lot of helpful information and I would suggest taking a close look at paid for by identifier requirements that are necessary for all of your group communications.

Based on the date the application was filed with the Lt. Governor's Office (11/23/22), it is likely that reports are overdue at this time. My intention today is to bring this to your attention so that we can help get you into compliance moving forward to avoid a publicly-initiated complaint.

If you have questions about this, please feel free to contact either myself or Charles Stormont, our campaign disclosure paralegal, we are happy to help.

Best,

Heather R. Hebdon
Executive Director

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Citation 9

From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Monday, March 20, 2023 1:30 PM AKDT
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
CC: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: Re: In-Kind Donation

You don't often get email from admin@alaskansforhonestelections.com. Learn why this is important

Please give me a call, this process has been anything but easy and your email did not answer my question. I have called and left a voicemail and at your convenience, please give me a call back to answer my questions so I can complete this.
I spent all weekend compiling the total costs and what the normal rates of certain time and services provided, so to say that I am not doing what is required, would not be a truthful statement.
What is true is that I can not get the answers necessary to complete the reporting as requested and as soon as I have that information I can complete it. Your office has provided incorrect information to me and I am having to play catch up to make sure I fix everything, so please be patient.
Phil

On Mon, Mar 20, 2023 at 1:16 PM Lucas, Tom R (DOA) <tom.lucas@alaska.gov> wrote:

Phil,

I believe I have already answered this question(see second bullet point in attached correspondence). If your group has decided to use your business for certain supplies/services, but has not yet paid for them, you report it as debt and estimate what the total amount of the debt will ultimately be at the end of the campaign.

On another note, I see you still have not registered the group even though you told me you would do so immediately. What is going on? Is it your intention to comply with the law, and if so, when?

Thomas R. Lucas

Campaign Disclosure Coordinator

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

Phone: (907) 276-4176

Fax: (907) 276-7018

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From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Sunday, March 19, 2023 6:01 AM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: In-Kind Donation

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My in-kind donation is getting close to $60k just since January 20th, 2023 to Alaskans For Honest Elections. As I requested details on this from Heather. I know I need to list myself as one of the top three, I know I need to file this info online, the question I have is that I normally charge my clients by the month or by the project. In this case I am managing a multi-year project so my billing would be monthly or quarterly.

I would charge based on hours and my rate alone close to $48k, just since January 20th.

My question was that would I report it monthly or do I need to report it weekly, etc? Not sure how an in-kind donation like that would need to be reported.

Thank you,


Phil

Citation 10

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Alaskans for Better Elections, Inc., Complainant, v. Alaskans for Honest Elections, Alaskans for Honest Government, Ranked Choice Education Association, and Arthur Matthias, Respondents.	)	Case No. 24-03-CD

FINAL ORDER

On January 16, 2025, the Alaska Public Offices Commission considered this complaint against four respondents—Alaskans for Honest Elections, Alaskans for Honest Government, Ranked Choice Education Association, and Arthur Matthias[1]—all of whom supported the signature-gathering effort for 22AKHE, the proposed repeal of open primaries and ranked-choice voting that appeared on the November 2024 ballot. The complaint alleges that the respondents have not filed or amended their campaign disclosure reports to bring them into compliance with the Commission's final order in case no. 23-01-CD and have committed new violations. We agree that the respondents are violating the prior order and the law, conclude that their appeal of some issues in the prior order does not excuse their lack of compliance, and impose civil penalties for the ongoing and new violations totaling $156,950.

[1] Matthias's counsel stated in the prehearing brief for this matter that his client's preferred spelling of his last name has two "t's." This order uses his preferred spelling.

BACKGROUND

As financial supporters of the 2023 signature-gathering effort to place 22AKHE on the ballot in November 2024, the four respondents had to comply with campaign finance and disclosure laws.[2] The first respondent, Alaskans for Honest Elections, registered as an initiative group.[3] As such, it had to file quarterly and independent expenditure reports and provide accurate paid-for-by identifiers on communications.[4] The second, Ranked Choice Education Association, promoted 22AKHE on its website and gave funds to the initiative group. This resulted in obligations to file independent expenditure, quarterly, and statement of contributions reports, and to provide accurate paid-for-by identifiers on its website.[5] The third, Arthur Matthias, gave $90,000 to the initiative group, which he needed to disclose on statements of contributions.[6] The fourth, Alaskans for Honest Government, promoted 22AKHE on its website. Because of this activity, it also had to file independent expenditure and quarterly reports and use accurate paid-for-by identifiers on its website.[7] Matthias and another person, Phillip Izon, are

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2 These facts are taken from the superior court and our orders in 23-01-CD. To the extent the facts and issues were not appealed, they are the law of case. *Basey v. Dep't of Pub. Safety*, 462 P.3d 529, 534 (Alaska 2020) (stating that the law of the case doctrine "applies to issues directly addressed in a prior appeal, to issues 'necessarily inhering' in a prior appellate decision, and to issues that could have been raised in a prior appeal").

3 AS 15.13.400(9)(C).

4 AS 15.13.040(b), (d)-(e); AS 15.13.090; AS 15.13.110(g)–(h).

5 AS 15.13.040(d)-(e), (k); AS 15.13.090; AS 15.13.110(g)–(h).

6 AS 15.13.040(k). This fact is at issue in the pending appeal. *Alaskans for Honest Elecs., et al. v. Alaska Pub. Offs. Comm'n, et al.*, Case Nos. S-19201 & S-19221.

7 AS 15.13.040(d)–(e); AS 15.13.090; AS 15.13.110(g)–(h).

officers for the initiative group and association; Izon is the agent for the other entity.

In July 2023, the complainant in this matter, Alaskans for Better Elections, alleged that these four respondents and others were violating the campaign finance and disclosure laws. Staff investigated the complaint, case no. 23-01-CD, and the Commission held a hearing. The final order, issued in early January 2024, found three types of violations—disclosure violations, a cash violation, and a true source violation.

First, the Commission found that the initiative group and the two entities violated disclosure laws by failing to register before making expenditures,[8] to comply with their reporting obligations,[9] and to use compliant paid-for-by identifiers.[10] The Commission found that the initiative group failed to disclose an in-kind contribution by Wellspring Ministries, which allowed the group to use its gym for free for a signature-gathering event in February 2023, and filed reports late. The two entities had not filed any quarterly or independent expenditure reports; these reports required the entities to report their own contributors, as well as their expenditures.[11] The Commission ordered the three respondents to file or amend their reports and to correct their paid-for-by identifiers.

Second, the Commission found that the ranked choice association exceeded the $100 limit for cash donations by giving $2,358 in cash to the initiative group.[12] During

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8 AS 15.13.050(a).

9 AS 15.13.040(b)–(e); AS 15.13.110(g)–(h).

10 AS 15.13.090.

11 AS 15.13.040(e); AS 15.13.110(g).

12 AS 15.13.074(e).

staff's investigation, the group corrected this violation by returning the funds and receiving a replacement check from the association.

Third, the Commission concluded that Matthias and the association violated a prohibition against giving in another's name when Matthias passed $90,000 of his own money through the association—which he controlled—to the initiative group.[13] The Commission found that Matthias deposited the $90,000 in the association's account in December 2022, and Matthias, acting for the association, transferred his money out of that account to the initiative group with five donations in varying amounts over the first half of 2023. One of these contributions was the $2,358 in cash. Relatedly, the Commission found that Matthias was disclosed late (or not at all) as the true source of the $90,000 on campaign reports, resulting in reporting violations by him, the initiative group, and the association.[14] In addition, the association gave $740 more than Matthias's $90,000 to the initiative group, so the order required the group to identify the association's donors—the true sources—of the $740 contribution.[15] Unlike Matthias, these donors did not violate the prohibition against giving in another's name. The association could lawfully act as an intermediary for them, but the association and the initiative group would need to disclose their names on campaign reports.[16]

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13 AS 15.13.074(b). The respondents are appealing the findings in this paragraph, *Alaskans for Honest Elecs., et al. v. Alaska Pub. Offs. Comm'n, et al.*, Case No. S-19201.

14 AS 15.13.040(b), (d)–(e), (k); AS 15.13.110(g)–(h).

15 AS 15.13.040(b); AS 15.13.400(19).

16 AS 15.13.040(b), (d)–(e), (k); AS 15.13.110(g)–(h); AS 15.13.400(19).

The Commission ordered the respondents to correct the reporting violations by amending or filing their missing reports and to fix their paid-for-by identifiers by February 2, 2024. None of the four respondents complied with the deadline.

Instead, three respondents—the initiative group, the association, and Matthias—appealed to superior court on the deadline.[17] They contested only the violations and civil penalties related to Matthias's $90,000 contribution.[18] More than a month later, they sought a stay to avoid amending or filing the reports necessary to report this contribution. The court denied a stay and in July 2024 affirmed that the initiative group, association, and Matthias violated the prohibition against giving in another's name and failed to properly attribute contributions to Matthias. The complainant, Better Elections, which had cross-appealed, argued in relevant part that the Commission erred by finding that the $2,358 in cash came from Matthias, rather than other unidentified donors. The court agreed and reversed the Commission on this point. This reduced Matthias's contribution to the initiative group from $90,000 to $88,382.[19]

The initiative group, the association, and Matthias appealed to the Alaska Supreme

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17 *Alaskans for Honest Elecs., et al. v. Alaska Pub. Offs. Comm'n*, Case No. 3AN-24-04508 CI. Unlike the reporting obligations, the payment of some penalties imposed in the 23-01-CD order was automatically stayed during the pendency of the appeals. *See* 2 AAC 50.860(e); Status Update re: Final Order, Case No. 23-01-CD (Mar. 7, 2024).

18 The respondents also listed the issue of the Wellspring Ministries' in-kind gym contribution in their notice of appeal but ultimately waived the issue by failing to brief it.

19 This number is arrived at by subtracting the $2,358 cash contribution from the actual combined contributions from the association and Matthias of $90,740.

Court in August 2024.[20] The Commission did not cross-appeal the conclusion that the cash did not originate with Matthias, reducing his total contribution to $88,382. The group, the association, and Matthias filed their opening brief, again contesting only the violations and civil penalties related to Matthias's $88,382 contribution.[21] The reporting obligations in the Commission's order, as modified by the superior court decision, have not been stayed and remain in full force and effect despite the appeal.

More violations have occurred since the Commission and superior court orders, which addressed reports filed and actions taken before September 8, 2023, the date of staff's investigation report.[22] From then until a month before the 2024 general election, quarterly reports came due on the 10th day of every month after a calendar quarter ended.[23] The initiative group filed almost all these reports late, and the reports were inaccurate. The association failed to file quarterly reports altogether. Honest Government claimed that it stopped engaging in further reportable activity and the Commission has no evidence to the contrary. Matthias passed another $2,000 of his own money through the association to the initiative group after the timeframe covered by the orders (but before issuance of the orders) and later reported his contribution, but the group reported this

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20 *Alaskans for Honest Elecs., et al. v. Alaska Pub. Offs. Comm'n, et al.*, Case No. S-19201. The complainant cross-appealed on issues not relevant here and the appeals have been consolidated, *Alaskans for Better Elecs., et al. v. Alaska Pub. Offs. Comm'n, et al.*, Case No. S-19221.

21 The other parties' briefs have not been filed yet.

22 The facts in this paragraph and the rest of the factual background describe events that occurred after September 8, 2023, and so are not established by the law of the case.

23 AS 15.13.110(g).

contribution as coming from the association.[24]

Shortly after the superior court decision in July 2024, Better Elections filed a new complaint, alleging that the respondents have not complied with the 23-01-CD order by amending or filing missing reports, have filed additional inaccurate reports, and/or were not using accurate paid-for-by identifiers. Staff initially rejected the complaint,[25] but we reviewed the rejection and accepted the complaint on September 9, 2024. At that point, staff began investigating the complaint, and the respondents filed an answer. A month or so later, staff issued the investigation report. Staff recommended that we find reporting violations against the respondents and impose civil penalties.

On January 16, 2025, we heard the complaint. The respondents' counsel indicated that the respondents would not be participating. Before the hearing, however, Matthias moved to strike Better Elections' prehearing brief and response. He argued that the complainant could not file the pleadings because it lacked the rights of a full party. At outset of the hearing, we denied the motion. By regulation, complainants "may present argument,"[26] and Better Elections' counsel intended to read aloud the briefing if the written pleadings were struck. On the merits, staff presented the investigation report. The complainant asked us to find more violations and impose higher penalties than what staff

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24 Statement of Contributions Form 15-5 for Art Mathias [stet] (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4968&ViewType=SC; 2023 Third Quarter Report for Alaskans for Honest Elections (Oct. 30, 2023), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=42044&ViewType=CD.

25 2 AAC 50.870(c)–(d).

26 2 AAC 50.891(d) ("A complainant that is not designated as a party to the proceeding may present argument but may not call witnesses or present evidence.").

recommended. We took the case under advisement and now issue this order.

LAW AND ANALYSIS

The four respondents did not remedy their violations of the law as ordered, and Honest Elections and the association committed new violations. We impose the maximum statutory penalties for these violations.

The respondents suggest that this case is moot against the three organizational respondents because they have already dissolved or soon will, leaving no one to pay the penalties. We disagree. "A claim is moot if it is no longer a present, live controversy, and the party bringing the action would not be entitled to relief, even if it prevails."[27] Deciding this matter provides relief by resolving the question of liability even if the respondents' dissolutions hinder enforcement and collection. This decision vindicates the public interest in enforcing the campaign finance and disclosure laws to maintain the integrity of elections and inform the electorate.[28] The claims are not moot.

Turning to the merits, we impose the maximum statutory penalties because the respondents, who are all controlled by Matthias, Izon, or both, have proven themselves shockingly poor at complying with their reporting obligations throughout their campaign advocating for 22AKHE.[29] None of the respondents provided reports anywhere close to

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27 *In re Hospitalization of Heather R.*, 366 P.3d 530, 532 (Alaska 2016).

28 *See Messerli v. State*, 626 P.2d 81, 86–87 (Alaska 1980) ("The effective functioning of our democratic form of government is premised on an informed electorate. . . . Proper evaluation of the arguments made on either side can often be assisted by knowing who is backing each position.").

29 *See* 2 AAC 50.865(d) (permitting Commission to increase a mitigated penalty to the statutory maximum when the respondent has "a poor reporting history" evidenced by

accurate about the amounts and sources for their campaign spending before the election. None of the respondents complied with our order in case no. 23-01-CD within the 30 days provided for doing so. Only two partially complied after the deadline—and only after we called out their noncompliance in a status update filed in superior court.

The egregious and widespread extent of the respondents' reporting violations is even more clear when taken one by one. Honest Elections has rarely filed a report on time, made significant errors in all its quarterly reports, and left unpaid previous penalties assessed for violations. The Ranked Choice Education Association contributed more than $65,000 to the 22AKHE effort and even now has reported little of the details, failing to file a single quarterly report out of five that are long due.[30] Honest Government has never filed its two required reports in defiance of the law and our previous order. Matthias did not file his required report until our status update pointed out his noncompliance and even then, he misreported the amount of a contribution.

For the penalty calculations, we toll the penalty accruals as of September 9, 2024, the date we accepted the complaint for investigation, rather than as of July 29, 2024, the date the complaint was filed. We see no reason to give the respondents the benefit of stopping the penalty accrual when the complaint was rejected for filing. Typically, we toll penalty accruals when a complaint is filed to allow time for staff to investigate and

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indicators such as "more than one late filing in the immediately preceding five years" and prior violations of the campaign statutes).

30 This estimate excludes the roughly $90,000 of Matthias's own funds that he funneled through the association in violation of the AS 15.13.074(b) prohibition on giving in another's name.

hear from respondents, and for us to make our decision on the merits without a respondent facing the risk that substantial penalties may accrue during the process.[31] Here, the action on the complaint waited until its acceptance date, which was unusually long after the filing date, and so we toll the penalty accrual as of that later date.

I. The Commission finds reporting violations in quarterly reports filed by Alaskans for Honest Elections and imposes civil penalties totaling $54,350.

In our previous order, we found reporting violations by Honest Elections because it had not identified Matthias as the true source of the association's purported contributions and had not reported an in-kind donation by Wellspring Ministries, which allowed the initiative group to use its gym for free for a signature-gathering event. Curing these violations required the group to amend its 2023 first quarter and second quarter reports, and its late-filed amendments are inaccurate. The group also filed five other reports with errors. For these violations, we impose total penalties of $54,350.

The initiative group amended its 2023 first quarter report but did so late and incompletely.[32] Incomplete amendments came more than a month after the deadline in our order. The amended report left out Wellspring Ministries' in-kind donation. The

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31 *See VECO Int'l, Inc. v. Alaska Pub. Offs. Comm'n*, 753 P.2d 703, 717 (Alaska 1988) (describing the "'constitutional tolling doctrine' under which, a party whose conduct is made the subject of an administrative action must be given an opportunity to obtain a judicial test of the validity of such action, and, as a matter of due process, cannot be subjected to risk that substantial penalties will accumulate during the course of the judicial proceeding," but finding it unnecessary to decide whether the doctrine applied to the Commission proceeding in that case (citation omitted)).

32 2023 First Quarter Report for Alaskans for Honest Elections (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=43148&ViewType=CD.

amended report also failed to identify Matthias as the source of a contribution. And two contributions had the wrong date. As a result, we conclude that this report has been in violation since the order's amendment deadline due to these errors:

Report on April 10, 2023	Report on March 7, 2024	Amendment required by order
$1,000 contribution from the association on Feb. 6, 2023	$1,000 contribution from Matthias on Feb. 6, 2023	$1,000 contribution from Matthias on Jan. 9, 2023
$75,000 contribution from the association on Feb. 8, 2023	$75,000 contribution from Matthias on Feb. 8, 2023	$75,000 contribution from Matthias on Feb. 3, 2023
Not reported	Not reported	Estimated value of gym rental for in-kind donation from Wellspring Ministries on Feb. 16, 2023
$1,382 in-kind donation from the association on Feb. 23, 2023	Not amended	$1,382 in-kind donation from Matthias on Feb. 23, 2023

We reject two other bases for finding this report in violation. First, we reject the view that the amended report's inclusion of statements that the changes were made "under protest" somehow violates the reporting statutes. So long as the initiative group provides accurate and complete information required by statute and regulation, the report complies with the law and satisfies the goal of transparency about campaign spending. Second, we do not require changes to the disclosure of the association's $2,358 cash contribution made on February 23, 2023. The superior court reversed our finding that the cash was part of Matthias's contribution and excused the association from reporting the donors of the cash.[33]

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[33] Order Affirming in Part and Reversing in Part Final Order by APOC Following Petition for Rehearing (July 18, 2024), *Alaskans for Honest Elecs., et al. v. Alaska Pub. Offs. Comm'n*, Case No. 3AN-24-04508 CI, at 29-30 ("APOC acted reasonably in its determination not to assess additional violations for failure to report the *sources* of the cash contributions. . . . Because RCEA was operating under incorrect advice from APOC in February 2023, Appellants were not on notice of their reporting obligations and likely did not advise their contributors that they could not accept cash donations in excess of

Nonetheless, the missing and incorrect information identified in the table above is sufficient to conclude that the 2023 first quarter report remains in violation of the law. We impose the maximum penalty of $11,000—$50 per day for the 220 days of violation from the amendment deadline to this complaint's acceptance date.[34]

The initiative group also failed to timely and completely amend its 2023 second quarter report.[35] The group made incomplete amendments more than a month after the order's deadline. The amended report identified Matthias as the source of a $10,260 contribution made on June 11, 2023. This is wrong under the order. The correct amount was $11,000: $10,260 from Matthias and the remaining $740 from the association who should be reported as the contributor with its donors disclosed as true sources. The reported date for this contribution is also wrong; it was May 22, 2023. The amended report was still inaccurate after the superior court revised our findings. The court decided that the $11,000 contribution was entirely from Matthias, but the report discloses only a $10,260 donation from him and on the wrong date. Thus, the amended report did not cure the reporting violations.[36] We impose the maximum penalty of $11,000—$50 per day for

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$100. This is where the form and source of the funds gets intertwined. Because it is not realistic to after the fact trace multiple cash donations back to their original sources, the Court does not disturb APOC's decision . . . to assess no additional violations or assess any penalties as to the cash contribution.")

34 AS 15.13.390(a)(4).

35 2023 Second Quarter Report for Alaskans for Honest Elections (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=43149&ViewType=CD.

36 The report has an additional error that was not identified in the 23-01-CD order—the overall balance is inaccurate. The beginning balance is reported as $0, but the group

the 220 days of violation from the order's deadline to this complaint's acceptance date.[37]

The initiative group's next report, the 2023 third quarter report, was due after staff completed its investigation but before we issued the 23-01-CD order. For this reason, it was not a part of staff's investigation, and we did not previously make explicit findings addressing it. The report was filed 20 days late, and staff separately assessed a $500 penalty for the lateness, which the initiative group paid.[38]

In addition to the lateness, the 2023 third quarter report was inaccurate as filed and continues to be incomplete or inaccurate for four reasons.[39] First, the report fails altogether to disclose a $7,479.33 in-kind donation from the association in early September, which the association reported on a statement of contributions report.[40] (The group's required disclosure of this donation should include the details of what the in-kind donation paid for and should identify the association's donors as the true sources of the contribution.[41]) Second, a $2,000 contribution reported as coming from the association in

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began the reporting period with a surplus of $25,085.70 according to the closing balance on the immediately preceding report.

37 AS 15.13.390(a)(4).

38 Notice of Penalty Assessment for Alaskans for Honest Elections' Third Quarter Report (Nov. 3, 2023), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25392; Payment Receipt for Alaskans for Honest Elections (Feb. 26, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25632.

39 2023 Third Quarter Report for Alaskans for Honest Elections (Oct. 30, 2023), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=42044&ViewType=CD.

40 Statement of Contributions Form 15-5 for Ranked Choice Education Association (Sept. 9, 2023), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4859&ViewType=SC.

41 AS 15.13.110(g) (requiring information "on the contributions received and expenditures made"); AS 15.13.040(b) (requiring groups to disclose specific information

early October was actually from Matthias, who identified himself as the contributor of these funds on a statement of contributions report.[42] Third, the report does not document the July or August replacement of the $2,358 cash contribution with a check. And third, the report perpetuates an error in the account balance by starting with a beginning cash on hand of $760. This does not account for the failure to carry over a closing surplus of $25,085.70 on the first quarter report and the $740 underreporting of the $11,000 contribution on the second quarter report. We impose the maximum penalty of $11,000—$50 per day for the 220 days of violation from the prior order's amendment deadline to this complaint's acceptance date.[43]

The initiative group's 2023 fourth quarter report also violated AS 15.13.040(b) and AS 15.13.110(g).[44] The report was 13 days late, and staff assessed a $325 penalty for the lateness,[45] which the initiative group has not yet paid. In addition to the lateness, the

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about contributions "in excess of $100 in the aggregate in a year," including "the true source of the funds . . . being contributed"); *see* AS 15.13.400(19) (defining "true source" in relevant part as "the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services; a person or legal entity who derived funds via contributions, donations, dues, or gifts is not the true source, but rather an intermediary for the true source").

42 Statement of Contributions Form 15-5 for Art Mathias [stet] (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4968&ViewType=SC.

43 AS 15.13.390(a)(4). This calculation starts the penalty accrual at the amendment deadline because this report was due before we entered the order that gave Honest Elections a 30-day safe harbor "to correct its previous reports." 23-01-CD Order at p. 32.

44 2023 Fourth Quarter Report for Alaskans for Honest Elections (Jan. 23, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=42298&ViewType=CD.

45 Notice of Penalty Assessment for Alaskans for Honest Elections' Fourth Quarter Report (Jan. 26, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25679.

report was incomplete and inaccurate. First, the report documented two $30,000 contributions from the association without disclosing the association's donors as the true sources of the combined $60,000.[46] Second, it continued to misreport the account balance due to errors in the previous reports. For the violations, we impose the maximum penalty of $11,000—$50 per day for the 220 days of violation from the prior order's amendment deadline to this complaint's acceptance date.[47]

The initiative group's quarterly reports in 2024 are also wrong. On the first quarter report, the group reported a starting balance of $0 when the prior report closed with a surplus of $5,210 and that balance was actually much higher due to the prior reporting errors.[48] The account balance error carried over, making the group's 2024 second quarter and third quarter reports inaccurate, too.[49] For these violations, we impose the maximum penalty of $7,350 for the first quarter report—$50 per day for the 147 days in violation

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46 AS 15.13.040(b); AS 15.13.400(19).

47 AS 15.13.390(a)(4). This calculation starts the penalty accrual at the amendment deadline because this report was due during the order's 30-day safe harbor to file and correct reports.

Staff is also investigating whether the 2023 fourth quarter report accurately reported expenditures made to Top Fundraising Solutions in case no. 23-07-CD. If staff finds a violation and recommends a penalty assessment in that case, staff should be careful to not calculate any penalty accrual that overlaps with the dates for this one.

48 2024 First Quarter Report for Alaskans for Honest Elections (April 15, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=43364&ViewType=CD.

49 2024 Second Quarter Report for Alaskans for Honest Elections (July 11, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=43619&ViewType=CD; 2024 Third Quarter Report for Alaskans for Honest Elections (July 11, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=43620&ViewType=CD.

from the report's filing date to this complaint's acceptance date.[50] And we impose the maximum penalty of $3,000 for the second quarter report—$50 per day for the 60 days in violation from the report's filing date to this complaint's acceptance date.[51] We do not impose a penalty for the third quarter report, which was designated as the group's final report, because its due date fell during staff's investigation of this complaint.[52]

Honest Elections must correct the violations described above in the seven quarterly and final reports over the course of its 22AKHE campaign. The group owes civil penalties totaling $54,350 for the violations in six of the reports.

II. The Commission finds that Alaskans for Honest Elections had an inaccurate paid-for-by identifier on its website for 38 days and fines the group $1,900.

Our previous order found in relevant part that Honest Elections violated the disclosure laws by not naming Matthias as one of its top three contributors.[53] The initiative group's website continued to leave Matthias off as a top contributor until at

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50 AS 15.13.390(a)(1). This calculation starts with the report's filing date, rather than its due date, because we give the initiative group the benefit of the doubt about whether it was already assessed a civil penalty by staff for the five days of lateness. We could not locate a penalty assessment for this late report in the online system.

51 AS 15.13.390(a)(4). This calculation starts with the report's filing date, rather than due date, because the group was already fined $50 for being late. Notice of Penalty Assessment for Alaskans for Honest Elections' Second Quarter Report (July 29, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=26055. As of today, the penalty for lateness has not been paid.

52 This third quarter report should have been a 30-day campaign report instead because its due date fell within 30 days of the general election. AS 15.13.110(a)(1), (g). The report type slightly altered the reporting period but did not change the information required on the reports.

53 AS 15.13.074(b); AS 15.13.090(a)(2)(C).

least March 11, 2024—38 days after the order's compliance deadline. Sometime after date, the group stopped using the website and converted it to Izon's personal website.[54] But the failure to identify Matthias as a top contributor for 38 days on the website's disclaimer was a continuing violation of AS 15.13.090(a)(2)(C). The group's reports support the conclusion that Matthias remained among the top contributors with the amendments to reflect his contributions. For this violation, we impose a civil penalty of $1,900—$50 per day for each of the 38 days of the violation.[55]

There is insufficient evidence to support that other communications attached to the complaint are those of Honest Elections. They were posted to Izon's personal handle, 907honest. As such, we reject the argument that the initiative group violated AS 15.13.090 by not placing its own and accurate disclaimer on these messages.

III. The Commission finds that Ranked Choice Education Association has not complied with its reporting obligations and fines it $67,700.

Our previous order found that the Ranked Choice Education Association failed to register before making expenditures, failed to file an independent expenditure report in connection with the December 2022 purchase of its web domain, and failed to file a 2022 fourth quarter report and a 2023 first quarter report.[56] We ordered the association to register and file the reports by February 2, 2024. The association did not register by the deadline, filed a late and inaccurate independent expenditure report, and did not file other

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54 Staff Investigation Report (Oct. 22, 2024) at p. 4 & ns. 22-23.

55 AS 15.13.390(a)(4).

56 AS 15.13.050(a); AS 15.13.040(d); AS 15.13.110(g)–(h).

reports that became due. We consequently impose total penalties of $67,700.

The association registered as an entity 34 days after the deadline to do so in the order.[57] For the late filing, we impose the maximum penalty of $1,700 at $50 per day for each day the violation continued.[58]

On the same day the association registered, it filed an independent expenditure report, but the report did not comply with our order.[59] The association did not report the amount, date, and payment method of the December 2022 web domain purchase,[60] and provided no information about the association's contributions and donors as is required on independent expenditure reports.[61] The report documented a single $500 in-kind expenditure on January 1, 2023, for providing a link on its website to the initiative group.[62] We consequently find that the association has not complied with its obligation to

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57 2022 Entity Registration for Ranked Choice Education Association (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=1613&ViewType=ER; 2023 Entity Registration for Ranked Choice Education Association (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=1614&ViewType=ER.

58 AS 15.13.390(a)(4).

59 Independent Expenditures Form 15-6 for Ranked Choice Education Association (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6409&ViewType=IE.

60 2 AAC 50.270(b).

61 AS 15.13.040(d)–(e), (q); AS 15.13.400(19).

62 The association indicated that the report was filed under protest due to the appeal. But the association did not appeal its obligation to file the independent expenditure and quarterly reports, challenging only the Commission's findings requiring the disclosure of Matthias as a contributor to the initiative group on statement of contributions reports. *See* Status Report re: Final Order, Case No 23-01-CD (Mar. 7, 2024). Nevertheless, for the same reasons as with the initiative group's reports, the Commission does not find that the "under protest" disclaimer is a reporting violation.

file an accurate independent expenditure report. For this violation, we impose a civil penalty of $11,000 for the 220 days of violation from the order's reporting deadline to this complaint's acceptance.[63]

The association has never filed the 2022 fourth quarter and 2023 first quarter reports. On these reports, the association would be required to disclose its donors as part of the information on the contributions it has received.[64] We impose total penalties of $22,000 for the missing reports. For each report, a penalty of $50 per day accrued for 220 days of violation from the order's reporting deadline to this complaint's acceptance.[65]

The association was required to file quarterly reports for the rest of 2023, too.[66] Alaska Statute 15.13.110(g) requires quarterly reports of entities "receiving contributions exceeding $500 or making expenditures exceeding $500 in a calendar year in support of . . . an initiative proposal application filed with the lieutenant governor."[67] The association, created in mid-December 2022, had received more than $700,000 in

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63 AS 15.13.390(a)(1) (providing the penalty accrues at a rate of $50 per day for each day a violation continues).

64 AS 15.13.110(g) (requiring filers of quarterly reports to report "the contributions received" by the filer and "expenditures made" by the filer).

65 This amounts to an $11,000 penalty for each report. AS 15.13.390(a)(4).

66 We did not decide this issue in the prior order because these reports were due while the complaint was pending or soon after. The first report was due five days after the complaint was filed in July, the next was due a little over a month after staff issued the investigation report, and the third was due in January ten days after entry of the order.

67 The statute specifically requires this of a "person," and by definition, persons include a "corporation," which is the Ranked Choice Education Association's legal status. AS 15.13.110(g); AS 15.13.400(16); AS 01.10.060.

contributions by November 2023,[68] and supported 22AKHE with donations to the initiative group.[69] But the association did not file these required quarterly reports. We impose total penalties of $33,000 for the three missing quarterly reports. For each report, a penalty of $50 per day accrued for 220 days of violation from the order's reporting deadline to this complaint's acceptance.[70]

We do not find that the association's failures to disclose its donors other than Matthias violated AS 15.13.074(b), requiring imposition of a penalty as high as the trebled amount of the contributions, as the complainant argues.[71] By its plain terms, the second sentence of AS 15.13.074(b), which in part prohibits intermediaries from failing to disclose the true sources, applies only to candidate elections.[72] In contrast, Matthias

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68 Nov. 16, 2023, Transcript of Special Meeting for case no. 23-01-CD, at pp. 59-60.

69 2023 Fourth Quarter Report for Alaskans for Honest Elections (Jan. 23, 2024), (showing two $30,000 contributions by check from the association on Oct. 24, 2023, and Nov. 25, 2023), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=42298&ViewType=CD.

70 AS 15.13.390(a)(4). This amounts to an $11,000 penalty for each report. The calculation starts the penalty accrual at the amendment deadline because two of these reports were due before we entered the order that gave the association a 30-day safe harbor "to register as an entity and to file required reports" and the third was due during the safe-harbor period. 23-01-CD Order at p. 32.

71 The complainant asks us to find this violation and impose a penalty that is treble the amount of the contributions for which true sources were not disclosed under AS 15.13.390(a)(3), which applies to violations of AS 15.13.074(b).

72 Although it is not a violation of AS 15.13.074(b) allowing for the imposition of penalties under AS 15.13.390(a)(3) for an intermediary to fail to disclose its true sources when making a contribution for or against an initiative, not disclosing the true sources would violate AS 15.13.040(k). *907 Initiative Advisory Op.*, AO No. 24-04-CD (Sept. 9, 2024). Penalties for violations of AS 15.13.040(k) are governed by AS 15.13.390(a)(1).

violated the first sentence of AS 15.13.074(b) that prohibits giving in another's name.[73] The situation for the association's other donors is much different than his. As our prior order found, Matthias unlawfully gave to the initiative group in the association's name because he intended to pass his contribution through the association, and he effectuated that intent through his control over the association. But most donors to an intermediary making contributions to an initiative group or making its own direct expenditures to advocate for an initiative do not have such intent or control over the intermediary. They do not violate the prohibition against giving in another's name if they give to an intermediary that has the discretion to spend the funds itself or to transfer the funds to other groups as it sees fit.

Even though the association did not violate AS 15.13.074(b) (other than by allowing Matthias to pass funds through it), the association's other donors still must be named on campaign disclosure reports. The initiative group must report the association as the intermediary and the association's donors as the true sources on the group's quarterly reports filed under AS 15.13.040(b) and AS 15.13.110(g).[74] The association must report its own contributors on its independent expenditure and quarterly reports filed under AS 15.13.040(e) and AS 15.13.110(g).[75] And in the future, the association should report itself as the contributor and list its donors as the true sources on its statement of

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73 AS 15.13.074(b) ("A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another.").

74 *See* AS 15.13.400(19) (defining "true source").

75 *See* AS 15.13.040(q) (requiring reporting of true sources for reports filed under AS 15.13.040(e)); AS 15.13.400(19) (defining "true source").

contributions reports filed under AS 15.13.040(k).[76]

For the above reasons, the association must correct the reporting violations and file the missing reports as described above. We impose civil penalties totaling $67,700 on the association for its late, inaccurate, or missing reports.

IV. The Commission finds that Matthias failed to file an accurate statement of contributions and imposes a civil penalty of $11,000.

Our previous order required Matthias to file a statement of contributions report disclosing his contributions to the initiative group, Honest Elections, by February 2, 2024.[77] Matthias filed an inaccurate report 34 days late.[78] Under the order, the late report was inaccurate because it failed to report and attribute the $2,358 cash contribution to Matthias and it misreported the dates of three contributions. Under the superior court's order, the report accurately left off the $2,358 in cash because that was not part of Matthias's contribution but misreported the amount of an $11,000 contribution as only $10,260 and got the dates wrong for that contribution and two others. The necessary amendments as modified by the superior court order, are shown here:

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76 *907 Initiative Advisory Op.*, AO No. 24-04-CD (Sept. 9, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=26260 (requiring the reporting of true sources of contributions on AS 15.13.040(k) reports). We are not requiring amendments of the association's past statement of contributions reports to disclose true sources and are not imposing civil penalties for any violations on its 2023 reports (other than the AS 15.13.074(b) violation related to Matthias) because at the time of filing, the online form may have prevented contributors to an initiative group from disclosing true sources on statement of contribution reports. *Id.* (not applying requirement to statement of contributions reports under AS 15.13.040(k) that were filed before November 6, 2024).

77 AS 15.13.040(k).

78 Statement of Contributions Form 15-5 for Art Mathias [stet] (Mar. 7, 2024), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4968&ViewType=SC.

Report filed on March 7, 2024	Amendments required by orders
$1,000 contribution on Feb. 6, 2023	$1,000 contribution on Jan. 9, 2023
$75,000 contribution on Feb. 8, 2023	$75,000 contribution on Feb. 3, 2023
$10,260 contribution on June 11, 2023	$11,000 contribution on May 22, 2023

Because of these ongoing inaccuracies, Matthias continued to violate AS 15.13.040(k) even after filing the missing report.[79]

We impose a civil penalty of $11,000 for the 220 days of violation from our order's compliance deadline to this complaint's acceptance date.[80]

V. The Commission finds that Alaskans for Honest Government failed to file two reports and fines the entity $22,000.

Our previous order required Alaskans for Honest Government to file an independent expenditure report in connection with the purchase of its web domain in October 2022 and to file a 2022 fourth quarter report.[81] To date, neither report has been filed. Although the entity claims that it has not engaged in reportable activity since 2022,[82] it still must report its activity as required by our previous order. Unlike the other

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79 Matthias did not commit a reporting violation by designating the form as filed "under protest" for the same reasons that the initiative group's designation of its amendments as "under protest" was not a reporting violation.

80 AS 15.13.090(a)(1).

81 AS 15.13.040(c)–(d); AS 15.13.110(g)–(h).

82 The 23-01-CD order found that the entity's website still had a pop-up requesting help to repeal ranked-choice voting in Alaska as of July 6, 2023, but the order did not impose requirements on the entity to file 2023 quarterly reports. The duty to file such reports depends on the level of activity. AS 15.13.110(g) (requiring quarterly reports of those "receiving contributions exceeding $500 or making expenditures exceeding $500 in a calendar year in support of or in opposition to an initiative on the ballot in a statewide election or an initiative proposal application filed with the lieutenant governor").

three respondents, it did not appeal any aspect of the order to superior court.

We impose civil penalties totaling $22,000 for the two missing reports. For each report, the penalty accrued at $50 per day for 220 days from the order's reporting deadline to this complaint's acceptance date.[83]

ORDER

We find that the violations described above occurred and order the respondents to pay their respective total penalties as shown in this table within 30 days of this order.

Violations by respondent	Dates of violation	Total days	Penalty at $50 per day
Alaskans for Honest Elections			
2023 1Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 2Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 3Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 4Q report	2/2/2024 to 9/9/2024	220	$11,000
2024 1Q report	4/15/2024 to 9/9/2024	147	$7,350
2024 2Q report	7/11/2024 to 9/9/2024	60	$3,000
Paid-for-by identifier	2/2/2024 to 3/11/2024	38	$1,900
Total for group			**$56,250**
Ranked Choice Education Ass'n			
Registration	2/2/2024 to 3/7/2024	34	$1,700
IE report	2/2/2024 to 9/9/2024	220	$11,000
2022 4Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 1Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 2Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 3Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 4Q report	2/2/2024 to 9/9/2024	220	$11,000
Total for association			**$67,700**
Arthur Matthias			
Stmt. of Cont. report	2/2/2024 to 9/9/2024	220	**$11,000**
Alaskans for Honest Government			
2022 4Q report	2/2/2024 to 9/9/2024	220	$11,000
IE report	2/2/2024 to 9/9/2024	220	$11,000
Total for entity			**$22,000**

83 This amounts to an $11,000 penalty for each report. AS 15.13.390(a)(1).

We further order:

- Alaskans for Honest Elections to amend all its reports to correct the errors identified in this order within 30 days.
- Ranked Choice Education Association to amend its independent expenditure report to correct the errors identified in this order and to file the five missing quarterly reports within 30 days.
- Alaskans for Honest Government to file the two missing reports within 30 days.
- Matthias to amend the statement of contributions report to correct the errors identified in this order within 30 days.

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[84] A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.[85]

Dated: January 27, 2025

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[86]

Certificate of Service: I hereby certify that on this date, I served, by **certified mail, US mail,** and **email** a true and correct copy of the foregoing in this proceeding on the following:		
Scott Kendall Sam Gottstein Cashion Gilmore & Lindemuth 510 L Street, Suite 601 Anchorage, AK 99501 scott@cashiongilmore.com sam@cashiongilmore.com	Kevin G. Clarkson Law Office of Kevin G. Clarkson 2223 Latona Drive NE Keizer, OR 97303 Kclarkson @gci.net	and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

Paralegal 1/27/25 Date

84 AS 15.13.380(g); AS 44.62.560; Alaska R. App. P. 602.

85 2 AAC 50.891(g); AS 44.62.540.

86 Commissioners Richard Stillie, Dan LaSota, Lanette Blodgett, Eric Feige, and Walt Monegan participated in this matter. The decision was made on a 5–0 vote.

Citations 12, 13, 14, 15, 16, & 17

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

PAULA DELAIARRO, Complainant, v. OPEN FOR BUSINESS WITH BRONSON/ OPEN FOR BUSINESS ANCHORAGE Respondent.	)	APOC Case No. **21-03-CD**

FINAL ORDER

Paula DeLaiarro alleges that the group Open for Business with Bronson/Open for Business Anchorage ("Open for Business") violated campaign disclosure laws by failing to register before making expenditures,[1] by missing deadlines for reporting independent expenditures,[2] and by inaccurately identifying contributors and expenditures.[3] The Alaska Public Offices Commission heard the matter on June 9, 2022, and concludes that the group timely registered but filed late and inaccurate reports. The Commission assesses civil penalties totaling $8,604 for the group's failures to timely disclose independent expenditures, and to correctly identify contributors and expenditures.

I. Open for Business did not fail to register before making expenditures.

Staff concluded that Open for Business did not fail to timely register as a group, and the Commission agrees. The group made its first expenditure four days *after*

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1 AS 15.13.050(a).

2 AS 15.13.110(h).

3 AS 15.13.040(e); 2 AAC 50.321(b)(2).

registering as Open for Business with Bronson in compliance with the requirement that it must register before making expenditures.[4] Months later and after the election, the group acquired a new domain name to match its new name—Open for Business Anchorage—and amended its registration accordingly. The complaint alleged that the domain acquisition, which occurred before the amended registration, violated the requirement to register *before* making expenditures. But the Commission agrees with staff that amending a registration to change a group's name and purpose does not negate an original, otherwise current registration and result in pre-amendment expenditures being deemed in violation of the registration requirement.

II. Open for Business failed to timely report independent expenditures and the Commission assesses civil penalties for the violations.

During the 2021 Anchorage mayoral run-off election, Open for Business supported the candidacy of then-candidate David Bronson as an independent expenditure group. It was required to report its independent expenditures (1) not later than 10 days after making an expenditure or (2) within 24 hours of making the expenditure if it exceeded $250 and was made within nine days of the May 11 election.[5] The group made expenditures totaling more than $85,000 but did not timely report the vast majority—more than $77,500 in expenditures.[6]

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4 AS 15.13.050(a). The group's initial registration indicated it was controlled by a candidate, but it amended its registration to correct that it was independently supporting then-candidate David Bronson.

5 AS 15.13.050(a).

6 The group timely reported only one independent expenditure, a $7,500 expense paid to Optima Public Relations on May 11, 2021.

As documented in the revised staff report, Open for Business's other required reports, which were timely filed seven days before and 105 days after the mayoral run-off election,[7] as well as the sole independent expenditure report that it filed, included multiple expenditures that should have been reported earlier. Open for Business does not dispute that it failed to timely disclose these expenditures. In the group's answer to the complaint, the treasurer explained that Open for Business was inexperienced, run by volunteers, and simply unaware of the requirement to file reports within ten days or 24 hours of making independent expenditures. No one from the group appeared at the hearing on June 9, 2022, despite receiving notice.

After reviewing the three filed campaign disclosure reports, as well as staff's report, the Commission agrees with staff that Open for Business failed to file eight independent expenditure reports disclosing more than 15 separate expenditures totaling more than $77,500. These failures violated AS 15.13.110(h).

The Commission assesses civil penalties of $7,579 for the eight late reports. The penalties accrue at a maximum rate of $50 per day for each day the report was late, regardless of whether the report was due 10 days or 24 hours after the expenditure.[8]

Dates of expenses	Expense amounts	Report due	Date filed	Days late	Max penalty	Reduction applied	Imposed penalty
April 23-27	$29,570	May 3	May 4	1	$50	50%	$25
May 5	$25,000	May 6	Aug. 24	110	$5,500	50%	$2,750

[7] AS 15.13.110(a)(2), (3).

[8] AS 15.13.390(a).

May 10	$13,400	May 11	Aug. 24	105	$5,250	50%	$2,625
May 28	$7	June 7	Aug. 24	78	$3,900	99%	$39
June 14	$300	June 24	Aug. 24	61	$3,050	90%	$305
June 30-July 8	$5,783	July 10	Aug. 24	45	$2,250	50%	$1,125
July 19-26	$3,035.79	July 29	Aug. 24	26	$1,300	50%	$650
Aug. 2-9	$437.77	Aug. 12	Aug. 24	12	$600	90%	$60
						Total:	**$7,579**

As indicated in the chart, for five of the reports, the maximum penalties do not exceed the value of the late-reported expenditures, and for these, the Commission halves the maximum penalty due to the group's status as an inexperienced filer engaging in its first election cycle.[9] For two of the reports, the Commission reduces the maximum penalty by 90 percent because of disproportionality—the maximum penalty exceeds the value of the late-reported expenditures.[10] And for one report, the Commission reduces the maximum penalty by 99 percent because the underlying expenditure is only a $7 bank charge, grossly disproportionate to the maximum penalty of $3,900.[11] With these reductions, the Commission assesses penalties totaling $7,579 for the eight late reports.

III. Open for Business provided inaccurate information about contributors and expenditures on a report, and the Commission assesses a civil penalty.

Among other information, groups must report the name and address of

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9 2 AAC 50.865(a)(1)(B).

10 2 AAC 50.865(b)(5).

11 *Id.*

contributors and the check number for expenditures.[12] Open for Business's 105-day report, timely filed on August 24, 2021, violated these requirements by getting a contributor's name wrong, providing incorrect addresses for multiple contributors, and mistyping the check numbers for three expenditures. The group admits getting the contributor's name wrong and providing incorrect addresses. The group amended the 105-day report to make all the necessary corrections on or before October 4, 2021, resulting in some of these violations continuing for 41 days.

The Commission assesses a civil penalty of $1,025 for failure to file a properly completed report within the prescribed timeframe, taking into account the group's inexperienced-filer status.[13] This penalty is half of the maximum, or $25 per day for each day the delinquency continued.[14]

CONCLUSION

The Commission orders Open for Business with Bronson/Open for Business Anchorage to pay total civil penalties of $8,604 for the late-filed independent expenditure reports[15] and the inaccurate information on the 105-day report.[16]

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[17] A request for the Commission to reconsider this

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12 AS 15.13.040(e); 2 AAC 50.321(b)(2).

13 2 AAC 50.865(a)(1)(B).

14 AS 15.13.390(a)(1).

15 AS 15.13.110(h).

16 AS 15.13.040(e); 2 AAC 50.321(b)(2).

17 AS 15.13.380(g); AS 44.62.560; Alaska R. App. P. 602.

order must be filed within 15 days from the date this order is delivered or mailed.[18]

Dated: June 20, 2022.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[19]

Certificate of Service:
I hereby certify that on this date, I served, by **certified mail** and **email** a true and correct copy of the foregoing in this proceeding on the following:

Paula DeLaiarro
8401 Pioneer Dr.
Anchorage, AK 99504
paula.delaiarro@gmail.com

Open for Buisness Anchorage
3206 Spenard Road, Suite 9
Anchorage, AK 99503
paulrberger@gmail.com
rebeccalogan@gci.net

and by **email** to:
Heather Hebdon
Executive Director
Alaska Public Offices Commission
heather.hebdon@alaska.gov

Paralegal Date

18 2 AAC 50.891(g).

19 Commissioners Anne Helzer, Richard Stillie, Lanette Blodgett, Suzanne Hancock, and Dan LaSota participated in this decision. The decision was made on a 5-0 vote.

Citations 18, 19, 20, & 21

From:	Whitlock, John G (DOA)
Sent:	Thursday, April 18, 2024 1:09 PM AKDT
To:	Joel Borgquist <chair@keepitalaska.org>
CC:	Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject:	RE: Your call earlier to APOC (Keep it Alaska)

...and thanks for the call.

Let me make one slight caveat/suggestion to what I discussed with you on the phone. I conferred with my colleagues who suggested that if both the text and the image are standing alone, it would be **best practice** to place the disclaimer on both the image and the text.

Also, while I was away from my desk you left a message with one of my colleagues, Ben Wolfe, who relayed to me a question regarding if Keep it Alaska would have to report any donations from the Republican Party. I just wanted to ensure that this is, indeed, your question before looking into it.

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Thursday, April 18, 2024 12:31 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Thank you for confirming everything over the phone just a moment ago so we can proceed with the text message! I appreciate it.

- Joel

Joel Borgquist
Chairman, Keep It Alaska

> On Apr 18, 2024, at 8:56 AM, Joel Borgquist <chair@keepitalaska.org> wrote:
>
> Hi John,
>
> Thank you for the detailed response. I'll have some further questions, but can you confirm that I understand the following three points correctly:
>
> 1. All of our donors are from within Alaska. We included the "all donors live in Alaska" line just for informational purposes for recipients of the message. Is there any issue with including that line within the disclaimer message?

2. In an MMS text message, where there is both a graphic being sent and text within the text message, is the communication disclaimer required in BOTH the graphic and the text of the text message or is it acceptable for the disclaimer to ONLY be in the graphic?

3. This is the updated disclaimer that we'd like to use today, did we understand the feedback and get everything corrected?

"Paid for by Keep It Alaska. Approved by Keep It Alaska Chairman Joel Borgquist. All donors live in Alaska!

Top contributors are NAME (Anchorage, AK), NAME (Anchorage, AK), NAME (Anchorage, AK)

This NOTICE TO VOTERS is required by Alaska law. We certify that this ad is not authorized, paid for, or approved by the candidate.

PO Box 772081, Eagle River, AK 99577"

If you can confirm the above points, that will be VERY helpful. We intend to begin expenditures today with an MMS text message, after receiving our first contributions.

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

On Apr 17, 2024, at 3:36 PM, Whitlock, John G (DOA) <john.whitlock@alaska.gov> wrote:

Mr. Borgquist,

Thank you for your patience with our response. The Commission has previously considered many questions about the activities of IE groups, such as Keep It Alaska. Shortly after the *Citizens United* decision, the Commission approved AO 12-09-CD, which, it seems, would provide guidance relevant to most of your questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events?

There is not a specific statute, per se, that prohibits the candidate's attendance. However, as you are aware, independent expenditure

groups are prohibited from making expenditures that are coordinated with a candidate. At the time of your question, your group's registration reflected an intent to focus a significant portion of its spending on the election of Dave Bronson so it is not clear how the expenses related to a fundraiser in which Mayor Bronson would attend as a guest speaker to raise funds on behalf of Keep It Alaska, would be made without coordinating with him.

2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?

This isn't specifically defined in the statute, but is based on a group's intended activities. See also AO 12-09-CD and 14-17-CD.

3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.

Again, the statute is based on the group's intended activities and if you are able to provide more specific information about the group's planned activities, staff may be able to provide further guidance. See also AO 12-09-CD.

4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress (https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

We understand your concerns, but constitutional questions such as this are likely better addressed to the lawmakers within the Alaska Legislature. As a state agency, it is our responsibility to enforce the laws as dictated by the legislature.

As to your questions about the mailer, staff has reviewed the content and notes the following:

- AS 15.13.090(a)(2)(C) requires identifying by Name, City, and State, Keep It Alaska's top 3 contributors.

- If Keep It Alaska is an outside-funded entity as defined under AS 15.13.400(15), then AS 15.13.090(g) may apply ["a majority of contributions to Keep It Alaska came from outside the state of Alaska"]. While your example mailer states "all individual donors live in Alaska!" it is not clear whether this is intended for purposes of .090(g) and without any understanding of Keep It Alaska's sources of funding, whether it might substantially satisfy the requirements of .090(g).
- AS 15.13.135 also requires the following statement be placed in the communication: "This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate."
- Provided the photos used were not obtained through any coordination with the candidates, it would not appear to run afoul of our statutes or regulations.

Cordially,

APOC Staff
//s// John Grover Whitlock
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

From: Whitlock, John G (DOA)
Sent: Wednesday, April 17, 2024 3:21 PM
To: Joel Borgquist <chair@keepitalaska.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Hello Joel,

Ms. Hebdon addressed this issue toward the end of the email she sent to you. I am re-enclosing that section here:

As to your questions about the mailer, staff has reviewed the content and notes the following:

- AS 15.13.090(a)(2)(C) requires identifying by Name, City, and State, Keep It Alaska's top 3 contributors.

SOA07328

- If Keep It Alaska is an outside-funded entity as defined under AS 15.13.400(15), then AS 15.13.090(g) may apply ["a majority of contributions to Keep It Alaska came from outside the state of Alaska"]. While your example mailer states "all individual donors live in Alaska!" it is not clear whether this is intended for purposes of .090(g) and without any understanding of Keep It Alaska's sources of funding, whether it might substantially satisfy the requirements of .090(g).
- AS 15.13.135 also requires the following statement be placed in the communication: "This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate."
- Provided the photos used were not obtained through any coordination with the candidates, it would not appear to run afoul of our statutes or regulations.

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Wednesday, April 17, 2024 3:00 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Yes, we plan to use Keep It Alaska as our name moving forward, year over year, and for all of the races we support/oppose each election cycle.

Any updates on the disclaimer or the photos?

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

> On Apr 17, 2024, at 9:39 AM, Whitlock, John G (DOA) <john.whitlock@alaska.gov> wrote:
>
> Hello sir,

Staff is still looking at your questions here (especially the question about photos obtained on the internet).

You may want to look at the statement requirement outlined in AS 15.13.135. Statute enclosed below my signature line.

Do you plan on using the Keep it Alaska name going forward?

We are still looking at this, but we just wanted to provide you with and update.

Thanks,

John Grover Whitlock
Paralegal
APOC

Sec. 15.13.135. Independent expenditures for or against candidates.
(a) An independent expenditure supporting or opposing a candidate for election to public office, except an independent expenditure made by a nongroup entity with an annual operating budget of $250 or less, shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other requirements of this chapter.

(b) A person who makes independent expenditures for a mass mailing, for distribution of campaign literature of any sort, for a television, radio, newspaper, or magazine advertisement, or any other communication that supports or opposes a candidate for election to public office

(1) shall comply with AS 15.13.090 ; and

(2) shall place the following statement in the mailing, literature, advertisement, or other communication so that it is readily and easily discernible:

This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate

---

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:56 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Some people who received this message don't often get email from chair@keepitalaska.org. Learn why this is important

Hi John,

While we await your response, can you or one of your colleagues at APOC respond to the following items on the attached tester piece. As this is a tester

for our first communication, we want to ensure that we are meeting all laws and guidelines. We will replicate the tester in our other communications.

In particular, can you respond on the:

- Communication disclaimer at the bottom of the tester
- Whether the photos obtained on the internet used in the tester would violate any statutes or APOC guidelines
- Any other item that we may not be aware of

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:47 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Unfortunately, due to the delay in hearing back on whether supported candidates can attend our fundraising events without facing repercussions, we were forced to cancel our fundraiser to support Dave Bronson's race.

Timely responses on urgent questions are essential when ballots are a mere two weeks from being mailed and we are trying to exercise our First Amendment Rights without facing negative political, legal, and financial consequences that would result from an APOC finding against us and/or the candidate we are supporting.

I would recommend developing a 24-hour response period when elections are within 60 days, not unlike the 24-hour reporting periods required by APOC of Alaskans engaging in the political process.

I understand that APOC has had some changeover of staff, but candidates and groups are still operating at full pace in our political process – which should not be interrupted, delayed, or otherwise interfered with.

I look forward to your response when it comes.

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent: Friday, April 12, 2024 11:36 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>; Joel Borgquist <chair@keepitalaska.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Mr. Borgquist,

I would also add that your registration indicates participation in the Anchorage election. However, that particular election was already held on April 2. If you intend to support a candidate in the upcoming Anchorage mayoral runoff election, you should amend your registration to select the runoff election.

Thank you,

Heather

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Friday, April 12, 2024 11:16 AM
To: chair@keepitalaska.org
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Thank you, sir.

We are looking at your questions and will get back to you as soon as we can.

Also, if you haven't done so already, you may want to amend your group registration to include your chair@keepitalaska.org email address.

Thanks,

John Grover Whitlock

Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: joel borgquist.org <joel@borgquist.org>
Sent: Friday, April 12, 2024 9:48 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>;chair@keepitalaska.org; joel@reddirtcampaigns.com
Subject: Re: Your call earlier to APOC (Keep it Alaska)

You don't often get email from joel@borgquist.org. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

Per your e-mail, I have amended our report. I'm awaiting your next response to know how to proceed further.

Please note that I have also updated my contact information and will exclusively be usingchair@keepitalaska.org as my e-mail address regarding Keep It Alaska matters from here forward. I copied my new e-mail to this thread, as well.

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: joel borgquist.org <joel@borgquist.org>
Sent: Thursday, April 11, 2024 7:42 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>; joel@reddirtcampaigns.com<joel@reddirtcampaigns.com>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Thanks for getting back to me. I have a few follow up questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events? I couldn't find anything specific that would cover that. (Also, see freedom of association below, which covers the freedom to gather and for individuals to attend such gatherings).
2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?
3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.
4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress (https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

Thanks, again!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Thursday, April 11, 2024 3:16 PM
To: joel@reddirtcampaigns.com <joel@reddirtcampaigns.com>; joel borgquist.org <joel@borgquist.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Hello Mr. Borgquist,

Thanks for reaching out to us via phone earlier in the day. I wanted to follow up with you regarding some of your questions via email.

1. Generally, an IE group supporting a candidate may not coordinate activities, including fundraisers, with the candidate. If you have more questions regarding specific activities, it would be helpful to have those in writing so that we may ensure a thorough response.

2. Additionally, it appears that you have amended your registration to indicate that more than 33 1/3 of your group's spending will be in support of Dave Bronson. Please note that under AS 15.13.050(b), you must include the candidate's name in your group's name. This statute is enclosed below my signature line.

Again, do not hesitate to reach out if you have any questions.

Thanks,

John Grover Whitlock
Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Sec. 15.13.050. Registration before expenditure.

(a) Before making an expenditure in support of or in opposition to a candidate or before making an expenditure in support of or in opposition to a ballot proposition or question or to an initiative proposal application filed with the lieutenant governor under AS 15.45.020, each person other than an individual shall register, on forms provided by the commission, with the commission.

(b) If a group intends to support only one candidate or to contribute to or expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the candidate shall be a part of the name of the group. If the group intends to oppose only one candidate or to contribute its funds in opposition to or make expenditures in opposition to a candidate, the group's name must clearly state that it opposes that candidate by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. A candidate may register more than one group to support the Revised May 2021 11 candidate; however, multiple groups controlled by a single candidate shall be treated as a single group for purposes of the contribution limit in AS 15.13.070 (b)(1).

(c) If a group intends to make more than 50 percent of its contributions or expenditures in support of or in opposition to a single initiative on the ballot, the title or common name of the initiative must be a part of the name of the group. If the group intends to make more than 50 percent of its contributions or expenditures in opposition to a single initiative on the ballot, the group's name must clearly state that the group opposes that initiative by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name.

Citations 22, 23, 24, 25, & 26

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Wednesday, April 17, 2024 9:17 AM AKDT
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
CC: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Some people who received this message don't often get email from chair@keepitalaska.org. Learn why this is important

Hi John,
I appreciate your response. It's very helpful to know the process that you're undertaking. Feedback on the disclaimer and how our treasurer can access the online system are absolutely urgent or we will risk being out of compliance if we don't have an immediate response. Can I get a response on those two items this morning?
Thank you!
- Joel
Joel Borgquist
Chairman, Keep It Alaska

On Apr 17, 2024, at 9:09 AM, Whitlock, John G (DOA) <john.whitlock@alaska.gov> wrote:

Hello Joel,

I just wanted to let you know that we have received your emails and are taking them seriously and are working to provide you thoughtful answers (some of which require us to research prior advisory opinions issued by the commission).

We are working to provide feedback to your questions as soon as possible.

Thanks,

John Grover Whitlock
Paralegal
APOC

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Wednesday, April 17, 2024 9:03 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Some people who received this message don't often get email from chair@keepitalaska.org. Learn why this is important

Hi John (and copied staff),

I am concerned that I have not received any responses to my inquiries, particularly as some of them relate to 24-hour APOC reporting requirements and a late-stage election, yet days are passing without a response.

To be clear, this is inhibiting our ability to proceed, as APOC exercises extraordinary power over the political process in Alaska. We are at the mercy of your office to provide clarification over contradictory and/or incomplete guidelines and your enforcement of unclear statutes.

Please respond today or I will assume that APOC is unwilling to provide the requested information and assistance, and I will refer this matter elsewhere.

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

On Apr 16, 2024, at 11:05 AM, Joel Borgquist <chair@keepitalaska.org> wrote:

Hi John,

We have a technical follow up question: How do we get our treasurer an account linked to Keep It Alaska in order for him to file APOC reports or is he expected to use my account?

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:55 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

While we await your response, can you or one of your colleagues at APOC respond to the following items on the attached tester piece. As this is a tester for

our first communication, we want to ensure that we are meeting all laws and guidelines. We will replicate the tester in our other communications.

In particular, can you respond on the:

- Communication disclaimer at the bottom of the tester
- Whether the photos obtained on the internet used in the tester would violate any statutes or APOC guidelines
- Any other item that we may not be aware of

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:47 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Unfortunately, due to the delay in hearing back on whether supported candidates can attend our fundraising events without facing repercussions, we were forced to cancel our fundraiser to support Dave Bronson's race.

Timely responses on urgent questions are essential when ballots are a mere two weeks from being mailed and we are trying to exercise our First Amendment Rights without facing negative political, legal, and financial consequences that would result from an APOC finding against us and/or the candidate we are supporting.

I would recommend developing a 24-hour response period when elections are within 60 days, not unlike the 24-hour reporting periods required by APOC of Alaskans engaging in the political process.

I understand that APOC has had some changeover of staff, but candidates and groups are still operating at full pace in our political process – which should not be interrupted, delayed, or otherwise interfered with.

I look forward to your response when it comes.

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent: Friday, April 12, 2024 11:36 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>; Joel Borgquist <chair@keepitalaska.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Mr. Borgquist,

I would also add that your registration indicates participation in the Anchorage election. However, that particular election was already held on April 2. If you intend to support a candidate in the upcoming Anchorage mayoral runoff election, you should amend your registration to select the runoff election.

Thank you,

Heather

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Friday, April 12, 2024 11:16 AM
To: chair@keepitalaska.org
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Thank you, sir.

We are looking at your questions and will get back to you as soon as we can.

Also, if you haven't done so already, you may want to amend your group registration to include your chair@keepitalaska.org email address.

Thanks,

John Grover Whitlock

Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: joel borgquist.org <joel@borgquist.org>
Sent: Friday, April 12, 2024 9:48 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>;chair@keepitalaska.org; joel@reddirtcampaigns.com
Subject: Re: Your call earlier to APOC (Keep it Alaska)

You don't often get email from joel@borgquist.org. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

Per your e-mail, I have amended our report. I'm awaiting your next response to know how to proceed further.

Please note that I have also updated my contact information and will exclusively be usingchair@keepitalaska.org as my e-mail address regarding Keep It Alaska matters from here forward. I copied my new e-mail to this thread, as well.

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: joel borgquist.org <joel@borgquist.org>
Sent: Thursday, April 11, 2024 7:42 PM
To: Whitlock, John G (DOA)

<john.whitlock@alaska.gov>; joel@reddirtcampaigns.com<joel@reddirtcampaigns.com>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Thanks for getting back to me. I have a few follow up questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events? I couldn't find anything specific that would cover that. (Also, see freedom of association below, which covers the freedom to gather and for individuals to attend such gatherings).
2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?
3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.
4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress (https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

Thanks, again!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Thursday, April 11, 2024 3:16 PM
To: joel@reddirtcampaigns.com <joel@reddirtcampaigns.com>; joel borgquist.org <joel@borgquist.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA)

<heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Hello Mr. Borgquist,

Thanks for reaching out to us via phone earlier in the day. I wanted to follow up with you regarding some of your questions via email.

1. Generally, an IE group supporting a candidate may not coordinate activities, including fundraisers, with the candidate. If you have more questions regarding specific activities, it would be helpful to have those in writing so that we may ensure a thorough response.

2. Additionally, it appears that you have amended your registration to indicate that more than 33 1/3 of your group's spending will be in support of Dave Bronson. Please note that under AS 15.13.050(b), you must include the candidate's name in your group's name. This statute is enclosed below my signature line.

Again, do not hesitate to reach out if you have any questions.

Thanks,

John Grover Whitlock
Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Sec. 15.13.050. Registration before expenditure.

(a) Before making an expenditure in support of or in opposition to a candidate or before making an expenditure in support of or in opposition to a ballot proposition or question or to an initiative proposal application filed with the lieutenant governor under AS 15.45.020, each person other than an individual shall register, on forms provided by the commission, with the commission.

(b) If a group intends to support only one candidate or to contribute to or expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the candidate shall be a part of the name of the group. If the group intends to oppose only one candidate or to contribute its funds in opposition to or make expenditures in opposition to a candidate, the group's name must clearly state that it opposes that candidate by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. A candidate may register more than one group to support the Revised May 2021 11 candidate; however, multiple groups controlled by a single candidate shall be treated as a single group for purposes of the contribution limit in AS 15.13.070 (b)(1).

(c) If a group intends to make more than 50 percent of its contributions or expenditures in support of or in opposition to a single initiative on the ballot, the title or common name of the initiative must be a part of the name of the group. If the group intends to make more than 50 percent of its contributions or expenditures in opposition to a single initiative on the ballot, the group's name must clearly state that the group opposes that initiative by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name.

Citations 27, 28, & 29

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

IN RE:	)	
	)	CIVIL PENALTY APPEAL
SENATOR PETER MICCICHE	)	
	)	

FINAL ORDER

On June 8, 2022, the Alaska Public Offices Commission reviewed the assessment of a civil penalty against Senator Peter Micciche for a late-filed public office expense term account report. For the following reasons, the Commission orders Sen. Micciche to pay a civil penalty of $50.

Sen. Micciche was required to report expenditures made from his public office expense term account on February 16, 2021.[1] The report was filed two days late.[2] Due to the late filing, Sen. Micciche was subject to a maximum civil penalty of $100—$50 per day the report was late.[3] The Commission's staff assessed the maximum penalty. Sen. Micciche appealed staff's penalty assessment, asking for a reduction or waiver of the penalty amount.

At the Commission meeting, Sen. Micciche testified that his perspective was that he could not file an accurate report by the deadline because he was trying to determine

---

1 AS 15.13.110(a)(4); AS 15.13.116(a)(8)(C). The report's usual due date of February 15 was a state holiday in 2021, making the report due the next business day under 2 AAC 50.811(d).

2 Public Office Expense Term Account Report for Sen. Peter Micciche (February 18, 2021) (available at https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=1037&ViewType=POET).

3 AS 15.13.390(a)(1); 2 AAC 50.855(a).

SOA00403

whether expenses charged to the term account for constituent newsletter services could have instead come out of his office account. He ultimately filed the report two days late with the newsletter charges included and later amended the report to reflect reimbursement by his office account.[4] Staff explained that Sen. Micciche's initial report was accurate because the amounts were expended from his term account during the reporting period (even if they were later reimbursed), and he could have and should have timely reported the newsletter charges as expenses. Staff nevertheless recommended that the Commission halve the penalty because Sen. Micciche had a good filing history—no late-filed reports in the preceding five years.[5]

The Commission agrees with staff on the reduction of the penalty. The Commission halves Sen. Micciche's penalty due to his good filing history and imposes a civil penalty of $50 for the late-filed report.[6] The Commission declines to waive or further reduce the penalty due to the senator's impression that he was being forced to file a false report to comply with the reporting deadline. Staff is correct that Sen. Micciche's original report accurately disclosed "all amounts expended from the public office expense

---

4 *Compare* Public Office Expense Term Account Report for Sen. Peter Micciche (February 18, 2021) (available at https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=1037&ViewType=POET) *with* Public Office Expense Term Account Report for Sen. Peter Micciche (amended Sept. 28, 2021) (available at https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=1061&ViewType=POET).

5 *See* 2 AAC 50.865(a)(1)(A).

6 2 AAC 50.865(a)(1)(A).

term account" during the reporting period.[7] The newsletter charges were paid for out of the term account during the reporting period, despite the later reimbursement.

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[8] A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.[9]

Dated: June 20, 2022

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[10]

Certificate of Service: I hereby certify that on this date, I served, by **certified mail** and **email** a true and correct copy of the foregoing in this proceeding on the following:
Senator Peter A. Micciche P.O. Box 1544 Soldotna, AK 99669 Senator.peter.micciche@gmail.com kdbabcock@hotmail.com and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

Paralegal Date

7 AS 15.13.116(a)(8)(C); *see* AS 15.13.110(a)(4).

8 AS 44.62.560; Alaska R. App. P. 602; 2 AAC 50.860(e).

9 2 AAC 50.891(g).

10 Commissioners Anne Helzer, Richard Stillie, Lanette Blodgett, Suzanne Hancock, and Dan LaSota participated in this matter. The decision was made on a 5-0 vote.

Citations 30 & 31 (pt. 1)

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Administration
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Toll Free in Anchorage: 800.478.4176
Email: doa.apoc.reports@alaska.gov
www.doa.alaska.gov/apoc

October 23, 2024

VIA EMAIL ONLY

Noah Star
Landye Bennett Blumstein, LLP
701 W. 8th Avenue, Suite 1100
Anchorage, Alaska 99501
noahs@lbblawyers.com

Christy Strutz
Families of the Last Frontier
PO Box 220336
Anchorage, Alaska 99522
christystrutz@hotmail.com

Re: Expedited Complaint 24-08-CD, *907 Initiative v. Families of the Last Frontier*

Dear Mr. Star and Ms. Strutz:

Our agency has received the enclosed expedited complaint filed by 907 Initiative against Families of the Last Frontier, alleging violations of AS 15.13, Alaska's Campaign Disclosure law.

Pursuant to AS 15.13.380(c) the Alaska Public Offices Commission has set a hearing in this matter for **Thursday, October 24, 2024, at 10:00 a.m**. Please note that at this hearing the burden of proof will be upon the Complainant to demonstrate to the Commission that expedited consideration is warranted. Should the Commission grant expedited consideration, a hearing on the Complaint may immediately follow. 2 AAC 50.888.

The Commissioners will be present in-person, by telephone, or via Microsoft Teams Meeting and will receive evidence regarding this matter. You may be present at the hearing in-person, (2221 E. Northern Lights Blvd, Ste 128, Anchorage, Alaska 99508), or via **Microsoft Teams Meeting** **(meeting ID: 216 871 263 889, Passcode: Z4nmAy**). You may be, but are not required to be, represented by an attorney or agent.

To participate telephonically, please dial: 1-**907-202-7104, and enter the access code: 833120804 followed by the pound sign (#).**

If you have any questions, please contact our offices. Thank you for your cooperation.

Sincerely,

Heather R. Hebdon
Executive Director

Encl: Expedited Complaint 24-08-CD

cc: Robert Bacaj, Assistant Attorney General

Citation 31 (pt. 2)

From: Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Sent: Wednesday, October 23, 2024 3:43 PM AKDT
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Subject: FW: Expedited Complaint
Attachments: 241023 Notice of Hearing.pdf

John – I called both and got voice mail; LVM requesting a call back at my extension.

Michael Sargent
Paralegal Specialist I / Campaign Disclosure Coordinator
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent: Wednesday, October 23, 2024 3:35 PM
To: Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Cc: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Subject: Expedited Complaint

I have not heard anything back from Christy Strutz about tomorrow's hearing. Will one of you please call her (907-444-4406) and Steve Straight (907-248-1028) to ensure they have received the hearing notice and confirm their attendance?

I will be contacting Ken Jacobus and Tom Amodio re the commission review of the rejected complaint that is also scheduled for tomorrow.

Thank you,

Heather R. Hebdon
Executive Director

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Citation 32

From:	Arctic Court Reporters <arcticcourtreporters@live.com>
Sent:	Thursday, March 7, 2024 6:37 PM AKST
To:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
CC:	Demarest, Katherine E (LAW) <kate.demarest@alaska.gov>; Hobbs, Angela J (LAW) <angela.hobbs@alaska.gov>
Subject:	APOC 11/16/23 Hearing Transcript
Attachments:	APOC November 16, 2023 Special Hearing.pdf

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I have attached the hearing transcript in this matter. As I understand it, I am to split the bill between both parties. Please let me know if that is correct and if you need anything else. Thank you!

Britney Dudley, RPR

Arctic Court Reporters, LLC

(907) 227-6841

Citation 33

From: Stormont, Charles R (DOA)
Sent: Thursday, February 16, 2023 5:03 PM AKST
To: Preserve Democracy <info@preservedemocracy.com>
CC: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: RE: GOTV question

Hello Ms. Tshibaka,

Thank you for your patience regarding your questions. While the generic Get-Out-To-Vote activities you've described do not appear to meet the definition of an expenditure [AS 15.13.400(7)] that would trigger a registration requirement under AS 15.13.050, it should be noted that persons who make expenditures to support or oppose an initiative proposal application filed with the Lieutenant Governor's office are required to register with APOC prior to making expenditures. Given that there is an active initiative application in process that seeks to get rid of open primaries and ranked choice voting and Preserve Democracy's mission, at least in part, to target and repeal ranked choice voting, if Preserve Democracy is planning to make expenditures of this nature, they would likely be required to register with APOC prior to making said expenditures.

As to your other questions:

Can someone be involved in the group who a) previously endorsed a candidate, b) financially donated to a candidate, or c) worked with or helped prepare a candidate for this race that the group now wants to support?

After the Assembly races, can the group continue and members of the group change? Can the IE decide in the future to support one of its former group members for elected office?

Generally, the answer to these questions are yes. However, it is imperative that the proposed IE group ensure no coordination, direct or indirect, exists between the IE group and the candidate, including their campaign treasurer, or principal agent of the candidate, when making its independent expenditures. Questions of coordination are almost always fact-specific so it is difficult to simply say the general activity you've asked about could never run afoul of the rules. An individual who previously endorsed, donated to, and volunteered for a candidate is not barred from being a member of the IE group who is looking to support the same candidate. The IE group may also continue to remain active after the Anchorage municipal election and make changes to its members. The group could likely make independent expenditures to support a former group member who becomes a candidate for elected office, but given the group member-turned-candidate's knowledge of the group's plans, prior polling info, needs, projects, or other inter-workings, it could and might very well, lead to questions of coordination.

Given the variety of contemplated activities, Preserve Democracy might consider adopting some internal policies regarding new and former members turned candidates in an effort to prevent the appearance of illegal coordination. You might also consider establishing policies to separate accounting (fundraising/spending) for different activities as there are specific and sometimes different reporting requirements for different activities. For example, independent expenditures made to influence candidate elections are subject to the true source reporting regime [(AS 15.13.110(k)] enacted by BM2; while money raised and spent to influence an initiative application is subject to quarterly reporting (AS

15.13.110(g). You may also wish to review the Commission's advisory opinion in 21-11-CD as it provides insight into best practices that Preserve Democracy may wish to consider while establishing itself and before engaging in any election activities.

I hope you find this information useful, should you have any questions or desire further information on this matter, please feel free to contact our office again.

Thank you,

Charles Stormont
Paralegal I
Phone: (907) 276-4176
Toll-Free: 1-800-478-4176
Fax: (907) 276-7018

Alaska Public Offices Commission
2221 E. Northern Lights Blvd STE 128
Anchorage, AK 99508

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From: Preserve Democracy <info@preservedemocracy.com>
Sent: Tuesday, February 14, 2023 10:10 AM
To: Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: GOTV question

You don't often get email from info@preservedemocracy.com. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Charles,

I'm reaching out with a question about our non-profit organization-- we intend to run Get-Out-the-Vote ads targeting medium or low propensity voters in up to 3 districts for the Anchorage Assembly races. These ads will not mention candidates or issues, they will simply remind people to register to vote, that ballots are coming, to turn in ballots, etc.

For this effort, do we need to file with APOC?

We don't believe so, under Sec 15.13.052, because we are not "in support or in opposition to a candidate", but we want to confirm.

We emailed the generic address in mid-January, left a message for you in early February, and left a message for Heather yesterday. I called and left a message for you this morning, so I thought it would be helpful to put this at the top of your inbox.

I understand APOC is very busy, especially now with Tom being out. So, if we aren't able to get a response, we will take that to mean APOC confirms our understanding of Sec 15.13.052. If our understanding is wrong, please let us know right away because we're about to launch this campaign.

Thanks,

Kelly Tshibaka

Kelly Tshibaka | CEO
Preserve Democracy | 645 G Street Ste. 100-578 | Anchorage, AK 99501
Phone: 907-717-8525 | PreserveDemocracy.com

Citation 34

Alaska Public Offices Commission

COMPLAINT

FILING A COMPLAINT *To be accepted, complaint must include*	APOC LAWS ALLEGEDLY VIOLATED *Specify section of law or regulation*		*APOC case name/number/date*
1. Complainant's name + contact info 2. Respondent's name + contact info 3. Laws, regulations allegedly violated 4. Description of allegations 5. Basis of knowledge of alleged facts 6. Documentation to support allegations 7. Notarized signature of the complainant 8. Proof that complaint *and* all supporting documents were served on respondent	Campaign Disclosure Law	☒ AS 15.13 ☐ 2 AAC 50.250-405	
	Public Official Financial Disclosure	☐ AS 39.50 ☐ 2 AAC 50.680-799	
	Legislative Financial Disclosure	☐ AS 24.60 ☐ 2 AAC 50.680–799	
	Lobbying Regulation	☒ AS 24.45 ☐ 2 AAC 50.550–590	

If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.

☐ APOC ☐ Person ☐ Party ☒ Group	COMPLAINANTS	RESPONDENTS *Person or group allegedly violating law*	
	Alaskans for Better Elections, Inc.	☒ Person ☐ Party ☒ Group	Preserve Democracy, Kelly Tshibaka, and Alaskans for Honest Elections
Address City / Zip	510 L St., Ste. 601 Anchorage, AK 99501	See attached Complaint, page 1	
Phone/Fax	907-222-7932		
E-mail	scott@cashiongilmore.com sam@cashiongilmore.com		
	COMPLAINANTS' REPRESENTATIVE	**RESPONDENTS' REPRESENTATIVES**	
If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info			
Name/Title	Scott M. Kendall for Complainants	Please see attached Complaint, page 1	
Address	510 L Street, Ste. 601		
Phone/Fax	907-222-7932 / 907-222-7938		
E-mail	scott@cashiongilmore.com		

DESCRIPTION or SUMMARY of ALLEGED VIOLATION	*Use extra pages if needed*	☒ SUPPORTING DOCUMENTS – DESCRIBE:
Please see attached supporting information and documentation.		Please see attached complaint and associated exhibits.

PROOF of SERVICE ATTACHED: ☐ Fax – receipt confirmation ☐ Certified mail – signed receipt ☐ Process server – return of service ☒ E-mail – delivery/read receipt ☐ Other:

COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature _____ Title Scott M. Kendall Date July 17, 2023

Subscribed and sworn to or affirmed by me at _____ on _____

Signature _____ Title Paralegal

APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS

APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS: 2 AAC 50.450 - 476
2221 E. NORTHERN LIGHTS #128	240 MAIN STREET #500	FILING COMPLAINTS: 2AAC 50.870 / ANSWERING COMPLAINTS: 2AAC 50.880
ANCHORAGE, AK 99508	P.O. BOX 110222	APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.870
907-276-4176 / FAX 907-276-7018	JUNEAU, AK 99811	INVESTIGATIONS & HEARINGS: 2 AAC 50.875-891
TOLL-FREE 800-478-4176	465-4864 / FAX 465-4832	RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c)
WEB: http://doa.alaska.gov/apoc/	APOC FORMS: http://doa.alaska.gov/apoc/forms_all.html	APOC LAWS: http://doa.alaska.gov/apoc/apoclaws.html

Gmail

Todd Cowles <todd@cashiongilmore.com>

APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com> Mon, Jul 17, 2023 at 9:48 AM
To: Alaskans for Honest Elections <admin@alaskansforhonestelections.com>
Cc: Sam Gottstein <sam@cashiongilmore.com>, Scott Kendall <scott@cashiongilmore.com>

To Whom It May Concern:

Please see the attached APOC Complaint.

Todd Cowles
Paralegal
Cashion Gilmore & Lindemuth
510 L Street, Suite 601
Anchorage, AK 99501
Main: (907) 222-7932
www.cashiongilmore.com

2023.07.17 ABE APOC Complaint w Exhibits.pdf
7562K

Gmail

Todd Cowles <todd@cashiongilmore.com>

APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com> Mon, Jul 17, 2023 at 9:48 AM
To: Preserve Democracy <info@preservedemocracy.com>
Cc: Sam Gottstein <sam@cashiongilmore.com>, Scott Kendall <scott@cashiongilmore.com>

To Whom It May Concern:

Please see the attached APOC Complaint.

Todd Cowles
Paralegal
Cashion Gilmore & Lindemuth
510 L Street, Suite 601
Anchorage, AK 99501
Main: (907) 222-7932
www.cashiongilmore.com

2023.07.17 ABE APOC Complaint w Exhibits.pdf
7562K

To: Alaska Public Offices Commission
From: Alaskans for Better Elections, Inc., Complainant

Re: Complaint Against Preserve Democracy, Kelly Tshibaka, and Alaskans for Honest Elections for Numerous Violations of Campaign Finance Laws (AS 15.13) and Lobbying Laws (AS 24.45)

Respondents:[1]

Preserve Democracy
1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
Kelly Tshibaka, CEO/Treasurer
info@preservedemocracy.com

Kelly Tshibaka
1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
info@preservedemocracy.com

Alaskans for Honest Elections
2521 East Mtn Village Dr., #904
Wasilla, AK 99654
Telephone: 1-907-802-8116
Phillip Izon, Director
admin@alaskansforhonestelections.com

I. Summary of Complaint

In November 2020, Alaskans voted to enact an initiative designated as "19AKBE" (colloquially known as "Ballot Measure 2"), which established a top-four open nonpartisan primary, ranked-choice voting ("RCV") for general elections, and new "dark money" disclosure requirements. Two years later, in 2022, Alaskans cast their ballots under these new statutes in special primary and special general elections for US House, as well as in the regular primary and general elections for all races for state and federal offices.

[1] This information is intended to satisfy the required contact information for this APOC Complaint. It has also been relied upon for service of the complaint, with additional documentation to follow. Additional information about the Respondents is included below.

After the November 2022 election, two defeated candidates for elected office — former Governor Sarah Palin and Kelly Tshibaka — each began working to promote the repeal of Alaska's new election system and a return to the pre-Ballot Measure 2 system. One organization, Alaskans for Honest Elections ("AHE"), is affiliated with Palin and has filed an initiative (designated "22AKHE") with the Lieutenant Governor's office. That initiative — which would repeal Ballot Measure 2 — was approved for signature gathering, and AHE is currently collecting petition signatures to qualify for placement on the 2024 ballot.[2] AHE belatedly registered with APOC as a ballot group as required by law,[3] and it appears that other groups and individuals are also working in support of 22AKHE. Numerous allegations regarding those other groups and individuals[4] are currently being investigated via a separate complaint before APOC, in APOC Complaint No. 23-01-CD.

Although there is some overlap, *this* Complaint largely concerns another entity, Preserve Democracy ("PD"), which appears to be acting as an unregistered ballot group and/or providing unreported[5] "in kind" support to AHE, the official ballot group seeking to repeal Ballot Measure 2. PD is also supporting a legislative repeal of Ballot Measure 2,

---

2 *See* Exhibit A, Liz Ruskin, "Launch of campaign to repeal ranked choice voting draws a crowd in Anchorage," Alaska Public Media, at 7 (Feb. 17, 2023).

3 Although it appears that AHE's registration as a group with APOC was late — *months* after that organization began activities that required registration — that allegation was formally raised in a prior complaint and not at issue here.

4 Respondent AHE is a party to both Complaints.

5 PD has not reported contributing such support, and AHE has not reported receiving "in kind" value from PD.

which has been proposed via two bills known as House Bill 1 ("HB1") and House Bill 4 ("HB4").

Moreover, PD and its CEO Ms. Tshibaka also appear to have committed other violations. PD has likely acted as an employer of a lobbyist (Ms. Tshibaka) in favor of legislation to repeal Ballot Measure 2 without registering with APOC as such or reporting any of the associated lobbying costs. Likewise, Ms. Tshibaka herself did not register as a lobbyist, which is required if PD in any way compensates her for her employment with PD. Finally, PD appears to have unlawfully participated in the April 2023 Anchorage Municipal elections without registering or reporting as required by APOC.

Currently, this matter is not time sensitive. The possible election for 22AKHE is not until November 2024, the next Municipal election is not until April 2024, and the next session of the Alaska State Legislature — when HB1 and HB4 could again be considered — is not until January 2024. Accordingly, Complainant does not seek to expedite this complaint at this time, but instead asks that APOC Staff fully and completely investigate these allegations over the coming months.

II. Parties and Allegations

A. Preserve Democracy

Preserve Democracy ("PD") is an Alaska nonprofit corporation that was formed on December 6, 2022.[6] Ms. Tshibaka is PD's CEO;[7] she is also PD's president, treasurer, and

---

[6] *See* Exhibit B, PD Articles of Incorporation, at 1-2 (Dec. 6, 2022).

[7] *See* Exhibit C, PD website screenshot from News tab; *see also* https://preservedemocracy.com/news/.

registered agent.[8] Ms. Tshibaka, in her role as PD's CEO, has presented to the Alaska State Legislature, and has lobbied legislators in favor of repealing Ballot Measure 2 via HB1 and/or HB4.[9] Ms. Tshibaka even touted her efforts to lobby for a legislative repeal during a recent interview with the website Must Read Alaska.[10] However, PD has *never* reported to APOC that it is an employer of a lobbyist, nor has PD reported *any* lobbying-related expenses.

PD has also hosted 22AKHE's petition signature booklets at its events.[11] Indeed, at a PD event on February 13, 2023, Ms. Tshibaka:

- Explained that the purpose of PD was to "oppose ranked choice voting";

---

[8] See Exhibit D, PD Biennial Report (May 17, 2023).

[9] *See* Exhibit C. Some exhibits, including Exhibit C, are supported by the Affidavit of Samuel G. Gottstein, dated July 17, 2023. This Affidavit has become necessary because PD has recently changed the contents of its website.

[10] *See* https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870; *see also* Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka's interview with John Quick of Must Read Alaska at 3, 5 (June 6, 2023). Exhibit E's transcript incorrectly refers to Mr. Quick as "John Cook." *See generally* Exhibit E. Ms. Tshibaka stated that she is:

> **[A]dvocating with the legislature** and with the help of a lot of people who are listening right now, **to overturn ranked choice voting**. . . . **I testified before the Alaska State Legislature on House Bill 1, which is to repeal ranked choice voting**. . . . [T]hose bills, House Bill 1 and House Bill 4, which both support overturning ranked choice voting, those are still pending. *See generally id.* (emphasis added).

[11] The first known such event occurred at Bell's Nursery in Anchorage, during which Ms. Tshibaka encouraged people to sign the petition while also discussing support for a legislative repeal. *See* Affidavit of Scott M. Kendall at ¶ 2 (July 17, 2023) (recalling viewing a video on Facebook Live where Ms. Tshibaka told attendees that 22AKHE's petition was "important" and that it was available at PD's event for people to sign). It is believed that petition booklets have been hosted by PD during other subsequent events. *See id.*

- Asked attendees to "please sign" the petition to repeal Ballot Measure 2;
- Requested contributions so that PD could conduct "a statewide poll" about the 2022 general election, which she later explained would be provided to "the people who are mobilizing to fight ranked choice voting . . . for free"; and
- Affirmatively stated in response to a question that, "yes," she was working with the group gathering signatures to repeal Ballot Measure 2.[12]

These statements show that PD: (1) is working in support of 22AKHE; (2) has overtly supported and assisted with AHE's signature gathering; (3) was raising funds to conduct a poll that would specifically be used to support and assist AHE's efforts; and (4) overtly endorses and supports AHE.

These actions, at a minimum, constitutes an "in kind" contribution to AHE's efforts. Additionally, PD's website originally contained numerous claims — many false — about how Ballot Measure 2's reforms depressed election turnout and are otherwise negative for Alaska in PD's view; PD has since changed its website in an attempt to wipe clean its previously clear anti-Ballot Measure 2 messaging.[13] In the context of the current effort to gather signatures for 22AKHE, PD's support for AHE's petition drive — and the fact that PD's website was only very recently created[14] — it is evident that much of the prior

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[12] *See* Affidavit of Samuel G. Gottstein at ¶ 4; *see also* https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179.

[13] *See* Exhibit F, PD website screenshots (Jan. 24, 2023); Exhibit G, PD website screenshots (Feb. 14, 2023).

[14] When APOC has decided whether communications or actions were campaign-related, it has often looked to whether communications on an issue predated the existence of a ballot measure such that it could be seen as "issues communications." But where, as

contents of PD's website are capable of no other interpretation than an exhortation to support the repeal of Ballot Measure 2 by passage of 22AKHE.[15] This means that PD was required to register with APOC as a ballot group, must include proper paid for by disclaimers, must report its expenditures, and must disclose its donors.[16]

Separately, PD also touts on its website that it promoted a Get-Out-The-Vote ("GOTV") effort during Anchorage's recent municipal election.[17] Nonpartisan GOTV efforts are not regulated by APOC, as they are allowed as educational activities. However, such activities must not only be nonpartisan on their face,[18] but they must also be targeted in such a way to make it clear that they are not intended to impact the election outcome in a manner that benefits a specific party or specific candidate(s).[19]

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here, there were no such communications until after the ballot measure was filed, it is clear that such actions are reportable campaign speech.

15 *See* AS 15.13.400(8) (defining an "express communications" as a communication that "when read as a whole and with limited reference to outside events, is susceptible to no other reasonable interpretation than as an exhortation to vote" in a particular way); *see also* Final Order on Reconsideration, APOC Complaint No. 20-05-CD, at 6, 8-9 (July 12, 2021) (concluding that an entity was required to register before making expenditures, report independent expenditures, and identify who paid for communications, because "there [was] no other reasonable interpretation of [the entities'] communications but as an exhortation to vote against implementing ranked-choice voting, a key component of the initiative").

16 *See* AS 15.13.040; AS 15.13.050; AS 15.13.090; AS 15.13.110.

17 *See* https://preservedemocracy.com/voter-turnout/; *see also* Exhibit H, PD website screenshots (Apr. 26, 2023).

18 *See* Exhibit I, PD's Get-Out-The-Vote mailers.

19 *See* August 22, 1990 APOC Advisory Opinion to John McKay discussing voter registration activities, wherein the Commission explained that, in order to be immune from falling under AS 15.13, a voter registration drive cannot limit its efforts to registering people of a particular partisan group, but must be conducted on as wide a basis as possible.

For example, an entity could send GOTV mailers as widely as possible to *all* voters in a specific geographic area, so long as those mailers do not tell the recipients who to vote for or against. In contrast, an organization that sends GOTV mailers *only* to *conservative Republican* voters in *targeted districts* during a municipal election would be impermissibly partisan and obviously intended to benefit certain candidates, making it reportable to APOC either as an independent expenditure, or as a contribution directly to the supported candidates.[20]

PD appears to have specifically opted for the latter approach in advance of Anchorage's April 2023 municipal election. Ms. Tshibaka has made her intention of directing GOTV and ballot harvesting methods only at "Republican" voters explicit during her interview with Must Read Alaska.[21] And Ms. Tshibaka made other statements urging

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[20] *See* March 26, 1999 APOC Advisory Opinion No. AO-98-07-CD to Alaska Federation of Natives at pages 1 & 3, declaring that in order for GOTV activities to qualify as "educational" and not campaign-related, the activities "**may not directly or indirectly encourage . . . attendees to vote for or against specific candidates or ballot measures,**" ***and*** **they must not "target voters with a particular partisan affiliation.**" (emphasis added).

[21] *See* https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870; *see also* Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka's interview with John Quick of Must Read Alaska at 5-6. The following conversation on that podcast is relevant:

Tshibaka: And so we use some of the same methods and techniques that they were using in Florida [to turn out Republicans], we'll use one of the top analytics firms data analytics firms in the country, to target voters . . . . And we just put a ton of money into it.

Quick: So, let me walk myself through this strategy . . . . There's a dozen people out there knocking on doors, they knock on the doors of Republicans, they help them register as an absentee ballot person. And then they follow up with that person during the week or two before the election to either help them turn in

voters to support a specific slate of candidates.[22] In particular, Ms. Tshibaka herself directly connected her GOTV mailers to PD's and her own support for specific candidates for Anchorage Assembly.[23]

PD sent out GOTV mailers regarding Anchorage Assembly races. However, it appears that voters registered as Democrats and Nonpartisans in these races did not receive PD's GOTV mailers.[24] This act is evidence of a clear attempt by PD to impact Anchorage's municipal election for a partisan purpose and to benefit certain candidates. This is further reinforced by the fact that Ms. Tshibaka, the CEO of PD, touted PD's GOTV effort while simultaneously promoting its chosen slate of conservative candidates by name.[25] Accordingly, under the statutes, and APOC's own prior Advisory Opinions, these actions

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the ballot or mail it on their behalf. Is that kind of some strategy that happens in Florida?

Tshibaka: Yes, exactly. You got it right.

See Exhibit E at 5-6.

22 *See* Exhibit J, various posts on Twitter by Ms. Tshibaka.

23 *See* Exhibit J at 4 (April 4, 2023 tweet from Ms. Tshibaka showing an image of one of PD's GOTV mailers and declaring "… **Vote Common-Sense Republicans onto our Assembly**: Leigh Sloan, Spencer Moore, Scott Myers, Rachel Ries, Brian Flynn, John Trueblood, Travis Szanto") (emphasis added).

24 *See* Affidavit of Scott M. Kendall at ¶¶ 3-4; Affidavit of Samuel G. Gottstein at ¶¶ 11-12.

25 *See* Exhibit J. For example, on both March 29 and April 4, 2023, Ms. Tshibaka was touting PD's GOTV effort while simultaneously listing specific Assembly candidates that this effort was intended to support. *See id.*

were either contributions to the supported candidates or Independent Expenditures in their favor.[26]

PD has not registered with APOC, nor has it disclosed any of its donors. It has not reported these activities as contributions *or* as Independent Expenditures. Furthermore, PD's GOTV mailers contained *no* disclaimer revealing its three largest contributors as is required by law.[27] Complainant asks APOC to investigate and to obtain the actual mailing lists used by PD's mail-house to deliver these GOTV mailers. If it is shown that the GOTV materials went to a partial list — targeting selected voters, rather than *all* voters in an area — then the many registration, disclosure, and disclaimer violations by PD are clear.[28]

1. Alleged violations by Preserve Democracy.

a. Failure to register as a ballot group prior to undertaking campaign activity, violating AS 15.13.050: Despite hosting a website containing materials that can be interpreted no other way than as support for 22AKHE, PD has not registered as a ballot group. This violation dates back to when its website first included such materials, which was the case at least as of January 24, 2023.[29]

b. Failure to file any quarterly reports, violating AS 15.13.110(g): Because PD has never filed any APOC report, its finances are completely opaque to the public.

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[26] *See* August 22, 1990 APOC Advisory Opinion to John McKay; March 26, 1999 APOC Advisory Opinion No. AO-98-07-CD to Alaska Federation of Natives.

[27] See AS 15.13.040; AS 15.13.050; AS 15.13.090; AS 15.13.110.

[28] It should be noted that PD claims to have worked to oppose a ballot measure in Nevada that contains nearly identical reforms to Ballot Measure 2. *See* Exhibit K, Preserve Democracy website information; *see also* https://preservedemocracy.com/news/. It is unknown if PD is complying with the reporting and disclosure requirements applicable under Nevada law.

[29] *See* Exhibit F, PD website screenshots (Jan. 24, 2023).

c. Failure to file any 10-day independent expenditure reports, violating AS 15.13.110: A ballot group is required to report any expenditures within ten days of undertaking them. PD has failed to report *any* expenditures, including those for its campaign website, resulting in an unknown number of 10-day violations.

f. Failure to report three largest contributors, violating AS 15.13.090(a): PD's website and communications do not include a listing of its three largest contributors as is required by law.

g. Failure to report in-kind contributions to AHE and to candidates, violating AS 15.13.040(b)(2); AS 15.13.400(4)(A): By hosting petition booklets for 22AKHE at its many events around the state, PD has made in-kind donations to AHE's ballot measure activities. Additionally, by sending GOTV mailers to certain, targeted voters intended to help specific candidates for Anchorage Assembly, PD made unreported in-kind contributions to their campaigns. The scope and value of these in-kind activities must be investigated and reported.

h. Failure to register as an employer of a lobbyist, violating AS 24.45.061: Ms. Tshibaka is purportedly employed by PD. It is uncontested that she lobbied the Alaska Legislature and individual legislators in support of HB 1, which would repeal Ballot Measure 2. Any employer of a lobbyist must register with APOC.

i. Failure to report expenses related to lobbying, violating AS 24.45.061: PD has not reported the costs of employing Ms. Tshibaka. PD has also not reported the costs of supporting such lobbying efforts to APOC as is required by law.[30]

j. Failure to register as an Independent Expenditure Group prior to acting to influence an election, violating AS 15.13.050(c): PD did not register as an Independent Expenditure Group prior to sending its targeted mailers for the Anchorage municipal election in April 2023. PD's mailers appear to have been intended to impact the outcome of that election in favor of its preferred candidates for the Anchorage Assembly.

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[30] In contrast to PD's practices, the primary group that supports maintaining Alaska's current election system (Alaskans for Better Elections, Inc.) *did* report its expenses related to lobbying *against* H.B. 1. *See* Exhibit L, ABE's amended lobbying expense report (June 21, 2023).

k. Failure to disclose donors and file reports required for Independent Expenditure Groups, violating AS 15.13.040(d)-(e); AS 15.13.110(h) and 110(k); AS 15.13.140(b); AS 15.13.135(a): Likewise, PD did not file any of the necessary reports of donors, contributions, and expenditures prior to attempting to influence the outcome of the Anchorage elections for Assembly.

l. Failure to file 10-day reports regarding the activities taken to impact the Anchorage election, violating AS 15.13.110(h): PD was separately obligated to file reports within 10 days of making any expenditure to impact the Anchorage elections. It failed to do so.

m. Failure to include information on its three largest contributors on communications intended to impact the Anchorage election, violating AS 15.13.090: The targeted mailers sent by PD did not contain a proper paid for by disclaimer, including its three largest contributors, as is required by law.

n. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

B. Kelly Tshibaka

As discussed above, Kelly Tshibaka is Preserve Democracy's CEO, president, treasurer, and registered agent. She also founded the organization and is presumed to direct its activities. During the 2023 legislative session of the Alaska State Legislature, Ms. Tshibaka lobbied and testified in favor of HB1, HB4, and in favor of repealing Ballot Measure 2, generally. Ms. Tshibaka has discussed these lobbying efforts.[31]

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[31] *See* https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870; *see also* Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka's interview with John Quick of Must Read Alaska at 3, 5 (June 6, 2023). Ms. Tshibaka stated that she is:

Tshibaka: [A]dvocating with the legislature and with the help of a lot of people who are listening right now to overturn rank[sic] choice voting . . . . I testified before the Alaska State legislature on House Bill one, which is to repeal ranked

Ms. Tshibaka has not registered as a lobbyist and did not direct PD to register as an employer of a lobbyist or to report its expenses related to her lobbying efforts.

1. Alleged violation by Kelly Tshibaka

a. Failure to register as a lobbyist, violating AS 24.45.041: Ms. Tshibaka is believed to be compensated by PD. It is uncontested that she lobbied the Alaska State Legislature and individual legislators in support of HB1 and HB4, both of which would repeal Ballot Measure 2. Any individual paid to lobby or who presents themselves to others as a lobbyist must register with the APOC.

C. Alaskans for Honest Elections

Alaskans for Honest Elections ("AHE") is the official ballot group supporting 22AKHE, the ballot initiative intended to repeal Ballot Measure 2.[32] Currently, that activity involves communications with the public and support for its petition signature drive. AHE became an Alaskan nonprofit corporation on January 23, 2023.[33] And because AHE had only recently filed a single quarterly report[34] with APOC, AHE has been fined by the Commission at least twice for failing to also file required independent expenditure reports.[35] It also means that AHE, which was required by law to file its second quarterly

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choice voting . . . those bills, House Bill 1 and House Bill 4, which both support overturning rank[sic] choice voting, those are still pending.

32 *See* Exhibit M, AHE Group Registration Form.

33 *See* Exhibit N.

34 *See* Exhibit O, AHE's first quarter report.

35 *See* Exhibit P, Assessment Letters (Apr. 24, 2023). AHE did file a (late) second quarterly report on July 16, 2023. *See* Exhibit Q, AHE's second quarterly report.

report on July 10, 2023, is late on that filing as well.[36] AHE has not reported any in-kind donation by PD as of this filing.

1. Alleged violations by AHE

a. Failure to file 10-day reports, violating AS 15.13.110: A ballot group is required to report any expenditures within ten days of undertaking them. Although AHE filed a first quarter report, it failed to timely file required 10-day reports regarding expenditures. APOC staff has already fined AHE for some of these prior omissions.[37] AHE's recently-filed second quarterly report also confirms that AHE continues to ignore the ten-day reporting requirement.[38] To the extent AHE has received "in kind" support from PD, it must be reported as both income and expenditures, meaning that support should have been included on one or more 10-day reports.

b. Failure to accurately report receipt of "in kind" contributions from Preserve Democracy, violating AS 15.13.040(b)-(c) and AS 15.13.110: AHE failed to include "in kind" support received from PD on its first quarter report to APOC.

c. Failure to file a timely Second Quarterly report, violating AS 15.13.110: AHE only filed its required second quarterly report on July 16, 2023, which was due on or before July 10, 2023.[39]

d. Failure to accurately report the source of contributions laundered through the RCEA, violating AS 15.13.040(b), (q), AS 15.13.074(b), and AS 15.13.110(k). As described in APOC Complaint NO. 23-01-CD, the Ranked Choice Education Association ("RCEA") is not a bona fide source of contributions. Yet AHE continues to list them as a contributor on its second quarterly report.[40]

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36 *See* Exhibit Q, AHE's second quarterly report.

37 *See* Exhibit P, Assessment Letters. Although admonished and fined by APOC staff, AHE does not appear to have ever filed these IE reports. Further, AHE had not filed any expense or report in the over two months since, their failures to file 10-day reports continues unabated.

38 *See* Exhibit Q, AHE's second quarterly report.

39 *See id.*

40 *See id.*

e. Failure to accurately account for prior contributions, cash on hand, or total income and expenditures for the year, violating AS 15.13.110. In its first quarterly report, AHE reported ending the period with $25,085.70 cash on hand.[41] Yet in its second quarterly report, that "surplus" appears to have vanished, since AHE reported having *no* cash on hand the following day.[42] AHE also appears to have grossly underreported the total amount of income and expenses for the campaign.[43] In sum, AHE's second quarterly report appears to be wildly inaccurate.

f. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

III. CONCLUSION

Ms. Tshibaka and her organization, Preserve Democracy, are clearly against the reforms of Ballot Measure 2, including its nonpartisan open primary elections and ranked-choice general elections. Although it is their right to support closed partisan primaries and oppose these nonpartisan improvements to our election system, they must still obey existing laws when taking these actions. Ms. Tshibaka and PD appear to have intentionally disobeyed the law in order to keep their finances completely opaque to the public, including while attempting to influence the outcome of the most recent Anchorage municipal election. That cannot be allowed.

Additionally, although AHE (eventually) registered with APOC as is required, its reports are replete with fabrications and omissions, such as omitting PD's support for their measure, and it has failed to comply with Alaska's reporting requirements. In its attempt

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41 *See* Exhibit O, AHE's first quarter report.

42 *See* Exhibit Q, AHE's second quarterly report.

43 *See id.*

to roll back Alaska's election laws, AHE is obligated to obey the transparency and reporting requirements built into Alaska law. It has not.

Whether or not to return to the prior, partisan election system is a decision that could be before Alaskan voters in the near future. In their deliberations, voters are entitled to clear, timely, and accurate financial information regarding those who wish to influence their vote. Currently, Respondents are deceiving the public. Accordingly, Complainant respectfully requests that APOC Staff timely and fully investigate these violations and any others that come to light during their investigation.

CASHION GILMORE & LINDEMUTH
Attorneys for Complainant

DATE: July 17, 2023

By: _____

Scott M. Kendall
Alaska Bar No. 0405019
Samuel G. Gottstein
Alaska Bar No. 1511099

AFFIDAVIT OF SAMUEL G. GOTTSTEIN

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

I, Samuel G. Gottstein, being first duly sworn and deposed, hereby state as follows:

1. I am an attorney representing Complainant Alaskans for Better Elections, Inc. in the APOC Complaint against Respondents Preserve Democracy ("PD"), Kelly Tshibaka, and Alaskans for Honest Elections ("AHE").

2. In anticipation of possibly filing the above-referenced Complaint, I began to save screenshots from some of the Respondents' websites and accounts starting in April 2023.

3. Attached as Exhibit C to the above-referenced Complaint is a true and correct copy of a screenshot that I took of PD's website on July 7, 2023. This screenshot is from the "News" tab as it existed on PD's website on that date.

4. On July 17, 2023, I recorded video clips from a Facebook Live video of a PD event from February 13, 2023. That video was accessible at the following website: https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179. In the video and the clips that I have saved, Ms. Tshibaka: (1) discusses PD's efforts to "oppose ranked choice voting"; (2) urges attendees to "please sign" the petition to repeal Ballot Measure 2; (3) requests donations so that PD can conduct "a statewide

poll" about the 2022 general election; (4) touts the ability to give the future results of that poll to "the people who are mobilizing to fight ranked choice voting . . . for free"; and (5) affirmatively states that she is working with the group gathering signatures to repeal ranked choice voting.

5. On July 13, 2023, I took additional screenshots from an internet archive at https://web.archive.org. The internet archive allows a user to input a specific web address to see what prior versions of that website, if any, are contained within the internet archive database. Some websites have many archived pages, and some only have a few. Each archive indicates a specific date and time that its content was captured and remains available as part of the internet archive.

6. Attached as Exhibit F to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD's website as it existed on January 24, 2023, according to what I accessed on https://web.archive.org. The first four pages of Exhibit F show the contents of PD's main webpage on January 24, 2023. The fifth and final page of Exhibit F shows the "Ranked Choice Voting" dropdown menu on that page. The internet archive does not appear to contain information about the content on the three dropdown pages shown on the final page of Exhibit F.

7. Attached as Exhibit G to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD's website as it existed on February 14, 2023, according to what I accessed on https://web.archive.org. Exhibit G shows that PD's main webpage remained substantially similar on this date to how it existed on

January 24, 2023. However, by March 2023, the internet archive shows that the content on PD's main website changed.

8. Attached as Exhibit H to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD's website on April 26, 2023. This screenshot is from the "News" tab that existed on PD's website on that date.

9. Attached as Exhibit I to the above-referenced Complaint is a true and correct copy of three of PD's get-out-the-vote mailers that I downloaded from PD's website on April 26, 2023.

10. Attached as Exhibit J to the above-referenced Complaint is a true and correct copy of a series of screenshots of posts on Twitter that Ms. Tshibaka made on her account (@KellyForAlaska) in March and April of 2023. I saved these screenshots on May 31, 2023.

11. I am a "super voter" in Anchorage municipal elections. I believe I have voted in every Anchorage municipal election since I turned eighteen in May of 2006. I am a lifelong registered Nonpartisan voter. Because of the frequency that I and the remainder of my household votes, we tend to receive a significant amount of campaign literature whenever there is an election.

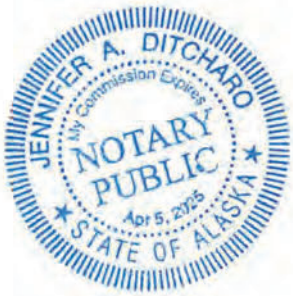
12. I live in Assembly District 4. There was an Assembly election in April 2023 for my district, where Felix Rivera and Travis Szanto were running for the Anchorage Assembly. I do not recall receiving any get-out-the-vote mailers distributed by PD during this year's Anchorage Assembly race.

13. Attached as Exhibit K to the above-referenced Complaint is a true and correct copy of PD's "News" tab on its website as it existed on June 20, 2023.

FURTHER AFFIANT SAYETH NAUGHT.

Samuel G. Gottstein
Alaska Bar No. 1511099

SUBSCRIBED AND SWORN to before me on this 17th day of July, 2023, at Anchorage, Alaska.



Notary Public in and for Alaska
My Commission Expires: 4/5/25

AFFIDAVIT OF SCOTT M. KENDALL

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

I, Scott M. Kendall, being first duly sworn and deposed, hereby state as follows:

1. I am an attorney representing Complainant Alaskans for Better Elections, Inc. in the APOC Complaint against Respondents Preserve Democracy ("PD"), Kelly Tshibaka, and Alaskans for Honest Elections ("AHE").

2. In February 2023, I recall watching a video on Facebook Live of an event that PD hosted at Bell's Nursery in Anchorage, Alaska. In that video, I recall Ms. Tshibaka mentioning AHE's petition, saying to the effect of the petition for 22AKHE "is very important to support." I also recall Ms. Tshibaka saying that they have the petition "here to sign", meaning at the event hosted by PD. In anticipation of the filing this Complaint, I attempted to find the Facebook Live video, but it was apparently deleted by PD and is no longer available. My understanding is that PD has had AHE's petition booklets for attendees to sign at other subsequent events as well.

3. My wife and I are both "super voters" in Anchorage municipal elections. I believe I have voted in every election, including every Anchorage municipal election, since I moved to Anchorage in the fall of 2003. I am a registered Nonpartisan voter, and my wife is a registered Democrat. Because of the frequency

that our household votes, we tend to receive a large number of campaign literature whenever there is an election.

4. I live in Assembly District 3. There was an Assembly election in April 2023 for my district, where Anna Brawley and Brian Flynn were running for the Anchorage Assembly. Neither my wife nor I received any of the get-out-the-vote mailers distributed by PD during this year's Anchorage Assembly race.

FURTHER AFFIANT SAYETH NAUGHT.

Scott M. Kendall
Alaska Bar No. 0405019

SUBSCRIBED AND SWORN to before me on this 17th day of July, 2023, at Anchorage, Alaska.

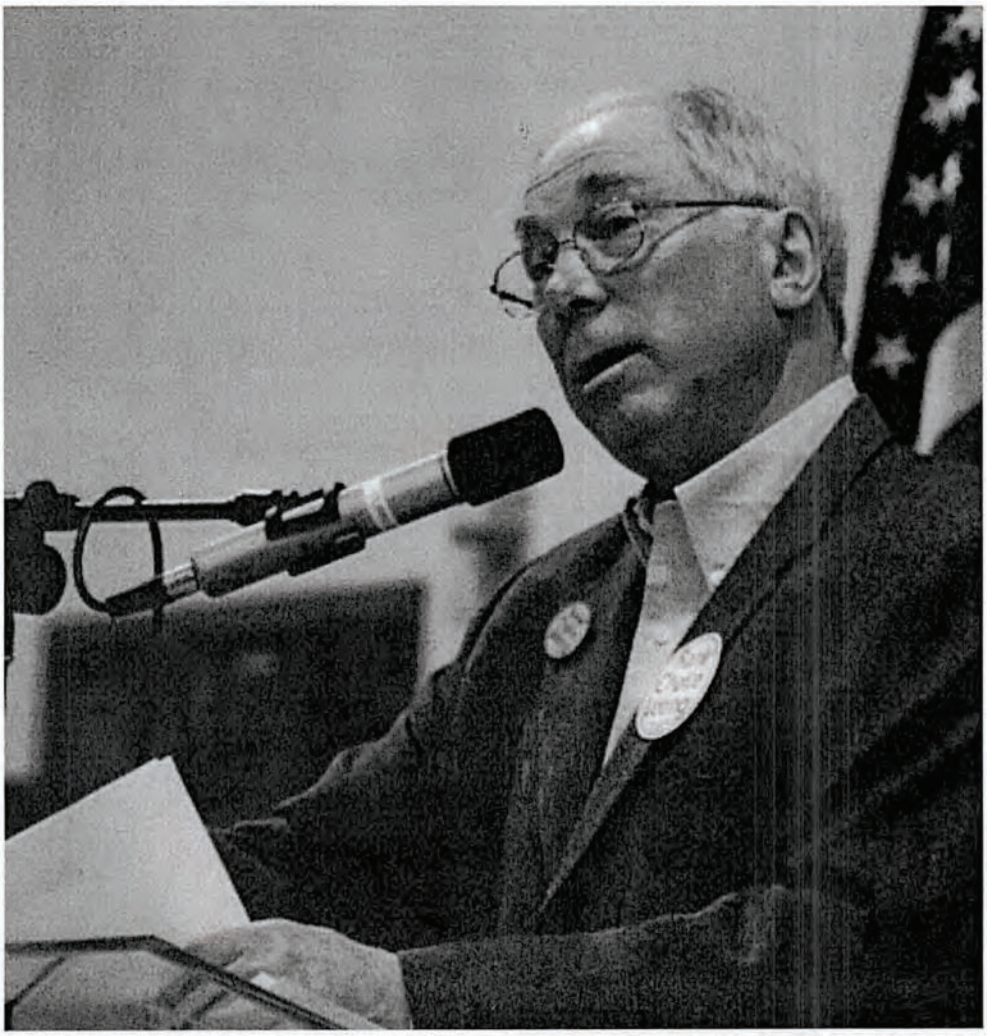


Notary Public in and for Alaska
My Commission Expires: 4/5/25

ALASKA PUBLIC MEDIA PBS npr

Launch of campaign to repeal ranked a crowd in Anchorage

By **Liz Ruskin, Alaska Public Media** - February 17, 2023



Art Matthias speaks to voters at an Alaskans for Honest Elections event on Feb. 16, 2023. (Elyssa Loughlin/Alaska Pub

Exhibit A
Page 1 of 3

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SOA02012

A few hundred people met at a south Anchorage church Thursday night to kick off a signa and go back to the way Alaska used to elect candidates.

The new system, which Alaskans used for the first time last year, pairs an open primary v to four candidates.

Art Mathias, a longtime Anchorage resident and founder of Wellspring Ministries, is a spo ranked choice puts the entire country at risk.

"Literally, seriously at risk," he said. "If we don't replace rank choice voting, we will neve Outside corporations coming up and buying our candidates and buying our elections."

Mathias said he's donated $100,000 to the effort, and the campaign has raised $400,000

Fans of ranked choice say it empowers citizens to vote their conscience, without worrying

The system tends to favor consensus candidates and lessen the power of political parties conservatives at a disadvantage to liberals. Last year, Alaska re-elected its Republican go Legislature.

Ranked choice changed the outcome in only three Alaska races. In two of those, the tabu candidate who got the most first-choice votes kept the lead, even after the votes that we to the voter's choices.

Mathias and other speakers at the kickoff event put the repeal campaign in culture-war t transgender people.

"They keep preaching that a man can get pregnant until we believe it. You believe it?" Ma can this be? And we can't let it go. We got to stay engaged. We got to get engaged, or it' yourself?"

Other speakers included Republican fundraiser Michael Alfaro, a North Carolinian who fou presidential runs. Alfaro had said former Gov. Sarah Palin was to be the keynote speaker advisor, Jerry Ward, said she was on a flight and couldn't arrive in time.

Organizers will need 27,000 signatures to get the initiative on the 2024 ballot.

A poll by Alaska Survey Research last month found a majority of Alaska voters would rep future election.

https://twitter.com/IvanMoore1/status/1618437311188078593?s=20



Liz Ruskin, Alaska Public Media

Liz Ruskin is the Washington, D.C., correspondent for Alaska Public M
Anchorage. Reach her at lruskin@alaskapublic.org.

AK Entity #: 10215554
Date Filed: 12/06/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

THE STATE of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

Articles of Incorporation

Domestic Nonprofit Corporation

Web-12/6/2022 7:13:04 PM

1 - Entity Name

Legal Name: Preserve Democracy

2 - Purpose

To preserve the fundamentals of our democracy--election systems should be simple to understand and accessible to all Americans.

3 - NAICS Code

813311 - HUMAN RIGHTS ORGANIZATIONS

4 - Registered Agent

Name: Kelly Tshibaka
Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501
Physical Address: 16036 Hidden Creek Ln, Anchorage, AK 99516

5 - Entity Addresses

Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501
Physical Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

6 - Officials

Name	Address	% Owned	Titles
Heather Gottshall	1349 Jackson Dr, Anchorage, AK 99518		Director
Simcha Weed	P.O. Box 9000, Brownsville, TX 78520		Director
Stuart Gates	11161 E State Rd 70, Unit 110-905 Box 905, Lakewood Ranch, FL 34202		Director
Heather Gottshall			Incorporator
Simcha Weed			Incorporator
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Name: Kelly Tshibaka

TESTIFIED BEFORE ALASKA LEGISLATURE

On March 28, 2023, Preserve Democracy's CEO Kelly Tshibaka testified before the Alaska House State Affairs Committee in support of H.B. 1 to repeal Ranked Choice Voting

AK Entity #: 10215554
Date Filed: 05/17/2023
State of Alaska, DCCED

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Division of Corporations, Business, and Professional Licensing
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Domestic Nonprofit Corporation

Initial Biennial Report

Entity Name: Preserve Democracy

Entity Number: 10215554

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515

Mailing Address: 1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Kelly Tshibaka

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Kelly Tshibaka	1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515	N/A				X		X	
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Name: Kelly Tshibaka

Tshibaka On "The Must Read Alaska Show"

Transcript Produced Thu, Jun 15, 2023 3:44PM • 29:53

SUMMARY KEYWORDS

alaska, people, state, anchorage, happened, election, rank choice voting, florida, voters, turn, ballots, campaign, districts, republican, year, absentee ballots, kelly, voting, conservative, stand

SPEAKERS

John Cook, Kelly Tshibaka

00:10
Hello there Alaskans wherever you are. Welcome to the must read Alaska Show coming to you from somewhere in Alaska. This is the place where we talked about, you guessed it, Alaska, where we keep the mainstream media on their toes and where we are standing up for what's right and a world run by leftist. You can find out more by heading over to BuzzFeed alaska.com and also checking out the must read Alaska YouTube channel for some really great content. But first, let's get this party started.

John Cook 00:41
Welcome everybody to the mustard Alaska Show. I'm your host John Cook coming to you live from somewhere in Alaska. And man yesterday was just a beautiful day here on the Kenai Peninsula. We talking about almost a full day of sun this is a miracle him yet to have that happen. It seems like for a year here on the Kenai Peninsula it has, I don't know, maybe it peaked out 60 degrees yesterday. So man, we were outside getting the Tana was amazing. I hope everybody's having an awesome summer so far. And I want to thank everybody for listening, watching and reading must read Alaska. We do this so that we can spread conservative news for all the nooks and crannies of Alaska. And if you want to help keep the lights on here at mustard, Alaska, we would really really love that. We're not funded by some dark web nonprofit money conglomerate. We're just funded by everyday folks who care about conservative news in Alaska $5 $10 $100 of the time, keeps the lights on here at mustard, Alaska. So if you head on over to must read alaska.com on the right hand side there, there's a little donate button, click on that. And feel free to donate, you can also sign up for our newsletter there. And the majority of all of our content is free for you, which we really strive to do. But without further ado, our very special guest today. Kelly Chewbacca, former commissioner of administration for the state of Alaska, former government watchdog guru for in Washington, DC. And Kelly, welcome to the mystery Alaska show.

Kelly Tshibaka 02:08
It's great to be with you, John. Thanks for having me.

John Cook 02:11

Well, I'm super excited to come back on our readers are are big fans of what you're doing. And so we're kind of gonna get a catch up on what you've been up to over the last couple of months. But my first question out the gate is kind of a big one. But you can kind of go any which way you want with it. But what is your take on the political landscape of Alaska? You know, you've had a chance to probably hang out with all the folks in Alaska, you've been literally all over the state, you know, back and forth times 10. What is your take on the political landscape right now in Alaska?

Kelly Tshibaka 02:46
That's a really good question. A lot of people after November 2022, I think in Alaska are feeling really discouraged, at least from our team. And I know of at least 20 Republican leaders across the state who have actually moved out of state permanently since January of this year. I think that that is very unfortunate and discouraging. That's not just your conservative families, your pillars in the community, who would be people who could be potential candidates are a strong voting base. These are people who've actually run for office or held office, in the past leaders in the Republican Party, people who we would know that are listening to this podcast right now they've picked up and gone to Republican states like Texas and Florida, and decided that there is really no future in Alaska. What I think that means for us is if we don't have people here holding the line, and in sticking our flag and taking a stand, then there isn't going to be a way to maintain what I think is our our strong convictions in Alaska for what Alaska stands for, which is freedom and economic prosperity, the future of our country, I really believe that this is the land that powers America with our energy that creates America with our minerals, feeds America with our fish inspires America with our tourism, protects America with national security. We are the front lines and the resource for a free United States of America. And the only way that we can be all of those things is with the principles and values that conservatives stand for. And it's not going to be through things like government welfare, government handouts, and government control and government overreach, which is what other parties in principle stand for. And so I think it's really important that we have a conservative base up here that stands for economic freedom, economic prosperity, free economic principles, and a social value set that really emphasizes the family as the the base unit of America for economic principles. It's a base, the base economic unit and the base Community Unit that forms the nation, you can have the family without a nation, but you cannot have nations without families. And I really think that that's something we stand for. So I would really love to see us as, as a state. And the people who are listening to this podcast, to continue to use our voices and to continue to stand together to hold the line to not lose heart, I think the only way we lose is by giving up. And unfortunately, I see a lot of people doing that just in fatigue and frustration and discouragement to say, You know what, I'm just one person, it doesn't matter. But when enough people say that it actually does matter. And we started to see that even in 2022. I think something interesting, it's not the question you asked, but I'll throw it out there, John. The reason why we lost so many elections, including mine in 2022, is not because of specifically rank choice voting. And it is not because of so much money and dark money that was spent, it's actually because our team forfeited the game. When you go when you look at the data of what happened in the race, because elections are really just data games. We did an unfortunate job of just not showing up to vote in last year's election, when we had the lowest voter turnout in state history across the board. And when you look at the numbers of who came 19,000 Super voter Republicans, people who vote in four out of four elections, doesn't matter what election it is, did not show up in 2022. If half of those voters had shown up, I would have won the election. Not only that, but Juneau wouldn't be able to caucus Democrat in the Senate,

we probably would have had a different turnout in the US House race. Those are the kinds of consequences that happen. When we just decide, well, it's already predetermined, there's no way we can win, let's throw in the towel and forfeit the game. And that has huge consequences for the future of Alaska. Because then when certain policymakers come in power in the Senate and the House, in statewide elections, and then in Juneau, certain policies are made when it comes to resource development and jobs, the economy, social values, schools and taxes. And then people leave the state. And all of a sudden, you see the state turning blue really quickly. But why did it? And the answer is because we just didn't show up to an election. That's a pretty pathetic reason to turn Alaska blue.

John Cook 07:48
Yeah, it's a bummer. It's we were talking about a couple days ago. And, man, I I'm hopeful still, but man, that was a tough pill to swallow. So, you know, we look around Alaska, and we see these things happening. We, you know, it's definitely turning more purple by the day. And it seems like the economy's in the crapper still, and people, you know, local elections aren't even going the way people would like. So what what are you hopeful for what, you know, keeps you going because you obviously haven't given up so what what is it that drives you to get out there and get get after it still,

Kelly Tshibaka 08:30
I believe one person can make a huge difference. And that person doesn't just need to be me, it can be each one of us. And what I realized after the election is two things. One, I don't need to be a senator to continue to pursue those same goals that I had on the campaign and that our entire team of volunteers was working towards. So I'm pursuing those goals through the private sector. We're started a consulting firm, we're doing things like affordable housing, and helping to spur on our economy and generate economic development in Alaska. And it's going really great. And I'm excited about that. It's and that's one of the reasons I've been traveling the state. The other thing that I'm working towards is one of the pillars we were working on in the campaign, which is election integrity, making sure that our elections are on track, and that we do things like increased voter turnout. And I'm advocating with the legislature and with the help of a lot of people who are listening right now to overturn rank choice voting, because the more that we've looked into what actually happened last year, I do think that there's a strong correlation between the onset of rank choice voting and the lowest voter turnout that we saw in state history. And so there is a correlation there with voter suppression. And it didn't just happen on the Republican side. It happened on the Democrat side as well. It happened in rural Alaska, and it happened in rail belt Alaska. And so the legislature knowing that we're having this extreme decrease in voter participation as a result of of rank choice voting happening. And so one of the things we're doing right now is we're preparing to do a statewide poll to figure out exactly why Alaskans have stopped voting so that we can diagnose that accurately. And going into 2024, which is just a year and a half away from today. I'm trying to do everything we can to increase and maximize voter turnout, so that the people who are elected are the best reflection of the will of the people in the constituents here in Alaska. And not just 40% of the people who are voting in Alaska, which is what happened in 2022. That's what we're working towards. And I really believe that, as I'm going around and talking, there is a spark that's starting to light again, in the people across the state and people are starting to see, wait, there is something we can do about it. We didn't know that it was it was simply a discouragement factor, if you will, that happen in 2022. And there is some hope here and we can actually galvanize and do something about it. So I'm starting to see people get prepared for 2024, which is probably going to

take a lot of door knocking and a lot of significant effort in getting ballots in. So for example, I was just in Fairbanks for several days talking to a lot of different Republican groups up there. And one of the things that we talked about is changing our entire mindset around absentee ballots. And I'll give you a story, John, I talked with the teams in Florida and this has come up several times. This even came up at the young Republican gathering that just happened this past weekend when they brought up DC Drano who's a very significant social media influencer, who now lives in Florida, came up with them and came up with the people who've actually been handling the transition in Florida. Remember that Florida used to be a toss up state back in Bush versus Gore, it was a purple state, we never knew how Florida was going to go. It is not that state anymore. It is now a bright red state where their governor DeSantis is winning by 20 points. It is a bright red state. And all of this despite the fact that all the media outlets in Florida are actually liberal. So the question is how in the last 20 years has Florida gone from being a toss up state to a bright red state? It turns out and I dug into this after the election to figure out how do we how do we get Alaska back on track. It turns out that their Republican Party's actually focused heavily on moving towards absentee ballots for all registered Republicans in the state. And that's a little bit different than maybe what the messaging is that we've heard in the last several years. But what Florida figured out is when you have absentee ballots in everybody's hands, it's like having that gadget on our charter fishing boats on the Kenai River where you can see all the fish in the river under the boat, versus being on that charter boat where you can't see what the guides telling you. Oh, trust me, I know where the fishing holes are. Which guy do you prefer to fish with? The one where you can see all the fish under the river. And you know, you're over the fishing hole, or the guy who's saying, hey, trust me, I know where everything is, when it's our job to bring the ballots in, we want to go with a guy who can show us where the ballots are. And that's what absentee ballots do. When everybody has absentee ballots that means every single campaign, so local campaigns that you know, campaigns, the GOV campaign, the house campaign, the US Senate campaign, plus every independent expenditure group can see exactly who has a ballot, where they are and which ballots need to be targeted. So they can target all their campaign messaging, their door knockers, etc. To go to those voters to make sure those voters turn in their ballots, which means you have a much more likely ratio of turning those ballots in a much higher percentage of those ballots being turned in, than if you're just hoping and praying that on election day, your voters turn in ballots, it's just a much higher risk that the fact is Republican ballots or your voters are not going to get their ballots in on election day than if you can actually see where the ballots are, target them and bring the votes in. It just makes sense. And so all of these voters and and ballot leaders and campaigners in Florida are telling us, Look, if you really want to mobilize your vote in 2020 for Republicans put in for absentee ballots. It's the smartest thing you can do work as a team, maximize your your donation dollars. If you're giving 10 bucks to a campaign, it's gonna go a lot further, if everybody registers for absentee ballots in 2024 than if you just kind of hope and pray that everybody goes into the polls and precincts on election day because something always interferes sickness or work or kids or something. So register for absentee ballots, we have a much stronger likelihood of being able to win our elections that way.

John Cook 14:54
That's awesome. So you've, you've been around the state like we've talked about, you have this new thing you're doing called preserve democracy, not necessarily new, because you've been doing it now pretty much since the election was over. So give us give us a little update on that just preserve

democracy. I know that you're working really hard at educating people on rank choice voting. So how's that been going?

Kelly Tshibaka 15:20
First, I want to say thank you to all of our donors and supporters for helping to make this happen. We've been extremely busy when going around the state doing education campaigns, and helping everybody understand what happened in 2020. To what we've been hearing what's going on what the data says. So those tours have happened in southeast the peninsula, the valley, Anchorage, Fairbanks, that's gone really well. I testified before the Alaska State legislature on House Bill one, which is to repeal ranked choice voting. So everybody listening those bills, House Bill one and House Bill four, which both support overturning rank choice voting, those are still pending. So you can contact your legislators in the Senate and in the house and tell them that you support House Bill one and House Bill four to overturn rank choice voting. If you need talking points. My presentation is on our website at preserve democracy.com. And you can look at that PowerPoint presentation under a resource and figure out what some of the talking points with the data could be that you could use with your representatives. Another thing that we did is we ran a Get Out the Vote campaign in the anchorage Muni race. The idea behind this was to do a pilot project, John, to figure out can we actually mobilize voters to vote, because we saw in 2022, we had such strong voter drop off. And so we use some of the same methods and techniques that they were using in Florida, we'll use one of the top analytics firms data analytics firms in the country, to target voters who normally vote in every four year elections or the two year elections. Maybe they don't vote in Muni races, but they could be prompted to vote. And we just put a ton of money into it. Thank you donors for helping with that. And we used 1000s and 1000s of text messages. And digital ads will use dozens of phone calls to each voter, and mailings. And we targeted just two districts to because it's just an experiment. And what we saw is that it didn't move the needle at all, those districts didn't have any higher voter turnout percentage than the other districts, which was extremely surprising and disappointing. But also helpful, because what it shows us is that the typical methods used to drive voter turnout in the past, despite the high quality campaign, the proven methods and the ton of money. It's not moving Alaskan voters and Anchorage is 40% of the state. That's helpful because in 2024, it means if you were to drop millions of dollars on text messages, and phone calls, and mailers and digital ads is not actually going to increase voter turnout. So what is going to increase voter turnout, that leaves us with door knocking, which we saw actually did make a difference in my campaign, turning in ballots themselves. So helping people collect their ballots and turn them in. And it's going to require some answers to this poll that we're going to put out to figure out why people aren't voting so that we can actually get to the root cause. And so that's why we're doing the poll. The last thing that I've really been involved in and this has been, I think, extremely helpful and persuasive. There are a lot of other states that are considering rank choice voting, they have ballot initiatives or their state legislators are considering it. And what they're looking at is Alaska, and quote how well ranked choice voting turned out in Alaska, based on some propaganda from some pro ranked choice, voting organizations that are funded by special interests. And so we've been able to provide them just with the data of what actually happened here. Like, for example, the lowest voter turnout in history, or the fact that we had 75 candidates running for just three statewide offices, and we had no ability for our parties to screen or vet their candidate candidates in the backgrounds to even let people know whether the candidates lined up with the parties or vet out false candidates, we had a Hollywood actress move up here, change her name, and take on a big Alaska identity a couple of times, yes, exactly. And run for

office, but nobody was able to even screen or read that candidate, or let Alaskans know this person's fake. And so those are some of the things that happened up here because of our new system, that we're able to tell other states and their legislators, these are this is what rank choice voting is allowing to happen. So that's what we're dealing with preserved democracy. But you can learn more at preserve democracy.com If you need resources, or if you want to help support us.

John Cook 19:55
So let me walk myself through this strategy. Just so I can understand it, because I'm just now thinking about it. And I, and I think it's something that we haven't done in Alaska. So, absentee ballot chasing, let's say, you know, there's a dozen people out there knocking on doors, they knock on the doors of Republicans, they help them register as an absentee ballot person. And then they follow up with that person during the week or two before the election to either help them turn in the ballot or mail it on their behalf. Is that kind of some of the strategy that happens in Florida?

Kelly Tshibaka 20:33
Yes, exactly. You got it right. And even in the beginning, I'm not sure that you need to go and knock on their door to help them register as an absentee that could be done through phone calls, or even through mailers, or in the republican district model districts can do that. Districts can own their own data sets and really mobilize their own districts to get their Republican people to register with absentee ballots.

John Cook 21:02
That's awesome. If you are in leadership in the republican district, and you're listening to this, that is a strategy that I don't know anybody's doing in Alaska. And man, that could be a game changer. So kudos to you, Kelly, for gleaning from Florida and figuring out kind of what set them apart because, man, that just makes total sense. So

Kelly Tshibaka 21:25
like the Florida people have said, John, again, think of it like the fish model, it tells us where the fish are. The Florida people have said if we implement this in implemented effectively, we could turn our state 20 points red, and in minimum 10 points right across the entire state. That's what our population demographics tell us. That's what we have here as a bench. My concern is, if we don't turn on this quickly, what we'll see is a continual attrition of not only Republican leaning leaders, but also Republican leaning families. And I saw that even during the campaign, as I was knocking doors, I was seeing people I was knocking moderate doors, right people I was trying to persuade, but people who otherwise would be voting for me moving out of state and leaving before November, because they were just so tired of the quality of life and Alaska anymore. The schools and the public safety, were just so draining for them. And sometimes it's jobs and economy. It wasn't worth living here anymore. They moved up here, sometimes with a military moved up here for work or better quality of life. And the conditions they're living in, especially in Anchorage, were just getting so bad, it wasn't worth it. And they were moving back to other states that we're offering them something better. And we were just we're losing a lot of really good people. And we don't have a lot to offer them. Because the way that our cities are being led the way that our state is being led, and economic opportunities drying up. The school systems are leaving a lot to be desired when our math and literacy proficiency is below 30%. And we've got a lot of crime and home, especially through anchorage homeless, homelessness challenges that

are exposing our families and our children to a lot that parents don't want them to see. And so really good people and families are leaving, you know, by a lot. We kind of stopped that trend. We need good leadership throughout the state school boards, assemblies, mayors in Juneau, all the way up to the top.

John Cook 23:34
This is great. I think that, especially during the last election, we had lots of districts that wanted to help very badly, they were doing everything they could do do but they didn't have a tool to really go after and the the the main people in the Republican Party of Alaska, were definitely not giving them any direction. And so this could give districts something to target and man, you know, most of these districts could could, you know, really do some amazing work with with this to focus on so that's pretty exciting. Last question to you this is this where we went by 30 minutes pretty quick, Kelly, you know, how important is it? Do you think for folks to get involved in the local elections, even community boards or those kinds of things? Because I think that's one of the areas that I think conservatives have just kind of not really done, either not had time to do or not really cared about or both. And so it becomes a farm team for the other side of, you know, all these community boards and Anchorage and local, you know, school boards all across the state to try out their policies and beliefs and then make it on to, you know, state house or State Senate. How important is it for conservatives to get involved in these local boards and community groups? I

Kelly Tshibaka 25:00
think it's incredibly important. We would be surprised how much of our daily life is actually affected by local policy, what's happening on the the little boards, if you will, or the school board or the assembly. And we don't follow those so much. And so we don't know we think a lot more as affected by state law, but it's actually isn't it's affected at the local level. I'll give you an example. the Anchorage School Board has a budget that is twice the size of the Anchorage assembly. What does that mean for the average Republican who's listening, they affect twice the amount of your taxes as the Anchorage assembly. And so all those people who you're not voting for, and you don't really know what their name is, and you don't really know what their background is, or how they politically lean that your property tax going up right there. And so when they're putting out bonds, and what does that bond mean? And remember, when they promised us that if you vote for this 86 kazillion dollar bond, they won't ask for any more next year. And they've asked for more the next two years. Yeah, that's your property tax. They're pricing us out of our homes in Anchorage while we're all fleeing to the valley or fleeing to the peninsula. And that's all school board people. Fortunately, John having watched what happens in Fairbanks in the peninsula, and in in Anchorage, and knowing these people, we actually have really good candidates running for these offices, we just have really bad voter turnout on our team. Interestingly, there have been articles in The Atlantic, in Politico, etc, where the Democrats in Alaska have laid out their blueprint for taking over Alaska. And sir, over the last 115 years, these blueprints have been laid out in these liberal publications. And they start with leaves little local elections, where conservatives aren't paying attention will take over the school boards, and the City Council's will take over the the neighborhood boards, you know, you see those little signs posted neighborhood council meeting. And they'll take those over, and they'll train up their bench of leaders, and then they'll just gradually progress them to the next level of leadership, school board assembly, and then they'll run for June now, then they'll take over governor, and then they'll take over the US House of Congress, and they'll take over US Senate. It's working. Have you noticed? Um, so I think we need to understand if you don't believe me, believe them. They've

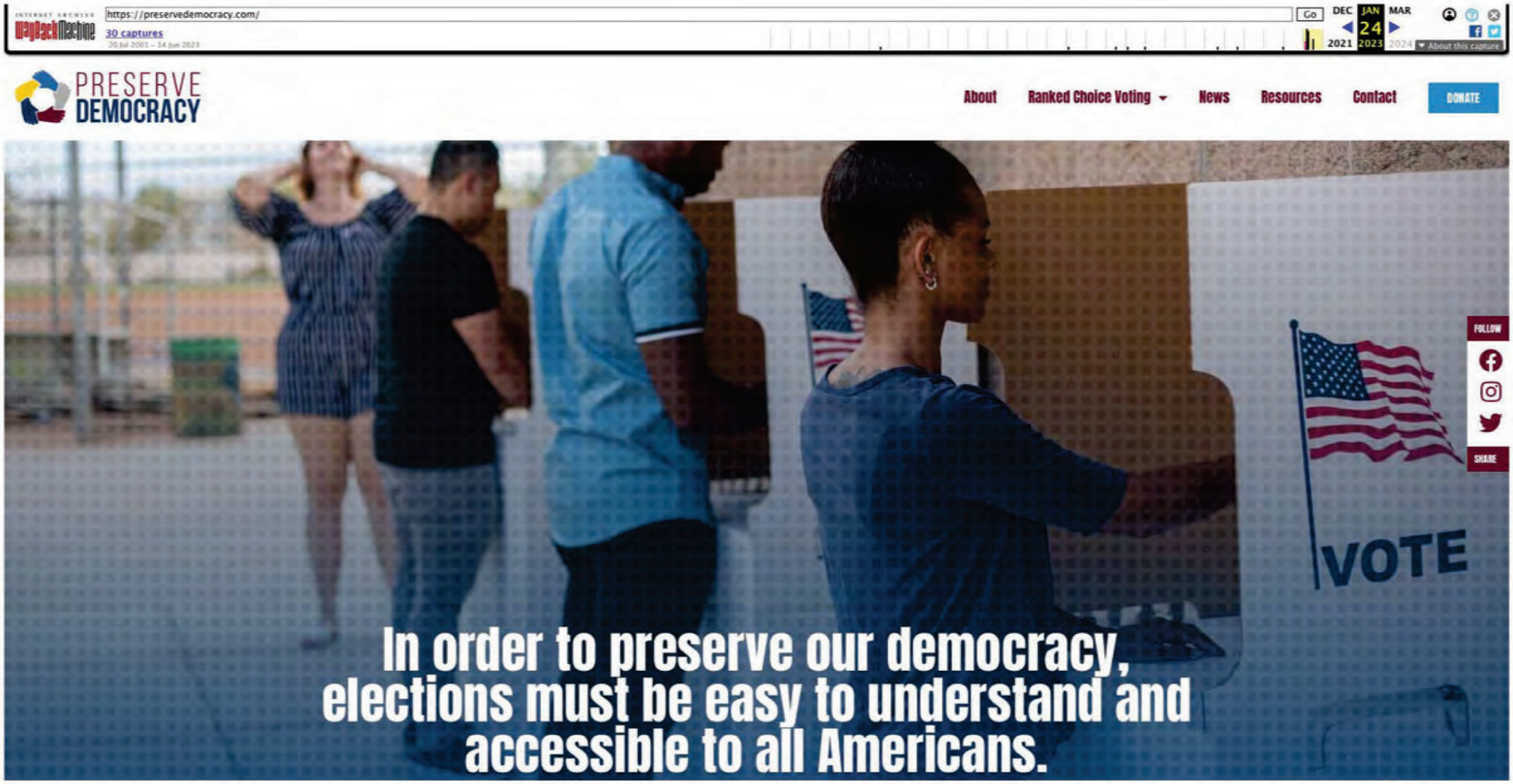
been executing this strategy over the last 10 to 15 years. And they've been graduating up the ranks Forrest Dunbar and people like Mary Portola, people whose names we've been like, what I don't recognize that name. And they've been going from these little tiny no name positions, very quickly escalating them up into Statehouse positions. And then they intend to take over our US Congress and US Senate positions, and then all of Alaska, it won't we won't be purple or slightly pink, we're going to turn bright blue. And it'll feel like it happened overnight. They did the same thing in Oregon and Washington. And we're next. And so how important is it extremely important, not just for us to run, but for us to support and be involved.

John Cook 28:08
Well, I appreciate you joining us, your Kelly, any last minute thoughts here before we head off.

Kelly Tshibaka 28:13
I have a lot of great hope for the future of Alaska, but it's going to be for us to operate as a team. And that means donors continuing to support candidates continuing to run, volunteers continuing to help. And we've got to we've got to take a stand and plant our flag. And on that note, John, we will be announcing our husband, I will have a big announcement a little bit later this year to help encourage and inspire everybody on our team because we think we're we are continuing to be very committed to this cause and we're wanting to do our part. So stay tuned. coming more from the Chewbacca is in 2023.

John Cook 28:49
Nice. Well, I really appreciate you joining us. Kelly here on the must read Alaska show. And for folks listening in. Maybe you just cut the last half of this, you're gonna want to go back and listen to the whole thing. Because Kelly, Chewbacca shares a great secret sauce on how we can potentially win like elections all over the state in 2024. And for folks tuning in, you're also going to not want to miss the next couple episodes to I'm going to have three episodes today. Next, I'm going to have Senator Shelley Hughes here in about an hour or so. And then Senator James Kaufman later on today, and then lieutenant governor is going to be on Thursday morning. So we've got a very packed week this week. If you listen watch and read must read Alaska. We want to thank you for doing that. If you want to help to keep the lights on here it must read Alaska, go to must read alaska.com on the right hand side there's a little donate button. Click on that. Every $5 $10 $100 helps us keep the lights on here. It must read Alaska. Until next time, I'm John quick from somewhere in Alaska. Thank you so much, Kelly for joining us.

Kelly Tshibaka 29:51
Thank you Bye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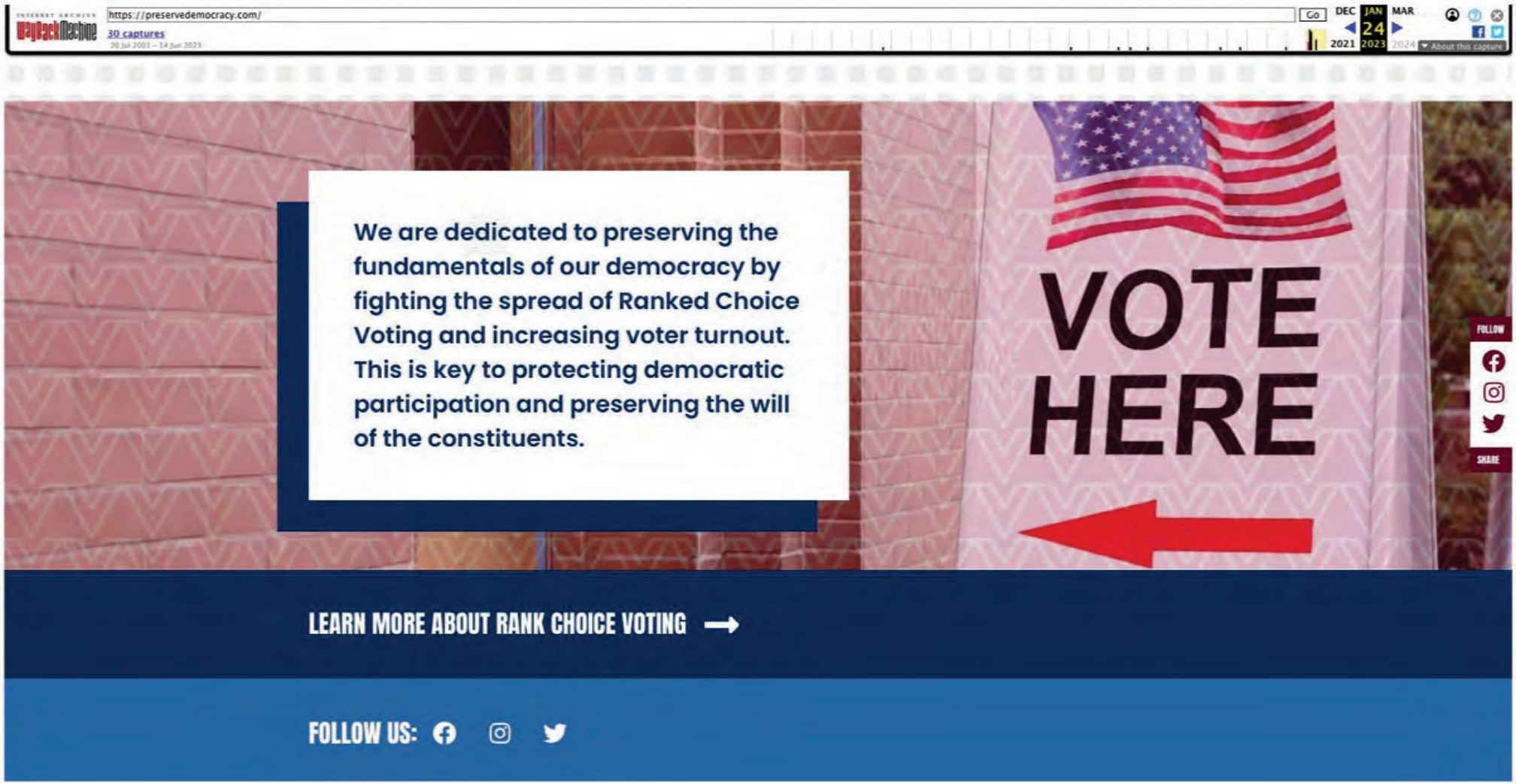
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We are dedicated to preserving the fundamentals of our democracy by fighting the spread of Ranked Choice Voting and increasing voter turnout. This is key to protecting democratic participation and preserving the will of the constituents.
VOTE HERE
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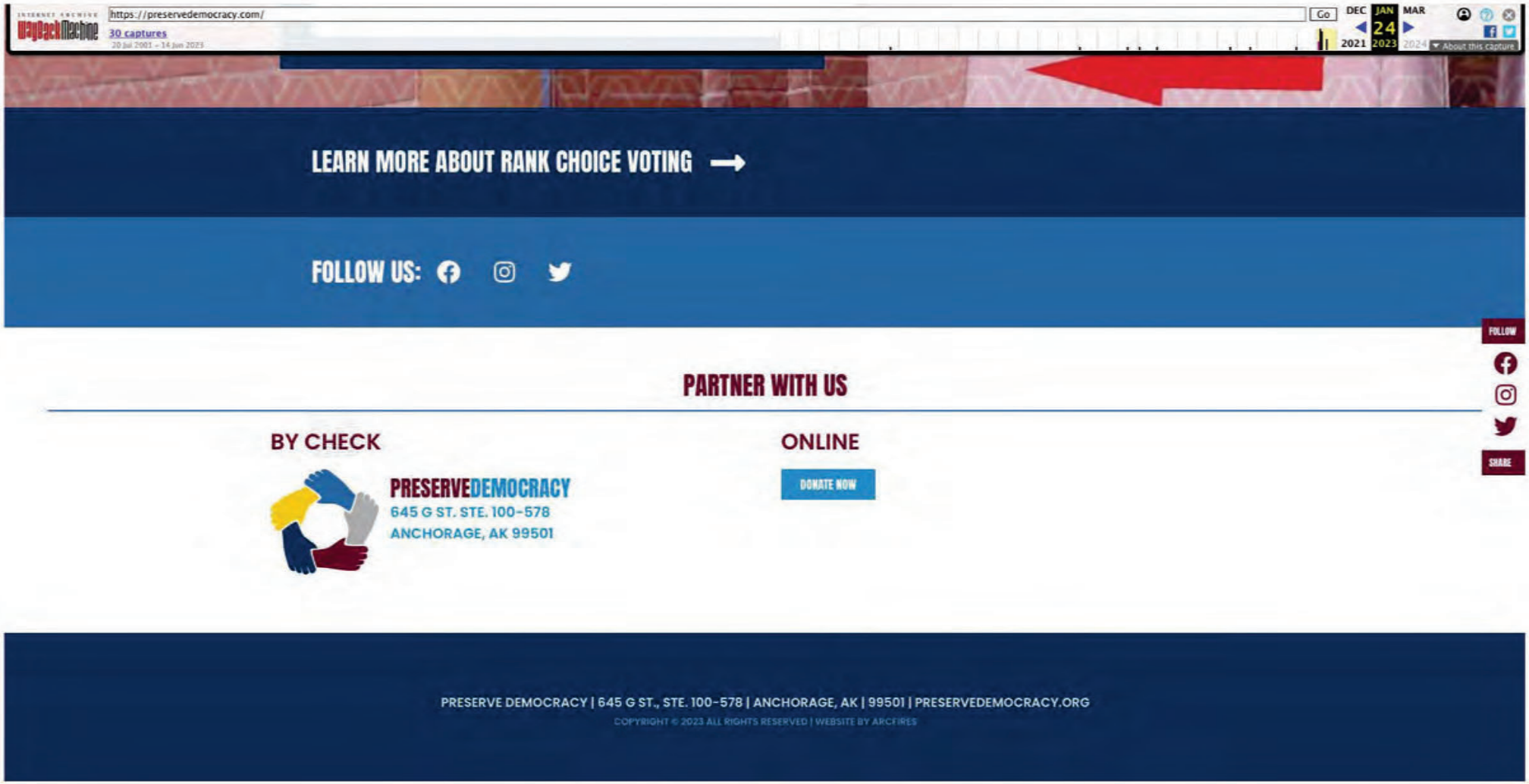
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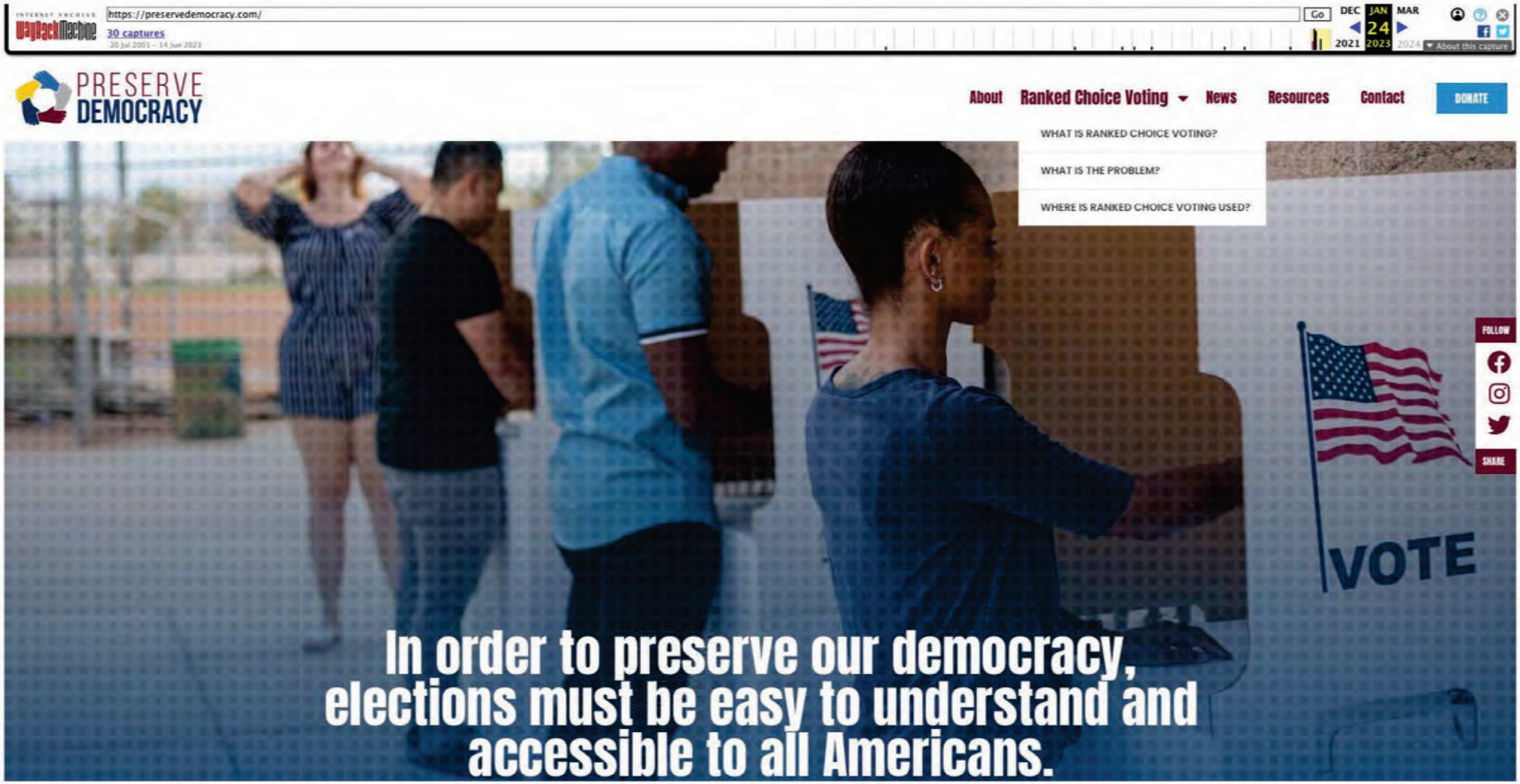
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About this capture
PRESERVE DEMOCRACY
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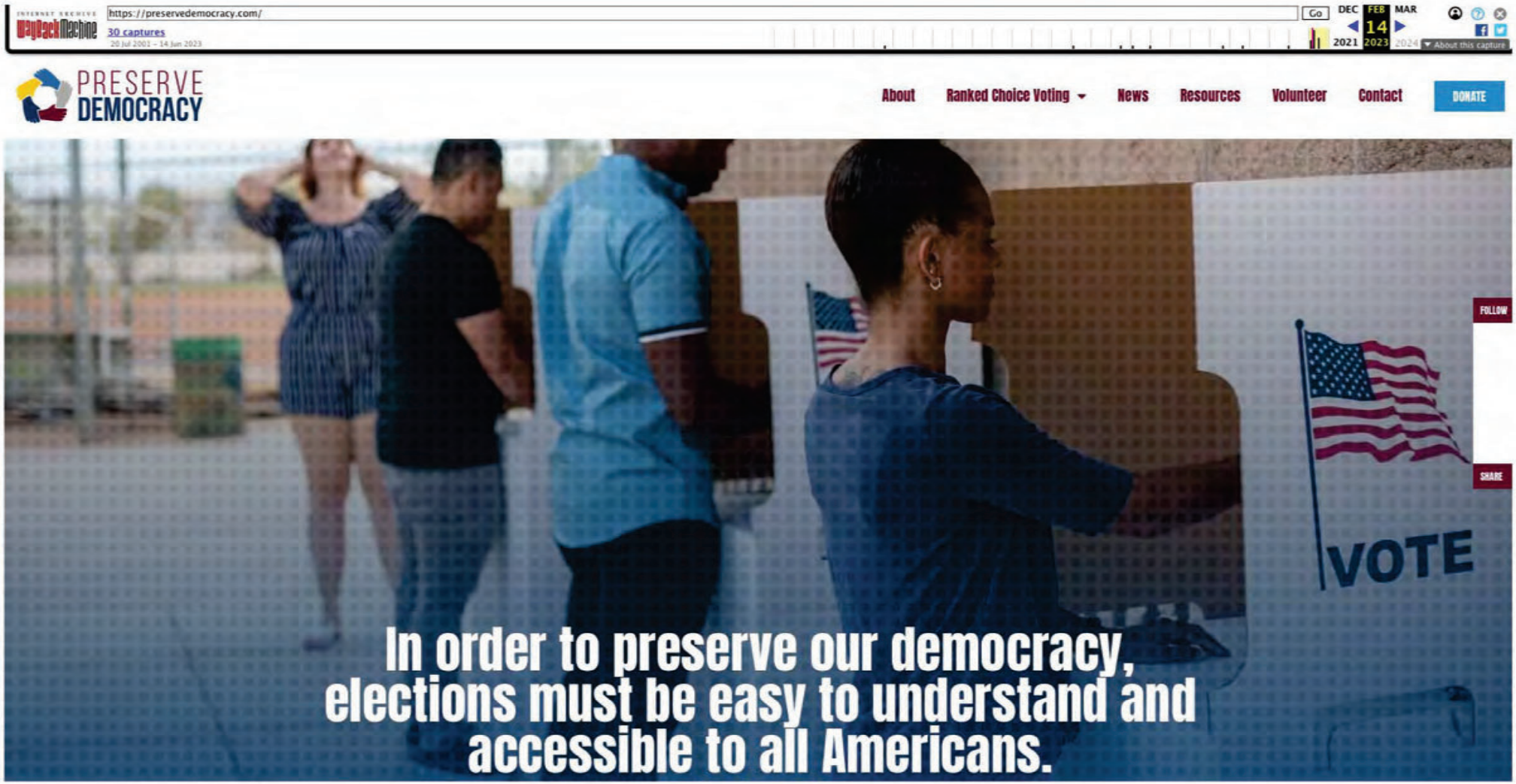
WHAT IS RANKED CHOICE VOTING?
WHAT IS THE PROBLEM?
WHERE IS RANKED CHOICE VOTING USED?
FOLLOW
SHARE
VOTE
In order to preserve our democracy, elections must be easy to understand and accessible to all Americans.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In order to preserve our democracy, elections must be easy to understand and accessible to all Americans.



RANKED CHOICE VOTING

Ranked Choice Voting (RCV) is a political weapon and emerging threat to our democracy. It is a complex, multi-step process that confuses voters, escalates negativity, increases costs, and results in voter suppression.

RCV is already in 28 states. In 2023, NBC reports that legislatures in 14 states are considering expanding or implementing RCV. And Congress has introduced a bill twice before to make RCV mandatory in all 50 states for U.S. House and Senate races. **If we don't act now, the entire U.S. election system is about to change**.

Preserve Democracy is a non-partisan group dedicated to preserving the fundamentals of our democracy by fighting the spread of RCV and increasing voter turnout. This is key to protecting democratic participation and preserving the will of the constituents.

FOLLOW

SHARE

We are dedicated to preserving the fundamentals of our democracy by fighting the spread of Ranked Choice Voting and increasing voter turnout.

GET OUT THE VOTE

Thanks to the support of Preserve Democracy donors, we are running a Get-Out-the-Vote pilot project in Alaska. We're using innovative methods to see how we can successfully increase voter participation in a state that had record low voter turnout just 5 months ago.

We are launching over 14,000 text messages 20,000 phone calls, 14,000 mailers, and thousands of digital ads. The more donations we receive, the more we can do!

6×9 PD GOTV Mailer 01

6×9 PD GOTV Mailer 02

6×9 PD GOTV Mailer 03

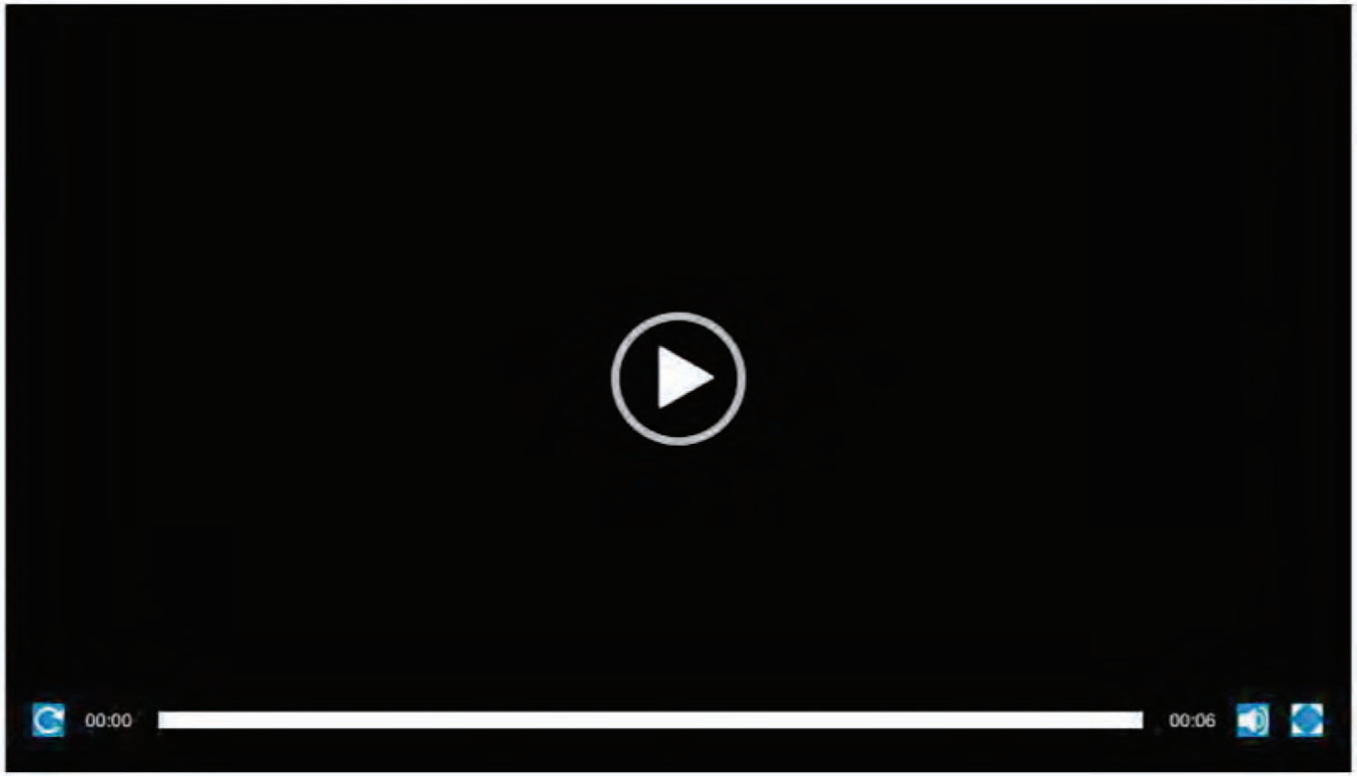



Exhibit I
Page 1 of 6

SOA02036

The next Regular Municipal Election is April 4, 2023

This is NOT a Ranked-Choice Election

1. Once you receive your ballot package in the mail, mark your choice(s) by filling in the oval(s) with **black or blue pen** and then, place your ballot into the **secrecy sleeve** and then into the **ballot return envelope**.
2. Read and **sign the declaration** on the ballot return envelope.
3. Return your ballot by **mailing it** through the U.S. Postal Service with first class postage, by returning it to an **Anchorage Vote Center** (AVC), or place it in one of the **secure drop boxes below**:

ASD Education Center
5530 E Northern Lights Boulevard

Bartlett High School
1101 Golden Bear Drive

Begich Middle School
7440 Creekside Center Drive

City Hall
632 West 6th Avenue

Clark Middle School
150 Bragaw Street

Dimond High School
2909 West 88th Avenue

Eagle River Town Center
12001 Business Boulevard

Election Center
619 East Ship Creek Ave.

Fairview Rec Center
1121 East 10th Avenue

Girdwood Community Center
250 Egloff Drive

Loussac Library
3600 Denali Street, near Book Drop

O'Malley's on the Green
3651 O'Malley Road

MOA Planning & Development Center
4700 Elmore Road

Service High School
5577 Abbott Road

South Anchorage High School
13400 Elmore Road

Spenard Community Rec Center
2020 West 48th Avenue

UAA Alaska Airlines
3550 Providence Drive

West Anchorage High School
1700 Hillcrest Drive

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OUR ANCHORAGE
OUR HOME



You're Part of this City and
YOUR VOTE MATTERS

The next Regular Municipal Election is April 4, 2023

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Kelly Tshibaka @KellyForAlaska · Mar 29

Anchorage, remember to vote! So grateful for all who have helped Preserve Democracy launch this Get Out the Vote campaign. The community of voters will determine our future!



1 7 24 1,085

Exhibit J
Page 1 of 4

SOA02042



Kelly Tshibaka @KellyForAlaska · Mar 29

Anchorage, VOTE! Scott Myers, John Trueblood, Brian Flynn, Travis Szanto, Leigh Sloan, Spencer Moore, Rachel Ries. We need a fresh future; we need a fresh Assembly.



2 4 18 888



Kelly Tshibaka @KellyForAlaska · Mar 30

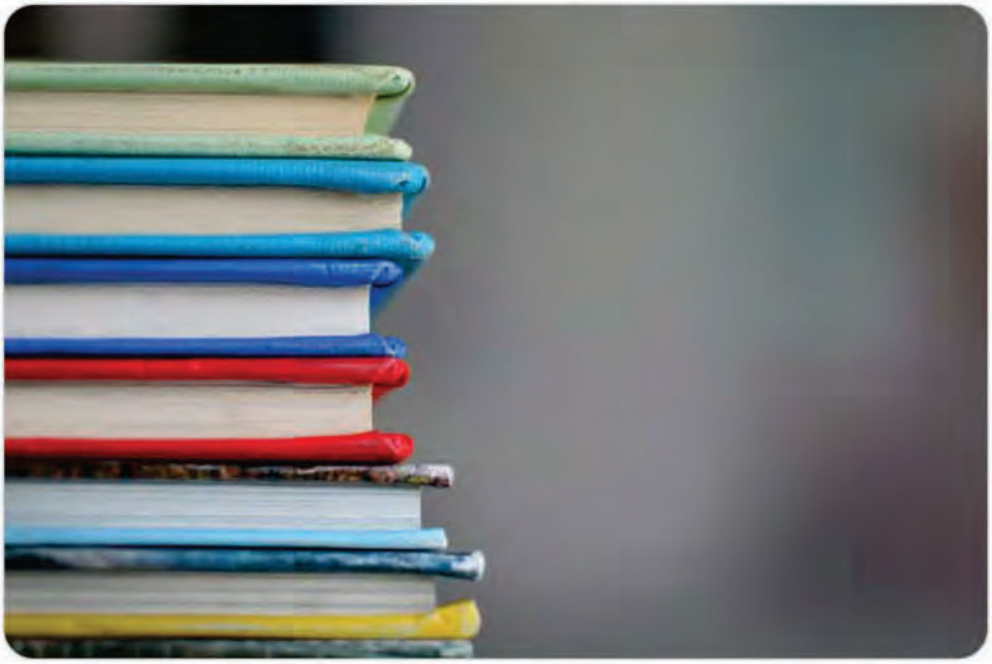
In the Anchorage Assembly race, 9% of voters have voted. That means if you vote this year, your vote could be worth more than 10 votes, Usually turnout is around 30%, making votes worth just more than 3 votes. Your vote really counts this year, so remember to turn in your ballot!



1 4 12 794

Kelly Tshibaka @KellyForAlaska · Apr 4

Vote DAVE DONLEY and MARK ANTHONY COX for SCHOOL BOARD.
Anchorage - Get Out the Vote!



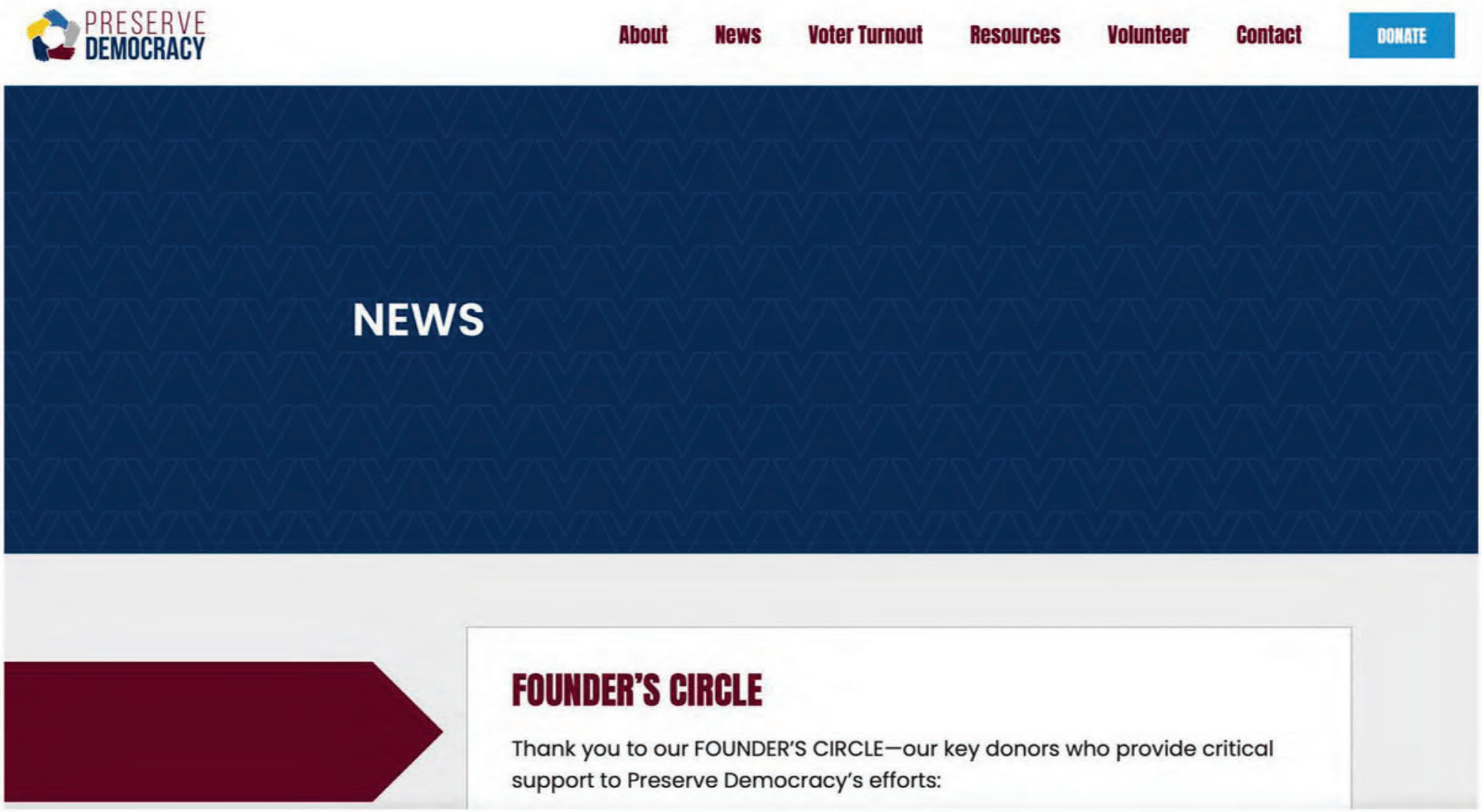
1 2 8 767

Kelly Tshibaka @KellyForAlaska · Apr 4

Join the community that cares about the future of Anchorage: Turn in your ballot today! Vote Common-Sense Republicans onto our Assembly:
Leigh Sloan, Spencer Moore, Scott Myers, Rachel Ries, Brian Flynn, John Trueblood, Travis Szanto



3 15 914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NEWS
FOUNDER'S CIRCLE
Thank you to our FOUNDER'S CIRCLE—our key donors who provide critical support to Preserve Democracy's efforts:

- Charles M.
- Daniel M.
- Charlotte W
- Karen P
- George K
- Lenora V
- Andrew P
- Art D
- Sally D
- Gary R
- John D
- Denise T
- Lou S
- Sam A
- Kathryn C
- Eva E
- James S
- Mark N
- David H
- Robert R
- Michael B
- James F
- John L
- James E
- David M
- Gabrielle K

- Clark E
- Erick H
- Alyce H
- Vicki M
- George D
- Dennis W
- Edward S
- Wiley B
- Burl R
- Carol C

PLATINUM FOUNDERS

Preserve Democracy recognizes and appreciates our Platinum Founders who make our work possible:

- Susan C.
- Lon N.
- Jimmy S.
- Michele H.
- Stephen H.
- William K.
- Burl R.

- James C.
- Lanet S.
- Gary K.
- Susan C.
- Damien S.
- William D.
- Gary O.
- Dr Robert D.

TESTIFIED BEFORE ALASKA LEGISLATURE

On March 28, 2023, Preserve Democracy's CEO Kelly Tshibaka testified before the Alaska House State Affairs Committee in support of H.B. 1 to repeal Ranked Choice Voting

GET OUT THE VOTE

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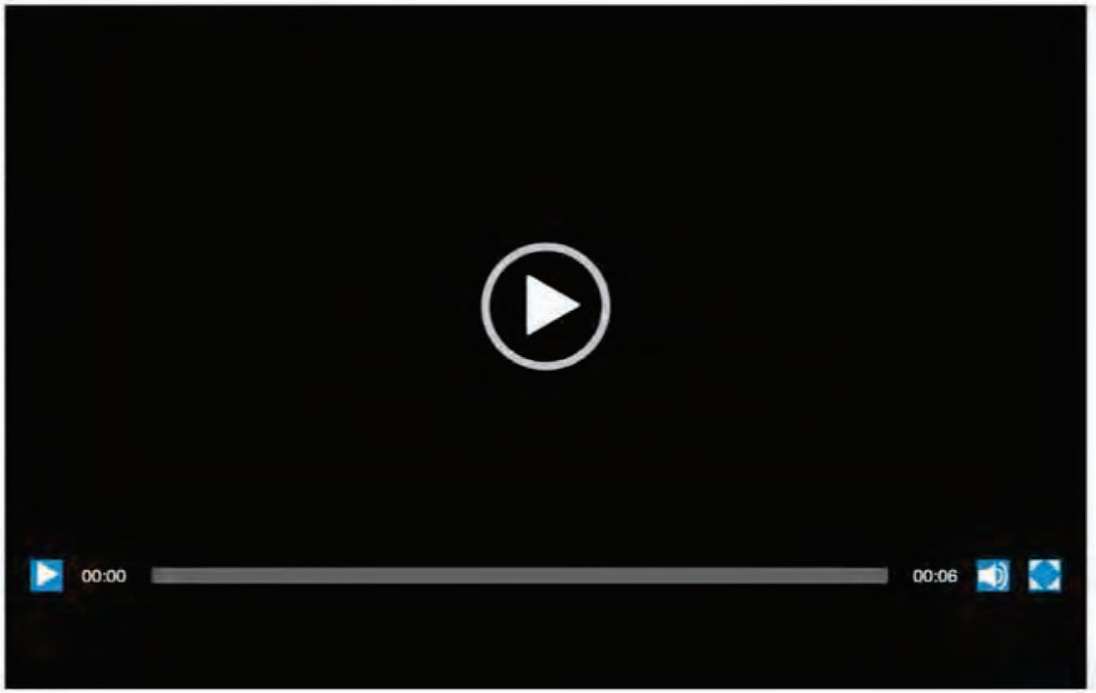
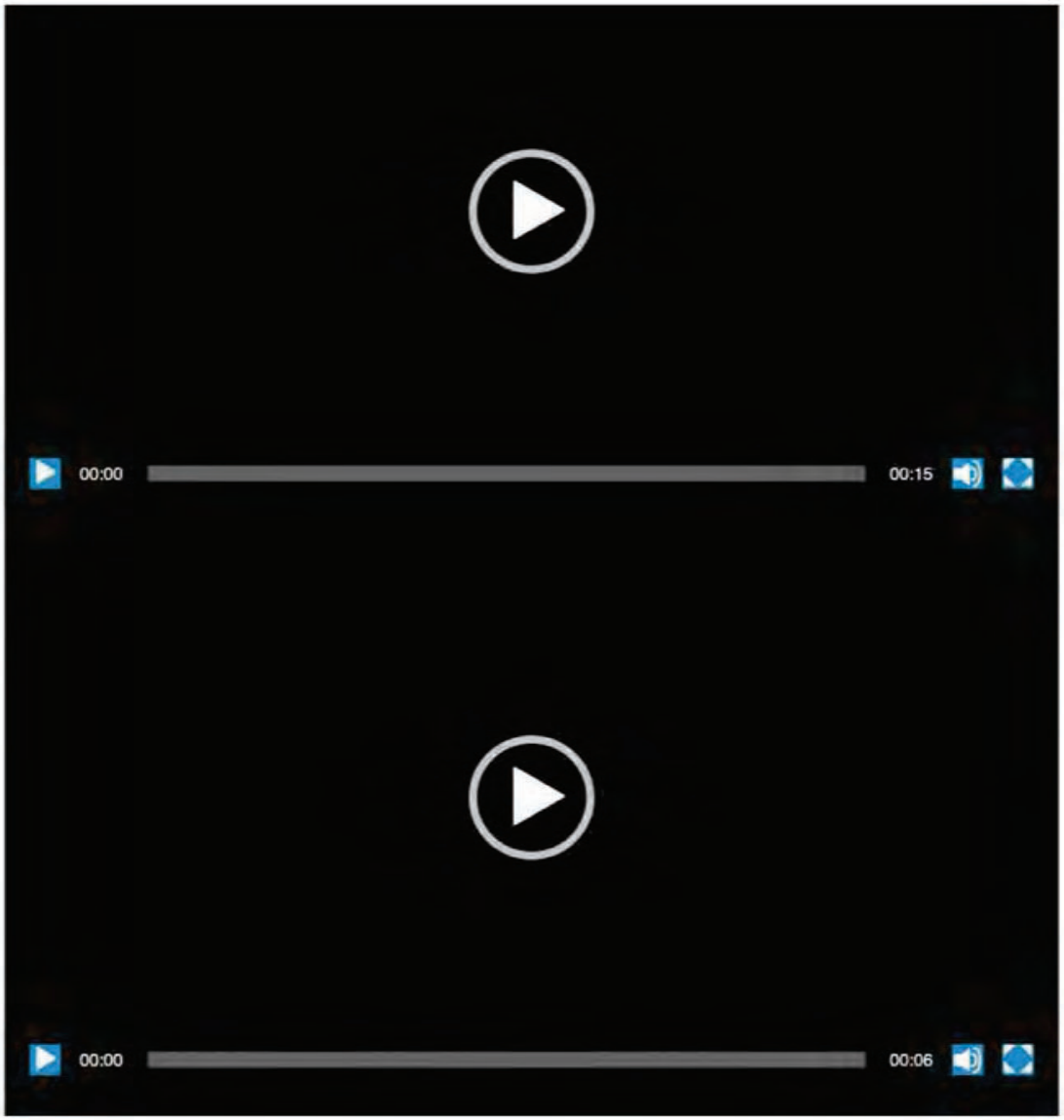
6×9 PD GOTV Mailer 03



FOLLOW

SHARE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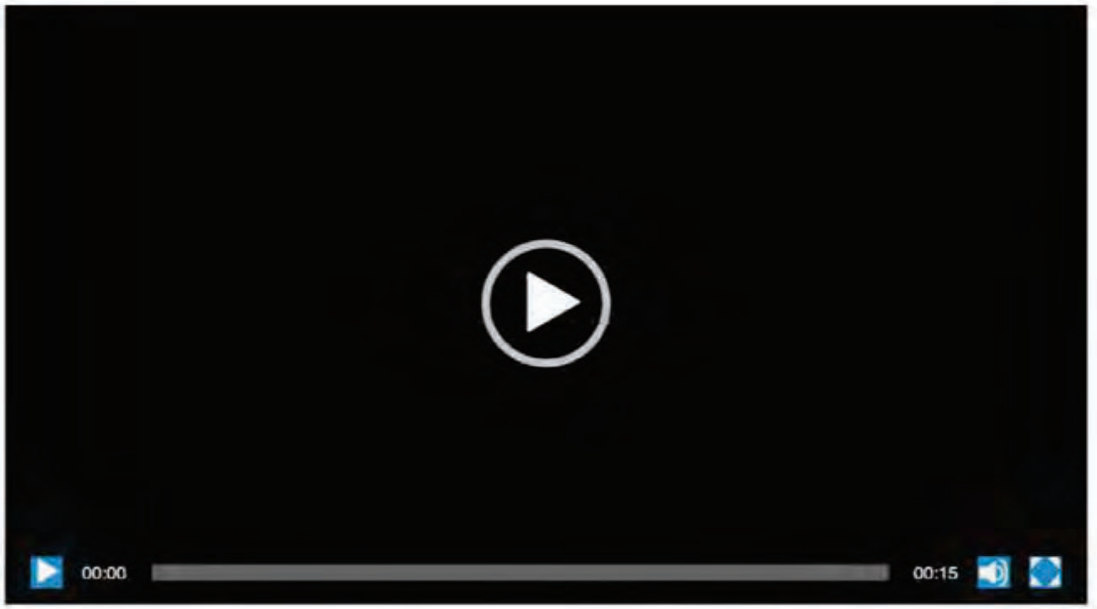

PROVIDED EVIDENCE IN MINNESOTA LEGISLATURE HEARING

Preserve Democracy provided evidence regarding the effects of Ranked-Choice Voting on the 2022 Alaska elections to the Minnesota House Elections Committee for its hearing on HF 2486, a bill to allow all municipal elections to be run by RCV.

ASSIST NEVADA (2023)

Preserve Democracy assisted local leaders in Nevada in their efforts to oppose a ballot initiative that would amend their Constitution in a way that would undermine election integrity and increase voter suppression.

ASSIST STATE OF GEORGIA (2023)

Preserve Democracy provided information and data to leaders in Georgia who were coordinating with legislators on policy affecting their election integrity.

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Employer of Lobbyist Report Form

Amendment

Amendment Description: **Add outsource lobbying costs for travel to Juneau that were erroneously left out of previous reports.**

Completed

Signed **06/21/2023**
Year: **2023**
Report: **1st Quarter**

Filer First Name: **Juli**
Filer Middle Name:
Filer Last Name: **Lucky**

Employer Information

Employer Name: **Alaskans For Better Elections, Inc.**

Mailing Address: **721 Depot Drive, Suite 100**
City, State Zip: **Anchorage, Alaska 99501**
Phone: **9073515108**
E-mail: **juli@alaskansforbetterelections.com**
Fax:

Gifts

Date	Name	Position	Nature of Gift	Value
No Gifts Given				

Notice of Termination

Lobbyist Name	Termination Date
No Notice of Terminations	

Interests of Employer

General description of the legislative and administrative action the employer of

lobbyist attempted to influence during the period. Report specific bill numbers when possible. AS 24.45.061(a)(5).

Matters relating to Elections in Alaska.

Nature and interest of the entity employing or retaining lobbying services:

Matters relating to Elections in Alaska.

Schedule A (Compensation and Expenses Paid To or On Behalf of the Lobbyist)

Lobbyist Name	Compensation		Expenses	
2023 - Strategy North Group LLC., Strategy North Group LLC.	Fee / Salary	$18,750.00	Food / Beverage	$0.00
	Other	$0.00	Living	$0.00
			Travel	$0.00
			Other	$0.00
	Totals		Totals	
	This Report	$18,750.00	This Report	$0.00
	Previous Total	$0.00	Previous Total	$0.00
	New Total	$18,750.00	New Total	$0.00

Schedule B (Costs Related to Lobbying)

In-House Costs Related to Lobbying

Employee Name	Lobbying Activity	Support of Lobbying	Amount
Juli Lucky	Direct contact with legislators and staff to prepare for hearings and provide feedback on legislation.	Creation of presentation materials for Senate State Affairs and House State Affairs hearings.	$1,150.00
		Total	$1,150.00

Outsourced Costs Related to Lobbying

Date	Payee/Vendor	Address	Purpose	Amount
01/24/2023	Four Points by Sheraton	51 Egan Drive Juneau, Alaska 99801	Lodging for J. Lucky for Senate State Affairs hearing presentation on 1/24/2023 and	$434.34

			related meetings.	
01/19/2023	Alaska Airlines	P.O. Box 68900 Seattle, Washington 98168	Airfare for J. Lucky for Senate State Affairs hearing presentation on 1/24/2023 and related meetings.	$584.29
03/23/2023	Alaska Airlines	P.O. Box 68900 Seattle, Washington 98168	Airfare for J. Lucky for House State Affairs hearing presentation on 3/28/2023 and related meetings.	$578.69
03/28/2023	Anchorage International Airport	5000 W International Airport Road Anchorage, Alaska 99502	Airport parking for J. Lucky for House State Affairs hearing presentation on 3/28/2023 and related meetings.	$13.00
			Total	**$1,610.32**

Costs Related to Lobbying Totals

This Report	**$2,760.32**
Previous Total	**$0.00**
New Total	**$2,760.32**

Group Registration Form

Completed

Submission Date: **03/20/2023**
Filer First Name: **Phillip**
Filer Middle Name (Optional): **A**
Filer Last Name: **Izon**
Filer's Title with Group: **Records Keeper**

Group Information

Previously Registered: **No**
Election Year: **2023**
Group Name: **Alaskans For Honest Elections**
Abbreviation: **AKHE**
Purpose: **Any lawful election matters**
Group Type: **Initiative Proposal**
Group Mailing Address: **2521 E Mtn Village Dr**
City, State Zip: **Wasilla, Alaska 99654**
Additional Email Addresses to Notify: **admin@alaskansforhonestelections.com**

Chair

Name: **Phillip Izon**
Address: **4201 E. Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **9078028116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): Did Not Report

Treasurer

Name: **Diamond Metzner**
Address: **4201 Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **907-802-8116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): Did Not Report

Deputy Treasurers / Co-chairs

Name	Address	Title
No Deputy Treasurers / Co-chairs / Nothing to Report		

Type of Group

INITIATIVE PROPOSAL APPLICATION GROUP
Title: **Alaskans For Honest Elections**
Subject: **Repeal of Ranked Choice Voting**

Campaign Plans

Initiative Proposal Group: Active before the initiative is certified or the ballot in an election.

Bank Account / Campaign Depository

Name of Bank: **Alaska USA FCU**
Bank Address: **1501 Parks Hwy**
City, State Zip: **Wasilla, Alaska 99654**

THE STATE of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

Date Filed: 01/23/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

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Articles of Incorporation

Domestic Nonprofit Corporation

1 - Entity Name

Legal Name: Alaskans For Honest Elections

2 - Purpose

Any lawful election matters

3 - NAICS Code

[redacted]10 - CIVIC AND SOCIAL ORGANIZATIONS

4 - Registered Agent

Name: Diamond Metzner
Mailing Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654
Physical Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654

5 - Entity Addresses

Mailing Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654
Physical Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654

6 - Officials

Name	Address	% Owned	Titles
Art Mathias	3900 Arctic Blvd STE 102, Anchorage, AK 99503		Director
Diamond Metzner	2521 E. Mtn Village Dr, #904, Wasilla, AK 99654		Director
Phil Izon	4201 Dimond Way, B, Wasilla, AK 99654		Director
Diamond Metzner			Incorporator
[redacted]p Izon			Incorporator
Art Mathias			Incorporator

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Diamond Metzner

Campaign Disclosure Form

Amendment

Amendment Description: **Fixing two dates to January 23rd**

Completed

Submission Date: **04/21/2023**
Filer First Name: **Phillip**
Filer Middle Name: **A**
Filer Last Name: **Izon**
Filer's Title: **Records Keeper**
Report Type: **First Quarterly**

Group Information

Group Name: **2023 - Alaskans For Honest Elections**
Group Abbreviation: **AKHE**
Group Address: **2521 E Mtn Village Dr**
City, State Zip: **Wasilla, Alaska 99654**

Report Information

Election Year: **0**
Election: **N/A**
Report Type: **First Quarterly**
Reporting Period: From **01/08/2023** Through **04/07/2023**

Financial Summary

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	$0.00				
[+] ⇓		Year To Date Income Total: (From Box A of previous report)		Total Income To Date: (Box A)	
Total Income Reported:	$293,817.70	[+] ⇒	$0.00	[=] ⇒	$293,817.70
[−] ⇓		Year to Date Expense Total: (From Box B of previous report)		Total Expense To Date: (Box B)	
Total Expenditures Reported:	$268,732.00	[+] ⇒	$0.00	[=] ⇒	$268,732.00
[=] ⇓					
Closing Cash On Hand:	$25,085.70				
[−] ⇓					
Total Debts:	$0.00				
[=] ⇓					

Surplus/Deficit:	$25,085.70

INCOME

Date Received	Payment Method	Contributor	Details	Amount
01/23/2023	Non-Monetary Website & Domain	**Izon, Phillip** 13388 E Moosewallow Ave Palmer, Alaska 99645	Occupation: Self Employer: Swarm Intel USA Description:	**$350.00**
01/23/2023	Non-Monetary Management Costs / Time In Kind Donation	**Izon, Phillip** 13388 E Moosewallow Ave Palmer, Alaska 99645	Occupation: Self Employed Employer: Swarm Intel USA Description:	**$200,000.00**
01/31/2023	Credit Card	**Chambers, Bret** 13200 Floral Lane Anchorage, Alaska 99516	Occupation: Retired Employer: Retired Description:	**$50.00**
02/01/2023	Credit Card	**Angus, George** 2420 N Cottonwood Loop Wasilla, Alaska 99654	Occupation: Matsu Borough Employer: Matsu Borough Description:	**$25.00**
02/01/2023	Credit Card	**Merwin, David** PO Box 671624 Chugiak, Alaska 99567	Occupation: Retired Employer: Retired Description:	**$100.00**
02/01/2023	Credit Card	**Pence, William** 3859 Killewich Dr Juneau, Alaska 99801	Occupation: retired Employer: retired Description:	**$50.00**
02/02/2023	Credit Card	**Sarber, Jon** 1285 Bay Ave in Homer,AK Homer, Alaska 99603	Occupation: retired Employer: retired Description:	**$50.00**
02/03/2023	Credit Card	**Ernster, Renee** P.O. Box 3496 Valdez, Alaska 99686	Occupation: DCC LLC Employer: DCC LLC Description:	**$10.00**
02/03/2023	Credit Card	**Jones, Larry** 4710 Kershner Ave. Anchorage, Alaska 99517	Occupation: Accountant Employer: ACS Description:	**$25.00**
02/03/2023	Credit Card	**Stock, Richard** 485 Ballaine Rd Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	**$50.00**
02/05/2023	Credit Card	**Moose, Daniel** 913 W 14th Ave Anchorage, Alaska 99501	Occupation: Self Employed Employer: Self Employed Description:	**$100.00**

02/05/2023	Credit Card	**Turner, Fran** P.O. Box 646 Nenana, Alaska 99760	Occupation: Retired Employer: Retired Description:	**$100.00**
02/06/2023	Check 1007	**Ranked Choice Education Association** 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	**$1,000.00**
02/07/2023	Credit Card	**Hutchison, Christine** 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	**$25.00**
02/08/2023	Credit Card	**Gregoire, Aaron** PO Box 57079 North Pole , Alaska 99505	Occupation: Mechanic Employer: Fairbanks Gold Mining Description:	**$20.00**
02/08/2023	Credit Card	**Marrs, Kevin** 746 cranberry ridge Fairbanks, Alaska 99712	Occupation: Retired Employer: Retired Description:	**$25.00**
02/08/2023	Credit Card	**MODESITT, RICK** 1069 RECTOR ROAD PARKERSBURG, West Virginia 26105	Occupation: retired Employer: retired Description:	**$25.00**
02/08/2023	Check 0108107251	**Ranked Choice Education Association** 2511 Sentry Drive Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	**$75,000.00**
02/08/2023	Credit Card	**Wall, Robert** 18849 Timberline Drive Anchorage, Alaska 99577	Occupation: Retired Employer: Retired Description:	**$20.00**
02/08/2023	Credit Card	**Wall, Robert** 18849 Timberline Drive Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	**$100.00**
02/09/2023	Credit Card	**chung, Dyane** 620 w 47th ave apt D Anchorage, Alaska 99503	Occupation: State of Alaska Employer: State of Alaska Description:	**$50.00**
02/09/2023	Credit Card	**Helton, darrell** 22021 fawn ln	Occupation: Retired Employer: Retired	**$50.00**

		Chugiak, Alaska 99567	Description:	
02/09/2023	Credit Card	**helton, darrell** 22021 Fawn Lane Anchorage, Alaska 99567	Occupation: Retired Employer: Retired Description:	**$10.00**
02/09/2023	Credit Card	**Maywald, Linda** 9211 Flintlock Street Anchorage, Alaska 99507	Occupation: TA Substitute Employer: ASD Description:	**$51.75**
02/09/2023	Credit Card	**Milos, Adrianne** HC 60 Box 2623 Haines, Alaska 99827	Occupation: retired Employer: retired Description:	**$20.00**
02/09/2023	Credit Card	**Pempek, Caleb** P.O. Box 1542 Palmer, Alaska 99645	Occupation: Journeyman Employer: MEA Description:	**$25.00**
02/10/2023	Credit Card	**Rupe, Cynthia** 35555 Kenai Spur Hwy PMB 199 Soldotna, Alaska 99669	Occupation: retired Employer: retired Description:	**$25.00**
02/11/2023	Credit Card	**Durham, Carmen** 1178 Skyline Dr Fairbanks, Alaska 99712	Occupation: Homemaker Employer: Homemaker Description:	**$37.50**
02/11/2023	Credit Card	**Rupp, Kenneth** 3206 South Cir Anchorage, Alaska 99507	Occupation: Retired Employer: Retired Description:	**$100.00**
02/11/2023	Credit Card	**Smith, Jane** P.O.Box 404 Sutton, Alaska 99674	Occupation: Retired Employer: Retired Description:	**$10.00**
02/13/2023	Credit Card	**Ilgenfritz, linda** 4362 York Ave Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	**$20.00**
02/14/2023	Credit Card	**Duncan, Sally** P.O. Box 16108 Two Rivers, Alaska 99716	Occupation: Retired Employer: Retired Description:	**$235.00**
02/15/2023	Credit Card	**Armstrong, Vickie** 4544 Drake Street Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	**$156.00**
/15/2023	Credit Card	**Breiner, Linda** HC 89 BOX 8182 Talkeetna, Alaska 99676	Occupation: Office manager Employer: IOLA Enterprises Description:	**$12.50**

02/15/2023	Credit Card	**Breiner, Linda** HC 89 Box 8182 Talkeetna, Alaska 99676	Occupation: office manager Employer: IOLA Enterprises Description:	**$50.00**
02/15/2023	Credit Card	**Carlo, Raven** P.O. Box 58062 Fairbanks, Alaska 99711	Occupation: CNA Employer: Foundation Health Description:	**$12.50**
02/15/2023	Credit Card	**Cruse, Riska** PO Box 401 Willow, Alaska 99688	Occupation: Photographer Employer: Self Description:	**$12.50**
02/15/2023	Credit Card	**Jeff Taylor** Box 3076 Anderson, Alaska 99744	Occupation: No Employer: Na Description:	**$33.50**
02/15/2023	Credit Card	**Mader, Brian** PO Box 1794 Kenai, Alaska 99611	Occupation: Construction Employer: Alaska Electrical Description:	**$100.00**
02/15/2023	Credit Card	**Mitchell, Teresa** 3000 Wentworth St Anchorage, Alaska 99508	Occupation: Accountant Employer: Self Description:	**$10.00**
02/15/2023	Credit Card	**Pearce, David** 6275 N. Douglas Hwy Juneau, Alaska 99801	Occupation: Retired Employer: N/A Description:	**$7.00**
02/15/2023	Credit Card	**Stark, Rhonda** PO Box 1452 Palmer, Alaska 99645	Occupation: Office Manager Employer: Alaska Prime Power Description:	**$41.00**
02/15/2023	Credit Card	**Sunseri-Fichtner, Tiffiany** 1271 S Paddy Place Wasilla, Alaska 99623	Occupation: na Employer: na Description:	**$12.50**
02/16/2023	Check 1922	**Kruckenberg, Kateryna** PO Box 220591 Anchorage, Alaska 99522	Occupation: Book Keeper Employer: Consistent Book Keeping Description:	**$250.00**
02/16/2023	Credit Card	**Mathew, john** 9200 Emerald St Anchorage, Alaska 99502	Occupation: retired Employer: na Description:	**$100.00**
02/16/2023	Credit Card	**Musick, Terrence** 12220 Rainbow Ave Anchorage, Alaska 99516	Occupation: retired Employer: retired Description:	**$100.00**
02/16/2023	Credit Card	**Pherson, Sandra** 7287 N False Pass Cir Wasilla, Alaska 99654	Occupation: clerk Employer: valley country stores Description:	**$50.00**
02/16/2023	Credit Card	**Pherson, Sandy**	Occupation: Clerk	**$20.00**

		7287 N False Pass Cir Wasilla, Alaska 99654	Employer: Valley Country Stores Description:	
02/16/2023	Credit Card	**Rosen, Jeffrey** 10441 Nabesna Circle Anchorage, Alaska 99577	Occupation: Retired Employer: Retired Description:	**$10.00**
02/16/2023	Check 27765	**Suter, Mary** PO Box 670144 Chugiak, Alaska 99567	Occupation: Retired Employer: Retired Description:	**$500.00**
02/16/2023	Credit Card	**VanValin, Lenora** 6112 North Moose Meadows Road Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$20.00**
02/16/2023	Credit Card	**VavValin, Lenora** 6112 N. Moose Meadows Rd Wasilla, Alaska 99654	Occupation: retired Employer: retired Description:	**$10.00**
02/16/2023	Check 8886	**Warren, J. Kris** 900 W 86th Ave Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	**$250.00**
02/16/2023	Check 1515	**Warren, Dawn** 900 W. 86th Ave Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	**$250.00**
02/16/2023	Credit Card	**Whisamore, John** 5921 S Bodenburg Loop Palmer, Alaska 99645	Occupation: retired Employer: retired Description:	**$50.00**
02/16/2023	Check 4632	**Young, Harry** 33081 Eagle Vista Dr Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	**$300.00**
02/17/2023	Credit Card	**Braham, Roxanna** 2120 Badger Road North Pole, Alaska 99705	Occupation: Na Employer: Midstate Equipment Inc. Description:	**$200.00**
02/17/2023	Credit Card	**Jackson, Tim** 3227 216th Pl Bothell, Washington 98021	Occupation: PMF Employer: PMF Description:	**$250.00**
02/17/2023	Credit Card	**Priestley, Joan** 3705 Arctic Boulevard Suite 1332 Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	**$103.50**
02/18/2023	Credit Card	**Nettels, Chris** 1901 Beaver Place	Occupation: Retired Employer: Geotek	**$100.00**

		Anchorage, Alaska 99504	Description:	
02/19/2023	Credit Card	**Helmuth, Carolyn** 2062 East Carney Road Wasilla, Alaska 99654	Occupation: Payroll Lead Employer: Calista Corporation Description:	**$115.75**
02/19/2023	Credit Card	**Urbano, Paul** 9160 E Lexington St Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	**$12.50**
02/20/2023	Credit Card	**Clark, Todd** 9310 Carlson Road Anchorage, Alaska 99507	Occupation: Owner Employer: TGI Freight Description:	**$100.00**
02/20/2023	Credit Card	**McIntosh, Larry** N Dartmoor St Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$25.00**
02/20/2023	Credit Card	**McIntosh, Larry** 4085 Dartmoor Street Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$10.00**
02/20/2023	Credit Card	**Miller, Robert** 902 Noorvik Court Fairbanks, Alaska 99701	Occupation: Army Employer: US Army Description:	**$77.00**
02/20/2023	Credit Card	**Sell, Rebecca** 3224 W 30th Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	**$45.00**
02/21/2023	Credit Card	**Evans, Brett** Po Box 879002 Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$50.00**
02/21/2023	Check 5159	**Franklin, Catherine** PO Box 823 Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	**$200.00**
02/21/2023	Credit Card	**Glover, Scott** PO Box 871571 Wasilla, Alaska 99687	Occupation: Retired Employer: Retired Description:	**$42.45**
02/21/2023	Credit Card	**Thomas, Harrel** 5957 Franklin Drive Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	**$25.00**
02/22/2023	Credit Card	**Amos, Denise** 3717 W 43rd Ave Anchorage, Alaska 99517	Occupation: na Employer: na Description:	**$100.00**
02/22/2023	Credit Card	**Caffroy, Chandra** 35020 Scandinavian Drive/731 Anchor Point, Alaska 99556	Occupation: Manager Employer: AFCR Description:	**$80.00**

2/22/2023	Check 841	**Cole, Susan** 2440 E Tudor Rd Box 811 Anchorage, Alaska 99507	Occupation: Retired Employer: Retired Description:	**$50.00**
02/22/2023	Check 279	**Crossman, Elsie** 1801 Minerva Way Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	**$25.00**
02/22/2023	Check 3644	**Easterly, Sue** 1526 Bannister Dr. Anchorage, Alaska 99508	Occupation: Retired Employer: Retired Description:	**$100.00**
02/22/2023	Credit Card	**Fogle, Kathy** 37065 Steelhead Cir Sterling, Alaska 99672	Occupation: Retired Employer: Retired Description:	**$29.25**
02/22/2023	Check 4135	**Halverson, Robert** 1371 Hillcrest Dr Unit 303 Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	**$200.00**
2/22/2023	Check 5925	**Heim, Sabah** 14440 Old Seward Hwy Anchorage, Alaska 99515	Occupation: Self Employer: Self Description:	**$100.00**
02/22/2023	Credit Card	**Hill, Linda** 12410 Hopa Circle Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	**$27.50**
02/22/2023	Credit Card	**Hill, Linda** 12410 Hopa Cr Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	**$100.00**
02/22/2023	Check 6041	**Jackson, Sherri** 3626 Casper St Anchorage, Alaska 99502	Occupation: Retired Employer: Retired Description:	**$50.00**
02/22/2023	Credit Card	**Kern, Danny** 4901 E 40th Ave Anchorage, Alaska 99516	Occupation: retired Employer: retired Description:	**$100.00**
02/22/2023	Credit Card	**Leverty, Bradley** 3501 N Moose St Wasilla, Alaska 99654	Occupation: retired Employer: retired Description:	**$50.00**
02/22/2023	Check 8701	**Luhrs, James** 3333 Lakeshore Dr Anchorage, Alaska	Occupation: retired Employer: retired Description:	**$200.00**

		99517		
2/22/2023	Credit Card	**Metzner, Diamond** 4201 Dimond Way Wasilla, Alaska 99654	Occupation: Marketing Employer: Self Description:	**$83.60**
02/22/2023	Credit Card	**Ordaz, Azabel** 806 West 57th Ave Anchorage, Alaska 99518	Occupation: business manager Employer: ak4dy Description:	**$50.00**
02/22/2023	Credit Card	**Overstreet, Carolyn** 8122 Lamplighter Ct Anchorage, Alaska 99502	Occupation: Retired Employer: Retired Description:	**$2,000.00**
02/22/2023	Check 678	**Pessolano, Jodie** 5018 E 43rd Ave #5 Anchorage, Alaska 99508	Occupation: Self Employer: North Star Design Description:	**$100.00**
02/22/2023	Credit Card	**Phelps, Greg** 8501 Skyhills Dr Anchorage, Alaska 99502	Occupation: Self Employer: PHELPs Construction, LLC Description:	**$100.00**
02/22/2023	Credit Card	**Price, Noreen** 20656 Driftwood Bay Dr Eagle River, Alaska 99577	Occupation: retired Employer: retired Description:	**$200.00**
02/22/2023	Cash	**Ranked Choice Education Association** 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	**$2,358.00**
02/22/2023	Credit Card	**Smith, Dorothy** 12411 Caragana Cir Anchorage, Alaska 99515	Occupation: Homemaker Employer: homemaker Description:	**$250.00**
02/22/2023	Check 3302	**Turner, Linda** 1027 S Arza Cir Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	**$50.00**
02/22/2023	Check 8834	**Washburn, Rebecca** PO Box 823 Palmer, Alaska 99645	Occupation: Self Employer: Washburn Farm Nursery Description:	**$100.00**
02/22/2023	Credit Card	**Whisamore, John** 5921 S. Bodenburg Lp Palmer, Alaska 99645	Occupation: Retired Employer: retired Description:	**$12.50**
23/2023	Non-Monetary Printing Services / In-Kind Donation	**Ranked Choice Education Association** 2511 Sentry Dr. Ste	Occupation: Education Employer: RCEA Description:	**$1,382.00**

		200 Anchorage, Alaska 99507		
02/23/2023	Credit Card	**Richeson, Randolph** 360 W. KATMAI Soldotna, Alaska 99669	Occupation: retired Employer: retired Description:	**$100.00**
02/23/2023	Credit Card	**Rosin, Lela** 3669 CHINULNA DRIVE Kenai, Alaska 99611	Occupation: Self Employer: Self Description:	**$200.00**
02/24/2023	Credit Card	**CORBeil, Richard** 3336 Doil Dr Anchorage, Alaska 99507	Occupation: Employer: Description:	**$50.00**
02/24/2023	Credit Card	**Eads, Margaret** P.O. Box 19529 Thorne Bay, Alaska 99919	Occupation: Lumberman Employer: Self Employed Description:	**$71.00**
02/24/2023	Credit Card	**Terry, Desiree** 11130 E Equestrian Circle Palmer, Alaska 99645	Occupation: Creekside Church Employer: Creekside Church Description:	**$20.00**
02/25/2023	Credit Card	**Ducey, Cynthia** P.O.Box 220844 Anchorage, Alaska 99522	Occupation: attorney Employer: ducey and associates Description:	**$200.00**
02/27/2023	Credit Card	**Sherman, Colleen** 43420 Kalifornsky Beach Rd Soldotna, Alaska 99669	Occupation: Self Employer: G F Sherman Signs Description:	**$500.00**
02/28/2023	Credit Card	**McMullen, Kym** 4541 E Crane Rd Wasilla, Alaska 99654	Occupation: Na Employer: Na Description:	**$25.00**
03/01/2023	Credit Card	**Hahn, Deborah** 11725 Inspiration Dr Eagle River, Alaska 99577	Occupation: retired Employer: retired Description:	**$100.00**
03/01/2023	Credit Card	**Heise, Genie** 4506 Taft Street Anchorage, Alaska 99517	Occupation: Parole Officer Employer: State of Alaska Description:	**$38.70**
03/01/2023	Credit Card	**Rapp, Cammie** 1555 Bradway Rd. #4 North pole, Alaska 99705	Occupation: Retired Employer: Retired Description:	**$69.00**
03/01/2023	Credit Card	**Rapp, Cammie** 1555 Bradway Rd #4	Occupation: retired Employer: retired	**$50.00**

		North Pole, Alaska 99705	Description:	
03/02/2023	Credit Card	**Johanknecht, Peter** 7700 Evander Drive Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	**$20.00**
03/04/2023	Credit Card	**Rebecca, Washburn** PO Box 823 Palmer, Alaska 99645	Occupation: Self Employer: Washburn Family Nursery Description:	**$500.00**
03/06/2023	Credit Card	**carson, edward** 580 W Roy Rd Apt 1 Wasilla, Alaska 99654	Occupation: Quality Control Inspector Employer: NANA Construction Description:	**$30.00**
03/07/2023	Credit Card	**Donelson, Cecelia** 908 R Street Anchorage, Alaska 99501	Occupation: real estate sales Employer: self employed Description:	**$55.00**
03/07/2023	Credit Card	**Hutchison, Christine** 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	**$25.00**
03/09/2023	Credit Card	**Martin, Brian** 6570 E Robinson Cir Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$10.00**
03/09/2023	Credit Card	**Sherman, Colleen** 43420 Kalifornsky Beach Rd Soldotna, Alaska 99669	Occupation: Self Employer: GF Sherman Signs Description:	**$500.00**
03/11/2023	Credit Card	**Holliday, Lola** PO Box 551 Garden Grove, California 92842	Occupation: na Employer: na Description:	**$20.00**
03/13/2023	Credit Card	**Carhart, Steve** 3324 Knik Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	**$25.00**
03/13/2023	Credit Card	**Francine, Sayer** PO Box 10 Homer, Alaska 99603	Occupation: retired Employer: retired Description:	**$100.00**
03/16/2023	Credit Card	**Anderson, John** 3801 Chiniak Bay Dr Anchorage, Alaska 99515	Occupation: Manager Employer: Alaska Abatement Description:	**$250.00**
03/16/2023	Credit Card	**Baird, Joe** 414 Marine Street Sitka, Alaska 99835	Occupation: Retired Employer: Retired Description:	**$50.00**
03/18/2023	Credit Card	**Curry, Amah** POB 210516 Auke Bay, Alaska	Occupation: retired Employer: na Description:	**$12.50**

		99821		
3/18/2023	Credit Card	**Durham, Carmen** 1178 Skyline Dr Fairbanks, Alaska 99712	Occupation: Homemaker Employer: Homemaker Description:	**$29.25**
03/18/2023	Credit Card	**Erickson, Arne** 368 Hillside Drive Fairbanks, Alaska 99712	Occupation: Commercial Vehicle Inspector Employer: State of Alaska Description:	**$25.00**
03/18/2023	Credit Card	**Lindsey, Kurt** PO Box 92267 Anchorage, Alaska 99509	Occupation: Southside Petro Employer: Southside Petro Description:	**$500.00**
03/18/2023	Credit Card	**Newman, Larry** 4637 Virginia #C Dallas, Texas 75204	Occupation: retired Employer: retired Description:	**$10.00**
03/18/2023	Credit Card	**Priebe, Mary** 4790 Sandy Beach Dr Anchorage, Alaska 99502	Occupation: retired Employer: retired Description:	**$75.00**
03/18/2023	Credit Card	**Veith, Frank** PO BOX 1591 Anchorage, Alaska 99645	Occupation: CONAM Construction Employer: Conam construction Description:	**$50.00**
03/19/2023	Credit Card	**Melum, Lana** 7231 North Park Dr Anchorage, Alaska 99516	Occupation: Retired Employer: Retired Description:	**$100.00**
03/20/2023	Credit Card	**Mattson, Donald** 730 West Rockside Road Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	**$30.00**
03/21/2023	Check 31688	**Leman, Loren** 2699 Nathaniel Ct Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	**$150.00**
03/29/2023	Credit Card	**Carey, Craig** 4109 Lynn Dr Anchorage, Alaska 99508	Occupation: Employer: Description:	**$25.00**
03/29/2023	Credit Card	**Cooper, Darlene** 1300 West 45th Avenue Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	**$62.50**
03/29/2023	Credit Card	**Olson, Larry** PO Box 978 Sterling, Alaska 99672	Occupation: Retired Employer: Retired Description:	**$20.00**

03/30/2023	Credit Card	**Campbell, Casey** 126 E Cook Ave Anchorage, Alaska 99501	Occupation: Realtor Employer: Benson Realty Description Description:	**$20.00**
03/30/2023	Credit Card	**Whitford, Sharri** 175 n Binkley st #4032 Soldotna, Alaska 99669	Occupation: Retired Employer: Retired Description:	**$41.45**
04/01/2023	Credit Card	**Carroll, Susanne** 1752B Army Rd Fairbanks, Alaska 99709	Occupation: Retired Employer: na Description:	**$12.50**
04/01/2023	Credit Card	**Hahn, Deborah** 11725 Inspiration Dr Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	**$100.00**
04/01/2023	Credit Card	**Tennis, Jacque** 2931 Bennett Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	**$50.00**
04/04/2023	Credit Card	**Ross, Leroy** 3223 E. Lakeview Rd Wasilla, Alaska 99654	Occupation: Three Bears Alaska Employer: Three Bears Alaska Description:	**$100.00**
04/07/2023	Credit Card	**Hutchison, Christine** 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	**$25.00**
			Number of Contributions under $100:	**0**
			Sum of Contributions under $100:	**$0.00**
			Income Total:	**$293,817.70**

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
01/23/2023	Non-Monetary Website & Domain	**Izon, Phillip** 13388 E Moosewallow Ave Palmer, Alaska 99645		**$350.00**
01/23/2023	Non-Monetary Management Costs / Time In Kind Donation	**Izon, Phillip** 13388 E Moosewallow Ave Palmer, Alaska 99645		**$200,000.00**
02/15/2023	Check 101	**Leading Light Advsors** 4201 E. Dimond Way Wasilla, Alaska 99654	Marketing / Communications	**$20,000.00**
02/22/2023	Check 102	**Leading Light Advisors** 4201 E. Dimond Way	Marketing / Communications	**$20,000.00**

		Wasilla, Alaska 99654		
02/23/2023	Non-Monetary Printing Services / In-Kind Donation	**Ranked Choice Education Association** 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507		**$1,382.00**
03/11/2023	Debit Card	**Leading Light Advisors** 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	**$2,500.00**
03/15/2023	Debit Card	**Leading Light Advisors** 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	**$3,000.00**
03/21/2023	Check 103	**Leading Light Advisors** 4201 E. Dimond Way Wasilla, Alaska 99654	Marketing / Communications	**$20,000.00**
04/01/2023	Debit Card	**Leading Light Advisors** 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	**$1,500.00**
			Expenditure Total:	**$268,732.00**

Debts

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	**$0.00**

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Administration
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

April 24, 2023

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL
Alaskans for Honest Elections
Attn: Phillip Izon
4201 E. Dimond Way Unit B
Wasilla, Alaska 99654
admin@alaskansforhonestelections.com
nevesiltstudio@gmail.com

RE: Notice of Penalty Assessment – Independent Expenditure Report[1]

Mr. Izon:

According to our records you did not timely file your Independent Expenditure Report that was due on February 25, 2023.[2] Instead, the information required to be reported was disclosed on April 10, 2023, in your First Quarterly Report (44 days late). By law a maximum penalty of $50 accrues each day the report is late.[3] The maximum penalty the Alaska Public Offices Commission has assessed you is $2,200.[4]

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.[5] **Accordingly, the assessed penalty owed is $1,100**.

Additionally, please be advised:

1) You may pay the reduced penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; visiting our website[6] to make a payment by credit card; or you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the

1 AS 15.13.110(h).
2 For expenditures between February 15, 2023 and February 25, 2023.
3 AS 15.13.390(a).
4 2 AAC 50.855(a).
5 2 AAC 50.855(b)(2)(C)(i).
6 https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx
PLEASE NOTE: credit card payment cannot be made by phone; they must be made online.

entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other questions concerning this matter, please contact the APOC staff.

2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.[7] **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission. You will receive a copy of that recommendation and notice of when the Commission will meet to consider the matter. You will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangement for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.[8]

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas

Thomas R. Lucas
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Alaskans for Honest Elections Attn: Phillip Izon 4201 E. Dimond Way Unit B Wasilla, Alaska 99654 admin@alaskansforhonestelections.com nevesiltstudio@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email

Erika Potter 4/24/2023
Law Office Assistant Date

9171-9690-0935-0294-3929-87

[7] 2 AAC 50.831(a).
[8] 2 AAC 50.895.

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Administration
ALASKA PUBLIC OFFICES COMMISSION
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

April 24, 2023

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL
Alaskans for Honest Elections
Attn: Phillip Izon
4201 E. Dimond Way Unit B
Wasilla, Alaska 99654
admin@alaskansforhonestelections.com
nevesiltstudio@gmail.com

RE: Notice of Penalty Assessment – Independent Expenditure Report[1]

Mr. Izon:

According to our records you did not timely file your Independent Expenditure Report that was due on March 21, 2023.[2] Instead, the information required to be reported was disclosed on April 10, 2023, in your First Quarterly Report (20 days late). By law a maximum penalty of $50 accrues each day the report is late.[3] The maximum penalty the Alaska Public Offices Commission has assessed you is $1,000.[4]

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.[5] **Accordingly, the assessed penalty owed is $500.**

Additionally, please be advised:

1) You may pay the reduced penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; visiting our website[6] to make a payment by credit card; or you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the

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1 AS 15.13.110(h).
2 For expenditures between March 11, 2023 and March 21, 2023.
3 AS 15.13.390(a).
4 2 AAC 50.855(a).
5 2 AAC 50.855(b)(2)(C)(i).
6 https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx
PLEASE NOTE: credit card payment cannot be made by phone; they must be made online.

entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other questions concerning this matter, please contact the APOC staff.

2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.[7] **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission. You will receive a copy of that recommendation and notice of when the Commission will meet to consider the matter. You will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangement for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.[8]

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas

Thomas R. Lucas
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
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Erika Potter — 4/24/2023
Law Office Assistant — Date

9171-9690-0935-0294-3929-94

[7] 2 AAC 50.831(a).
[8] 2 AAC 50.895.

Campaign Disclosure Form

Completed

Submission Date: **07/16/2023**
Filer First Name: **Phillip**
Filer Middle Name: **A**
Filer Last Name: **Izon**
Filer's Title: **Records Keeper**
Report Type: **Second Quarterly Report**

Group Information

Group Name: **2023 - Alaskans For Honest Elections**
Group Abbreviation: **AKHE**
Group Address: **2521 E Mtn Village Dr**
City, State Zip: **Wasilla, Alaska 99654**

Report Information

Election Year: **0**
Election: **N/A**
Report Type: **Second Quarterly Report**
Reporting Period: From **04/08/2023** Through **07/07/2023**

Financial Summary

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	**$0.00**				
[+] ⇓		Year To Date Income Total: (From Box A of previous report)		Total Income To Date: (Box A)	
Total Income Reported:	**$10,760.00**	[+] ⇒	**$0.00**	[=] ⇒	**$10,760.00**
[−] ⇓		Year to Date Expense Total: (From Box B of previous report)		Total Expense To Date: (Box B)	
Total Expenditures Reported:	**$10,000.00**	[+] ⇒	**$0.00**	[=] ⇒	**$10,000.00**
[=] ⇓					
Closing Cash On Hand:	**$760.00**				
[−] ⇓					
Total Debts:	**$0.00**				

[=] ⇓	
Surplus/Deficit:	**$760.00**

Income

Date Received	Payment Method	Contributor	Details	Amount
04/28/2023	Credit Card	**Adickes, William** 1401 Edgecumbe Drive Sitka, Alaska 99835	Occupation: Home Maker / Attorney Employer: Retired Description:	**$500.00**
06/11/2023	Check 2010	**Ranked Choice Education Association** 2511 Sentry Dr Suite 200 Anchorage, Alaska 99507	Occupation: Education Assocation Employer: RCEA Description:	**$10,260.00**
		Number of Contributions under $100:		**0**
		Sum of Contributions under $100:		**$0.00**
		Income Total:		**$10,760.00**

Expenditures

Date	Payment Method	Vendor	Purpose	Amount
06/12/2023	Check 201	**Leading Light Advisors** 4201 Dimond Way Wasilla, Alaska 99654	Advertising / Communication	**$5,000.00**
07/03/2023	Check 202	**Leading Light Advisors** 4201 Dimond Way Wasilla, Alaska 99654	Advertising / Communication	**$5,000.00**
		Expenditure Total:		**$10,000.00**

Debts

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	**$0.00**

EXHIBIT 4

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Expert Declaration of** **Arthur J. Hackney**

I, Arthur J. "Art" Hackney, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. I am the chief executive officer (CEO) of Art Hackney Communications, a corporate and political communications firm in Anchorage.

3. I have been one of the top corporate and political media consultants in Alaska for over 45 years, handling over 150 political and public affairs campaigns, including the entire Alaska Congressional Delegation for two decades, handling over 150 political and public affairs campaigns.

4. I was the co-chair of the George W. Bush campaign in Alaska and sat on the national finance committee for the campaign. I worked on campaigns for the late Ted Stevens for 35 years and was on his 23rd campaign for Congressman Don Young when the Congressman passed away. I also wrote and produced media for public affairs and political campaigns in over twenty states for U.S. House and U.S. Senate.

5. I am the Chairman Emeritus of the American Association of Political Consultants. I also served on the Board of the International Association of Political

Consultants, Americans for Job Security and as a member of the Leadership Trust of the National Federation of Independent Business.

6. I was named to the Presidential Advisory Committee on the Arts for the Kennedy Center. I have been active in raising money for charitable and arts organizations in Alaska for decades and served as President of the American Advertising Federation, Alaska, and as a Board Member of the Anchorage Symphony, the Alaska Support Industry Alliance and the Aleut Enterprise Corporation as well as a special advisor to the Governor of Alaska.

7. I am being compensated $200 per hour to prepare this report and for other time I spend on this matter, except for testimony time and travel time, which are compensated at $400 and $100 per hour, respectively. I have not published any papers in the last 10 years, nor given court testimony in the last 4 years.

8. I was retained by Plaintiffs in this case to prepare an expert report evaluating the campaign finance disclosure provisions of Alaska's 2020 Ballot Measure 2.

9. This Declaration summarizes the findings and basis of my report, a full and complete copy of which is attached as Exhibit 1.

10. My report is based on my extensive experience working in Alaska political campaigns and public advocacy, as well as hundreds of documents provided by the Alaska Public Offices Commission regarding the Commission's internal investigations and communications with groups and individuals engaged in electioneering, including Alaskans for Better Elections.

11. My expert report focuses on the practical harms of Ballot Measure 2. I focus on how it has functionally prohibited 30-second ads from independent expenditure groups, which are a key source of communication for lower and mid-budget groups. It also has functionally banned several forms of text message-based political speech.

12. I ceased running less expensive thirty-second issue messages because of the requirements that now make the disclosure information far longer than the message itself. Attached as Exhibit 2 is a recording of me reading the disclaimer for Families of the Last Frontier. Even when read swiftly, the disclaimer takes up all but a few seconds of the thirty-second ad slot.

13. My report also highlights the difficulty of complying with the Measure's so-called "true source" requirements, and how even its own authors cannot seem to make sense of its vague and ambiguous requirements.

14. My report details how the APOC complaint process encourages gamesmanship. I document examples of these concerning effects, such as the

complaint filed against Families of the Last Frontier within two weeks of an election: crunch time for any independent expenditure group.

15. I also document how some speakers, such as the independent expenditure group Keep It Alaska, have had to cancel critical political events because of the Commission's inconsistent and unreliable responses to inquiries regarding Ballot Measure 2. I also highlight how the Commission imposed $56,250 in fines on a different group, and an additional $11,000 in personal fines on its founder, for not filing reports that, when originally asked, the Commission had said were not necessary. In a different instance, the Commission fined a group over $8,500 even though it had timely registered as an independent expenditure group and filed required quarterly reports because it inadvertently failed to also do continuous 24-hour reporting.

16. My report explains how Ballot Measure 2's disclosure provisions provide little to no information of value to the voter. At the same time, my experience shows that extensive and needlessly-complicated campaign finance regulations like Ballot Measure 2 intimidate people both in and out of state from exercising their First Amendment rights.

17. Year after year, I have watched Alaska donors become more and more unwilling to contribute their after-tax dollars to causes they believe in because they feel that they will be subjected to confusing reporting requirements and then potential repercussions for those contributions, which have become more and more onerous. The stories of supporters of causes—and their families—being threatened and harassed are common.

18. In sum, my report, attached as Exhibits 1, 2, and 3, and incorporated herein, establishes that disclosure laws are not helpful, and may even be harmful, for voters, and they impose costs on outside groups and donors to those groups in the form of distorted speech, administrative costs, and chilled speech.

Arthur J. Hackney

_____

Date: _____

Arthur J. Hackney

Arth J. Hackney

Date: APRIL 9, 2026

4

EXHIBIT 5

2k Reporting for Recipient

AS 15.13.040(j)(3) is amended to read: (3) for all contributions described in (2) of this subsection, the name, address, date, and amount contributed by each contributor, [AND] for all contributions described in (2) of this subsection in excess of $250 in the aggregate during a calendar year, the principal occupation and employer of the contributor , **and for all contributions described in (2) of this subsection in excess of $2,000 in the aggregate during a calendar year, the true source of such contributions and all intermediaries, if any, who transferred such funds, and a certification from the treasurer that the report discloses all of the information required by this paragraph.**

2k Reporting for Donor with 24-Hour Requirement

AS 15.13.040 is amended by adding a new subsection to read: (s) Every individual, person, nongroup entity, or group that contributes more than $2,000 in the aggregate in a calendar year to an entity that made one or more independent expenditures in one or more candidate elections in the previous election cycle, that is making one or more independent expenditures in one or more candidate elections in the current election cycle, or that the contributor knows or has reason to know is likely to make independent expenditures in one or more candidate elections in the current election cycle shall report making the contribution or contributions on a form prescribed by the commission not later than 24 hours after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that entity by that individual, person, nongroup entity, or group during the calendar year. For purposes of this subsection, the reporting contributor is required to report and certify the true sources of the contribution, and intermediaries, if any, as defined by AS 15.13.400(18) . This contributor is also required to provide the identity of the true source to the recipient of the contribution simultaneously with providing the contribution itself.

True Source

AS 15.13.074(b) is amended to read: (b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another. **Individuals, persons, nongroup entities, or groups subject to AS 15.13.040(s) may not contribute or accept $2,000 or more of dark money as that term is defined in AS 15.13.400(17), and may not make a contribution**

while acting as an intermediary without disclosing the true source of the contribution as defined in AS 15.13.400(18).

***

AS 15.13.400 is amended by adding a new paragraph to read: (18) “true source” means the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services. A person or legal entity who derived funds via contributions, donations, dues, or gifts is not the true source, but rather an intermediary for the true source. Notwithstanding the foregoing, to the extent a membership organization receives dues or contributions of less than $2,000 per person per year, the organization itself shall be considered the true source.

Regular Disclaimer

AS 15.13.090(c) is amended to read: (c) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication that includes a print or video component must have the following statement or statements placed in the communication so as to be easily discernible , and in a broadcast, cable, satellite, internet or other digital communication the statement must remain onscreen throughout the entirety of the communication ; the second statement is not required if the person paying for the communication has no contributors or is a political party: This communication was paid for by (person’s name and city and state of principal place of business). The top contributors of (person’s name) are (the name and city and state of residence or principal place of business, as applicable, of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

Out-of-State Disclaimer

AS 15.13.090 is amended by adding a new subsection to read: (g) To satisfy the requirements of (a)(1) of this section and, if applicable, (a)(2)(C) of this section, a communication paid for by an outside-funded entity as that term is defined in AS 15.13.400(19) that includes a print or video component must have the following statement placed in the communication so as to be easily discernible, and in a broadcast, cable, satellite, internet or other digital communication the statement must remain onscreen throughout the entirety of the communication; the statement is not required if the outside entity paying for the communication has no contributors or is a political party: "A MAJORITY OF CONTRIBUTIONS TO (OUTSIDE-FUNDED ENTITY'S NAME) CAME FROM OUTSIDE THE STATE OF ALASKA."

****

AS 15.13.400 is amended by adding a new paragraph to read: (19) "outside-funded entity" means an entity that makes one or more independent expenditures in one or more candidate elections and that, during the previous 12-month period, received more than 50 percent of its aggregate contributions from true sources, or their equivalents, who, at the time of the contribution, resided or had their principal place of business outside Alaska.

24-Hour Reporting Requirement for Recipient

AS 15.13.110 is amended by adding a new subsection to read: (k) Once contributions from an individual, person, nongroup entity, or group to an entity that made one or more independent expenditures in one or more candidate elections in the previous election cycle, that is making one or more independent expenditures in one or more candidate elections in the current election cycle, or that the contributor knows or has reason to know is likely to make independent expenditures in one or more candidate elections in the current election cycle exceed $2,000 in a single year, that entity shall report that contribution, and all subsequent contributions, not later than 24 hours after receipt. For purposes of this subsection, the entity is required to certify and report the true source, and all intermediaries if any, of the contribution as defined by AS 15.13.400(18).

Penalties

AS 15.13.390(a) is amended to read: (1) A person who fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by AS 15.13.040, 15.13.060(b) — (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than $50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than $500 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court ; **(2) A person who, whether as a contributor or intermediary, delays in reporting a contribution as required by AS 15.13.040(s) is subject to a civil penalty of not more than $1,000 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court; (3) A person who, whether as a contributor or intermediary, misreports or fails to disclose the true source of a contribution in violation of AS 15.13.040(s) or AS 15.13.074(b) is subject to a civil penalty of not more**

than the amount of the contribution that is the subject of the misreporting or failure to disclose. Upon a showing that the violation was intentional, a civil penalty of not more than three times the amount of the contribution in violation may be imposed. These penalties as determined by the commission are subject to right of appeal to the superior court; (4) A person who violates a provision of this chapter, except [A PROVISION REQUIRING REGISTRATION OR FILING OF A REPORT WITHIN A TIME REQUIRED] as otherwise specified in this section, is subject to a civil penalty of not more than $50 a day for each day the violation continues as determined by the commission, subject to right of appeal to the superior court[.] ; and (5) An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.380 does not excuse that person from registering or filing reports required by this chapter.

Dark Money Definition

AS 15.13.400 is amended by adding a new paragraph to read: (17) "dark money" means a contribution whose source or sources, whether from wages, investment income, inheritance, or revenue generated from selling goods or services, is not disclosed to the public. Notwithstanding the foregoing, to the extent a membership organization receives dues or contributions of less than $2,000 per person per year, the organization itself shall be considered the true source.

Expedited Hearing

AAC 50.888. Expedited consideration; hearing on expedited consideration (a) A complainant, the staff, or a respondent may request expedited consideration when a complaint is filed or any time before the date for an answer as provided in 2 AAC 50.880. A request for expedited consideration must be submitted as a separate document from any other filing, and must include (1) proof that the opposing party actually received the request for expedited consideration; and (2) evidence showing reasonable cause to believe a violation of law has occurred or will occur, and that the violation, if not immediately restrained, could (A) materially affect the outcome of an election or other impending event; or (B) cause irreparable harm that penalties could not adequately remedy. (b) The commission will consider a request for expedited consideration as provided in AS 15.13.380 (c) and (d). The commission will give the complainant, the staff, and the respondent notice of the date, time, and place of the hearing at which the commission will decide a request for expedited consideration. The notice will be posted on the commission's website and in a

prominent place, visible to the general public, at the commission's offices. In the notice, the commission will state that, if the commission grants expedited consideration, the commission may hear the complaint immediately after issuing its order to expedite consideration. (c) At the hearing on the request for expedited consideration, the commission will consider the argument and evidence in support of the request for expedited consideration and will allow the party opposing the request an opportunity to respond with argument and evidence. The commission may allow an opportunity to rebut the response. The person that requested expedited consideration has the burden of proof to demonstrate the need for expedited consideration. (d) The commission will announce its decision on a request to expedite consideration on the record at the hearing. The commission will expedite consideration of a complaint if substantial evidence supports expediting consideration under the factors set out in AS 15.13.380 (c). If the commission denies expedited consideration, the commission will refer the complaint for investigation as provided in 2 AAC 50.875. If the commission expedites consideration, the commission will either commence the hearing immediately, or provide notice of the date, time, and location of the hearing to be held in compliance with AS 15.13.380(d). (e) A hearing on expedited consideration will be conducted as provided in 2 AAC 50.891 except that the commission may, for good cause and consistent with due process, modify any procedure in order to expedite the proceeding. The commission will issue an order as provided in AS 15.13.380 (d).

EXHIBIT 6

EXPERT REPORT
Smith v. Stillie
David M. Primo, Ph.D.

INTRODUCTION

I am a professor of political science, with tenure, in the School of Arts and Sciences at the University of Rochester, where I also hold a joint appointment as a professor of business administration at the University of Rochester's Simon Business School. In 2012, I was named the inaugural holder of the Ani and Mark Gabrellian Professorship, which was created to recognize "a multidisciplinary scholar and teacher whose work bridges two or more academic fields" with the goal of "better understand[ing] the most vital political and economic issues of our era." I joined the Rochester faculty in 2002 after receiving my Ph.D. in Political Science from Stanford University. I also have an MA in Economics from Stanford, an MA in Political Science from Brown University, and a BA in Economics and Honors Political Science from Brown.

My research in American politics, campaign finance, corporate strategy beyond markets, fiscal policy, statistical methods, and political bargaining has been published in peer-reviewed journals including *American Journal of Political Science*; *Business and Politics*; *Economics and Politics*; *Election Law Journal*; *Journal of Law, Economics, and Organization*; *Journal of Politics*; *Journal of Theoretical Politics*; and *Strategic Management Journal*. I have also published four peer-reviewed books: *The Plane Truth: Airline Crashes, the Media, and Transportation Policy* (co-authored with Roger W. Cobb, Brookings Institution Press, 2003); *Rules and Restraint: Government Spending and the Design of Institutions* (University of Chicago Press, 2007); *A Model Discipline: Political Science and the Logic of Representations* (co-authored with Kevin A. Clarke, Oxford University Press, 2012); and *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters* (co-authored with Jeffrey D. Milyo, University of Chicago Press, 2020). *Rules and Restraint* was awarded the 2008 Alan Rosenthal Prize by

the Legislative Studies Section of the American Political Science Association. This award is given annually for the best publication in legislative studies by a young scholar of importance to legislators and legislative staff and of merit in strengthening the practice of representative democracy. I have received numerous grants to support my research, including from the National Science Foundation.

At the University of Rochester, I teach courses in the Political Science Department's Ph.D. program, the Simon Business School's MBA and MS programs, and at the undergraduate level. I have received three teaching awards at the University of Rochester: the 2005 Goergen Award for Distinguished Achievement and Artistry in Undergraduate Education; the 2005 Undergraduate Professor of the Year Award, given by the University of Rochester Students' Association; and the 2018 Edward Peck Curtis Award for Excellence in Undergraduate Teaching, a university-wide teaching prize.

My research in campaign finance is primarily quantitative and focuses on the impact of campaign finance laws and campaign spending on features of democracy such as perceptions of government, electoral competitiveness, and the costs and benefits of disclosure. This research is widely cited in academic publications and in policy debates, and I am nationally recognized for my work in this area. In 2015 I was invited to serve on a task force of scholars charged with preparing a report on the state of scholarly knowledge about campaign finance. Jeffrey Milyo and I subsequently co-authored *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters*, a book-length treatment of the interrelationship between public opinion and campaign finance. This peer-reviewed book was published by a leading press in American politics, the University of Chicago Press.

I have served as an expert in several campaign finance cases, including *McConnell v. FEC*, and signed on to amicus briefs in others, including *Citizens United v. FEC*. Research I conducted as part of expert work in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* was cited by US Supreme Court Chief Justice John Roberts in his majority opinion for that case. A full list of the cases in which I was

retained as an expert appears in my curriculum vitae, which is attached and is incorporated into this expert report by reference.

For this expert report, I have been asked by the attorneys for the plaintiffs in *Smith v. Stillie* to evaluate the campaign finance disclosure provisions in Alaska's 2020 Ballot Measure 2. I am being compensated for my work on this case on a flat-fee basis: $12,000 for the preparation of this report; $3,000 for participation in a deposition and deposition preparation (if I am deposed); and $3,000 for attendance at trial (if I am called to testify). Additional work will be billed at $400/hr. In addition, I will be reimbursed for travel and other out-of-pocket expenses.

In this report, I will focus on the following components of Ballot Measure 2:

- "True source" disclosures
    - Organizations making independent expenditures must disclose to the government the "true sources" of all contributions of $2,000 or more within 24 hours of receipt. A "true source" is defined in the law as "the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services. A person or legal entity who derived funds via contributions, donations, dues, or gifts is not the true source, but rather an intermediary for the true source."
    - Contributors giving $2,000 or more in donations to a group that has made (or the contributor "knows or has reason to know" will make) independent expenditures in the current election cycle have to file a separate disclosure within 24 hours that also lists the "true sources" of the contribution.

- Disclaimers in broadcast and other digital communications
    - "Outside-funded entities" paying for campaign ads, and which receive more than half of their funds from out-of-state contributors, must place a disclaimer on the screen for the duration of broadcast and other digital communications. The statement must be in ALL CAPS and read, "A MAJORITY OF CONTRIBUTIONS TO (OUTSIDE-FUNDED ENTITY'S NAME) CAME FROM OUTSIDE THE STATE OF ALASKA."
    - Entities paying for broadcast and other digital communications must list, <u>for the duration of the communication</u>, their top 3 contributors from the previous 12 months in the following format:

        > This communication was paid for by (person's name and city and state of principal place of business). The top contributors of (person's name) are (the name and city and state of residence or principal place of business, as applicable, of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

My opinion in this case, which is supported by social scientific evidence regarding campaign finance disclosure, including my own peer-reviewed research, is that Alaska's communications disclaimers and "true source" disclosures will not improve—and may even worsen—voter decision making. At best, the information will have little impact once all the other information available to voters in a campaign is considered. At worst, the disclosures may distort the speech of groups making independent expenditures, confuse voters, or lead voters to make decisions at odds with their preferences. In addition to providing few, if any, benefits to voters, the disclosure requirements in Ballot Measure 2 impose administrative burdens on contributors and organizations, and they may lead voters fearful of reprisals to decide against making contributions to political organizations which make independent expenditures. This opinion provides a scientific challenge to the informational rationale for disclosure articulated in past court decisions and by reform groups.

In what follows, I show why campaign finance disclosure requirements regarding independent expenditures, including true source disclosures, do not improve voter knowledge and decision making. I then show that disclosures within advertisements may, in fact, distort the informational environment for voters. Finally, I discuss why these disclosures are likely to dissuade some contributors due to the costs—pecuniary and otherwise—these rules impose on them.

CAMPAIGN FINANCE DISCLOSURE DOES NOT MEANINGFULLY IMPROVE VOTER KNOWLEDGE AND DECISION MAKING

The US Supreme Court articulated the informational rationale for campaign finance disclosure in *Buckley v. Valeo* (1976, 66-67): "Disclosure provides the electorate with information. ... It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches." Later, in *Citizens United v. FEC* (2010, 371), the Court wrote, "[T]ransparency enables the electorate to make informed decisions and give proper weight to different speakers and messages."

Whether disclosure has these effects in practice is an empirical question subject to scientific scrutiny. Wood (2024) writes that "among the benefits [of disclosure], the informational benefit is the easiest to show empirically," but as I will now establish, Wood's claim is not borne out in the scientific evidence on disclosure. The social science argument for disclosure is grounded in the idea of "rational ignorance," whereby voters find information gathering about an election to be too costly relative to the impact their vote can have on the outcome (Downs 1957). To economize, voters rely on "cues," or shortcuts, when making decisions. For instance, if a voter knows nothing else about a candidate but the candidate's party affiliation, political party is a cue the voter uses to cast a ballot.

Early evidence about the benefits of cues comes from Lupia (1994), who showed that voters aware of which interest groups (specifically, trial lawyers, insurance companies, and activist Ralph Nader) supported or opposed ballot measures in California related to insurance were able to make decisions that were similar to those of better-informed voters aware of the details of the ballot measures. He concludes that "certain types of information cues allow voters to use their limited resources efficiently" (1994, 72). Despite being cited frequently by supporters of disclosure, Lupia's study is not about campaign finance disclosure, per se. Lupia does not study whether voters learned this information from campaign finance disclosure data or, more likely, because trial lawyers and insurance companies made their views publicly known (or had activists like Nader making their views known for them). This turns out to be a crucial distinction.

In a 2013 paper, I argue that disclosure should be assessed based on whether it provides voters with *additional* information beyond what is already available to voters through other means, and whether that information is *pivotal* in a voter's calculus (i.e., it leads voters to reach different conclusions about how to vote than they would in the absence of that information) (Primo 2013). In other words, we cannot consider disclosure 's benefits in an informational vacuum. My theory of *information at the*

margin suggests that the value of an additional piece of information declines as more information is gathered.

The question to ask about disclosure, then, is whether it is useful in the *real-world information environment of voters*. Voters have access to a plethora of information about candidates at their fingertips. Using the lens of marginal value, it becomes difficult to see how knowing the identity of contributors to a group formally distinct from a candidate will be of value to voters.

In Primo (2013), I demonstrate the value of this *information at the margin* theory by showing that survey respondents with access to disclosure information did no better than respondents without such information in identifying the positions of interest groups on a ballot measure. This research was conducted as a survey experiment. Such experiments are grounded in the idea of random assignment, where information is presented to respondents in a random fashion. By randomly assigning respondents to treatment groups, differences across the treatments are attributable to the differences in in the stimuli provided by those treatments, rather than individual characteristics. (Researchers sometimes also account for individual-level characteristics in statistical tests.) For instance, suppose for simplicity that group A in a study is shown a factual description of two candidates and then asked who they would vote for. Meanwhile, group B is shown the same factual description *plus* a campaign advertisement criticizing candidate Jones. All respondents are then asked whether they would vote for Jones. The differences in vote share for Jones across the two groups can then be attributed to the campaign ad. If properly designed, survey experiments can provide a window into the ways in which voters make use of various types of information.

While my paper focused on ballot measure campaigns, other research focuses on the types of disclosures at issue in this case. Robinson (2023, 31) uses a survey experimental technique known as conjoint analysis to show that in a realistic political environment (i.e., one with multiple sources of

information about a candidate), there is "little evidence that campaign finance information has a distinct impact on vote choice conditional on other highly-salient cues [such as party ID]."

Thus far, I have shown, theoretically and empirically, why disclosure has fewer benefits than its proponents claim. But, might it actually *harm* voters? Research from the early 2000s finds that individuals with low levels of political knowledge or experience—presumably the voters who would most benefit from cues—may not be able to use cues effectively, or may even make decisions contrary to their preferences (Lau and Redlawsk 2001).

In more recent research, Broockman et al. (2024) show how cues can lead voters astray. They identify the problem of "heuristic projection," in which voters assume that interest groups they are unfamiliar with share their ideology. This can lead to confusion when these groups provide public evaluations of politicians. The authors provide this example (2024, 70, emphasis in original):

> In the traditional view, when a pro-redistribution citizen learns that Americans for Prosperity has given her representative a 100 per cent rating, she becomes less supportive of that representative because she now thinks her representative opposes redistribution or, at the worst, disregards the information if she cannot interpret it. To the extent heuristic projection operates in the real world, she would rather become more *supportive* of her representative because she now thinks her representative also supports redistribution.

The authors use survey experiments to study this concept. They show that voters—including politically knowledgeable voters—do, in fact, engage in heuristic projection. Broockman et al. write (2024, 72), "Our results, therefore, raise doubt about widely-shared hopes that interest group cues would improve accountability."

Given this evidence, it strains credulity to think that requiring the double reporting of donations or creating a "true source" disclosure requirement is going to improve the informational environment for Alaska voters. Especially because the "true source" requirements have no lower bound, even $1 donations show up in Alaska's true source listings—some of which have over 100,000 entries. This flood of information is unlikely to help Alaska voters make decisions at the ballot box, and as just discussed, it may even make things worse for voters via heuristic projection.

Primo, Expert Report, *Smith v. Stillie*, 7

The "top-donor" disclaimers also create the potential for cues to misfire. For instance, suppose Sally contributes $5,000 to a group that has few donors who give over $1,000. Sally donated to the group because it has a position on taxes that she shares. However, Sally, who is pro-choice, disagrees with the group's endorsement of pro-life candidate X. The group subsequently runs an ad in support of candidate X. Sally's name will appear in the ad *even though she is opposed to the election of candidate X!* In other words, voters may in some cases be *misled* by the required disclosures.

TOP-DONOR AND OUT-OF-STATE DISCLAIMERS IN CAMPAIGN ADS UNDERMINE THE ADS' MESSAGES

Thus far, I have shown why disclosure information tends to be superfluous—or even harmful—for voter decision making in an information-rich campaign environment. I now turn to Alaska's campaign ad disclaimer rules regarding top donors and out-of-state contributors. These disclaimers must remain on the screen for the duration of broadcast and other digital communications and, in the case of the out-of-state disclaimer, be written in ALL CAPS (an interesting choice, given that ALL CAPS are often thought to convey anger or yelling in the modern era).

These disclaimer rules appear to be designed to weaken the message of the speaker producing the ad. Alaska's 2020 Ballot Measure 2 warned of the "danger" posed by "the undue influence of wealth, including from outside the state." As I will now show, disclaimers can be an effective way to taint the speech of those with "wealth, including from outside the state." A group of researchers even noted in a 2015 paper that their research on disclaimers could help governments achieve the goal of punishing the speech of outside groups. They write, "Our research also speaks to policymakers. More specifically, if fuller disclosure—or certain means of disclosure—can influence the persuasiveness of group sponsored advertising, this points to a credible (and constitutionally sound) policy strategy for campaign finance reformers who want to reduce the attractiveness of funneling large campaign contributions through outside groups" (Ridout et al. 2015, 155).

There is a small literature studying the effects of top-donor disclaimers by outside groups. These papers utilize survey experiments to estimate the impact of the disclaimers. Dowling and Wichowsky (2013) study "attack ads" and show that attack ads are less effective when "top-5 donor" disclaimers are included. Ridout et al. (2015) use a survey experiment to show that the disclosure of donors in campaign ads "reduces the influence" of an outside group's advertising by reducing its credibility and effect on vote choice, compared to an ad where donors do not need to be disclosed.

Note that in these studies, the mere *presence* of the disclaimer has a negative effect on the ads' effectiveness compared with an advertisement that does not list the donors, since all other information in the advertisement is held constant. In other words, it changes *how the same information is perceived by voters*. This is consistent with the goal of limiting the impact of outside groups in campaigns.

What's worse, the top-donor disclaimers are of dubious informational value. Ridout et al. (2015, 160) note that one-third of respondents in their experiment with donor disclaimers could not correctly recall the primary sponsor of the ad, leading the authors to write, "The nontrivial number of respondents who mistakenly identified the sponsor or could not recall is an important reminder that voters may not pay close attention to the details of an ad." And, even if they do, the problem of "heuristic projection," discussed earlier, suggests that voters may use the disclosure information to draw incorrect inferences.

Now consider the out-of-state disclaimer and the following thought experiment. Group A and Group B run identical ads calling for the election of a candidate. Group A receives 100% of its money from out-of-state interests and raises $50,000. Group B receives 100% of its money from Alaskans and raises $1 million. In the absence of a disclosure requirement, those ads should have the same effect on voters. But now suppose Group A must place an "out-of-state" disclaimer on its ad. If that ad is now less effective than Group B's ad, then the state-mandated disclaimer has distorted the message of the ad with information that Group A would presumably not have chosen to include unless forced to do so. In

addition, voters who see the ad from Group A may erroneously believe that out-of-state interests are the dominant source of outside group spending on behalf of a particular candidate.

Suppose, however, that out-of-state interests were, in fact, dominant in this way. By placing the disclaimer in all caps for the entire duration of the ad, the disclaimer becomes akin to a warning label, weakening the impact of the ad. Either way, the disclaimer distorts the way in which the speech of the groups is received by the audience.

There has been limited scientific study of out-of-state disclaimers. I am aware of only one published study focused on "out-of-state" donors. In a paper discussed earlier, Robinson (2023, 1329) writes, "Voters appear averse to the influence of actors outside their state, even in the presence of partisan and policy signals." He further concludes, "The resilience of this cue is notable and more research is needed on why this effect is so robust when other disclosure cues are not." In an unpublished paper, Dowling and Wichowsky (2014, 3) find that "subjects' evaluations [of campaign material in a survey experiment] were particularly sensitive to whether they were told that out-of-state donors provided the majority of the donations to the outside group." These studies likely *understate* the effect of the disclaimers in Alaska, since in Alaska they must be on the screen for the duration of the ad, and in the case of out-of-state disclaimers, be in ALL CAPS.

This section has shown that mandated disclosure can shift voter perceptions by *distorting* the informational environment. In other words, these are not neutral interventions but rather systematically appear to change how voters perceive the speech in an advertisement.

CAMPAIGN FINANCE DISCLOSURE INCREASES THE COSTS OF SPEECH

Thus far, I have shown that campaign finance disclosure provides limited benefits in an information-rich environment, and in fact may *worsen* voter decision making. I now explain how disclosure also imposes costs on individuals and organizations who wish to engage in political speech.

First, disclosure acts as a tax on speech by imposing a significant administrative burden on organizations and contributors. While there is limited research on the administrative burdens of disclosure, a review of Alaksa's rules and enforcement of these rules is telling. For instance, if an Alaska resident wants to make a $2,000 contribution to a super PAC in Alaska, he must file a "24-Hour True Source Statement of Contribution 15-5 Form." Instructions for completing this form are 9 pages long. Meanwhile, groups may need to read through a 180-page training document on how to comply with disclosure rules!

Compliance is so challenging that even the entity spearheading the creation of the law, Alaskans for Better Elections, failed to comply with the rules successfully. In *Izon v. Alaskans for Better Elect. et al.* (Case No. 23-04-CD), the Alaska Public Offices Commission (APOC) found that ABE violated the disclosure requirements at least 6 times in press releases it issued (see page SOA07227 of the discovery documents). What's worse, APOC does not always appear to understand the law—even though they are the ones who have the power to impose fines if they believe the law has been violated. In one exchange, an APOC paralegal states that the address or principal place of business of the ad's funder must be mentioned in a radio ad, which appears to be at odds with section 15.13.090(d) of the law (see page SOA08504 of the discovery documents).

Second, the sheer length of disclaimers amounts to a tax on speech when there are time constraints. This is especially evident when considering a radio ad of a standard 30-second length. Under 15.13.090(d) and 15.13.135 of the law, a radio ad must include the following disclaimer: "This notice to voters is required by Alaska law. We certify that this advertisement is not authorized, paid for, or approved by the candidate. This communication was paid for by (person's name). The top contributors of (person's name) are (the name of the largest contributors to the person under AS 15.13.090(a)(2)(C))." I can speak quickly, and I was unable to intelligibly recite the following (see page SOA08505 of the discovery) in under 10 seconds: "This notice to voters is required by Alaska law. We certify that this

advertisement is not authorized, paid for, or approved by the candidate. This communication was paid for by Families of the Last Frontier. The top contributors of Families of the Last Frontier are the RSLC, GOPAC, and Arctic E&P." (The length would increase if one followed APOC's guidance above.) At least one-third of 30-second radio ads by independent groups are devoted to disclosures—disclosures which, as I discussed earlier, are generally uninformative and potentially harmful. The upshot: due to the length of these disclaimers, speech is either markedly reduced (if the group does not have the budget for a longer ad), or it is taxed (if the group is forced to run a longer ad to get their message out).

Third, disclosure creates the potential to chill speech. It is challenging to quantify the nature of the problem because we do not observe non-contributions. However, there is a body of evidence showing that survey respondents express less willingness to give when told their information will be disclosed. For instance, La Raja (2014) has found that respondents who are likely contributors said that they would reduce or eliminate contributions upon learning they would be disclosed publicly. Primo and Milyo (2020) use a survey experiment to show that Americans' purported support for disclosure plunges when they are asked whether *their own* contributions should be disclosed (versus about disclosure generally). And, regardless of the question wording, an overwhelming majority of respondents in Primo and Milyo's survey experiment oppose the disclosure of a contributor's employer or address—precisely the information Alaska asks for.

Perhaps the most convincing evidence of the chilling effect of disclosure comes from a field experiment. (A field experiment manipulates a real-world setting to essentially conduct an experiment outside of the laboratory.) Perez-Truglia and Cruces (2017) showed that individuals, when provided with information about the contribution behavior of neighbors, were less likely to contribute to a candidate if their political persuasion differed from that of their neighbors, compared with individuals who did not receive this "treatment." The authors conclude, "our evidence suggests that public disclosure could have the unintended effect of facilitating social pressure" (Perez-Truglia and Cruces 2017, 1242).

CONCLUSION

Given the rich informational environment in American politics, including Alaska, campaign finance disclosure laws add little to the toolkit of voters trying to make voting decisions. At best, the disclosures now required in Alaska are superfluous, adding little value at the margin given all the other information available to voters in a campaign. At worst, the disclosures—especially Alaska's top-donor and out-of-state disclaimers at issue in this case—*distort* the information conveyed in a message and, in doing so, alter the effect of a group's speech. The literature is clear—these are *not* neutral disclaimers. Recall that one set of researchers even noted how effective disclaimers might be at achieving policymakers' goals of discrediting the speech of outside groups. On top of this, Alaska's disclosure laws impose administrative costs on groups and donors amounting to a tax on speech, with social science evidence also showing that they have the potential to chill speech. In sum, I have established that disclosure laws are not helpful, and may even be harmful, for voters, and they impose costs on outside groups and donors to those groups in the form of distorted speech, administrative costs, and chilled speech.

REFERENCES

Broockman, David E., Aaron R. Kaufman, and Gabriel S. Lenz. 2024. "Heuristic Projection: Why Interest Group Cues May Fail to Help Citizens Hold Politicians Accountable." *British Journal of Political Science* 54(1):1-19.

Buckley v. Valeo, 424 U.S. 1 (1976), 66-67.

Citizens United v. FEC, 558 U.S. 310 (2010), 371.

Dowling, Conor M., and Amber Wichowsky. 2013. "Does It Matter Who's Behind the Curtain? Anonymity in Political Advertising and the Effects of Campaign Finance Disclosure." *American Politics Research* 41(6):965-996.

Dowling, Conor M., and Amber Wichowsky. 2014. "The Effects of Increased Campaign Finance Disclosure: Evaluating Reform Proposals." Working paper. Available at http://dx.doi.org/10.2139/ssrn.2483194.

Downs, Anthony. 1957. *An Economic Theory of Democracy.* New York: Harper Collins.

La Raja, Raymond J. 2014. “Political Participation and Civic Courage: The Negative Effect of Transparency on Making Small Campaign Contributions.” *Political Behavior* 36(4):753-776.

Lau, Richard R., and David P. Redlawsk. 2001. “‘Advantages and Disadvantages of Cognitive Heuristics in Political Decision Making.” *American Journal of Political Science* 45(4):951–971.

Lupia, Arthur. 1994. “Shortcuts Versus Encyclopedias: Information and Voting Behavior in California Insurance Reform Elections.” *American Political Science Review* 88(1):63-76.

Perez-Truglia, Ricardo, and Guillermo Cruces. 2017. “Partisan Interactions: Evidence from a Field Experiment in the United States.” *Journal of Political Economy* 125(4):1208-1243.

Primo, David M. 2013. “Information at the Margin: Campaign Finance Disclosure Laws, Ballot Issues, and Voter Knowledge.” *Election Law Journal* 12(2):114-129.

Primo, David M., and Jeffrey D. Milyo. 2020. *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters.* Chicago: University of Chicago Press.

Ridout, Travis M., Michael M. Franz, and Erika Franklin Fowler. 2015. “Sponsorship, Disclosure, and Donors: Limiting the Impact of Outside Group Ads.” *Political Research Quarterly* 68(1):154-166.

Robinson, Thomas S. 2023. “When Do Voters Respond to Campaign Finance Disclosure? Evidence from Multiple Election Types.” *Political Behavior* 45:1309-1332.

Wood, Abby K. 2024. “Disclosing Campaign Financing.” Research Paper Series No. 24-1, Center for Law and Social Science, USC Gould School of Law.

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ACADEMIC APPOINTMENTS

University of Rochester

- Current Appointments
  - Ani and Mark Gabrellian Professor, Oct. 2012 – Present
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  - Professor of Business Administration (joint appointment), Simon Business School, Feb. 2020 – Present
  - Associate Department Chair and Director of Graduate Studies, Department of Political Science, July 2022 – Present
- Previous Appointments
  - Associate Professor (with tenure), Department of Political Science, Sept. 2008 – Jan. 2020
  - Associate Professor (joint appointment), Simon Business School, July 2011– Jan. 2020
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  - Assistant Professor, Department of Political Science, July 2002 – Aug. 2008

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- PhD, Political Science, June 2002
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BOOKS

Primo, David M., and Jeffrey D. Milyo. 2020. *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters*. Chicago, IL: University of Chicago Press.

Clarke, Kevin A., and David M. Primo. 2012. *A Model Discipline: Political Science and the Logic of Representations*. New York, NY: Oxford University Press.

Primo, David M. 2007. *Rules and Restraint: Government Spending and the Design of Institutions.* American Politics and Political Economy Series. Chicago, IL: University of Chicago Press.

Cobb, Roger W., and David M. Primo. 2003. *The Plane Truth: Airline Crashes, the Media, and Transportation Policy*. Washington, DC: Brookings Institution Press.

JOURNAL PUBLICATIONS

Prabhat, Saumya, and David M. Primo. 2019. "Risky Business: Do Disclosure and Shareholder Approval of Corporate Political Contributions Affect Firm Performance?" *Business and Politics* 21(2):205-239.

JOURNAL PUBLICATIONS (cont.)

Jo, Jinhee, David M. Primo, and Yoji Sekiya. 2017. "Policy Dynamics and Electoral Uncertainty in the Appointments Process." *Journal of Theoretical Politics* 29(1):124-148.

Carroll, Robert J., David M. Primo, and Brian K. Richter. 2016. "Using Item Response Theory to Improve Measurement in Strategic Management Research: An Application to Corporate Social Responsibility." *Strategic Management Journal* 37(1):66-85.

Carpenter, Dick M., David M. Primo, Pavel Tendetnik, and Sandy Ho. 2014. "Disclosing Disclosure: Lessons from a 'Failed' Field Experiment." *The Forum: A Journal of Applied Research in Contemporary Politics* 12(2):343-356.

Primo, David M. 2013. "Information at the Margin: Campaign Finance Disclosure Laws, Ballot Issues, and Voter Knowledge." *Election Law Journal* 12(2):114-129.

Primo, David M., and Wm Scott Green. 2011. "Bankruptcy Law and Entrepreneurship." *Entrepreneurship Research Journal* 1(2):Art. 5.

Primo, David M., and James M. Snyder, Jr. 2010. "Party Strength, the Personal Vote, and Government Spending." *American Journal of Political Science* 54(2):354-370.

Primo, David M. 2010. "The Effect of Initiatives on Local Government Spending." *Journal of Theoretical Politics* 22(1):6-25.

Primo, David M., Sarah A. Binder, and Forrest Maltzman. 2008. "Who Consents? Competing Pivots in Federal Judicial Selection." *American Journal of Political Science* 52(3):471-489.

Primo, David M., and James M. Snyder, Jr. 2008. "Distributive Politics and the Law of 1/n." *Journal of Politics* 70(2):477-486.

Clarke, Kevin A., and David M. Primo. 2007. "Modernizing Political Science: A Model-Based Approach" *Perspectives on Politics* 5(4):741-753.

Primo, David M., Matthew L. Jacobsmeier, and Jeffrey Milyo. 2007. "Estimating the Impact of State Policies and Institutions with Mixed-Level Data." *State Politics & Policy Quarterly* 7(4):446-459.

Primo, David M. 2007. "A Comment on Baron and Ferejohn (1989): The Open Rule Equilibrium and Coalition Formation." *Public Choice* 130(1):129-135.

Primo, David M. 2006. "Stop Us Before We Spend Again: Institutional Constraints on Government Spending." *Economics & Politics* 18(3):269-312.

Primo, David M., and Jeffrey Milyo. 2006. "Campaign Finance Laws and Political Efficacy: Evidence from the States." *Election Law Journal* 5(1):23-39.

Primo, David M. 2002. "Rethinking Political Bargaining: Policymaking with a Single Proposer." *Journal of Law, Economics, & Organization* 18(2):411-427.

Primo, David M. 2002. "Public Opinion and Campaign Finance: Reformers Versus Reality." *The Independent Review* 7(2):207-219.

JOURNAL PUBLICATIONS (cont.)

Primo, David M. 2002. "Budgetary Reform and Formal Modeling: A Comment on Gabel and Hager." *Public Choice* 113(1-2):225-230.

Milyo, Jeffrey, David Primo, and Timothy Groseclose. 2000. "Corporate PAC Campaign Contributions in Perspective." *Business and Politics* 2(1):75-88.

PAPERS UNDER REVIEW AND WORK IN PROGRESS

"The Ideological Sorting Behavior of the Managerial Elite" (with Jake Jares, David Gaddis Ross, and Seo Eun Yang)

"Are Businesspeople Effective Legislators?" (with Jason Altmire and David Gaddis Ross)

"A Longitudinal Analysis of Trust in Higher Education" (with Henry Brady and Jamie Druckman)

"Independent Expenditures and Trust in Government" (with Jeff Milyo)

PUBLICATIONS IN EDITED VOLUMES AND TEXTBOOKS

Primo, David M. 2017. "Analyzing the Evidence: Why Congress Can't Make Ends Meet." In *American Government: Power and Purpose*, 14th ed., Theodore J. Lowi, Benjamin Ginsberg, Kenneth A. Shepsle, and Stephen Ansolabehere. New York: W.W. Norton & Co., pages vary depending on version.

Primo, David M. 2013. "Pro: Resolved, the United States Should Adopt a Balanced Budget Amendment." In *Debating Reform: Conflicting Perspectives on How to Fix the American Political System*, 2nd ed., eds. Richard J. Ellis and Michael Nelson. Washington, DC: CQ Press, 333-343.

Milyo, Jeffrey, David M. Primo, and Matthew L. Jacobsmeier. 2011. "Does Public Financing of State Election Campaigns Increase Voter Turnout?" In *Public Financing in American Elections*, ed. Costas Panagopoulos. Philadelphia, PA: Temple University Press, 225-237.

Primo, David M., Jeffrey Milyo, and Tim Groseclose. 2006. "State Campaign Finance Reform, Competitiveness, and Party Advantage in Gubernatorial Elections." In *The Marketplace of Democracy: Electoral Competition and American Politics*, eds. Michael P. McDonald and John Samples. Washington, DC: Brookings Institution Press, 268-285.

Milyo, Jeffrey, and David Primo. 2005. "Reform without Reason? The Scientific Method and Campaign Finance." In *Welfare for Politicians? Taxpayer Financing of Campaigns*, ed. John Samples. Washington, DC: Cato, 197-211.

Primo, David M. 2004. "Campaign Finance Reform." *Public Opinion and Polling around the World: A Historical Encyclopedia*, ed. John G. Geer. Santa Barbara, CA: ABC-CLIO, 165-171.

Primo, David M. 2003. "Campaign Contributions, the Appearance of Corruption, and Trust in Government." In *Inside the Campaign Finance Battle: Court Testimony on the New Reforms,* eds. Anthony Corrado, Thomas E. Mann, and Trevor Potter. Washington, DC: Brookings Institution Press, 285-296.

POLICY PAPERS, REPORTS, AMICUS BRIEFS, AND TESTIMONY

Primo, David M., and Jeffrey D. Milyo. 2024. Amicus Brief in *No on E v. Chiu* (filed with the US Supreme Court).

Primo, David M. 2024. "What Social Science Tells Us About Forced Donor Disclosure." Special Report, Philanthropy Roundtable.

POLICY PAPERS, REPORTS, AMICUS BRIEFS, AND TESTIMONY (cont.)

Primo, David M. 2023. "Constitutional Restraints on the Federal Budget." Testimony prepared for a hearing of the US House Committee on the Judiciary, Subcommittee on the Constitution and Limited Government, September 19.

Contributor to Persily, Nathaniel, Robert F. Bauer, and Benjamin L. Ginsberg. 2018. "Campaign Finance in the United States: Assessing an Era of Fundamental Change." Report, Bipartisan Policy Center.

Milyo, Jeffrey D., and David M. Primo. 2017. "Public Attitudes and Campaign Finance: Report for the Campaign Finance Task Force." Distributed by the Bipartisan Policy Center as a companion to the 2018 report cited above.

Primo, David M. 2017. "The Need for Constitutional Budget Reform." Testimony prepared for a hearing of the US House Committee on the Judiciary, July 27.

Primo, David M., and Jake Jares. 2017. Series of "Mercatus on Policy" Reports regarding state constitutions and fiscal policy. Mercatus Center at George Mason University.

- "Education Innovation, Fiscal Policy, and State Constitutions"
- "Education Policymaking from the Bench: Lessons from New Jersey and Connecticut"
- "Florida, High-Speed Rail, and the Perils of Policymaking by Constitution"
- "Illinois's Constitutional Pension Protections, with Lessons for New Jersey"
- "Too Much of a Good Thing? Initiatives and the 'Cluttered' Colorado Constitution"
- "Unfunded Mandates and State Constitutions: Lessons from Florida"

Primo, David M. 2016. "State Constitutions and Fiscal Policy." Mercatus Research, Mercatus Center at George Mason University.

Primo, David M. 2015. "First Principles of Congressional Budgeting." Testimony prepared for a hearing of the US House Committee on the Budget, July 28.

Primo, David M. 2014. "Constitutional Solutions to Our Escalating National Debt: Examining Balanced Budget Amendments." Testimony prepared for a hearing of the US House Committee on the Judiciary, July 24.

Primo, David M. 2014. "The Uses and Misuses of Budget Data." Mercatus Research, Mercatus Center at George Mason University.

Primo, David M. 2014. "Making Budget Rules Work: 2014 Edition." Mercatus Research, Mercatus Center at George Mason University.

Primo, David M., and Jeffrey D. Milyo. 2013. Amicus Brief in *Iowa Right to Life, Inc. v. Tooker* (filed with the US Supreme Court).

Primo, David M., and Jeffrey D. Milyo. 2012. Amicus Brief in *US v. Danielczyk* (filed with the US 4th Circuit Court of Appeals and the US Supreme Court).

Primo, David M. 2011. "Full Disclosure: How Campaign Finance Disclosure Laws Fail to Inform Voters and Stifle Public Debate." Research Report, Institute for Justice.

Primo, David M. 2011. "Should the Constitution Be Amended to Address the Federal Deficit?" Testimony prepared for a hearing of the US House Committee on the Judiciary, Subcommittee on the Constitution, May 13.

POLICY PAPERS, REPORTS, AMICUS BRIEFS, AND TESTIMONY (cont.)

Primo, David M. 2010. "Making Budget Rules Work." Working Paper No. 10-62, Mercatus Center at George Mason University.

Primo, David M. 2010. "What Does Research Say About Public Funding for Political Campaigns?" Institute for Justice Research Brief, published online at http://www.ij.org/about/3466. Reprinted in *Opposing Viewpoints: Election Spending*, ed. Nancy Dziedzic, Greenhaven Press, 74-83.

Primo, David M. 2010. "Making Budget Rules Bite." Mercatus on Policy No. 72, Mercatus Center at George Mason University.

Primo, David M. 2001. "Public Opinion and Campaign Finance: A Skeptical Look at Senator McCain's Claims." Briefing Paper No. 60, Cato Institute.

PUBLISHED BUSINESS SCHOOL CASES (ORIGINALLY STANFORD GSB CASES)

Primo, David, and Romain Wacziarg. 2002. "CSN and Steel Antidumping (A)." In *Business and Its Environment,* 4th ed., by David P. Baron. Upper Saddle River, NJ: Prentice Hall, 215-217.

Primo, David, and Romain Wacziarg. 2002. "CSN and Steel Antidumping (B)." In *Business and Its Environment Instructor's Manual with Test Item File*, 4th ed., by David P. Baron and Anne Cowden. Upper Saddle River, NJ: Prentice Hall, 138-139.

OTHER PUBLICATIONS

Primo, David M. 2025. "Book Review: *The Fundamentals of Campaign Finance in the U.S.: Why We Have the System We Have.*" *Political Science Quarterly*, https://doi.org/10.1093/psquar/qqaf079.

Clarke, Kevin A., and David M. Primo. 2012. "The Modeling Enterprise in Comparative Politics." *APSA Comparative Politics Section Newsletter* 22(2):8-9. Adapted version appeared as "The Modeling Enterprise in International Relations" in e-International Relations (www.e-ir.info), June 2013.

Primo, David M., and Jeffrey Milyo. 2007. "Public Financing of Campaigns: A Statistical Analysis." *Engage* 8:96-100.

HONORS (2003-Present)

Finalist, Educational Innovation Award (Online/Hybrid Design), Simon Business School, University of Rochester, 2022

Edward Peck Curtis Award for Excellence in Undergraduate Teaching, University of Rochester, 2018

Honorable Mention (one of the top 5 papers), Best Paper Prize, 34th Annual International Conference of the Strategic Management Society, 2014, for "Using Item Response Theory to Improve Measurement in Strategic Management Research: An Application to Corporate Social Responsibility" (with Rob Carroll and Brian Richter)

Alan Rosenthal Prize for *Rules and Restraint* (best publication in legislative studies by a young scholar during 2007 of importance to legislators and legislative staff and of merit in strengthening the practice of representative democracy), Legislative Studies Section, American Political Science Association, 2008

HONORS (2003-Present)(cont.)

Goergen Award for Distinguished Achievement and Artistry in Undergraduate Education, University of Rochester, 2005

Undergraduate Professor of the Year, University of Rochester Students' Association Award, 2005

GRANTS

The Paul E. Singer Foundation, Politics and Markets Project, 2013-Present.

Institute for Humane Studies, "A Longitudinal Analysis of Trust in Higher Education," 2025.

Charles G. Koch Charitable Foundation, Guest Speakers Grant, 2010.

University of Rochester, Kauffman Course Development Grant, "Politics and Markets: Innovation and the Global Business Environment," 2009.

National Science Foundation, Award SES-0314786, "The Design and Enforcement of Legislative Budget Rules," 2003-07.

University of Rochester Center for Entrepreneurship, Research Grant, "Tolerance for Failure, Entrepreneurship, and Economic Performance," 2006-07.

Initiative and Referendum Institute at USC and USC-Caltech Center for the Study of Law and Politics, Research Stipend, "The Effect of Local Initiatives on State and Local Finance," 2006-07.

Earhart Foundation, Fellowship Research Grant, "Rules and Restraint: Government Spending and the Design of Institutions," 2006.

Smith Richardson Foundation, Domestic Public Policy Research Fellowship, "Rules and Restraint: Government Budgets and the Enforcement Problem," 2005-06.

CONFERENCE PAPERS (2004-Present)

"Does the Political Engagement of Top Managers Affect Firm Performance?" Co-authored with Jake Jares, David Gaddis Ross, and Seoeun Yang. Presented by Primo at the 18th Annual Strategy and the Business Environment (SBE) Conference, April 20-21, 2018.

"Risky Business: Do Disclosure and Shareholder Approval of Corporate Political Spending Affect Stock Volatility and Value?" Co-authored with Saumya Prabhat. Presented by Primo and Prabhat at the 2016 Annual Meeting of the American Law and Economics Association, May 20-21, 2016, by Prabhat at the 2015 MIT Asia Conference in Accounting, July 13-14, 2015, and by Primo (remotely) at the Annual Meeting of the American Political Science Association, August 28-31, 2014, with various titles.

"Corporate Social and Financial Performance Revisited: On Measures, Methods, and Interpretations." Co-authored with Robert J. Carroll and Brian Kelleher Richter. Presented by Richter at the 15th Annual Strategy and the Business Environment (SBE) Conference, May 1-2, 2015, and the 2015 International Association of Business and Society, March 12-15, 2015.

CONFERENCE PAPERS (2004-Present) (cont.)

"Using Item Response Theory to Improve Measurement in Strategic Management Research: An Application to Corporate Social Responsibility." Co-authored with Robert J. Carroll and Brian Kelleher Richter. Presented by Richter at the Annual International Conference of the Strategic Management Society, September 20-23, 2014 and at the Annual Meeting of the Academy of Management, August 1-5, 2014, and by Primo at the Annual Strategy and the Business Environment (SBE) Conference, April 21-22, 2014.

"Earmarks and Representation." Co-authored with Gary Hollibaugh, Larry Rothenberg, and Kristin Rulison. Presented by Hollibaugh at the Annual Meeting of the Midwest Political Science Association, April 11-14, 2013.

"Distributive Politics and Primary Elections." Co-authored with Chris Berry and Jim Snyder. Presented by Berry at the Annual Meeting of the Midwest Political Science Association, April 12-15, 2012.

"Voter ID Laws and Turnout." Co-authored with Jonathan Klingler and Jeff Milyo. Presented by Klingler and Primo at the Annual Meeting of the Midwest Political Science Association, March 31-April 3, 2011.

A Dynamic Model of Judicial Appointments." Co-authored with Yoji Sekiya. Presented by Primo at the Annual Meeting of the Midwest Political Science Association, April 2-5, 2009, and by Primo and Sekiya at the Annual Meeting of the American Political Science Association, September 3-6, 2009.

"The Bad News About 'Going Public.'" Co-authored with Stu Jordan. Presented by Jordan and Primo at the Annual Meeting of the American Political Science Association, August 28-31, 2008.

"The Effect of Initiatives on Local Government Spending." Presented at the Annual Meeting of the Midwest Political Science Association, April 12-15, 2007, and at the Annual Meeting of the American Political Science Association, August 30 - September 2, 2007.

"Tolerance for Failure, Entrepreneurship, and Economic Performance." Co-authored with Bill Green. Presented by Primo at the Annual Meeting of the Midwest Political Science Association, April 12-15, 2007.

"The Effects of Campaign Finance Laws on Turnout, 1950-2000." Co-authored with Jeff Milyo. Presented by Primo at the Annual Meeting of the American Political Science Association, August 31-September 3, 2006.

"Party Strength, the Personal Vote, and Government Spending." Co-authored with Jim Snyder. Presented by Primo at the Annual Meeting of the Midwest Political Science Association, April 20-23, 2006.

"Party Strength and State Government Spending." Co-authored with Jim Snyder. Presented by Primo at the Annual Meeting of the American Political Science Association, September 1-4, 2005.

"Modernizing Political Science: A Model-Based Approach." Co-authored with Kevin Clarke. Presented by Clarke at the Annual Meeting of the Midwest Political Science Association, April 7-10, 2005, and by Clarke and Primo at the Annual Conference of the Canadian Political Science Association, June 2-4, 2005.

"Public Goods and the Law of 1/n." Co-authored with Jim Snyder. Presented by Primo at the Annual Meeting of the Midwest Political Science Association, April 7-10, 2005.

"Restrictive Rules, Restrained Spending: The Endogenous Enforcement of Budget Rules in Legislatures." Presented at the Annual Meeting of the American Political Science Association, September 2-5, 2004.

CONFERENCE PAPERS (2004-Present) (cont.)

"The Theoretical Implications of the Empirical Implications of Theoretical Models." Co-authored with Kevin Clarke. Presented by Clarke at the Annual Meeting of the American Political Science Association, September 2-5, 2004.

"Open vs. Closed Rules in Budget Legislation: A Result and an Application." Presented at the Annual Meeting of the Public Choice Society, March 11-14, 2004, and at the Annual Meeting of the Midwest Political Science Association, April 15-18, 2004.

"State Campaign Finance Laws and the Turnout Decision." Co-authored with Jeff Milyo. Presented by Primo at the Annual Meeting of the Public Choice Society, March 11-14, 2004, and by Milyo at the Annual Meeting of the Midwest Political Science Association, April 15-18, 2004.

INVITED UNIVERSITY PRESENTATIONS (2004-Present)

Western University, Ivey Business School, Ivey Research Series, May 15, 2018

University of Southern California, Marshall School of Business, Applied Economics Workshop, March 27, 2015

University of Texas at Austin, McCombs School of Business, March 26, 2015

George Washington University, School of Business, February 20, 2015

Yale University, Institution for Social and Policy Studies, Show Me the Money: How Transparency in Political Donations Could Change American Elections, November 10, 2014

Yale University, Institution for Social and Policy Studies, Purchasing Power: Money, Politics and Inequality Conference, May 6, 2013

George Mason University, Economic Liberty Lecture Series, April 1, 2013

Washington University in St. Louis, Political Science Department Seminar, March 19, 2009

George Mason University, Economics Department Seminar, November 6, 2008

Kauffman Foundation, Summer Legal Institute, July 10-13, 2008

London School of Economics, PSPE Conference on Designing Democratic Institutions, May 13-14, 2008

University of Maryland, Economics Department Seminar, May 5, 2008

University of Chicago, The Harris School's American Politics Workshop, May 14, 2007

University of Southern California Conference, When Voters Make Laws: How Direct Democracy is Reshaping American Cities, April 6-7, 2007

University of Miami, Joint Political Science and Economics Seminar, February 22, 2007

Brookings Institution and Cato Institute Conference, The Marketplace of Democracy, March 9, 2006

University of Wisconsin, Madison, Conference on Public Election Funding, January 28-29, 2006

Cornell University, Joint Government and Economics Workshop, November 4, 2004

COURSES TAUGHT

University of Rochester (undergraduate unless otherwise specified)

American Political Institutions (PhD), Spring 2023

American Politics Field Seminar (PhD), Fall 2009, Fall 2007, Fall 2003

Business and Politics, Spring 2024, Spring 2022, Spring 2020, Fall 2015, Fall 2014, Fall 2013, Fall 2012, Fall 2009, Spring 2009, Spring 2008, Spring 2007, Spring 2005, Spring 2004, Fall 2002

Corporate Political Strategy (PhD), Fall 2016, Spring 2014

Disagreement in a Democratic Society, Fall 2024, Spring 2024, Fall 2022, Spring 2022, Spring 2020

Ethics & Policy in Tech (MS), Fall 2025, Spring 2023

Experience Simon Module: Corporate Strategy and Politics (MBA/MS), Fall 2012

Introduction to Positive Political Theory, Fall 2008, Fall 2007, Fall 2004, Spring 2004, Fall 2002

Models in American Politics: Theory & Data (PhD), Fall 2010, Fall 2008, Fall 2006

Money in Politics, Fall 2004, Fall 2003

The Nature of Entrepreneurship, Spring 2010, Spring 2008, Spring 2007, Spring 2005

Pandemic Politics, Fall 2023, Fall 2021

Politics and Markets: Innovation and the Global Business Environment, Spring 2025, Spring 2023, Spring 2021, Spring 2019, Fall 2016, Spring 2013, Fall 2010, Spring 2010

Strategy Beyond Markets (MBA), Fall 2025, Fall 2024, Fall 2023, Fall 2022, Fall 2021, Fall 2020, Fall 2019, Fall 2018

Stanford University: Business and Public Policy (undergraduate), Spring 2002

PROFESSIONAL ACTIVITIES

Additional Appointments and Affiliations

Senior Affiliated Scholar, The Mercatus Center at George Mason University, 2010-Present

Editorial Board, *American Politics Research*, 2006-Present

Board of Academic Advisors, Institute for Free Speech (formerly Center for Competitive Politics), 2006-Present

Rochester Center for Economic Research, University of Rochester, 2003-Present

W. Allen Wallis Institute of Political Economy, University of Rochester, 2002-19

PROFESSIONAL ACTIVITIES (cont.)

Additional Conference Participation (2006-Present, also see Conference Papers and Invited Presentations)

"Measurement Issues in the Study of Corporate Political Activity," Corporate America and Partisan Divisions Conference Sponsored by the Institute for Humane Studies, 2024

Authors Meet Critics Panel for *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters*, APSA Meeting, 2023

Discussant, Strategy and the Business Environment Conference, 2020

Plenary Session Presentation, "(Budget) Rules Are Made to Be Broken: Can We Fix Them?," Public Choice Conference, 2018

Discussant, Conference on "How Incomplete Is the Theory of the Firm?," Stigler Center at the University of Chicago Booth School of Business, 2017

Roundtable Participant, US Federal Campaign Finance in a Time of Transition, APSA Meeting, 2016

Discussant, Cornell Political Economy Conference, 2016

Discussant, Campaign Finance Law and Politics after Citizens United v. FEC, APSA Meeting, 2010

Discussant, Influences on Congressional Voting, APSA Meeting, 2010

Discussant, Washington University in St. Louis, Federal Budget and Tax Policy for a Sound Fiscal Future Conference, 2009.

Discussant, Partisanship and Bipartisanship in the US Congress, APSA Meeting, 2009

Discussant, Strategic Choices in Comparative Legislatures, APSA Meeting, 2008

Chair and Discussant, Lobbyists and Legislatures, Midwest Meeting, 2008

Chair and Discussant, The Political Economy of Legislatures, APSA Meeting, 2007

Discussant, The Effects of Institutions and Rules on State and Local Politics, Midwest Meeting, 2007

Roundtable Participant, The Marketplace of Democracy: Electoral Competition in the United States, APSA Meeting, 2006

Selected Department and University Service (University of Rochester)

Director of Graduate Placement, 2018-22, 2023-24, 2024-25, 2025-26

Member, Undergraduate Business Program Advisory Board, Feb. 2017-Present

Member, Methods/American Politics Search Committee, 2014-15

Member, Applied Political Economy Search Committee, 2010-11, 2009-10, 2006-07

Chair, American Politics and Methodology Search Committee, 2004-05

PROFESSIONAL ACTIVITIES (cont.)

Selected Department and University Service (University of Rochester)(cont.)

Chair, American Politics Search Committee, 2003-04

Co-Chair, Graduate Admissions, Incoming 2010 Class

Co-organizer (with John Duggan and Tasos Kalandrakis), Wallis Institute 14th and 17th Annual Conferences on Political Economy, 2007 and 2010

Co-organizer (with Gretchen Helmke and Stu Jordan), Wallis Institute Mini-Conference on Positive Political Theory and the Law, 2009

Organizer, American Politics Working Group, 2007-09

Faculty Ambassador, Office of Advancement, 2012-14

Other Professional Service

Secretary-Treasurer, Political Economy Section, American Political Science Association, 2016-18

Program Committee, 20th – 24th Annual Strategy and the Business Environment Conference, 2020-24

Co-organizer (with Mark Zupan), 16th Annual Strategy and the Business Environment Conference, 2016

Member, Alan Rosenthal Prize Committee, APSA Legislative Studies Section, 2009 award

Member, Best Paper Prize Committee, APSA Political Economy Section, 2011 award

Peer Reviewing: American Journal of Political Science, American Political Science Review, American Politics Research, British Journal of Political Science, Economics & Politics, Election Law Journal, Electoral Studies, European Journal of Political Economy, Independent Review, Journal of Business Ethics, Journal of Legal Studies, Journal of Political Institutions and Political Economy, Journal of Politics, Journal of Public Administration Research and Theory, Journal of Public Economic Theory, Journal of Public Economics, Journal of Theoretical Politics, Legislative Studies Quarterly, Management Science, Mercatus Center at George Mason University, National Tax Journal, Operations Research, Oxford University Press, Party Politics, Political Analysis, Political Behavior, Political Research Quarterly, Political Science Research and Methods, Princeton University Press, PS: Political Science & Politics, Public Choice, Public Opinion Quarterly, Quarterly Journal of Political Science, SAGE Publications, Social Choice and Welfare, Social Science Quarterly, Southern Economic Journal, State Politics & Policy Quarterly, Strategic Management Journal, Strategy Science, Time-Sharing Experiments in the Social Sciences (TESS)

Legal Consulting (*indicates deposition given or testified at trial)

Smith v. Stillie (United States District Court, Northern District of Alaska, Case 3:22-cv-00077-SLG)

Dinner Table Action v. Schneider (United States District Court, District of Maine, Case 24-cv-00430-KFW)

*Lopez v. Griswold (United States District Court, District of Colorado, Case 1:22-cv-00247-SKC)

*Ostrewich v. Hollins (United States District Court, Southern District of Texas, Case 4:19-cv-715)

Upstate Jobs Party v. Kosinski (United States District Court, New York Northern District, Case 6:18-cv-00459)

PROFESSIONAL ACTIVITIES (cont.)

Legal Consulting (*indicates deposition given or testified at trial)(cont.)

*State of Washington v. Grocery Manufacturers Association (Thurston County Superior Court, Washington State, Case 13-2-02156-8)

Seaton v. Wiener (United States District Court, District of Minnesota, Case 14-CV-1016 DWF/JSM)

Justice v. Hosemann (United States District Court, Northern District of Mississippi, Case 13-60754)

Worley v. Detzner (United States District Court, Northern District of Florida, Tallahassee Division, Case 4:10cv423-RH/CAS)

*McComish v. Bennett (United States District Court, District of Arizona, Case CV08-1550-PHX-ROS)

*McConnell v. FEC (United States District Court, District of Columbia, Case 02-CV-582 (CKK, KLH, RJL), Consolidated Action)

Other Consulting

Facebook

Media Appearances, Quotations, Citations, and Op-eds (National and International)

1A, ABC Radio (Australia), AFP, Associated Press, Bloomberg Brazil, Bloomberg News, Bloomberg Radio, Bloomberg TV, Chicago Tribune, Christian Science Monitor, Chronicle of Higher Education, CNBC.com, CNN.com, Cointelegraph, Computerworld, CQ Today, CQ Researcher, CQ Weekly Report, Credit Union Journal, Fast Company, Forbes.com, The Hill, Huffington Post, Inside Higher Ed, International Business Times, Law360, Los Angeles Times, El Nacional (Venezuela), NPR's Marketplace, National Public Radio, The National Desk, National Review, NBC's Today Show, New Republic, New Statesman America, News Italia Press, NewsNation Now, Newsweek, New York Magazine, New York Times, PolitiFact, Quartz, RealClearMarkets, Reason, Reuters, Roll Call, SiriusXM Radio, The Takeaway, Times (London), USA Today, US News & World Report, Voice of America, Wall Street Journal, WalletHub, Washington Examiner, Washington Free Beacon

Media Appearances, Quotations, and Op-eds (Local and Regional)

Print and Online: Albany Times Union, Baltimore Sun, Boston Globe, Boston Herald, Buffalo News, Capital News Service (MD), Cincinnati Enquirer, Colorado Springs Gazette, Cook County (IL) Record, Dallas Morning News, Delaware News Journal, Houston Chronicle, Las Vegas Sun, Newsday (New York), New York Daily Record, Oklahoman, Orlando Sentinel, Pittsburgh Tribune-Review, Rochester Business Journal, Rochester Democrat and Chronicle

TV and Radio: NBC 10 TV (Rochester), 13 WHAM TV (Rochester), R News/YNN TV (Rochester), KCBS Radio (San Francisco), KHOW Radio (Denver), WHAM Radio (Rochester), WCNY Radio (Syracuse), WNYC Radio (New York Public Radio), WPR Radio (Wisconsin Public Radio), WWL Radio (New Orleans), WXXI Radio (Rochester)

(Updated August 18, 2025)

EXHIBIT 7

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Expert Declaration of** **David Primo**

I, David Primo, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of New York, am over 18 years of age, and am competent to make this Declaration.

2. I am the Ani and Mark Gabrellian Professor, Professor of Political Science and Business Administration, and the Associate Department Chair and Director of Graduate Studies, at the University of Rochester.

3. I received my PhD in Political Science from Stanford University. I also have an MA in Economics from Stanford, an MA in Political Science from Brown University, and a BA in Economics and Political Science from Brown.

4. My research interests include American politics, campaign finance, corporate strategy beyond markets, fiscal policy, statistical methods, and political bargaining.

5. My work has been published in a number of peer-reviewed journals, including *American Journal of Political Science*; *Business and Politics*; *Economics and Politics*; *Election Law Journal*; *Journal of Law, Economics, and Organization*; *Journal of Politics*; *Journal of Theoretical Politics*; and *Strategic Management Journal*.

6. I am the author or co-author of four peer-reviewed books: *The Plane Truth: Airline Crashes, the Media, and Transportation Policy* (co-authored with Roger W. Cobb, Brookings Institution Press, 2003); *Rules and Restraint: Government Spending and the Design of Institutions* (University of Chicago Press, 2007), which received the 2008 Alan Rosenthal Prize from the Legislative Studies Section of the American Political Science Association; *A Model Discipline: Political Science and the Logic of Representations* (co-authored with Kevin A. Clarke, Oxford University Press, 2012); and *Campaign Finance and American Democracy: What the Public Really Thinks and Why It Matters* (co-authored with Jeffrey D. Milyo, University of Chicago Press, 2020).

7. At the University of Rochester, I teach courses in the Political Science Department's Ph.D. program, the Simon Business School's MBA and MS programs, and at the undergraduate level. I have received three teaching awards at the University of Rochester: the 2005 Goergen Award for Distinguished Achievement and Artistry in Undergraduate Education; the 2005 Undergraduate Professor of the Year Award, given by the University of Rochester Students' Association; and the 2018 Edward Peck Curtis Award for Excellence in Undergraduate Teaching, a university-wide teaching prize.

8. My research in campaign finance is primarily quantitative and focuses on the impact of campaign finance laws and campaign spending on features of democracy such as perception of government, electoral competitiveness, and the costs and benefits of disclosure.

9. I have served as an expert in several campaign finance cases, including *McConnell v. FEC*, and signed on to amicus briefs in others, including *Citizens United v. FEC*. Research I conducted as part of expert work in *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* was cited by US Supreme Court Chief Justice John Roberts in his majority opinion for that case. A full list of the cases in which I was retained as an expert appears in my curriculum vitae, which is incorporated into my expert report, and attached as Exhibit 6.

10. I was retained by Plaintiffs in this case to prepare an expert report evaluating the campaign finance disclosure provisions of Alaska's 2020 Ballot Measure 2, which is attached as Exhibit 5.

11. I am being compensated for my work on a flat-fee basis: $12,000 for the initial report, an additional $3,000 for sitting for a deposition, $10,000 for a rebuttal report, and an additional $3,000 if I am asked to testify at trial, in addition to reimbursement for any travel or outside expenses. Additional work, if it occurs, would be compensated at $400 per hour.

12. This Declaration summarizes the findings and basis of my report, a full and complete copy of which is attached as Exhibit 5.

13. My expert report focuses on two elements of Ballot Measure 2. First, I address the "true source" disclosures, under which organizations and individuals must report the "true sources" of contributions of $2,000 or more. "True source" is defined in the law as "the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services." Second, I address the new requirements for disclaimers in broadcast and other digital communications, including the requirement to list the top three contributors and the requirement that "outside-funded entities" place an ALL CAPS disclaimer on the screen for the duration of broadcast or other digital communications stating, "A MAJORITY OF CONTRIBUTIONS TO (OUTSIDE-FUNDED ENTITY'S NAME) CAME FROM OUTSIDE THE STATE OF ALASKA."

14. My report finds, based on the available social science evidence, including my own peer-reviewed research, that Alaska's communications disclaimers and "true source" disclosures will not improve, and may even worsen, voter decision making.

15. At best, the information will have little to no impact, because of the significant amount of other information available to voters.

16. At worst, the additional information may actually distort the speech of groups making independent expenditures by changing how voters perceive that speech.

17. While providing few, if any, benefits, these requirements place burdens on both contributors and organizations, and they may lead voters to avoid making political contributions for fear of reprisals.

18. The social science argument for disclosure is grounded in the idea of "rational ignorance," whereby voters find information gathering about an election to be too costly relative to the impact their vote can have on the outcome. To economize, voters rely on "cues," or shortcuts, when making decisions. For instance, if a voter knows nothing else about a candidate but the candidate's party affiliation, political party is a cue the voter could use to cast a ballot.

19. In a 2013 paper, I argue that the merits of disclosure requirements should be assessed based on whether they provide voters with *additional* information beyond what is already available through other means, and whether that information is *pivotal* in a voter's calculus (i.e., it leads voters to reach different conclusions about how to vote than they would in the absence of that information).

20. In Primo (2013), I use a survey experiment to demonstrate the value of this *information at the margin* theory by showing that survey respondents with access

to disclosure information did no better than respondents without such information in identifying the positions of interest groups on a ballot measure.

21. While my paper focused on ballot measure campaigns, other research focuses on the types of disclosures at issue in this case. Another paper discussed in my report (Robinson 2023), uses a survey experimental technique known as conjoint analysis to show that in a realistic political environment there is "little evidence that campaign finance information has a distinct impact on vote choice conditional on other highly-salient cues [such as party ID]" (2023, 31).

22. This research supports the proposition that disclosure has fewer benefits than proponents claim. But additional social science literature outlined in my report suggests that these requirements may in fact *harm* voters.

23. For one thing, research indicates that individuals with low levels of political knowledge or experience—presumably the voters who would most benefit from cues—may not be able to use cues effectively, or may even make decisions contrary to their preferences (Lau and Redlawsk 2001).

24. Broockman et al. (2024) show how cues can lead voters astray. They identify the problem of "heuristic projection," in which voters assume that interest groups they are unfamiliar with share their ideology. This can lead to confusion when these groups provide public evaluation of politicians, and the authors note that their results raise questions about whether interest group cues can improve "accountability" (2024, 72).

25. The available social science research shows that requirements like Alaska's "true source" requirement are unlikely to improve the information environment for Alaska voters—it will either do little or nothing at the margin, or may in fact make things worse.

26. The disclaimer requirements likewise create the potential for miscues by voters.

27. Suppose a voter—call this hypothetical person Sally—donates $5,000 to a group that shares her position on taxes but not her pro-choice perspective on abortion. Her contribution makes her a top donor to the group. That group subsequently runs ads in support of a pro-life candidate, candidate X, and Sally's name is disclosed on the ad *even though she is opposed to their endorsement of candidate X*! The voters are now worse off, as the disclosure information provides misleading information on which to base voting decisions.

28. In addition, disclaimer rules appear to be designed to weaken the message of the speaker producing the ad. Alaska's 2020 Ballot Measure 2 warned of

the "danger" posed by "the undue influence of wealth, including from outside the state."

29. In fact, disclaimers can be an effective way to taint the speech of those with "wealth, including from outside the state." A group of researchers even noted in a 2015 paper that their research on disclaimers could help governments achieve the goal of punishing the speech of outside groups (Ridout et al. 2015).

30. The available literature studying the effects of "top-donor" disclaimers utilizes survey experiments to estimate the impact of disclaimers.

31. Dowling and Wichowsky (2013) study "attack ads" and show that attack ads are less effective when "top-5 donor" disclaimers are included in the ads.

32. Ridout et al. (2015) use a survey experiment to show that the disclosure of donors in campaign ads "reduces the influence" of an outside group's advertising by reducing its credibility and effect on vote choice, compared to an ad where donors do not need to be disclosed.

33. In these studies, the mere *presence* of the disclaimer has a negative effect on the ads' effectiveness. All the other information in the ads is held constant, and therefore the disclaimer changes how *the same information* is perceived by voters.

34. Moreover, the additional information provided to voters is of dubious value. In Ridout et al. (2015), one-third of respondents in their experiment with donor disclaimers could not correctly recall the primary sponsor of the ad. In other words, voters do not absorb the relevant information consistently, and due to heuristic projection, this extra information may cause voters to draw incorrect inferences.

35. The out-of-state disclaimer poses similar problems as the top-donor disclaimer. There is limited literature on this type of disclaimer, but the two studies of which I am aware both find that an out-of-state disclaimer serves as a negative signal, with voters averse to the idea of influence coming from outside the state. Robinson (2023); Dowling and Wichowsky (2014).

36. I illustrate the problem with the following thought experiment: Group A and Group B run identical ads calling for the election of a candidate. Group A receives 100% of its money from out-of-state interests and raises $50,000. Group B receives 100% of its money from Alaskans and raises $1 million. All else equal, these two ads should have the same effect on voters. But now suppose Group A must place an "out-of-state" disclaimer on its ad. If that ad is now less effective than Group B's ad, then the state-mandated disclaimer has distorted the message of the ad with information that Group A would presumably not have chosen to include unless forced to do so. In addition, voters who see the ad from Group A may erroneously believe

that out-of-state interests are the dominant source of outside group spending on behalf of a particular candidate.

37. Mandated disclosure can shift voter perceptions by *distorting* the informational environment. In other words, these are not neutral interventions but instead systematically appear to change how voters perceive the speech in an advertisement.

38. Disclosure also imposes costs on individuals and organizations who wish to engage in political speech.

39. Disclosure imposes an administrative burden on organizations and contributors. For instance, if an Alaska resident wants to make a $2,000 contribution to a super PAC in Alaska, he must file a "24-Hour True Source Statement of Contribution 15-5 Form." The instructions to help voters complete this form are nine pages long. The training for groups to comply is 180 pages long. Research on administrative burdens of disclosure is limited, but I view these additional burdens as a tax on speech.

40. Additionally, disclosure creates the potential to chill speech.

41. There is a body of evidence showing that survey respondents express less willingness to give when told their information will be disclosed. La Raja (2014) found that respondents who are likely contributors said that they would reduce or eliminate contributions upon learning they would be disclosed publicly. My own research, Primo and Milyo (2020), uses a survey experiment to show that Americans' purported support for disclosure plunges when they are asked whether *their own* contributions should be disclosed (versus about disclosure generally). And, regardless of the question wording, an overwhelming majority of respondents in Primo and Milyo's survey experiment oppose the disclosure of a contributor's employer or address—precisely the information Alaska asks for.

42. Perhaps the most convincing evidence of the chilling effect of disclosure comes from a field experiment. Perez-Truglia and Cruces (2017) showed that individuals, when provided with information about the contribution behavior of neighbors, were less likely to contribute to a candidate if their political persuasion differed from that of their neighbors, compared with individuals who did not receive this "treatment." The authors conclude, "our evidence suggests that public disclosure could have the unintended effect of facilitating social pressure" (2017, 1242).

43. At best, the disclosures now required in Alaska are superfluous, adding little value at the margin given all the other information available to voters in a campaign. At worst, the disclosures—especially the top-donor and out-of-state disclaimers at issue in this case—*distort* the information conveyed in a message and,

in doing so, alter the effect of a group's speech. The literature is clear—these are *not* neutral disclaimers.

44. In sum, my report, attached as Exhibits 5 and 6 and incorporated herein, establishes that disclosure laws are not helpful, and may even be harmful, for voters. Further, they impose costs on outside groups and donors to those groups in the form of distorted speech, administrative costs, and chilled speech.

Professor David Primo

Date: April 10, 2026

EXHIBIT 8

Exhibit 8 is an audio file, and thus cannot be printed or converted into a pdf. Exhibit 8 was submitted via PACER.

EXHIBIT 9

YES ON 2
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
September 25, 2020

CONTACT: Melissa Blair, 907-744-6305
Media@AlaskansforBetterElections.com

Ballot Measure 2 Exposes Political Corruption Caused By Dark Money

ANCHORAGE—The Yes on 2 for Better Elections campaign hosted a webinar, "Shining A Light On Dark Money" this week on one of the most important reforms contained in Ballot Measure 2—strengthening campaign finance disclosure requirements to end the corrupting influence of Dark Money spending.

The term "Dark Money" describes the millions of anonymous dollars that flow into Alaska's elections each cycle with little or no real information about the true source of the funds.

"Seventy percent of Dark Money goes to pay for negative attack ads," said **Jay Costa, Executive Director of Voters' Right to Know.** "When you allow sources to hide behind a mask, they are much more willing to go negative. This drives a divisiveness that I think a lot of us can agree that we are sick of."

Secret political spending in campaigns is a major concern for our democracy as many fear that special interests unfairly influence our elections and drown out the voices of voters. In order to protect the integrity of our elections and elected representatives, Ballot Measure 2 will require a full and immediate true source disclosure of donations to candidates over $2,000. Voters have a right to know who is trying to influence their votes—Yes on 2 makes sure that right is upheld.

Ballot Measure 2 is designed to force big secret donors into the light while not interfering with regular Alaskans who want to support a candidate. It requires donors who give $2,000 or more to a candidate to reveal their name. **Paula DeLaiarro, an expert in Alaska campaign finance law and the treasurer of the Yes on 2 campaign,** says stricter disclosure requirements will either provide voters

with more information about who a candidate is beholden to or it will reduce the amount of money in politics.

“One possibility is that it will be a dealbreaker to some campaigns, they will refuse to disclose donors and they’ll take the ball and go play on someone else's field. The other option would be that groups will see it as basically the price of admission to participate in elections in Alaska and will comply and disclose who those donors are. Either way it is a win-win for Alaska,” DeLaiarro said. “Once we know who the people are who are contributing, I think Alaska voters will be better informed as to what the political agenda may be from outside sources.”

Leading by example, the Yes on 2 for Better Elections campaign is modeling the financial disclosure policies that Ballot Measure 2 will make standard practice in Alaska. “We fully comply with all current regulations and statutes, we timely report our contributions, expenditures, and debt, and we calculate and update our paid for by disclaimer in real time,” DeLaiarro said.

“I applaud Alaskans for Better Elections for taking that step and showing that it’s not a big deal to disclose the true sources of your money,” Costa said. “If you have nothing to hide and are truly supporting something that is in the public interest, then being transparent about it should not be a big deal.”

National campaign finance experts agree that eliminating Dark Money will improve the transparency and integrity of Alaska’s electoral process. **Catie Kelley, Senior Director of Policy and Strategic Partnerships at the Campaign Legal Center** said, “The way the law is now protects those really wealthy contributors. That’s where we see the strength of Ballot Measure 2. You’re going to break through all of those layers so that we know who is actually spending the money.”

Touching on the implications of the U.S. Supreme Court’s decision in Citizens United v Federal Election Commission in 2010, **Jeff Clements, President of American Promise** explained, “Alaska used to have limits on super PACs, legal limits on outside, non-resident money, and a Corrupt Practice Act saying that corporate money and union money should not be dominating elections. All of those are gone—blown up by the new constitutional theory of the Supreme Court.

So Alaska, like everywhere else, can't protect its own interests and people from outside money."

Optimistic for change, Clements encouraged Alaskans to vote Yes on 2. He said, "I'm so excited about Ballot Measure 2 in Alaska because this is one of the best things states could be doing to change the system and make it more responsive for everyday voters."

Ballot Measure 2 would not limit what people can spend—it would simply require their contributions to be made transparent by ensuring that the true source is disclosed to the public. Ending Dark Money and giving voters the information needed to know who is paying to influence political candidates is a much needed change that nearly everyone agrees on. It truly is a win-win for Alaska.

In addition to eliminating secret spending on campaigns, Ballot Measure 2 would improve Alaska's elections by creating a single unified primary ballot open to all voters and instituting ranked choice voting in general elections. Together, these common-sense updates to Alaska's electoral process will give voters more voice, more choice, more power, and better representation from our elected officials.

Find out more about improving our elections at AlaskansforBetterElections.com. Upcoming event details are listed on our Events and Facebook pages.

Weekly Webinar Series
9/30/20 - 9 am - RCV: Easy as 1, 2, 3!
10/8/20 - 3 pm - Alaska Natives for Better Elections Virtual Hang Out
10/8/20 - 6 pm - Fairbanks Virtual Meet & Greet
10/21/20 - 12 pm - More Choice, More Voice, More Power
10/28/20 - 4 pm - Ending Special Interest Influence

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YES ON 2
FOR BETTER ELECTIONS

BETTER ELECTIONS, MORE POWER FOR ALASKANS. VOTE YES ON 2.

This communication was paid for by Yes on 2 for Better Elections, PO Box 210295, Anchorage, Alaska 99521. Jason Grenn, Chair, approved this message. The Top 3 contributors are Action Now Initiative, Houston, TX; Unite America, Denver, CO; Represent.Us, Florence, MA.

alaskansforbetterelections.com

EXHIBIT 10

Paula DeLaiarro

- "If you have a lot of money, you can definitely have an impact in a small [population] state like ours.
- "We fully comply with all current regulations and statutes, we timely report our contributions, expenditures, and debt, and we calculate and update our paid for by disclaimer almost in real time."
- **What happens to political spending in Alaska if BM2 is passed? "**One possibility is that it will be a dealbreaker to [campaigns], they will refuse to disclose donors and they'll take the ball and go play on someone else's field. The other options would be that groups will see that as basically the price of admission to participate in elections in Alaska, and will comply and disclose who those donors are. **Either way is a win-win for Alaska. Once we know who people are who are contributing, I think Alaska voters will be better informed as to what the agenda may be from outside sources.**

Jim Rubens

- "Small states like ours are now being overwhelmed by big money controlled by a tiny number of people in places like Washington D.C., San Francisco, California, New York and they are determining which candidates are viable in elections."

EXHIBIT 11

back to the original source, and that's a big problem. It's those sophisticated spenders who can pay to set up the shell corporation, set up the LLC, that are the ones that end up not being disclosed. The law now protects those really wealthy contributors. The strength of BM2 is breaking through all of those layers so that we know who is actually spending the money."

Paula

- **1:21** "If you have a lot of money, you can definitely have an impact in a small [population] state like ours... We had a lot of outside money in the August primaries."
- We're definitely seeing the impact here. In 2018 our gubernatorial race all had IEG support or opposing them. A tremendous amount of money by Alaska standards. $2.9 million dollars where we don't know who the donors were.
- **1:23** We fully comply...
- The complaint against the opposition to BM2 revolves around several issues, a PFB that was never accurate to begin with. They chose three donors, all which are well known politically in Alaska. Once larger contributions started coming in from various political parties and other groups they never updated the original one. Their top donors had given 1,000 while they had received 50,000.
- **1:26** One possibility is that it will be a dealbreaker with them, refuse to disclose donors and take the ball and play on someone elses field. Basically the price of admission to participate in elections in alaska, and comply and disclose who those donors are. Once we know who people are who are contributing, I think Alaska voters will be better informed as to what the agenda may be from outside sources.
- 1:48 IE groups

EXHIBIT 12

Opponents of Ballot Measure 2 insist there's nothing wrong with our elections and that nothing needs to change. It's an answer that benefits them—not voters. Their argument boils down to "better the devil you know than the devil you don't."

But we know that the devil we have now is bankrupting the state and dividing neighbors along partisan lines. We can do better. Vote yes on Ballot Measure 2 for better elections and a better future for Alaska.

SIGNED: Yes on 2 For Better Elections Campaign Team

SHORTER VERSION (447 words):

Don't believe the special interests or the politicians they've bought—Ballot Measure 2 will help end corruption in Alaska politics.

The election reforms contained in Ballot Measure 2 would end the gravy train for politicians who have dined at the public's expense for too long without producing solutions to Alaska's problems. It's a shame they don't show the same fight for fixing the budget crisis or addressing education and health care issues, but such is the state of our hyper-polarized politics.

Democracy works when our elected officials are held accountable for their decisions by competition at the ballot box. Unfortunately, the dominance of the Republican and Democratic parties has turned our political system into a team sport where beating the other team is more important than solving problems.

Politics should be a competition of ideas. Unfortunately, neither of the two major parties seem to have any. We need leadership that's focused on solutions—not just holding onto power. And we need a system that encourages cooperation and greater participation.

The results of the recent primary provide a stark illustration of why change is needed. Legislators who defied their party leadership and worked across the aisle on solutions were targeted in the Republican primary. Secret donors funneled hundreds of thousands of dollars into personal attack ads against a handful of incumbents that were designed to depress moderate voter turnout while increasing enthusiasm among the party's most radical voters.

The results were predictable-—some incumbents lost with as little as 6 percent of their district voting against them. In a closed primary system, a small percentage of voters can successfully decide which candidates make it to the November general election and thereby limit voters' choices. Those candidates too often represent the interests of their parties, not the voters who are left to choose between the lesser of two evils.

Ballot Measure 2 was designed to address these problems. It will bring an end to the secret dark money spending tainting our elections by requiring prompt and full disclosure of the people actually putting in big dollars to support a particular candidate. Stricter disclosure rules will allow Alaskans to follow the money and hold elected officials accountable for their decisions. After all, elections are for voters, not the corporations who want access to Alaska's resources.

That's why Ballot Measure 2 will also give voters a greater say in elections by creating a single unified primary ballot that lists every candidate, and allow voters to make their voices heard by establishing ranked-choice voting for general elections. Voters should be able to share their preference for elected leaders at every stage, regardless of party affiliation, and have more transparent information to make their own choices.

EXHIBIT 13

actually putting in big dollars to support a particular candidate. Right now, special interests can hide their funding by funneling it through third-party organizations and Super PACs. The money is then often passed through multiple organizations to disguise the identity of the original donor.

Why would a special interest go to all that trouble to hide its giving to a candidate? Politics cost money and candidates rely on the small-dollar donations of voters to campaign. But those small dollar donations are drowned out by the flood of dark money that's entered elections since the Supreme Court's 2010 Citizens United decision. Between 2014 and 2018, spending on Alaska campaigns jumped from $3.9 million to $14 million, and it continues to increase each election cycle.

With so much money flowing into politics—and the fact that we don't know where all of it is coming from—it's impossible for candidates to run without courting deep-pocketed special interests who often expect those candidates to do their bidding once elected. Stricter disclosure rules will allow Alaskans to follow the money and hold elected officials accountable for their decisions. After all, elections are for voters, not the corporations who want access to Alaska's resources.

Ballot Measure 2 would give voters a greater say in elections by creating a single unified primary ballot that lists every candidate regardless of party affiliation. Over 60 percent of Alaska voters choose to register as undeclared or nonpartisan. Alaskans rarely vote the straight party ticket, choosing instead to vote for the best candidate regardless of party. It's not uncommon for Alaskans to choose a candidate from one party for congress and another party for their local legislative district. Unfortunately, the current system allows the parties to restrict who can vote in the primary and thereby dictate which candidates appear on the ballot in November.

Opponents of Ballot Measure 2 argue that they have a first amendment right to hold private primaries, but that's no justification for forcing Alaskans to pay for them. Under Ballot Measure 2, parties can still nominate a candidate of their choosing—but they can't do it with state funds.

EXHIBIT 14

Reclaiming Alaska, Our Political Process, and Our Souls

The election season is nearly behind us and I am confident not many people will miss it. To most of us it feels like Alaska is under siege by something worse than a pandemic - a toxic stew of extreme polarization and identity politics that uses deception, slander, and pejorative one-liners to demonize and destroy "other" Alaskans of different views.

I believe we are witnessing a paradigm shift in the general political atmosphere of the past 50 years in Alaska. Identity politics and extreme polarization now rule the day. It used to be that the shared difficulties and hardships of work and life in Alaska pulled the broader group into a centrist, "community-first" mentality that was primarily concerned with *protecting the rights of our citizens*, promoting a *strong economy*, and *cultivating a healthy sense of citizenry* that was entrepreneurial, faithful, and loyal to neighbors.

If you open Facebook today, it doesn't take more than a minute to see that our party extremes are wholly consumed by the thirst to win, through any means necessary, often leaving an "opponent" – a person who is first and foremost our neighbor – as bloodied as possible. Party purity is now given a higher value than our spiritual faith, a faith which compels us to do justice, love mercy and walk humbly with our God.

We see this evidenced in the Alaska Family Council's recent descent into the abyss of partisan extremism, exchanging the peace and good news of the gospel for the role of "winner takes all - ends justify the means" political action arm. To judge by the language of their political mailers and communications, you would hardly imagine they had studied the teachings of Jesus Christ with the attention they profess to have given the subject.

And this is only the symptom of a much deeper problem across our state and nation, the sickness of our hearts. We don't love our neighbor, or honestly face our own frailty and capacity for evil, or seek the peace, unity and welfare of our community. This has produced a culture of fear and resentment with no real hope. We can't fix this problem with legislation, getting 'the right person' into office, or 'that stupid party' out of power.

Today in Alaska we allow those with interests far different than ours – Outside lobbying firms, Washington D.C. think tanks – to overwhelm our local elections with money and advocacy that has nothing to do with improving our community. They cut checks, dump resources into races, and leave town after 3 months, with no care for the character of the person they elect, as long as they will conduct themselves according to the will of the Party.

We wonder why real, local community concerns and basic rights of citizenry aren't fought for by our elected leaders. Why? Because our current party system elects to have leaders who will only care about the issues the Party wants them to care about, to vote the way the Party wants them to vote, and to leave other matters alone. It is no wonder many Alaskans have become disillusioned with politics, their elected representatives are beholden not to the people, but to the Party bosses.

For Alaska's most successful leaders, party power was always secondary to getting the job done for Alaska. Yet today we condemn one another for a newly minted cardinal sin: working with "the other side". As if the "other side" were not people who go to our same PTA meetings, fish beside us in the same creeks, or rush to the side of the same neighbor in times of need. Does "our side" really have a monopoly on perspective or answers to every challenge?

What can we do to regain what has been lost, and reclaim a process promised to all Alaskans? It begins with us releasing our death grip on a dead paradigm run by partisan extremes, running the same campaigns, with no new ideas whatsoever on good governance. Alaska needs leaders to show up for their communities, put forward real solutions, and work with anyone who shares those same values and a commitment to a better future. And we must recognize that we are all broken people who need grace. This will enable us to look at those who disagree with us as our neighbor, brother and sister, and not "the enemy".

We can turn the tide. Let's remind the arsonists who would rather set their political opponents on fire than listen to them, that the only progress we have ever made was when Alaskans pulled together as one people. Alaskans can reclaim Alaska, decide what's best for Alaska, and save Alaska.

Representative Chuck Kopp
House Rules Chair
Lifelong Alaskan

EXHIBIT 15

Dillon thinking on signer…

It must be wonderful to live in New York or California or Oregon because they get to go through their days without the other 49 states telling them how to live their lives. But as Alaskans, we're under a constant barrage of do-gooders who know best about what we should be doing.

"How dare you drill for oil up there?" Or, "Toss out your guns! Ducks are people, too." Or, "As Californians, we think this is who you should send to Congress."

Oh, sure, instead of breathtaking scenery, salmon-choked rivers, and endless wilderness, they get breath-sucking smog, traffic-choked freeways, and housing developments as far as the eye can see. But, really, when was the last time anyone from Alaska threatened to boycott their products because we didn't like their politics? Or when did any Alaskan spend millions of dollars to try to sway their elections?

That's one of the things I love about Ballot Measure 2. It will shine a light on all the Outside Dark Money that gets shoved down Alaskans' throats every election year. As it stands now, shadowy organizations have unfettered access to Alaska's airwaves, flooding the TV, radio, and web with thousands of ads that try to tell us what to do. And the people giving them the money can hide in the dark, safely isolated from the prying eyes of Alaska's citizens.

It's time to put an end to this. If some wealthy outsiders want to tell us how to vote, then that's their prerogative. But we, as Alaskans, deserve to know who they are and why they're meddling in our politics. Ballot Measure 2 will change the law so we can see where the money's coming from. The guys with their arms stuck up the back of the puppet organizations will have to come out into the open air and face the music.

Another thing I like about Ballot Measure 2 is how it will give a voice to all Alaskans, and not just for the slightly more than a third of the voters who identify as Republicans or Democrats. Sure, partisan primaries may make sense in a lot of other states, but Alaska's different. I know. You hear that about a lot of things, but it's never been more true than in this instance.

Sixty-three percent of Alaskan voters proudly reject wearing an R or a D after their names. It's all part of that fierce independent Alaskan spirit. But the two main parties control the primaries, which ultimately decides who the rest of us get to vote for in the general election. Talk about the tail wagging the dog. It would be one thing if the parties paid for their own primaries, but they don't. The State pays for the primary elections. So if all of us are paying for the primaries, shouldn't we all get an equal chance to vote for whichever candidates we want? Maybe I want to vote for the Republican in one race, the Democrat in another race, and the independent in yet another one. That's the Alaska way! Ballot Measure 2 will open up the primaries to everyone.

Finally, Ballot Measure 2 will ensure that every winner has support from over 50 percent of the voters. How many times have we seen two candidates with similar views split 60 percent or more of the vote, handing the election to a third candidate who wins with 40 percent or less?

Commented [1]: @dillon@radillon.com
Any ideas on signer?

Commented [2]: i don't know. it's spicy. someone young or a republican.

Commented [3]: @jackson@alaskansforbetterelections.com
You're young and republican... any ideas of spicier folks?

Commented [4]: @madi@alaskansforbetterelections.com unless Madi has any Valley ideas...

Too many times to count. Ballot Measure 2 will enact Ranked Choice Voting, which makes sure that the candidate who wins is the one who appeals to the majority of the electorate.

Opponents try to claim that it's complicated, but it's what we do every day. You go to the store for some iceberg lettuce, but they're out, so you get romaine, your second choice. The store doesn't say, "Sorry. No iceberg, so you get kale." With ranked choice voting, your second choice matters. You'll never have to worry about wasting your vote again or getting stuck with someone who lucked their way into winning with 37 percent of the vote.

We Alaskans are a special breed, and, for the record, I would take life up here any day over any other state in the Union, even with all the nosy Outsiders trying to tell us what to do. In a lot of ways, Alaska is perfect. Ballot Measure 2 will make it a little perfecter.

EXHIBIT 16

Among all the negativity this election cycle, there is a bright spot and hope to update our system so that it will work better going forward. Soon, we can elect problem solvers, bi-partisan and non-partisan legislators that will be able to look past National party agendas and work for all Alaskans instead of the extremes of the right and left. Instead of gridlock, we could be seeing solutions.

We have the chance to vote for open primaries, returning to a system that allows all of us to vote for any candidate we wish in the state-funded primary election. In states that have maintained an open primary (ours was taken away by a California court decision), voter turnout is higher. More of us having a say in who we elect is more democratic, and is good for the marketplace of ideas.

Unfortunately, our current system in Alaska is set up to drive candidates to political extremes. This happens with a combination of partisan primaries and the influence of dark money groups outside that spend heavily to tinker with our primaries. These groups especially have focused on punishing legislators that work together by “primarying” them out: finding a more extreme partisan and spending tons of money to out-speak anyone else.

Then in the general election, voters are faced with the “lesser of two evils” instead of a slate of well-qualified candidates to choose from. We all benefit from the increased competition of ideas and increased cooperation among elected officials. That’s how we can actually see good policy. Ballot Measure 2 brings us both by implementing ranked-choice voting along with the open primary and increased transparency.

It’s beyond time to get to work on the issues Alaska is facing, and with Ballot Measure 2, we can update our elections to incentivize the sort of leader that is ready to put their time in for Alaskans.

EXHIBIT 17

Congressman Don Beyer, a Virginia Democrat, and former Massachusetts **Governor and presidential candidate Bill Weld**, a Republican, spoke of the negative consequences caused by growing partisanship and corrupting influence of dark money, and the opportunity to improve the situation with the reforms included in Ballot Measure 2.

> "Every place you've done ranked choice voting, you find that people need to raise less money—to reduce the role of money is really powerful," Congressman Beyer said. "You don't go negative if there's ranked choice voting. And if you don't go negative, you need a lot less money."
>
> "Even ranked choice voting by itself would undercut the influence of money in politics," added Weld, who challenged President Donald Trump for the Republican nomination this cycle and ran for Vice President as a Libertarian in 2016. "Allowing people to focus on governing instead of raising enough money to hit their magic number."

Representative Ortiz echoed Weld's comments on the detrimental effects money in politics has on state lawmakers who are forced to compete with secret spending from outside of Alaska every election.

> "If we were to adopt Ballot Measure 2, it really would change things, and change the process of how people who aspire to public office actually gain those positions," Ortiz said. "We are within a two-year system in the House. I feel like I spend a lot of that time running for office versus adopting policies that would really help the state move forward. It's so hard to work on solutions that can gain majority support because the current system rewards and incentivizes people to take actions more out of fear than out of a good, sensible policy."

Ballot Measure 2 seeks to improve Alaska's elections by creating a single unified primary ballot open to all voters, eliminating secret dark money spending in campaign financing, and instituting ranked choice voting in general elections. Together, these common-sense updates to how voters select their political leaders are designed to give voters more voice, more choice and more power.

Find out more about improving our elections at AlaskansforBetterElections.com.
Upcoming event details are listed on our Events and Facebook pages.

EXHIBIT 18

Better governance starts with better elections
By Jason Grenn, Bonnie Jack, Bruce Botelho, co-Chairs, Alaskans for Better Elections

An Anchorage Superior Court judge this month confirmed that a group of local residents working to improve the tenor and efficacy of state government can begin collecting signatures to place important electoral reforms before voters next November.

By allowing the Alaskans for Better Elections initiative to move forward, the court has paved the way for Alaskans to usher in cleaner, fairer, and more open elections.

Alaskans for Better Elections is about Alaskans committed to improving our election process to encourage greater participation in government, more civil discussion about our state's pressing challenges, and increased transparency.

We are citizens working to put the power of elections back in the hands of Alaskans, not Outside special interest groups. We believe government should serve the people, not the other way around.

We have seen an avalanche of Outside money bury the voices of regular Alaskans in recent elections. Outside influence – regardless of source or issue – has turned our long tradition of civic discourse into a mirror image of the debilitating partisanship that has gridlocked our national political system. We now fight over control of state government instead of debating solutions to move us toward a brighter, more prosperous future for all Alaskans.

Money, not issues, drives our politics today. It doesn't have to be this way.

That's where Alaskans for Better Elections (ABE) comes in. The initiative includes common sense reforms to improve the electoral process and encourage more responsive and responsible governance. If approved by voters next November, the measure will require full transparency for anyone trying to use money to influence our elections, open primaries to all registered voters, and give voters a greater say in who is elected by allowing them to rank candidates in order of preference.

First, the initiative puts an end to dark money. We deserve to know whose money is being used to try to influence the outcome of our elections. Outside money isn't inherently bad, and some amount is inevitable. In fact, our group has accepted and will accept some funding from Outside groups. But voters will always know its source as we'll continue to be more transparent than the law currently calls for.

EXHIBIT 19

FOR IMMEDIATE RELEASE
September 22, 2020

CONTACT: Melissa Blair, 907-744-6305
Media@AlaskansforBetterElections.com

MEDIA ADVISORY

Shining A Light On Dark Money: Campaign Finance Reform Webinar

Join us **TOMORROW, September 23 at 9:00 am** for "Shining A Light On Dark Money: Campaign Finance Reform" webinar. The term "Dark Money" describes the large sums of Outside political dollars that flow into Alaska each election year with little or no real information about the original source of the funds. Secret political spending in campaigns is a growing concern among citizens of the state as many fear it's drowning out the voices of ordinary Alaskans. Ballot Measure 2 will require full and immediate disclosure of who is backing a candidate in order to protect the integrity of our elections.

What: Shining A Light On Dark Money: Campaign Finance Reform webinar
When: WEDNESDAY, September 23 at 9:00 am Alaska
Who:

Paula DeLaiarro, Treasurer, Alaskans for Better Elections campaign
Jeff Clements, President of American Promise
Jay Costa, Pennsylvania State Senator (D)
Catie Kelley, Senior Director of Policy and Strategic Partnerships at Campaign Legal Center

Where: Zoom. Please sign-up in advance here.

In this webinar, Yes on 2 for Better Elections campaign Treasurer, Paula DeLaiarro, and national experts in campaign finance, including Jeff Clements, Jay Costa and Catie Kelley, will discuss how Ballot Measure 2 would create transparency in our elections by requiring the sources of campaign contributions over $2,000 to be disclosed, thereby ending "Dark Money" and giving voters information they need to

EXHIBIT 20

ABE increases disclosure requirements for special interest groups that raise and spend seemingly unlimited amounts of money from outside of the state to influence the outcome of our elections. Our elections have been buried in recent years by campaigns underwritten by Outside interest groups and secret donors. Special-interest groups would be required to reveal the true sources behind large donations in real-time. That means no more *dark* money.

Second, the initiative would establish an open primary system for all political parties.

Our current primary system is hyper-partisan and denies voters real choices – and yet it's paid for with taxpayer money. The system currently gives the political parties the power to choose who among us can vote in their primaries. This reduces voter turnout and confidence in government.

We are not a partisan state. An overwhelming 57 percent of voters are registered as non-partisan or undeclared, while 24 percent are registered Republicans, and 13 percent are registered Democrats. ABE would place all primary candidates on a single ballot, allowing all voters to choose the candidate that best represents their values regardless of party label.

Finally, the initiative would allow voters to rank candidates in order of preference and ensure that the winner is the candidate with a majority of voter support.

Ranked-choice voting is a commonsense reform that saves money, makes elections more inclusive, and discourages negative campaigning.

Ranked-choice voting is exactly what it sounds like: voters rank their top candidates in order of preference, or vote for just one candidate as they do now. If one candidate receives a majority of votes in the first round, they win. If no candidate receives a majority of votes in the first round, the candidate with the fewest votes is eliminated and those votes are transferred to the voter's next preferred candidate. This process repeats until one candidate has a majority of the votes.

Ranked-choice voting encourages greater civility in politics and allows more people to participate in the process. Voters are also empowered to choose the candidate they like most instead of worrying about wasting their vote on a "spoiler" or picking between the "lesser of two evils." And the candidate who is ultimately elected is guaranteed to be someone that a majority of the people support. Imagine a candidate who tries to work with all of their constituency, not just their base!

Taken together, these changes to our electoral system will deliver real improvements to how our state is governed.

In the coming months, ABE volunteers and campaign staffers will be traveling around the state collecting signatures and discussing the improvements that the initiative would bring. We will be

EXHIBIT 21

YES ON 2
FOR BETTER ELECTIONS

Newsletter draft text for Friday emails by Prosper. Due Wednesdays.
outline of media, events, and endorsements/news

Date: 9/25/20

Commented [1]: swapped with 9/18

Theme for week: Voice Heard
Audience: all opt-ins, add staff
Subject: Make Sure Your Voice is Heard

Dear [Insert First Name],

The Yes on 2 for Better Elections campaign launched its first television advertisement of the general election. The 30-second spot highlights the corrupting influence of secret "Dark Money" spending in Alaska's political campaigns.

The term "Dark Money" describes the large sums of Outside political dollars that flow into Alaska each election year with little or no real information about the original source of the funds. Secret political spending in candidate campaigns is a growing concern among citizens of the state as many fear it's drowning out the voices of ordinary Alaskans.

Ballot Measure 2 would end this kind of secrecy and deception, restore balance to our elections, and give voters the information they need to make informed choices. This is a law creating transparency; it doesn't pick winners and losers or limit what people can spend—it only requires them to be transparent about what they're doing.

HIGHLIGHT: SHARE WITH YOUR FRIENDS- YOUTUBE, FB, TWITTER-- *make it easy*

[Prosper to determine ask for the week—mobilization, donation, join us, etc.]
suggest asking for a donation… help us reach our goal of 1000 individual Alaskan donors.

Vote Yes on 2.

Commented [2]: should be the graphic version of this text

Sincerely,



YES ON 2
FOR BETTER ELECTIONS

Newsletter draft text for Friday emails by Prosper. Due Wednesdays.
outline of media, events, and endorsements/news

Stacey Lucason, Deputy Campaign Manager and
The Alaskans for Better Elections Team

BETTER ELECTIONS, MORE POWER FOR ALASKANS. VOTE YES ON 2.

This communication was paid for by Yes on 2 for Better Elections, PO Box 210295, Anchorage, Alaska 99521. Jason Grenn, Chair, approved this message. The Top 3 contributors are Unite America, Denver, CO; Action Now Initiative, Houston, TX; Represent Us, Florence, MA.

alaskansforbetterelections.com

EXHIBIT 22

A VIEW FROM BRISTOL BAY

Out here in Bristol Bay, we know that issues aren't always black and white. Leadership takes community building, understanding, and decisions based on what's best for all our people. Too many policymakers let party politics make their decisions for them, as though they were elected to serve just a small portion of their constituency.

That's why I am a supporter of Ballot Measure 2. The changes that will be brought about by this measure will clean up Alaska's elections and lead to better, more responsive, and more accountable government.

First, it will allow all Alaskans to vote for whichever candidate they want in the primary. The current split-ballot primary is exclusionary and doesn't let voters choose from every option. And like most of my Bristol Bay neighbors, I don't believe our dwindling state funds should be used to pay for one party's primary. If a party wants to have its own little invitation-only caucus, let them pay for it themselves.

I also appreciate the new safeguards Ballot Measure 2 will create to guard Alaskans against the influence of Dark Money. That's the millions of dollars in anonymous outside money that floods the airwaves and drowns out real Alaskan voices. The people behind these ads can hide behind a bunch of bogus organizations, and it's almost impossible to know who is really trying to influence our elections. After Ballot Measure 2 passes, campaigns will have no choice but to be much more honest and transparent.

Our democracy was established to give every person an equal say in how government should function. At its best, there is no better form of government in the world. But when we ignore it, things can get a little out of whack. And that's when you get government by and for special interests, instead of by and for the people – kind of like we've seen in Alaska over the past couple of decades.

Ballot Measure 2 will restore power and choice to the people. The thing that makes me the proudest about being the Mayor of Bristol Bay Borough is the fact that I was elected by you, the people of Bristol Bay. I think every elected official in the state should want to feel that same honor, but when our elections are contaminated by the undue influence of outside interests and party bosses, who does that official answer to?

Let's make Alaska's elections about the people again. Please join me in voting for Ballot Measure 2, for better elections.

EXHIBIT 23

Jim Rubens

- The voters of new hampshire are not determining which candidates are viable.
- **1:16** "This issue is unfairly claimed as being mainly supported from the left. Our job is to expand .. the problem is the same, the policy preferences are different. The problem of the distancing and divorcing of the people who own the country to who our government should be accountable, spans the spectrum."
- **1:18** "The tenth amendment is being completely distorted... These small states are now being overwhelmed by big money controlled by a tiny number of peopl ein places like Washington D.C., San Francisco, New YOrk. They are determining which candidates are viable in elections so that voter's choices are being narrowed by people who don't live in our states and whose policy preferences are often different. It means that our voters in our small states like New Hampshire and Alaska are not being fairly represented even before the elections have happened."
- Citizens United claimed that there would be no corruption and no perception of corruption-- this is false. We would like to preserve the tenth amendment and federalism in our states.

Jackson Blackwell

- We're actually overdisclosing as a campaign. As a campaign we wouldn't have to say how the true sources are of our top contributors. We are trying to take the lead on transparent campaign spending.

EXHIBIT 24

Better Elections
Radio :30
"Disasters"

MUSIC UP

ANNCR:	As Alaskans, we've seen our share of disasters. Earthquakes. Wildfires. Our state government. At least we can fix that last one. But better government needs better elections. Where powerful special interests can't buy votes and hide where the money came from. It's called dark money, and Measure 2 will get rid of it by making campaign donations transparent. The way they should be. It's all about more choices. More voices. Vote yes for measure 2.
FAST DISCLAIMER	4 Seconds Legal Disclaimer

EXHIBIT 25

Better Elections
Radio :30
"Kenai"

MUSIC UP

ANNCR:	You know, a lot of folks are tired of wasting their votes on candidates who don't keep their word once they're in office. But the way Alaska's elections work now, you get what you get. Special interests can pretty much buy elections, and you don't even know who's writing the checks. Well, Measure 2 will open up the primaries to *all* Alaskans AND shine a light on dark money. Take back the power. After all, it's your vote. More choices. More voices. Vote yes for measure 2.
FAST DISCLAIMER	4-5 Seconds Legal Disclaimer

EXHIBIT 26

Better Elections
Radio :30
"Undeclared"

MUSIC UP

ANNCR:	Know what political party most Alaskans belong to? Undeclared. So how fair is it that unless you're a Republican or a Democrat, you can't vote for the candidate of your choice in the primary? So in the general election, you're stuck with a pair of bozos that were handpicked by a few extreme partisans and special interests. Ballot measure 2 will change that, by opening up the primary to everyone. Including Alaska's largest party – no party at all. It's all about more choices. More voices. Vote yes for measure 2.
FAST DISCLAIMER	4 Seconds Legal Disclaimer

EXHIBIT 27

Better Elections
Radio :30
"We All Agree"

MUSIC UP

ANNCR:	You'll find as many opinions in Alaska as there are miles of coastline. But at least there's one thing we can all agree on. Our state government is a complete mess. These guys can't seem to get anything done. Well, if we want better government, a great place to start is with better elections. Measure 2 will open up the primaries, so more Alaskans have a say, and we don't end up having to choose between the lesser of two evils. It's all about More choices. More voices. Vote yes for measure 2.
FAST DISCLAIMER	4 Seconds Legal Disclaimer

EXHIBIT 28

A MUSHER'S OPINION ABOUT BETTER ELECTIONS

I know. You're probably wondering what some guy who races dogs for a living knows about elections and politics. But that's just the point, isn't it? Elections were never intended to be just for the political insiders and so-called experts. Our country – and our state – were founded on the principle of government by the people. And that means ALL the people, including mushers.

And while I may not be an expert on backroom politics, I do know a thing or two about common sense and fairness. For example, through the years, I have been blessed with a lot of really great sponsors. We have a pretty nice arrangement. They help me out by paying for the considerable costs of owning a championship-caliber dog team, and I give them visibility by slapping their logos on any visible free space I can find – on my coat, my dogs' bibs, my truck, my hat.

Now, if some sponsor came up to me and offered me a bunch of money to sponsor my long johns, with the understanding that I'll keep them covered up (something I try to do anyway), so no one can ever know about it, I would think that was kind of weird. Like, what are they hiding? But that's what happens every election year in Alaska, and it's called Dark Money. Rich outsiders pour gallons of money into Alaska's election campaigns, and they go to all kinds of trouble to hide its source. Ballot Measure 2 will make that practice illegal. If somebody wants to pay for the privilege of influencing Alaska's elections, they will have to reveal who's doing the influencing. Like I said, just good common sense.

Another thing I kind of like about Measure 2 is this thing called ranked choice voting. The opponents of Measure 2 are going to great lengths to make it sound scary or confusing, but it's as simple as the things you and I do every day. I can't tell you the number of times I have started a race with one set of lead dogs, but sometimes they might not perform quite as I had hoped. So I switch to my second choice, and so on, until I get the right dog leading the team. In a nutshell, that's ranked choice voting. If your first choice gets trampled, then your second choice gets counted. The best thing about ranked choice voting is that the winner always has more than 50 percent of the vote. I've seen plenty of elections where the two most popular candidates split each other's votes, and the third most popular slips in under the wire. Kind of like if my team got

tangled up with Aliy's team, and some guy from Nebraska stumbles in ahead of us. Measure 2 makes sure the winner has the most overall support.

And let's not forget Alaska's primaries. Whose idea was it to have the State of Alaska use its precious funds to pay for an individual party's primary? I'll tell you who. Those so-called political experts and insiders who have been running our government off the trail for years. Nearly two-thirds of Alaskans don't belong to one of the big two parties, so it's just plumb crazy to have a primary system, paid for by the State, that favors just two parties representing 37 percent of the voters. Measure 2 will open up the primary and put everyone on a single ballot, so every voter can vote for the candidate of their choice.

See? I told you I was an expert at common sense and fairness. It's like this. The only way I managed to win a Yukon Quest and four Iditarods was because I had dog teams where every single member was pulling together. That's how you run a state, too. Ballot Measure 2 will make sure all Alaskans have the power to pull our state forward – together. That's why I'm voting yes.

EXHIBIT 29

THE KEY TO BETTER GOVERNMENT IS BETTER ELECTIONS

We've all heard the expression, "If it ain't broke, don't fix it." If that's true, then logic would dictate that if something IS broke(n), we *should* fix it. And that brings me to the topic of Alaska's elections.

It's hard to look at our state government and think that everything is just perfect as it is. We have a history of corruption and incompetence among our elected officials that would almost make Chicago blush. So, how can we fix it?

If we want better government, a good place to start is with better elections – elections of the people and by the people, without undue influence from political insiders, special interests, and outside Dark Money. Ballot Measure 2 will clean up a lot of the dirt that has made a mess of Alaska politics, and it will put the power back into the hands of the people, where it belongs.

How, you ask? Well, let me tell you. First, Measure 2 will reinstitute an open primary in state elections, with one ballot for everyone. That was how we did it up here for the first 30-plus years of statehood, until one of the big political parties decided they didn't want anyone to vote in their primary but the party faithful. Ever since, we have had to choose between two primary ballots, so you may not even get to vote for all the candidates you want. Maybe that works in other states, but in Alaska, where nearly 63 percent of voters are neither Republican nor Democrat, it's just crazy that we have a primary election that's dictated by 37 percent of the voters. Talk about the tail wagging the dog! Measure 2 will end that.

Next, Ballot Measure 2 will put an end to Dark Money, a term that sounds scary because it is. Dark Money refers to the millions of dollars of big Outside spending that pours into Alaska to influence our elections. Current Alaska laws don't even require the true source of that money to be identified, so outsiders can try to buy our elections, and they don't even have to disclose who they are. When Measure 2 becomes law, these big-money outsiders will finally have to step out from behind the curtain and admit who they are. And, you know what? I think a lot of them will decide to spend their money trying to buy someone else's election. Dark Money just has no place in the Land of the Midnight Sun.

And finally, Measure 2 will ensure that every winning candidate has the support of the majority (50 percent, plus 1) of the voters, through a process called ranked choice voting. How

often have we seen candidates in a three- or four-way race win with 35 or 36 percent of the vote? Often, two candidates with similar values end up canceling each other out, and a third candidate sneaks in with far less than a majority. By the same token, have you ever wanted to vote for someone who you really like, but you don't, because you're afraid you might be "throwing away your vote"? Ranked choice voting will solve both of those issues.

The opponents of ranked choice voting are trying to claim that it's complicated and hard to understand, but really, it's no different than what you've done your whole life. You go to the store for some frozen corn, and you find they're out. So you get your next choice, frozen peas. Ranked choice voting is as simple as that, and the best part is it will put an end to fringe candidates sneaking their way into office.

I guess I'll go back to my original statement. If you think Alaska's state government is just hitting on all eight cylinders, and there's absolutely nothing we can do to improve how we're represented in Juneau, then don't fix it. But, if you're like me, and you think our state government is something between a train wreck and a dumpster fire, then let's make our elections a little better. On second thought, let's make them a lot better. Ballot Measure 2 will do just that.

EXHIBIT 30

PORCARO COMMUNICATIONS

Better Elections
Radio Media Plan
July 8, 2020

This plan will take advantage of radio's relative strength during the summer months. Because we plan to keep the messages simple, we will air 30-second ads, which will maximize the efficiency of the buy. The target audience is Alaskans, aged 25-54, although the buy will have significant spillover to both younger and older voters. We will buy spots in all markets with commercial radio stations, which comprise about 85-90 percent of Alaskans. Anchorage is the only market with ratings, but we will buy similar levels of coverage in the other markets, so the ratings numbers stated in this proposal should be fairly similar in all markets. This proposal is based upon current rates for issue advertising. We do not expect those to go up significantly during the period of time that we plan to advertise. The really major dollars will most likely be spent in the General Election, and that will drive issue rates much higher in late September and October. Since we will be done before then, we believe these costs should stay fairly constant. Depending upon what happens leading up to the Primary Election on August 18, we may take a brief break for a week or ten days prior to that. At this point, though, we expect to keep running during that time, especially in light of the fact that part of your election adjustments will affect Primaries, so the message will be timely.

RADIO SCHEDULE:
30-second spots to run from Monday, July 20, through Sunday, September 27, in Anchorage, Juneau, Fairbanks, Valdez, Kodiak, Kenai, Sitka, and Ketchikan. If creative is available sooner, we can begin earlier than this.

Number of spots per week will vary by station and by market. In a large market, like Anchorage, because of the fragmentation brought by a higher number of stations, it takes more spots to achieve the same penetration as can be done with fewer spots in a smaller market. While this makes Anchorage appear more expensive on a percentage basis, on a per-person basis, we can reach more individuals per dollar than in any other Alaska market. Over the course of the 10-week radio schedule, we expect to air about 320 spots per week in Anchorage, or approximately 40 per station per week. Cumulatively, this will be around 3,200 total spots airing in Anchorage. Other towns will not approach this number, but the smaller numbers in those towns will be appropriately weighted for a smaller-size radio market.

Stations that have particular strength with the audience identified are:

Anchorage: KYMG, KENI, KMXS, KGOT, KWHL, KBBO, KBFX, KEAG, KMVN, KBRJ, and KLEF. We probably will not buy all of these stations at once, but may switch back and forth with some of them, always maintaining a mix of 7 or 8 at a time. Anchorage media will be used to reach Mat-Su Valley residents, and to a lesser extent, Kenai Peninsula.

Fairbanks: KAKQ, KIAK, KWDD, KTDZ, KWLF, and KYSC.

Juneau: KINY, KXXJ, KTKU, KSUP

Ketchikan: KTKN, KFMJ, KGTW

Sitka: KIFW, KSBZ

Kenai: KSRM, KWHQ, KPEN

Kodiak: KVOK

Valdez: KVAK

GRP: 2500
Reach: 93%
Frequency: 27.5

Total Radio Media Cost: $215,000

GRP: (Gross Rating Points) The total number of rating points achieved by the buy (A rating point equals 1% of our target audience of people aged 25-54). It is "gross" because it is total number and can include duplicated individuals, which is why it can be over 100%. As explained above, these numbers are based upon Anchorage ratings, but we will attempt to replicate these results in other cities, even though they do not have rated media.

Reach: This is the percentage of unduplicated individuals who are reached at least one time by our ad. In this case, we estimate that 93% of people 25-54 will hear the ad at least one time.

Frequency: Is the average number of times a person who heard the ad will hear the ad. It does not include the people who did not hear the ad at all. You get this number by this formula: GRP/Reach=Frequency. In this case 2500/93=27.5. This is the *average* number of times, so some people will hear it one time and some people will hear it fifty times or even more. But when you lump them all together, they average out at 27.5 times per person reached.

EXHIBIT 31

Ballot Measure 2 Can Restore Integrity to Our Political Parties

By Derek Reed

As high as the stakes are for this year's election, they seem even higher when you're a high school teacher face-to-face every day with the next generation of voters. We need leaders who are looking out for our young people's futures, not the special interests and wealthy elitists.

That is why this November, I will be voting "Yes" on Ballot Measure 2. The truth is, I've long been concerned with the erosion of our democracy, even before the Trump era. Our political system has become increasingly dominated by dark money and the entrenched power of the national parties.

I say that as a proud former president of the Anchorage Democrats. I believe parties are important for organizing shared values, especially at the local level, but the predicament we find ourselves in is such that effective governing isn't really possible because politicians are forced to play for their "team" first and foremost rather than their constituents.

I think we can begin solving this problem by eliminating "dark money" from politics—the political campaign spending where a donor uses a front group or third-party to shield their identity. Ballot Measure 2 will strengthen reporting requirements, allowing voters to know who truly owns the politicians.

When I was president of the Anchorage Democrats, I saw how pernicious dark money could be even in local races. It only serves to deepen the divide between candidates of different parties because they are beholden to the special interests aligned with their party. That, in turn, makes it more difficult to reach across the aisle later when it comes time to actually govern and find practical solutions for the people. There is simply too much dark money in our system, and it is time to shine some light on it.

Another component of Ballot Measure 2 is re-establishing an open, nonpartisan primary. This is a simple change, one our state actually used for decades until a legal ruling in another state ended it. Open primaries allow all voters, regardless of party affiliation, to use a single ballot listing every candidate running for office in each race. Parties would still be clearly marked on the single ballot; it would just allow someone to select from candidates from multiple parties for different offices.

So, rather than having a Democratic ballot with only Democrats to choose from for every office, you could vote for several Democrats and maybe one or two Republicans or a third party, if you prefer, all on the same nonpartisan ballot. I think that actually strengthens the integrity of our parties by candidates having to appeal to all voters rather than the most fervent partisans, and considering most Alaskans are actually Independents, a single ballot with multiple parties to choose from better reflects the electorate.

Finally, I support Ballot Measure 2 because I am in favor of its Ranked Choice Voting (RCV) provision. Opponents of the initiative claim this is confusing, but the reality is, we all make ranked choices on a daily basis. In my class, for example, I might ask my students to rank their four favorite poems and select one to read aloud based on which appeals to the majority, even if it isn't the very first choice of some of them.

RCV is easy and intuitive. Voters rank their candidates in order of preference; if a candidate wins a majority of first choices, they win, just like any other election. If they receive less than a majority, the candidate with the fewest votes is eliminated; his or her voters' ballots are counted for their second choice. This process continues until a candidate wins a majority of votes. Once again, this encourages candidates to attract a broader base of support rather than an overly partisan one, and that ultimately makes for leaders in government who may stand by their party's values but are more likely to compromise for the sake of progress rather than force partisan gridlock.

Ballot Measure 2 won't fix everything, but it will move us in the direction of politicians working together for us instead of the rich donors who influence both parties, and it will mitigate the contentiousness than has plagued our national politics in recent years. These reforms will encourage transparency, increase voter participation, and discourage overly divisive candidates.

It's time we returned the power to the people, and we can only do that be reforming our elections. Our leaders should be focused on our problems and the right solutions—proper funding for public education and taking care of the needs of families, for example. A better Alaska starts with better elections, so I will be casting my vote for Ballot Measure 2 this fall.

Derek Reed is a high school English teacher in Anchorage, Alaska.

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EXHIBIT 32

THIS OPED OFFICIALLY FROM THE CAMPAIGN TO MAIN NEWSPAPERS

Ballot Measure 2 Would Improve Our Election Process with Better Results
By Jason Grenn

Would the Founding Fathers recognize our polarized and dysfunctional political system? As Election Day approaches, the airwaves overflow with negative advertising and nary a solution to the problems that plague our state.

As Alaskans, we seem more divided today than ever before. Our hyper-partisan elections stop us from addressing our most significant challenges and building the Alaska all of us want for our children and grandchildren -- one with a strong economy and safe communities.

Ballot measure two offers a practical set of reforms to give voters more choice, more voice and more power. And as Alaskans, we believe improving the way we elect our representatives is a powerful prescription for better government.

Our current first-past-the-post, winner-take-all style elections are not working. Elections are supposed to be a competition of ideas, but when was the last time you heard a candidate offer anything more than a slogan to a problem? Instead of problem-solvers, our existing system produces politicians more interested in obtaining and retaining power than serving the people's needs.

At the same time, our political system requires broad bipartisan support by design. It works best when elected officials from all sides are involved in the solution. That’s why we need an electoral system that reduces polarization and encourages politicians to work for voters.

There is a growing effort across the country to enact reforms at the state level that make our electoral processes more competitive. Without competition, there is no way for "We the people" to hold our elected officials accountable.

These reforms do not favor Republicans or Democrats. They empower ordinary citizens to ensure their votes count at least as much -- if not more -- than the insider influence wielded by deep-pocketed special interests.

Instead of the politics of personal destruction, we want elections where all eligible voters can participate in our democracy, and that elects winners with the broadest possible support of the community.

EXHIBIT 33

We are in a period of political transformation. Our state is mired in its sixth straight year of a budget crisis, and neither of the two major parties has a handle on how to move us forward. Our politics have become hyper-partisan, with two sides fighting for power rather than working on solutions.

There's great uncertainty about what comes next, but the system we have now clearly isn't working. Parties and Outside special interests have more influence over our elections than voters—that's not how it's supposed to be. The nonpartisan electoral reforms in Ballot Measure 2 are an answer to our current partisan gridlock and the failures of two-party rule.

Ballot Measure 2 puts Alaskans and the issues we care about first. Changing how we elect our leaders can improve our democracy and ensure that politicians are accountable to us—the voters—not political parties and special interests.

Measure 2 includes three commonsense reforms that give voters more choice, more voice, and more power. The measure enhances disclosure requirements for campaign finance, creates a top-four primary open to all Alaska voters, and empowers voters to rank candidates in the order of their preference in the general election.

These key reforms would reduce polarization, increase diversity among candidates running for office, and reduce negative campaigning. Voting yes on Measure 2 frees leaders to solve problems by encouraging them to work together.

Elections are how we hold our leaders accountable, but if there's no competition, there's no accountability. Ballot Measure 2 increases competition by encouraging more Alaskans to run for office and ensuring that the voices of Alaska's over 300,000 unaffiliated voters are heard.

The nonpartisan reforms in Measure 2 have been tested in other states and resulted in increased voter turnout, greater candidate diversity, and more transparent campaign spending. Measure 2 is three simple changes that put the power of elections back in the people's hands—where it belongs.

Elections are for voters, not party officials and special interests. On November 3, we can change our future by enacting three simple, nonpartisan reforms by voting yes on Measure 2.

EXHIBIT 34

Alaska's Diversity Should be Reflected by Elected Officials

Alaska is a diverse place, home to some of the most diverse census tracts in the United States. Alaskans are diverse, independent, unique… we all know this. So why does our elected leadership look so much like the national folks instead of the 40% of our population that are Black, Indigenous, or People of Color?

Right now, we have a system that supports and elects leaders that contains barriers that are good for the national parties and Outside interests, but doesn't work for most Alaskans.

Most of us are non-partisan, independent, or undeclared, yet our publicly funded primaries are split into Republican and Democrat. National groups funnel hundreds of thousands in dark money to influence the outcomes of our primaries, punishing Alaskan leaders that stray too far into work on solutions for us instead of toeing the party line. Then, the parties are allowed to play a bait and switch if they don't like the primary result, which we saw in several races this year.

Ballot Measure 2 fixes these problems by returning the primaries to us, the voters. All the candidates would appear on a single ballot, meaning we all have equal access to vote for whomever we think will do their best to serve our communities.

Some folks tout our history of electing governors out of three-way races as a reason not to reform, but you know what that means? Only 5 governors in our history have won with a majority of voter support. Only 16% of current leaders are BIPOC, well below the level in our communities. Worse, the largest political party we have is "non-voter," with some of the lowest rates of turnout in the country.

Adopting ranked-choice voting addresses these issues by allowing voters to rank candidates in their order of preference. This has been shown to boost voter turnout, elect leaders with a true majority, and especially help voters feel like they can support women and people of color without "throwing their vote away" like we're told today. In four cities that adopted RCV, representation for people of color increased in majority-minority districts by 17 percentage points. Imagine what our legislature might look like if it really reflected our communities.

Finally, Ballot Measure 2 is necessary because it deals with the dark money flowing into Alaska's elections every cycle. Remember how the primaries were full of negative ads paid for by outside national groups working avidly to unseat incumbents that put Alaskans first? They've spent nearly $10 million already in just the senate race in Alaska. With our current system, we'll never know who the donors are that think they can buy a candidate in Alaska. We need Ballot Measure 2 to combat this flow of dark money.

EXHIBIT 35

Alaskans, Not Political Parties or Special Interests, Should Decide Alaska's Future

By Lesil McGuire

When I first ran for the Alaska State House of Representatives in 2000, I was 29 years old. And like so many aspiring young leaders of my generation, I set out to follow in the footsteps of Senator Ted Stevens.

Uncle Ted taught me and every young Alaskan working in his office that it was the Legislative Branch's responsibility, as the direct representative of the people, to develop policy.

As power became increasingly consolidated in the Executive Branch under the Clinton Administration, Stevens reminded us (often loudly) about the danger of deferring legislative powers to an unelected bureaucracy or the courts.

Twenty years later, including 16 years of public service in the Alaska State Legislature, I see how so many of the challenges facing us originate from judicial activism or the erosion of the legislative branch's power by special interests.

Ballot Measure 2 is an important first step in returning the power of elections to the people.

The primary election in 2000 was the first since 1994 that allowed the two major parties to restrict who could vote in Alaska. For the Republicans, they limited participation in their primary to Republican, nonpartisan or undeclared voters only.

That change -- made by emergency order by the Alaska Division of Elections following the U.S. Supreme Court ruling in California Democratic Party v. Jones on June 26, 2000 -- to what had previously been an open primary came after I had already decided to run and shortly before the primary itself.

The primary was August 22, that year. The Alaska Supreme Court had upheld Alaska's open primary system in 1996. But after 2000, it left it up to the political parties to decide who could participate in their state-run and funded elections.

Alaskans have faced closed primaries ever since. Instead of voters, the political parties now control the primary ballot.

The U.S. Supreme Court's 2010 decision in Citizens United v. Federal Election Commission further changed our country's political landscape by opening the floodgates of outside dark money to flow into Alaska.

When I first ran for office, the candidates drove the message and were directly accountable to the voters. Today, the dark money unleashed by Citizens United controls the narrative and buries all other messaging. Whether its leftist Antifa-style groups funded and driven by the likes of George Soros, or small government activists supported by Koch-type conservative networks, these entities are prohibited

from coordinating with the actual candidates but are free to spend as much as they want in our elections without revealing the true source of their funding. To that end, we continue to see millions dumped into our elections each and every year. While I am not opposed to outside money, I do believe Alaskans have every right to know where it's coming from.

Instead of hearing from the candidates, voters are inundated with messages – many of them negative – from groups with vague names and even murkier funding sources.

Having lived through these changes and navigated Alaska's evolving political landscape, I'm convinced that the current divisiveness and extremism we see driving our politics is largely a result of these two decisions.

My support of Ballot Measure 2 comes from my belief that to get back to the Alaska I grew up in and still believe in, voters need to be the ones who decide how our elections are structured and have a clear understanding of who is trying to influence them.

As someone who strongly believes in the Legislative Branch's primacy, I typically oppose citizen ballot measures because they are too often blunt instruments. However, in this case, unelected political parties and their dark money allies have become too influential and are now dictating voters' choices and the messages they receive.

We need a message from the people to drive the reform Alaskans deserve. Ballot measure 2 is that message. The proposed changes to our electoral system are commonsense responses to the courts and the desire of party leaders on both sides of the aisle to maintain their grip on power.

On November 3, let's make the choice to have better elections for ourselves and get back to a better Alaska.

Lesil McGuire is a lifelong Alaskan, former State Senator, women's and rural rights advocate, and a mother. Lesil lives in Anchorage and works as a consultant in the aerospace, tech-innovation, and Arctic policy sectors.

EXHIBIT 36

Shining a Light on Dark Money Quotes

Jeff Clements

- "States like Alaska are being dominated by outside money that is more interested in the resources of the state than its people."

- "If you're saying money is free speech basically you're saying that those with the most money have the most free speech and those without billions of dollars to play in this game or corporate treasuries are sidelined."

- "Alaska used to have limits on super PACs, legal limits on outside, non-resident money, and a corrupt practice act saying corporate money and union money should not be dominating elections. All of those are gone--blown up by the new constitutional theory of the supreme court. So Alaska, like everywhere else, can't protect its own interest and people from outside money."

Catie Kelley

- "[Ballot Measure 2] addresses the biggest problem regarding transparency: providing information about outside spenders… A lot of the outside spending is funneled through layers of entities. You're not getting back to the original source, and that's a big problem.."

- "The way the law is now protects those really wealthy contributors. That's where we see the strength of [Ballot Measure 2]. You're going to break through all of those layers so that we know who is actually spending the money."

Commented [1]: do we have a bio doc somewhere? for just text quotes, the testimonial template has space for name, community, and any title/similar info folks would usually add (lifelong Alaskan or former XYZ, etc.)

Commented [2]: not that I know of. @jackson@alaskansforbetterelections.com maybe?

Commented [3]: Nope. @stacey@alaskansforbetterelections.com we've compiled the quotes from Alaska endorsers but are using the national speaker endorsements sparingly so not sure if it makes sense to compile their info. I know that each speaker's bio is included with the event memo Alex and I each compile.

Commented [4]: This was Jackson. Not sure why it came from info account

Commented [5]: Ahhh-- I didn't realize who was local and who was national. Def agree on the sparingly use of those guys. Good quotes, which I'll snag for the recap post, but not a "testimonial" quote on the supporter page.

EXHIBIT 37

Verner Deggaghpak Wilson, Steering Committee Member, Tribal Member of Curyung

Commented [1]: @rachel@kallanderassociates.com

any concerns about having Verner added to this letter turned OPED?

PER DILLON:
This oped is good to go. Please submit to Carey Restino at all three of the addys below:

editor@reportalaska.com

crestino@reportalaska.com

crestino@adn.com

And cc me. Thanks. And update the oped tracker.

Dillon

LONG VERSION-- submitted to ADN 10/6/20:

Alaska Natives deserve so much more than they are getting from our current leaders

This November, we face a choice that promises to bring real change to our communities. Ballot Measure 2 would update our elections and return power to the voters—where it belongs.

Our state's elected leaders make decisions that affect life in our communities every day, but too often, the wisdom and concerns of our people are ignored. We see inequity built into a democratic system that does not reflect our complex form of sovereign governance. As a people, Alaska Natives represent roughly 20 percent of the state, but we have far fewer representatives in Juneau than we should. Ballot Measure 2 can change that by ensuring that our voices are heard. We need representatives who understand and reflect our values and who will work to reestablish a system grounded in 10,000+ years of wisdom and knowledge.

The way we choose our leaders now isn't working. Our communities' sustainability and traditional practices are continually assaulted by politicians who prioritize their party's grip on power over our future. Our communities' priorities and basic human needs like

water, sewer, and public safety, are always at the bottom of every priority list. We're entering our sixth year of budget crises and gridlock in Juneau. Nowhere are the negative effects more evident than in our hubs and villages. We all know that Alaska Native (aka rural) priorities are the first to be cut when the money runs short—too often those decisions can mean the difference between life and death or the erasure of an entire culture. We must reform our elections before it is too late. The best way to ensure our voices are heard is to send more Native representatives to Juneau.

For too long, Alaska's Native communities have been ignored. Our Alaska Native communities are the heartbeat of Alaska. But too often we are the last to receive adequate funding for vital services. Alaska Native women are victimized every day at a higher rate than non-Natives. According to a 2017 study, one in four girls and one in five boys at Covenant House Alaska reported being victims of sex trafficking. Our communities are unsafe because our politicians can't—or won't—provide adequate public safety funding. It can take hours and even days for help to arrive in some remote communities. Our people deserve so much better.

We need leaders who understand these challenges and will work hard for solutions; to protect our families, our communities, and ways of life. Ballot Measure 2 puts the power of Alaska Native voices, choices, and power back into Alaska's elections.

Vote. Our future depends on it.

SIGNED:

Honorable Albert Kookesh, Former State Senator/AFN Co-Chair, Steering Committee Member, Angoon
Dorothy Shockley, President/CEO of Bean Ridge Corporation, Steering Committee Member, Tribal member of Manley Hot Springs Tribe, Manley Hot Springs
Percy Ballot, Tribal President of the Native Village of Buckland, Maniilaq Association Chairman, Buckland
Cordelia Qiġñaaq Kellie, Steering Committee Member, Iñupiaq, Tribal Member of Native Village of Wainwright
Barbara Wáahlaal Gidáak Blake, Alaska Native Policy Center Director, Steering Committee Member, Haida/Tlingit/Ahtna Athabascan, Prince of Wales Island/Juneau
Stacey Lucason, Deputy Campaign Manager for Yes on 2 for Better Elections, Yup'ik, Tribal Citizen of the Native Village of Ninilchik
Joy Huntington, President of Uqaqti Consulting, Koyukon Athabascan, Tribal Member of Manley Hot Spring Tribe, Manley Hot Springs

SHORT VERSION-- holding, may want to submit to other regional papers:
This November, we face a choice that promises to bring real change to rural communities. Ballot Measure 2 would update our elections and return power to the voters – where it belongs.

Our state's elected leaders make decisions that affect life in our communities every day, but too often, our concerns are ignored and elected leaders waste time stuck in a partisan gridlock instead of doing work to solve the problems we face in Alaska.

Alaska Natives represent roughly 20 percent of the state, but we have much less representation in Juneau and none at all in national seats. Alaska Native people deserve so much more than we are getting from our current leaders.

Ballot Measure 2 can change that by ensuring we can all vote for candidates who understand our traditional values and fight to protect our culture, rural economies, languages, and subsistence lifestyle. We should have the freedom to vote on any candidate we like in every election, including the primary.

For too long, Alaska's Native communities have been ignored. Our rural communities are the heartbeat of Alaska, but our hubs and villages are the last to receive adequate funding for vital services like public safety, education, or health care.

Alaska Native women and girls are victimized every day at a higher rate than non-Natives. Our communities are unsafe because our politicians can't – or won't – provide adequate public safety funding. It can take hours or days for help to arrive in some of our villages – and that's just a Trooper showing up, not sustained help or equitable services. Our people deserve so much better.

The way we choose our leaders now isn't working. We're entering our sixth year of budget crises and gridlock in Juneau. The programs we rely on have been cast into instability instead of state lawmakers making a plan for a sustainable future: ferries, Elders support, school funding, and more. Our communities' sustainability and traditional practices are continually assaulted or ignored by politicians who prioritize their party's grip on power over our future.

We need leaders who understand these challenges and will work hard for solutions; to protect our families, our communities, and way of life. The best way to ensure our voices are heard is to send more Native representatives to Juneau. Vote YES on Ballot Measure 2 to put the power of Native voices back into Alaska's elections.

Our future, and more importantly, our children's future, depends on it.

EXHIBIT 38

Let Us Demand Transparency in Our Elections, Alaska: Vote Yes on 2

In the final weeks of this election season, Alaska has once again become ground zero for virtually untraceable campaign spending designed to influence our votes. If you're anything like me, you're probably in awe of the piles of political mailers in your mailbox. Who are these Dark-Money funders pouring money into Alaska and why is the bulk of the funding coming from those who don't even live here? Dark money is any campaign money that can't be traced back to its original source. And yes, that's legal in Alaska today. But we're trying to make sure it's not in the future.

All election advertising requires a disclaimer identifying the group running the ad but because of a loophole in Alaska election law – these outside interest groups will not be required to report who is actually financing their advertising until after the election is over. That's not how it should work. And that's not fair to the voters who are doing their best to be informed. Being fully informed today is, in essence, impossible when it comes to campaign finance.

One of the issues before Alaska voters – Ballot Measure 2 – would pull back the curtain and let us see – immediately – exactly who is funding these last-minute campaigns. Ballot Measure 2 would bring much needed transparency by doing two simple things: First, it would require campaigns to disclose large donors (anything over $2,000) within 24 hours. Second, it would require a separate disclosure for campaigns that rely on out-of-state money for more than 50 percent of their contributions. Alaskans have a right to know who is spending money to influence their vote. Ironically, the campaign against Ballot Measure 2 has seen some of the most blatant violations of campaign law to date.

What are they guilty of?

The Defend Alaska Elections (DAE) campaign has misled Alaska voters – telling us that it's being financed by our former Senator and Governor. Now we know that is not the case due to a recent finding and decision by the Alaska Public Offices Commission. While these two former Alaska elected officials have chipped in a couple hundred bucks each – hundreds of thousands of dollars has been pouring in from groups based in Washington DC. Why? More importantly – don't we have a right to know who these groups are and what they represent?

I'm not opposed to PAC's, outside money, or the freedom to express oneself in support of a political issue or candidate. Actually, I've worked on numerous campaigns in which outside money has come in to push towards victory. The issue for me is much simpler really. Like the majority of Alaskan voters, I simply want to know the true source of the money. That's all.

Unfortunately, the problem we are facing is not a new one. In 1961, President John F. Kennedy warned our country that “the very word "secrecy" is repugnant in a free and open society; and we are as a people inherently and historically opposed to secret societies, to secret oaths and to secret proceedings.” According to polling, the majority of Alaskans would agree with Kennedy. Secrecy doesn’t serve us.

Campaigns financed in secret are about as bad as it gets. The reason we still have the same problem that JFK warned us about more than 60 years ago is because voters largely have been powerless to stop it. This year is different. Ballot Measure 2 gives Alaskans the power to demand that all voters know exactly where large money contributions are coming from -- whether that be lobbyists, your next door neighbor, partisan front groups, Super PACs, or your third grade teacher.

Candidates and causes that deliberately try to hide where their money is coming from view voters with contempt. Alaskans should not reward that behavior by turning the other cheek at the ballot box. If we don’t take a stand – the untraceable Dark-Money designed to manipulate our vote will continue to pour into Alaska.

Don’t let these outsiders get away with just a slap on the wrist. Lets’ deliver a real verdict on November 3rd and vote “yes” on Ballot Measure 2.

Rachel Kallander was raised in Cordova and currently lives in Anchorage. Kallander is Managing Partner of Kallander & Associates LLC, a consulting firm serving political, policy, and business sectors statewide. She is a graduate of the University of Washington School of Law and has worked in Alaska’s policy and political sectors for the past twelve years.

EXHIBIT 39

FOR IMMEDIATE RELEASE
August 10, 2020

CONTACT: Melissa Blair (907) 744 6305
Media@AlaskansForBetterElections.com

Report: Ballot Measure 2 Will Help Eliminate Secret Spending And The Influence of Dark Money In Alaska's Elections

Yes On 2 For Better Elections Campaign Seeks to Ensure Transparency About the True Source of Money Used to Influence Candidate Elections.

ANCHORAGE, ALASKA –
Good data you may find interesting for future story.

- Contact CLC for more info.

Covering elections is always a challenge because of the influence of dark money. CLC did this white paper about the influence of dark money in Alaska. CLC has great resources on how to track the money and here's a report they did, contact to their office.
This is one of the reasons we're working the Ballot INitiative addresses dark money, we believe this is an imortant issue in Alaska politics.
Let us know if you have any questions. Have a great week.
Share with reporters and editors covering the election. *Update list.

Today is the 55th anniversary of the National Voting Rights Act, one of the most significant and successful pieces of civil rights legislation in the nation's history.

As the Yes on 2 For Better Elections campaign works to improve Alaska's elections by giving Alaskans more voice, more choice, and more power through Ballot Measure 2, we want to recognize that Alaska Natives have been leaders in expanding access to voting for decades. The right to vote is the most fundamental right we have as citizens, which is why a better future for Alaska starts with better elections.

"The Voting Rights Act was a monumental achievement that moved our nation closer to the ideals on which it was founded. Ballot Measure 2 helps uphold the intent of the Voting Rights Act by expanding access to voting and improving participation in our democracy for all Alaskans, especially for Alaska Native people and minority communities who have historically been underrepresented in our elections," said Stacey Lucason, Deputy Campaign Manager, Yes on 2 for Better Elections.

"From winning the fundamental right to have their voices count at the ballot box to ensuring that tribal communities across the state could vote in their traditional languages, Alaska's Native leaders from Elizabeth Peratrovich and the Alaska Native Brotherhood and Sisterhood to Anna Nick, Billy McCann, Arthur Nelson, David O. David, Mike Toyukak, and Fred Augustine to Natalie Landreth, Rosita Worl, Cindy Allred, Kendra Kloster, Barbara Blake, and Elizabeth Medicine Crow -- and so many more -- inspire the work we do every day to advance Ballot Measure 2," said Shea Siegert, campaign manager for Alaskans for Better Elections.

Deleted: and

Commented [1]: Inconsistency on capitalization "Deputy Campaign Manager" vs. "Campaign Manager". Not a huge deal, just noticed it in my review.

We want to thank these Alaskans and the hundreds of others who have championed expanding participation in Alaska's elections.

###

AlaskansForBetterElections.com

Alaskans for Better Elections is a ballot committee dedicated to returning the power of elections to Alaska voters and making our elections more open, transparent, and fair.

This communication was paid for by Yes on 2 for Better Elections, PO Box 210295, Anchorage, Alaska 99521. Jason Grenn, Chair, approved this message. The Top 3 contributors are Unite America, Denver, CO; Action Now Initiative, Houston, TX; Represent.Us, Florence, MA.

EXHIBIT 40

FOR IMMEDIATE RELEASE
October 16, 2020

CONTACT: Melissa Blair, 907-744-6305
Media@AlaskansforBetterElections.com

Alaskans Are Choosing Better Representation With Ballot Measure 2

ANCHORAGE—The Yes on 2 for Better Elections campaign hosted a webinar, "Diversity And Power In Elections" to explore the ways Ballot Measure 2 will increase diversity and inclusion in Alaska's elections, and ultimately our representation.

According to the Alaska Division of Elections, although 40% of Alaska's population identifies as Indigenous, Black, People of Color (BIPOC), they make up only about 16% of winning candidates. Non-Native BIPOC candidates face the worst of it: nearly 90% of candidates have lost every election they have run in. Alaskans deserve a government that more fully reflects the diversity of experience and thought of its citizens, and a system that works for all. That's why such a diversity of supporters have announced that they're voting Yes on Ballot Measure 2, including numerous Alaska Native and BIPOC leaders, Tanana Chiefs Conference, and the League of Women Voters of Alaska.

Panelists in the "Diversity and Power in Elections" webinar emphasized that systems reform is necessary in order to break through the barriers holding back women, people of color, young people, and other historically marginalized groups from getting involved in politics. They also discussed frustration with the ways our current system disincentivizes candidates of color to run, for fear of pulling votes away from those with a greater chance of winning, and reinforces the imbalance in our elected officials. Ranked choice voting, one of the three electoral reforms Ballot Measure 2 will advance, is a system that will equalize power and encourage greater voter participation in Alaska.

"What we see from research in places that use ranked choice voting around the country is that it mitigates barriers to representation that often prevail in single-winner or plurality systems. It does this by eliminating the problem of vote-splitting.

Exhibit 41



ALASKA NATIVES FOR BETTER ELECTIONS | YES ON 2

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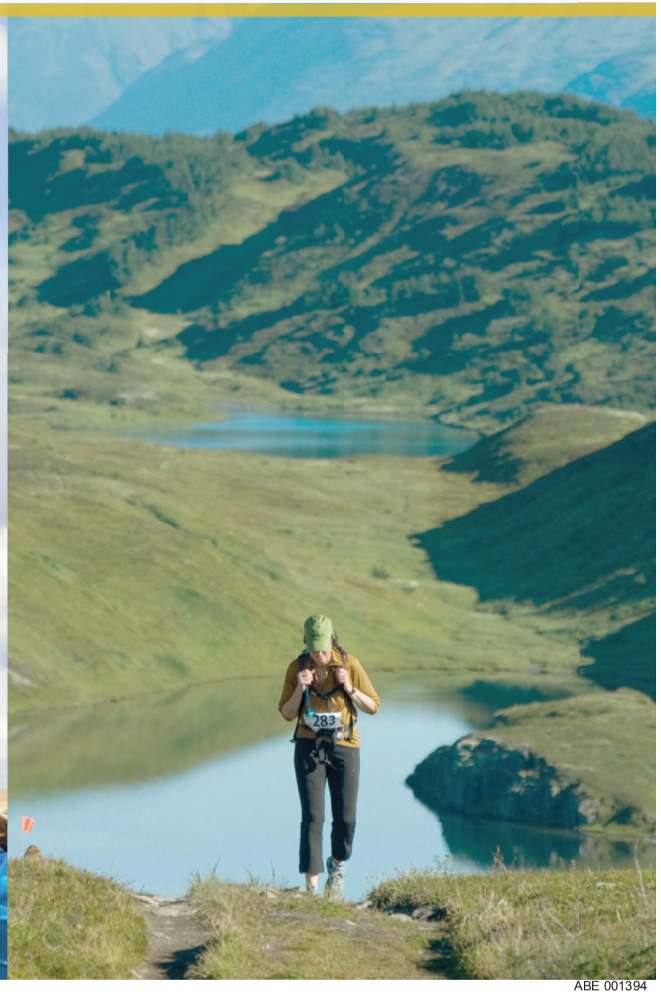
Exhibit 42

ELECTIONS AS DIVERSE AS ALASKA







ABE 001394

CONFIDENTIAL

Exhibit 43

Protect Alaska’s most vulnerable….



Image of a young Native woman with big red FAIL stamped across the picture

Exhibit 44



ALASKA NATIVES FOR BETTER ELECTIONS | YES ON 2

Exhibit 45



"As an Alaska Native woman, I want to elect people who represent us. The current system continues to fail to deliver in a meaningful way. It's time for a change.

-LA QUEN NÁAY LIZ MEDICINE CROW

(Haida/Tlingit), Kéex' Kwáan (Kake), Alaska

YES ON 2
FOR BETTER ELECTIONS

CONFIDENTIAL

Exhibit 46

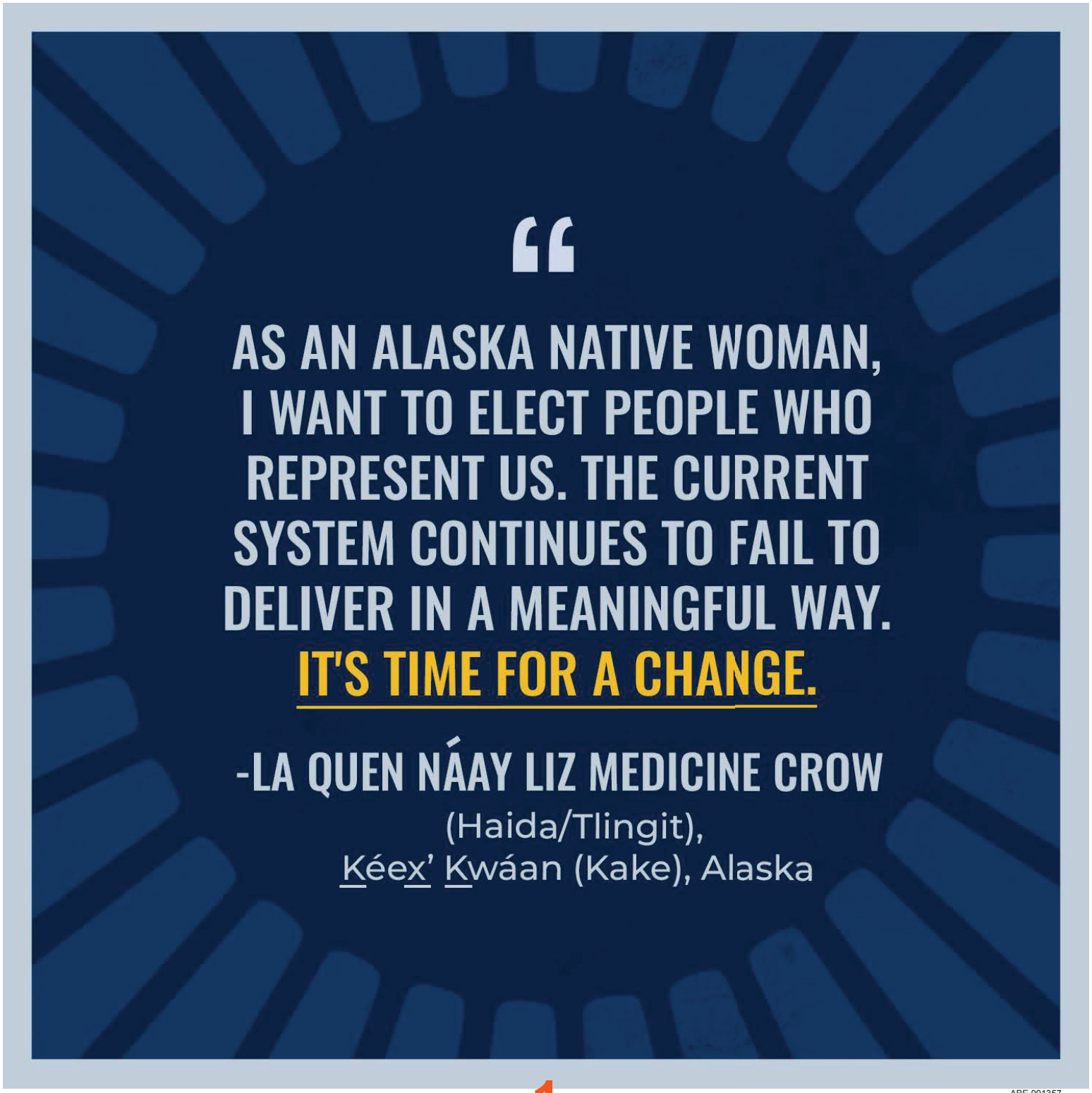

“
AS AN ALASKA NATIVE WOMAN, I WANT TO ELECT PEOPLE WHO REPRESENT US. THE CURRENT SYSTEM CONTINUES TO FAIL TO DELIVER IN A MEANINGFUL WAY.
IT'S TIME FOR A CHANGE.
-LA QUEN NÁAY LIZ MEDICINE CROW
(Haida/Tlingit),
Kéex’ Kwáan (Kake), Alaska

Exhibit 47

Failing the Equity Test

JOY HUNTINGTON

★ 9:30 Our villages are wonderful places with very rich people and amazing history. They have to work hard for everything. You don't get anything without work. In the community where my mom and I lived, if you wanted to take a bath you would have to haul the water. You're getting your wood, your water, your food, it's a lot of hard work. I think in Alaska there's a urban/ rural divide and it feels like you are on one side or the other, and sometimes it seems that one side has all of the voting power. Then you feel kind of disenfranchised. Also, the rural communities have other challenges: there's not public safety readily available. If there's an accident in the community, you have to call and get an airplane and it sometimes takes hours to have someone that could have critical injuries get the help that they need. They need voices and representation in Juneau that understand those challenges.

★ 17:20 I dont want to make it seem like there is a grudge against the villages, though sometimes it feels that way. I think often [legislators] haven't really experienced life in the village and don't know what it's like. On the floor in Juneau, a legislator didn't know that there were 6200 homes in Alaska without running water... if its not your day-to-day life you just don't know. Expecting leaders to make decisions that adequately

address the needs in the villages when they don't know what life is like there.

DOROTHY SHOCKLEY

- ★ 7 min: I worked in Juneau and saw firsthand the partisanship and how that detours policies and work in regards to what needs to be done in the legislature. The first two years, we were in the minority. After the election in 2006, it was a split Senate. We had 10 Republicans and 10 Democrats, so they formed a coalition. It was amazing how when people were working together, how the atmosphere in the capitol changed. It was drastic and it was so much better working together.
- ★ 8: I chose to run nonpartisan. I was really discouraged not to, but I just felt in my heart that I needed to because of the partisanship that I saw. We needed an independent voice, one that was not associated with the party but with the people.
- ★ 13:15 I loved door to door and I loved meeting people. Working in Juneau those eight years I saw the misrepresentation, especially in rural AK. The legislators who are in Juneau and Anchorage and Fairbanks, they sit in their little districts compared to rural Alaska and those districts. To them, everything is fine. But you get out to Arctic Village, or Salmon Bay, or Hooper Bay, all of those places, and things are not okay.
- ★ 18:06 there are people who will not vote for a woman. And there are people

- ★ 20:53 Constantly educating legislators of the many needs in rural Alaska. Every district, no matter the size, has the same budget. Some schools we would give $10,000 and it was like Christmas to them because they didn't have enough money for books.
- ★ 9:23 It is so discouraging to see the ppl who are making decisions for us. When voices
- ★ We need the representation. Its 2020 we need to have our own voice.
- ★ Change is a constant in this world and we have to recognize it and move with it.

MARIA PEREZ

- ★ 31:19 Most ppl dont think about elections at all. Most people are not thinking about the mechanics of the elections.
- ★ 32:32 People can relate to the fact that they maybe never had anyone knock on their door because they live in a Native community or they live in a LatinX community, and either their votes are taken for granted or people just don't care and assume that folks aren't going to vote to begin with. Always lead with values.
- ★ "When I talk to voters about RCV, when I talk to voters about systems of representation, it really is important to lead from values"

CYNTHIA RICHIE TERREL

- ★ 40:38 The frame that I bring to this work is trying to look at the institutional and structural barriers that really impede women, people of color and younger people from participating in the political process.
- ★ 40:55 We have a super old election system, we inherited it from our colonial power 240 years ago. Part of the design of the system is to limit competition and protect incumbents. When you have a system like that, it's very hard for challengers to win. And when incumbents are mostly white and male and old, you can have a pipeline of a hundred million qualified women who've been 'trained' to run for office, but if you don't have an institution that allows them to succeed when they run, then the barrier is going to continue.
- ★ 41:27 There are four main areas that we look at. One, what are the barriers to women getting recruited to run in the first place--do parties support them? What are the rules and norms around parties supporting candidates, particularly women and people of color? Are donors and PACS giving money to those candidates so that they can run viable campaigns?
- ★ The second thing is what are the impediments to women winning.
- ★ :42 This antiquated voting system limits competition and splits votes among like minded candidates. We see this in race after race, where women and people of color are discouraged from running but when they do, many people want to vote for them. If there are ten ppl running, that means votes are split among those candidates; thats where rank choice voting comes in. Turns out, RCV while really gaining momentum in the

U.S., a version of that is in place in many countries around the world. It's no surprise that 85 countries rank above the US in women's representation. They haven't cloned better women; they've cloned a better system.

★ We have to prepare the institutions so they can win when they run.

ANNA KELLAR

★ 47: Whereas before, if someone was not a mainstream party candidate, or was seen as not the candidate who was the establishment choice within the party would run, they'd get a lot of backlash, and their supporters would get a lot of backlash for distracting from electability.

★ I know friendships that have been destroyed ab ppl having to vote for a third party candidat

★ Losing their chance to have an impact on the real winner of the election

★ An increase in ppl being able to run

Exhibit 48



ALASKA NATIVES FOR BETTER ELECTIONS | YES ON 2

Exhibit 49

DISCLOSURES

Here's where you can find all of our disclosure reports – listing every penny we get, every in-kind donation we receive, every penny we spend, and every penny we owe. We update this page with reports as we file them with APOC. In the meantime, you can check out all public disclosure reports at the Alaska Public Offices Commission.

"Dark money" refers to spending meant to influence political outcomes where the true source of the funding is hidden from voters by passing the money through politically active nonprofit organizations or Super PACs.

Most organizations like this are not obligated to tell you, the voter, where they get their money. But we believe in transparency. Our top three contributors are Unite America, Denver, CO; Action Now Initiative, Houston, TX; Represent.Us, Florence, MA. The individuals behind these organizations are Katherine Murdoch and Laura and John Arnold, philanthropists dedicated to addressing the most pressing problems facing the country.

While we have received grants from outside organizations, Alaskans For Better Elections was created by and for Alaskans. We're from here, as are the 41,000 Alaskans who signed the petition to put these reforms on the ballot in November.

2020 QUARTERLY REPORTS

- 2019 4th Quarter Report Amended
- 1st Quarter Report
- 2nd Quarter Report

2020 IE REPORTS

- IE report 1/5/2020
- IE report 1/14/2020
- IE Report 1/31/2020
- IE Report 2/10/2020
- IE Report 2/23/2020
- IE Report 3/5/2020
- IE Report 3/20/2020
- IE Report 3/30/2020
- IE Report 4/10/2020
- IE Report 4/17/2020
- IE Report 5/11/2020
- IE Report 7/10/2020 (Amended 7/18/2020)
- IE Report 7/20/2020
- IE Report 7/30/2020
- IE Report 8/9/2020

2019 QUARTERLY REPORTS

2019 IE REPORTS

CONFIDENTIAL

Exhibit 50

Shining a Light on Dark Money Quotes

Jeff Clements

- "States like Alaska are being dominated by outside money that is more interested in the resources of the state than its people."

- "If you're saying money is free speech basically you're saying that those with the most money have the most free speech and those without billions of dollars to play in this game or corporate treasuries are sidelined."

- "Alaska used to have limits on super PACs, legal limits on outside, non-resident money, and a corrupt practice act saying corporate money and union money should not be dominating elections. All of those are gone--blown up by the new constitutional theory of the supreme court. So Alaska, like everywhere else, can't protect its own interest and people from outside money."

Catie Kelley

- "[Ballot Measure 2] addresses the biggest problem regarding transparency: providing information about outside spenders… A lot of the outside spending is funneled through layers of entities. You're not getting back to the original source, and that's a big problem.."

- "The way the law is now protects those really wealthy contributors. That's where we see the strength of [Ballot Measure 2]. You're going to break through all of those layers so that we know who is actually spending the money."

Commented [1]: do we have a bio doc somewhere? for just text quotes, the testimonial template has space for name, community, and any title/similar info folks would usually add (lifelong Alaskan or former XYZ, etc.)

Commented [2]: not that I know of. @jackson@alaskansforbetterelections.com maybe?

Commented [3]: Nope. @stacey@alaskansforbetterelections.com we've compiled the quotes from Alaska endorsers but are using the national speaker endorsements sparingly so not sure if it makes sense to compile their info. I know that each speaker's bio is included with the event memo Alex and I each compile.

Commented [4]: This was Jackson. Not sure why it came from info account

Commented [5]: Ahhh-- I didn't realize who was local and who was national. Def agree on the sparingly use of those guys. Good quotes, which I'll snag for the recap post, but not a "testimonial" quote on the supporter page.

Paula DeLaiarro

- "If you have a lot of money, you can definitely have an impact in a small [population] state like ours.
- "We fully comply with all current regulations and statutes, we timely report our contributions, expenditures, and debt, and we calculate and update our paid for by disclaimer almost in real time."
- **What happens to political spending in Alaska if BM2 is passed? "**One possibility is that it will be a dealbreaker to [campaigns], they will refuse to disclose donors and they'll take the ball and go play on someone else's field. The other options would be that groups will see that as basically the price of admission to participate in elections in Alaska, and will comply and disclose who those donors are. **Either way is a win-win for Alaska. Once we know who people are who are contributing, I think Alaska voters will be better informed as to what the agenda may be from outside sources.**

Jim Rubens

- "Small states like ours are now being overwhelmed by big money controlled by a tiny number of people in places like Washington D.C., San Francisco, California, New York and they are determining which candidates are viable in elections."

- The voter's choices are being narrowed by people who don't live in our states and whose policy preferences are often different than the policy preferences within our states. It means that our voters in our small states are not being fairly represented."

Jackson Blackwell

- "Most campaigns are not obligated to tell the voter where they got the money, but our campaign really does believe in transparency. Our top three contributors are Unite America, Action Now Initiative, and Represent Us. And the individuals behind these organizations are Kathryn Murdoch and John Arnold. Most campaigns wouldn't tell you that."

Jay Costa (too many good ones!!)

- "We see dark money as one of the most pernicious problems and greatest threats to our democracy. Given the gridlock facing our country in Washington, the greatest opportunity to work on this problem and advance transparency in elections exists in the states."

- **I applaud Alaskans for Better Elections for taking that step and showing that it's not a big deal to disclose the true sources of your money. If you have nothing to hide and are truly supporting something that is in the public interest, then being transparent about it should not be a big deal."**

Commented [6]: @madi@alaskansforbetterelections.com HE WAS SO GOOD

Commented [7]: Jay Costa taught me the word pernicious today

Commented [8]: Jay should be on all of our events, he was amazing

- “70% of dark money goes to pay for negative attack ads… When you allow sources of an ad to hide behind a mask, they are much more willing to go negative. This helps drive the kind of decisiveness that I think a lot of us can agree that we are sick of.”

- “Dark money is the campaign infrastructure that helps special interests win. A good analogy is the Russian Nesting Doll. When voters look at an ad all they see is this shell that’s branded very well… it sounds nice and who can disagree with that, but what’s important is who is actually behind it.”

- “More than 99% of Americans don’t give more than $200 in donations to a candidate. This really isn’t going to change who is going to be disclosed for the vast majority of people.. It’s focused on the large donations.”

Live Notes

Commented [9]: @dillon@radillon.com
Check out these times of good quotes :-)

Jeff Clements

- **1:04** “We need a constitutional amendment so that all the political power belongs to the people, ….. Alaska constitution from 1955. Goes to the core about what America is about and why we need this amendment to deal with money in elections.”
- “Alaska, like everywhere else can’t protect its own interest and people from outside money.”
- **1:07** “we are republicans, democrats…. Everyone coming across the state to get this done”
- **1:11** “Like a lot of people, I was very troubled by how money was being used in the political system. How corporations were getting rights that most believe belong to the people, and controlling more and more of how policy was getting decided, pushing citizens aside in that conversation.”
- **1:12** “Free speech belongs to everyone. You can’t have out of control money taking away free speech. Representation, policy being bought and sold to the highest bidder we have a problem.”

Catie Kelley

- **1:28** “There is strong support for transparency initiatives coming from the left, and the right. We do see bipartisan support among voters. Where it’s more difficult is in elected officials.
- **1:31** It’s hard to wrap your head around the scale of thsi problem. There has been ##-## since 2010… In 2018 for the first time the liberal dark money groups actually outspent the republican dark money groups.
- **1:33** BM2 addresses what we see as the biggest problem regarding transparency -- outside spenders. What really will do the most is getting to the original source. A lot of the outside spending is funneled through layers of entities… You’re not getting

back to the original source, and that's a big problem. It's those sophisticated spenders who can pay to set up the shell corporation, set up the LLC, that are the ones that end up not being disclosed. The law now protects those really wealthy contributors. The strength of BM2 is breaking through all of those layers so that we know who is actually spending the money."

Paula

- **1:21** "If you have a lot of money, you can definitely have an impact in a small [population] state like ours... We had a lot of outside money in the August primaries."
- We're definitely seeing the impact here. In 2018 our gubernatorial race all had IEG support or opposing them. A tremendous amount of money by Alaska standards. $2.9 million dollars where we don't know who the donors were.
- **1:23** We fully comply...
- The complaint against the opposition to BM2 revolves around several issues, a PFB that was never accurate to begin with. They chose three donors, all which are well known politically in Alaska. Once larger contributions started coming in from various political parties and other groups they never updated the original one. Their top donors had given 1,000 while they had received 50,000.
- **1:26** One possibility is that it will be a dealbreaker with them, refuse to disclose donors and take the ball and play on someone elses field. Basically the price of admission to participate in elections in alaska, and comply and disclose who those donors are. Once we know who people are who are contributing, I think Alaska voters will be better informed as to what the agenda may be from outside sources.
- 1:48 IE groups

Jim Rubens

- The voters of new hampshire are not determining which candidates are viable.
- **1:16** "This issue is unfairly claimed as being mainly supported from the left. Our job is to expand .. the problem is the same, the policy preferences are different. The problem of the distancing and divorcing of the people who own the country to who our government should be accountable, spans the spectrum."
- **1:18** "The tenth amendment is being completely distorted... These small states are now being overwhelmed by big money controlled by a tiny number of peopl ein places like Washington D.C., San Francisco, New YOrk. They are determining which candidates are viable in elections so that voter's choices are being narrowed by people who don't live in our states and whose policy preferences are often different. It means that our voters in our small states like New Hampshire and Alaska are not being fairly represented even before the elections have happened."
- Citizens United claimed that there would be no corruption and no perception of corruption-- this is false. We would like to preserve the tenth amendment and federalism in our states.

Jackson Blackwell

- We're actually overdisclosing as a campaign. As a campaign we wouldn't have to say how the true sources are of our top contributors. We are trying to take the lead on transparent campaign spending.

- Our funders… “Most campaigns wouldn’t tell you that. That’s what makes me so excited about BM2-- a new standard for transparency and allows voters to dive into who is spending to try and influence their vote.

Jay Costa

- **1:37** “We see [dark money] as one of the … and greatest threats to our democracy. The greatest opportunity to work on transparency and money influence is in the states right now. I’m so excited about Bm2 in alaska because this is the best thing states could be doing to change the system and make it more responsive for everyday voters. In the last decade, over a billion dollars of secret money has been spent to influence voters. This is probably an underestimate and surely there’s more happening out of our view.
- **1:39** “70% of dark money goes to pay for negative attack ads.” When you allow sources to hide behind a mask, they are much more willing to go negative. This drives a decisiveness that I think a lot of us can agree that we are sick of.
- Dark money is the campaign infrastructure that lets dark money interest groups win. It’s the example of the russian doll where all voters get to see is the branded shell. “Alaskans for….” It sounds nice but the important thing is who is actually behind it. The way special interests use this tactic is not different than money laundering. They put a nice looking veneer on an organization and are able to get undo… from voters.”
- **1:41** 80% of voters, a rare amount of support for this issue
- “When it comes to electing a candidate you should know who is behind them”
- More than 99% of Americans don’t give more than 200 in donations to candidate. This really isn’t going to change who is going to be disclosed fo the vast majority of people. It won’t effect the majority of voters. It’s focused on the large donations . I applaud ABE for taking the step in saying that it isn’t a big deal to disclose the true

sources of money. If you have nothing to hide and are truly supporting something that is in the public interest then being transparent about it should not be a big deal. It is actual, good information to be giving to voters.

- **1:47** What's happening in alaska shows how a grassroots movement can hold government accountable and make it . for voters. These structural reforms have wide support from voters although it's often hard to get done. These reforms are really good things for voters to think about as initiatives. Once that's passed, voters can continue to use that information to hold candidates accountable and make sure they're voting in their own interest.
- "I'm so excited about Ballot Measure 2 in Alaska because this is one of the best things states could be doing to change the system and make it more responsive for everyday voters."

Exhibit 51

OPED #13- Veteran for Erich Reed-- OPED, hope to get in Frontiersman

Relevance to Yes on 2:
The military uses RCV in many Southern states, it's simple to understand and use, not a problem there, should be a no-brainer to expand here for all voters.

First draft-- OPED length (661 words)-- needs to be sent to Erich for his review (10.14.20):

Voting Yes on 2 this fall ensures that all voters are able to exercise the most fundamental right in our democracy. Vote yes to preserve this right and make sure no one is disenfranchised at the polls for their choice to join a private group or not. Vote yes to use a simple process that preserves your voice and elects a leader with majority support every time. Vote yes to make sure you have all the information you need about who is spending money to influence your vote.

As a Veteran and Alaskan, and an independent voter, I see the value in doing things for myself. I'd rather build something than order one made in China. To that end, I'd rather be the one choosing my representatives, not leaving the decision to party insiders and special interest groups.

In the elections system we have now, party bosses act as gatekeepers in semi-closed primaries and are satisfied with low voter turnout so they can keep the thumb on our elected officials.

Worse, National groups spent thousands of secret dollars on our primaries this year, to further reduce the voice of Alaskans. These same groups are now proudly dumping in secret money to oppose Ballot Measure 2, and were caught lying to us by APOC.

We have some of the lowest voter turnout in primaries, between our last three elections (2016, 2018, and 2020), we averaged less than 20% and some districts are much lower than that. It's no wonder that turnout is so low-- most Alaskans are not part of the artificially narrow two party system. In fact, over 60% of us are like me, independent or nonpartisan, but right now we have to "pick a side" and only see half the candidates in our publicly funded primary elections.

Opening our primaries back up to all Alaskans will not only reduce the undue influence of party bosses, but stands a good chance of increasing turnout too. With a yes on 2, the candidates can be from one of the major parties, or not, and voters can make their choice on the merits of the individuals. All voters will be able to vote in a single primary without regard to their own party affiliation, then the top four in each race move on to the General Election.

Commented [1]: I don't like this phrasing, but can't see how to fix it now.

While Alaskans might be resistant to doing anything similar to how things are done Outside, Veterans service records mean many of us are already familiar with how easy and useful Ranked Choice Voting is. We've had a chance to use it when serving overseas based from a state with run-offs, like Georgia, Arkansas, or South Carolina. Voters are able to do their research, choose a candidate, and log their second choice (or third, or fourth) in one easy step without having to go back to the polls or feel like they're wasting a vote on someone less likely to win.

Feeling like your vote matters is another way to boost turnout, and RCV helps in just this way. After implementing RCV, the University of Missouri Saint Louis found a 10 point increase in turnout. It's simple, you listen to the candidates debate, or read their platforms, or actually talk with them, and decide on your favorite and, if you think more than one would be a decent representative, your preference for second, third, or fourth.

An important part of selecting who to vote for is knowing where their allegiances are, and a big part of that is who funds their campaign. This is why election disclosures are important. It's our right to know who has spent money to influence voters, and to know it right away. Free speech is invaluable, but secret aka "dark money" has no place in Alaskan politics.

Ballot Measure Two will shine a light on dark money by resetting Alaska's disclosure laws and ensuring that large donations have their true source reported right away. We have the power to fix this system.

Exhibit 52

Exhibit 52 is an audio file, and thus cannot be printed or converted into a pdf. Exhibit 52 was submitted via PACER.

Exhibit 53

The day before the Independence Day holiday last summer, an Alaska Republican, an Alaska Democrat, and an Alaska Independent, came together to champion the future of Alaska's elections through a ballot initiative which will put the power of voting back into the hands of fellow Alaskans. This ballot initiative is called "Alaskans for Better Elections".

Since this petition was filed, you have likely seen party chairs from both sides write their opinions on how this ballot initiative works, or how they think it will change Alaska politics. While they have written these opinions, Alaskans for Better Elections have received over 30 thousand signatures from every day Alaskans from 30 of the 40 State House Districts.

The facts around the matter are simple. Alaskans for Better Elections aims to do one thing through three propositions. Alaskans for Better Elections champions the idea that our election system should be run by you, your voice, and your vote. They champion this through the following small changes that will make sure our vote matters once again:

1) A.B.E. will end dark money in Alaska. If someone from the lower 48 tries to sway our politics through donating behind the façade of a business, you will now know exactly who that money came from and what they do. Ending the era of dark money influencing who we elect.
2) A.B.E. will open primaries, because we shouldn't ever HAVE to only vote for the party you belong to, if we don't want to. Under the current voting system voters are forced to pick one ballot in the Primary Election. Non-partisan voters are forced to become partisan because they can only vote within the boundaries of one party, or be forced to not vote at all. A.B.E. seeks to give every voter access to every candidate that they want to vote for, instead of forcing them to choose one party over the other.
3) A.B.E. would implement Ranked Choice Voting, or RCV. Voters have the right to rank as many or as few candidates as they choose. If a voter chooses to rank just one or two candidates and they are eliminated, the voter has effectively abstained from later rounds of counting. Candidates must attain over 50% of the votes counted, unlike our current system which consistently elects people with just 45% of the electorate.

One can see why people who work for either party might be so anxious about this ballot proposition. Right now, party officials have figured out how to consistently win elections with only 45% of the vote. We're changing that. It makes sure that candidates will once again put Alaska over outside interests.

It's your voice, and your vote.

When this initiative reaches your ballot next year, make sure you send a message to the outside interests and vote yes.

Exhibit 54

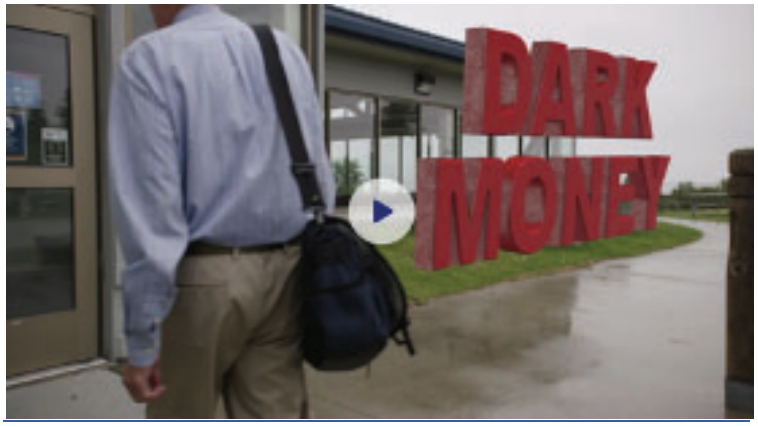
FOR IMMEDIATE RELEASE
September 15, 2020

CONTACT: Melissa Blair, 907-744-6305
Media@AlaskansforBetterElections.com

Yes on 2 Campaign Releases TV Ad Focused on Dark Money Spending

ANCHORAGE—The Yes on 2 for Better Elections campaign launched its first television advertisement of the general election today. The 30-second spot highlights the corrupting influence of secret "Dark Money" spending in Alaska's political campaigns.

The term "Dark Money" describes the large sums of Outside political dollars that flow into Alaska each election year with little or no real information about the original source of the funds. Secret political spending in candidate campaigns is a growing concern among citizens of the state as many fear it's drowning out the voices of ordinary Alaskans.



Watch "Dark Money"

"Alaska is the crown jewel of America," said Shea Siegert, Campaign Manager of Yes on 2, "so we can understand why people from Outside might have opinions about our state's future. But they shouldn't be able to hide in the dark while they try to influence our elections. Ballot Measure 2 will add transparency to our elections. If someone wants to support a candidate, that's their right, but they can do it in the light of day."

The television ad, which will air statewide on broadcast and cable television channels, opens with footage of a woman jogging on a wooded trail, as a voice says, “Here in Alaska, what you can’t see, sometimes can hurt you. The same is true for elections.”

Ballot Measure 2 would end this kind of secrecy and deception, restore balance to our elections, and give voters the information they need to make informed choices. This is a law creating transparency; it doesn’t pick winners and losers or limit what people can spend—it only requires them to be transparent about what they’re doing.

“Out of all the improvements Ballot Measure 2 will bring to Alaska’s elections, ending Dark Money is the one almost everyone from every party agrees on,” Siegert said. “You’d be hard-pressed to find anyone who thinks more money from mysterious sources is a good thing.”

Yes on 2 for Better Elections would take power out of the hands of special interests and political insiders and give it back to voters. Ballot measure 2 would accomplish this by ending dark money, opening up Alaska’s primaries to all voters—regardless of party affiliation—and requiring that winning candidates earn the support of a majority of the voters.

> **Script:** “Here in Alaska what you can’t see sometimes can hurt you. The same is true for our elections. Alaska allows millions in out of state dark money to influence who gets elected, and we’ve all seen the results out of Juneau. Measure 2 fixes the problem, requiring disclosure of special interest campaign spending because Alaskans have a fundamental right to know. Let’s take back power from dark money special interests and give it to regular Alaskans.”

Find out more about improving our elections at AlaskansforBetterElections.com
Upcoming event details are listed on our Events and Facebook pages.

Exhibit 55

FOR IMMEDIATE RELEASE
September 21, 2020

CONTACT: Melissa Blair, 907-744-6305
Media@AlaskansforBetterElections.com

PRESS RELEASE

Yes On 2 Files Second APOC Complaint Against Opposition Group For Violations

The Yes on 2 for Better Elections campaign today filed its second complaint with the Alaska Public Offices Commission (APOC) against Brett Huber and the opposition group Defend Alaska Elections for blatantly ignoring Alaska's campaign finance laws and intentionally deceiving voters.

Yes on 2's complaint outlines a pattern of violations by Huber and Defend Alaska Elections designed to mislead voters and circumvent Alaska's campaign finance disclosure rules. Defend Alaska Elections has repeatedly failed to properly list contributions received from wealthy Outside donors on their disclaimers, while also failing to disclose its spending against the ballot measure.

Ironically, Huber and Defend Alaska Elections are violating the very state campaign finance rules designed to promote transparency that Ballot Measure 2 seeks to strengthen.

The complaint against Defend Alaska Elections lists three primary violations:

1. Defend Alaska Elections is purposely misleading voters by claiming its principal donors are individual Alaskans. In reality, it has received over a quarter of a million dollars from Lower 48 political groups, including the Koch network and the National Republican Party.
2. Huber and Defend Alaska Elections fail to fully disclose expenditures, including political ads made to sway voters to oppose Ballot Measure 2.
3. Defend Alaska Elections made illegal campaign expenditures before registering with APOC.

The opposition group claims to be supported by Alaskans, but the truth is that they are entrenched special interests who are taking hundreds of thousands of dollars from Outside sources, including the Koch Brothers and national party groups—the same special interests that also spent hundreds of thousands of dollars meddling in Alaska's recent primary races.

"Defend Alaska Elections' 'three largest contributors' disclosure has always been—and continues to be—an egregious, blatant, and ongoing violation of the law designed to hoodwink voters," said Shea Siegert, campaign manager for Yes on 2 for Better Elections. "Is it any surprise that the special interests and party insiders trying to stop Ballot Measure 2 would try to mislead voters and hide where their funding is coming from? This is why we need reform."

Ballot Measure 2 is designed to end this kind of interference in Alaska's elections. The Yes on 2 campaign, by comparison, lists all of its funders on its website, including small-dollar donations from hundreds of individual Alaskans and the support of philanthropic organizations from the Lower 48.

"Huber and company are taking Dark Money while failing to disclose even the actual Dark Money organizations that are funding them," Siegert said. "Their own actions illustrate why our current system isn't working for voters."

Defend Alaska Elections received over $250,000 from Outside special interests this month—and yet it continues to claim that its top three contributors are well-known Alaskans.

"False," Siegert said of Defend's claim. "Our opponents want to hide their funding sources, but Alaskans have every right to know who is trying to influence their vote."

Defend's real source of funding is the Alaska Republican Party and the Republican State Leadership Committee, which each contributed $50,000 on September 16. One day later, the group received a combined $90,000 from Americans For Prosperity and Northern Holdings, Inc. The Washington, DC-based Americans For Prosperity, which, as a nonprofit, does not have to disclose its donors, has long fought to hide the true source of its money.

The following is an example of an ad that started running on September 21, which continues to incorrectly state the top three donors to Defend Alaska Elections. As of

September 21, there were seven other Defend ads with the same incorrect disclosure.

Ballot Measure 2 would discourage these misleading and secret dealings in campaigns by strengthening campaign finance requirements, opening the primary system to all Alaska voters, and empowering voters to rank candidates in order of preference in the general election.

Yes on 2 for Better Elections requests that APOC force Defend Alaska Elections to end these violations of Alaska law before the November 3 elections so that voters have a clear understanding of who is spending money to influence their decisions.

A copy of the complaint filed today can be found here. Yes on 2 for Better Elections previously filed a complaint with APOC on August 31 that is still under review by the commission. A copy of that complaint is available here.

###

BETTER ELECTIONS, MORE POWER FOR ALASKANS. VOTE YES ON 2.

This communication was paid for by Yes on 2 for Better Elections, PO Box 210295, Anchorage, Alaska 99521. Jason Grenn, Chair, approved this message. The Top 3 contributors are Action Now Initiative, Houston, TX; Unite America, Denver, CO; Represent.Us, Florence, MA.

alaskansforbetterelections.com

Exhibit 56

(Working titles)
1**. Election reform takes power from the parties and puts it back in the hands of Alaskans.**

Beware of those that want to protect the status quo when it comes to Alaska's elections. Both parties' establishments have had a stranglehold on getting their own on the ballot for years. They're are getting anxious because a ballot initiative called Alaska's Better Election Initiative is threatening their hold on the system. Instead of supporting reform that is good for Alaska and Alaskans, they have decided to hide behind a facade that doesn't hold a liability to facts.

Recently Ranked choice voting (or "RCV") has been under attack. The establishment does not like that RCV gives the people more choice, more power, and the ability to vote for the candidate that truly represents them and not just a candidate the parties' want to win. It is currently used all over the United States including the use for military and overseas voters. If RCV is good enough for our troops it is good enough for Alaskans. For the first time Alaskans will have the choice to vote for the candidate they support the most whether they are a registered independent, republican, libertarian, or democrat. Alaskan voices will be heard and they will count.

The facts around the matter are simple. Alaska's Better Elections Initiative aims to do one thing through three propositions. Alaskans for Better Elections champions the idea that our election system should be run by you, your voice, and your vote. They champion this through the following changes that will make sure our vote matters once again:

1) A.B.E. will end dark money in Alaska. If someone from the lower 48 tries to sway our politics through donating behind the façade of a business, you will now know exactly who that money came from and what they do. Ending the era of dark money influencing who we elect and what we vote for.

2) A.B.E. will open primaries so that you don't ever have to only vote for the party you belong to. Under the current voting system voters are forced to pick one ballot in the Primary Election. This forces non-partisan voters to become partisan because they can only vote within the boundaries of one party, or not vote at all. A.B.E. seeks to give every voter access to every candidate that they want to vote for, instead of forcing them to choose one party over the other.

1) A.B.E. would implement Ranked Choice Voting, or "RCV". Under RCV voters have the right to rank as many or as few candidates as they choose. If a voter chooses to rank just one or two candidates and they are eliminated, the voter has effectively abstained from later rounds of counting. Candidates must attain over 50% of the votes counted, unlike our current system which only requires the most votes, even if their views are not supported by the majority.

Alaskans, not political parties or special interests, should pick the candidates we vote for in our general election. The Alaska's Better Elections Initiative empowers Alaskans by giving them better choices and ensuring their voices are heard. We can agree that our current election system is broken and it is time we use something that has proven success all across the US. Eliminating dark money, opening primaries, and implementing ranked choice voting will help bring us together and put the power of Alaska's elections back in the hands of Alaska voters, where it belongs.

It's your voice, and your vote.

When this initiative reaches your ballot next year, make sure you send a message to the establishment and vote for election reform.

Exhibit 57

three respondents, it did not appeal any aspect of the order to superior court.

We impose civil penalties totaling $22,000 for the two missing reports. For each report, the penalty accrued at $50 per day for 220 days from the order's reporting deadline to this complaint's acceptance date.[83]

ORDER

We find that the violations described above occurred and order the respondents to pay their respective total penalties as shown in this table within 30 days of this order.

Violations by respondent	Dates of violation	Total days	Penalty at $50 per day
Alaskans for Honest Elections			
2023 1Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 2Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 3Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 4Q report	2/2/2024 to 9/9/2024	220	$11,000
2024 1Q report	4/15/2024 to 9/9/2024	147	$7,350
2024 2Q report	7/11/2024 to 9/9/2024	60	$3,000
Paid-for-by identifier	2/2/2024 to 3/11/2024	38	$1,900
Total for group			**$56,250**
Ranked Choice Education Ass'n			
Registration	2/2/2024 to 3/7/2024	34	$1,700
IE report	2/2/2024 to 9/9/2024	220	$11,000
2022 4Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 1Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 2Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 3Q report	2/2/2024 to 9/9/2024	220	$11,000
2023 4Q report	2/2/2024 to 9/9/2024	220	$11,000
Total for association			**$67,700**
Arthur Matthias			
Stmt. of Cont. report	2/2/2024 to 9/9/2024	220	**$11,000**
Alaskans for Honest Government			
2022 4Q report	2/2/2024 to 9/9/2024	220	$11,000
IE report	2/2/2024 to 9/9/2024	220	$11,000
Total for entity			**$22,000**

[83] This amounts to an $11,000 penalty for each report. AS 15.13.390(a)(1).

Exhibit 58

From:	Arctic Court Reporters <arcticcourtreporters@live.com>
Sent:	Thursday, March 7, 2024 6:37 PM AKST
To:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
CC:	Demarest, Katherine E (LAW) <kate.demarest@alaska.gov>; Hobbs, Angela J (LAW) <angela.hobbs@alaska.gov>
Subject:	APOC 11/16/23 Hearing Transcript
Attachments:	APOC November 16, 2023 Special Hearing.pdf

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I have attached the hearing transcript in this matter. As I understand it, I am to split the bill between both parties. Please let me know if that is correct and if you need anything else. Thank you!

Britney Dudley, RPR

Arctic Court Reporters, LLC

(907) 227-6841

Exhibit 59

CG&L

CASHION GILMORE & LINDEMUTH

October 14, 2021

Heather Hebdon, Executive Director
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Room #128
Anchorage, Alaska 99508

Re: Interpretation of Ballot Measure 2's "Dark Money" prohibition

Dear Ms. Hebdon:

My name is Scott Kendall, and I am an attorney with over 15 years' experience practicing before the Alaska Public Offices Commission ("APOC"). In addition, I was the primary author of Ballot Measure 2 (also known as "19AKBE" or the "Better Elections Initiative").

Ballot Measure 2 proposed three principal reforms to Alaska's elections: 1) the replacement of closed party primary elections with non-partisan "Top 4" primaries; 2) the replacement of "first past the post" general elections with Ranked-Choice Voting requiring general election winners to obtain majority support; and 3) a prohibition on "Dark Money" in candidate campaigns—i.e. to end the practice of funding campaign activities through intermediaries in order to conceal the true source of funds. In November 2020, the voters of Alaska passed Ballot Measure 2 and on approximately February 28th, 2021 the measure became effective. Relevant to this discussion, is Ballot Measure 2's prohibition on "Dark Money" in candidate elections.

I have been made aware of concerns that Ballot Measure 2's "Dark Money" restriction will be incorrectly or unlawfully applied in that it will be applied to non-campaign related donations to entities who have affiliated organizations that engage in independent expenditure activities. Such application would be against the intent and clear language of Ballot Measure 2, and would likely be deemed unconstitutional in any event.

Ballot Measure 2 added a new subsection "r" to AS 15.13.040 which requires that—for contributions of $2,000 or more to an entity making independent expenditures in candidate elections—the "true source" of such funds must be disclosed. That is, such contributions can no longer be diverted through intermediaries and have those intermediaries be reported as the donor (which would conceal the true source). *However*, this change in the law did not impact or change the actual definition of "contribution" codified at AS 15.13.400(4).

510 L Street, Suite 601 • Anchorage, Alaska 99501
(907) 222-7932 • www.cashiongilmore.com

As a term of art, a "contribution" applies only to funds or resources given for specific enumerated purposes: 1) influencing the nomination or election of a candidate; 2) influencing a ballot proposition or question; or 3) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020.[1] With respect to the Dark Money restriction, only the first purpose is relevant because AS 15.13.040(r) applies *only* to candidate spending, not ballot propositions or questions.[2] Accordingly, APOC has no statutory authority to regulate contributions *unless* they are $2,000 or more *and* are made to influence a candidate election.

In short, the Dark Money provision in Ballot Measure 2 *did not* give APOC the authority to regulate contributions made for purposes *other than* impacting a candidate election. To the extent an entity receives funds for non-campaign purposes[3] and keeps those funds segregated from campaign funds, the non-campaign funds do not fall within Ballot Measure 2 or under APOC's authority at all.

Indeed, even if APOC had a statute authorizing it to force disclosure of the sources of non-campaign contributions (and it doesn't) such a statute would likely be held unconstitutional. The United State Supreme Court has made clear that donor disclosure requirements implicate and burden the First Amendment.[4] Accordingly, such requirements must be substantially related to a compelling governmental interest.[5] In the case of campaign-related contributions, the compelling interest is in fighting corruption and informing voters of who funds candidates' campaigns. In the case of donations made to entities for other, non-campaign purposes, no such justification exists.

In summary, Ballot Measure 2's Dark Money restriction applies *only* to contributions of $2,000 or more made for the purpose of impacting a candidate election through independent expenditures. To the extent donations are made to entities for other non-campaign purposes, and those funds are segregated from campaign-related funds, such donations are not covered by the Dark Money provision and cannot be regulated or disclosed by APOC. Any other interpretation would not only be contrary to the intent and plain language of Ballot Measure 2, but would also likely violate the First Amendment.

If you have any questions, or if I can assist the Commission or your staff in any way, please do not hesitate to contact me.

---

[1] *See* AS 15.13.400(4).

[2] *See id.* repeatedly stating that the Dark Money restriction applies *only* to contributions to entities making independent expenditures in "candidate elections".

[3] Many entities such as Planned Parenthood, the National Rifle Association and the like have significant non-campaign activities. They provide services and education to their members and the public that are unrelated to any candidate campaign. The APOC does not have the authority to disclose or inquire into donations made to them for these non-campaign purposes just because they have a separate account or affiliated entity that also engages in campaign activities. If those funds are segregated, APOC *only* has the authority to regulate and disclose those "contributions" made towards campaign activities.

[4] *Buckley v. Valeo*, 424 U.S. 1, 60-84 (1976).

[5] *Id.*

Best regards,

Scott Kendall, Attorney
Scott@cashiongilmore.com
(907) 222-7932 (Main)
(907) 339-4967 (Direct)
(907) 222-7938 (Fax)

Exhibit 60

ALASKA'S BETTER ELECTIONS INITIATIVE

AN INITIATIVE TO:

PROHIBIT THE USE OF DARK MONEY BY INDEPENDENT EXPENDITURE GROUPS WORKING TO INFLUENCE CANDIDATE ELECTIONS IN ALASKA AND REQUIRE ADDITIONAL DISCLOSURES BY THESE GROUPS; ESTABLISH A NONPARTISAN AND OPEN TOP FOUR PRIMARY ELECTION SYSTEM; CHANGE APPOINTMENT PROCEDURES FOR CERTAIN ELECTION BOARDS AND WATCHERS AND THE ALASKA PUBLIC OFFICES COMMISSION; ESTABLISH A RANKED-CHOICE GENERAL ELECTION SYSTEM; SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO ALLOW CITIZENS TO REGULATE MONEY IN ELECTIONS; REPEAL SPECIAL RUNOFF ELECTIONS; REQUIRE CERTAIN NOTICES IN ELECTION PAMPHLETS AND POLLING PLACES; AND AMEND THE DEFINITION OF POLITICAL PARTY.

A BILL BY INITIATIVE
For an Act Entitled

"An Act prohibiting the use of dark money by independent expenditure groups working to influence candidate elections in Alaska and requiring additional disclosures by these groups; establishing a nonpartisan and open top four primary election system for election to state executive and state and national legislative offices; changing appointment procedures relating to precinct watchers and members of precinct election boards, election district absentee and questioned ballot counting boards, and the Alaska Public Offices Commission; establishing a ranked-choice general election system; supporting an amendment to the United States Constitution to allow citizens to regulate money in Alaska elections; repealing the special runoff election for the office of United States Senator and United States Representative; requiring certain written notices to appear in election pamphlets and polling places; and amending the definition of 'political party'."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

***Section 1.** The uncodified law of the State of Alaska is amended by adding a section to read: FINDINGS AND INTENT. The People of the State of Alaska find:

(1) It is in the public interest of Alaska to improve the electoral process by increasing transparency, participation, access, and choice.
(2) The people of Alaska hold that political power and influence should not be allocated based on wealth. Instead, reasonable limits on the role of money in elections are necessary to secure the equal rights of Alaskans and to protect the integrity of Alaska elections. Several rulings of the United States Supreme Court have erroneously changed the meaning of the First Amendment to the United States Constitution so as to empower unlimited spending as "free speech" without proper consideration of factors such as the danger of corruption and the undermining of self-governance in Alaska by the undue influence of wealth, including from outside the state. These mistaken Supreme Court decisions have invalidated longstanding anti-corruption laws in Alaska. Alaska shall now affirm the rights and powers of its citizens by prohibiting the use of

dark money in its candidate elections and by supporting an amendment to the United States Constitution allowing citizens to regulate the raising and spending of money in elections.

(3) The people of Alaska have the right to know in a timely manner the source, quantity, timing, and nature of resources used to influence candidate elections in Alaska. This right requires the prompt, accessible, comprehensible, and public disclosure of the true and original sources of funds used to influence these elections, and is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the United States Constitution and shall be construed broadly.

(4) It is in the public interest of Alaska to adopt a primary election system that is open and nonpartisan, which will generate more qualified and competitive candidates for elected office, boost voter turnout, better reflect the will of the electorate, reward cooperation, and reduce partisanship among elected officials.

(5) It is in the public interest of Alaska to adopt a general election system that reflects the core democratic principle of majority rule. A ranked-choice voting system will help ensure that the values of elected officials more broadly reflect the values of the electorate, mitigate the likelihood that a candidate who is disapproved by a majority of voters will get elected, encourage candidates to appeal to a broader section of the electorate, allow Alaskans to vote for the candidates that most accurately reflect their values without risking the election of those candidates that least accurately reflect their values, encourage greater third-party and independent participation in elections, and provide a stronger mandate for winning candidates.

***Sec. 2.** AS 15.10.120(c) is amended to read:

(c) An election supervisor shall appoint one nominee of the political party **or political group with the largest number of registered voters at the time of the preceding gubernatorial election** [OF WHICH THE GOVERNOR IS A MEMBER] and one nominee of the political party **or political group with** [THAT RECEIVED] the second largest number of registered voters at the time of [VOTES STATEWIDE IN] the preceding gubernatorial election. **However, the election supervisor may appoint a qualified person registered as a member of a third political party or political group or as a nonpartisan or undeclared voter if** [IF] a party district committee or state party central committee of the party **or group with the largest number of registered voters** [OF WHICH THE GOVERNOR IS A MEMBER] or the party **or group with** [THAT RECEIVED] the second largest number of **registered voters at the time of** [VOTES STATEWIDE IN] the preceding gubernatorial election fails to present the names prescribed by (b) of this section by April 15 of a regular election year or at least 60 days before a special **primary** election [, THE ELECTION SUPERVISOR MAY APPOINT ANY QUALIFIED INDIVIDUAL REGISTERED TO VOTE].

***Sec. 3.** AS 15.10.170 is amended to read:

Sec. 15.10.170. Appointment and privileges of watchers. (a) The precinct party committee, where an organized precinct committee exists, or the party district committee where no organized precinct committee exists, or the state party chairperson where neither a precinct nor a party district committee exists, may appoint one or more persons as watchers in each precinct and counting center for any election. Each candidate [NOT REPRESENTING A POLITICAL PARTY] may appoint one or more watchers for each precinct or counting center in the

Exhibit 61

To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Cc: Traw, Darrian T (DOA) <darrian.traw@alaska.gov>; Maddox, Tamara S (DOA) <tamara.maddox@alaska.gov>; Prysunka, Anne E (DOA) <anne.prysunka@alaska.gov>
Subject: FW: Advisory Opinion Request
Importance: High

Hi Tom,

I have started a folder for this advisory opinion request below.

G:\APOC\Public\Advisory Opinions\2. CD 2008-Present\2022\22-01-CD [redacted] AS 15.13.374

Please let me know if you need anything else.

Thanks!

Rachel Ferguson
Law Office Assistant I
Alaska Public Offices Commission
2221 E. Northern Lights Blvd STE 128
Anchorage, AK 99508
Phone: (907) 276-4176
Toll-Free: 1-800-478-4176
Fax: (907) 276-7018

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From: Andrea Levien <alevien@elias.law>
Sent: Tuesday, March 8, 2022 11:09 AM
To: Public Offices Commission, Alaska (DOA sponsored) <doa.apoc@alaska.gov>
Cc: Jon Berkon <jberkon@elias.law>
Subject: Advisory Opinion Request

You don't often get email from alevien@elias.law. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Hebdon and Mr. Lucas,

* AS 15.13.374

Please find attached an advisory opinion request from our client [redacted]*

Best,
Andrea

Andrea T. Levien
Elias Law Group LLP
Associate | Political Law
202-968-4557
(she/her/hers)

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Exhibit 62

From:	Whitlock, John G (DOA)
Sent:	Thursday, April 18, 2024 1:09 PM AKDT
To:	Joel Borgquist <chair@keepitalaska.org>
CC:	Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject:	RE: Your call earlier to APOC (Keep it Alaska)

…and thanks for the call.

Let me make one slight caveat/suggestion to what I discussed with you on the phone. I conferred with my colleagues who suggested that if both the text and the image are standing alone, it would be **best practice** to place the disclaimer on both the image and the text.

Also, while I was away from my desk you left a message with one of my colleagues, Ben Wolfe, who relayed to me a question regarding if Keep it Alaska would have to report any donations from the Republican Party. I just wanted to ensure that this is, indeed, your question before looking into it.

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Thursday, April 18, 2024 12:31 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Thank you for confirming everything over the phone just a moment ago so we can proceed with the text message! I appreciate it.

- Joel

Joel Borgquist
Chairman, Keep It Alaska

> On Apr 18, 2024, at 8:56 AM, Joel Borgquist <chair@keepitalaska.org> wrote:
>
> Hi John,
>
> Thank you for the detailed response. I'll have some further questions, but can you confirm that I understand the following three points correctly:
>
> 1. All of our donors are from within Alaska. We included the "all donors live in Alaska" line just for informational purposes for recipients of the message. Is there any issue with including that line within the disclaimer message?

2. In an MMS text message, where there is both a graphic being sent and text within the text message, is the communication disclaimer required in BOTH the graphic and the text of the text message or is it acceptable for the disclaimer to ONLY be in the graphic?

3. This is the updated disclaimer that we'd like to use today, did we understand the feedback and get everything corrected?

"Paid for by Keep It Alaska. Approved by Keep It Alaska Chairman Joel Borgquist. All donors live in Alaska!

Top contributors are NAME (Anchorage, AK), NAME (Anchorage, AK), NAME (Anchorage, AK)

This NOTICE TO VOTERS is required by Alaska law. We certify that this ad is not authorized, paid for, or approved by the candidate.

PO Box 772081, Eagle River, AK 99577"

If you can confirm the above points, that will be VERY helpful. We intend to begin expenditures today with an MMS text message, after receiving our first contributions.

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

On Apr 17, 2024, at 3:36 PM, Whitlock, John G (DOA) <john.whitlock@alaska.gov> wrote:

Mr. Borgquist,

Thank you for your patience with our response. The Commission has previously considered many questions about the activities of IE groups, such as Keep It Alaska. Shortly after the *Citizens United* decision, the Commission approved AO 12-09-CD, which, it seems, would provide guidance relevant to most of your questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events?

There is not a specific statute, per se, that prohibits the candidate's attendance. However, as you are aware, independent expenditure

groups are prohibited from making expenditures that are coordinated with a candidate. At the time of your question, your group's registration reflected an intent to focus a significant portion of its spending on the election of Dave Bronson so it is not clear how the expenses related to a fundraiser in which Mayor Bronson would attend as a guest speaker to raise funds on behalf of Keep It Alaska, would be made without coordinating with him.

2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?

This isn't specifically defined in the statute, but is based on a group's intended activities. See also AO 12-09-CD and 14-17-CD.

3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.

Again, the statute is based on the group's intended activities and if you are able to provide more specific information about the group's planned activities, staff may be able to provide further guidance. See also AO 12-09-CD.

4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress (https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

We understand your concerns, but constitutional questions such as this are likely better addressed to the lawmakers within the Alaska Legislature. As a state agency, it is our responsibility to enforce the laws as dictated by the legislature.

As to your questions about the mailer, staff has reviewed the content and notes the following:

- AS 15.13.090(a)(2)(C) requires identifying by Name, City, and State, Keep It Alaska's top 3 contributors.

- If Keep It Alaska is an outside-funded entity as defined under AS 15.13.400(15), then AS 15.13.090(g) may apply ["a majority of contributions to Keep It Alaska came from outside the state of Alaska"]. While your example mailer states "all individual donors live in Alaska!" it is not clear whether this is intended for purposes of .090(g) and without any understanding of Keep It Alaska's sources of funding, whether it might substantially satisfy the requirements of .090(g).
- AS 15.13.135 also requires the following statement be placed in the communication: "This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate."
- Provided the photos used were not obtained through any coordination with the candidates, it would not appear to run afoul of our statutes or regulations.

Cordially,

APOC Staff
//s// John Grover Whitlock
Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

From: Whitlock, John G (DOA)
Sent: Wednesday, April 17, 2024 3:21 PM
To: Joel Borgquist <chair@keepitalaska.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Hello Joel,

Ms. Hebdon addressed this issue toward the end of the email she sent to you. I am re-enclosing that section here:

As to your questions about the mailer, staff has reviewed the content and notes the following:

- AS 15.13.090(a)(2)(C) requires identifying by Name, City, and State, Keep It Alaska's top 3 contributors.

- If Keep It Alaska is an outside-funded entity as defined under AS 15.13.400(15), then AS 15.13.090(g) may apply ["a majority of contributions to Keep It Alaska came from outside the state of Alaska"]. While your example mailer states "all individual donors live in Alaska!" it is not clear whether this is intended for purposes of .090(g) and without any understanding of Keep It Alaska's sources of funding, whether it might substantially satisfy the requirements of .090(g).
- AS 15.13.135 also requires the following statement be placed in the communication: "This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate."
- Provided the photos used were not obtained through any coordination with the candidates, it would not appear to run afoul of our statutes or regulations.

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Wednesday, April 17, 2024 3:00 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Yes, we plan to use Keep It Alaska as our name moving forward, year over year, and for all of the races we support/oppose each election cycle.

Any updates on the disclaimer or the photos?

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

> On Apr 17, 2024, at 9:39 AM, Whitlock, John G (DOA) <john.whitlock@alaska.gov> wrote:
>
> Hello sir,

Staff is still looking at your questions here (especially the question about photos obtained on the internet).

You may want to look at the statement requirement outlined in AS 15.13.135. Statute enclosed below my signature line.

Do you plan on using the Keep it Alaska name going forward?

We are still looking at this, but we just wanted to provide you with and update.

Thanks,

John Grover Whitlock
Paralegal
APOC

Sec. 15.13.135. Independent expenditures for or against candidates.
(a) An independent expenditure supporting or opposing a candidate for election to public office, except an independent expenditure made by a nongroup entity with an annual operating budget of $250 or less, shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other requirements of this chapter.

(b) A person who makes independent expenditures for a mass mailing, for distribution of campaign literature of any sort, for a television, radio, newspaper, or magazine advertisement, or any other communication that supports or opposes a candidate for election to public office

(1) shall comply with AS 15.13.090 ; and

(2) shall place the following statement in the mailing, literature, advertisement, or other communication so that it is readily and easily discernible:

This NOTICE TO VOTERS is required by Alaska law. (I/we) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate

---

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:56 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Some people who received this message don't often get email from chair@keepitalaska.org. Learn why this is important

Hi John,

While we await your response, can you or one of your colleagues at APOC respond to the following items on the attached tester piece. As this is a tester

for our first communication, we want to ensure that we are meeting all laws and guidelines. We will replicate the tester in our other communications.

In particular, can you respond on the:

- Communication disclaimer at the bottom of the tester
- Whether the photos obtained on the internet used in the tester would violate any statutes or APOC guidelines
- Any other item that we may not be aware of

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Joel Borgquist <chair@keepitalaska.org>
Sent: Tuesday, April 16, 2024 8:47 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Unfortunately, due to the delay in hearing back on whether supported candidates can attend our fundraising events without facing repercussions, we were forced to cancel our fundraiser to support Dave Bronson's race.

Timely responses on urgent questions are essential when ballots are a mere two weeks from being mailed and we are trying to exercise our First Amendment Rights without facing negative political, legal, and financial consequences that would result from an APOC finding against us and/or the candidate we are supporting.

I would recommend developing a 24-hour response period when elections are within 60 days, not unlike the 24-hour reporting periods required by APOC of Alaskans engaging in the political process.

I understand that APOC has had some changeover of staff, but candidates and groups are still operating at full pace in our political process – which should not be interrupted, delayed, or otherwise interfered with.

I look forward to your response when it comes.

Thank you!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent: Friday, April 12, 2024 11:36 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>; Joel Borgquist <chair@keepitalaska.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Mr. Borgquist,

I would also add that your registration indicates participation in the Anchorage election. However, that particular election was already held on April 2. If you intend to support a candidate in the upcoming Anchorage mayoral runoff election, you should amend your registration to select the runoff election.

Thank you,

Heather

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Friday, April 12, 2024 11:16 AM
To: chair@keepitalaska.org
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Thank you, sir.

We are looking at your questions and will get back to you as soon as we can.

Also, if you haven't done so already, you may want to amend your group registration to include your chair@keepitalaska.org email address.

Thanks,

John Grover Whitlock

Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: joel borgquist.org <joel@borgquist.org>
Sent: Friday, April 12, 2024 9:48 AM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>;chair@keepitalaska.org; joel@reddirtcampaigns.com
Subject: Re: Your call earlier to APOC (Keep it Alaska)

You don't often get email from joel@borgquist.org. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi John,

Per your e-mail, I have amended our report. I'm awaiting your next response to know how to proceed further.

Please note that I have also updated my contact information and will exclusively be usingchair@keepitalaska.org as my e-mail address regarding Keep It Alaska matters from here forward. I copied my new e-mail to this thread, as well.

Thanks!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: joel borgquist.org <joel@borgquist.org>
Sent: Thursday, April 11, 2024 7:42 PM
To: Whitlock, John G (DOA) <john.whitlock@alaska.gov>; joel@reddirtcampaigns.com<joel@reddirtcampaigns.com>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: Re: Your call earlier to APOC (Keep it Alaska)

Hi John,

Thanks for getting back to me. I have a few follow up questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events? I couldn't find anything specific that would cover that. (Also, see freedom of association below, which covers the freedom to gather and for individuals to attend such gatherings).
2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?
3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.
4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress (https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

Thanks, again!

- Joel

Joel Borgquist
Chairman, Keep It Alaska

From: Whitlock, John G (DOA) <john.whitlock@alaska.gov>
Sent: Thursday, April 11, 2024 3:16 PM
To: joel@reddirtcampaigns.com <joel@reddirtcampaigns.com>; joel borgquist.org <joel@borgquist.org>
Cc: Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>
Subject: RE: Your call earlier to APOC (Keep it Alaska)

Hello Mr. Borgquist,

Thanks for reaching out to us via phone earlier in the day. I wanted to follow up with you regarding some of your questions via email.

1. Generally, an IE group supporting a candidate may not coordinate activities, including fundraisers, with the candidate. If you have more questions regarding specific activities, it would be helpful to have those in writing so that we may ensure a thorough response.

2. Additionally, it appears that you have amended your registration to indicate that more than 33 1/3 of your group's spending will be in support of Dave Bronson. Please note that under AS 15.13.050(b), you must include the candidate's name in your group's name. This statute is enclosed below my signature line.

Again, do not hesitate to reach out if you have any questions.

Thanks,

John Grover Whitlock
Paralegal

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Sec. 15.13.050. Registration before expenditure.

(a) Before making an expenditure in support of or in opposition to a candidate or before making an expenditure in support of or in opposition to a ballot proposition or question or to an initiative proposal application filed with the lieutenant governor under AS 15.45.020, each person other than an individual shall register, on forms provided by the commission, with the commission.

(b) If a group intends to support only one candidate or to contribute to or expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the candidate shall be a part of the name of the group. If the group intends to oppose only one candidate or to contribute its funds in opposition to or make expenditures in opposition to a candidate, the group's name must clearly state that it opposes that candidate by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. A candidate may register more than one group to support the Revised May 2021 11 candidate; however, multiple groups controlled by a single candidate shall be treated as a single group for purposes of the contribution limit in AS 15.13.070 (b)(1).

(c) If a group intends to make more than 50 percent of its contributions or expenditures in support of or in opposition to a single initiative on the ballot, the title or common name of the initiative must be a part of the name of the group. If the group intends to make more than 50 percent of its contributions or expenditures in opposition to a single initiative on the ballot, the group's name must clearly state that the group opposes that initiative by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name.

Exhibit 63

Hebdon, Heather R (DOA)

From: Lucas, Tom R (DOA)
Sent: Monday, November 21, 2022 11:12 AM
To: Alaskans For Honest Government
Subject: RE: Hello, I hope this is the right email

Phil,

One entity is Alaskans For Honest Elections - 501(C)4 not for profit. No registration requirement unless it spends to support or oppose a candidate or ballot proposition. Then it would be required to register as an entity.
One entity is Alaskans For Honest Government PAC registered with FEC. And, apparently, registered with APOC as an entity, but probably should have registered as a group if its principal purpose is to influence elections or file a referendum petition with the Lieutenant Governor.
One entity is Alaskans For Honest Elections Bill Initiative - no official formation documents just the name of the initiative. No need to separately register if your FEC entity registers as an Alaska group.

If you have any questions or desire further information, please do not hesitate to contact me.

Thomas R. Lucas
Campaign Disclosure Coordinator

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: Alaskans For Honest Government <info@alaskansforhonestgovernment.org>
Sent: Friday, November 18, 2022 4:58 PM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: Re: Hello, I hope this is the right email

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Tom for the quick response. Regarding the formation, I have three entities I want to make sure are filed correctly with the State.
One entity is Alaskans For Honest Elections - 501(C)4 not for profit
One entity is Alaskans For Honest Government PAC registered with FEC
One entity is Alaskans For Honest Elections Bill Initiative - no official formation documents just the name of the initiative.

How would these need to be registered with the State? As entities or groups, thank you.

Phil

On Fri, Nov 18, 2022 at 1:20 PM Lucas, Tom R (DOA) <tom.lucas@alaska.gov> wrote:

> Phil,
>
> It appears that what you are contemplating is a referendum (a ballot proposition to repeal a law), not an initiative. The two are treated differently during the signature gathering stage. For a referendum, any money spent is not considered an expenditure until the referendum becomes a proposition (that is, sufficient signatures were gathered and the Lieutenant Governor has scheduled it for the ballot at an election).
>
> Nevertheless, a group formed to sponsor a referendum must file a report within 30 days after its first filing with the Lieutenant Governor and within 10 days after the end of each calendar quarter thereafter:
>
> **Sec. 15.13.110. Filing of reports.**
> (a) Each candidate, group, and nongroup entity shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it must cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it must cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on February 1 of that year. The report shall be filed
> (1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;
>
> (2) one week before the election;
>
> (3) 105 days after a special election; and, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office ac
> (4) February 15 for expenditures made and contributions received that were not reported previously count under AS 15.13.116(a)(9), or when expenditures were not made or contributions were not received during the previous year.
>
> (e) A group formed to sponsor a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter, each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section.

But, because the definition of an expenditure does not include money spent during the signature gathering stage of a referendum (unlike, an initiative), the quarterly reports filed can be $0 reports. There is one caveat, however. If the sponsoring group for a referendum decides to file $0 reports, it will not be able to transfer any excess funds to the proposition stage, unless it includes all contributions received and expenditures made on its first report at the proposition stage. Alternatively, the sponsoring group could simply choose to report all contributions received and expenditures made on its quarterly reports.

Which leads to how you are currently registered – as an entity. This is fine where a sponsoring group has not yet organized, but it can lead to reporting complications if money is transferred over to the proposition stage – basically, any purchases made by the entity before filing with the Lieutenant Governor would be considered non-monetary contributions to the sponsoring group.

I am certain you will have questions and invite you to call so that we can discuss them.

Thomas R. Lucas

Campaign Disclosure Coordinator

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

Phone: (907) 276-4176

Fax: (907) 276-7018

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-----Original Message-----

From: Alaskans For Honest Government <info@alaskansforhonestgovernment.org>

Sent: Friday, November 18, 2022 11:26 AM

To: DOA-APOC-Reports (DOA sponsored) <doa.apoc.reports@alaska.gov>

Subject: Hello, I hope this is the right email

We are starting a citizen initiative, I know Ballot Measure 2 has specifics regarding reporting expenses associated with Ballot Measure 2. Can you please let me know how this works for all expenses prior to the state approved initiative.

Currently when I log in to the APOC to file for an expense, it has a drop down menu. Our ballot initiative most likely will not be on the website for a couple months.

Can you please explain to me how we report our expenses associated with the ballot measure prior to being approved.

Thank You,

Phil

Exhibit 64

From:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>
Sent:	Thursday, February 23, 2023 4:55 PM AKST
To:	nevesiltstudio@gmail.com
CC:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>; Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject:	APOC Registration & Reporting Obligations
Attachments:	221121 Email re Group Formation.pdf

Good afternoon Mr. Izon,

I am writing to follow up on the attached email chain between you and Tom Lucas (APOC staff) and also because the agency has received some public inquiries about the formation and reporting requirements for your group.

In the attached email, Tom appears to have misunderstood the purpose of your group in that he believed you were seeking to file a referendum, when in actuality, you were filing an initiative proposal application. It does not appear that you corrected his understanding and unfortunately the information he provided is not accurate as to your group's requirements.

As he pointed out, initiatives and referendums are treated differently under campaign disclosure – that is to say that groups that form to either file a referendum application or file an initiative proposal application have different reporting obligations. Unlike a referendum sponsor, sponsors of an initiative proposal application have reporting obligations during the signature gathering stage. This is because money raised in support of an initiative proposal application meets the definition of a contribution and similarly, money spent to influence an initiative proposal application meets the definition of an expenditure [AS 15.13.400(4)(A)(iii) and AS 15.13.400(7)(A)(v)].

What this means is that you need to:

1. register as an initiative proposal application group;
2. file independent expenditure reports within 10 days of making an expenditure;
3. file quarterly reports within 7 days after the end of each calendar quarter;
4. your contributors who give $500 or more in the aggregate must also file statements of contributions within 30 days of making the contribution.

I would also recommend that you review the training material posted on our website for independent expenditures and ballot measure groups. It has a lot of helpful information and I would suggest taking a close look at paid for by identifier requirements that are necessary for all of your group communications.

Based on the date the application was filed with the Lt. Governor's Office (11/23/22), it is likely that reports are overdue at this time. My intention today is to bring this to your attention so that we can help get you into compliance moving forward to avoid a publicly-initiated complaint.

If you have questions about this, please feel free to contact either myself or Charles Stormont, our campaign disclosure paralegal, we are happy to help.

Best,

Heather R. Hebdon
Executive Director

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Exhibit 65

From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Monday, March 20, 2023 1:49 PM AKDT
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
CC: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: Re: In-Kind Donation

You don't often get email from admin@alaskansforhonestelections.com. Learn why this is important

The very people in charge of bringing this "Law" to Alaska are deliberately circumventing the rules and the disclosure requirements intentionally to assist their efforts to hurt our ballot initiative and your office has, as far as I am concerned, done nothing but do the bidding of these very people by enforcing their rules on us.
It is a really sad reality that I have to live with. I will go public at some point and I will blast the entire APOC department for playing favorites and not enforcing the rules fairly.
This is not the first time that I have made national news for being critical of the State of Alaska and the unequal treatment by the State.
Please see this Seattle Times article. You will not even acknowledge my concerns or tell me what your office is planning to do regarding Alaskans for Better Elections.
https://www.seattletimes.com/nation-world/cultivator-accuses-alaska-marijuana-board-of-misconduct/
Please if you are going to accuse me of not abiding by the "Law" it would be helpful if your "Law" actually resembled fair and equal treatment under the "Law"

On Mon, Mar 20, 2023 at 1:16 PM Lucas, Tom R (DOA) <tom.lucas@alaska.gov> wrote:

> Phil,
>
> I believe I have already answered this question(see second bullet point in attached correspondence). If your group has decided to use your business for certain supplies/services, but has not yet paid for them, you report it as debt and estimate what the total amount of the debt will ultimately be at the end of the campaign.
>
> On another note, I see you still have not registered the group even though you told me you would do so immediately. What is going on? Is it your intention to comply with the law, and if so, when?
>
> Thomas R. Lucas
>
> Campaign Disclosure Coordinator

Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

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From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Sunday, March 19, 2023 6:01 AM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: In-Kind Donation

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My in-kind donation is getting close to $60k just since January 20th, 2023 to Alaskans For Honest Elections. As I requested details on this from Heather. I know I need to list myself as one of the top three, I know I need to file this info online, the question I have is that I normally charge my clients by the month or by the project. In this case I am managing a multi-year project so my billing would be monthly or quarterly.

I would charge based on hours and my rate alone close to $48k, just since January 20th.

My question was that would I report it monthly or do I need to report it weekly, etc? Not sure how an in-kind donation like that would need to be reported.

Thank you,

Phil

Exhibit 66

From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Monday, March 20, 2023 1:30 PM AKDT
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
CC: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: Re: In-Kind Donation

You don't often get email from admin@alaskansforhonestelections.com. Learn why this is important

Please give me a call, this process has been anything but easy and your email did not answer my question. I have called and left a voicemail and at your convenience, please give me a call back to answer my questions so I can complete this.
I spent all weekend compiling the total costs and what the normal rates of certain time and services provided, so to say that I am not doing what is required, would not be a truthful statement.
What is true is that I can not get the answers necessary to complete the reporting as requested and as soon as I have that information I can complete it. Your office has provided incorrect information to me and I am having to play catch up to make sure I fix everything, so please be patient.
Phil

On Mon, Mar 20, 2023 at 1:16 PM Lucas, Tom R (DOA) <tom.lucas@alaska.gov> wrote:

> Phil,
>
> I believe I have already answered this question(see second bullet point in attached correspondence). If your group has decided to use your business for certain supplies/services, but has not yet paid for them, you report it as debt and estimate what the total amount of the debt will ultimately be at the end of the campaign.
>
> On another note, I see you still have not registered the group even though you told me you would do so immediately. What is going on? Is it your intention to comply with the law, and if so, when?
>
> Thomas R. Lucas
>
> Campaign Disclosure Coordinator
>
> Alaska Public Offices Commission

2221 E. Northern Lights Blvd., Rm. 128

Anchorage, Alaska 99508

Phone: (907) 276-4176

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From: Alaskans For Honest Elections <admin@alaskansforhonestelections.com>
Sent: Sunday, March 19, 2023 6:01 AM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject: In-Kind Donation

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My in-kind donation is getting close to $60k just since January 20th, 2023 to Alaskans For Honest Elections. As I requested details on this from Heather. I know I need to list myself as one of the top three, I know I need to file this info online, the question I have is that I normally charge my clients by the month or by the project. In this case I am managing a multi-year project so my billing would be monthly or quarterly.

I would charge based on hours and my rate alone close to $48k, just since January 20th.

My question was that would I report it monthly or do I need to report it weekly, etc? Not sure how an in-kind donation like that would need to be reported.

Thank you,

Phil

Exhibit 67

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

IN RE:	)	
	)	CIVIL PENALTY APPEAL
RECALL RIVERA	)	
	)	

FINAL ORDER

On June 8, 2022, the Alaska Public Offices Commission reviewed the assessment a civil penalty against Recall Rivera for a late-filed campaign disclosure report. For the following reasons, the Commission imposes a civil penalty of $12.50.

Recall Rivera was required to file a year-end campaign disclosure report on February 15, 2022.[1] The group filed the report one day late, and staff assessed the maximum penalty of $50 for the violation.[2] Recall Rivera appealed.

The Commission accepts staff's recommendation on appeal and halves the maximum civil penalty because Recall Rivera was an inexperienced group engaging in its first election cycle.[3] Additionally, the Commission corrects staff's assessed penalty to provide for another 50 percent reduction because staff was required to reduce the penalty to half of the maximum if the "the election cycle is the person's first election cycle."[4] Applying both reductions to the penalty assessment, the Commission orders Recall Rivera to pay a civil penalty of $12.50.

---

1 AS 15.13.110(a)(4).

2 AS 15.13.390(a)(1).

3 2 AAC 50.865(a)(1)(B).

4 2 AAC 50.855(b)(2)(C)(i).

SOA00406

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[5] A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.[6]

Dated: June 20, 2022

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[7]

Certificate of Service:
I hereby certify that on this date, I served, by **certified mail** and **email** a true and correct copy of the foregoing in this proceeding on the following:

Recall Rivera
Julie Brophy
3705 Arctic Blvd., #6007
Anchorage, AK 99503
Juliedbrophy@gmail.com
Russellbiggs@gmail.com

and by **email** to:
Heather Hebdon
Executive Director
Alaska Public Offices Commission
heather.hebdon@alaska.gov

Paralegal Date

5 AS 44.62.560; Alaska R. App. P. 602; 2 AAC 50.860(e).

6 2 AAC 50.891(g).

7 Commissioners Anne Helzer, Richard Stillie, Lanette Blodgett, Suzanne Hancock, and Dan LaSota participated in this matter. The decision was made on a 5-0 vote.

Exhibit 68

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Alaskans for Better Elections, Complainant, v. Alaskans for Honest Elections, Ranked Choice Education Association, and Art Mathias Respondents.	)	APOC Case No. **23-06-CD**

FINAL ORDER

Alaskans for Better Elections (ABE) alleges multiple violations of AS 15.13 by Alaskans for Honest Elections, Ranked Choice Education Association, and Art Mathias in connection with the 22AKHE initiative proposal. Many of these allegations overlap with claims that ABE made in an earlier complaint against the three respondents and others in Case No. 23-01-CD, which was not yet resolved when ABE filed this complaint. In early January 2024, the Commission issued its final order in Case No. 23-01-CD, and that decision has been appealed in part to superior court. Given this complaint's overlap with Case No. 23-01-CD and the pending appeal of that matter, the Commission staff, ABE, and the respondents asked the Commission to dismiss this complaint without prejudice. The Commission so ordered on the record during its meeting on February 28, 2024.

This written order confirms and memorializes the Commission's decision to dismiss ABE's complaint in the above-captioned matter in its entirety without prejudice to refiling. By doing so, the Commission makes no decision on the merits, including any

SOA07193

findings about the extent to which the complaint in the above-captioned matter alleged new or distinct violations or covered different reports than those addressed and resolved in the final order in Case No. 23-01-CD.

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[1] A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.[2]

Dated: March 8, 2024

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[3]

Certificate of Service: I hereby certify that on this date, I served, by **certified mail, US mail,** and **email** a true and correct copy of the foregoing in this proceeding on the following:	
Scott Kendall Samuel Gottstein Cashion Gilmore & Lindemuth 510 L Street, Suite 601 Anchorage, AK 99501 scott@cashiongilmore.com sam@cashiongilmore.com Kevin Clarkson Law Offices of Kevin Clarkson 2223 Latona Drive NE Keizer, OR 97303 kclarkson@gci.net	and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

Paralegal Date 3:24

1 AS 15.13.380(g); AS 44.62.560; Alaska R. App. P. 602.

2 AS 44.62.540; 2 AAC 50.891(g).

3 Commissioners Richard Stillie, Lanette Blodgett, Eric Feige, Suzanne Hancock, and Dan LaSota participated in this matter. The decision was made on a 5-0 vote.

Exhibit 69

To: Alaska Public Offices Commission

From: RESPONDENTS:

Alaskans for Honest Elections

Alaskans for Honest Government

Ranked Choice Education Association

Art Matthias

Case No. 24-03-CD

Re: Answer to Complaint filed by Alaskans for Better Elections

The Respondents, Alaskans for Honest Elections ("AHE"); Alaskans for Honest Government ("AHG"); Ranked Choice Education Association ("RCEA"); and Dr. Art Matthias answer the complaint filed by Alaskans for Better Elections ("ABE") in Case No. 24-03-CD as follows:

SUMMARY

Alaskans for Better Elections (ABE) filed this politically motivated complaint as part of its continued lawfare against 22AKHE, the ballot initiative to revert Alaska's election system back to what it was historically prior to the current jungle primary and ranked choice voting system was adopted in 2020. ABE filed complaint after complaint with the Commission in 2023, claiming all sorts of things, the vast bulk of which were rejected by APOC staff and/or the commission—the Commission determined that some campaign finance violations occurred and the most significant of those are now on appeal to the Alaska Supreme Court. Then, when the Lieutenant Governor certified 22AKHE for

the ballot in early 2024, ABE (through proxies) filed an exaggerated complaint in superior court seeking to knock the initiative off the ballot by asking the court to invalidate petition booklets and disenfranchise voters. Although the superior court found that some few of the initiative sponsors' over 400 citizen volunteer circulating force made mistakes in the means and methods of signature gathering that they implemented, and invalidated some petition booklets because of those mistakes, the court rejected ABE's wild allegations of extensive and pervasive criminal and fraudulent conduct. ABE did not bother to appeal the superior court's rejection of their most exaggerated claims, and the Alaska Supreme Court summarily affirmed the lower court's dismissal of the claims that it did appeal. The initiative, 22AKHE, will appear on the general election ballot on November 5, 2024.

Having lost in its effort to knock the initiative off the ballot, ABE returned to its lawfare by once again filing claims with APOC against Respondents—apparently ignorant of, or ignoring the fact that Respondents are not involved in the current 22AKHE campaign in 2024 leading up to the general election. Expecting to score political points in the news and media, ABE has regurgitated herein the claims it previously filed—claims that were already adjudicated in Case No. 23-01-CD. ABE's complaint in this case (1) falsely asserts that respondents did not file reports and/or amended reports consistent with the Commission's January 3, 2024, order in Case No. 23-01-CD; and (2) falsely assert that Respondents are (a) continuing to act as ballot groups and/or entities and continue to receive contributions, make expenditures, or to issue communications so as to campaign for 22AKHE; and (b) failing to report to APOC for campaign related communications or

other activity alleged to be occurring in 2024 regarding 22AKHE. ABE literally makes these allegations against AHE while attaching AHE's 2024 reports to its complaint.

But Respondents are not engaged in the current campaign to convince voters to pass the 22AKHE initiative on November 5, 2024. A new ballot group, Yes on 2, has stepped up to carry on that campaign effort. Yes on 2, a group that is run and staffed by individuals other than Respondents, has registered with APOC as a ballot group and is filing its own reports. Alaskans for Honest Government ("AHG") no longer exists, has not received donations, attempted to raise money, or taken action of any kind since 2022, and took down its web page in mid-2023. AHE has done nothing but raise money in 2024 to pay off old debt from the prior signature gathering campaign and has filed reports regarding those donations received. RCEA is not engaged in activity related to the 22AKHE campaign in 2024 and thus has no reporting obligations in 2024—RCEA is no longer acting as an independent expenditure entity. Dr. Matthias has removed himself from the 22AKHE campaign and is taking no action related to 22AKHE in 2024, whether through RCEA, AHE, or otherwise.

ANSWER

Page 3-8:

AHE

P. 5 allegation (a): This allegation simply regurgitates the allegations and claims that were previously litigated to completion in Case No. 23-01-CD. ABE ignores the fact that AHE amended reports and filed reports in 2024 (most of which are attached to ABE's

Complaint). Using the word "accurately," ABE deceptively attempts to claim that AHE has failed to file reports (amended for 2023 and new reports in 2024). But AHE's reports and amended reports are on file with APOC and are for the most part literally attached to ABE's Complaint.

P. 6 allegation (b): This allegation simply regurgitates the allegations and claims that were previously litigated to completion in Case No. 23-01-CD. ABE ignores the fact that AHE amended its reports. Using the word "accurately," ABE deceptively attempts to claim that AHE has failed to file amended reports. ABE should not be permitted to continually relitigate issues that have already been fully adjudicated.

Page 6 allegation (c): This allegation simply regurgitates the allegations and claims that were previously litigated to completion in Case No. 23-01-CD. ABE ignores the fact that AHE amended its reports. Using the word "accurately," ABE deceptively attempts to claim that AHE has failed to file amended reports. ABE should not be permitted to continually relitigate issues that have already been fully adjudicated.

Pages 6-7 allegation (d): This allegation simply regurgitates the allegations and claims that were previously litigated to completion in Case No. 23-01-CD. ABE ignores the fact that AHE amended its 2023 reports. Using the word "accurately," ABE deceptively attempts to claim that AHE has failed to file 2024 reports, despite attaching most of AHE's 2024 reports as exhibits to its Complaint. ABE should not be permitted to continually relitigate issues that have already been fully adjudicated or to invent "failure to file 2024 reports" charges while literally attaching AHE's 2024 reports to its Complaint.

Page7 allegation (e): This allegation is frivolous and reflects a bad faith attempt by ABE to deceive the Commission and APOC Staff. ABE claims that AHE continues to communicate regarding 22AKHE and allegedly does so without identifying its three largest contributors. But ABE knows full well that the 907Honest communications it attaches to its Complaint (*See*, *e.g.*, Exs. 12A-12C, and 13A-13I – see Complaint page 7 an n. 38 and 39) are communications made by Phillip Izon as an individual.

The communications ABE attaches its complaint are those of Phillip Izon as an individual (via 907honest See https://907honest.com/--Complaint at Ex. 12B p. 1; Ex. 12C; Ex. 13A; Ex. 13B; Ex. 13C; Ex. 13D; Ex. 13E; Ex. 13F; Ex. 13G; Ex. 13H; Ex. 13I; Ex. 14A (this post literally speaks about paying the 22AKHE Sponsors' legal bills, and does not campaign for ballot measure 2; Ex. 14B (same); Ex. 14C (same); Ex. 14D (same).. ABE dishonestly now attempts to pass off posts that were made by Mr. Izon as an individual through his 907Honest handle as if they were those of AHE despite the fact that ABE learned during the prior superior court litigation that 907Honest is not operated by AHE or any of the Respondents, but instead is Mr. Izon's personal handle for posting material related to ranked choice voting and Ballot Measure 2 and opposing ranked choice voting in general.

ABE tried unsuccessfully to get the superior court to force AHE to produce any and all 907Honest communications, but the superior court denied ABE's motion to compel upon learning that the 907Honest handle was Mr. Izon communicating personally as an individual. Mr. Izon and every other Alaskan has a First Amendment right to communicate

personally about 22AKHE without registering with or reporting to APOC. The fact that Mr. Izon chose at various times to repost material that had been previously posted by AHE during the prior signature gathering campaign is meaningless—he and every other Alaskan has a right to do such things without registering with or reporting to APOC. If other Alaskan citizens reposted AHE's prior posts, would ABE be filing complaint against them for failing to register? Would APOC countenance having its staff the investigate every Alaskan who ever reports something from AHE or ABE?

Having lost in its effort to force AHE to produce 907Honest material in the superior court action, ABE is collaterally estopped from coming into this new APOC case and asserting that the 907Honest posts are those of AHE or RCEA.

ALASKANS FOR HONEST GOVERNMENT (AHG):

Pages 8-9:

AHG no longer exists. It has not attempted to raise funds, received donations, or engaged in activity since 2022. It has no web page, no money, no bank account, and no prospect of receiving donations.

RANKED CHOICE EDUCXATION ASSOCIATION (RCEA):

Pages 9-12:

Page 11 allegation (a): This allegation is a regurgitation of what was previously claimed and litigated in Case No 23-01-CD. Adding the word "timely" to its failure to register allegation ABE attempts to pass this off as a new claim. But ABE acknowledges

that RCEA filed a registration on March 7, 2024, literally attaching the registration form to its Complaint as Ex. 19.

Pages 11-12 allegations (b)-(d): These allegations were fully litigated and adjudicated in Case No. 23-01-CD. ABE adds the words "timely" and "accurate" to try to make these claims sound like new claims. RCEA has filed a registration for 2022-23 and appealed the order regarding its reporting.

Page 12 allegation (e): RCEA filed an amended report under protest stating that the $90,000 contribution from it to AHE came from Matthias – RCEA actually reported this back in 2023. See Final Order in Case No. 23-01-CD at p. 27 ("RCEA's June 11 Statement of Contributions report identified Mr. Matthias as the true source of RCEA's contributions to AHE."). RCEA is appealing its alleged obligation to identify donors as a non-profit and has engaged in no activity nor received any donations in 2024 related to the campaign for 22AKHKE.

Dr. ARTHUR MATTHIAS:

Pages 13-14: ABE knows full well that Dr. Matthias filed a Statement of Contributions Form 15-5 reflecting (under protest) that the approximately $90,000 in donations made by RCEA to AHE were instead made by Matthias. See Supplemental Notice of Registration and Reporting in Compliance with APOC's Order, p. 3 and Ex. 8 thereto (filed in the superior court appeal of APOC's Final Order Case No. 3AN-24-04508 CI). Dr. Matthias has appealed his fines to the Alaska Supreme Court.

Dated this 1st day of October 2024.

Law Offices of Kevin G. Clarkson

Kevin Clarkson

By

Kevin G. Clarkson
ABA No. 8511149
Law Offices of Kevin G. Clarkson
2223 Latona Dr. NE
Keizer, OR 97303
kclarkson@gci.net
(907) 748-4788

I certify that on October 1, 2024,
a copy of this Answer and attachemnt
were emailed to:

Michael David Sargent
Michael.Sargent@alaska.gov

Scott Kendall, ABA No. 0405019
Samuel Gottstein, ABA No. 1511099
Cashion, Gilmore & Lindemuth
510 L Street, Ste. 601
Anchorage, AK 99501
scott@cashiongilmore.com
sam@cashiongilmore.com

Kevin Clarkson
Kevin G. Clarkson

Exhibit 70

From: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Sent: Tuesday, August 1, 2023 1:25 PM AKDT
To: Kevin Home <kclarkson@gci.net>
CC: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Griffin, Morgan A (LAW) <morgan.griffin@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: RE: APOC Information Request

Kevin,

I am following up on this request. Do you need more time or is there some other reason you have not responded?

Thomas R. Lucas
Campaign Disclosure Coordinator

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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From: Lucas, Tom R (DOA)
Sent: Thursday, July 27, 2023 11:48 AM
To: Kevin Home <kclarkson@gci.net>
Cc: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Griffin, Morgan A (LAW) <morgan.griffin@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: APOC Information Request

Mr. Clarkson,

I understand the argument contained in your clients' Answer to complaint 23-01-CD that the rental agreement between WM and RCEA is not within APOC's jurisdiction. But, that argument is based on the premise that RCEA will not be found to be a group under APOC statutes and regulations – a premise that has not yet been established through complete investigation.

I am requesting a copy of any written agreements RCEA has with WM for the provision of space, resources, materials, supplies, equipment, or services.

If there are no written agreements, I am requesting the substance of any oral agreements RCEA has with WM for the provision of space, resources, materials, supplies, equipment or services.

I ask because, *if* RCEA is found to have acted as a group, the provision of space, resources, materials, supplies, equipment, or services at less than fair market value would be a nonmonetary contribution to RCEA which should have been reported by RCEA in any event, and by WM if the value of same exceeded $500 in a calendar year. On the other hand, if it can be established that RCEA paid fair market value for those items, that particular issue is off the table.

Please respond to my request by close of business Monday, July 31, 2023.

Thomas R. Lucas
Campaign Disclosure Coordinator

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Exhibit 71

From:	Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Sent:	Tuesday, August 1, 2023 1:26 PM AKDT
To:	akwellspring@aol.com; Kevin Home <kclarkson@gci.net>
CC:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Griffin, Morgan A (LAW) <morgan.griffin@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject:	Second Information Request to Wellspring Ministries
Attachments:	Excerpt of Ruskin Article.pdf, Palin signing invitation.pdf

I am making a second request for information in connection with my investigation of the complaint filed against Wellspring Ministries and others in case 23-01-CD. I am making this request pursuant to the authority granted in AS 15.13.045. Please respond to the following requests by close of business, Monday, August 7, 2023.

1. It appears that Alaska for Honest Elections petition signing events (see attachments) have been hosted at Wellspring Ministries. Please identify by date held, each petition signing event hosted on the premises of Wellspring Ministries.

2. For each event identified in response to request number 1, please state whether a fee was paid to Wellspring for use of its facilities to host the event.

3. For each event identified in response to request number 1, please provide a copy of any written agreement to pay a fee to Wellspring for hosting the event.

4. If there are no written agreements, for each event identified in response to request number 1, I am requesting the substance of any oral agreements to pay a fee to Wellspring for use of its facilities to host the event (please include the amount agreed to be paid and by whom)

Thomas R. Lucas
Campaign Disclosure Coordinator

Alaska Public Offices Commission
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508
Phone: (907) 276-4176
Fax: (907) 276-7018

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Exhibit 72

KEVIN G. CLARKSON

ATTORNEY AT LAW

2223 LATONA DR.. NE
KEIZER, OREGON 97303
TELEPHONE: (907) 748-4788
kclarkson@gci.net

July 20, 2023

VIA E-MAIL

Thomas R. Lucas
Campaign Disclosure Coordinator
Alaska Public Offices Commission
Department of Administration
State of Alaska
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508

Re: Document and Information Requests to Art Mathias, Wellspring Ministries; Ranked Choice Education Association and Alaskans for Better Elections

Dear Mr. Lucas:

I am an attorney representing Mr. Art Mathias, Wellspring Ministries, Ranked Choice Education Association, and Alaskans for Honest Elections (hereafter referred to collectively as "Respondents") with respect to your July 12, 2023, correspondence (e-mail and letter). You have requested documents and information from Respondents as part of your investigation related to the complaint filed with the Alaska Public Offices Commission by Alaskans for Better Elections. Respondents understand that it is APOC's obligation to investigate the complaint and they wish to cooperate with you, but at the same time they must insist on preserving their legal rights.

ABE's allegations are in large part based upon its misunderstanding of the various organizations named in its complaint and the relationships (or lack thereof) that those organizations have (or do not have) with each other and with the individuals named in the complaint. I will identify ABE's misconceptions for you as I respond to your requests, and I will endeavor to correct ABE's errors. I have set your requests out below in bold and then provided a response following each request.

SOA02184

JULY 12, 2023, E-MAIL APPARENTLY DIRECTED TO ART MATHIAS, WELL SPRING MINISTRIES AND RANKED CHOICE EDUCATION ASSOCIATION

1. Ranked Choice Education Association's articles of incorporation indicate that it is tax exempt and an integrated auxiliary of Wellspring Ministries. Is Ranked Choice Education Association (RCEA) tax exempt on its own, or has it gained its exemption through a group ruling held by Wellspring Ministries; or is it not tax exempt?

RCEA is a Washington non-profit corporation and a tax-exempt faith-based organization under Section 508(C)(1)(A) of the Internal Revenue Code. With all due respect to you and to APOC, RCEA's tax-exempt status is not within APOC's jurisdiction, and it is not within your or APOC's purview to investigate or question.

Notwithstanding RCEA's objection to your inquiry about its tax-exempt status, it is willing to provide you with the following information. RCEA is an "integrated auxiliary" of another faith-based organization, Wellspring Fellowship ("WF"), which is a church. Contrary to your statement in your request and contrary to ABE's allegations in its complaint, RCEA's articles of incorporation do not state that it is an auxiliary of Wellspring Ministries ("WM"). RCEA's articles state that it is an "Integrated Auxiliary of the Founding Church, Wellspring Fellowship of Alaska" (emphasis added). WF, a Washington non-profit corporation as well as a tax-exempt 508(C)(1)(a) organization (a church), is a legal entity that exists wholly separate and apart from Wellspring Ministries (emphasis added). WM is a separate entity, an Alaska non-profit corporation, and a tax-exempt faith-based organization under Section 501(C)(3) of the Internal Revenue Code. From a legal standpoint, WF and WM are two separate and independent entities.

Other than making the donations to AHE that were reported to APOC, RCEA is not involved in the efforts to introduce and/or promote 22AKHE in Alaska. RCEA is not a "group" as defined in AS 15.13.400(9)(B) because it is not organized "for the principal purpose of influencing the outcome of one or more elections" nor does it "take action the major purpose of which is to influence the outcome of an election." RCEA's articles state that part of its purpose is to "Train, develop, and support leaders in our community and nation as called for in our beliefs," and "to engage in activities for the accomplishment of the purposes." RCEA, consistent with WF's and RCEA's faith-based purposes, seeks to educate the American public regarding ranked choice voting as a general concept. In this vein, RCEA distributes and presents educational material in the lower-48 states, and sends its representatives to speak at educational/informative events in the lower-48 states related to RCV.

The fact that RCEA previously mentioned Alaska in its web page and in its educational materials does not mean it is advocating for 22AKHE. Alaska is one of only two states that have adopted RCV for general statewide elections and as such Alaska is a prime example to states and

jurisdictions in the lower-48 considering RCV of how RCV functions and what its effects are on elections. As ABE admits in its complaint, "RCEA's web page does not mention 22AKHE." None of RCEA's published materials reference or directly promote 22AKHE. RCEA's educational activity is directed at several states and jurisdictions in the lower-48 where RCV is being considered.

There is nothing improper about RCEA's educational material being available on the internet to anyone in the lower-48 as well as to anyone in Alaska—like the material of other educational organizations with internet presences. RCEA's educational activities and speech are protected by the First Amendment and are not prohibited by federal law. RCEA is not an IRC Section 501(C)(3) entity—it is an IRC Section 508(C)(1)(a) entity. ABE's allegations about tax code limitations cite to and rely upon sections of the IRC that are applicable solely to IRC Section 501(C)(3) entities. Nothing about RCEA's activities can reasonably be characterized as demonstrating a "principal purpose" to influence an election in Alaska. Nor can anything about RCEA's activities reasonably be characterized as reflecting a "major purpose" to influence the outcome of an election in Alaska.

Despite ABE's salacious allegations about contribution "laundering" and "passthrough," RCEA is an independent IRC Section 508(C)(1)(a) educational organization that exists and functions apart from AHE and Mr. Mathias. There is nothing inappropriate or unlawful about Mr. Mathias having involvement in multiple organizations, including RCEA, AHE, WM, and WF. The so-called "dark money" and "true source" provisions of Alaska's campaign finance law apply only to "candidate elections" (*see* AS 15.13.040(r); AS 15.13.074(b)). Despite this and although not required, AHE and Mr. Mathias voluntarily disclosed, in an effort to be candid with the Alaska public, that Mr. Mathias made the first contribution to RCEA prior to RCEA then subsequently contributing to AHE.

ABE's use of solacious words like "laundering," are unsuitable with respect to RCEA and Mr. Mathias. The term "laundering" suggests a negative connotation of using a ruse in order to accomplish something unlawful. No such unlawful activity exists in this circumstance and neither RCEA nor Mr. Mathias attempted to hide anything. It is noteworthy that there are no limitations under Alaska law on the amounts that an individual can contribute to an initiative effort, and Mr. Mathias would have been perfectly within the law to contribute his funds directly to AHE. Also, Mr. Mathias, RCEA, and AHE would have been within the law to not report Mr. Mathias' donation to RCEA. Neither Mr. Mathias nor RCEA subverted or even attempted to subvert any campaign finance law by making and reporting the above referenced donations in the way that they did. And they made no attempt to hide anything because they publicly announced Mr. Mathias' donation to RCEA was the source of RCEA funds given to AHE to the public and provided a copy of his check to RCEA to APOC back in December 2022.

SOA02186

RCEA has since received donations from donors other than Mr. Mathias. RCEA's funding is not reportable to APOC, and its donors have protected rights to associational privacy under the First Amendment. ABE's allegations to APOC about "tax deductions" are uninformed and unknowledgeable. In any event, the only government agency with jurisdiction to adjudicate federal income tax deductions that may or may not have been claimed is the IRS. Tax deductions are not pertinent to Alaska campaign finance, and it is not APOC's place to adjudicate federal income tax deductions.

The small "cash" contribution AHE reported having received from RCEA was an error (it should have been transferred as a check rather than as cash) and it can be promptly corrected. You will recall that Mr. Phillip Izon sent AHE's report reflecting the small "cash" contribution from RCEA to you back in April and asked you if it looked fine. Having heard nothing from you in response, AHE did not act to correct the cash contribution, but it would be happy to do so now if you wish. You will also recall that you initially informed AHE by email (which AHE can produce) that it was pursuing a referendum and would thus would not need to file reports. After APOC corrected this advice, AHE promptly filed reports.

Lastly regarding this request, for your information WM also is not involved in the efforts to introduce and/or promote 22AKHE in Alaska. WM is not a "group" under AS 15.13.400(9)(B) because it is not organized "for the principal purpose of influencing the outcome of one or more elections" nor does it "take action the major purpose of which is to influence the outcome of an election." WM is an FBO with its own religious mission, and it simply owns the building and real property located at 2511 Sentry Drive in Anchorage, Alaska wherein it rents a mail depository and a modicum of office space to RCEA. This rental relationship has nothing to do with 22AKHE. Nothing about WM's rental relationship with RCEA, two entities that are <u>not</u> engaged in promoting 22AKHE, is within APOC's jurisdiction.

2. Please provide Wellspring Ministries's bank records (including all cancelled checks) for the period, November 1, 2022 through June 31, 2023.

WM objects to this request in its entirety. WM is not involved in the effort to introduce or promote 22AKHE and is not a group within the meaning of AS 15.13.400(9)(B). WM is simply an FBO that is incorporated as a non-profit in Alaska and that is registered as a tax-exempt organization under Section 501(C)(3) of the Internal Revenue Code. WM has done nothing to place itself within APOC's jurisdiction. The simple fact that WM owns property and rents some small modicum of an office presence along with a mail depository within its property to RCEA, another FBO entity that is <u>not</u> involved in the effort to introduce or promote 22AKHE (other than making monetary donations), does not subject WM to APOC's jurisdiction. WM and RCEA are not organizationally related, other than having some common leadership.

Both WM and RCEA have First Amendment rights to free exercise of religion, free speech, and free association that APOC's requests burden and threaten to impinge.

3. It appears that RCEA and Wellspring Ministries share the same physical address - 2511 Sentry Drive, Suite 200, Anchorage, Alaska, 99507. What, if anything, does Wellspring Ministries provide to RCEA at this physical address? Your response should include, among other things, equipment, supplies and floor space. For anything provided, please state whether it is provided free of charge or if RCEA pays for what is provided.

As explained above, neither WM nor RCEA are involved in the efforts to introduce or promote 22AKHE and neither is a group under AS 15.13.400(9)(B). RCEA merely rents a modicum of an office presence and a mail depository in WM's building. Nothing about WM's and RCEA's relationship subjects them to APOC's jurisdiction.

JULY 12, 2023, LETTER ADDRESSED TO ART MATHIAS

1. Please identify all contributions you have personally made to Alaskans for Honest Elections (AHE) by amount and date made.

Mr. Mathias has not at this time personally made contributions to AHE.

2. Please identify all contributions you have personally made to Ranked Choice Education Association by amount and date made.

Contributions to RCEA are not subject to APOC's jurisdiction. Nonetheless, Mr. Mathias has already voluntarily disclosed to APOC and the Alaska public that he contributed funds to RCEA. Back in December 2022 Mr. Mathias provided APOC with a copy of his check to RCEA making that earlier transfer.

3. Please produce all books, records and other documents created in connection with each contribution identified in requests 1 and 2 above.

See answers to 1 and 2 above.

4. Please provide contact information to include phone number and email address.

Art Mathias
11781 Bar Rd.
Anchorage, AK 99516
c/o Kevin G. Clarkson
2223 Latona Dr. NE

Keizer, OR 97303
(907) 748-4788
kclarkson@gci.net

Sincerely,

Kevin G. Clarkson

Kevin G. Clarkson

Exhibit 73

c. Failure to register as a ballot group prior to undertaking campaign activity, violating AS 15.13.050: Despite previously and currently hosting messages and videos that can be interpreted no other way than as support for 22AKHE, the RCEA has still not registered as a ballot group. This violation dates back to the date the RCEA's website was first published.

d. Failure to file any quarterly reports, violating AS 15.13.110(g): Because the RCEA has never filed any report, its finances are completely opaque to the public.

e. Failure to file any 10-day independent expenditure reports, violating AS 15.13.110: A ballot group is required to report any expenditures within ten days of undertaking them. The RCEA has failed to report *any* expenditures, including those for its campaign website, resulting in an unknown number of 10-day violations.

f. Failure to report Top Three donors, violating AS 15.13.090(a): The RCEA's website and videos do not include its three largest contributors as is required by law.

g. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

E. Wellspring Ministries

Wellspring Ministries ("Wellspring") shares common officers with AHE, AHG, and the RCEA. Additionally, the RCEA's records and public-facing communications indicate that Wellspring provides the RCEA with material support in the form of office space and an address.[72] Given that Wellspring shares officers with the RCEA (as well as with AHE and AHG), *and* that the RCEA was created as "an Integrated Auxiliary of" Wellspring,[73]

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72 *See* Exhibit B, RCEA Articles of Incorporation; *see also* Exhibit W, Wellspring Ministries corporate registration.

73 Exhibit B, RCEA Articles of Incorporation, at 1.

there are strong indications that it provides additional in-kind value in the form of staff and other support.

Accordingly, even if Wellspring has not donated actual funds to support the RCEA's ballot measure activities, the church's subsidizing of the RCEA in the form of office space — and possibly staff time/administrative support — must be reported to APOC as an in-kind contribution. Because the RCEA has never registered with APOC or filed campaign disclosures, Wellspring has not appeared in such reports. However, Wellspring also has an additional obligation to independently report its support of the RCEA to APOC via a Form 15-5 within 30 days of providing (or agreeing to provide) such support. It has not done so.[74]

Wellspring was formed in Alaska as a religious nonprofit corporation.[75] Further, it is registered as such under IRS code, allowing it to receive tax-deductible charitable contributions.[76] Typically, such charitable and religious organizations are not permitted to participate in partisan activities in a substantial manner.[77] In addition to its beneficial IRS tax-exempt status, Wellspring is registered with the Municipality of Anchorage as an exempt religious organization, allowing them to avoid paying property taxes of over

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74 *See* https://aws.state.ak.us/ApocReports/StatementContributions/SCForms.aspx (showing no reported statement of contributions when searching for "Wellspring").

75 Exhibit W, Wellspring Ministries corporate registration, at 1.

76 Exhibit AA, Wellspring Ministries, Inc. IRS form (confirming Tax Exempt Organization status).

77 *See* 26 U.S.C. § 4911(c)(2).

$70,000 *per year*[78] on buildings and land it owns valued at $5.24 million.[79] Whether Wellspring's activities violate IRS code or the conditions of its Municipality of Anchorage property tax exemptions are questions beyond the scope of APOC's authority. However, Wellspring's many failures to disclose and report its activities in support of the RCEA are well within APOC's purview.

i. Alleged violations by Wellspring.

a. Failure to report in-kind contributions to the RCEA in violation of AS 15.13.040(k): By providing the RCEA with office space, a physical address, as well as unknown staff and administrative support, Wellspring has made in-kind donations to the RCEA's ballot measure activities. The scope and value of these in-kind activities must be investigated and reported.

b. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

F. Art Mathias

Like Mr. Izon, Art Mathias serves myriad roles for other Respondents. He is a Director for AHE.[80] He is on the founding Board of Directors of the RCEA.[81] He is also the President/Treasurer for Wellspring,[82] as well as its Founder and minister.[83] As described above, Mr. Mathias appears to have used the RCEA as a passthrough entity to

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78 *See* https://smartasset.com/taxes/alaska-property-tax-calculator#sLkQGzB7L9 (showing that assets valued at $5.24 million would require approximately $73,884 in annual property taxes).

79 *See* Exhibit BB, Property Tax Exemption Record.

80 *See* Exhibit H, AHE Group Registration Form.

81 *See* Exhibit B, RCEA Articles of Incorporation, at 2.

82 *See* Exhibit F, Wellspring Biennial Report.

83 *See* https://akwellspring.com/ministry-staff3.

Exhibit 74

generous arrangements with Top Fundraising Solutions. Instead, Top Fundraising Solutions benefited with an increased profit margin because of the cheap rent and the availability of Ms. Ritgers to cover gaps. Ms. Emswiler stated that her business did not reduce what it charged to AHE for its services; instead, Top Fundraising Solutions' "profit margin went up a bit—TFS is a for-profit company."[38] Given Ms. Emswiler's sworn affidavit, the Commission finds the fact that Mr. Mathias occupied controlling leadership positions at both AHE and Wellspring insufficient to infer that the benefit Wellspring provided to Top Fundraising Solutions passed through to AHE.

This differs from the Commission's factual finding in Case No. 23-01-CD regarding AHE's use of Wellspring's gymnasium for a signature-gathering event. In that case, the Commission found that AHE should have reported a non-monetary contribution because AHE received the benefit, free use of the gymnasium.[39] But here, AHE's contractor—not AHE—was using the rented space and Ms. Ritgers' services, and AHE's contractor charged its usual rate to AHE, rather than passing the financial benefit of these arrangements to AHE.

For these reasons, the Commission agrees with staff and dismisses the claim that AHE and Wellspring failed to report in-kind contributions related to Top Fundraising Solutions' activities.

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38 Ms. Emswiler's Affidavit, Exh. 10 to Staff's Report at 4.

39 Final Order, *Alaskans for Better Elecs., et al., v. Alaskans for Honest Elecs., et al.*, Case No. 23-01-CD at 8, 16-17 (Jan. 3, 2024).

Exhibit 75

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Phillip Izon, Complainant, v. Alaskans for Better Elections, Alaskans for Better Elections, Inc., and Alaskans for Better Elections Foundation Respondents.	)	Case No. **23-04-CD**

ORDER DISMISSING COMPLAINT IN PART AND REMANDING TO STAFF

On February 28, 2024, the Alaska Public Offices Commission considered Phillip Izon's complaint against Alaskans for Better Elections (ABE), ABE, Inc., and ABE Foundation, which support open primaries and ranked-choice voting. Mr. Izon alleges that the respondents had to comply with AS 15.13 beginning November 23, 2022—the day that he and others applied to repeal the election method by ballot measure (22AKHE)—and have largely not done so. ABE and the entities respond that their activities did not require AS 15.13 compliance until roughly December 2023 or January 2024 because before then their communications were susceptible of reasonable interpretations other than as a call to oppose 22AKHE. The Commission agrees in large part, dismissing Mr. Izon's allegations against the respondents from November 23, 2022, through October 16, 2023,[1] except for six press releases addressing ABE's filing of APOC

[1] This was the filing date of an addendum to the complaint.

SOA07209

complaints. The Commission concludes that these press releases needed paid-for-by disclaimers but did not trigger the respondents' duty to register and file campaign reports. The Commission remands to staff for further investigation of (1) whether the six press releases had compliant disclaimers, (2) the timing of two ads disseminated in December 2023 or January 2024—which the respondents concede triggered AS 15.13 compliance—and (3) the allegations of registration failures, inaccurate reports, and incomplete disclaimers in light of the respondents' concession that the AS 15.13 rules now apply.

BACKGROUND

I. ABE continues advocating for open primaries and ranked-choice voting after the election method's passage in 2020.

In 2019, ABE was a registered initiative proposal group gathering signatures for a measure that asked voters to adopt ranked-choice voting, open primaries, and campaign disclosure reforms. The group acquired a web domain, alaskansforbetterelections.com, and had a Facebook page, https://www.facebook.com/Alaskans4ABE. After the initiative was accepted for placement on the November 2020 ballot as Measure 2, the group registered as a ballot proposition group, with the name Yes on 2 for Better Elections.[2] Yes on 2 filed disclosure reports and included paid-for-by disclaimers on its communications. Shortly after the election, Yes on 2's website added a "Measure 2 Passes!" banner, leaving in place its paid-for-by disclaimer.[3] Yes on 2 filed year-end

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2 *See* AS 15.13.050(c) (requiring ballot proposition groups supporting one measure to include the initiative's title or common name as "a part of the name of the group").

3 Wayback Machine for alaskansforbetterelections.com (Nov. 19, 2020), https://web.archive.org/web/20201119031309/https://alaskansforbetterelections.com/; Exh. 9 to Staff's Amended Report (Jan. 23, 2024). The Wayback Machine cannot be used

reports for the years 2020 and 2021, ultimately disbanding as a ballot proposition group in early 2022.[4] At that time, it closed out its campaign account by donating the surplus to ABE Foundation, a 501(c)(3) organization incorporated a year earlier.[5]

Meanwhile in 2021, ABE Foundation and ABE, Inc., which had been incorporated as a 501(c)(4) organization the same month as the filing of the Better Elections initiative application, continued to maintain the website.[6] The two entities shared an executive director and jointly controlled the website, Facebook page, and other ABE content.[7]

By June 2021, the two entities had updated the website, focusing on promoting the election changes as good policy and educating voters on the new method.[8] The website's major changes were: (1) updating the logo from "Yes on 2 for Better Elections" to "Alaskans for Better Elections"; (2) replacing the passage banner with a message proclaiming "new 'Alaska Style Elections'"; (3) describing ABE as a "nonpartisan, not

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to ascertain a precise date for when a particular website change occurred, but it reflects what a given website looked like on the day that it captured an archive of the page. *See* explanation at https://web.archive.org/web/20200101000000*/alaskansforbetterelections.com (indicating ABE's website was saved 367 times between November 8, 2019, and March 8, 2024 (last visited Mar. 13, 2024)).

4 Yes on 2 for Better Elections Year-End Report (Feb. 15, 2022), https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=34601&ViewType=CD.

5 *Id.*; Exh. 4 to Mr. Izon's Complaint (Oct. 9, 2023).

6 Exh. 1 to Complaint; Exhs. 4 & 18 to Staff's Amended Report.

7 Exh. 18 to Staff's Amended Report. Given the joint nature of the entities' communications, this order refers to "ABE" as collectively meaning the corporation, the foundation, and/or the group (if the group was in existence at the time). ABE registered as a group again in April 2023. Exh. 17 to Staff's Amended Report.

8 Wayback Machine for alaskansforbetterelections.com (June 24, 2021), https://web.archive.org/web/20210624182115/https://alaskansforbetterelections.com/.

for profit group of Alaskans dedicated to educating voters about the election system changes passed in ballot measure two in November 2020"; (4) providing a tool allowing viewers to rank seafood in a mock election; and (4) replacing the campaign paid-for-by disclaimer with a statement that ABE was "a 501(c)(4) organization made up of ordinary Alaskans who believe the power of elections belongs to the people."

The website still included older content, including press releases and stories in the media from the campaign, and a button to donate to ABE. It also had buttons to "learn more" about ranked-choice voting, dark money, and open primaries. The ranked-choice voting "learn more" page had answers to these questions: "What's The Problem?" "What's The Solution?" "How Does Ranked Choice Voting Work?" "What Are The Benefits Of Ranked Choice Voting?" "What Does Majority Winner Mean? Does Alaska Have a Majority Winner Problem?" "Are You Sure This is Still One Person, One Vote?" "It's All About Competition." "Who Does Ranked Choice Voting Benefit?" "How Would Ranked Choice Voting Make Elections More Representative?" "Is Ranked Choice Voting Confusing?" "Where Else is Ranked Choice Voting Used?"[9]

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[9] Wayback Machine for alaskansforbetterelections.com (June 24, 2021) https://web.archive.org/web/20210624183059/https://alaskansforbetterelections.com/about/ranked-choice-voting/. The Complaint at pp. 9-10 of 16 states that these FAQs were in place by March 27, 2023; in fact, they were on the site years earlier—June 24, 2021, at least. *See id.* The answers to almost all the questions were unchanged from 2022 to 2023, except the answer to "What's the Problem?" was partially rewritten and combined with the answer to "What's the Solution?" which was removed. "How Does Ranked Choice Voting Work?" also had been removed by April 18, 2022. *Compare* Exh. 15 to Complaint *with* Wayback Machine for alaskansforbetterelections.com (June 24, 2021) https://web.archive.org/web/20210624183059/https://alaskansforbetterelections.com/about/ranked-choice-voting/.

After that, the website did not change until about January 2022.[10] The seafood mock election, and the campaign press releases and links to media stories were removed. The "learn more" pages and "donate" button stayed on the site.

II. In 2022, ABE's advocacy increases with the first uses of the new election method while AHE applies to place a repeal measure on the ballot.

Beginning around March 2022, the website was updated more frequently, addressing the first uses of open primaries and ranked-choice voting in the June, August, and November elections that year. The site had instructions on how to do ranked-choice voting, policy statements about the advantages, and neutral information about upcoming elections.[11] The site's media tab reappeared and by late September 2022 had a two-page list of ABE press releases and newsletters:[12]

- "Alaska's First Ranked Choice Election A Success" (Aug. 31, 2022)
- "Polling Shows Alaskan Voters Understand Ranked Choice Voting" (Aug. 30, 2022)

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10 Wayback Machine for alaskansforbetterelections.com (Jan. 18, 2022), https://web.archive.org/web/20220118042357/https://alaskansforbetterelections.com/.

11 Wayback Machine for alaskansforbetterelections.com (Mar. 30, 2022), https://web.archive.org/web/20220330061710/https://www.alaskansforbetterelections.com/; Wayback Machine for alaskansforbetterelections.com (July 5, 2022), https://web.archive.org/web/20220705185303/https://alaskansforbetterelections.com/. The July 5, 2022, capture had a new site identification: "The nonpartisan Alaskans for Better Elections Foundation is dedicated to providing public education and research about how Alaska-style elections work. The foundation is governed by a board of directors that includes Alaskans with diverse political views from every corner of the state."

12 Wayback Machine for alaskansforbetterelections.com (Sept. 30, 2022), https://web.archive.org/web/20220930130831/https://alaskansforbetterelections.com/media. The site identification had changed: "Alaskans for Better Elections is a nonpartisan nonprofit dedicated to providing public education and research about how Alaska-style elections work. The 501(c)(3) foundation and 501(c)(4) corporation are governed by directors that include Alaskans with diverse political views from every corner of the state."

- "Remember to Vote—August 16, 2022!" (Aug. 15, 2022)
- "Early Voting Starts Statewide August 1, 2022" (July 29, 2022)
- "Remember to Vote!" (June 10, 2022)
- "Election Day is June 11, 2022" (June 7, 2022)
- "Special Primary Early Voting Locations Open May 27, 2022" (May 27, 2022)
- "Alaska Black Leadership Caucus Invites Alaskans For Better Elections to Present at Democracy in the Park" (May 27, 2022)
- "Juli Lucky and Amanda Moser join the Alaskans for Better Elections Team to Support the Transition to Alaska's New Election System" (May 11, 2022)

By the end of November, the site had more pages listing press releases and newsletters.[13]

The most recent ones were:

- "Ranked Choice Voting Produces Winners with Strong Mandates and Outcomes as Diverse as Alaska" (Nov. 23, 2022)
- "Brass Tacks: What you need to know for RCV Tabulation" (Nov. 23, 2022)
- "Polling Shows Alaskan Voters Received Clear Instructions on the System, Found Ranking to be 'Simple,' and saw more Competitive Races" (Nov. 15, 2022)
- "Election Night Brass Tacks" (two releases on Nov. 8, 2022)
- "Election Day! It's Happening!" (Nov. 7, 2022)

The same day as the November 23 press release, the Division of Elections tabulated the ranked choice votes from the general election, determining the winners.

And Mr. Izon and two others proposed an initiative to repeal ranked-choice voting and

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[13] Wayback Machine for alaskansforbetterelections.com (Nov. 26, 2022), https://web.archive.org/web/20221126193329/https://alaskansforbetterelections.com/media/. The Wayback Machine captured only the first page of press releases on this date.

open primaries by filing an application with the lieutenant governor.[14] The press release did not mention the filing of the repeal application.[15] It began, "Today, Alaska became the first state in the country to elect its state and federal officials using ranked choice voting, an election system that rewards candidates who build deep and broad voter coalitions."[16] It made three main policy points: (1) a "near consensus" of voters found the system easy, (2) statewide candidates for governor, the U.S. Senate, and the U.S. House "succeeded by broadening their campaign base to appeal to voters outside their traditional party base," and (3) voters had "more opportunities to support candidates that best shared their values and priorities" in state legislative races that had more candidates.

The day of the vote tabulation, ABE also posted multiple times on Facebook, expressing excitement, describing how the tabulation would be done, and thanking the Division of Elections.

The media page on the website added two new pieces before the end of 2022. The first was a November 26 press release, "Alaskans for Better Elections celebrate the formation of a Bipartisan Majority Coalition in the Alaska Senate."[17] The press release attributed the coalition to the new election method. The second was a December 9 newsletter, "Ranked Choice Voting election is certified!"—also linked to ABE's

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14 Exh. 12 to Staff's Amended Report.

15 Exh. 12 to Complaint (Oct. 9, 2023).

16 *Id.*

17 Wayback Machine, alaskansforbetterelections.com (Mar. 26, 2023), https://web.archive.org/web/20230326032934/https://alaskansforbetterelections.com/wp-content/uploads/2022/11/20221126_Senate_Coalition.pdf; Exh. 12 to Complaint at p. 3.

Facebook page.[18] The newsletter repeated and provided more information on the November 23 release's three claims with words, graphics, and a video; linked to media stories about the election results; and had two quotes from senators stating that the results signaled that voters wanted them to work together.[19] ABE's Facebook page in that period had similar content, as well as linking to stories from other media sources about the election results and the claimed successes of the method.

Around this same time, approximately November 2022 to January 2023, the ABE entities were running a 60-second TV advertisement about how ranked-choice voting was easy enough for kindergarteners.[20] The ad opened with a voiceover: "Some critics say ranked-choice voting was too complicated for Alaskans to understand, so we asked a focus group of Alaska kindergartners."[21] The focus group facilitator asked the children to rank their favorite ice cream flavors and animals, whether they could count "all the way to four," and whether it was hard to rank things to a resounding chorus of "no!" It ended with a voiceover: "Ranked choice voting. Turns out, it's not that complicated." On screen for about four seconds at the end, the ad identified ABE as the source: "This communication was paid for by Alaskans for Better Elections."

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18 Exh. 12 to Complaint at p. 3.

19 Wayback Machine, alaskansforbetterelections.com (Dec. 9, 2022), https://web.archive.org/web/20221209203631/https://mailchi.mp/0396666a5460/alaska-ranked-choice-voting-election-certified.

20 Exh. 20 to Staff's Amended Report at pp. 6-7. Kids Not Complicated 60s.mov (Ship Creek Group), https://vimeo.com/showcase/10307041/video/779943034, password: ABESCG2023.

21 Kids Not Complicated 60s.mov, *supra* note 20.

ABE's Facebook page on December 5, 2022, ran a 60-second video with a similar message, "Alaskans Have Spoken: It's Not Complicated."[22] The video featured voters explaining why they vote and how to rank-choice vote, and declaring the method "very easy," "quick," "pretty simple," and "honestly, kinda fun."

III. In 2023, ABE's advocacy shifts toward opposing legislative repeal efforts while AHE begins gathering signatures for the proposed repeal measure.

Overlapping with the "not complicated" advertising, repeal efforts on two fronts progressed in early 2023. State legislators pre-filed three bills to repeal open primaries and ranked-choice voting. All the bills were referred to committees in their respective bodies on the opening days of legislative session in January.[23] That same week, the lieutenant governor certified the repeal application and identified the initiative proposal as 22AKHE.[24] In February, the Division of Elections issued petition booklets for the sponsors, Alaskans for Honest Elections (AHE), to work on collecting a sufficient number of voters' signatures to place 22AKHE on the ballot sometime in 2024.

That spring, ABE opposed the legislative repeal efforts as legislative committees heard two of the bills. By early March, the website added a button, "Sign the Petition to

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22 ABE RCV Testimonials 60s_broadcast (Ship Creek Group), https://vimeo.com/showcase/10307041/video/771001864, password: ABESCG2023.

23 33rd Legislature (2023-2024) Bill History/Action for Legislature on House Bill 1, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB1; 33rd Legislature (2023-2024) Bill History/Action for Legislature on House Bill 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4; 33rd Legislature (2023-2024) Bill History/Action for Legislature on Senate Bill 2, https://www.akleg.gov/basis/Bill/Detail/33?Root=SB%20%20%202.

24 Exh. 12 to Staff's Amended Report.

Protect our Election System."[25] Clicking the button went to the petition:

> "We Alaskans believe election reform is working to restore power to the people and strengthen democracy. Efforts to repeal the election system put into place by voters in 2020 are contrary to the express will of the Alaskan people and will reinstate the dysfunction of a closed primary system. We are signing our names to this petition to ask that you publicly oppose efforts to repeal Alaska's election system."[26]

Below the fields for signers to provide contact and other information, a Background section detailed claimed advantages—more competition and "a more diverse candidate pool" in the open primary, winners earning "broad support," elected officials "working more collaboratively," and a system "simple to use"—and stated that "former Governor Sarah Palin and a small group of legislators are trying to overturn these reforms."[27] The Background section concluded with a plea to sign the petition to provide to legislators:

> The political elite that want to limit voters' choices are pushing legislators to close the primary and revert to a system that allows candidates to win with less than a majority. We need your help to let legislators know what we know—that a majority of Alaskans want to see elected officials work together and approve of the reforms that resulted in better outcomes in the last election. I hope you'll join me in showing your support for better elections by signing this petition asking legislators to oppose all attempts to repeal the electoral reforms approved by voters in 2020.[28]

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25 Exh. 14 to Staff's Amended Report at p. 1.

26 Exh. 14 to Complaint at p. 1; Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

27 Exh. 14 to Complaint at pp. 2-4 (pg. 4 goes before pg. 3); Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

28 Exh. 14 to Complaint at pp. 3, 5; Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

Also in March, ABE's website included a "Take Action" tab, which linked to a page with three options—signing the petition mentioned above, emailing a legislator, and signing up to testify before a legislative committee.[29] Through an "Oppose a Repeal" option, the tab also linked to a form where viewers could sign up for updates on how to provide support, add their names to a list of supporters, and indicate whether they were willing to email a legislator or testify.[30] The site still had a "Donate" button as well.

That same month, one of the bills, House Bill 1, was heard in the House State Affairs Committee. No public testimony was taken on that date, but ABE's executive director and Mr. Izon for AHE received invitations and testified.[31]

On April 12, 2023, Alaskans for Better Elections registered with Commission as a group, suggesting that ABE's advocacy would soon turn to 22AKHE.[32] Groups must register before making campaign expenditures in opposition to an initiative proposal application.[33] The registration stated that the group was formed to "[e]ncourage Alaskans to uphold election reforms that give voters more choice and power," and would actively

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29 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327100141/https://www.alaskansforbetterelections.com/take-action/.

30 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327113807/https://www.alaskansforbetterelections.com/oppose-repeal/.

31 Minutes from H. State Affairs Comm. (Mar. 28, 2023), https://www.akleg.gov/basis/Meeting/Detail?Meeting=HSTA%202023-03-28%2015:00:00.

32 Exh. 17 to Staff's Amended Report.

33 AS 15.13.050(a).

campaign before "the initiative is . . . [on] the ballot."[34] In addition, ABE added details required by AS 15.13.090(a)(2) to its website identification statement:

> Paid for by Alaskans for Better Elections, 721 Depot Drive, Anchorage, AK 99501. Bruce Botelho, Chair, approved this message. The top three contributors are Alaskans for Better Elections, Inc, Anchorage, AK; Paula DeLaiarro, Anchorage, AK; and Juli Lucky, Anchorage, AK.[35]

ABE, however, contended that it did not begin campaigning against 22AKHE then or as of November 2023. It registered, filed quarterly reports as of its registration date, and updated the disclaimer as "an instance of being 'better safe than sorry.'"[36]

Meanwhile, legislative activity on one repeal bill, as well as ABE's opposition to the bills, continued. The House State Affairs Committee heard House Bill 4 twice in early May and passed the bill out of committee.[37] The House Judiciary Committee took the bill next, holding three hearings in mid-May.[38] Through its website and Facebook page, ABE organized people to testify against the bill and send letters of opposition. Before one hearing, a pop-up on the website stated: "URGENT! We need 60 people 3pm Tuesday to call in and testify. Legislators are trying to overturn the will of the people by repealing

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34 Exh. 17 to Staff's Amended Report.

35 Wayback Machine, alaskansforbetterelections.com (May 5, 2023), https://web.archive.org/web/20230505212845/https://alaskansforbetterelections.com/.

36 Exh. 18 to Staff's Amended Report at 2; *see* Respondents' Answer (Nov. 3, 2023).

37 House Journal at 1002 (May 10, 2023), available at https://www.akleg.gov/basis/Journal/Pages/33?Chamber=H&Bill=HB%20%20%204&Page=01002#1002; 33rd Legislature (2023-2024) Bill History/Action for Legislature on HB 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4#tab4_4.

38 33rd Legislature (2023-2024) Bill History/Action for Legislature on HB 4, https://www.akleg.gov/basis/Bill/Detail/33?Root=HB4#tab4_4.

open primaries via HB4."[39] The media page also added a press release for the first time since December— "Public Testimony Favors Open Primaries and Ranked-Choice Voting" (May 3, 2023).[40] The "Take Action" tab continued to offer the same four options—testifying before the legislature, signing the petition to legislators, emailing legislators, and opposing the repeal, which led to the form to sign up for updates and select ways to offer support, such as communicating with legislators.[41]

The Legislature adjourned its regular session on May 17, ending any possible action on the repeal bills until the next session in January 2024.

Over the summer, ABE's new communications mostly consisted of six press releases about ABE's APOC complaints against AHE and others it believed were campaigning for the proposed repeal initiative.[42] The press releases were posted on the website (and are also attached to this order):

- "APOC Staff Investigation: Ranked Choice Education 'Church' & Other Repeal Groups Violated Campaign Finance Laws" (Sept. 11, 2023)
- "APOC Staff Investigation: Kelly Tshibaka & Preserve Democracy Violated Campaign Finance Laws" (Aug. 29, 2023)[43]

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39 Wayback Machine, alaskansforbetterelections.com (May 1, 2023), https://web.archive.org/web/20230501222801/https://www.alaskansforbetterelections.com/.

40 Wayback Machine, alaskansforbetterelections.com (June 4, 2023), https://web.archive.org/web/20230604115333/https://www.alaskansforbetterelections.com/media/.

41 *Id.*

42 Wayback Machine, alaskansforbetterelections.com (Sept. 11, 2023), https://web.archive.org/web/20230911172047/https://www.alaskansforbetterelections.com/media/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004144554/https://www.alaskansforbetterelections.com/media/.

43 The date on the website entry linking to the press release is August 29, 2023; the date on the actual press release is the day before.

- "Audio Evidence Reveals Link Between Church & Campaign" (July 25, 2023)
- "Kelly Tshibaka & Preserve Democracy Accused of Violating Campaign Finance Laws" (July 17, 2023)
- "APOC Investigating Alaskans for Honest Elections" (July 12, 2023)
- "Ranked Choice Education 'Church' running a ballot measure?" (July 5, 2023)

The website had a paid-for-by disclaimer; the press releases themselves identified the source as ABE but did not include complete disclaimers.[44]

ABE also redesigned its home page and rewrote content that was largely the same substantively. It continued to urge viewers to "Take Action Today to Protect Alaska's Open Primaries" in all the ways that it had previously done so—sign the petition to legislators, testify, email your legislator, sign up for ABE emails, add your name to ABE's list of supporters, and donate to ABE.[45] Its opening banner now read:

> In 2020, Alaskans chose to unrig the system and pass pro-voter reforms that give us more choices in every election. Now, with open primaries, we have the freedom to vote for the best candidate, regardless of party. Despite these successes, extreme politicians and political parties are immediately trying to get rid of election reform. These special interests want to take power back from the voters, forcing us to vote in closed primaries and limiting our choices to the lesser of two evils. Help protect our hard-won freedoms, the nonpartisan open primary, and Alaska-style elections today.[46]

It provided links on the website to its Facebook posts, which included videos of the public's legislative testimony, links to other media stories, and short audio segments of

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44 *See* AS 15.13.090 (requirements include identification of top three contributors).

45 Wayback Machine for alaskansforbetterelections.com (Aug. 2, 2023), https://web.archive.org/web/20230802034255/https://www.alaskansforbetterelections.com/.

46 *Id.*

people explaining what they liked about the election method.[47] The website also added supporters' profile pictures and quotes.[48]

IV. In fall 2023, Mr. Izon files a campaign complaint against ABE as AHE's signature-gathering nears completion.

In early October, Mr. Izon filed a complaint with the Commission and amended it a week later.[49] He alleged that (1) ABE had made "express communications" in opposition to 22AKHE starting on November 23, 2022, which required the group, foundation, and corporation to register, file reports on contributions and expenditures, and place paid-for-by identifiers on communications; and (2) the foundation and group violated rules prohibiting giving in another's name and requiring the reporting of true sources when the foundation gave the group $20,000 and the reports did not name the foundation's donors.

In late October, ABE had a booth at the Alaska Federation of Natives convention and added content about the convention to its website.[50] This included a press release, "Alaska Federation of Natives Endorses Preservation of Open Primaries and Ranked Choice Voting" (Oct. 24, 2023) and a video of conference attendees, "AFN Highlights,"

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47 *Id.*; Wayback Machine for alaskansforbetterelections.com (Aug. 16, 2023), https://web.archive.org/web/20230816022404/https://www.alaskansforbetterelections.com/.

48 Wayback Machine for alaskansforbetterelections.com (Aug. 30, 2023) https://web.archive.org/web/20230830084756/https://www.alaskansforbetterelections.com/.

49 Complaint Form & Complaint at pp. 1-16 of 16 (Oct. 9, 2024); Addendum to Complaint (Oct. 16, 2024).

50 Wayback Machine for alaskansforbetterelections.com (Dec. 19, 2023) https://web.archive.org/web/20231219025205/https://www.alaskansforbetterelections.com/.

describing why they liked the election method. Apparently around the time of the convention, ABE also invited individuals to record a 10- or 15-second video about how the election method elevates Alaska Native voices.[51]

In early November, ABE answered Mr. Izon's complaint, arguing that the complaint against the group and entities should be dismissed.[52] The group and entities stated that they had not made express communications opposing 22AKHE and explained that ABE registered as a group only in an abundance of caution. They did not address the allegations about the foundation's contribution to the registered group.

The deadline grew nearer for AHE to return the 22AKHE petition booklets with voters' signatures to the Division of Elections.[53] Sometime in December 2023 or January 2024, two ABE communications called for petition signers to withdraw their signatures. One declared: "It takes 3 minutes to withdraw your name from the petition trying to get rid of Alaska's Open Primary."[54] The other stated: "Some people are upset that Murkowski won the election last year, and are circulating a petition to get rid of open primaries in Alaska. If you signed this petition by mistake, you can withdraw your name before the deadline!"[55] Both included paid-for-by disclaimers.

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51 Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7. The video request was not included in the materials provided for the commissioners' review and did not appear to be posted any longer on ABE's Facebook page as of this order's date.

52 Respondents' Answer (Nov. 3, 2023).

53 Exh. 12 to Staff's Amended Report (showing booklets were due Feb. 7, 2024).

54 Exh. 1 to Mr. Izon's Reply (Jan. 22, 2024).

55 Exh. 2 to Reply.

Meanwhile, staff was investigating Mr. Izon's complaint and issued initial and amended investigation reports in January 2024.[56] Staff analyzed ABE's website, using the Wayback Machine to see how the site appeared on earlier dates, as well as ABE's Facebook page. Staff also obtained links from ABE showing the "not complicated" ads described in the complaint. In both reports, staff concluded that since the date identified in the complaint (November 23, 2022), these communications did not meet the legal test for "express communications," and so did not require ABE to comply with AS 15.13. Thus, staff recommended dismissal of the complaint in its entirety. Staff did not review the withdraw-your-signature messages, which had not yet been provided to staff.

Mr. Izon filed a reply to staff's report.[57] First, he asked the Commission to address his allegations that the $20,000 contribution that ABE Foundation gave to the registered ABE group was not properly reported. Second, he repeated his claims that the group, foundation, and corporation's communications were express and required AS 15.13 compliance as of November 23, 2022. Third and finally, Mr. Izon asked the Commission to disqualify staff from the matter due to bias. He alleged that staff was partial to ABE's views on the merits of open primaries and ranked-choice voting because after quoting his description of ABE's Facebook posts, staff's report stated that the posts are "factually correct." He also asserted bias based on a purported factual error in staff's report,

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56 Staff's original report (Jan. 12, 2024) was issued the same day that AHE delivered their petition books to the Division of Elections. Division of Elections Petition status, https://www.elections.alaska.gov/petitions-and-ballot-measures/petition-status; Staff's Amended Report (Jan. 23, 2024).

57 Reply (Jan. 22, 2024).

pointing out that the withdraw-your-signature messages, which he attached to the reply and had not previously given to staff, advocated direct action against 22AKHE.

A day later, staff amended the report to address the sentence purportedly evincing bias. Staff explained that the sentence was "an editing error" and changed it to state that Mr. Izon's complaint accurately described ABE's Facebook posts.[58]

On February 28, 2024, the Commission considered the complaint. Staff presented its amended investigation report, and Mr. Izon and ABE addressed the Commission through counsel. ABE's counsel conceded that the withdraw-your-signature messages were express communications and stated that ABE issued them in December 2023 or January 2024. But he maintained that ABE had not engaged in express communications requiring AS 15.13 compliance before then. The Commission took the matter under advisement and now issues this order.

ANALYSIS

The complaint's primary allegation is that the ABE group and entities made expenditures opposing 22AKHE without registering with APOC before making expenditures,[59] filing reports on contributions and expenditures,[60] and placing paid-for-by disclaimers on their communications.[61] Registration and reporting requirements apply to expenditures, defined in relevant part as including "an express communication" and "not

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58 Amended Staff Report (Jan. 23, 2024) at 1 n.1 & 6.

59 AS 15.13.050(a).

60 AS 15.13.040(d)-(e); AS 15.13.110(g).

61 AS 15.13.090.

an issues communication."[62] Paid-for-by identification applies to both types.[63] An express communication is one that "when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation" to support or oppose a ballot proposition or proposal,[64] while an "issues communication" is one that directly or indirectly identifies a ballot initiative or initiative proposal.[65]

Here, the Commission concludes that none of the challenged communications from November 23, 2022, through October 16, 2023, were express or issues communications,[66] except for six press releases issued in July through September 2023 about ABE's APOC complaints. The press releases identified the proposed repeal initiative, and so must include paid-for-by disclaimers, but ABE was not otherwise required to comply with AS 15.13 registration and reporting requirements in this period.

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62 AS 15.13.400(7)(C); *see* AS 15.13.050(a) (requiring registration before making "expenditures"); AS 15.13.040(e)(2) (requiring report of "all expenditures").

63 AS 15.13.090(a) (requiring identification of "[a]ll communications," which encompasses express and issues communications, as well as another type not at issue here); *Alaska Wins* Advisory Op., AO 17-03-CD (approved Feb. 21, 2018), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=15979.

64 AS 15.13.400(8). Although the definitions of "express" and "issues" communications do not directly apply to the ballot measure and proposal context, the Commission has long applied them to this context. *See Brief of Appellee, Alaska Policy Forum v. APOC*, 2023 WL 3972969 at *12-21 (Alaska Apr. 4, 2023) (describing APOC's longstanding use and rationale for doing so).

65 AS 15.13.400(3) (defining "communication" as excluding ones that "do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c)"); AS 15.13.065(c)(2) (defining "proposition" as including "an initiative proposal application filed with the lieutenant governor under AS 15.45.020"); *Alaska Wins* Advisory Op., *supra* note 63.

66 This is the timeframe encompassed within the complaint filed October 9, 2023, and the addendum filed on October 16, 2023.

This changed as of the withdraw-your-signature ads in December 2023 or January 2024. As of those ads, ABE concedes—and the Commission agrees—that the messages were express communications, necessitating ABE's compliance with the registration, reporting, and paid-for-by requirements. The Commission remands issues left open by these findings for further investigation by staff, as explained below.

I. ABE was not required to register or file campaign disclosure reports from November 23, 2022, to October 16, 2023.

The express communication analysis—whether ABE's communications "when read as a whole and with limited reference to outside events," are "susceptible of no other reasonable interpretation but as an exhortation" to oppose the repeal application—begins with the content of the messages themselves and then looks to surrounding context.[67] In previous decisions considering expenditures for communications about a subject that overlaps with an active ballot measure effort, the Commission distilled relevant factors, including (1) whether the communications identified the ballot measure directly or indirectly, (2) the extent to which the communications encouraged voters to do something, (3) the extent to which the communications were neutral, (4) the entity's history of communicating about the topic, and (5) the timing of the communications relative to the ballot measure efforts.[68] ABE's communications were decidedly not

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67 AS 15.13.400(8).

68 *Alaskans for Better Elections v. Preserve Democracy*, Complaint No. 23-02-CD (Jan. 4, 2024), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25548; *Yes on 2 for Better Elections v. Alaska Policy Forum*, Complaint No. 20-05-CD (July 12, 2021), on appeal to Alaska Supreme Court, No. S-18533, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=22767; *Bags for Change* Advisory Op., AO 19-04-CD (approved Sept. 18, 2019), http://aws.state.ak.us/ApocReports/Paper/Download.

neutral, but all of the other factors point toward the conclusion that the Commission reaches—ABE's challenged communications, i.e., the website, Facebook page, and "not complicated" ads—were not express communications.

Much of the complaint lays out ABE's undisputed advocacy for the election method that the initiative proposal would repeal, but what the Commission finds dispositive is that the communications did not identify the repeal initiative directly or indirectly (except for the press releases discussed below) and did not urge action against the proposed repeal initiative.[69] The communications were not express. The November 23, 2022, press release was about the election results tabulated that day, not about the repeal application filed that same day or even about any repeal efforts at all.[70] The press release proclaimed the results as evidence of the benefits of the new election method, and made no mention of the repeal petition indirectly or directly, nor did it contain a call for action.[71] The "not complicated" advertising in December 2022 to January 2023 similarly sought to convince viewers that ranked-choice voting was easy to do, but again did not identify the repeal petition nor make any call for action.[72] The same is true of the

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aspx?ID=21018; *Renewable Res. Found., Inc.* Advisory Op., AO 14-04-CD (approved Mar. 14, 2014), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8471 (draft opinion) & https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8251 (approval of draft); *Renewable Res. Coal.* Advisory Op., AO 08-02-CD (approved June 11, 2008), https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=4878.

69 *See* Complaint at pp. 6-11 of 16; Addendum to Complaint at p. 1.

70 *See* Complaint at pp. 6-7 of 16.

71 Exh. 12 to Complaint.

72 Kids Not Complicated 60s.mov, *supra* note 20; ABE RCV Testimonials 60s_broadcast, *supra* note 22; *see* Complaint at p. 7 of 16.

website's questions and answers about ranked-choice voting; there is no mention of any repeal effort and no call for readers to do anything, other than learn ABE's view on the benefits of the election method.[73]

Thereafter as legislative session convened with three bills seeking to repeal the election methods, the focus on ABE's website and Facebook page turned to opposing a legislative repeal from January through May 2023. In this period, the Commission finds that ABE's advocacy cannot be read only as a call to oppose 22AKHE or as indirect references to 22AKHE—ABE was asking Alaskans to oppose legislative repeal. The content of the communications makes this clear. ABE asked Alaskans to sign a petition "asking *legislators* to oppose all attempts to repeal the electoral reforms approved by voters in 2020."[74] ABE also asked supporters of the election method to "email your legislator," and "sign up to testify" before a legislative committee.[75] Even actions not pointedly directed at the Legislature—signing up to receive updates on how to support

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73 Exh. 15 to Complaint; *see* Complaint at pp. 9-10 of 16.

74 Exh. 14 to Complaint at 5 (emphasis added); Wayback Machine, alaskansforbetterelections.com (Mar. 4, 2023), https://web.archive.org/web/20230304025632/https://www.alaskansforbetterelections.com/activist-petition/.

The mention on the petition page that Sarah Palin was an opponent of the election method does not change this analysis; the petition was still plainly directed at lobbying legislators threatening to repeal the election method. The Commission also finds that mentioning Palin was insufficient to indirectly identify 22AKHE, particularly when the full reference was to "Palin and a small group of legislators," and Palin was not a primary 22AKHE sponsor. *See* Complaint, p. 8 of 16; Exh. 12 to Staff's Amended Report.

75 Wayback Machine for alaskansforbetterelections.com (Mar. 27, 2023), https://web.archive.org/web/20230327100141/https://www.alaskansforbetterelections.com/take-action/.

ABE, donating to ABE, or adding one's name to a list of supporters—cannot be read only as a call to oppose 22AKHE or as an indirect identification of 22AKHE. They are also other ways of opposing a legislative repeal.

Over the summer, ABE's advocacy on the website and Facebook page continued in a similar vein, although there was less active legislative opposition with the Legislature not in session. The language on the website's opening banner spoke of opponents potentially more extensive than legislators—"extreme politicians," "political parties," and "special interests"—but still did not identify 22AKHE directly or indirectly as a threat.[76] The website urged action in the same variety of ways discussed above that could be interpreted as calls to oppose the repeal bills, which remained active and would be under consideration again in the Legislature's second regular session.

In the fall, ABE's Facebook page asked individuals to record videos about how the election method elevates Native voices.[77] The Commission finds that this, too, cannot be read only as encouraging action to oppose 22AKHE. The video request apparently did not mention 22AKHE.[78] And at the time, ABE was lobbying the delegates of the Alaska Federation of Natives for a resolution supporting the preservation of the election

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76 Wayback Machine for alaskansforbetterelections.com (Aug. 2, 2023), https://web.archive.org/web/20230802034255/https://www.alaskansforbetterelections.com/; *see* Complaint at p. 11 of 16.

77 Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7.

78 *See* Addendum to Complaint at p. 1; Amended Staff Report at pp. 6-7. The Commission was not able to review the video request directly as it was no longer on the Facebook page but presumes Mr. Izon and staff would have described it as mentioning the initiative proposal had it done so.

method—a resolution that made no mention of any repeal efforts.[79]

The one notable exception to the lack of identification of 22AKHE were the six press releases about the complaints that ABE filed alleging campaign disclosure violations by backers of the repeal initiative proposal.[80] The press releases were on ABE's website and Facebook page.[81] Nevertheless, the Commission finds that the press releases were susceptible of reasonable interpretations other than a call to oppose the proposed repeal initiative and so they were not express communications. To the extent that there was any call to action, the press releases could be read as encouraging Commission action to correct campaign violations and fine violators to provide accurate information to the public.

The history and timing factors also favor the Commission's conclusion that ABE's communications were not express from November 23, 2022, through October 16, 2023. Ever since the election method's passage in 2020, ABE had informed voters about the mechanics and perceived benefits of the new election method on its website and

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79 Wayback Machine, alaskansforbetterelections.com (Dec. 3, 2023), https://web.archive.org/web/20231203005637/https://www.alaskansforbetterelections.com/alaska-federation-of-natives-endorses-preservation-of-open-primaries-and-ranked-choice-voting/; Wayback Machine, alaskansforbetterelections.com (Mar. 13, 2024) https://www.alaskansforbetterelections.com/wp-content/uploads/2023/10/AFN-Resolution-23-26.pdf.

80 Wayback Machine, alaskansforbetterelections.com (Sept. 11, 2023), https://web.archive.org/web/20230911172047/https://www.alaskansforbetterelections.com/media/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004144554/https://www.alaskansforbetterelections.com/media/; *see* attached press releases; Complaint at pp. 11-12 of 16; Addendum to Complaint at p. 1.

81 Addendum to Complaint at p. 1.

Facebook page. ABE's communications increased in 2022 because that was when Alaska held its first elections using the new method of open primaries and ranked-choice voting. And ABE's advocacy around Alaska's first uses of the election method began before—despite overlapping with—the filing of the initiative application, supporting that the advocacy was not intended, much less exclusively intended, as a call to action to oppose the proposed repeal initiative. Plus, the initiative proposal was in a far lower profile stage than an active campaign for an initiative that has been placed on the ballot.[82] From November 2022 to February 2023, the sponsors were waiting for Division of Elections review and issuance of petition booklets, and thereafter signature-gathering was under way. Consideration of this history and timing puts ABE's communications in context as a continuation of its educational advocacy and in some instances as a call to action against a threat—legislative repeal—more pressing than the nascent initiative proposal.

For all these reasons, the Commission dismisses the allegations that the ABE group, foundation, or corporation were required to register with the Commission and file campaign disclosure reports from November 23, 2022, through October 16, 2023.

II. ABE was required to provide paid-for-by disclaimers on the press releases about its APOC complaints against groups supporting the initiative proposal.

Because the communications were not express, such that ABE must comply with all the AS.15.13 requirements, the Commission analyzes whether any of the challenged communications identify a ballot measure directly or indirectly.[83] If so, ABE must place

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82 *See Preserve Democracy*, *supra* note 68, at 8-9.

83 AS 15.13.400(3) (defining "communication" as excluding ones that "do not directly or indirectly identify" among other things, an initiative proposal application); *see*

paid-for-by disclaimers on the communications.[84]

The 2023 press releases about ABE's APOC complaints meet this test.[85] The press release dated July 25 identifies 22AKHE by name. That one and three others dated July 5, July 12, and September 11, identified the potential violators of AS 15.13 as those "attempting to repeal Alaska's open primary and ranked choice voting system" or "backers of an effort to repeal open primaries and ranked choice voting." Campaigning related to initiative proposals—not lobbying legislators or other actions—requires compliance with AS 15.13, so these references indirectly identified 22AKHE. The final two press releases dated July 17 and August 28 also indirectly identify 22AKHE by accusing the identified nonprofit of failing to register as a ballot group and linking to the complaint that alleged AS 15.13 violations arising out of the 22AKHE efforts.[86]

For these reasons, ABE was required to place compliant paid-for-by disclaimers on the six press releases. The Commission remands to staff to investigate whether ABE complied by having disclaimers on the website where the releases were located or

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AS 15.13.400(13) (defining "issues communication" as applied to candidates); *Renewable Res. Found., Inc.* Advisory Op., *supra* note 68.

84 AS 15.13.090(a) (applying disclaimer requirements to "[a]ll" communications); *Alaska Wins* Advisory Op., *supra* note 63.

85 The six press releases are attached to this order.

86 Wayback Machine, alaskansforbetterelections.com (Sept. 7, 2023), https://web.archive.org/web/20230907165323/https://www.alaskansforbetterelections.com/apoc-staff-investigation-kelly-tshibaka-preserve-democracy-violated-campaign-finance-laws/; Wayback Machine, alaskansforbetterelections.com (Oct. 4, 2023), https://web.archive.org/web/20231004135101/https://www.alaskansforbetterelections.com/kelly-tshibaka-and-preserve-democracy-accused-of-violating-campaign-finance-laws/.

whether ABE had to include the disclaimers on the press releases themselves, and to recommend a civil penalty if staff finds a violation.[87] As discussed in Section I of this order, none of ABE's other challenged communications from November 23, 2022, through October 16, 2023, directly or indirectly identified 22AKHE, and so they did not require paid-for-by disclaimers.

III. ABE was required to comply with the registration, reporting, and paid-for-by disclaimer rules as of the withdraw-your-signature messages.

ABE admits that its messages urging signers of the 22AKHE initiative petition to withdraw their signatures triggered its obligations to register, file campaign reports, and include paid-for-by disclaimers on its communications.[88] The messages circulated in December 2023 or January 2024. The Commission agrees that that these messages were express communications—they are "susceptible of no other reasonable interpretation but as an exhortation" to defeat the proposed repeal initiative.[89]

Because the timing of these messages is uncertain and staff did not previously review them, the Commission remands to staff to investigate:

- The date that these ads were issued, which triggered the application of the registration, reporting, and paid-for-by requirements;
- Whether these ads had complete and accurate paid-for-by disclaimers as

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87 The Commission rejects Mr. Izon's request to disqualify staff due to bias. *See* Reply at pp. 4-5. Staff's statement in its initial report that the merits of ABE's views on ranked-choice voting were factually correct was an editing error. And Mr. Izon's criticism of staff for not analyzing the withdraw-your-signature ads—which staff did not yet have—does not evince bias. Even if staff got a fact wrong, that would not establish bias because impartial investigators may make mistakes.

88 Exhs. 1 & 2 to Reply; Hrg. Argument (Feb. 28, 2024).

89 AS 15.13.400(8).

required by AS 15.13.090;

- Whether the $20,000 contribution from ABE Foundation to ABE group—reported earlier than required in June 2023—still needed to be reported and if so, whether the group and foundation correctly reported the donation in compliance with true-source rules, if applicable;
- Whether ABE Foundation improperly gave $20,000 in "the name of another" to ABE under AS 15.13.074(b), given that AS 15.13 now applies to their contributions and expenditures;
- Whether ABE properly registered as a group before these messages circulated, given Mr. Izon's allegation that the previously reported group type was inaccurate;
- Whether ABE Foundation and ABE, Inc., must register and what reports they must file, if any, as of the date of these messages, or whether the respondents are otherwise accurately reporting the corporation's and foundation's contribution of resources to the registered ABE group for any joint express communications; and
- Whether to impose civil penalties and in what amounts for any violations identified by staff.

ORDER

The Commission dismisses Mr. Izon's allegations against the respondents from November 23, 2022, through October 16, 2023, except for six press releases addressing ABE's filing of APOC complaints.

The Commission finds that the six press releases, available on ABE's website and attached to this order, required paid-for-by disclaimers but did not trigger any obligation by the respondents to register with Commission and file campaign reports.

The Commission finds that ABE, ABE, Inc., and ABE Foundation are required to comply with the requirements in AS 15.13 as of the date the withdraw-your-signature messages were circulated.

The Commission remands to staff for further investigation of:

- Whether the six press releases about the APOC complaints, which were posted on the website, had complete and accurate paid-for-by disclaimers as required by AS 15.13.090;
- The date that the withdraw-your-signature ads were disseminated;
- Whether the withdraw-your-signature ads had complete and accurate paid-for-by disclaimers as required by AS 15.13.090;
- Whether the $20,000 contribution from ABE Foundation to ABE group—reported earlier than required in June 2023—still needed to be reported and if so, whether the group and foundation correctly reported the donation in compliance with true-source rules, if applicable;
- Whether ABE Foundation improperly gave $20,000 in "the name of another" to ABE under AS 15.13.074(b), given that AS 15.13 now applies to the respondents' contributions and expenditures;
- Whether ABE properly registered as a group before the withdraw-your-signature messages circulated, given Mr. Izon's allegation that the previously reported group type was inaccurate;
- Whether ABE Foundation and ABE, Inc., must register before making expenditures and what reports they must file, if any, or whether the respondents are otherwise accurately reporting the corporation's and foundation's contribution of resources to the registered group for any joint express communications; and
- Whether to impose civil penalties and in what amounts for any violations identified by staff.

This is a not a final Commission order for the purposes of an appeal as of right to superior court.[90] The Commission retains jurisdiction to resolve the remaining allegations after staff's further investigation.

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90 *See* AS 44.62.560 (providing for judicial review by the superior court of "a *final* administrative order" (emphasis added)).

Dated: March 15, 2024

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[91]

Certificate of Service: I hereby certify that on this date, I served, by **certified mail, US mail,** and **email** a true and correct copy of the foregoing in this proceeding on the following:	
Kevin Clarkson Law Offices of Kevin Clarkson 2223 Latona Drive NE Keizer, OR 97303 kclarkson@gci.net Tom Amodio Reeves Amodio LLC 500 L Street #300 Anchorage, AK 99501 tom@reevesamodio.com	and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

3.15.24
Paralegal Date

91 Commissioners Richard Stillie, Lanette Blodgett, Eric Feige, and Dan LaSota participated in this matter. The decision was made on a 4-0 vote.

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 5, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

Ranked Choice Education "Church" running a ballot measure?

APOC complaint alleges widespread violations including use of a church to launder donations, obscuring donors and potentially obtaining illegal tax deductions

ANCHORAGE—Alaskans for Better Elections today filed a complaint with the Alaska Public Offices Commission (APOC) alleging four organizations and two men perpetrated more than two dozen campaign finance law violations in their attempt to repeal Alaska's open primary and ranked choice voting system.

The complaint–filed against Alaskans for Honest Elections, Alaskans for Honest Government, Ranked Choice Education Association, Wellspring Ministries, Phillip Izon, and Art Mathias–details numerous violations, including:

- Wellspring Ministries, an Anchorage church, subsidizing the campaign activities of the Ranked Choice Education Association without reporting;
- The Ranked Choice Education Association, recently formed as a "church" in the State of Washington, illegally acting as a de facto ballot group while laundering donations to obscure donor identity and possibly procure unlawful tax deductions;
- Alaskans for Honest Elections laundering money through Ranked Choice Education Association, while failing to report their donors and expenditures;
- Alaskans for Honest Government acting as an unregistered ballot group;
- Philip Izon reporting over $200,000 of fictional contributions;
- Multiple failures to properly register with APOC, disclose donors and report expenditures.

###

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 12, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Investigating Alaskans for Honest Elections

New evidence of additional campaign finance law violations also filed

ANCHORAGE—Alaskans for Better Elections today submitted to the Alaska Public Offices Commission (APOC) additional evidence demonstrating widespread violations by those attempting to repeal Alaska's open primary and ranked choice voting system.

Last week, ABE filed an APOC complaint alleging Alaskans for Honest Elections, Alaskans for Honest Government, Wellspring Ministries, Ranked Choice Education Association, Art Mathias, and Phillip Izon perpetrated more than two dozen campaign finance law violations. Yesterday, APOC formally accepted the complaint after determining that the facts alleged "if true, show violations of [campaign finance laws]" and notified respondents they have 15 days to respond to the allegations.

Below is a summary of newly-discovered evidence supporting the original allegations:

- The Ranked Choice Education Association (RCEA) "church" continues to issue incriminating communications, leaving no question that RCEA is operating as an unregistered ballot group while masquerading as a church. For example:
  - Confessing that the RCEA was formed as a "church";
  - Conceding that the RCEA accepted in kind contributions from an actual church, Wellspring Ministries;
  - Stating that the RCEA is responsible for getting the repeal measure "on the ballot";
  - Stating that the RCEA is "the group behind the repeal";
  - Stating that the RCEA is in control of the signature-gathering efforts for the measure in Alaska; and
  - Making partisan statements from the RCEA about other political figures.
- Evidence further implicating the "official" ballot group, Alaskans for Honest Elections (AHE), has come to light, including:
  - Evidence that AHE was active for many months prior to registering with APOC; and
  - Conceding on social media that all donations from RCEA to AHE were actually unlawful contributions made in the name of another;
- Finally, Mr. Izon recently made public statements essentially confessing that another group he controls, Alaskans for Honest Government (AHG) operated an unregistered ballot group in violation of the law for many months prior to the filing of the complaint.

ABE thanks APOC for promptly processing its complaint. The investigation report is expected by August 10, 2023.

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ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 17, 2023

CONTACT: Juli Lucky
media@alaskansforbetterelections.com

Kelly Tshibaka and Preserve Democracy Accused of Violating Campaign Finance Laws

Allegations: Failure to register as a lobbyist, failure to register as a ballot group and disclose donors, failure to report campaign activities

ANCHORAGE—Alaskans for Better Elections today filed a complaint with the Alaska Public Offices Commission (APOC) alleging Kelly Tshibaka and her nonprofit, Preserve Democracy, perpetrated more than a dozen campaign finance law violations.

The chief allegations are:

- Preserve Democracy failed to register as a ballot group, which is necessary before advocating for or against a ballot proposition;
- Preserve Democracy failed to report in-kind contributions to the registered ballot group Alaskans for Honest Elections;
- Preserve Democracy failed to register as an Independent Expenditure Group prior to acting to influence an election;
- Kelly Tshibaka failed to register as a lobbyist, despite appearing before the legislature and publicly stating that she was advocating with the legislature.

"Alaskans are entitled to know who is influencing our elections," said Bruce Botelho, former Alaska Attorney General and board member of Alaskans for Better Elections. "Alaskans for Better Elections has registered with APOC and complied with all disclosure requirements. Voters deserve the same from everyone, no matter what side of the issue they're on."

After receiving the complaint, APOC will review it for probable cause and announce a timeline for the investigation.

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ALASKANS FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
July 25, 2023

CONTACT: Juli Lucky
media@alaskansforbetterelections.com

Audio Evidence Reveals Link Between Church & Campaign

APOC Investigating Kelly Tshibaka, Preserve Democracy, Wellspring Ministry

ANCHORAGE—Alaskans for Better Elections today submitted to the Alaska Public Offices Commission (APOC) two supplemental filings, including audio recordings demonstrating Kelly Tshibaka and Preserve Democracy and Art Mathias and Wellspring Ministry violated campaign finance laws in attempting to repeal open primaries and ranked choice voting.

In the recordings from a February 9, 2023 event at Bell's Nursery

- Tshibaka can be heard confirming Preserve Democracy is "working in tandem" with Alaskans for Honest Elections; explaining it's "super important" to "get a counter message out there so that when [22AKHE is] on the ballot, we win; and urging Alaskans to help with Alaskans for Honest Elections' signature-gathering efforts at "Wellspring Church."

- Mathias can be heard saying, "Kelly, I just want to make sure everybody heard: next Thursday night, Wellspring Ministry–that's where you can actually sign the petition. So this is a fabulous turnout. I hope to see every one of you over there, 7 o clock, next Thursday where you can sign up"—which directly contradicts attorney Kevin Clarkson's recent claims that Wellspring Ministries "simply owns the building... and rents a mail depository and office presence to RCEA" and is "not engaged in promoting 22AKHE."

Last week, ABE filed an APOC complaint alleging Tshibaka, Preserve Democracy, and Alaskans for Honest Elections perpetrated more than a dozen campaign finance law violations—including failure to register as a ballot group and failure to report in-kind contributions to Alaskans for Honest Elections. Yesterday, APOC formally accepted the complaint, and notified the respondents they have 15 days to respond to the allegations. On July 12, APOC began investigating the allegation Matthias and Wellspring Ministries subsidized campaign activities without reporting.

ABE thanks APOC for promptly processing its complaint.

###

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
August 28, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Staff Investigation: Kelly Tshibaka & Preserve Democracy Violated Campaign Finance Laws

Potential fines up to $45,000 for failure to file financial reports, failure to register and disclose donors, failure to report campaign activities

ANCHORAGE—The Alaska Public Offices Commission (APOC) staff released its investigation report Friday finding that Kelly Tshibaka and her nonprofit, Preserve Democracy, violated several campaign finance laws.

Among APOC staff findings:

- Preserve Democracy failed to register with APOC, which is necessary before advocating for or against a ballot proposition;
- Preserve Democracy failed to disclose its donors;
- Preserve Democracy failed to identify its donors on its communications and to file required financial reports

Staff recommended a minimum fine of $16,450 and noted that Preserve Democracy and Ms. Tshibaka face potential maximum fines of $45,250.

Alaskans for Better Elections in July filed a complaint with the Alaska Public Offices Commission (APOC) alleging Kelly Tshibaka and her nonprofit, Preserve Democracy, committed numerous campaign finance violations.

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SOA07243

ALASKANS
FOR BETTER ELECTIONS

FOR IMMEDIATE RELEASE
September 11, 2023

CONTACT: Scott Kendall
scott@cashiongilmore.com

APOC Staff Investigation: Ranked Choice Education "Church" & Other Repeal Groups Violated Campaign Finance Laws

Pastor inflicted "substantial" public harm in alleged effort to hide funding

ANCHORAGE—The Alaska Public Offices Commission (APOC) released a staff report concluding that backers of an effort to repeal open primaries and ranked choice voting violated more than a dozen campaign finance laws.

Among the APOC staff findings:

- Art Mathias, founder of Wellspring Ministries and Wellspring Fellowship, President of Ranked Choice Education Association (RCEA), a Washington-based "church," and Director of Alaskans for Honest Election (AHE), "contributed his funds to RCEA knowing that they would be repurposed to support AHE through contributions" and contributed "$90,000 [to] AHE using RCEA as a third party conduit"

- Alaskans for Honest Elections, Alaskans for Honest Government, and Ranked Choice Education Association all failed to file required reports on time, and failed to place a 'paid for by' on their websites.

Staff recommended a total minimum fine of $59,205 and noted the respondents could face potential maximum fines of $343,000.

In addition, an Alaskans for Better Elections (ABE) Board Member registered a complaint with the Internal Revenue Service, alleging that the Ranked Choice Education Association "church" is abusing its religious nonprofit status by funding partisan election reform efforts.

The APOC staff report supports the majority of allegations in ABE's July complaint outlining suspected campaign finance law violations by Alaskans for Honest Elections, Alaskans for Honest Government, Wellspring Ministries, Ranked Choice Education Association, and Mr. Mathias. The Alaska Public Offices Commission will consider the staff report at a hearing before issuing a final order.

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Exhibit 76

From:	Stormont, Charles R (DOA)
Sent:	Thursday, February 16, 2023 5:03 PM AKST
To:	Preserve Democracy <info@preservedemocracy.com>
CC:	Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Subject:	RE: GOTV question

Hello Ms. Tshibaka,

Thank you for your patience regarding your questions. While the generic Get-Out-To-Vote activities you've described do not appear to meet the definition of an expenditure [AS 15.13.400(7)] that would trigger a registration requirement under AS 15.13.050, it should be noted that persons who make expenditures to support or oppose an initiative proposal application filed with the Lieutenant Governor's office are required to register with APOC prior to making expenditures. Given that there is an active initiative application in process that seeks to get rid of open primaries and ranked choice voting and Preserve Democracy's mission, at least in part, to target and repeal ranked choice voting, if Preserve Democracy is planning to make expenditures of this nature, they would likely be required to register with APOC prior to making said expenditures.

As to your other questions:

Can someone be involved in the group who a) previously endorsed a candidate, b) financially donated to a candidate, or c) worked with or helped prepare a candidate for this race that the group now wants to support?

After the Assembly races, can the group continue and members of the group change? Can the IE decide in the future to support one of its former group members for elected office?

Generally, the answer to these questions are yes. However, it is imperative that the proposed IE group ensure no coordination, direct or indirect, exists between the IE group and the candidate, including their campaign treasurer, or principal agent of the candidate, when making its independent expenditures. Questions of coordination are almost always fact-specific so it is difficult to simply say the general activity you've asked about could never run afoul of the rules. An individual who previously endorsed, donated to, and volunteered for a candidate is not barred from being a member of the IE group who is looking to support the same candidate. The IE group may also continue to remain active after the Anchorage municipal election and make changes to its members. The group could likely make independent expenditures to support a former group member who becomes a candidate for elected office, but given the group member-turned-candidate's knowledge of the group's plans, prior polling info, needs, projects, or other inter-workings, it could and might very well, lead to questions of coordination.

Given the variety of contemplated activities, Preserve Democracy might consider adopting some internal policies regarding new and former members turned candidates in an effort to prevent the appearance of illegal coordination. You might also consider establishing policies to separate accounting (fundraising/spending) for different activities as there are specific and sometimes different reporting requirements for different activities. For example, independent expenditures made to influence candidate elections are subject to the true source reporting regime [(AS 15.13.110(k)] enacted by BM2; while money raised and spent to influence an initiative application is subject to quarterly reporting (AS

15.13.110(g). You may also wish to review the Commission's advisory opinion in 21-11-CD as it provides insight into best practices that Preserve Democracy may wish to consider while establishing itself and before engaging in any election activities.

I hope you find this information useful, should you have any questions or desire further information on this matter, please feel free to contact our office again.

Thank you,

Charles Stormont
Paralegal I
Phone: (907) 276-4176
Toll-Free: 1-800-478-4176
Fax: (907) 276-7018

Alaska Public Offices Commission
2221 E. Northern Lights Blvd STE 128
Anchorage, AK 99508

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From: Preserve Democracy <info@preservedemocracy.com>
Sent: Tuesday, February 14, 2023 10:10 AM
To: Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: GOTV question

You don't often get email from info@preservedemocracy.com. Learn why this is important

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Charles,

I'm reaching out with a question about our non-profit organization-- we intend to run Get-Out-the-Vote ads targeting medium or low propensity voters in up to 3 districts for the Anchorage Assembly races. These ads will not mention candidates or issues, they will simply remind people to register to vote, that ballots are coming, to turn in ballots, etc.

For this effort, do we need to file with APOC?

We don't believe so, under Sec 15.13.052, because we are not "in support or in opposition to a candidate", but we want to confirm.

We emailed the generic address in mid-January, left a message for you in early February, and left a message for Heather yesterday. I called and left a message for you this morning, so I thought it would be helpful to put this at the top of your inbox.

I understand APOC is very busy, especially now with Tom being out. So, if we aren't able to get a response, we will take that to mean APOC confirms our understanding of Sec 15.13.052. If our understanding is wrong, please let us know right away because we're about to launch this campaign.

Thanks,

Kelly Tshibaka

Kelly Tshibaka | CEO
Preserve Democracy | 645 G Street Ste. 100-578 | Anchorage, AK 99501
Phone: 907-717-8525 | PreserveDemocracy.com

Exhibit 77

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER ELECTIONS, INC., Complainant,	)	
v.	)	APOC Case No. 23-02-CD
PRESERVE DEMOCRACY, KELLY TSHIBAKA and ALASKANS FOR HONEST ELECTIONS, Respondents.	)	

PRESERVE DEMOCRACY AND KELLY TSHIBAKA
RESPONSE TO COMPLAINT

I. INTRODUCTION

Kelly Tshibaka and Preserve Democracy ask that the complaint be dismissed. The complainant, Mr. Kendall, is a political operative who files similar complaints every election cycle, often on thin or non-existent evidence. Such is the case here. The things that Mr. Kendall complains about are the free exercise of speech, protected by the First Amendment, and do not trigger any reporting or registration obligations. APOC should not be used as a tool to silence debate on important political topics or to punish those whose views happen to be opposite those of the complainant and his dark-money clients.

II. BACKGROUND

After the results of the November 2022 election in Alaska and across the United States, a group of concerned citizens joined together to form Preserve Democracy. The

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original founders of the organization include Simcha Weed of Brownsville, TX; Stuart Gates of Lakewood Ranch, FL; Heather Gottshall of Anchorage, AK; and Kelly Tshibaka of Anchorage, AK. This group formed a 501(c)(4) entity, Preserve Democracy (PD), for the purpose of preserving the fundamentals of our democracy—"election systems should be simple to understand and accessible to all Americans." Ms. Weed, Mr. Gates, and Ms. Gottshall serve as the Board of Directors for the organization; Ms. Tshibaka serves as the President and Chief Executive Officer (CEO), a position for which she does not draw a salary or other compensation.

The founders of PD were concerned by the low voter turnout in the Southern U.S. and Alaska compared to the rest of the United States. They were focused on increasing low voter turnout and fixing some of the causes behind low turnout. They were inspired by the Honest Elections Project, which talks on its website about "preserving our democracy," "election integrity," and how "[i]t should be easy to vote and hard to cheat."

The directors and officers of PD are not all registered as members of the same political party; their intent was to start an apolitical group with an overarching mission of "protecting election integrity and increasing voter turnout."

The projects the Board had the CEO focus on included:

1. A Get-Out-the-Vote pilot project in the 2023 Anchorage Municipal race to determine if and how medium propensity voters of all political persuasions could be motivated to vote.

2. A statewide poll to determine the reasons Alaskans did not vote in 2022.

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3. Speaking at events to inform constituents how they could be involved in election integrity, from contacting their legislators about HB 1 ("An Act Relating to Elections") or HB 4 ("An Act Relating to Elections"), to encouraging state compliance with the National Voter Registration Act.

4. Fighting the spread of Ranked-Choice Voting (RCV) in states where it was *not yet* implemented by providing information, data, or testimony to legislatures or advocacy groups.

5. Assisting with voter registration and absentee ballot drives in advance of the 2024 election.

Preserve Democracy initiated contact with APOC in mid-January and a couple times in February to seek guidance on its Get-Out-the-Vote campaign, which was its primary focus through the beginning of the year. PD has sought to comply with Alaska law in all regards. PD also began seeking guidance from APOC in mid-January and retained legal counsel from Birch Horton Bittner & Cherot in February, to help navigate the rules of APOC. Birch Horton attorney Jason Brandeis conferred with APOC on behalf of PD in several communications between March and May, 2023, as PD sought guidance to confirm that its activities would not trigger reporting obligations.

In response to guidance Ms. Tshibaka received from APOC and follow-up guidance from Birch Horton Bittner & Cherot, Tshibaka and PD took action to be extra careful in their messaging and activities to ensure they were neither making expenditures nor giving an appearance that they were making an expenditure to support an initiative proposal application. Complainants, Alaskans for Better Elections (ABE), are trying to conflate Ms. Tshibaka's personal political views, protected under the First Amendment and the Alaska State Constitution, with her activities as the CEO of PD.

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The two are not the same. APOC regulates expenditures, not speech, and PD has not incurred any expenditures intended to influence a candidate or ballot initiative election.

III. TESTIFYING ONCE IN PUBLIC LEGISLATIVE HEARING DOES NOT REQUIRE REGISTRATION AS A LOBBYIST

The complaint asserts that Kelly Tshibaka was required to register as a lobbyist because she testified at a hearing before the Alaska legislature. As a matter of law, Ms. Tshibaka is not a lobbyist. Alaska Statute 24.45.171(11) defines a "lobbyist" as "a person who:

> (A) is ***employed and receives payments, or who contracts for economic consideration***, including reimbursement for reasonable travel and living expenses, ***to communicate*** directly or through the person's agents ***with any public official for the purpose of influencing legislation*** or administrative action ***for more than 10 hours in any 30-day period*** in one calendar year; or
> (B) represents oneself as engaging in the **influencing of legislative or administrative action** as a **business**, occupation, or profession.

Alaska Statute 24.45.171(9) defines "influencing legislative or administrative action" as "to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action."

Pursuant to AS 24.45.161(a)(1)(B), a person is exempt from registering as a lobbyist if the person "limits lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other public proceedings of state agencies."

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Because the only "lobbying" identified by the complaint is that Ms. Tshibaka on one occasion testified at a public hearing of the legislature, the complaint does not identify "more than 10 hours in any 30-day period" and does not identify any activity other than conduct that is expressly exempt because it involves testifying before a public hearing of the legislature. Thus, the complaint fails to identify any conduct that would require registration as a lobbyist.

Furthermore, the complaint erroneously speculates that Ms. Tshibaka is paid as the CEO of Preserve Democracy. This fact is untrue. Ms. Tshibaka's role as CEO is voluntary. [*See* Affidavit of Tshibaka] In her one appearance in front of the legislature, Ms. Tshibaka appeared remotely and did not incur any travel or other expenses. PD did not incur any expenses associated with Ms. Tshibaka's single appearance in a public hearing of the legislature.

Dismissal is generally appropriate when the allegations of a complaint fail to state a valid claim. Because the complaint fails to state a claim regarding lobbying, that allegation should be dismissed.

IV. PRESERVE DEMOCRACY WAS NOT FORMED TO SUPPORT OR OPPOSE A BALLOT INITIATIVE

A group is required to register with APOC when it is formed for the purpose of supporting or opposing a ballot initiative. *See* AS 15.13.050. PD was not formed for such purpose, and so had no obligation to register as a ballot group. Instead, PD was formed with regard to more general concerns about the health of democracy, including

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the need to improve voter turnout and stop the national spread of ranked-choice voting. PD is not a sponsor of any ballot initiative and has not spent money in support of any initiative.

V. PRESERVE DEMOCRACY HAS NOT MADE ANY EXPENDITURES THAT TRIGGER INDEPENDENT EXPENDITURE GROUP REPORTING

A group or individual is required to report independent expenditures in excess of $500 that are made in support of or against a ballot initiative. *See* AS 15.13.110. PD has not incurred $500 in such expenditures. First, Ms. Tshibaka is not paid in her role as CEO. [*See* Affidavit of Tshibaka] When she attends events, provides testimony, or provides an interview, she is not being paid. Second, PD has not incurred any expenses in excess of $500 related to events. PD has not rented space, paid for catering, or paid for advertising for any events. On one occasion, a volunteer intended to donate some supplies for an event but did not have the cash available, and so PD provided $209.89 to the volunteer for supplies, and the volunteer later reimbursed PD for the same amount. This $209.89 is the only expenditure PD has made for events, and this amount does not trigger a reporting obligation under AS 15.13.110.

APOC regulates political spending, not political speech. People are not required to register with the government before expressing their opinions. Because PD has not made independent expenditures in support of a ballot initiative, it is not an Independent Expenditure group under AS 15.13.110 and had no reporting requirement.

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Complainant asserts that the language on earlier versions of the PD website could only be read as advocacy related to the ballot initiative. This is untrue. The exhibit Complainant provides, Exhibit F, makes no mention of a ballot initiative. The website did not ask for voters to vote a certain way. Rather, the website discusses the spread of ranked-choice voting around the country and the risks that this phenomenon poses to democracy.

During a ballot initiative about the Pebble mine, APOC issued advisory opinions that distinguished educational communications from initiative-related advocacy. APOC advised that an issue group was not required to report expenditures for issue advertisements that do not mention ballot initiatives, do not advocate a position on the initiatives, and are susceptible to interpretations other than as exhortations to vote for the initiatives. *See* Advisory Opinion 08-02-CD. Under APOC's established advisory opinion, PD did not come close to the line in its earliest website iterations, because it made no mention of a ballot initiative, nor did it advocate a position on the initiatives, and its message can reasonably be interpreted as educating readers about the national spread of ranked-choice voting, not the circumstances in Alaska. PD's website language that was critical of ranked-choice voting was intended to halt the spread of the phenomenon in other states, and can reasonably be read as such. Nonetheless, as PD interacted with APOC and as the initiative effort heated up, PD sought to avoid any concerns in this regard, and so toned down its mention of ranked-choice voting on its

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website. PD's effort to be conservative and avoid any controversy with APOC should not be construed as anything other than a good faith effort to stay clear of any violations.

Here is a timeline relevant to PD's website:

TIMELINE

- 12/6/22 PD Formed
- 12/19/22 PD Website Goes Live
- Mid-January 2023 PD Contacts APOC for Get-Out-the-Vote Guidance
- 1/22/23 AHE Initiative Application Accepted by Lt. Governor
- 2/14/23 Tshibaka E-Mailed APOC Paralegal Mr. Stormont for Get-Out-the-Vote Guidance
- 2/16/23 APOC Mr. Stormont Responds; Provides Unsolicited Advice, Does Not Advise PD Register with APOC or Amend Its Website
- 2/16/23 AHE Launches Campaign to Repeal RCV (Tshibaka and PD Did Not Attend)
- 2/18/23 Tshibaka Sends Website Revisions to Web Development Team
- 2/22/23 PD Reaches Out to Retain Legal Counsel, Following Board Meeting to Approve Retention of Counsel
- 2/23/23 PD Board of Directors Re-Prioritizes PD's Mission Focus Areas
- 2/27/23 Website Revisions Completed by Website Development Team

VI. AN INDEPENDENT POLL IS NOT A CAMPAIGN EXPENDITURE AND PRESERVE DEMOCRACY HAS NOT SHARED THE POLL WITH ANY CAMPAIGN GROUPS

The complaint alleges, without factual support, that PD conducted a poll and

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shared it with Alaskans for Honest Elections (AHE). This is untrue. While PD did conduct a poll to try to understand the reasons for low voter turnout in Alaska's recent election, it did so to inform its own Get-Out-the-Vote efforts. PD has not conveyed the poll results to AHE, nor any of its principals or agents.

PD contracted with Cygnal to conduct a poll concerning the causes for low voter turnout in the Alaska November 2022 General Election. Cygnal is an award-winning international polling, public opinion, and predictive analytics firm that pioneered multi-mode polling, text-to-web collection, and emotive analysis.

PD conducted a poll to assess the reasons for low voter turnout in 2022. The poll questions focused exclusively on previous election experiences. The poll fell outside of APOC regulation because: (1) the intent of the poll was for purposes other than to influence the outcome of any candidate or ballot initiative election; (2) the substance of the poll did not express support for or opposition to the 22AKHE ballot proposition or RCV; and (3) the polling information was not used for or supplied to a campaign or ballot initiative group and was not used to influence any election.

VII. PRESERVE DEMOCRACY DID NOT TARGET PARTISAN VOTERS IN THE ANCHORAGE MUNICIPAL ELECTION

The complaint alleges, without factual support, that PD must have targeted partisan voters in its Get-Out-the-Vote (GOTV) effort because two lawyers for complainant did not receive PD's mailers, and those lawyers reside in Assembly Districts 3 and 4. PD targeted its GOTV effort at Anchorage Assembly Districts 5

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and 6. Within those districts, PD did not distinguish partisan affiliation. The majority of recipients of mailers in the two targeted districts were not registered as Republicans, but instead as non-partisan, unregistered, or Democrats. PD targeted those two Assembly districts because data showed them to have a high percentage of voters who had not voted in the past election but had voted in prior elections. In other words, PD targeted districts where it thought it would have the most success in getting out the votes. PD's mailers do not identify specific candidates or issues, and are plainly permissible GOTV communications not regulated by APOC.

As stated by Complainants, "nonpartisan GOTV efforts are not regulated by APOC." PD engaged in a ***nonpartisan*** GOTV campaign during the 2023 Anchorage Municipal race.

1. PD focused its GOTV campaign on medium-propensity voters in Districts 5 and 6, with the intent of evaluating whether voters who otherwise were less inclined to vote in an election could be motivated to vote.

2. PD worked with Cygnal to identify districts that had a large number of "medium propensity voters" who did not vote in 2022, but could be motivated to vote in the Municipal race.

3. PD asked Cygnal to include voters of all registered parties in the mailer list group.

4. To the best of PD's knowledge, Cygnal worked with a contractor to create a voter file that included voters of all parties in Districts 5 and 6.

5. In total, 42% of voters' parties were Republican, 41% of voters' parties were Democrat or Other, and 17% of voters' parties were Independent. In other words, 58% of voters identified were not registered Republican.

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6. The raw voter file was not shared with Ms. Tshibaka or PD before or during the GOTV campaign.

7. Messaging for the GOTV campaign was neutral as to candidates, political parties, and issues.

8. Ms. Tshibaka sought and received guidance from APOC staff between mid-January 2023, and February 16, 2023, on the Get-Out-the-Vote effort.

9. In her originating e-mail to APOC, Tshibaka indicated PD "intend[ed] to run Get-Out-the-Vote ads targeting medium or low propensity voters in up to 3 districts for the Anchorage Assembly races." She also indicated that PD emailed APOC in mid-January, left a message for APOC in early February, and left a message for the Director of APOC. Tshibaka's clear intent was to comply with the letter and spirit of APOC's guidance, which is why she made those efforts to communicate with APOC.

10. The statements of support Tshibaka made for individual candidates on her *personal* social media sites: a) did not represent PD, b) did not constitute an expenditure, and c) were not made in coordination, direct or indirect, with the candidate(s). Tshibaka took a photo of a PD mailer received by a moderate voter registered at her house. Posting a photo of the front of that mailer with support for candidates by name on her personal social media account did not constitute an APOC regulated expenditure. Any Alaskan who receives mailers has the right to post a photo online with support for their candidate or ballot proposition of choice. If this were to fall within APOC's jurisdiction, APOC staff would become social media police. Regulating Tshibaka's ability to make statements of support for candidates on her personal social media sites would prohibitively infringe on her First Amendment free speech rights.

11. On the *Must Read Alaska* podcast, Tshibaka described PD's GOTV efforts in party-neutral terms, explaining that PD targeted only 2 districts:

> The idea behind this was to do a pilot project, John, to figure out can we actually mobilize voters to vote, because we saw in 2022, we had such strong voter drop off. And so we used some of the same methods and techniques that they were using in Florida. We used one of the top analytics firms…data analytics firms in the country to *target voters who normally vote in every four year elections or the two year elections* (emphasis added). *Maybe they don't vote in*

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> *Muni races, but they could be prompted to vote* (emphasis added). …And we *targeted just two districts*, too, because it's just an experiment (emphasis added).

12. On the *Must Read Alaska* podcast, Tshibaka made recommendations for the 2024 election cycle in her personal capacity. She recommended Republicans use data analytics, absentee ballots, and ballot chasing strategies to help increase voter turnout in the 2024 election. Those statements had no relevance to PD's GOTV efforts in 2023. Ms. Tshibaka was not being paid by PD to participate in the podcast.

Complainants' only evidence that PD targered Republican voters are two affidavits stating that two attorneys, who are not registered Republican and who live in separate districts not targered by PD, did not receive PD GOTV mailers. These attorneys would not have received the PD GOTV mailers because: a) they did not live in either District 5 or 6, where PD's GOTV campaign occurred, and b) even if they had lived in those districts, they are super-voters, not medium propensity voters.

There is no merit to Complainants' allegation that PD or Ms. Tshibaka led a partisan GOTV campaign.

VIII. PRESERVE DEMOCRACY'S EVENTS ARE NOT REPORTABLE TO APOC

The United States and Alaska Constitution protect the right of people to gather peaceably and discuss politics. This free speech activity is core to our democracy. APOC does not regulate political speech, and citizens are not required to register with the state before they gather or express an opinion. Because PD has not coordinated with any ballot group and has not incurred expenditures of over $500, it has no reportable obligations with regard to any public events. PD did not purchase or transfer

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money or anything of value, nor promise or agree to purchase or transfer money or anything of value, in order to speak at or have these events.

Furthermore, the purpose of PD's events was not to "influence the outcome of" 22AKHE. Rather, the purpose of these events was to support the passage of HB 1, to increase voter participation, enhance election integrity, determine the cause for low voter turnout in 2022, and fight the spread of RCV in states other than Alaska (to avoid any misperception of attempting to influence the outcome of a ballot question, PD refrained from speaking on this after receiving guidance from APOC and legal counsel in late February). If 22AKHE came up, it did so after PD's main remarks, during Q&A time as a question from an attendee, which shows influencing the outcome of 22AKHE was not the "purpose" of the event.

Mat-Su Republican Women's Event on January 14th

1. On January 14, 2023, Ms. Tshibaka was invited to speak at a Mat-Su Republican Women's meeting in Wasilla, Alaska.

2. PD does not know whether this event was open to the public.

3. This event occurred before 22AKHE was approved by the Lt. Governor as a pending ballot initiative.

4. PD does not have an invitation for this event.

5. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any expenditures for this kind of event.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring

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Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship. Nor does PD know everyone who may have attended the event.

7. PD understands that the Mat-Su Republican Women's Club invited Phil Izon to speak at the event, and he spoke before Ms. Tshibaka. Ms. Tshibaka does not recall having any prior knowledge that Phil Izon would be in attendance at the event.

8. AHE did not bring a signature book(s) to the event.

9. Ms. Tshibaka has no recollection of advocating for repealing RCV in Alaska, nor supporting 22AKHE, nor advocating for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

10. No attendees brought a 22AKHE signature book to the event.

11. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

12. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

13. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

Kenai Republican Women's Meeting on February 7th

1. On February 7, 2023, Ms. Tshibaka spoke at a Kenai Republican Women's meeting in Kenai, Alaska.

2. This meeting was open to the public.

3. An invitation for this meeting is attached as Exhibit 1.

4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event.

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AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.

7. Ms. Tshibaka has no recollection of advocating for repealing RCV in Alaska, nor supporting 22AKHE, nor advocating for the gathering of signatures at the event.

8. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No attendees brought a 22AKHE signature book to the event.

10. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

11. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

12. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

Bell's Nursery Event on February 9th

1. On February 9, 2023, Tshibaka spoke at a fundraiser for PD at Bell's Nursery, hosted by leaders in Anchorage.

2. This event was open to the public.

3. An invitation for this meeting is attached as Exhibit 2.

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4. A volunteer for PD wished to pay for supplies for this event but did not have funds available on the day, and so PD advanced $209.89 for supplies to the volunteer, who later reimbursed PD in the same amount. This is the only time that PD expended any funds on an event, and after reimbursement the net cost to PD was zero ($0).

5. Except as explained above, Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

7. Neither Phillip Izon, nor Art Mathias, nor any principal nor agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries nor Wellspring Fellowship spoke at the event.

8. AHE did not bring a signature book(s) to the event, nor did principals or agents of the organization attend the event.

9. No attendees brought a 22AKHE signature book to the event.

10. When Ms. Tshibaka was asked if AHE and PD were "combining the efforts to coordinate," she did not say PD and AHE were coordinating efforts because PD and AHE were not and have never coordinated efforts.

11. Ms. Tshibaka did not and does not have any knowledge of the structure or organization of AHE, including its principals or agents. When she said, "We have many of the people who are the co-leads of Alaskans for Honest Elections in the room right now, they are the co-hosts on this," Ms. Tshibaka was referring to co-hosts for the PD event who had told Ms. Tshibaka that they were volunteering for AHE. Ms. Tshibaka was incorrect in labeling them "co-leads;" they were merely volunteers.

12. It is clear from the recording of the event that Ms. Tshibaka did not know where AHE's event would be, what date it would be, or what time it would be—she asked members in the audience who were supporting AHE's initiative for that information. This is further evidence that PD was not

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coordinating with AHE and PD had no intent to promote AHE's petition signature launch event at the February 9th PD fundraiser. In other words, the purpose of the event was not to influence the outcome of 22AKHE.

13. Ms. Tshibaka's intent in saying "we [PD and AHE] are running in parallel" was to convey that PD is not working with, supporting, or contributing to AHE. Ms. Tshibaka's intent in saying, "what they [AHE] are doing…Alaskans for Honest Elections have a ballot initiative to overturn Ranked-Choice Voting. They're collecting signatures," was to distinguish the activities of PD from AHE.

14. When Ms. Tshibaka said, "We wanted the petitions to be here tonight," the "we" referred to co-hosts who sponsored the event who intended to bring the petition books to collect signatures afterwards.

15. Ms. Tshibaka said, "please join them [AHE] there [at their event]…that's absolutely critical." "We've got to get a counter message out there so when it's on the ballot, we win. I think that's super important." "Please volunteer to help get them signed."

16. Ms. Tshibaka then turned her comments back to fundraising for PD by talking about educating the public about how voters were affected in the Alaska November 2022 election. At the time, she thought a voter education effort might work "in tandem" with the efforts of AHE, but after receiving guidance from APOC shortly after this event, Ms. Tshibaka refrained from including in her education efforts any material that could be considered to support or oppose 22AKHE.

17. No attendees brought a 22AKHE signature book to the event.

18. Neither Ms. Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

19. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

20. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

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SOA03005

21. Ms. Tshibaka has a First Amendment protected free speech right to endorse and encourage gathering of signatures for 22AKHE, and such statements are not regulated by APOC if Ms. Tshibaka and/or PD did not make an expenditure in support of 22AKHE.

February 13th Event Hosted by Edna DeVries at the Mat-Su School of Government

1. On February 13, 2023, Ms. Tshibaka was invited to speak at a "School of Government," hosted by Matanuska-Susitna Borough Mayor, Edna DeVries.

2. PD does not know whether this event was open to the public.

3. PD does not have an invitation for this event.

4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

6. Neither Ms. Tshibaka nor PD were involved with planning or organizing the event.

7. AHE did not bring a signature book(s) to the event, nor did members of the AHE organization attend the event, as best as PD knows.

8. Ms. Tshibaka does not recall advocating for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No attendees brought a 22AKHE signature book to the event.

10. Neither Ms. Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to

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SOA03006

disseminate her communications at the event through print, broadcast media, or the internet.

11. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

12. Ms. Tshibaka's statements at the event do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

13. Ms. Tshibaka has a First Amendment protected free speech right to endorse and encourage gathering of signatures for 22AKHE, and such statements are not regulated by APOC if Tshibaka and/or PD did not make an expenditure in support of 22AKHE.

Bell's Nursery Event on February 22nd

1. On February 22, 2023, Ms. Tshibaka spoke at a fundraiser for PD at Bell's Nursery, hosted by leaders in Anchorage.

2. This event was open to the public.

3. An invitation for this meeting is attached as Exhibit 3.

4. Neither Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.

7. To Ms. Tshibaka's knowledge, the co-hosts who sponsored the event did not intend to bring petition books to collect signatures afterwards.

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8. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

9. Ms. Tshibaka's prepared remarks did not advocate for repealing RCV in Alaska, nor support 22AKHE, nor advocate for the gathering of signatures.

10. Sometime after Ms. Tshibaka began speaking, an attendee circulated a 22AKHE signature book around the room. Ms. Tshibaka has no recollection of saying the petition was "important" nor encouraging attendees to sign it. Ms. Tshibaka was particularly cautious about her comments at this event, and ensuring they did not qualify as APOC-regulated statements, given that she had just received guidance from APOC and retained Birch Horton Bittner & Cherot as counsel for APOC compliance.

11. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

12. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

13. Ms. Tshibaka has a First Amendment protected free speech right to endorse and encourage gathering of signatures for 22AKHE, and such statements are not regulated by APOC if Tshibaka and/or PD did not make an expenditure in support of 22AKHE.

Tongass Conservatives of Southeast Alaska Event in Ketchikan on February 25th

1. On February 25, 2023, Ms. Tshibaka was invited to speak at a Tongass Republicans meeting in Ketchikan, Alaska.

2. PD does not know whether this event was open to the public.

3. PD does not have an invitation for this event.

4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with this event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

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5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.

7. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

8. Ms. Tshibaka recalls a 22AKHE signature book was at the event. Ms. Tshibaka did not know before her trip to Ketchikan that there would be a petition signature book at the event.

9. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

10. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

11. At this event, Ms. Tshibaka's remarks focused on encouragement, the re-telling of a faith-based story, and included the types of activities PD would be engaging in, focusing primarily on the Get-Out-the-Vote campaign. Ms. Tshibaka does not recall whether she discussed the statewide poll to determine the causes for low voter turnout.

Biblical Citizenship Class on March 1st

1. On March 1, 2023, Ms. Tshibaka was invited to speak about PD at a Biblical Citizenship Class in Anchorage, Alaska.

2. PD does not know whether this event was open to the public.

3. An invitation for this meeting is attached as Exhibit 4.

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4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.

7. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

8. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.

9. To the best of Ms. Tshibaka's knowledge, no attendees brought a 22AKHE signature book to the event.

10. Neither Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

11. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

12. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, focusing primarily on the Get-Out-the-Vote campaign. Ms. Tshibaka does not recall whether she discussed the statewide poll to determine the causes for low voter turnout.

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Republican Women of Fairbanks Meeting on May 24th

1. On May 24, 2023, Ms. Tshibaka was invited to speak at a Republican Women of Fairbanks meeting in Fairbanks, Alaska.

2. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting this event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

3. PD does not know whether this event was open to the public.

4. An invitation for this meeting is attached as Exhibit 5.

5. Neither Ms. Tshibaka nor PD were involved in organizing this event.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.

10. To the best of Ms. Tshibaka's knowledge, no attendees brought a 22AKHE signature book to the event.

11. Ms. Tshibaka's statements at the event do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

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12. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a statewide poll to determine the causes for low voter turnout.

13. Regardless, Ms. Tshibaka has protected First Amendment free speech rights that may not be abridged.

District 33 and District 34 PD Fundraiser on May 25th

1. Districts 33 and 34 hosted a fundraiser for PD on May 25, 2023 in Fairbanks, Alaska.

2. This event was open to the public.

3. An invitation for this meeting is attached as Exhibit 6.

4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting this event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Neither Ms. Tshibaka nor PD were involved in organizing this event.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.

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SOA03012

10. To the best of Ms. Tshibaka's knowledge, no attendees brought a 22AKHE signature book to the event.

11. Ms. Tshibaka's statements at the event do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

Friday Republican Luncheon in Fairbanks on May 26th

1. Ms. Tshibaka was invited to speak about Preserve Democracy at the Friday Republican Luncheon on May 26, 2023.

2. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting this event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

3. This event was not open to the public.

4. PD does not have an invitation for this event.

5. Neither Ms. Tshibaka nor PD were involved in planning or organizing this event.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.

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SOA03013

10. Ms. Tshibaka's statements at the events do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

11. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a statewide poll to determine the causes for low voter turnout.

IX. CONCLUSION

At some point, APOC must recognize complainant as the "boy who cried wolf." Each election cycle, Mr. Kendall manufactures yet another dramatic, hyperbolic set of accusations that are intended to generate headlines and media attention around his candidates and ballot initiatives while tying up political opponents in needless agency proceedings. This is an obvious abuse of the process envisioned under Alaska law and is a waste of this agency's limited time and resources. The complaint is frivolous and should be dismissed.

DATED at Anchorage, Alaska, this 7th day of August, 2023.

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys for Respondents Preserve Democracy and Kelly Tshibaka

By: _____

Matthew Singer
Alaska Bar No. 9911072
msinger@schwabe.com
Lee C. Baxter
Alaska Bar No. 1510085
lbaxter@schwabe.com

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2023, a true and correct copy of the PRESERVE DEMOCRACY AND KELLY TSHIBAKA RESPONSE TO COMPLAINT (27 pages) with AFFIDAVIT AND EXHIBITS (8 pages) was served upon the following by:

☒ **US Mail** ☒ **Email** ☐ Fax ☐ Hand-Delivery

Scott M. Kendall
Cashion Gilmore & Lindemuth LLC
510 L Street, Suite 601
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Exhibit 78

Outlook

Fw: Another 15-5 related question

From Reilly Stephens <rstephens@libertyjusticecenter.org>
Date Fri 10/17/2025 2:59 PM
To Timothy Kilcullen <tkilcullen@libertyjusticecenter.org>

Reilly Stephens
Senior Counsel & Director of Amicus Practice | Liberty Justice Center

512-481-4400
443-791-6801 (Cell)
rstephens@libertyjusticecenter.org
LibertyJusticeCenter.org

LIBERTY JUSTICE CENTER

From: Bethany Marcum <bethanymarcum@gmail.com>
Sent: Friday, October 17, 2025 2:57 PM
To: Reilly Stephens <rstephens@libertyjusticecenter.org>
Subject: Fwd: Another 15-5 related question

---------- Forwarded message ---------
From: **Cheryl Frasca** <cfrascaak@gmail.com>
Date: Mon, Apr 14, 2025 at 1:25 PM
Subject: Fwd: Another 15-5 related question
To: Bethany Marcum <bethanymarcum@gmail.com>

APOC confirms (email below) that donors to the Federal PAC would not have to file at 15-5, given the campaign has reported the true sources of funds to the Federal PAC.
CF

Cheryl Frasca
907.306.6132

Begin forwarded message:

From: "Whitlock, John G (DOA)" <john.whitlock@alaska.gov>

Subject: RE: Another 15-5 related question
Date: April 14, 2025 at 9:49:32 AM AKDT
To: Cheryl Frasca <cfrascaak@gmail.com>
Cc: "Hebdon, Heather R (DOA)" <heather.hebdon@alaska.gov>

Dear Ms. Frasca,

Below is some feedback on the questions that you emailed me on Friday. Don't hesitate to contact me if you have any follow-up questions.

Let's say a Federal PAC donates an amount greater than $2000 to a ballot group, the ballot group would report the donors to the Federal PAC, correct?

True-source reporting applies to contributors to ballot measure groups. Along with the requirement that contributors give in their own names, under AS 15.13.040(k), every individual, person, nongroup entity, or group contributing a total of $500 or more" to a ballot measure group "shall report the contribution or contributions on a form prescribed by the [APOC] not later than 30 days after the contribution." APOC regulations reinforce this point. 2 AAC 50.352(b) requires contributors to "file a statement of contributions in compliance with AS 15.13.040(k)." This regulation also mandates that contributors must "make the contribution in the name of the true source of the money or thing of value." See page 3 of AO 24-04-CD.

Please be advised that AS 15.13.110(k) requires the reporting of a contribution of $2,000 or more to an entity seeking to influence **CANDIDATE** elections within 24 hours of making the contribution.

Would the donors to the Federal PAC also have to file a 15-5, since their information has already been reported by the ballot group?

No. The organization must file a report and identify the true sources of funds because it is serving as an intermediary, but the donors to the organization do not ordinarily have an independent reporting requirement. See pages 2 and 8 of AO 24-04-CD.

Thanks,

John Grover Whitlock
Paralegal II
APOC

Exhibit 79

In The Matter Of:

Smith, Griffin, Vezey,Haynes, Shaw, FLF and AFMC v Alaska Public Offices Commissions et al

---

Trevor Shaw /Alaska Free Market Coalition
Vol. 1
November 12, 2025

SEAK Professional Services, LLC
2417 Tongass Avenue, Suite 215
Ketchikan, Alaska 99901
jazenge@gmail.com
Tel: 907-821-8475

Original File Deposition of Trevor Shaw.prn
Min-U-Script®

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Robert Griffin, Allen Vezey, Trevor Shaw, Family of the Last Frontier) and Alaska Free Market Coalition, Plaintiffs, vs. Richard Stillie, Jr., in his official capacity as chair of the Alaska Public Offices Commission, et al., Defendants, Case No.3:22-cv-00077-SLG and Alaskans for Better Elections, Inc., Intervenor-Defendant.

RULE 30(b)(6)DEPOSITION ON ORAL EXAMINATION

OF

ALASKA FREE MARKET COALITION AND
TREVOR SHAW IN HIS INDIVIDUAL CAPACITY

November 12, 2025
10:09 a.m.
SEAK Professional Services, LLC
Ketchikan Courthouse
415 Main Street, Suite 204
Ketchikan, Alaska 99901

APPEARANCES

For the Plaintiffs:
Trevor Shaw and Alaska Free Market Coalition — REILLY STEPHENS, ESQ., Liberty Justice Center, 7500 Rialto Boulevard, Suite 1-250, Austin, Texas 78735

For the Defendants:
Alaska Public Offices Commission — MAXWELL JENKINS-GOETZ, Assistant Attorney General, Department of Law, 1031 West Fourth Avenue, Suite 200, Anchorage, Alaska 99501

For Intervenor Defendants:
Alaskans for Better Elections — SCOTT KENDALL, ESQ., Cashion Gilmore & Lindemuth, 510 L Street, Suite 601, Anchorage, Alaska 99501

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED that, pursuant to Defendants' Notice of Taking Rule 30(b)(6) Deposition of ALASKA FREE MARKET COALITION followed by the deposition of Mr. Trevor A. Shaw, in his personal capacify on Wednesday, the 12th day of November, 2025, at the hour of 10:00 a.m., thereof, appeared at the offices of Ketchikan Courthouse 410 Main Street Suite 204, Ketchikan, Alaska 99901, before Judy A. Zenge, Notary Public in and for the State of Alaska, duly commissioned and qualified was present on behalf of the Plaintiff thereupon examined and interrogated as hereinafter set forth:

THE REPORTER: I've already put the caption on the record. At this time I'll swear in the witness. Sir, would you raise your right hand?

(Oath administered)

MR. SHAW: I so swear.

TREVOR A. SHAW

called as a witness, testified as follows on:

DIRECT EXAMINATION

BY THE REPORTER:

Q You can lower your hand. For the record, would you please state your full name, spelling your last?

A Yes. My full name is Trevor Alexander Shaw, last name S-H-A-W.

Q A mailing address, please?

A S248 Yeoman, Y-E-O-M-A-N, Road, Ketchikan, Alaska, 99901.

Q And a telephone number?

A 907-821-8072.

THE REPORTER: Thank you. We are on record at 10:09.

BY MR. MR. JENKINS-GOETZ:

Q All right. Good morning, Mr. Shaw.

A Good morning.

Q My name is Max Jenkins-Goetz. I'm an Assistant Attorney General with the State of Alaska, and I'm representing APOC in this matter. A couple sort of background ground rules and things like that. First question, have you ever had your deposition taken?

A I have not.

Q Okay. Some basic rules just to make sure our record is clean and clear and everything is easy for our court reporter. First, I'm going to ask you a series of questions. If any of them are unclear or confusing to you, feel free to ask for clarification.

Page 5

A Okay.
Q I want to make sure you can understand the questions. The next point is something that I need to remember myself, and that is let's be careful to let each other finish, whether it's a question or an answer, even if we think we know where it's going.
A Okay.
Q Let's try not to jump in verbally only because it makes a tricky record for the court reporter having to go back and forth. Even if we completely understand each other, it might be trouble on paper. To the extent you can, please give verbal responses, yeses or nos when necessary, rather than nodding or shaking your head, since that won't be picked up on the record. And my plan is to ask you a series of questions. I plan to break roughly once an hour so that we can use the restroom, anything else we need. If we get to around lunchtime and we'd like to take longer than a 5, 10, 15-minute break, we can do that.
A Okay.
Q We'll cross that bridge when we come to it. But if you ever need, whether it's a restroom break

Page 6

or anything else earlier than within an hour, feel free to ask for one --
A Okay.
Q -- and we'll be able to stop. If we are in the middle of answering a question, I may ask that we finish that question before we stop and take a break.
A Okay.
Q Now, you are being deposed in your capacity as a representative of the Alaska Free Market Coalition and also in your own personal capacity. So after speaking with opposing counsel and counsel on Zoom, our plan is that I will ask you questions about AFMC first, then I will ask you questions directed to you in your personal capacity, and then other attorneys may have questions for you.
A Okay.
Q Does that sound all right?
A That sounds perfect.
Q Great. Okay. Let's start with questions about the Alaska Free Market Coalition. Tell me about AFMC. What kind of organization is it?
A So originally AFMC was founded in 2017 as the Ketchikan Free Market Coalition to oppose a

Page 7

local Ballot Measure that would have limited ride-sharing services within the municipal boundaries of the city of Ketchikan. And so KFMC was formed for that municipal election in October 2017. And then ahead of the 2018 primaries and general election, we converted Ketchikan Free Market Coalition into the Alaska Free Market Coalition to support candidates who we believe to be promoting free market values in the state of Alaska; lower taxes, less business regulations, a more conducive permitting environment, things along those lines. And so that was why AFMC was ultimately converted over into what it was.
Q Correct me if I'm wrong, but I heard in that first 2017 cycle, AFMC, or then KFMC --
A Uh-huh. (Affirmative.)
Q -- was focused on one specific Ballot Measure that was local to Ketchikan?
A Correct.
Q And it was the next election cycle that it changed its name and began to address more issues than just one Ballot Measure.
A Correct. It was originally formed as a ballot proposition group and then was converted into an

Page 8

independent expenditure group for the 2018 primary.
Q We'll focus on the period from 2018 to now.
A Okay.
Q Basically when it changed its name to AFMC to now. Has AFMC been in continuous operation since 2018?
A I wouldn't say continuous operation, no. We ceased active independent expenditures after the 2020 law was adopted regarding independent expenditure reporting and disclosure requirements.
Q We'll certainly come back to that. Who is involved with AFMC? What people?
A Currently or formerly?
Q Let's start with when it was founded and around 2018.
A Okay. So ultimately -- so, originally when it was founded, it was myself, one of the Ketchikan Gateway Borough Assembly members, who's also a business partner of mine by the name of Glenn Thompson, and my wife. We all served as the -- I was the chair, Mr. Thompson, I be -- let me make sure I get this right. Mr. Thompson was the chair, I was the treasurer, and my wife

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served as the deputy treasurer. And so that was when the in -- for the initial purpose. And then in 2018 when we filed for independent expenditures in the primary, it involved Mr. Thompson, my wife, and then another business partner, a close associate of mine by the name of Dave Spokley, who served as the chair of AFMC during its first year of independent expenditure.

Q So that was 2018?

A It was.

Q And then after that, who was involved?

A So from the -- moving into the 2020 election, AFMC was solely under my control. I was the only officer, had sole discretion over fundraising, operations, independent expenditures.

Q That was 2020? Did it stay that way going forward?

A Yes.

Q Did it stay that way all the way to the present?

A Correct.

Q Okay. You told me a little bit about AFMC's sort of political outlook and the views it's promoting. How does it promote those views? In

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other words, what does AFMC do?

A So AFMC ran pseudo campaigns and, of course, independent expenditures are not allowed to coordinate with candidates or candidate committees, which, of course, we did not do. But everything from, you know, canvassing to conducting polling to digital and social media advertising to direct mail, publishing endorsements, pretty much anything and everything you can think of in terms of campaign activities in support of candidates that we supported.

Q Did or does AFMC have employees other than the individuals you've mentioned who were involved in its governance?

A No, there have never been any employees of AFMC.

Q So all of the polling, strategy work, canvassing, that was done by you or by the associates you mentioned?

A Yes. Or the -- I mean, almost exclusively, the donations to AFMC were through -- were the company that also the people I previously mentioned, myself and them were partners in. So it was either done through contracted services to that company, which we reported as in-kind

Page 11

contributions to AFMC, or we did them directly, yes.

Q Okay. I'll have some questions about that company shortly.

A Sure.

Q But first, breaking down a little more, what sort of products or things AFMC produced? It sounds like a lot of strategy, a lot of sort of work of different kinds. I think you also mentioned things like mailers or ads. What sort of physical or visual or audio media has AFMC produced?

A So all of the -- all of the media that we've produced, of course, was earlier provided in discovery, was almost exclusively digital and social media.

Q Okay. I think I know what you're referring to, and we'll come to an exhibit with those.

A Yes.

Q But to confirm, it sounds like there were no sort of printed mailers that AFMC made.

A Correct. We explored doing direct mail. We ultimately decided not to.

Q Okay. And no radio ads?

A No radio ads.

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Q And no TV ads?

A No.

Q So any sort of visual ads were electronic ads that would be disseminated on social media or other electronic?

A Correct.

Q If you had to estimate about how much of the time or energy that AFMC expended between 2018 and 2020 was toward those sorts of ads or that visual media versus other functions like consulting, canvassing, et cetera?

A I'd probably say that close to 60 percent of it was production of social media, not only ads, but posts, comments, dissemination of endorsements, sharing that information, producing polls where the information was then shared on social media, those sort of things.

Q Okay. So a decent number of sort of social media products like posts, for example, but those weren't visual media that you produced in discovery; is that right?

A Correct.

Q Okay.

A All of the visual media that was produced was provided in discovery.

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Q Now you mentioned a company that you and other AFMC folks were associated with and contracting to that company. Putting that aside for a moment, correct me if I'm wrong, but it sounds like there wasn't much, if any, work that AFMC did that was contracted out to actual third parties, or am I wrong?
A Maybe 15 to 20 percent.
Q Okay. So you would say the vast majority of the work, whether it was creating ads or doing canvassing or phone banking or social media related work was done by you, the other AFMC members, or the members of the specific company that you mentioned before.
A Correct.
Q Is that company called Connect Solutions.
A That's correct.
Q Okay. Does AFMC file reports with APOC?
A When we were operating, yes.
Q What kinds of reports?
A Financial disclosure, campaign disclosures, whether they be independent expenditure reports or campaign disclosures, because both are required.
Q Who did that filing for AFMC?

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A I did.
Q Did you typically do it by yourself?
A Correct.
Q Okay. I want to get into some of the filing --
A Okay.
Q -- but first I just want to clarify AFMC's sort of positions and concerns that are related to this lawsuit. So how and when did AFMC become involved in this litigation?
A I don't remember the exact timeframe. I could certainly look at notes and an affidavit, if you would like exact timeframes. Would you like me to do that?
Q That's okay.
A Okay.
Q You can estimate. That's fine.
A Yeah. So I would say -- and also please -- please bear with me. I did just spend ten days in the hospital and had a extensive emergency surgery that I'm still recovering from. So my recall is not as good as it usually is. And so honestly, if you want timeframes, I would have to look at the affidavit.
Q Of course. I'm sorry to hear that. I hope you're doing okay.

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A I'm recovering well. It's just --
Q Let's, let's skip timeframes for now.
A Okay.
Q I wouldn't hold you to an estimate anyway, but how about why, sort of, and how?
A Certainly. So I had a dear friend of mine is named Bethany Markham, who was then the executive director of the Alaska Policy Forum. And she had previously -- we had worked together on a couple of independent expenditure groups in the past. And she reached out to me ahead of -- ahead of the initiation of the litigation, just to ask if I would still be interested in being involved in independent expenditures for the 2022 election cycle. And I informed her that we were not because of what we believe to be the complexity and what would take extensive resources beyond what we directly spend on independent expenditures in support of campaigns for compliance with the new disclosure and reporting laws. And so then a few months later, Bethany informed me of some of the other now plaintiffs who had connected with an organization, that's the Liberty Justice Center, and would I be interested, based on what she

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knew about my role in independent expenditures and why we stopped our active operations, be interested in participating in that lawsuit? Which of course, the answer was yes. And so that's how -- that's how my involvement came to be.
Q And tell me a little bit more about why the answer was yes. Why did you want to be, or why did AFMC want to be involved in the lawsuit?
A Well, my political beliefs are very important to me. I've been involved -- I mean, I got elected to office when I was a senior in high school. And so this has been a passion of mine for a long time. And I've been very blessed to have the financial capacity to be able to put money into supporting causes and candidates that I believe in. But I like to ensure that my resources are being spent directly on those causes and beliefs and trying to keep administrative overhead, legal costs, compliance, and everything to a minimum. It just didn't make sense to continue doing so through independent expenditures, due to what I believe was again, complexity, complications relating to the new laws for disclosures and

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reporting.
Q So what were those costs that were provoked or -- created by the new regime of disclosure?
A Sure. So we know probably spent right around four grand just out -- out of -- out the gate, right aft -- in the aftermath of the adoption of Ballot Measure 2 and the corresponding statutes in the Ballot Measure, just trying to get an idea of really what -- how we would comply with the law moving forward if we chose to do so. The most we ever spent on independent expenditures in the year was in 2018, and it was approximately 50, $55,000.00. So just in consulta -- legal consultation immediately after the Ballot Measure was adopted, you know, dropping four grand, which I would otherwise prefer to have spent on advertising or polling or things like that. Just kind of, you know, started the snowball consideration in our mind of, okay, these -- these costs could be significant. I was doing all of the compliance for AFMC myself, and we did so ever without any APOC penalties or complaints. And we were very transparent and open in our disclosures. And so -- and tried to be, you know, over-report and,

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you know, just wasn't confident that we could continue that level of compliance without incurring extensive costs, whether it be legal, accounting, whatever that might -- whatever that might look like to continue to comply with the new law and continue our level of operation.
Q So you spent money after Ballot Measure 2 passed on legal advice to understand how to comply with it?
MR. STEPHENS: Objection. (Indiscernible) calls for a privileged communication. You can -- you can ans -- you can answer anything, but don't answer anything about talking to the local lawyer.
A Sure. Certainly. Yes, I personally spent funds just from my, you know, since a lot of the money that, especially in 2020, almost exclusively all of the funds that went into AFMC were personal donations from myself. And so, yes, I personally spent that money to seek legal advice on what it would look like. Also as an individual, because there were increased requirements for not only what would be AFMC's disclosures, but also mine personally.
Q And prior to Ballot Measure 2 --
A Yeah.

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Q -- did AFMC spend money on legal counsel?
A Zero.
Q Okay. I want to show you an exhibit. Exhibit A is just the notice of this deposition. So we're going to skip right past that. And instead I'm handing you what I'm calling exhibit B. Here you go. Here's a copy for the reporter. Have you seen this document before, Mr. Shaw?
A I have.
(Exhibit B introduced)
Q What do you understand it to be?
A The original -- well, it's first amended, but the current existing complaint in the United States with District Court for Alaska.
Q Okay.
A And this specific statement.
Q So this complaint includes some factual allegations related to AFMC and to yourself.
A Okay.
Q Were you the person who supplied the information for those factual allegations?
A Indeed, I was. Some of the information was presented to me that I could confirm and correct, which we did.
Q Now I want to go to paragraph 11 of the

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complaint. It's on page 3. And paragraph 11 says Alaska Free Market Coalition is an independent expenditure group, yada yada, that has received donations in excess of $2,000.00 in the past, has made independent expenditures in excess of $2,000.00 in the past,
A Correct.
Q That's correct?
A It is our intent to be able to do so when we can adequately comply with the law without expending extensive resources. So my intent would be to restart those independent expenditures as soon as reasonably practical. Right.
Q And who are the individuals or groups that have donated in excess of $2,000.00 to AFMC in the past?
A Almost exclusively myself and Connect Solutions, LLC.
THE REPORTER: Excuse me, Mr. Shaw. Can you speak up?
A Yes, I can.
Q Let's turn to paragraph 56. It's on page --
A 11.
Q -- 11. It says if AFMC receives donations of more than $2,000.00 from a given donor going

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forward, those donations will be subject to the disclosure requirements of Ballot Measure 2. And you've spoken a little bit about that already.
A Correct.
Q You've spoken about having to spend money on legal counsel to understand what compliance would look like.
A Yes.
Q What is your understanding of what the disclosure requirements are under Ballot Measure 2?
A Well, there's a variety of them, right? There's the main -- I think I would highlight the major changes in terms of timeframes, not only quicker turnaround on reporting, especially donations from individuals, which they have to file now. There were changes under Ballot Measure 2 to the amount and how timely those have to be filed. True source laws, you know, just making sure again that -- AFMC has always believed in over-reporting and making sure that we adequately do so in a manner that also protects our -- our political speech. Just the -- again, we didn't outline what it would look like moving forward

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under the new regime to actually begin independent expenditures, to restart them. And so, barring a change to the law or really simple, you know, simple donations and what I would call that is an individual in Alaska wants to donate $25,000.00 because they oppose the implementation of an income tax. And then you have to now run through with that individual all the things that it would take for them to also comply, which previously didn't have to necessarily be done. So, that was our takeaway from when Ballot Measure 2 was adopted. And we honestly didn't dive in too much deeper into what it would take to maintain our existing level of operations just because we knew there would be new costs associated with that and that would take money directly away from spending on -- towards candidates.
Q That's interesting. Let's dig in there a little.
A Okay.
Q Help me understand again in detail, I'm sorry, because you've spoken to it already, sort of the thought process after Ballot Measure 2 passed that led to the decision to effectively stop

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independent expenditures. How much sort of detail did you or others go into in assessing what would be required under Ballot Measure 2 before you concluded it's not worth it?
A So, I'm a -- so by the time Ballot Measure 2 was adopted, I maintained essentially sole control over AFMC. And so, after my conversations with -- consultation with the attorney that I went to, and, you know, just kind of, they provided an overview of the law and kind of next steps for what they thought it would take to maintain the existing level of compliance. And my question was, is this something that I could do, continue doing myself? And their advice was no. It's not because of the fines potentially associated with non-compliance or oversights and reporting, but it just was something that we would have to look at a new compliance structure. So, that was really -- that was really the deciding factor.
Q Now, a moment ago, you mentioned part of Ballot Measure 2, including true source laws.
A Uh-huh. (Affirmative.)
Q What do you understand those to be?
A Well, I understand them to be, you know, the

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intent is to prevent organizations from shielding where the money directly came from for the purposes of independent expenditures. And so, the -- I -- true source laws being that if you know for a fact -- if the money is not directly for a different use, that you have to, you know, report where that came from.
Q Okay. And correct me if I'm wrong, but previously you said from 2018 to 2020 --
A Uh-huh. (Affirmative.)
Q -- when AFMC was receiving somewhat significant contributions and making expenditures, all or almost all of the contributions came from either yourself or from Connect Solutions. Is that right?
A Correct.
Q Okay.
A Yes.
Q Okay. Okay, we'll come back to some of this, but let's go to paragraph 57, same page, which is page 11. Under Ballot Measure 2, if AFMC secures a majority of funding from sources outside Alaska, it will be subject to the out-of-state disclosure requirements of Ballot Measure 2. Now, your last quest -- your last

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answer, I think, addresses this, but is it fair to say that AFMC has never received funding from sources outside of Alaska before?
A Correct.
Q Now, paragraph 59 says AFMC has received money from a variety of sources over the years. Listing AFMC's top three donors in their communications would represent an arbitrary sample that is not representative of the individuals and entities that support their work.
A Certainly.
Q But again, only you and Connect Solutions have donated to AFMC, at least largely. Correct?
A Correct. I mean, that certainly could change in the future, right? One of the things with doing -- spending large sums of personal money on independent expenditures created a network of potential donors, right? And so that, you know, moving forward, if we continue operations, then, you know, there's certainly the potential that we would have additional donors that we would have to report.
Q Okay. So the concern was about possible future donors.

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A Correct.
Q Okay. But there were no donors other than yourself and Connect Solutions in the past?
A No.
Q Similar question after paragraph 60. AFMC fears that public -- publicity, I think it means publicly listing our donors' support of the organization may lead to reprisals against donors and their business interests in the current climate of cancel culture. First, just confirming, at least prior to Ballot Measure 2, the only donors were yourself and Connect Solutions.
A Yes.
Q And after Ballot Measure 2, there haven't been any donors. Tell me what you mean or what AFMC means by a climate of cancel culture and reprisals.
A Well, cancel culture is any time that you, you know, someone changes their opinion of you, or you lose business clients, or someone treats you differently because of your political beliefs. And we've certainly seen a rise over the past several years of, what I believe to be strong stances taken against businesses on different

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sides of the aisle, when, you know, you have business owners taking very public political stances.
Q So, if a consumer changes their spending patterns and starts to not spend money on a business that they previously might have spent money on, that would be one example of cancel culture?
A Correct.
Q Okay. Moving to paragraph 63 on page 12. Because of Ballot Measure 2, many donors will be forced to either forego giving to AFMC or do so subject to a disclosure and recording regime that they believe violates their rights. First question, the prior donors, yourself, and Connect Solutions, I imagine you feel that the reporting reg
A Correct.
Q As to any other hypothetical future donors, what makes you think they would feel that disclosure violates their rights?
A Well, first and foremost, no one can, I don't believe, can argue that the requirements under Ballot Measure 2 are more extensive than the previous regime. And so the fact that AFMC

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would have to have those conversations with potential donors to talk about the changes to the laws and what it would take for them also to be personally compliant is not a conversation we would have had before. And also, just, I found that anybody who would potentially be donating to AFMC, they'll hold very similar political beliefs to myself. And I think almost exclusively, I've found that large business donors and individual donors object to the changes under Ballot Measure 2.
Q So the first part of your answer, AFMC would have to have more extensive conversations with would-be donors about disclosure requirements. That the need for those conversations is what violates the donors' rights or something else?
A Well, no. The -- the actual requirements themselves. I mean, we could have a political conversation about why Ballot Measure 2's more extensive reporting requirements may or may not be more effective in ensuring that the voters understand where money is coming from. But, I mean, that's going to be an individual conversation with each donor that now we have to have. I'm sure some of them might not believe

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it violates their rights and will be happy to comply, or, you know, they're just people who potentially are just not even willing to take the extra burden of what it looks like for compliance.
Q And the second part of your initial answer was many of the sorts of people or groups whose views generally align with AFMC --
A Yeah.
Q -- such that they might donate to AFMC, probably share a lot of AFMC's views, including on this topic, and that's why they would believe their rights are violated.
A Correct.
Q I want to move to paragraph 73. That's on page 14. Paragraph 73 talks about a tele -- if AFMC were to have a television ad, the requirements that would be included. Earlier you mentioned AFMC has never produced a television ad.
A Right.
Q Does AFMC have any plans to make any television ads?
A I mean, if we have the financial wherewithal to do so, it's effective campaigning.
Q Did AFMC have any concrete plans to make TV ads

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before Ballot Measure 2 passed that were sort of undone by Ballot Measure 2?
A I mean, we -- we set spending thresholds, spending and fundraising thresholds, right? And if we raised a certain amount of money, we would have done radio and television advertising. And that was part of, again, part of the reason why we ultimately decided to cease operations, because if we did more extensive advertising, a portion of our paid media would be consumed by the more extensive disclosure requirements on the advertising itself. So again, taking what we believe is important money to spend directly on advertising and getting the message across would have to be spent on compliance.
Q Okay. I believe you said earlier that during the period AFMC was active, a large majority of the sort of work and output that AFMC was involved in was, you know, strategy, polling, also messaging on social media, campaign-related activities. Those wouldn't have been subject to any additional disclaimer requirements under Ballot Measure 2? Or am I wrong?
A I believe the social media ads would have required a more extensive text on the -- on the

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ads themselves.
Q So the specific visual ads that were created would have required disclaimers.
A Uh-huh. (Affirmative.)
Q But all of the other work, polling, strategy, consulting of various kinds, that would not have been subject to disclaimers.
A We didn't have specific conversations about what that compliance would look like. We didn't get that far.
Q Okay. I'm going to pass you another document, which I've labeled Exhibit C. It's for the court reporter. Do you recognize this document?
A I do.
(Exhibit C introduced)
Q Tell me what it is.
A Discovery request for Alaska Free Market Coalition.
Q That's right. And I think if we look through the document, we'll see that answers were provided to many of the questions asked, starting on page 8, interrogatories.
A Yes.
Q Did you provide the answers to these questions?
A I did.

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Q Roughly when did you do that?
A Again, my recall of dates is terrible right now, but certainly within the specified timeframe that the state requested that they be provided.
Q That sounds good. Now, interrogatory number 3 on page 9 is where I want to start.
A Okay.
Q Interrogatory 3 asks, please identify all donors or would-be donors, independent expenditure groups in Alaska, that you are aware have had difficulty complying with the donor disclosure law? And they give the statutory site.
A Yes.
Q On page 10, your response is, AFMC has ceased active IE operations since the 2020 general election inter -- due to internal concerns of compliance and disclosure -- disclosure burdens that would be experienced by potential donors with the passage of ballot proposition in 2020. That's still your position?
A Correct.
Q Okay. And we've spoken a little bit about your concerns with the donor disclosure law. Have you or has AFMC spoken with any specific would-be donors who have been put off by donor

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disclosure? And I can clarify that question if you'd like.
A Yes, please.
Q You spoke a little bit about sort of AFMC's own internal thoughts about Ballot Measure 2 and decision to not continue soliciting donations.
A Correct.
Q During that process, that time period, or any other, did AFMC hear from any specific individuals or groups that they would like to donate but weren't doing so because of Ballot Measure 2?
A Yes.
Q Or -- and that was specific to the donor disclosure requirements of Ballot Measure 2?
A That was.
Q Can you give me a name of any would-be donor?
A Yes. National donors, specifically the Republican State Leadership Committee and GOPAC. Their specific comments were -- specifically, RSLC had a habit of funding more independent expenditure groups prior to the -- prior to the adoption of Ballot Measure 2. And what I mean by that is they, instead of just funding one specific IE, they would fund multiple. And

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after our conversations with them after the ballot measure was adopted, they said they wanted to -- due to the burden of compliance, that they would donate to only one independent expenditure group in the state of Alaska.
Q Do you know where RSLC is based?
A Yes.
Q Where is that?
A (Indiscernible).
Q Do you know where GOPAC is based?
A Yes.
Q Where is that?
A Washington, DC.
Q And to confirm, neither organization donated to AFMC prior to the passage of Ballot Measure 2?
A Correct.
Q I want to turn to interrogatory number 8 on page 11. This one asked, please explain in detail how AFMC will have difficulty or a quote, harder time, as you have used the term in your complaint, raising money from donors if it must comply with two statutory cites for the reporting of true sources. AFMC's response is, please see previous responses.
A Yes.

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Q Now, I read the previous responses mostly to address the donor disclosure law and the burdens of donor disclosure. Here, interrogatory 8 is asking about the true source reporting required. Can you
A Yes. I think the verbal response I just gave you would probably be the best answers. I mean, the two organizations that I previously mentioned had extensive donors from across the country, right? And one of the -- their primary concerns that they indicated to us in choosing, you know, not to have conversations about potential donations was what it
Q Okay. So it wasn't just the onerous burdens of donor disclosure, but also the requirement to
A Correct.
Q Okay. Do you know which -- you mentioned one independent expenditure group that they would spend money on. Do you know which one that was?
Q Only because the -- because I've read, I'm kind of an APOC nerd, so I love to go through independent expenditure reports. I believe it would be one of the other
Q Okay. Thank you. I want to turn to interrogatory 13 on page 13. Without reading it

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back entirely, this interrogatory asks you to describe instances of cancel culture. And AFMC's response starts with quantifying potential consequences of political speech is inherently challenging, yet the risks are both real and substantial. The response goes on for quite a while for, feel free to review it if you would like to. I guess my first question is this, the interrogatory asked if there were any concrete examples of cancel cultures stemming from AFMC's political spending. And I wasn't able to identify any specific examples in your response. Do you have any specific examples?
A The specific example that I would give, and I have -- I have a number of business interests in other companies as well. And many of my business partners and Connect Solutions are partners in other business entities. And it has always been my -- my kind of practice with them that my political spending is not a secret, especially considering it often connects in, no pun intended, with Connect Solutions. And that provides a number of business services to our other companies. And after the adoption of Ballot Measure 2, there were specific concerns

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from even my own business partners about what it would look like going forward with extended -- more extensive disclosure requirements, true source. Again, we weren't sure what that would look like in terms of if we have a business that's donating to AFMC, if they would have to disclose their -- their clients and things like that. And so the reason why I said it's difficult to quantify is among all of these different businesses, we have thousands and thousands of customers. And my political habits are no -- no real secret, but in a state that is as small as Alaska, having to expand upon those and then potentially be more highlighted in media and in press and things like that created some pretty overwhelming concerns for my other business partners in terms of not only compliance and if we would have to, you know, again, identify our clients, but also what it would mean in terms of them being identified with not only myself, but with AFMC. And that was one of my considerations on top of everything else we've previously discussed. And so I would certainly call that cancel culture because that was a fear of theirs.

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Q Okay, a few things there. One, just to tease apart, it sounds like one of your concerns with Ballot Measure 2 was the possibility that AFMC would have to list clients of your businesses as true -- potential true sources of contributions to AFMC. Did I understand that right?
A Correct.
Q Okay. And that was one of the reasons that you -- that AFMC largely stopped operations after Ballot Measure 2?
A Correct.
Q Okay. In general, what sorts of businesses are you referring to? I'll ask you more about this when I'm asking you questions in your personal capacity, but what sorts of businesses?
A I've lost count. We have a primary medical care practice. We have an interest in a cruise ship port. We have an architecture and engineering firm. We have a commercial real estate development firm. We have a petroleum recycling and remediation company. We have a remote fuel and transport company. Like, I mean, they're -- it's extensive. We have, you know, we have an interest in an accounting firm. We have a general management consulting company in

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addition to Connect Solutions. And so, again, saying it's difficult to quantify is probably an understatement.
Q Okay, yeah, a lot of different customers.
A Yes.
Q And the concern was about having to list those customers as true sources.
A Correct. And just, you know, also, we have -- we have a lot of -- we -- we have a lot of customers who a neutral political image is important to them. And if my businesses and myself personally have to provide more extensive disclosures, then there's always that risk that you can -- a client who is very steady can waver. And I've had to have conversations with large clients before about, you know, about political activities. And again, it's no secret, but just due to kind of the arbitrary components of Ballot Measure 2 of what classifies as -- as good governance in terms of reporting and disclosure, expanding that risk with those clients and customers is just something that we weren't willing to do.
Q Okay. So, beyond -- one piece, it sounds like, is the concern about listing customers as true

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sources. Another piece is the concern of what the customers might think when they hear about your political views and your political spending. Is that fair to say?
A Certainly.
Q But it sounds like you're also agreeing your political views are fairly well-known and you certainly don't hide them in general.
A Sure. I am -- but I will also say that I've never had anybody on the street ask me about independent expenditures much. People don't even know when we talk about independent expenditures in Alaska, what's that? Well, you know, it's what would be a national super PAC, right? And so the first time that I had ever seen my political spending come up in media was when Dermot Cole wrote an article about AFMC and my business partners in that. That was pre -- pre kind of Ballot Measure 2. And there were extensive conversations after that when the new requirements were imposed and like, okay, is -- is -- our political spending and our business is going to be under more scrutiny now instead of, you know, the candidates that we're supporting or the beliefs that we're actually espousing?

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That's -- that's one -- that's one thing. That's where the free speech component comes in. And that's certainly up for question and conversation. But our personal finances, the businesses that we have, our customers, and kind of peeling back that veil in any way was just -- was just very objectionable to us. And again, it was easier to just cease operations, focus on growing our businesses. I mean, it saved me a ton of money to cease independent expenditures, you know. But I think, I mean, I think I made my point.

Q Gotcha. One thing I heard in there, you said multiple -- you made multiple points, was that political spending as sort of reported on APOC, IE spending, et cetera, is a relatively unknown concept as far as a way of learning about someone's political views. It sounds to me, like you said, correct me if I'm wrong, that other ways that you make your views public are sort of a more normal or a more typical way that people find out about your views.

A Correct. And I think that's, I mean, I think that's certainly acceptable, but actually diving into, again, my personal finances, my business

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partners' personal finances, our different businesses that are involved, you know, there was -- there was a question of, do I have, you know -- 'cause again, we -- we had these conversations in the immediate aftermath of the passage of Ballot Measure 2, what would it -- what would it take to ensure that I personally satisfy all of, you know, all of the requirements? Do I have to list all of my sources of income? Like, these were just questions that we never had to ask before. And again, it was just easier to -- to stop doing independent expenditures, which I mean, clearly stayed in the air, I feel violates my rights and I still hold that opinion very strongly.

Q Okay.

A But diving into my political beliefs versus how I choose to actually promote those, I think are two very different things.

Q Okay. I might have more questions there, but we'll save it for when I'm

A Okay.

Q Sticking with AFMC for now, I want to look at some of AFMC's APOC filings.

A Okay.

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Q But first you mentioned just at the end there, again, AFMC's sort of process of trying to understand what new burdens would exist with Ballot Measure 2 and the decision to eventually stop soliciting contributions.

A Right.

Q Did AFMC make any attempt after Ballot Measure 2 came into effect to receive money and file with APOC, or did it only seek legal counsel and think about it itself before concluding that it would be too difficult?

A No. All of the -- all the conversations I previously referenced with RSLC and GOPAC happened after the adoption of Ballot Measure 2. But we've had conversations, but nothing concrete came together to give us a reason to restart operations.

Q Did AFMC ever reach out to anyone at APOC for advice or guidance on specific things that seemed like they would be hard to comply with?

A Certainly. And I would -- it was interesting having -- I mean, I've, again, been doing APOC disclosures for a long time, and it was, you know, they put the guides and everything together kind of after Ballot Measure 2 was --

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was adopted, but I found that specific questions were -- there would be -- there would be an answer that you should check with your legal counsel. I often found that to be the response. Well, this is -- this is what -- this is what the guidance is, but you should certainly talk to an attorney for clarification and to ensure compliance.

Q And those were answers you received after reaching out to APOC, or those were answers in, like, stock APOC guides?

A No, those were conversations.

Q Okay, gotcha. All right, I'm going to save this one. Now I'm going to hand you what I'm calling Exhibit E. We're going to skip Exhibit D for now. There you go. Do you recognize this document?

A Yes.

(Exhibit E introduced)

Q Tell me what it is.

A These look like social media ads produced by AFMC as well as what I'm assuming is all of our APOC filing.

Q I think that's right. So it sounds like the ads you're referring to go on pages SHAW-01 up to

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11, and then from page SHAW-12 onwards are the APOC filings. Is that what you're saying?
A That is what I am saying.
Q Okay. Now, assuming these are all the filings you produced, to your knowledge AFMC did not have any other APOC filings that you did not produce, is that right?
A Correct.
Q Or at least no other independent expenditure form 15-6s, right?
A Correct.
Q Are there different types of these reports that you had to file for AFMC? So the first one on page 12 I see is a 10-day reports type.
A Yeah, I mean, there's 10 days, 30 days, 24 hours, various different types of reports that we have to file.
Q So what do those timeframes refer to; 10 day, 30 day, 24 hours?
A Prior to the election.
Q Okay, gotcha. So a 24-hour report is something filed within 24 hours of the election?
A Not necessarily. So there is a specified period within prior to an election that you have to file 24-hour reports if you have contributions

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that exceed a certain amount or independent expenditures.
Q So, and correct me if I'm wrong, I think you referred to yourself as the APOC nerd, so I need your help here. For the 24-hour reports within a specified period close to an election, certain reports have to be filed within 24 hours of the action, the contribution or expenditure, is that right?
A Correct.
Q Okay, so it's not that they are all reports that were filed within 24 hours of an election.
A 24 hour (indiscernible).
Q Okay.
A The day -- the day reports are 10 days prior, 30 days prior.
Q Okay, so the one 10, 30-day reports refer to how far ahead of the election we are.
A Correct.
Q Anything, you know, specific, even shorter time, less than 10 days maybe --
A Right.
Q -- you file a report within 24 hours.
A Correct.
Q Okay, thank you.

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A Yeah, the best example is for candidates, they have to file a 30-day report prior to the election, a 7-day report prior to the election, and anything that falls after the 7 days up to the election, it requires a 24-hour report in excess of a certain amount.
Q Okay, makes sense. Now, we've covered a bit of this in abstract, but I just want to go through. From pages 12 until the end of this document, when I look at these APOC filings by AFMC, I think every single one, the filer is you, is that right?
A It certainly should be.
Q That sounds right to you, you filed all AFMC APOC reports.
A Right.
Q Okay. And across these reports that list both expenditures and contributors --
A Uh-huh. (Affirmative.)
Q -- the only contributors I'm seeing, and again, apologies for the repetition, are yourself and Connect Solutions.
A Correct.
Q Does that sound right to you?
A It does.

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Q Okay. Tell me about Connect Solutions. What is it and who is involved?
A So, Connect Solutions at the time when these were all filed was a partnership between myself, Glenn Thompson, David Spokley, and Andrew Spokley, and it was a political consulting, general management consulting, financial fiduciary services, kind of a catch-all consulting company that we each owned a 25 percent interest in, and I was the managing member of.
Q When was Connect Solutions created, give or take?
A Give or take, probably 2016, 2017.
Q And the individuals you mentioned, they sound like the same individuals involved with AFMC, is that right?
A Correct. The only person who was a member or partner in Connect Solutions who was never an officer of AFMC was Andrew Spokley.
Q And you mentioned your wife was involved with AFMC, was she involved with Connect Solutions?
A Not directly, no.
Q Okay. Did Connect Solutions have employees other than the individuals involved in the

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partnership?
A No.
Q So, any sort of political or management consulting, any sort of services or products that Connect Solutions created or did, were those created or done by yourself and the other partners reflected, or Connect contractors?
A Or -- or contractors.
Q Or contractors, okay. Did Connect Solutions contract out a lot during this period, 2018 to 2020?
A No, primarily just for services that we couldn't provide, like phone calls and canvassing, that sort of thing.
Q Okay. Is Connect Solutions still operational?
A Yes.
Q And presumably, Connect Solutions receives its money, its funding from customers for the services that it provides?
A Correct. And also, it started to become kind of a holding company. It holds a variety of interests in other -- in other operating businesses, and that is actually the primary source of its revenue these days.
Q Okay. Was that true in 2018 to 2020?

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A It was not.
Q Okay. Now, let's pick an example here, maybe pages 12 through 14, 15 which is blank. This is a report completed in 2018. Now, we'll skip to page 14, and the contributor listed is Connect Solutions, and Connect Solutions contributed $990.00 to AFMC. Does that sound right?
A It does.
Q Okay. Now, backing up one page to 13, we see AFMC's expenditures, and they're broken into three groups of 330 bucks each --
A Uh-huh. (Affirmative.)
Q -- and the recipient of all the expenditures is Connect Solutions on page 13.
A Right, because all of the money was internal and never exchanged hands.
Q Okay. So, this is exactly what I want to make sure I understand. So, in a -- in an example like this, where the payment type is in-kind services --
A Uh-huh. (Affirmative.)
Q -- I've also seen in-kind contributions, and it's listed as non-monetary, just help me understand exactly what's going on. As I understand it, you are being very careful to

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identify and sort of record all of the work that is being done for AFMC, and you're assigning it a monetary value to sort of make clear what's happening, but effectively, this is recording work that you or others at Connect Solutions are doing for AFMC. Does that sound right?
A That does sound right.
Q Okay. Gotcha. So, when I see contributions from either Trevor Shaw or Connect Solutions, and then corresponding expenditures of the same total amount, and they are in-kind services or in-kind contributions, and then I, you know, read these descriptions of what's going on, that's you effectively recording sort of the work that you or others at Connect Solutions are doing for AFMC, right?
A Correct.
Q Okay. Thank you. That's really, really helpful. Now, I don't want to speak too generally, but I see that process a lot in these forms from 2018 to 2020. Is it fair to say that the bulk of the contributions and the expenditures involved with AFMC from 2018 to 2020 were services that either you or Connect Solutions provided to AFMC, rather than actual

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cash?
A Well, we never opened a bank account. We literally did everything through Connect Solutions and then reported it accordingly. And so, yes, it -- and that's -- it'll be reflective in some of the other disclosures that are in here. And it was either services that we provided or a contractor to Connect Solutions provided, correct.
Q Okay. And when it was a contractor to Connect Solutions, is it possible that's where I was seeing a couple instances of debt that was then paid? So, we can find some examples. I have that written down. Page 30 would be one example, or we'll go to page 68, I'm sorry.
MR. STEPHENS: 68 that was?
Q Yes, 68.
A (Indiscernible)
Q No, I'm sorry. I think that's paid debt. Here's a good example. Let's do page 60. I apologize for that.
MR. STEPHENS: 60?
Q Yeah, 60, SHAW-60. So, here we see debts listed to Axiom Strategies.
A Yeah.

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Q Are these the contractors you're referring to?
A That would be one of them, yeah.
Q Okay. So, I just want to make sure I understand the sort of, the filing process here. Who paid Axiom Strategies?
A Ultimately, I mean, in this scenario, this 2020, that was mainly me.
Q Okay.
Q So, we re -- the service was actually provided directly to AFMC and not to Connect Solutions.
Q Okay.
A Because all of the contributions that year coming from the (Indiscernible).
Q Okay. Okay. So, I saw a couple instances of debts like these to Axiom or a couple other companies.
A That would be -- simply be true in every instance.
Q Okay. And other than those contracting out services, which were recorded as debts, and then subsequently paid, the other contributions, which is -- or, which is to say everything listed as a contribution from either you or Connect Solutions to AFMC, those were either largely or entirely non-monetary sort of service

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provision.
A I -- I would -- I would say largely, not entirely, because there were instances in 2018 when we contracted out services that were done to Connect Solutions, and then we would run them -- would run them through as contributions. So, Connect Solutions will pay it. So, it's still a non-monetary in-kind contribution of the product or service.
Q I see. And you said AFMC never opened a bank account.
A Right.
Q And so, never received actual money in that sense. Okay. Actually, quickly on that note, you mentioned paying $4,000.00 to an attorney after Ballot Measure 2.
A Correct.
Q If AFM -- if AFMC did not have a bank account, who paid the attorney?
A That was me.
Q Okay. Directly from personal funds.
A Correct.
Q Okay.
A That was me as an
Q Okay. So, it wouldn't be reflected in AFMC

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filings.
A Correct.
Q Okay. Okay. And you already mentioned that you did all of the filings for AFMC.
A Uh-huh. (Affirmative.)
Q Over time. Thank you. Okay. I think we can skip Exhibit F, then. Instead, I'm going to hand you Exhibit G. Actually, I'm so sorry. Before I do that, let me just ask first. Was AFMC ever fined by APOC in connection with any reports?
A No. Not that I'm aware of.
Q Okay. Gotcha. This is Exhibit G that I'm handing out. Does this document look familiar to you?
A Yes, now that you mentioned it, it does.
(Exhibit G introduced)
Q No problem. Tell me about this document. We can start with what you're seeing --
A Yeah, let me --
Q -- at the beginning. Yeah, feel free to review. Take your time.
A Can I reference that report, and I can tell you exactly what happened?
Q You're referencing exhibit, what letter is that?

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It should be on the front page, whichever exhibit you're --
A E.
Q -- looking at. Exhibit E is what you're referencing?
A Yes.
Q Yeah, go ahead. Now, I want to make sure we clarify this and get this right. So, when you do independent expenditures, you not only have to do your independent expenditure reporting, but also your actual campaign disclosures, which line up everything for the full term of the campaign. I don't see the campaign disclosures listed with the 15-6 form.
Q That's no problem. I think I have your campaign disclosures at Exhibit F, which we skipped over.
A Which would be where this specific contribute -- but just to clarify what's in here. So, there was a contribution that would have been reported in one of those 30-day reports that did not make it onto the 15-6 form, and that was what we resulted in the penalty.
Q Okay, thank you. And I don't -- at the moment, I don't think there's any need to actually --
A Okay.

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Q -- cross-reference. I'm not trying to get too much into the details of these fines. I just wanted to understand. So, now this is --
A Yeah, it -- so it says here it was a non-monetary contribution from Connect of $500.00.
Q Right. And so what we're seeing on page 1 of Exhibit G is that APOC assessed you a 24 -- or excuse me, assessed AFMC a $2,400.00 penalty. That was on May 10, 2019. On page 3, the same date, it looks like APOC assessed a $2,500.00 penalty, but then if we move to page 5, we see a notice from APOC to AFMC indicating that although a penalty was assist -- was assessed, upon further review, the contribution was disclosed within 24 hours on an IE report --
A Uh-huh. (Affirmative.)
Q -- and so the penalty was sort of canceled.
A Right.
Q And the same thing, I believe, on page 6 for the $2,400.00 penalty. So does this trigger your memory where their penalty is assessed and then withdrawn around this period that you recall?
A Yes, and that is what prompted my initial response of there were no penalties.
Q Right, gotcha. And then, before we go too far

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on that, on page 7 of Exhibit G --
A Yes.
Q -- it looks like AFMC was assessed a penalty of $125.00 in connection with not timely filing a seven-day campaign disclosure report in 2020. Do you see that?
A I do see that.
Q Do you recall that instance?
A I don't recall that instance.
Q No worries. On page 9, it looks like the penalty was reduced to $12.50 --
A Correct.
Q -- which might be why you don't recall.
A No, I -- I do recall this instance. I was -- it's interesting how these things line up. I was in the hospital having a kidney cyst treated. That resulted in the late -- a late filing, and so they ultimately reduced due to a medical instance. I'm almost certain that's -- that's what that was.
Q Okay, gotcha. I'm glad it was able to be worked out down to the tune of $12.50. And I think on page 12, the last page of the exhibit, we see the actual confirmation of payment.
A Correct.

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Q So that's all that I found online as far as APOC fines against AFMC.
A Uh-huh. (Affirmative.)
Q A .
A Correct.
Q And then a $12.00 fine that was brought down to $12.50 an
Q And that sounds roughly right with your memory now that you've seen these documents?
A It does.
Q Okay.
A Yeah. With -- with regard to the seven-day state general campaign penalty, it was -- I'm almost positive, again, I'd have to go back and look. It was, I think, a earlier report.
Q Okay. And so you mentioned a couple of minutes ago that in addition to filing the IE forms, AFMC, like other organizations, files the campaign disclosure forms as well.
A Correct.
Q Those are at Exhibit F, but we don't need to jump in there. I just wanted to confirm to your memory, you filed all of those forms for AFMC as well.
A I did.

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Q So across AFMC's existence, fair to say that you filed pretty much everything APOC-related for AFMC.
A Correct.
Q And on the whole, that's resulted in one $12.50 fine and then a couple of other fines that did not end up actually going through, as you remember.
A Correct.
Q Okay. Thanks.
MR. JENKINS-GOETZ: So I only have a couple more questions specific to AFMC. What do you guys think? I can push through for a little bit and then we can take a break or --
MR. STEPHENS: It's been over an hour.
MR. JENKINS-GOETZ: Why don't we take a --
MR. STEPHENS: Why don't we take a break?
MR. JENKINS-GOETZ: Yeah, want to do about a 10-minute break?
MR. STEPHENS: Sure.
MR. JENKINS-GOETZ: Does that sound good?
THE REPORTER: We're off record.
(Off record)
THE REPORTER: We're on record.
MR. JENKINS-GOETZ: Okay. Maybe just for the

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record right now, I'll note that we were muted on Zoom, but all I asked Mr. Shaw first was to confirm that he's able to answer questions, you know, in light of recent medical procedure or any medication. He said, no problem. And then I asked him to just explain to me again quickly his concerns with the donor disclosure requirement of Ballot Measure 2 as it affects AFMC.

A Right. So again, as a donor, as a primary donor to AFMC, after Ballot Measure 2 was adopted, I did seek legal advice on what compliance would look like. There was not an insignificant expenditure associated with that and no clear resolution. Concerns from everything to the more extended requirements of not only what you have to report as it relates to donors and donations, but also what donors themselves have to report in terms of statements of contributions and those types of things. How extensive the true source laws were and what that meant for a variety of different donors, from entities to individuals, in terms of, you know, the law being open to interpretation and opening -- opening yourself up to litigation and potentially of what somebody believes not to be

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as extensive of a disclosure under true sources might be necessary, those kinds of things were all components of our ultimate decision and consultation. Legal counsel and some basic discussions with potential donors to not proceed with our standard level of operations and essentially go inactive.

Q Okay, so sticking with donor disclosure first, you mentioned the burdens on donors that were new to file their own contribution reports or statements to APOC as being an issue, right?

A Correct.

Q But prior to the passage of Ballot Measure 2, the only donors that AFMC had ever received contributions from were yourself and Connect Solutions, which is operated by yourself and partners, is that right?

A Correct. I mean, but there was always the potential. We -- we've been having conversations with donors, right? There wasn't -- there wasn't anything that resulted in the need. The races that we were working with the donors on were already being covered by other organizations. And so -- but again, the handcuffs that come with the potential

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operations was, you know, in terms of third-party donors that were not myself, my business partners, or any of our business entities was certainly a key consideration of why we didn't proceed with the operation.

Q Okay. So the possibility of other third-party donors who would give actual cash to AFMC --

A Correct.

Q -- and the requirements of donor disclosure for them.

A Correct.

Q But to that point, no one had ever given cash to AFMC and AFMC did not have a bank account.

A Correct. I mean, I certainly gave cash in the form of paying invoices, but there -- it's not like AFMC held it in its hands because I was AFMC, so there was no point.

Q Okay, so at least based on who the donors were prior to Ballot Measure 2, those donors were just yourself and Connect Solutions.

A Correct.

Q And so any donor disclosure that would have been required before would have been you. You would have been the one who would have had to file disclosure statements with APOC.

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A Sure, but they were also certainly disclosure statements that I wouldn't -- didn't have to file before.

Q Okay, so they would be new filings that you would have to meet again.

A Correct.

Q Okay. Prior to Ballot Measure 2, and I think since as well, you have done the filing for AFMC for every APOC filing of any kind that AFMC ever had to file.

A Correct.

Q Okay. And that includes all sorts of different filings, including sometimes filings that must be made within 24 hours of certain actions.

A Correct.

Q Okay. And you've been able to do that in the past relatively effectively.

A Other than the one instance we specifically looked at, yes.

Q Okay. And if there are any other 24-hour instances, same thing.

A Yes.

Q And all of those filings you've done for AFMC, put another way, all of AFMC's filings have resulted in total in $12.50 of fines from APOC.

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A Correct.
Q Okay. Okay. And let's turn again to the true source component of your concerns, which I think probably ties in more closely to cancel culture, as I understand your concerns. To confirm, any contributions that you or Connect Solutions gave to AFMC, where that may be some exceptions around debt to contractors, were in-kind services contributions. Correct?
A Or cash that was paid for a third-party vendor invoice. Yes.
Q Okay. Or cash to a third-party vendor. Now, any contributions you specifically made to AFMC, whether cash or in-kind services, is it fair to say that you were the true source of that money?
A I mean, I believe I was the true source. Can I read Ballot Measure 2 and say exactly that I meet all of my -- that I fully disclosed? That was one -- that was one of the primary questions. Like, what -- what does this look like? And APOC may take a specific stance of, well, no, that's your money. You're the true source. But what stop the third party who interprets that a lot differently from coming in and saying, no, you need to disclose where you

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actually got your money from. And so that was one of the -- that was one of the major concerns of ours.
Q Okay. But at least as you understand it, any money you have that you've given to AFMC, the money that you have, you've earned in businesses, things like that. That's money that you've earned working in some capacity.
A Correct.
Q Okay. And any contributions you made to AFMC in the form of your labor, I think we can agree you would be the source of your labor.
A Correct.
Q Okay. And any contributions that Connect Solutions made to AFMC in the form of labor, the true source of those contributions would be yourself or other AF -- other Connect Solutions individuals who are literally working. Is that fair to say?
A That is fair to say.
Q Okay. So to your knowledge or your understanding, any contributions that AFMC ever received before Ballot Measure 2 were from -- the true sources of those contributions were either yourself or Connect Solutions.

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A Correct.
Q Okay. And both yourself and Connect Solutions are listed throughout the APOC filings as contributors, in your case also as the individual filing. You're also listed in connection with AFMC as a member of AFMC.
A Uh-huh. (Affirmative.)
Q So there are no contributions that you or Connect Solutions made to AFMC that were shielded from public view prior to Ballot Measure 2.
A Correct.
Q Okay. So you might disagree, but would it be fair to say, I'm curious your opinion, that as far as AFMC goes, not yourself, Trevor Shaw, but as far as AFMC goes, if AFMC operated after Ballot Measure 2 in the same way that it did before, which is it perceived the same contributions from the same sources, Ballot Measure 2 would not have changed anything for AFMC when it comes to filing.
A I think we would have spent an extensive amount of monetary resources either through AFMC, Connect Solutions, or myself personally to ensure legal accounting compliance with Ballot

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Measure 2.
Q Okay.
A So I certainly believe that it would have changed our operations because it would have taken money out of direct political spending.
Q Okay. And one more on cancel culture.
A Uh-huh. (Affirmative.)
Q As far as you being the primary source of contributions to AFMC in the past, do you have any examples of you experiencing reprisals or backlash or cancel culture as a result of the contributions you've made to AFMC?
A Well, I've maintained a very high public profile around our office several times. I've called the office several times. And so it's difficult to say directly whether that will be any instances of disagreement and people choosing not to use businesses that I own or things along those lines. It's, I think, kind of, again, difficult to quantify what's related to any political spending or the -- or the beliefs that I hold. And the two kind of go hand in hand, right? So, I -- but what that has proven to me is that cancel culture, and that's one term we use, but also just, you know, repercussions of

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political speech are certainly real.
Q Okay. So from your perspective, any repercussions you have experienced in your life, you wouldn't be able to separate out, that's from spending on AFMC, that's for a public statement I made, that's from when I was in office, nothing like that. It would be hard to separate those out.
A It would. But political spending with more extensive disclosure requirements, I think, opens up the opportunity for more people to be aware of and have the chance to have those conversations. To take opposing political stances or, you know, choose not to, again, utilize our businesses or our products based on that political speech.
MR. JENKINS-GOETZ: Okay. So I think I'm approaching done with questions directed towards AFMC. I don't know that we need to go off record, but maybe I could just take a second to review my notes before, sort of, formally switching to questions for Mr. Shaw. How does that sound?
MR. STEPHENS: I do need a minute.
MR. JENKINS-GOETZ: Okay, just one last question for AFMC if we're ready to go.

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Q I'm looking at Exhibit B, which we introduced earlier, that's the amended complaint, and I'm looking at paragraph 83 on page 16. I can read it out. FLF and AFMC have in the past and will in the future use television ads, radio ads, and or printed materials to share their views with Alaska voters. I just wanted to confirm, as far as AFMC, none of those types of ads have been made in the past, right?
A Correct. Again, they're with the intent based on availability of monetary resources, potentially doing those types of advertising.
Q Okay, so possibly in the future, but all products that you would call ads or political ads of any kind are reproduced at pages 1 through 11 of Exhibit E, which was your productions, and those were sort of visual ads that went on Facebook and other social media.
A Correct.
Q Okay, thank you.
A You're welcome.
Q All right, I would like to turn now to asking you plenty more questions about very similar topics, but shifting, yeah, putting on your personal hat.

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A (Indiscernible) hat, yeah.
Q That's right.
MR. JENKINS-GOETZ: Unless anyone on Zoom thinks there's a reason we need to stop, I think we CAN just go right ahead. And we discussed at the beginning that any questions from other attorneys will come after asking you questions in your capacity for AFMC and your personal capacity.
A Okay.
Q All right. Mr. Shaw, tell me where you're from.
A I'm from Ketchikan.
Q Ketchikan. Have you lived here your whole life?
A Most of it. I've been here since I was six.
Q Okay, so your whole adult life.
A My, my whole adult life, yeah.
Q Gotcha. What's your educational background?
A I have a high school diploma from K-High; go Kings. And I've taken a variety of college courses.
Q Okay. How would you describe in general your professional background?
A Varied. I kind of started -- so I kind of started in politics first. I got elected to our local school board when I was a senior in high school, and from that came a job in government

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affairs for a company called Power Systems and Supplies of Alaska, which is where I met Dave and Andrew Spokley, and so I did government affairs for them for many years. Still do that. And that has then resulted in a variety of different business opportunities. And so now I would call myself a serial entrepreneur. I think I have business interests in about 14 different business entities.
Q So you said school board when you were in high school. We'll come back to your political engagement in a moment, but roughly what years?
A Oh, so -- so, I graduated '14, so I got -- I got elected to the school board in 2013.
Q Okay, and you graduated high school in 2014.
A I did.
Q And within a couple years of that, you were working government affairs work for the company you just mentioned?
A Yes, I started government affairs for them in 2016, and so before that I had worked as the assistant branch manager at a local credit union and then was doing accounting for the Alaska Marine Highway. So.
Q And that has since branched into many different

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small businesses?
A Many different small businesses.
Q Roughly how many?
A Fourteen.
Q Oh, sorry, I think you just said that.
A And I also serve as currently the chief of staff for our local state representative, as well.
Q Who is that?
A Representative Jeremy Bynum.
Q Those 14 businesses keep you busy?
A Oh, yeah.
Q And I think you spoke about it earlier, but remind me, it sounds like they cut across a broad sort of stretch of different areas of work.
A Yeah, everything from, again, consulting, healthcare, tourism, real estate, recycling, a lot of different things.
Q Okay.
A Architecture and engineering.
Q Okay. Let's turn to politics. How would you describe your political views Very generally?
A Conservative.
Q Has it always been that way?
A Yes.

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Q Do you consider yourself politically engaged?
A Yes.
Q And now a question that you've already begun to answer. Have you been professionally involved in politics?
A Yes, in a variety of ways.
Q Let's go through them, if we can, one at a time, as far as campaigns that you've worked on or offices you've held.
A Okay. So I -- again, in 2013, when I was a senior in high school, I was elected to our local school board, the youngest person ever elected to office in the state of Alaska, and I was the youngest person to win office in the nation that year. Three years later, I ran one re-election of the school board and became the school board president at 21. I departed the school board when I was 23. Those were my elected offices. I've held a number of appointed offices as well. The Borough Planning Commission, the Borough Grants Committee, the Alaska Juvenile Justice Advisory Committee, the Alaska Commission on Judicial Conduct, the Alaska Workers' Comp Board, the State Vocational Rehabilitation Committee. And so, those are --

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I've run for a variety of local offices. I ran for state house in 2018. I've helped with a number of other independent expenditure groups as a volunteer or a consultant. That was one of many different campaigns, probably too many to list unless you really want them. And held a number of positions in the Alaska Republican Party as well.
Q You've got a lot going on.
A Stay busy.
Q Good. So, I just want to make sure I understand my timelines. Let's back up again. School board elected in 2013?
A And I was there until 2018.
Q 2018. Did your term end?
A No, I left office early.
Q Why did you leave?
A A variety of reasons.
Q Can you tell me a bit more?
A Sure. There -- my wife and I had just gotten pregnant with our first child. That was probably the biggest consideration. And there was some local controversy that was peripheral, parallel to myself that was -- it was just easier to depart the board at the time than that

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be the focus of the school board trying to go through teacher negotiations, some hard budgetary time. So.
Q Hard budgetary time is around 2018, you said is when you left?
A Yes.
Q While you were on the school board, did you run for any other positions while on the school board?
A I did. So, in 2014, I got -- I wouldn't say that was a run. That was more of kind of a last minute thing, but I was a write-in candidate for borough mayor. Then in 2015, I ran for borough assembly and did not win that race. Ran for reelection in the school board in 2016.
Q Okay. Have you ever run for any state office?
A Yes. I ran for state representative in 2018.
Q 2018?
A Yes.
Q Was that before or after your time on the school board ended?
A Concurrent.
Q Okay. Had you stayed on the school board and won that election, would you serve both? I don't know how that works.

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A I don't believe -- yeah, you can't hold local and state office.
Q Okay. That makes sense. So, presumably, you didn't win the 2018 --
A I did not.
Q -- state rep election? Okay. And you said you left the school board in 2018 and there was some public controversy. Can you tell me more about that?
A Yes. So, my -- this is a really -- how much information do you need?
Q I think tell me whatever seems like makes sense to you, a short version. And if I have any questions, I'll let you know.
Q So, there was a very contentious teacher contract negotiations going on that year that I was leading on behalf of the school board. In the midst of all -- in the midst of all of that, very -- very tragically, sadly, my childhood pastor, who was also tea -- the culinary arts teacher at the high school, was arrested for sexual misconduct. And he happened to be the pastor that officiated my wedding. And his two victims were close personal family friends of mine, one of whom I grew up with. He was a

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couple of years younger than me. And their -- for their sake and their protection as minors, my stance was to just not talk about any of that in public. And people made some unfortunate connections between the two and assumed that -- that there was -- that I had known about that, which, of course, absolutely was not true. And so, again, my wife being pregnant with our first child, a lot of stress going on. I hadn't atten -- I hadn't attended his church for almost six years, but there was a recall that had been started at the time over the teacher's negotiation. And so it was just a mess that was easier to leave.
Q Gotcha.
A And protect the families that were the victims of that tragedy and also just give the Board of Education a reset to be able to focus on what they needed to focus on.
Q Absolutely. Yeah. Let's change gears. You mentioned you also have -- well, you mentioned running for various offices. I think we've covered all of them, hopefully. It's possible we missed one. That's okay. But you also mentioned you've been involved in various

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independent expenditure groups and perhaps more campaigns than you can even count. Just for independent expenditure groups specifically, other than AFMC, which ones have you been involved in?
A The Accountability Project was probably the biggest one. Scott Hawkins, who ran that IE up until the day he died, was very involved in conservative independent expenditures. He was a close personal friend. And so, I -- that's kind of where I learned everything that I know about how to do independent expenditures and donor connections and those kinds of things.
Q Okay. And if I remember correctly, AFMC, first as KFMC, began to get active in 2017, turned into AFMC and became more active in 2018.
A Yes.
Q So that sounds like some overlap with the end of your time on the school board and your own elec -- your own campaign for state representative. Is that right?
A Correct.
Q Okay. And I'm sorry, just remind me, so school board, you ran and won.
A Yes.

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Q State representative, you ran and did not win.
A Correct.
Q Other positions you've run campaigns for, for yourself?
A So, only -- I've only ever run for school board and borough assembly. And --
Q Borough assembly.
A -- state rep.
Q And when was the borough assembly?
A I ran in '15 and in 2020.
Q And did you win either time?
A I did not.
Q Oh. Okay, thank you. Your answer might be very much the same as when I asked for AFMC's answer, but how and why did you become involved in this case?
A It's identical.
Q Okay.
A Would you like me to repeat it?
Q No. That's okay. I would like to turn back to Exhibit B, which is the amended complaint. Earlier, I asked if you were the source of factual information about AFMC and about yourself, and I believe you said you were.
A I was.

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Q Okay. And paragraph 9 -- paragraph 9, which is on page 3, says you are a citizen of Ketchikan, Alaska, and you sometimes donate amounts in excess of $2,000.00 to organizations that engage in independent expenditures. What are the organizations, the IE groups, that you have donated over $2,000.00 to?
A Unless I am miss -- I'm remembering, exclusively, Alaska Free Market Coalition.
Q Okay. And based on our discussion earlier, most of those contributions are in-kind services, either through yourself or through Connect Solutions, although in some cases it might be pay and contractors, things like that.
A I would say any of the times that the contributions were directly from myself, they were cash paying for third-party vendors. So in 2020, I believe -- I mean, you know, the bulk of the expenditures that year, I believe, were to Axiom Strategies.
Q Okay. We can come back to that, just to check in Exhibit E. But --
A And then also, I forgot, I probably donated in excess of $2,000.00 to the Dunleavy for Alaska Independent Expenditure when Governor Dunleavy

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was first running in 2018.
Q Okay. Now, paragraph 30 of the amended complaint, Exhibit B, you say you donated to independent expenditure group and candidates in past elections, including approximately $6,646.00 in 2018, $4,647.00 in 2019, and $6,850.00 in 2020. These donations included a mix of cash and in-kind contributions. You may not recall, but how did you come to these figures that were supplied for the complaint?
A I think these were -- I believe these were the exact cash donations that would have been done to -- directly to AFMC. And so, these amounts do not encompass the full amount that I would have donated to all independent expenditure groups and candidates in those election years.
Q Okay.
A I mean, I recall spending, you know, at least ten grand on my borough assembly race in 2020. And so, I'd be happy to get you updated, complete numbers if you'd like them. But I -- I think those were just -- they would have been the contribution amounts to AFMC since the two are related.
Q Okay. So, fair to say this might be a bit

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under-inclusive, maybe because you -- here you answered how much in cash or in-kind have you contributed to AFMC, but it was framed as how much have you contributed across the board?
A Correct.
Q Okay. Thanks. At paragraph 32 on page 7 of the amended complaint, it reads, plaintiff Smith, Griffin, Haynes, Haynes, Veazey, and Shaw, parentheses the donor plaintiffs, also donate to the general funds of charitable, religious, business, community, and philanthropic organizations whose donations are not disclosed.
A Uh-huh. (Affirmative.)
Q Across 2018 to 2020, can you give me a rough estimate of how much money you donated to those sorts of organizations?
A In excess of probably $50,000.00.
Q No worries if you can't recall all of them, but who are some of the major recipients?
A My church. We have a 501(c) for all that, my business partners do. We donate extensively to Ketchikan Chamber of Commerce, Friends of the NRA, Ketchikan Youth Court. There are quite a few.
Q Okay. Those are the ones that come to mind as

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probably the biggest recipients?
A The biggest, uh-huh. (Affirmative.)
Q Okay. Paragraph 32 goes on; those organizations may, without their knowledge or consent, use general fund dollars to support other organizations which may, at that level or some future level, support an independent expenditure. Now, of course, that says without your knowledge, but are you at this point aware of any instances of that happening? Which is to say, are you aware of any instances of charities or business organizations that you've donated to using your money or general funds money that you have
A The only one that comes to mind is, of course, the National Rifle Association.
Q All right. Do you know if, since the passage of Ballot Measure 2, you have ever been listed as a true source for independent expenditures based on money that you spent in this sort of way?
A Not that I'm aware of it.
Q At paragraph 35 of the amended complaint, it reads, the burdensome additional requirements such as 24-hour disclosure added by Ballot Measure 2 are a serious and compelling

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disincentive for the donor plaintiffs to continue giving as they have in the past. Now, you've spoken a lot about this already earlier on. Can you tell me if the 24-hour disclosure requirement for donor disclosure is a particular disincentive for you as a donor, as opposed to connected with AFMC?
A Oh, absolutely. I mean, that's why I sought legal counsel specifically more at the donor, and then, you know, the conversation veered into AFMC just because the two are so closely connected.
Q Okay. So, confirming that this money you spent on legal counsel after Ballot Measure 2 was in your capacity will count for advice as to being a donor, but it may have spilled into AFMC as well.
A Sure. I mean, certainly, I was worried about the -- just the legal exposure and risk personally doing all of the filings and everything.
Q Okay. All right. I want to introduce --
MR. STEPHENS: Are we using one set of exhibits for both?
MR. JENKINS-GOETZ: So, I have been. I think

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that's easiest.
MR. STEPHENS: Yeah. No, that works for me. I just wanted to be -- make sure we're all on the same page.
MR. JENKINS-GOETZ: Yeah. Thank you for clarifying that. I appreciate it.
MR. STEPHENS: Yeah. All right.
Q I want to introduce Exhibit D, which was a letter we did skip over earlier with that in mind. Do you recognize this, Mr. Shaw?
A I do.
(Exhibit D introduced)
Q Great. What is it?
A It's my personal response to the state's discovery request.
Q That's right. Did you fill this out at the same time that you filled out answers for AFMC?
A Not simultaneously, but yes.
Q At interrogatory number 1, which is on page 8, when asked to identify all donors or would-be donors to IE groups in Alaska that you are aware have had difficulty complying with the donor disclosure law, you say, I have personally -- I have personally ceased all donations to IE groups following passage of the ballot

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proposition in 2020. We've talked quite a lot about this already, but confirming that's correct?
A Correct.
Q So, not just any donations to AFMC, but any donations to any IE group?
A Yes.
Q And you did not -- to confirm, excuse me, you did not try making a donation to either AFMC or any other group, find it too difficult, and then stop? You rather spoke with an attorney, thought about and decided not to try. Is that fair to say?
A Correct.
Q Okay. At interrogatory number 5, on page 10, you're asked to identify all would-be donors that you know of who have not made contributions to independent expenditure groups in Alaska, and you -- because of the donor disclosure law, and you respond, myself, along with all previous donors to Alaska Free Market Coalition. To confirm, when you say all previous donors, you just mean yourself and Connect Solutions, which is yourself and several others, correct?
A Yes. All of -- al -- I would extend that to say

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all of my business entities and business partners have ceased any support of independent expenditure groups.
Q Okay. But you're not saying those were prior donors to AFMC? You're saying, as a separate matter, they've also ceased?
A Potential would-be donors.
Q Would-be donors.
A And then, of course, I know personally of GOPAC, Republican State Leadership Committee.
Q Okay. Thank you. At interrogatory number 6, still on page 10, you're asked to identify would-be donors who have not made contributions to IE groups because they didn't want to disclose the true source of their contribution. So that's the true source requirement, as distinct from the requirement to file your own donor disclosure report. And you say, I have ceased all personal donations to IE groups. It is difficult to determine how many others have as well. You've already confirmed that you have not donated to IE groups since Ballot Measure 2. But if I understand our conversation earlier correctly, any donation you've ever made prior to Ballot Measure 2, you were listed as a donor.

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Is that fair to say?
A Correct.
Q There was no case where you were a true source whose donation came in through some other listed donor and you were not listed.
A Correct.
Q Okay. So I guess I'm wondering, as distinct from the donor disclosure requirement, which I understand is a separate concern, are you actually concerned that Ballot Measure 2 is -- or do you believe that Ballot Measure 2 has been preventing you from making certain donations where you could have been shielded but are now listed as the true source?
A Myself personally, no, but other potential donors, yes.
Q Okay.
A Again, reference GOPAC and RSLC are the first that come to mind.
Q Right. Okay. So others potentially. But it would it be fair to say maybe that when you respond, I have ceased all personal donations to IE groups in Alaska in connection with true source reporting, maybe that part, not so much. It sounds like others --

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A Correct.
Q -- yes, but you have not been -- as a donor, you have not been personally affected by the true source requirement. Is that fair?
A Correct.
Q Okay.
A There's -- I mean, again, there's concerns about the extensiveness of the kind of the teeth to the true source components and what could potentially be compelled to be disclosed.
Q Okay. So maybe some concerns about --
A Again, customers, clients --
Q -- customers of your businesses, customers who pay your businesses for services or products being listed as true sources.
A Correct.
Q But you are not personally worried that you could be a true source who is outed when you wouldn't otherwise be outed?
A No.
Q Okay. Thank you. Okay. Let's talk a little bit more about your political spending sort of writ large. And you mentioned that in the complaint where it says you spent, I think it was around 6,000, 4,000, 6,000 over three years,

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that might not cover all of your political spending.
A Right.
Q Who else did you donate to in that period 2018 to 2020?
A Several different candidates for the state legislature, a couple of candidates for governor, some federal candidates. I mean, pretty -- pretty varied. Those were, I mean, smaller amounts. The bulk of my political spending has been on my own personal campaigns and then independent expenditures.
Q Okay. Let's break that down. Independent expenditures, you said exclusively AFMC.
A Correct.
Q Some spending on your own campaigns.
A Yeah.
Q And then some spending on other people's campaigns.
A Yeah.
Q The money you've spent on other campaigns, has that been money or services or a combination of both?
A It would be a combination of both.
Q Okay. But sometimes it's actual cash.

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A Actual cash, yeah.
Q Okay.
A Then I give pretty extensively to the Alaska Republican Party.
Q And is -- that's cash or services?
A That's cash. Oh, it's both.
Q Okay. When you give to your own or when you have given to your own campaigns, is that also a mix of cash and services?
A No, no. It's all exclusively payment for third party.
Q Okay. So you're paying -- you're donating to the campaign to pay third parties for whatever campaign services you need.
A Right.
Q Okay.
THE REPORTER: Mr. Shaw?
A Yes. Thanks, Judy.
Q Obviously, as a candidate in your own campaigns, you're doing a lot of work.
A Yeah. Do you -- you don't record that as like contributions of in-kind services?
A No.
Q Okay. That makes sense. It would be a lot to record. Okay. I've got a few questions that we

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covered earlier in your capacity as AFMC. Okay. I would like to jump to head -- jump ahead to another exhibit. This is labeled Exhibit I. Can you tell me what you're seeing on Exhibit I?
A It looks like a search on the APOC database for campaign disclosure income from myself.
(Exhibit I introduced)
Q Okay. And on page 1 of 8, it looks like your campaign contributions in 2018. Page two is 2019. We don't see any contributions there. That sounds right, I would think.
A Yes, it was off year.
Q Yep. 2020, we see your contributions and they include contributions to AFMC, to the Alaska Republican Party, and to yourself, which presumably means your -- your campaign.
A Right.
Q It goes on 2021 off year 2022. You made some contributions. I see Republican Women of Fairbanks there. Does that ring a bell?
A Where are we looking? I'm sorry.
Q No problem. Page 5. Apologies.
A Yes.
Q Did that ring a bell, that contribution?
A I think it was to a debate.

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Q Okay. Tuckerman Babcock. That's a larger contribution. Does that one sound familiar?
A Yeah. He was a state Senate candidate.
Q Did he win?
A He did not.
Q Okay. The next page 6 is 2023. No contributions. Page 7, 2024. We see Alaska Republican Party and Jeremy Bynum. Remind me, I think you said earlier, Jerry -- Jeremy Bynum is who?
A Jeremy Bynum is our local state representative and he's also my employer.
Q Okay. You work as his?
A Chief of Staff.
Q Thank you. And you made contributions to his campaign?
A I sure did.
Q Okay. And then the last page 8, 2025, it looks like so far, as of the time of this search, you had made one contribution to the Alaska Republican Party.
A Right.
Q So is it fair to say across this period from 2018 to this year, you continue to be quite politically engaged and you continue to spend

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money in politics?
A I would say that's fair.
Q Can you think of any spending, political spending that wouldn't be captured here?
A Yes. All federal contributions, some of which they're -- I mean, it'll show donations to Senator Murkowski, Senator Sullivan, Congressman Begich, the federal account of the Alaska Republican Party, President Trump, the Republican National Committee.
Q Okay. If you had to just ballpark it in recent years, roughly how much of the money you spend is going to federal races or federal issues versus state?
A Probably about half and half.
Q About half and half? Okay. Gotcha. Now, all of these campaign contributions in Exhibit I, you are listed as the contributor, but I'm correct, right, in saying that you did not have to file APOC forms.
A Correct.
Q It was the campaigns that filed disclosure forms.
A Uh-huh. (Affirmative.)
Q But fair to say that you felt comfortable enough

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with your name being out there attached to these campaigns and issues to contribute knowing that it would go up on it.
A Sure.
Q Okay. And earlier you said you're -- you're certainly not shy about your political beliefs. That's -- that's true?
A That's absolutely true.
Q Okay. All right. Just a couple more questions about APOC filing in particular.
A Okay.
Q You mentioned, and we talked actually in some detail earlier about you being the person who files all of AFMC's reports. Is that right?
A That is correct.
Q With APOC. Do you file for any other -- do you file APOC reports of any kind for any other organizations?
A I filed in the past for the District 1 Republicans, which is our local district Republican committee.
Q What kind of group is that?
A It's a political party.
Q Okay. Have you filed any campaign disclosure forms for any campaigns?

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A Yes, myself.
Q Anything else that you remember?
A Yes, there was a -- I briefly helped a state house candidate in 2014 whose campaign disclosures I did by the name of John Kinnar. I think I may have filed some campaign disclosures for Glenn Thompson, which is a business partner of mine who was running for office in the past, possibly.
Q Okay. Let's look at exhibit -- or I'm sorry, I'm going to introduce exhibit number J. Handing that to you now. Feel free to take your time looking at it, but when you're ready, let me know what you're seeing.
A Last Frontier Alliance was a IE that we never actually used because we did everything through the Alaska Free Market Coalition. District 1 Republicans used to be District 36 Republicans prior to redistricting.
(Exhibit J introduced)
Q So if I could back you up for one moment, more broadly, what does this document appear to be?
A It's all of the campaign disclosures where I would have been the filer.
Q Okay. Campaign disclosure forms with Trevor

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Shaw listed as the filer.
A Yes.
Q Gotcha. And you started listing a few of the names -- or describing some of the names that you're seeing.
A Yes.
Q And just to do that again together, I'm seeing in 2022 you filed certain types of reports for AFMC.
A Right.
Q Even though there wasn't actually any --
A Yeah.
Q -- or maybe in one case, a small amount of money moving around.
A Yes.
Q 2020, among other groups, you filed for the Last Frontier Alliance.
A Yes.
Q And you said that was?
A An independent expenditure group that we registered the name, but never actually did any activity through.
Q Okay. Also in 2020, you filed certain types of reports for Trevor A. Shaw.
A Yes, that was when I ran for borough assembly.

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Q Okay. Ketchikan Gateway Borough listed there. And then we see 2018, there's Trevor A. Shaw state general election.
A That was when I ran for state representative.
Q Okay. We see District 36
A Yes. So that is our local Republican Party district. And prior to redistricting, when we became District 1 again, we were the District 36 Republicans.
Q Okay. And then I see more Trevor Shaw, more AFMC, District 36, turning to page 2. As we get down to 2018, 2017, we see Ketchikan Free Market Coalition.
A Yes.
Q We know what that is. One on 2018 is Alaskans for Scott Hawkins, who you mentioned earlier. Tell me what that is.
A Oh, yes, I did briefly run an independent expenditure group, thank you for the reminder, supporting Scott Hawkins. I previously mentioned him, a dear friend of mine who ran the accountability project for many years prior to his death, briefly -- briefly ran for governor and I, when he was still running, put together an independent expenditure organization to

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support him.
Q Okay. And then I think page 3 just goes all the way back, like I just made sure to collect everything, goes back to 2016. 2015, the remainder of this exhibit are just a couple examples of different reports for different organizations, just to confirm that you are listed as a filer. So it's fair to say that you've done quite a lot, quite an extensive amount of APOC filing for a lot of different groups. Is that fair?
A That is fair.
Q Earlier, you called yourself an APOC nerd. What do you mean by that?
A I spend too much time looking at APOC.
Q Is that something you still do?
A Unfortunately, yes. It's a bad habit.
Q To the best of your memory, have you ever been subject to fines or penalties from APOC in connection with filings?
A Yes.
Q What do you remember?
A Not much.
Q Okay. Fair enough. I'll try to help you out. I'm going to pass out Exhibit K.

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MR. STEPHENS: How are you doing?
A Good.
MR. JENKINS-GOETZ: Yeah. I'm sorry. Do we want to break now? We might before (indiscernible).
MR. STEPHENS: How much more do you have?
MR. JENKINS-GOETZ: I don't have too much longer, but I could take a break now just to confirm that when I finish up, there's nothing -- like, nothing else I need, and then I can finish cleanly rather than taking a break.
MR. STEPHENS: All right. Well, let's keep going now.
A Yeah. I'm good.
MR. STEPHENS: Okay.
MR. JENKINS-GOETZ: Does that sound all right? And then, okay, I'll finish up, and when I do, we can discuss --
MR. STEPHENS: Yeah.
MR. JENKINS-GOETZ: if we want to do a 10-minute break or a lunch break.
MR. STEPHENS: Well, it'll depend on how much Scott has.
MR. JENKINS-GOETZ: Yeah. That sounds great. There we go. If anyone on Zoom has any concerns with that plan, let us know.

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Q So, I passed out exhibit K. Feel free to review, take the time you need, and then let me know what you're seeing in exhibit K.
A Some APOC penalties for me personally.
(Exhibit K introduced)
Q Okay. So, let's go through them briefly. It looks like on page 1, you received notice in March 2019 that you were facing a penalty of up to 50 percent of the maximum, or $475.00. Is that right?
A Correct.
Q Okay. Then on page 3, we see a communication indicating that the original penalty was $475.00, but it was being reduced by 90 percent to $47.50. Do you see that?
A I do.
Q And then on page four, it looks like a receipt of your payment of $47.50.
A Correct.
Q At page 5, we see a penalty assessed for $175.00 in 2020.
A Correct.
Q At page 7, it looks like that $175.00 penalty was reduced by 90 percent to $17.50.
A Uh-huh. (Affirmative.) Yes.

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Q I think we see the same thing on page 9, and then on page 10, we see receipt of payment of $17.50.
A Correct.
Q Are these the fines you remember?
A These are the fines I remember.
Q Do you recall any others, or these are sort of what come to mind?
A I believe these should be it.
Q Okay.
A Yes. The first one was you're required to file a financial disclosure when you leave public office in Alaska, and so this would have been relating to my leaving of the school board, and I believe my email reminders for final filing was at my school district email, which was turned off, and so in the midst of everything going on, I just forgot to file that one, which is why they reduced that. And then I don't remember any specific instance relating to 2020.
Q In at least the instance you remember, do you feel like APOC acted fairly reasonably in reducing, or do you wish they had taken a different course?
A Oh, no. They've -- they've always been great to

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work with. I feel like they're not out to -- anytime I've dealt with them on a penalty, they're not out to punish people. I'm just looking to correct actions, make sure people are aware of why these are important.
Q This might sound like a bit of a funny question then, but just to confirm, you certainly don't think that -- and correct me if I'm wrong, you certainly don't think that APOC is using fines in an effort to sort of limit or control speech or, I don't know, as an example of cancel culture? Something like that.
A Not against me personally, but I believe there have been instances where APOC has been excessive in their assessment in pursuit of fines against candidates and organizations, absolutely.
Q But in all of your dealings with APOC, you found them reasonable and not excessive?
A Yes, I would say that.
Q And when you refer to things like cancel culture, either in the complaint or responses to discovery, sounds like you're talking more about public ramifications, customers, members of the public, that sort of thing, right?

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A I would say that I think the pattern of behave -- of behavior that I've just kind of seen with APOC in assessing fines has certainly changed since when I last dealt with them on the matter and after the adoption of the Ballot Measure 2. But I can't really --
Q Okay.
A -- say for certain. I haven't been subject to APOC cancel culture, but I wouldn't say that it doesn't exist.
Q Okay. So we just looked at those two fines. One was, I think, for $17.50, one was for $47.50.
A Yes.
Q And I think you'll agree you've submitted a lot of filings for various different organizations to APOC over the years. Is that fair to say?
A That's fair to say.
Q That's a pretty good record, seems like, two fines over that period of time. What do you think?
A I think so, yeah.
Q So I guess I want to just return briefly now to your concerns about donor disclosure requirements.

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A Yes.
Q As I understand it, part of your concern as an individual, as a prospective donor, is the burdensome requirements of reporting your own donations --
A Yeah.
Q -- in addition to any requirements that fall on a recipient to report --
A Uh-huh. (Affirmative.)
Q -- what is received. I guess the way I see it, it seems like you are a pretty effective filer. You have a pretty nuanced and detailed understanding of APOC filings. In many cases for AFMC or other organizations, I think you have filed reports on short turnaround requirements, like 24-hour requirements. But I'd love to hear from you if you could, sort of in light of all that, explain what your concern is with donor disclosure.
A Sure. I mean, I've certainly gotten more busy over the years. And so, as we've seen from one of these fines that was ultimately dismissed was for $24,500.00. That was for -- for AFMC. And then, you know, some of these accrue at $50.00 a day, they accrue at different amounts. And so,

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just in the busyness of life, it can be really easy to, well, I'm going to go ahead and file, in my case, file for AFMC, and I'll get to my personal filing tonight. Well, who knows what's going to happen tonight? You could end up in the hospital for 10 days, having recently just done that. Those are the kinds of things that come to mind. Like, and even in that scenario, your fine's only going to get reduced by 90 percent, barring, you know, going through the full appeal process and everything, and having to take it before the commission itself and lay everything out. And so, no, I wouldn't say that -- I mean, yes, I have a lot of experience with APOC, and I think I've got -- I would agree I have a pretty good filing record, but just the concerns of what it takes to ensure compliance in the face of extensive penalties was a major consideration in me ceasing my independent expenditure giving.
Q You're saying in the face of expensive penalties?
A Potential.
Q Potential penalties.
A If you -- it only takes one misstep, right? And

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the extra time that I also have to spend on compliance that I didn't have to before, especially in my case, where, and we've already talked about, I'm the true source, right? We don't have to -- that's done, we know that for a fact. Now I have to go file one extra form that if I happen to forget about or something happens, and I could be facing, you know, a multi-thousand dollar penalty. That not only takes time to have to deal with, which is -- which is very precious when you have as many businesses as I do, and also a family and everything else, but also then the resources if you have to pay a fine because of an oversight or something out of your control, and then take that money that you would rather be putting towards your political beliefs to then have to hand it over to the state.
Q Okay. And then turning one last time to your concern, your true source requirements and related cancel culture concerns, I just want to make sure we're clear. We broke it down a little bit earlier.
A Yeah.
Q In your position as a possible donor, whether to

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AFMC or others, you aren't -- please correct me if I'm wrong, you aren't concerned about being outed as a true source yourself, and that's because you've always consistently made donations where you are listed, and you are not sort of shy about or ashamed of your political views. So in that sense, you're not concerned about true source reporting. What I heard from you was that you're more concerned about the possibility of having to list customers of your businesses as true source.
A Correct.
Q But I don't want to put words in your mouth, so please tell me if there's more that I'm missing.
A No, that's a correct assessment. I personally don't have concerns relating to the true source requirements because I have no problem having my name listed clearly. And then -- but my concerns relating to true source are as, you know, for independent expenditure organizations such as AFMC.
Q Okay, okay.
MR. JENKINS-GOETZ: I think I'm all done. This is probably a good time for a 10-minute break. I can confirm I'm done after the break.

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MR. STEPHENS: Sure. Yep. My -- my -- Scott, do you think you're going to have enough to justify a lunch break or --
MR. KENDALL: You know, I think I'm going to be done in between 5 and 10 minutes, so I'm going to be --
MR. STEPHENS: I'll just push through probably, I think, but (indiscernible)
MR. JENKINS-GOETZ: That sounds all right. Yeah. A 10-minute break --
MR. STEPHENS: Yep. I'm good.
MR. JENKINS-GOETZ: -- and then we'll be done pretty soon after that.
A Okay, perfect. Thanks, everybody.
THE REPORTER: We'll be off record.
(Off record)
MR. JENKINS-GOETZ: Thanks so much for your time.
A Oh, definitely.
MR. JENKINS-GOETZ: All right, no further questions for me. Thanks so much, Mr. Shaw.
A You're very welcome.
MR. STEPHENS: Next will be Scott, I think.
TREVOR A. SHAW
testified as follows on:

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CROSS EXAMINATION
BY MR. KENDALL:
Q Yeah, thank you, Mr. Shaw, and I'm glad to hear that you're on the mend from your health challenges. That's good to know, and give my -- give my best to your boss. I met him earlier this summer. Seems like a great guy. I love Ketchikan, so just --
A I'm (indiscernible)
Q Yeah, it's a beautiful place. Just a few things. I'll be really quick. First of all, I think we covered it, but you do donate to candidates as well as doing work in the IE space, correct?
A Yes, sir.
Q And are you aware that there is presently -- well, is there a limit on individual donations to candidates in Alaska elections currently?
A There's currently not.
Q No limit? So you could give any amount of money you wanted to give?
A Personally, yes.
Q Okay. So you described yourself as an APOC nerd.
A Yeah.

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Q That reflects that you -- you go through these reports with some frequency and at some length?
A Yes.
Q Yeah, it's regrettable. There's a few of us out there, you know.
A Many. It's a -- it's a problem.
Q Yeah, so why do you do that?
A I -- I like to see how the money flows and just kind of who's -- who's -- who's who in the zoo.
Q Okay. So you -- you want to know who's giving to which candidates and what amounts?
A I want to know which of the kind of standard players in Alaska, because it's pretty routinely the same folks, are standing up IEs, who's giving who in support of -- who's giving what in support of which candidates, ballot measures, those kinds of things. Yes.
Q And does that information that might impact whether or not you support someone?
A Certainly. I mean, you know, there's limited resources and just ensuring that there isn't -- isn't duplication. And, you know, also, -- how well is something being supported, right? Like, that's -- that's always a question when we were doing independent expenditures, like, okay,

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maybe -- maybe these folks need some help and that sort of thing. So, yeah, that -- that's one source. And then, you know, a lot of the big donors are the same folks. And so you want to be able to have conversations with those people and kind of knowing the initial lay of the land based on what you can find publicly is always helpful going into those conversations.
Q Great. So that -- that's the value of that information for you, is sort of navigating the political landscape?
A Yes.
Q Okay. And then just kind of one other line of questions. You referenced that your group had -- you at least believe
A Yes. We, you know, there were conversations about specifically matching funds with some of these larger organizations based on, you know, again, obtaining a certain amount from Alaska donors and they -- and they would match corresponding. And that conversation certainly shifted in the aftermath of the adoption of Ballot Measure 2 and what they were willing and what they stated they would be able to do.
Q And what were those entities again?

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A The Republican State Leadership Committee and GOPAC.
Q And your -- your perception from where you sit was that the new donation -- or the new, rather, disclosure requirements were too onerous for them to participate?
A That was what they communicated to us.
Q Okay. And are you aware of
A I believe -- I know for a fact they've given to Families of the Last Frontier. I believe that's -- to my knowledge and my recollection, I believe that's the only IE
Q Okay. But they have
A Correct. And they -- it is also just from, you know, my perception, having worked on, you know, like the accountability project and different organizations in the past, they haven't before the adoption of Ballot Measure 2 ever exclusively just given to one IE group. And so this was the first time that I've run into that with them. And I've had an extensive relationship with RSLC for a long time. So it was just something that really stood out to me.
Q Okay.
MR. KENDALL: I think that's it. I just wanted

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to say, you know, thank you very much for coming in. Thank you for making the time considering your health challenges and really appreciate the clarity with which you testified today. Thank you.
A Absolutely. I love to talk about APOC.
THE REPORTER: So before we go off record, so if this gets requested for transcription --
A Uh-huh. (Affirmative.)
THE REPORTER: -- you have the right to review and sign. I would you suggest to speak to your attorney about that, and then --
MR. STEPHENS: Yeah, if you can send it along, we'll review it.
THE REPORTER: Okay.
A Thanks, Judy.
MR. JENKINS-GOETZ: We'll also need a transcript. But before we go off record, Reilly, are you all good?
MR. STEPHENS: Oh, yes. No further questions for me.
MR. JENKINS-GOETZ: So, yeah, we'll request a transcript as well. But other than that, I think we're all done unless anyone on Zoom has anything else.
(No responses)

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THE REPORTER: We are off record at 12:41.
(Off record)
12:41

A F F I D A V I T

State of Alaska)
) ss:
FIRST JUDICIAL DISTRICT)

I have read my within deposition, and the same is true and correct save and except for any CORRECTIONS as noted on the CORRECTION PAGE immediately following, attached hereto and made part of this deposition transcript.

_____
Trevor A. Shaw

SIGNED AND SWORN TO before me, this _____ day of _____, 2025.

_____
Notary Public for the State of Alaska
My commission expires:_____

C O R R E C T I O N S

Pursuant to Alaska Rules of Civil Procedure, Rule 30(e), upon review of your deposition you are entitled to indicate changes or corrections to be included and made part of the original deposition.

Please make all changes or corrections on this sheet, showing page and line numbers, the change or correction and reason for said change or correction.

Use additional sheets if necessary, sign each one at the bottom, and include them with this transcript. If there are no corrections, please write on this sheet "None", and sign at the bottom.

PAGE LINE CORRECTION/CHANGE and REASON

_____
_____
_____
_____
_____
_____

_____
Trevor A. Shaw
Signature here and notarized signature of "AFFIANT"

C E R T I F I C A T E

STATE OF ALASKA)
) ss:
First District)

I, Judy A. Zenge, a Notary Public in and for the State of Alaska, residing at Ketchikan, Alaska, do hereby certify that the annexed and foregoing deposition upon oral examination of the witness, Trevor A. Shaw, appearing at the instance and request of the Defendants, in the above entitled and numbered cause of action, pursuant to a Defendants' Notice of Taking Rule 30(b)(6) Deposition, was taken before me on Wednesday, the 12th day of November, 2025, those appearing having assembled at the hour of 10:09 a.m. thereof at the offices of Ketchikan State Courthouse, 415 Main Street, Suite 204, Ketchikan, Alaska 99901;

I further certify that the above named witness, before examination, was by me duly sworn to testify truthfully;

I further certify that the examination of the witness comprising of this deposition and was by me personally electronically recorded from the witness, and was thereafter reduced to typewriting by myself or at my direction;

I further certify that I am not a relative or employee of any of the parties to said action, or a

relative or employee of any such attorney or counsel, and that I am not financially interested in the said action or the outcome thereof;

I further certify that said deposition upon oral examination, as above transcribed, is a correct and full transcript of the testimony of said witness, including all questions and answers, and all objections, motions and exceptions made and taken at the time of the foregoing examination; and,

That all documents and/or items marked for identification as exhibits to the deposition have been annexed to and included with said deposition, unless orally waived by the witness and the respective counsel.

I further certify that the original of this deposition has been sealed by me and delivered to the deposing attorney for the purpose of filing the same with the Clerk of the above entitled Court, according to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal this ____ day of _____, 2025.

_____
Notary Public for the State of Alaska
Commission expires: _____

Exhibit 80

In the Matter Of:

GRIFFIN, ET AL. vs STILLIE, ET AL.

Kimberly Hays

January 07, 2026

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

ROBERT GRIFFIN, ALLEN VEZEY, TREVOR SHAW, FAMILIES OF THE LAST FRONTIER, and ALASKA FREE MARKET COALITION,

Plaintiffs,

vs.

RICHARD STILLIE, JR., in his official capacity as chair of the Alaska Public Offices Commission, and LANETTE BLODGETT, ERIC FEIGE, DAN LASOTA, and WALTER CARLTON MONEGAN, III, in their official capacities as members of the Alaska Public Offices Commission,

Defendants,

and

ALASKANS FOR BETTER ELECTIONS, INC.,

Intervenor-Defendant.

Case No. 3:22-cv-00077-SLG

CERTIFIED TRANSCRIPT

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF KIMBERLY HAYS

Wednesday, January 7, 2026
10:00 a.m.

Pages 1 - 72, inclusive

Taken by Counsel for Plaintiffs
via
Zoom Videoconference

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I-N-D-E-X

EXAMINATION BY		PAGE
Mr. Stephens		5

EXHIBITS

Exh 1	Expert report of Kimberly A. Hays (6 pages)	4
Exh 2	Screenshot of Putting Alaskans First Committee's website (3 pages)	4
Exh 3	Screenshot of myalaska.gov (9 pages)	4
Exh 4	Emails (4 pages)	4
Exh 5	Alaskans for Better Elections' First Supplemental Rebuttal Expert Disclosures (14 pages)	4

VIDEOCONFERENCE; WEDNESDAY, JANUARY 7, 2026
10:04 A.M.
-o0o-
(Exhibits 1 through 5 marked.)
THE VIDEOGRAPHER: All right. Good morning. We are going on the record at 10:04 a.m. Alaska Standard Time.
This is the video deposition of Kimberly Hays, taken by the plaintiff in the matter of Robert Griffin, et al. versus Richard Stillie, et al., and Alaskans for Better Elections, Inc., as the intervenor-defendant, filed in the United States District Court for the District of Alaska, case number 3:22-cv-00077. Today is January 7, 2026.
My name is Randy Andrews. I am the videographer. The court reporter is Brooklende Leavitt, here today on behalf of Pacific Rim Reporting, located at 711 M Street, Suite 4, Anchorage, Alaska 99501.
Starting with plaintiffs' counsel, would counsel now introduce themselves and state who they represent.
MR. STEPHENS: Yes. This is Reilly Stephens on behalf of all the plaintiffs.
MR. KILCULLEN: Tim Kilcullen, also

plaintiffs -- all the plaintiff --
MS. PATON-WALSH: Margaret Paton-Walsh on behalf of the State of Alaska, the defendants.
MS. WEIANT: Rebecca Weiant on behalf of defendant, State of Alaska.
MS. LOBER: Helen Lober, also for defendants.
MR. GOTTSTEIN: Sam Gottstein on behalf of intervenor-defendant, Alaskans for Better Elections.
THE VIDEOGRAPHER: Thank you.
Will the court reporter please swear in the witness.
THE REPORTER: Can you raise your right hand.
(Oath administered.)
THE WITNESS: Yes, I do.
THE REPORTER: Thank you.
Whenever you're ready.

KIMBERLY HAYS,
deponent herein, being sworn on oath, was examined and testified as follows:

EXAMINATION

BY MR. STEPHENS:
Q Ms. Hays, thanks for coming.
A Uh-huh.

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Q Could -- to start off, could you just state your -- your name for the record, please.
A Yes, my name is Kimberly A. Hays.
Q Yes, and what is your -- what -- what is your current employment, Ms. Hays?
A Sure. I work at the Alaska AFL-CIO as the political director.
Q Okay. And what does the political director at the Alaska AFL-CI [as spoken] do? What is your role there or your responsibilities?
A My main role is doing field program to union members during election cycles.
Q Okay. You said -- you say "field program," is that what you said, could you --
A Yes.
Q -- just give me a -- the gist of what that is?
A Yes. "Field program" means making phone calls, knocking on doors, and sending mailers to union members.
Q Team members.
So these are people who are members of the AFL-CIO affiliated unions, generally?
A Correct.
Q Correct. Okay.

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And how long have you been serving in that role?
A In that role specifically, since January of 2021.
Q Fair enough.
And prior to that, were you al- -- were you at the AL- -- AFL-CIO prior to that or somewhere else --
A Yes.
Q -- sorry?
Okay. And were -- in the same department, kind of, thing or do you have a different job there?
A I had a different job. I was the deputy political director from 2014 to 2021, and before that I was the office manager from 2012 to 2014.
Q Okay. So deputy political director and then political director, so in -- in the same -- same off- -- department or some- -- some- --
A Sector, uh-huh. Yes.
Q -- but yes.
Okay. And just -- just briefly, so how did you come to be involved in this case then?
I think -- you're not -- the AFL-CIO's not a party, so you're here as an expert on behalf of the intervenor; is that correct?

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A That is correct.
Q Yes. Okay.
And so -- all right. And so they've asked you to provide expert testimony on the -- how -- how should I -- how should I define this? -- on the reporting and compliance process in Alaska; is that a reasonable way to summarize it?
A That is reasonable, yes.
Q Okay. And so could you describe what aspects of your role at the A-CIO [as spoken] touches on these issues such that you -- the -- the basis for your expertise, essentially, the basis for your experience with these topics?
A Sure.
Q What -- what -- what -- yeah, what do you do there that is relevant here?
A Yes. So there are two things. One, as the political director for the Alaska AFL-CIO, we are receiving contributions to our efforts, but also as the chair of the Putting Alaskans First Committee, which is a group, a -- a child group of the Alaska AFL-CIO, I raise money and spend money in the independent expenditure realm, which means I am filing APOC reports, both as recipients of donations.

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And also, once in a while, the AFL-CIO is also giving donations to these types of groups.
Q Yeah.
I should back up, Ms. Hays. I -- I usually -- usually we do some boilerplate -- have you ever done a deposition before, by chance?
A No.
Q Okay. So I -- I should do some ground rules. I meant to do this at the top, and I just got to into it.
Just generally, we -- you're doing great so far, but just generally, I'm going to ask the questions, please answer to the best of your ability.
If -- if your -- your lawyer might object to a question, unless they instruct you not to answer, you're supposed to still try and answer a question. They'll -- they're only not allowed to tell you not to answer if it's a privilege issue or something like that.
And just generally, try to give audible answers, because this has to be recorded in a transcript, and so a nod or a waive or a thumbs up doesn't get reflected there.
And I'm going to do my best to go slow. Obviously we're on Zoom here, but just -- I'm going to

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try -- I will try my best to let you finish, just try -- let's try -- and hopefully we can make that all work, but I think -- yeah, anyway, so you're mo- -- so -- okay, so -- so your ma- -- is -- mostly as the recipient of donations you would say as -- and -- and that end of the compliance issues with receiving donations as a group that receives donations from people giving money?

A That is correct.

Q Okay. And the -- and the -- are those mostly money you're raising from union membership or are there outside foundations, people who support these causes, kind of things, that you're going to, or is it mostly just outreach to the members, kind of thing?

A Most of the incoming funds to the Putting Alaskans First Committee that we raise are from unions themselves, not -- not -- not technically the union member, but the organization itself, that would be about 90 percent, and about 10 percent are from individuals.

Q Oh, okay. So -- so the AFL-CIO, the money's generally coming from the local union -- from the locals from the -- the -- the different bargaining units that are affiliated with it, it -- with it,

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that's -- that's -- the -- the money comes up through that channel then?

A Correct.

Q Does the Alaska AFL-CIO have a -- a counsel, an either in-house counsel or maybe you have an outside firm that does campaign finance compliance for you folks?

A No.

Q No. Okay.

And so in terms of the compliance staff that -- that's you and your people in your department that worry about those issues?

A That is correct.

Q Correct. Okay.

I also see on here that you're the chair of the Putting Alaskans First Committee?

A That is correct.

Q And -- and is -- and -- and so is -- is that a part -- is that a initiative of the AFL-CIO --

A It is, yes.

Q -- or is that separate -- okay.

And could you just describe what that initiative is and what its -- you know, what its goals are?

A Yes. The Putting Alaskans First Committee

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is an independent expenditure group for APOC purposes, and our goal is to work on elections of individuals who support issues related to working families, which is the same values of the Alaska AFL-CIO.

Q Sure. Okay.

Do you recall which candidates Alas- -- Putting Alaska [as spoken] First Committee expended money in support of 2021 -- in the 2021/2022 cycle?

A Do I recall? I do not recall. Several years ago.

Q And -- of course. Fair enough.

Any ballot issues, any -- any topics you were focused on in -- in -- in that cycle, any -- any -- anything that you remember as the big thing you were working on?

A I will say that the 2021 Anchorage election was an important one, which was -- would have been a mayoral election, so that was a --

Q Okay.

A -- one that we worked on.

Q Fair enough.

How about 2023/2024, is a li- -- little more --

A 2024 --

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Q -- recent --

A Sorry.

Q -- well, more rec- -- more recent?

A 2024 is more in -- in recent memory because that was a --

Q Yes. Yeah.

A -- general election year --

Q Sure.

A -- we would have worked on candidates in the Fairbanks area, such as Representative Maxine Dibert, for example.

In the Anchorage area, we would have worked on -- let me think about that, Represent- -- now Representative Ted Eischeid, another example, but we -- we work statewide on legislative candidates, typically.

Q Fair enough.

Any -- any activities in 2025? There wasn't a general election -- or a national election that year, but --

A We had activity in both the Anchorage election in April and the Fairbanks elections in October.

Q I realize 2026 has just started, but this is an election year, I'm not -- not going to ask you to

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divulge anything, but things -- anything's already underway, you have anything going on there?

A We have not begun any activities, but we will be involved in the Anchorage election and the state primary and general.

Q Fair enough.

And I -- we -- I me- -- I asked about candidates, I guess I -- I also meant, sort of, ballot measure, initiatives, if anything like that, no- -- nothing -- no major things that -- that -- that's been focu- -- that's been a focus of what you guys have been doing, anything you've been working on?

A The Putting Alaskans First Committee has not typically in -- done fundraising or expenditures related to valid initiatives.

Q Fair enough.

But you are -- but you're -- you're making expenditures, so it -- so you -- you mostly sound like you're talking about -- well, I guess you talk -- you talked about some mayors' races, you talked about what sounded like was -- was that a federal congre- -- no -- no, that would have been a local race probably in Fairbanks then?

A Correct.

Q So those are mostly state, local races. Do

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you -- do you do federal races or mostly state work --

A Our independent expenditure --

Q -- versus state work? Yeah.

A -- group is not --

Q Yeah.

A -- able to do federal work.

Q That's -- that's -- fair -- fair enough. Yeah.

The name "Putting Alaskans First," what -- what is that -- what's the mean- -- meaning of that? What -- what -- what does it mean to "put Alaskans first"?

A Are you asking for my opinion on that? I -- the name of the group was named probably 15 to 20 years ago, so much before my time.

Q Fair enough. I -- I -- I -- I -- I -- I wasn't sure if there was a -- a theme there or a -- a message there or an intention there. Sorry.

A Not to my knowledge. Just a -- it's the name of both our independent expenditure group and our PAC for the AFL-CIO.

Q Okay. Okay. Okay. I'm going to go to -- do you have the exhibits available to you? I believe we sent those over.

A I do.

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Q Okay. So Exhibit 1 is -- is the report you wrote, which is -- that will be most of what we talk about here.

So I'm going to go to -- oh, let's see, it's page 5 -- so it's page 4 of your report, which in these exhibits there's a big thing that says "Page 5" in orange, that's the -- so that there's consistent numbers for all of the exhibits -- you'll -- see that?

A Yes.

Q All right then. And then -- okay.

So the -- there's a couple sections here, that bottom section, you'll see the bold is, "Do the new statutes require someone to have a law degree to comply?", that's the paragraph I'm about to ask you about, so if -- would you like a second to glan- -- look it back over, otherwise we can go right into it?

A I feel comfortable going right into it.

Q Fair enough.

So you say in here, quote, Putting Alaskas [as spoken] First Committee also does not have lawyer or an retainer to handle APOC issues, has the Putting Alaskan First Committee ever sought legal advice from an attorney regarding state or local finance issues?

I -- I don't need to know the attorney-client privilege stuff, but ha- -- do you

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have a out- -- do you have outside -- have you ever had outside counsel for that?

A Yes, we have before.

Q And -- and -- and just when -- brief- -- regularly? Recently?

A It would have been the beginning of 2024, very briefly.

Q Beginning of 2024.

And -- and, again, I don't need any -- the -- I don't want get into any privileged anything, but just -- just generally about that election cycle, any -- anything in particular that you found challenging?

A It was related -- sorry, it was related to advice about APOC violation.

Q Fair enough. Yeah.

A Yeah.

Q Has -- has the Putting Alaska First Committee been found in violation of any APOC requ- -- regulations or requirements?

A Yes.

Q And what -- and what was that -- what was that issue then?

A We received funding and did not know that we had received a contribution, so our report was

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late.
Once we discovered we had received funding, we remedied that, but it was due to late reporting because we were unaware of receiving a contribution.
Q Fair enough.
And so how did you end up getting money you're not aware of, out of curiosity. I just --
A Sure.
Q -- it seem -- it seems like a happy thing to happen, but I -- I've never -- I like it when I find money I didn't know existed, but how -- how did that happen to you?
A Sure. We had a contributor who wired us funds and did not let us know that that person had wired funds.
It happened during an office closure, so our office closes for the last two weeks of the year for holiday --
Q Sure.
A -- and so no one was at work in order to check the bank statements.
Q So -- so they just sent a wire transfer and didn't tell you?
A Correct.

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Q That -- I mean, I won't -- I don't want to pry, that's -- that's just a -- and so -- and so what was the process you went through to remedy that then?
A Sure. Well, we received an APOC violation, and that is what we rec- -- called counsel to help represent us to appeal it, and we did our APOC hearing, and our fine was reduced in that process.
Q Sure.
Okay. So -- so you received a fine, but got a reduced fine through the process then?
A Correct.
Q Okay.
MR. GOTTSTEIN: Hang on. It looks like we might have lost our court reporter.
MR. STEPHENS: Oh, okay.
THE VIDEOGRAPHER: Yeah. Off the record at --
MR. STEPHENS: All right.
THE VIDEOGRAPHER: -- 10:20.
(Brief break.)
THE VIDEOGRAPHER: On the record at 10:24.
BY MR. STEPHENS:
Q Ms. Hays, welcome back. Sorry for the interruption.

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Well, I -- so the office closure you said -- was that -- so was it the Christmas holiday you said, was it closed for the Christmas holidays for that wire transfer? You said it was closed.
A Yes.
Q Yeah.
So that was -- was that Christmas of 2024 maybe or --
A That would have been --
Q -- '23?
A -- the fall of -- yeah, Christmas of 2023, New Year of 2024, yeah.
Q Twen- -- and -- and going into the 2024 cycle, the next year then. Okay.
All right. And so -- and how long until you got the final decision from APOC on -- do you recall when you got the final decision that -- that you were getting a fine but it was reduced to -- after defin- -- complete that process?
A I do not recall the timeline, actually, no.
Q I mean, do you recall -- I mean, was it two or three months? Was it a six-month thing? You know, do you think it was a couple months later? Did it take a year? Did it take three weeks? Yeah, any,

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kind of, ballpark memory of that?
A It was less than two months.
Q Okay. A few months, not -- not --
A Yeah.
Q -- six months, maybe two months. Okay.
A Correct.
Q Sounds good. Sounds good.
And do you recall what the fine ended up being?
A $300.
Q That was a reduced fine?
A Correct.
Q Do you remember what -- do you remember what the max -- or the original would have been?
A I remember it was a 10-day period where we hadn't reported --
Q Fair enough.
A -- so it was a relatively hefty fine --
Q Okay.
A -- but I don't know the exact amount.
Q Fair enough.
All right. So the thing I -- we were talking about before we had to stop was that, and then -- all right.
All right. So -- sorry, I -- that -- and

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now I'm trying to -- I think that was -- I just wanted to make sure I cleaned up that last little bit of that, and now, does the Putting Alaska First Committee run ads in Alaska elections? Does it run television? Radio? Print ads?

A Yes, we run radio and print ads, and once in a while TV ads.

Q And so -- TV ads.

Who are the Putting Alaska Committee's top three donors? Do you happen to know that?

A As of today? Are you asking right now?

Q I don't -- the most -- the last time you would have run an ad and put that up will be fine, I guess, that -- that --

A I do not have that in font of me, so I don't know -- that would have been in October for that Fairbanks election, and I don't know, off the top of my head, who the top three donors are, no.

Q Okay. But -- but if I went and found those ads, those will be on there, in theory?

A Correct.

Q Yes.

Do the majority of Putting Alaska First Committee's donations come from outside of Alaska?

A Can you repeat that question?

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Q Do the majority of the Putting Alaska First Committee's donations come from money that counts as outside of Alaska for APOC purposes?

A That depends on the time of the year, because as you know, the top three is dependent on a calendar year.

So there are times during an election cycle that the top three donors and the majority of our money are from outside the state of Alaska.

Q I understand.

Are -- are you familiar with the requirement, which is one of the issues in this case, about putting "the majority of our do- -- money comes from outside of Alaska" onto the ad?

A Yes.

Q So I -- I guess whatever the -- I'm -- I guess I'm asking, what -- at some point you might trigger that, some points you're not, you're saying, I -- de- -- depends on the -- the year or the cycle?

A That is correct.

Q Okay. Did -- so you were -- let's see, so you were -- you were the deputy political director in 2 thou- -- in 2021, correct -- or --

A That is.

Q -- 2021 is when you began the -- but you were in this role?

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So 2020 when Ballot Measure 2, the one that we're currently discussing, was enacted -- or passed, did the AFL-CIO take a position on that ballot measure?

A The AFL-CIO did not take a position.

Q And I take it the Putting Alaskas First Committee didn't either then -- then --

A Correct, Putting Alaskans First Committee --

Q Yeah.

A -- doesn't take positions on ballot initiatives.

Q Sure. Sure. Sure.

And -- and there was a -- confusingly there was a second Ballot Measure 2 that was repeal measure this pa- -- past year.

Did the AFL-CIO taken any position on that or make any efforts towards that?

A Yes.

Q It did, and what was its position on that?

A Oppo- -- opposition of the repeal.

Q And did you do any ca- -- activities in support of that? Any -- any mailing? Any calls? Any adver- -- any advertisements or communications?

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A The Putting Alaskans First Committee did not, the AFL-CIO communicated with our union members about it, yes.

Q Communicated to the union members, but -- but didn't -- were -- didn't buy ads or -- or go door knocking otherwise or anything like that?

A Correct. Only to our union members. No public communication from the AFL-CIO.

Q All right. We're going to go to, it's page 3 of -- it's page 2 of your report, page 3 in the exhibit stamp -- Bates stamp.

A Okay. I'm there.

Q Okay. All right. So the -- the -- the second paragraph here, "I learned how to do these reports," so this is the portion I'm going to look at. If you want to take a second to review it, let me know. Let me know when you're ready.

A Okay. I'm ready.

Q Okay. So you say here: I utilize APOC staff -- the staff at APOC to answer my questions when we need via phone and email, there -- what do you use APOC staff for?

A Sometimes I've called them to ask about reporting requirements or somebody may have called me to ask about reporting requirements, and I say, I

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don't know; I'm going to give a call to APOC, but typically it's pretty short, hey, do I need to file this kind of report?

And they'll either tell me over the phone or they'll send me an email.

Q Sure.

Do -- do you recall -- do you have a -- do you recall a specific example of a question you felt you needed to ask them?

A You'll have to give me a moment on that.

Q Take as much time as you need.

A I think I remember -- I don't know what year it was, but I remember calling to ask about wha- -- if corporations, for example, a Native corporation, if they can give funding and what their reporting requirements were, because we hadn't received that type of funding before. I remember asking that question before.

Q And do you generally get a response on the phone? Does it generally take a while to get a response?

A I -- I was able to get a response on the phone in the moment.

Q Yeah. Sure.

What -- when you've ca- -- when you've made

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inquiries before, have they ever told you they couldn't answer a question?

A Not that they could not ha- -- answer a question, but that they would need to get back to me or send me an email, but I haven't yet had a question that they said they cannot answer.

Q Fair enough.

And then the -- the next bit of this paragraph you -- you say -- you talk about, you asked a bookkeeper for the information when you need it, so -- so who's the bookkeeper, sorry?

A The Alaska AFL-CIO's bookkeeper --

Q Sure. Yeah.

A -- has experience with APOC reports.

Q Sure. Sure.

And so is -- she keeps track of the money coming in and going out, and those sorts of things, then, at --

A She does, yes.

Q I understand. Yes.

And she's not an attorney, and you obviously said you don't -- you don't have any other attorneys on staff?

A Correct.

Q Where -- and then -- sorry, and then --

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sorry, I need to find the next passage here. All right. We're going to go to page -- it's page 11, which is Exhibit 3.

A Okay. I'm there.

Q All right. And then -- so this is a doc- -- document that was -- I believe this was an -- I believe this was attached to your report, correct, this is a document that you created?

A That is correct.

Q And could you describe what it is, please?

A This is a document that I created to send to people interested in contributing or planning on contributing to our IE effort to explain how to comply and file their Form 15-5 reports, which is a contribution report.

Q Okay. Oh, okay. And so -- so why -- we've talked before you were ta- -- you said that most of the money was coming from union locals, were you talking about the AFL-CIO or is that also true of the Putting Alaskas First Committee?

A Can you repeat that question?

Q The -- when you -- you -- you were talking before when I asked about fundraising, you said, you know, most of the money comes up through the locals to the statewide group, and -- and -- and so when

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you're -- is -- is that here -- you're talking about here or -- or is this a different -- be -- this is from the independent expenditure, so is that a different kind -- group of people you're asking for money from then?

A To clarify, the independent expenditure group does seek contributions from both state unions, so unions that --

Q Sure.

A -- are housed here in Alaska, and their international union, which is usually based in Washington, D.C.

This guide would go to anybody interested in contributing to the independent expenditure group if they asked for assistance, so it could be --

Q Oh, okay.

A -- a union, it could be an individual.

Q Sure.

Okay. But -- but -- and -- but al- -- and -- but -- and could be a union out- -- and could be a -- a natio- -- a national group that -- or a -- a international group that's, you know, affiliated with the union local that's outside of Alaska. Okay.

A That is correct.

Q All right. Why'd you feel the need to make

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this document?
A So that our contributors felt comfortable with compliance, because I want them to continue to contribute and not face any sort of penalty.
Q Is it something people having been asking you for?
A I had one person inquire how to file, who didn't live in Alaska, so was unfamiliar with the myalaska.gov system, and that spurred my interest in creating this guide.
Q Okay. Fair enough.
And, I mean, did you -- did you -- did you find that APOC did not have sufficient information on their website already to instruct people?
A To be clear, the -- a lot of the information is from their guide on how to do it, the things I added were the step numbers at the top with the quick sentences, and anytime you see an arrow or a circle, otherwise this is -- they have a guide online themselves, and I just augmented it for ease.
Q Sure.
Yeah, so -- so we've got 1 -- I'm just scrolling through here -- 1, 2 -- okay, so -- so -- so there -- so there's 12 steps in here.
I mean, I -- it's funny, because, like,

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maybe it's an antennal thing, but this seems very complicated to me.
Did -- did you find after making the draft, have you had to update or edit it, did -- did the first draft work -- work for everybody?
A I have not made any edits since the first draft.
Q Yeah. Yeah. Yeah. Let's go to -- we're going to go to page 22.
All right. All right. And so these are some emails between yourself about APOC compliance issues; is that a fair summary of them?
A Yes.
Q Yes.
Who is Steve Kantor?
A He is a contributor to the independent expenditure group, but otherwise I don't know him personally.
Q Yeah.
All right. So if I to- -- so when we looked it up, it was Steve Kantor from Ketchikan. I don't know if that refreshes your memory at all.
A I think that might not be him. I don't think he's from Ketchikan. He's from New York.
Q Fair enough. Fair enough.

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A Yeah, there might be another Steve Kantor.
Q Okay. Hold on. Let me -- let me just pull up my -- all right. So in the exhibits you have -- where am I? -- if you go to page 34 of the exhibits you have --
A 34. All right. Okay. I'm there.
Q All right. So this is a APOC form with Steve Kantor -- Steven Kantor on it to Put- -- Putting Alaskas First Commis- -- Committee for $20,000; is that correct?
A That is correct.
Q Yeah.
And so -- and so is this donation Mr. Kantor was sending that email about?
A That is correct.
Q Hmm. So -- so that's a pretty major contribution though, and so I'm surprised you say you -- you don't recall, but may- -- maybe you get a lot like that, I don't -- I don't know -- I don't know how many you get in $20,000 or more.
A Yeah, that is a significant contribution to our efforts, yes.
Q Were -- were you concerned that Mr. Kantor did not understand how to file this on his own?
A I wouldn't say "concerned." I was not

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surprised since he is not from Alaska.
Q Fair enough. Fair enough.
All right. Now, we're going to go back to page 20.
A Okay. Okay. I'm there.
Q Who's Daniel Kripke who ...
A I don't personally know Daniel Kripke, but through this process I learned he lives in California, and I think he's a retired physician.
Q Fair enough.
All right. So I -- I have these emails from Mr. Kripke, Mr. Kantor, aside from that, did you have any other donors who ca- -- reached out to you needing help about getting their reports filed in compliance with Ballot Measure 2?
A Let me think about that really quick before I answer.
In recent memory, we had an international union who reached out to ask -- to make sure that they had -- were understanding it correct, and that was really the only other major one that I can remember at this time.
Q And is your understanding of how the rules work with the true -- with the true source reporting, and all that, if the -- if the international is

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sending you money, do they have to give you true source information on where they got the money from?

A To clarify, one of the parts of the rule is if the fund, so the -- the account that the money's coming for, if it's membership money and the person has not paid more than $2,000 a year in dues, the -- it is the true source. So that's what we talk about with our international unions.

If they were to give us funding from a source where individuals had contributed more than $2,000 a year to that source, they would be required to disclose true sources.

Q So -- so as a practical matter, because the international is mostly getting stuff under $2,000, there's no true sources -- there's no relevant true sources to report?

A That is correct.

Q Correct. Okay.

Okay. And that -- that -- and that's true of the international, is also true of money you get from the locals?

A Can you repeat that really quick?

Q Is that also true of money you would get from the locals as opposed to the internationals?

A Oh, that is correct.

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Q Yes. Okay.

All right. We're going to -- back to page 3, page 2 of your report, Exhibit 1, the -- the bottom paragraph on that page.

A You said page 3 in bol- -- big bold "Page 3."

Q Yeah, it -- it -- page 2 of your report, the Bates stamp is page 3.

A Okay. Thank you.

Q The bottom paragraph saying, "Has this system been perfect," question mark, is the first -- is the first one.

A Okay.

Q All right. So the paragra- -- so this paragraph is discussing an issue, it says: Our group ran into -- issue in 2022, a contributor --

A Yeah.

Q -- sent us a transfer of funds, it -- wa- -- so this was the issue you were talk -- this is the issue you were talking about earlier, I believe, correct, this is -- this is the same incident?

A This is correct, yeah.

Q Yeah. Okay.

So the -- the 10 days, I -- I'm -- I'm trying to think of how to do -- was the 10 days the

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holiday break? Did the thing come in on the 31st?

How -- how -- how long after the break did it take you to -- to realize you had the issue? How much of the 10 days was the break versus no one noticed, basically?

A The first day we were back from break is when we noticed it, so, yes, it would have been 10 days before the contribu- -- yeah, we -- the first day back in the office we saw the contribution.

Q Do you recall who the donor was?

A It was John Arnold.

Q And what -- what did he say when you reached out to him?

A He wanted to know what he needed to do next. He was surprised --

Q It --

A -- because, again, he hadn't familiarized himself --

Q Yeah.

A -- with the -- with the system.

Q Sor- -- sor- -- sorry he got you guys in trouble, maybe?

A And wondering what it would mean for him.

Q Fair enough. Yes.

Did it mean anything for him? Did he -- do

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you know if -- did he have an APOC enforcement action or anything like that?

A I do know that he received a violation letter. If I recall correctly, because he was a first time filer, he received no penalty.

Q Ah, okay.

Okay. But -- but -- okay. But he -- he wa- -- he -- he was subject to process from APOC for that then --

A That is correct.

Q -- got into it a little bit. Yeah. Okay.

When you've -- in the moments when you've gone to APOC asking them for advice, have they ever given you advice and then told you that it was wrong?

We actually had a few instances in what we've been reviewing where they've changed their mind or given people wrong advice. I don't know if that's ever happened to you.

A Not in my memory, no, that -- not that I can recall.

Q Fair enough.

And did -- I'm sorry, I may have already asked this -- was that 10-day period, is that the only APOC penalty you've gotten in -- let's say since 2022, since the Ballot Measure 2 went into effect?

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A That is my recollection.
Q Yeah.
All right. We're going to go to page 4 of -- Bates 4, page 3 of your report.
A Okay. I'm there.
Q Okay. All right. So you have this -- this bold, kind of, heading, "I disagree," you say, "In" -- and then, "In reality, it can be helpful." Do you see that paragraph?
A Uh-huh, yes.
Q Okay. All right. So you say, this is -- it says: It can be helpful that contributor file first reports, this is because contributor knows information about the source of funds better than I do, and I fill in the Form 15-5 information to accurately report the contributions, it means that I do not do a searching for information or reach out to them for clarification, but if -- why couldn't you just ask the donor for that information?
A Oh, I could absolutely ask that donor for information, it's just very convenient, because when I look up their 15-5, it has all the information I need to file my reports timely.
Q Fair enough.
Co- -- convenient for you, not necessarily

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more convenient for them, but in your experience, are donors more likely to give information if they know they're -- may need to file a report then if they're just going to give it to you for your report?
A Can you say that again?
Q In -- in your ex- -- in your experience, are donors more likely to give this information if they know they are mandated to file a report than if they're just giving it to you for your report?
A I don't know actually. I -- I don't know. They haven't indicated --
Q Well, le- --
A -- whether they're more likely to give it or not.
Q -- let me -- oh, let me -- let me try --
A Yeah.
Q -- back up and try it this way: When you accept donations -- I -- I suppose they can just come in as a wire transfer, we just said, but does it generally -- is there a form on your website that people fill out?
Are they mailing you checks? How -- how does that process -- how -- how's -- how's the intake on the money work there?
A We have a few ways. One, you can go to

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our website and do it via credit card, and then I get an -- and when you do that, you must fill out fields, right --
Q Sure.
A -- employer, occupation, all the fields you need, and then I get an email immediately, so that's how I get that information.
Typically if somebody is sending us a check, they have reached out to us first to -- to understand where to send the check and what is required of them.
And then the third way is, I'd like to transfer you money, what is that information, and that's when I imme- -- immediately explain what they will be required to report.
Q Sure. Sure.
Sure, but -- so -- but you do collect the -- you collect that information on your form, so for those things that come through the website, you would -- at least in theory, that would be filled out for you?
A That is correct, and on the website it's -- only individuals have ever used that, not organizations, such as international unions who would definitely reach out to me before they made a

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contribution.
Q Fair enough.
But probably more for individuals, the internationals probably don't do it by the website form, that makes sense.
A Correct.
Q On the next paragraph in that same page, it says -- so you talk about, you know, many of the names for independent expenditure groups are purposefully vague, for instance, we're the Putting Alaska First Committee, I can understand Alaskans wouldn't automatically know what we stood for unless they visit our group registration on the APOC website or if they found website.
Do you see that passage?
A Yes.
Q All right. We're going to go to Exhibit 2.
A Exhibit 2?
Q Exhibit 2, which is -- it's -- page 8 is the first substantive page.
A Okay.
Q Do you recognize this? This is a printout of a website. Do you recognize the -- what -- what -- the website that we printed out?
A Yes.

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Q Is -- is this the website for the Putting Alaskas First Committee?
A Yes.
Q Okay. All right. So we have the two pages here. I can ask you to review it, but you've probably seen your own website before --
A I have.
Q -- does it say anywhere on here what the Putting Alaska Committee Stands for?
A Yes, we have it in the photograph, and then there's our mission right below the "Donate" button.
Q But fighting to ensure working families' interests are heard?
A Correct.
Q I mean -- oh, okay. But that -- that -- that could mean a lot of things, right? I mean, lots of people have different ideas about what's good for working families.
So, I mean, there's not -- it's -- that -- that's not a -- a -- that's not necessarily a set of positions, is it?
A It is the mission of the Putting Alaskans First Committee, not a list of posi- -- a list of positions, correct.

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Q Okay. And so we go to the pa- -- the second page -- I'm sorry, I'm turning my head because on mine it's sideways --
A Sounds good.
Q -- and here we have the disclaimer: Paid for by -- by Alaska First Committee -- so here you have top three donors listed as N- -- the NEA, LIUN- -- LIUNA, I'm not familiar with that one, and Alaska AFL-CIO.
So -- so -- so at least at some point the answer to the prior question was, those are the names that go on it, I guess, right?
A That is correct.
Q All right. So, I guess -- you know, I -- I'm a professional who works on these issues, so I -- I recognize what those names are when I look at this -- this disclaimer here, there's no one -- there's nowhere else on here where you -- where it would even tell you that this was affiliated with a union or with the labor movement or with a -- a group that cared about these issues, is there?
I mean, you could -- I guess maybe working families is -- is code for that, but there's no- -- there's nothing explicit, right?
A On the homepage to the website

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specifically, is that what you're asking?
Q On the -- on -- yes, on -- on what's in front of it, at least --
A No, it does --
Q -- on the page, I guess?
A -- not -- it does not.
Q No.
It -- and does this, or any other page on the website, say which candidates you're supporting?
A They're -- dependent on the election, they'll be other tabs with the candidates --
Q Yeah.
A -- that would be where our ads redirect, yes.
Q Yeah.
No, I mean, for what it's worth, I think this is the only current page of the website, except for the -- except for the donate page, so I don't -- I -- we didn't -- maybe you have others closer that are closer to the election season, I don't know.
A That is correct, yeah. They go live during the election season.
Q Okay. But -- but -- so currently this is all people would see if they came to the website?
A That is correct.

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Q And when you people -- folks talk about your messaging and -- and how you're communicating these things and talking about these workings [as spoken] families' issues you want to, I mean -- I mean, how do you talk about framing them?
Because I -- I mean, I -- it doesn't sound -- you're not framing them -- I -- I've seen a lot of union literature from California that talks in a lot of different ways about union labor rights and the rights of workers, and thi- -- thi- -- this does -- this seems to take a different tack.
I mean, how do you think about that messaging in the context of Alaska?
A Are you asking me what type of messaging we use in our elections or -- I guess I don't understand the question fully.
Q Sure, let -- let's go with that.
A We typically focus on the fact that working people have constitutional rights and they don't end when individuals get to their jobsite and we care about collective bargaining rights.
And we usually also talk about other issues that working families face in Alaska, such as affordable housing and the need to fix infrastructure in Alaska. Those are, kind of, our

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bread-and-butter issues we -- we focus on.
Q All right. We're going -- your -- your report at page 5 -- or page 4 of your report, page -- the Bates stamp is page 5 --
A Okay.
Q -- where we see --
A Okay.
Q All right. The third paragraph in the bottom, that -- the paragraph that begins, "There's been discussion."
A Okay. Yeah, I've reviewed it.
Q All right. All right. So the put -- about halfway through the paragraph it starts: Additionally, I would postulate that a law is not meant to care -- that a -- the law is not meant to care how effective the ad is -- the disclosure law is simply aimed to inform the public about where the money for the group/ad/mailer came from; my opinion is that it is up to the campaign practitioner to ensure the message is effective, regardless of the regulatory environment.
And so -- so it -- it's up to the campaign practitioner, but, I mean, if -- if the disclaimer was going to take up 90 percent of the ad to comply -- I mean, I suppose the campaign pra- --

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pra- -- practitioner will adapt to whatever that's going to adapt to to not be fined or go to jail, but, I mean, would that not seriously put a damper on any messaging?
A I guess that's a hypothetical situation, because I have not faced a situation where 90 percent of my campaign space was taken up by a disclaimer.
Q Well, if you -- I mean, we -- we timed it out, and, you know, if you're trying to run a 30-second ad, the radio disclaimer takes up 20-plus seconds, pretty much, unless you read like a -- a high school debate kid.
And so, I mean -- I mean, the people I talk to say they can't run 30-second ads anymore, so -- because it is taking up sev- -- 60, 70, 80, 90 percent of the ad potentially, so you haven't run into that issue?
A We do not run 30-second ads, and -- nor have we because of the nature of our radio ads include so many candidates we're trying to squeeze in, that we've always run 60-second.
Q I understand, but -- but, I mean, 60-second ads cost more than 30-second ads, right?
A That is correct.

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Q And, I mean, I -- I -- I don't know what your finances are, but the AFL-CIO is probably not the smallest person group in Alaska that ever spends money on anything, so, I mean, for a small group that doesn't have tons of funds, that can -- that can be a fairly -- that -- that can be a decent difference in the price of the ad, can't it?
A To clarify, it's -- the AFL-CIO is not running ad, it's the Putting Alaskans First Committee, the IE group --
Q Fair enough. I'm sorry. Fair -- fair enough. I'm sorry.
A -- and -- and we typically, as a state-level independent expenditure group, raise typically the most money of state-level independent expenditure groups, so I have not run into that problem with not being able to afford the ads.
Q I understand, but you -- you just said -- but I believe you just said you're the biggest group with the most money?
A Correct.
Q Fair enough.
So do you -- do you happen to recall the -- maybe for the last cycle, the 2024 cycle, do you -- do you recall what the price difference was between a

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30-second ad and a 60-second ad in -- you said you were doing stuff in Fairbanks?
A I do not recall the price difference because I wasn't shared what the 30 seconds ad -- the 30-second ad price was. We just asked for 60 seconds, so I don't know the price differential.
Q Fair enough. Fair enough. Fair.
Did -- so when you run 60-second ads, do you happen to recall how much of the -- how much of the ad the disclaimer that you guys have to put on takes up?
A About 15 seconds.
Q About 15 seconds?
A Correct.
Q So about 25 percent of the 60 then?
A That would be correct.
Q Do you recall what a typical ad rate would be for a radio ad in Fairbanks in 2024 for 60 seconds?
A I honestly say I don't know the individual placement. We usually buy in -- like, we have $20,000, we'd like to buy however much radio that gets us --
Q Sure. Sure.
A -- so I actually don't know the rate. I'd have to go pull those rate sheets.
Q Do you have a memory of how much $20,000 got

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you -- or whatever the number you said was?
A I don't currently, no --
Q Fair enough.
A -- but I know in Fairbanks it was -- it was a good amount of radio, from what we heard from -- anecdotally from people hearing it on the radio.
Q It -- it was a good -- I mean, you got a li- -- a lot of bang for your buck, you mean you got --
A In saturation.
Q -- you got a fair amou- -- a fair amount of ads from the amount you were spending?
A That is correct.
MR. STEPHENS: All right then. We've been going for about an hour, probably I'll take a 10-minute break, if that works for everybody.
THE VIDEOGRAPHER: We'll go off --
THE WITNESS: That sounds good.
THE VIDEOGRAPHER: -- off the record at 11:02.
(Brief break.)
THE VIDEOGRAPHER: On the record at 11:13.
BY MR. STEPHENS:
Q All right. Ms. Hays, welcome back. We're

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on page -- page 5 of the exhibits, which is page 4 of your rebuttal report, and -- all right. The --
A Okay.
Q -- ki- -- kind of, middle paragraph there, it says, "In -- in my experience, our ad results since 2020's ballot measure have not resulted in our endorsed candidates losing races that we thought we should have won."
Do you see that passage?
A Not yet. Give me one moment.
Q Take as much time as you need?
A You said page 5?
Q Page -- yeah, Bates stamp 5, which says it's page 4 of your report, and it's the middle of the third paragraph from the top -- from the bottom.
A Okay. Middle of the third. Okay. Yeah. I'm there now.
Q Okay. So you say, so in your experience, the ad results have not resulted in endorsed candidates losing races you said.
And in -- in -- during that time period, did you engage in any independent expenditures for any candidates endorsed by Go- -- Governor Dunleavy, by any chance?
A I do not know that actually. It is

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possible.
Q It's possible. You don't recall any though?
A I don't recall any, off the top of my head, because I don't always know that they've received his endorsement or not. It's not something --
Q Fair enough.
A -- I was paying attention to.
Q How about Governor Walker, by any chance?
A That was before my time on this type of work, so I'm not sure.
Q Fair enough. Fair enough.
Would you say you generally and -- would you say when you're supporting candidates, are you generally supporting Republicans? Democrats? Independents?
A We support all three.
Q All right. We're going to go to the prior page, which is page 4, page 3 of the report.
A Okay. I'm there.
Q All right. So the big paragraph in the center of the page, the last bit of it says: Additionally, we do inform any potential donor about the set of values our organization has before they contribute, and we make them aware the donation may

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result in them being the top three donors for more than one election.
See that?
A Okay. Yes.
Q What -- and what -- what is the set of values you say you inform them of?
A As aforementioned in this deposition, we let them know that we support collective bargaining rights for anybody who wants them.
We talk about our affordable housing platform that we talk about for working people. We also inform them about the fact that we support retirement security for working people. We -- those are, kind of, the platforms we talk about with them.
Q Sure. Sure.
Now, the top three donors on -- that are currently listed on the website we said -- so the first one's NEA Advocacy Fund, which is a federal PAC, and then -- I've heard of the NEA, what is L-I-U-N-A?
A Laborers' International Union of North America.
Q Fair enough. Fair enough.
And that's also a -- a federal PAC, a national PAC?
And then the last one --

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A International, yeah.
Q -- and then -- and then the last donor to the expenditure group is the Alaska AFL-CIO, which obviously we've discussed that relationship?
A Correct.
Q So -- so as a practical matter though, when you're talk -- when you're dealing with individual donors or union locals, or something like that, I -- I suppose there's maybe years where you don't get big, national money, but, I mean, as a practical matter, those are big, national organizations, labor or- -- when -- your -- Alaska -- Alaska is -- AFL-CIO is not, but obviously the AFL-CIO generally is, so -- so those -- those are not individuals or small businesses or small groups, I mean, these are some of the larger elements of the labor movement, correct?
A The ones listed on the current disclaimer in this --
Q Sure.
A -- exhibit, yes, those are large organizations, yes.
Q Ha- -- ha- -- has there -- has there ever been a point where an individual, natural person, as we would say in the law, ended up as one of the three?
A Yes.

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Q Do you recall who that was?
A I think it was John Arnold.
Q Was that the same wire transfer?
A Potentially he has given us more contributions throughout the years.
Q Fair enough. The -- the bottom of the thing you have -- let's see here, you have some numbers. So you've been able to raise more than our projected budgets in both local and general elections, and then below you have fundraising totals for 2021, 1- -- 2- -- tw- -- 2 thou- -- 2020 through 2025?
A Correct.
Q All right. And are those total for state and federal together --
A No, we don't engage in federal.
Q -- or, I'm sor- -- I'm sorry -- I'm sorry. Back up. Back up. I'm sorry. I'm sorry, I -- I mean -- I mean -- I -- I meant local, in general, I -- I'm sorry, is what I meant. You said local and general in this thing.
A In the odd number years, yes, in the even number years, less so, but als- -- yeah, so, every year there will be a local election of some sort and a general election in those even number years.
Q Fair enough.

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Obviously the -- well, so -- well, so -- so you -- you said that the -- the independent expenditure group has -- is 15 years old, or something, it -- it predates all this, it's been around for a bit, correct?
A Yes. It could be older than 15 years, I just know it's at least that old.
Q That's fine.
So in the 2020 cycle you had a hundred thousand, and then 2022 it was over a million, I get why the off-year elections are less, but is there a reason it went up so much between those two cycles?
A Well, to be clear, 2020 we barely did anything because of the COVID pandemic, so that's why that's so low. We almost did no work in 20- -- yeah.
Q No, keep going. Sorry for interrupting you.
A Oh, I was going to say, 2022 was a year where we also did -- I think we raised some money for gubernatorial, if I'm not mistaken, but we had a lot of people interested in the legislative races that year.
Q Sure.
And -- and so, 2024 was bigger but lower, so 2022, you think, was pro- -- probably bigger because

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of the governor's race, was probably where the extra money came, on top of the federal stuff?
A Correct. And I think it's almost exactly that difference, yeah.
Q Okay. And whe- -- so -- so when 2020 is much lower, if we went back to 2018 or '16, it'd be higher you think?
A I do not know that because that wasn't my position, and the person who did this before me just had a different fundraising tact than I do, so I'd have --
Q Fair enough.
A -- to go look.
Q Fair, but I -- I guess, I -- I was wondering why 2020 was much lower, you said it's because of COVID. I -- I guess I was -- does that mean that pr- -- it went down but it had been higher, you know -- I mean, it was a -- it was a one-year low that be- -- lower than before and after, I guess -- guess, it wasn't an up ramp?
A Yeah, I do not know about the previous years. I just know we did almost no program that year in 2020.
Q All right. And then -- so -- so we -- so -- and when you say -- well, you -- well, you weren't

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involved in 2022 when I asked if you did anything with Ballot Measure 2 and you said no, the -- you said in 2024 the AFL-CIO did come out against the ranked choice voting repeal, correct?

A That is correct.

Q Yeah.

All right. And then the -- so the section before this on the same page refers to the 24-hour rule. You know what I'm referring to if I refer to that?

A Yes.

Q You say, not a single donor do- -- donate due to this new requirement; I'm very up front; I'm here to help them apply.

You haven't had a -- a -- a donor decline to donate because the 24-hour rule after telling them, have you had donor -- ha- -- ha- -- you have do- -- potential donors who decline to donate, I assume?

A I have not had somebody who called me, and after I shared information, they said, never mind, we're not donating. If there are people --

Q Sure.

A -- in the world who just chose not to donate, I guess I wouldn't know about them.

Q Sure. Sure.

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But what -- but, you know, with -- when you say -- when you're getting money from union locals or internationals, I mean, those generally have professionals who work there whose job it is to do compliance, whether they're attorneys or not, I would assume?

A That has been my experience, yes.

Q So are you -- are you mo- -- so when you're doing this, you're -- are you mostly working with other people in union -- who are in the offices of those en- -- organizations whose job it is to work through this with you?

A Will you clarify "when I'm doing this," do you mean the APOC compliance or fundraising or --

Q When people are coming to you with questions about APOC compliance, these are generally -- the donors are generally people who work professionally for a union local or international or some similar entity?

A Correct.

Q So it's not -- it's actually not as much individual people who, you know, maybe have a -- a -- a few extra bucks lying around they want to put towards a cause but who don't donate generally as -- sort of, as a hobby or as a activity?

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A I think I missed the question. Are you asking me if that's the case? I didn't -- I didn't quite catch that.

Q I'm asking if that's the case, yes.

A Yes, most of our donors, over the last -- since 2020, are unions, and a smaller percent are individuals, that's correct.

Q All right. So, yeah, obviously right we're not in the heat of election, in the -- but let's say as 2026 goes on or -- you know, how -- as 2024 went, let's say in the second half of the year as you get closer to the election year -- or the last quarter in the last period, how many hours per week do you estimate that you'd spend working on these APOC compliance issues?

A Let me think about that. Hmm. In the year are you -- time period-wise you specified what part of the --

Q Yeah. Well --

A -- election cycle.

Q -- well, I -- I guess it -- I -- I -- I guess I was asking -- yeah, I was asking how much -- the -- the question's how much per week, but I imagine maybe it's less now than it will be in October, is all, so I ju- -- I guess that's why I was framing the

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question that way.

A Specifically to as the election itself approaches, that last quarter before the election, I --

Q Sure.

A -- spend, not quite an hour a week on APOC's com- -- APOC compliance, because --

Q Fair enough.

A -- reports take very little time on my end. And by that point, most of our donations are in, and so I'm not walking people through compliance.

Q Yeah.

And -- and -- and so when do most of the donations come in then?

A I would say before October in that, kind of, June through October frame, mostly in the beginning part of that time frame.

Q Okay. And during -- and during that pre-October pe- -- pe- -- time frame, how -- would you say you're -- are spending any more on it?

A Not necessarily, especially, I'm not spending very much time on walking people through at this point.

In -- since the passage of the ballot

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measure, I would say more of my time is actually entering APOC reports, but, again, those don't take very much time, so I'm still not spending more than an hour a week filing those --

Q And are you --

A -- reports.

Q -- and -- and -- and are you the person filing those reports or is there -- I mean, you're the director, as there a -- a jun- -- more junior staffer who's actually doing more of that or ...

A To clarify, in this upcoming election, it may be a different system, because our bookkeeper has retired. I am in --

Q Fair enough.

A -- charge of filing all 24-hour reports, while she --

Q Okay.

A -- handled more 30-day, 105, with my assistance, but --

Q Yeah, sure.

A -- mainly tasked with 24-hour issues.

Q Yes.

And just -- just to set it -- for the record, so -- and so when do those 24-hour issues occur as opposed to the 30-day requirements?

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A If someone gives us a contribution and I receive it, I have 24 hours to report that --

Q Sure.

Sure. And --

A -- that remain.

Q Yeah. And -- and they also have 24 hours to report theirs as well?

A Correct.

Q Right.

Have you ever had a donor who missed a 24-hour deadline -- putting aside we have the -- we have the -- the wire transfer, sorry, we talked about, have -- any other donors who may have missed their 24-hour deadline?

A I cannot recollect one. So to the best of my --

Q You --

A -- knowledge, I don't remember somebody missing that deadline, besides our friend --

Q And -- and you don't recall --

A -- on that report.

Q -- that you got -- and you don't recall that you folks ever missed it on your end, other than the -- other than --

A Not a 24-hour report.

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Q -- other than that one issue, no?

A Correct.

Q Su- -- suppose the State of Alaska passed a law that said that any ad -- let's -- let's call it a television ad -- one of the -- or one -- one that has the text disclaimer, and that if a majority of the -- and there was a rule equivalent to the out-of-state rule that says, a majority of our money comes from out of state, has to go in the disclaimer, if -- if -- if the intent of the rule was that it -- where a majority of the independenture [as spoken] group -- independent expenditure group's funds come from union locals or internationals or labor organizations, that it has to put these equivalent disclaimers saying, this ad is -- the majority of this ad's funds come from organized labor, would you guys have any objection to that?

A I can't speak to that because we have an elected body at our organization that would have to take a position on that.

Q Fair enough.

But just generally, do you think that that would help or hurt your messaging for your ads?

A I don't find it dissimilar to our disclaimer that lists unions as our top three typically, so I find it -- I -- I don't think it

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would change the effect of what we're -- how we're currently operating.

Q Well, whe- -- whether or not you would change your operation, I mean, do you think the mess- -- message might be received differently?

I mean, I know what the NEA is, but I -- if you polled people on the street, they might not.

MR. GOTTSTEIN: Objection. Form. Is there a question?

BY MR. STEPHENS:

Q You said that it doesn't -- you said that it hasn't -- it doesn't -- wouldn't change your operations, I -- I think is how you put that, but do you think that it might change the impact or reception of the message when the communication goes out?

A Hmm. My personal opinion is I do not think it would change it, because currently with the Alaska AFL-CIO mail that we mail out to our members, we -- we choose to put a disclaimer that says, this was paid for with union money.

So we have a practice on the other side of the aisle doing that already, so my personal opinion would be that I don't think it would change the outcome or the effect.

MR. STEPHENS: All right. I don't have

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that much more, honestly, so we're going to take a quick break.
So I'm going to consult with Tim, and then I will -- I will have a few more questions, and then shouldn't keep you too long, ma'am.
THE VIDEOGRAPHER: We'll go off the record at 11:33.
(Brief break.)
THE VIDEOGRAPHER: On the record at 11:36.
BY MR. STEPHENS:
Q Yes. All right. I guess, one more -- just one last, kind of, line of questions here, Ms. Hays, and I'll let you go.
When did you first become aware of the new requirements being imposed by Ballot Measure 2, the 2020 Ballot Measure 2?
A To clarify, when they went into effect or my awareness of the ballot measure itself before it passed?
Q I -- right, I -- I -- and I guess, I'm not asking about your knowledge of the political campaign, I guess I'm asking you as a person who does compliance things, when did you become aware of these new compliance things you were going to have to figure out?

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A My best recollection would have been right after the 2020 election when we saw that it had passed, my --
Q Sure.
A -- myself and my colleagues sat down to -- to review those --
Q Sure.
A -- what we were expecting, yeah, and then, again, I remembered in February of 2021, talking about it at length with a group of folks.
Q With a group of folks of internally or were --
A Internally.
Q -- from APOC? Okay.
Okay. And then -- so obviously you sit down, you have this new piece of legislation with these new requirements, how did you figure it out?
Was there a tra- -- was there any, kind of, training that you went through, any kind of guidance you got, what -- was you just you sitting down and doing the interpretation yourself with your colleagues and based on your prior experience?
A A little bit of everything. One thing I will say we did is, internally, myself and the former political director, who's now the president of the Alaska AFL-CIO, went through the language itself and, you know, did some of our own analysis.
The other thing that I typically do every election, regardless of the regulatory environment, is I sit at a table with other folks who do work like this, independent expenditure work, and we share information.
None of these folks are lawyers, they're practitioners like myself, but we share information to ensure that we're all complying.
Q Sure.
And did -- you said that -- you said none of those people are lawyers, did you get any kind of -- did -- did you get any kind of outside legal advice? Did you get -- ask a firm to write a memo for you or any kind of thing like that, you get any kind of --
A We didn't --
Q -- the -- yeah.
A -- to my recollection, we did not ask for a legal memo, no, from anybody.
Q Okay. And did you have questions for APOC at that point?
I mean, you've -- we talked about you go to them ad hoc when there's a thing that pops up, did you come out of that analysis and the discussions with

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questions that you had for APOC?
A Yes. One of my questions was how to upload true sources. That was one of the questions many of us had, and that was one of the questions I posed to APOC.
Q And -- and you -- you posed to them how?
A Via phone call and then via email --
Q Fair enough.
A -- if I remember correctly, but I definitely remember the phone call.
Q And so the- -- these were direct communications with you asking for guidance, these were not -- thi- -- this was not the -- this was not something that APOC was coming to you with not necessarily, like --
A Correct.
Q -- hi, here's -- he- -- hi, here's this new law, here's our new -- here's our training, or something like that?
A Correct.
MR. STEPHENS: All right. I -- I think that's it for my questions. This will be a short one today.
Sam, Mags, feel free to do whatever you feel like you want to do.

MS. WEIANT: This is Rebecca Weiant for the State of Alaska defendant, we don't have any questions for Ms. Hays. Thank you for your time this morning.

MR. GOTTSTEIN: And this is Sam Gottstein, I don't have any questions.

THE VIDEOGRAPHER: Great.

This concludes today's testimony. We will go off the record at 11:41.

(Proceedings concluded at 11:41 a.m.)

(Signature reserved.)

-o0o-

CERTIFICATE

I, Brooklende D. Leavitt, Registered Professional Reporter and Notary Public in and for the State of Alaska, do hereby certify that the witness in the foregoing proceedings was duly sworn; that the proceedings were then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed by computer transcription; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my seal this 21st day of January, 2026.

Brooklende D. Leavitt

Brooklende D. Leavitt, RPR
My Commission Expires 1/30/2028

Errata Sheet

NAME OF CASE: GRIFFIN, ET AL. vs STILLIE, ET AL.
DATE OF DEPOSITION: 01/07/2026
NAME OF WITNESS: Kimberly Hays
Reason Codes:
1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page _____ Line _____ Reason _____
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Exhibit 81

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Declaration**

I, STEVE STRAIT, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. I am an officer of Families of the Last Frontier and am authorized to testify on its behalf.

3. All of the officers of Families of the Last Frontier are Alaskan citizens who work for the organization because they want to protect liberty and prosperity for themselves, for their families, and for all Alaskans.

4. The Families of the Last Frontier was not created at the direction of any national organization, and does not answer to any national organization or any political party.

5. Families of the Last Frontier has lost thousands of dollars in donations because donors are more reluctant to give since Ballot Measure 2. I have been told by donors that they are afraid of making an inadvertent mistake in their disclosure forms and that they are afraid of the harassment they would receive for being doxxed by Ballot Measure 2's reporting requirements.

6. Families of the Last Frontier has ceased running 30-second radio ads because the entirety of the ad's runtime must be taken up with the so-called disclaimer mandated by Ballot Measure 2. This has caused Families an extraordinary financial burden, because 30-second ads are one of the most cost-effective ways to engage in persuasive political speech.

7. Families of the Last Frontier is also burdened by the additional time it now takes to file redundant 24-hour reports, even for donations made many months prior to the election.

8. In 2018, Families of the Last Frontier was critical of the budget approved by then-Governor Bill Walker, and argued that many of the legislators who supported it were not serving their constituents well.

9. In the 2018 and 2020 primary elections, Families of the Last Frontier engaged in political activism. Among the candidates Families of the Last Frontier ran ads against was then-Representative Chuck Kopp.

10. In 2024, Families of the Last Frontier was instructed to attend a hearing by the Alaska Public Offices Commission within a few hours of its start time. This was over an investigation triggered by the 907 Initiative. As the instruction occurred in the final days of a campaign, this caused severe consternation and inconvenience to the organization and impeded our ability to focus on political advocacy at the most crucial time before an election.

11. Families of the Last Frontier has never hired Art Hackney.

Families of the Last Frontier

Date: 4-10-26

Exhibit 82

In the Matter Of:

GRIFFIN, ET AL. vs STILLIE, ET AL.

John-Henry Heckendorn

January 09, 2026

PACIFIC RIM REPORTING
STENOGRAPHIC COURT REPORTERS
711 M STREET, SUITE 4
ANCHORAGE, ALASKA 99501
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www.courtreportersalaska.com

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

ROBERT GRIFFIN, ALLEN VEZEY, TREVOR SHAW, FAMILIES OF THE LAST FRONTIER, and ALASKA FREE MARKET COALITION,

Plaintiffs,

CERTIFIED TRANSCRIPT

vs.

RICHARD STILLIE, JR., in his official capacity as chair of the Alaska Public Offices Commission, and LANETTE BLODGETT, ERIC FEIGE, DAN LASOTA, and WALTER CARLTON MONEGAN, III, in their official capacities as members of the Alaska Public Offices Commission,

Defendants,

And

ALASKANS FOR BETTER ELECTIONS, INC.,

Intervenor-Defendant.

Case No. 3:22-cv-00077-SLG

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF JOHN-HENRY HECKENDORN

Friday, January 9, 2026
10:30 a.m.

Pages 1 - 111, inclusive

Taken by Counsel for Plaintiffs
via
Zoom Videoconference

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I-N-D-E-X

EXAMINATION BY PAGE

Mr. Stephens 5

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Exh 2 2024 Alaska Statutes, Title 15, Chapter 13, Sec. 15.13.040 (8 pages) 4

VIDEOCONFERENCE; FRIDAY, JANUARY 9, 2026
10:33 A.M.
-o0o-
(Exhibits 1 and 2 marked.)

THE VIDEOGRAPHER: All right. Good morning. We are on the record at 10:33 a.m. Alaska Standard Time.

This is the videotaped deposition via videoconference of John-Henry Heckendorn, taken by the plaintiffs in the matter of Robert Griffin, et al., plaintiffs versus Richard Stillie, Jr., et al., defendants, and Alaskans for Better Elections, Inc., intervenor-defendant, filed in the United States District Court, District of Alaska, case number 3:22-cv-00077. This deposition is being held on January 9th, 2026.

My name is Randy Andrews. I am the videographer. Court reporter is Brooklende Leavitt, here today on behalf of Pacific Rim Reporting, located at 711 M Street, Suite 4, Anchorage, Alaska 99501.

Starting with plaintiffs' counsel, would counsel now please introduce themselves, state who they represent.

MR. KILCULLEN: Tim -- oh, go ahead,

Reilly.

MR. STEPHENS: This is Reilly Stephens on behalf of the plaintiffs, and with me is Tim Kilcullen.

MS. WEIANT: Rebecca Weiant on behalf of defendant Alaska Public Offices Commission, State of Alaska.

MR. GOTTSTEIN: Sam Gottstein on behalf of intervenor-defendant, Alaskans for Better Elections.

THE VIDEOGRAPHER: Thank you.

Will the court reporter please swear in the witness.

THE REPORTER: Can you raise your right hand.

(Oath administered.)

THE WITNESS: I do.

THE REPORTER: Okay. Whenever you're ready.

JOHN-HENRY HECKENDORN,
deponent herein, being sworn on oath,
was examined and testified as follows:

EXAMINATION

BY MR. KILCULLEN:

Q All right. Good morning. I'll be asking you a few questions pertaining to your report. I'm

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just going to run through a few quick things first.
So the answers -- your -- because it's transcribed, the answers here have to be audible. So handshakes, nods, waves, they don't translate. I'm going to have to remember this myself too.
Relatedly, because it's transcribed, I'm going to try and speak slowly and deliberately, and I'm going to extra emphasize certain things when we're referring to the documents. I'm not trying to be pedantic. I'm just trying to get a clear record.
Your attorney may object to certain questions I ask. If they're objecting, you just let them say the objection before you answer, unless he instructs you not to answer a question or you believe your answer would violate attorney-client privilege, then you -- then you answer the question.
If you're confused by anything I'm asking, let me know. These aren't supposed to be trick questions, this is about getting a record for the trial.
In the exhibits there are multiple page numbers. If I'm not specifying otherwise -- or actually, thi- -- this one -- give me one sec -- yeah, if I'm -- the -- there's multiple page numbers, please use the -- the page numbers in the

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center that are -- that should be in a different font, and they're bigger.
So where it says in, like, this reddish-orange color, "Page 1," "Page 2," that's the page number I'll be referring to.
And -- oh, lastly, you're allowed to ask for a break. This isn't a hostage situation.
Can you please state your full name.
A John-Henry Heckendorn.
Q And are you currently on any substances or experiencing any mental health issues that may impair your ability to answer these questions truthfully and honestly?
A I'm not.
Q And have you consulted with anyone in preparation for this deposition?
A Attorneys and members of my team.
Q And by -- by members of your team, this is at S- -- SCGs -- Ship Creek Group?
A That's right.
Q So what are your job responsibilities for SCG?
A I'm a managing partner. I oversee business development and internal strategy, and then I manage some external projects.

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Q You said a "managing partner." How many partners are there?
A Four partners total.
Q And how long have you worked for SCG?
A On and off since 2015.
Q And have you always, when you've worked for them, been a partner or no?
A I believe so.
Q And how many employees does SCG have?
A I don't actually know, off the top of my head. It changes, but we're -- I think we're 20 to 25.
Q And you say "changes," do you know what the -- the highest number it's had has been?
A I don't, off the top of my head.
Q And does that number that you gave include contractors?
A We have a couple of contractors who are more integrated into our team, but we work with other contractors, so, no.
Q So the 25 or so, and -- those are full employees on staff?
A Yeah, the -- the 20 to 25, we -- I believe we have at least 20 employees. I don't think we have more than 25 currently.

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Q And you said you also have contractors, you said there were a couple integrated, aside from the integrated ones, how many contractors do you generally employ?
A It really depends from cycle to cycle.
Q Do you know what the most amount of contractors you've had at a given time has been?
A I don't -- I mean -- yeah, that's just not a statistic that I track.
Q And are you employed by any other organizations right now?
A I'm not.
Q And you -- you said that you've been on and off with SCG group, when was the most recent time you -- you became on with them?
A I started taking on work with SCG again in 2020 and resumed a full-time schedule in 2021.
Q Okay. Now, to your knowledge, has SCG ever contracted with any of the Alaskans for Better Elections, ABE, groups, aside from for this litigation?
A Yes.
Q When was the first contract with an ABE group?
A I believe it was in 2022.

Page 10

Q And what was the contract for?
A Services including strategic consultation, creative production and marketing, and it may have included other things, but I think those were the primary things.
Q And was with -- this ABE, Incorporated?
A I apologize, I'm not -- I don't remember the nomenclature that's associated with the different groups.
Q No problem.
Now, for this contract, was it -- was it for their ranked choice education or was it for electioneering with the attempt to repeal ranked choice voting or was it something else entirely?
A We typically engage with clients across a range of topics, like things that come up. We have supported ABE in some of their public education efforts.
We've been involved in electioneering programs related to the attempt to repeal the open primary and choice voting system, but my recollection is that most of that work was done with a different entity.
Q And by "most of that work was done with a different entity," you mean SCG was working with a

Page 11

different entity or ABE was working with a different entity?
A I -- I don't recall if ABE -- ABE formally engaged in the election. The campaign was an entity called "No on 2," which was a separate entity from ABE, is my understanding, but I was not involved in all the minutia of how all of those vehicles were structured.
Q And did -- did SC- -- SCG contract with No on 2?
A Yes.
Q In -- in 2022? 2023? 2024? Do you remember which years?
A 2024. The organization filed in 2024.
Q And how -- how did you first -- do you know how SCG first connected with ABE -- ABE?
A There aren't very many political consulting firms in Alaska.
Q And was it through ABE that SCG got involved with No on 2?
A No, I think No on 2 reached out to us directly.
Q Now, has -- has SCG ever contracted with the AFL-CIO or any of its affiliate organizations, such as the Putting Alaskans First Committee?

Page 12

A We have contracted with the AFL-CIO. I don't recall if we've contracted with Putting Alaskans First Committee.
Q And was the contract with the AFL-CIO for independent expenditure-related issues?
A I apologize, I'm -- I'm not a hundred percent sure. You -- we do a lot of different kinds of work, and I'm not involved in all of it.
You can probably appreciate that as a lawyer, but I just don't want to speak to work unless I'm a hundred percent sure.
Q That makes sense.
Do you know how much, roughly, percentage-wise of SCG's work has to do with either independent expenditures or direct electioneering, like direct campaigns?
A Sorry, can you repeat the question?
Q So SCG does a lot -- does work in a variety of things, if I'm understanding you correctly. Do you know -- do you have an estimate of the percentage of SCG's work that is election related, either for independent expenditures or direct campaigns?
A I'd say the majority of our work is collections related.
Q And -- and "majority," like, the two-thirds?

Page 13

Three quarters, roughly?
A I haven't done a recent analysis of the percentage of our work in various categories.
Q Now, has the -- the SCG ever contracted for -- for Governor Walker?
A Have we contracted for Governor Walker, is that the question?
Q Yeah, or -- or one of those campaigns.
A We have worked on campaigns where Governor Walker was the candidate. I don't believe or recall that we have contracted with the Governor's office.
Q Did you work on his -- his 2018 campaign?
A Yes.
Q And do you --
A And, excuse me, I --
Q Oh.
A -- as I said, in the -- in the last 10 years I've worked at SCG and not, and I believe SCG contracted with Governor Walker's 2018 campaign.
I also contracted with the campaign in my personal capacity, because when I worked in the Governor's office, I had left SCG.
So I was involved, members of the SCG team were involved, but that was seven or eight years ago, and I just -- I'm not exactly sure in which

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capacity.
Q Understand.
Which candidates endorsed by Governor Walker has SCG worked for, if any?
A Quite a few.
Q By "quite a few," how many would you estimate?
A We don't typically categorize our candidates as to whether or not they've been endorsed by Governor Walker. It's like a -- so I -- I'm not sure.
Q But a few?
A Yeah. Certainly we've worked with multiple candidates who've been endorsed by Governor Walker.
Q Now, has SCG ever contracted for Governor Dunleavy or any of his campaigns?
A No.
Q And to your knowledge, have they ever contracted for candidates endorsed by the -- Governor Dunleavy?
A Again, we -- we don't categorize our candidates based on individual endorsements, so I --
Q Yes, you don't know --
A -- I'm not sure.

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Q -- you don't know. Yeah, don't a- --
A It's -- it's possible we've worked with a candidate who was endorsed by Governor Dunleavy at one time.
Q All right. We're going to turn towards the exhibits. Do you -- do you have them in front of you?
A I do.
Q Awesome. So this is going to be at page 10, and is the red-orange page number.
A I don't have any color on my --
Q Oh, okay.
A -- on my booklet, but I -- I'm seeing a "Page 10" in large, gray letters at the bottom center.
Q That's -- that's -- that sounds right.
So I'm going a read a quote from this, where it says -- this is about a third of the way down the page -- it says, "As stated in my bio, my team and I have worked on dozens of Alaska campaigns at different levels of the ballot since the passage of BM2" -- that's Ballot Measure 2 -- "including for multiple IE and ballot initiative groups."
Excuse me. And then at the next page, which is page 11, it says, "SCG's compliance team has experienced serving as treasurer for 14

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initiatives/ballot groups from 2015 through 2025."
So do you know how many were -- were ballot measure groups of those 14?
A I would -- I would think potentially all of them, although I know there's -- APOC has different terms for what a group working on a ballot measure is called at different stages of the process, so I want to be careful that I don't inadvertently claim that something was a ballot group when it wasn't, but ...
Q Now, I -- it -- also including for multiple independent expenditure groups, not relate- -- how many independent expenditure groups that were not ballot groups has SCG worked for?
A I'm not sure of the exact number.
Q Would you think it's also dozens?
A Would I think that it's also dozens --
Q Well, you said --
A -- is that --
Q -- you worked on dozens of Alaska campaigns, do you think you've also worked for dozens of independent expenditure groups?
A I don't think I would say that we've worked for dozens of independent expenditure groups.
Q Do you know what percentage of SCG clients

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are independent expenditure groups?
A Independent expenditures tend often -- deploy across multiple campaigns and can be larger than down-ballot campaigns, so it depends whether you're asking about the number of individual entities or the size of those different entities might contribute more work for one independent expenditure than multiple candidate campaigns. Does that make sense?
Q Yes, it does.
Is SCG making more money off independent expenditure groups or off candidate campaigns?
A That really depends on the cycle.
Q And that also applies to you personally too, that it depends on the cycle, whether you're doing more work making more money for independent expenditure groups versus candidate campaigns?
A I make my money from Ship Creek Group, so when Ship Creek Group is making money, I'm making money.
Q Does your work with Ship Creek Group tend to -- like, if -- if -- if there's, say, a 60 percent candidate -- 60 percent of the work for Ship Creek Group is ca- -- is on candidates, would that mean generally that 60 percent of your work is for

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candidates or does your work differ from the average amount -- like, do you have a specific focus in Ship Creek Group, separate from the other partners and employees?

A I have a specific focus in that I work on a portfolio of specific projects each cycle, what is included in that portfolio and the proportions changes from cycle to cycle and would not necessarily exactly correlate with the proportion of the work that Ship Creek Group is taking on overall.

Q But it's not like you're specifically the candidate campaign person or specifically the independent expenditure group person?

A It is not like that.

Q Now, I'm turning back to page 2. Sorry, we're going to jump around on this a bit.

A Okay.

Q It says here that "Ship Creek Group LLC (SCG) is receiving compensation for my time at a rate of $250 an hour."

Is that all the compensation either you and Ship Creek Group are receiving for the case?

A I believe so.

Q And how many --

A I'm not the person who manages our

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contracts or billing.

Q And how many hours have you worked so far?

A I believe it's around 30 hours, but I -- I didn't look at my time tracking sheet this morning.

Q And I know you can't see the future, but how many more hours do you expect to work on this case?

A How many questions do you have?

Q Yeah, this is -- this is als- -- I'm going to read a different quote from page 2, it says, "I previously testified as an expert on campaign finance and elections in the matters of Thompson v. Dauphinais and Nageak v. Mallott in 2016."

In both of those cases, was it also Ship Creek Group that -- that was -- was the contractor or was that you, specifically, contracted?

A I could be wrong, since that was 10 years ago, but I believe in both cases I was not compensated.

Q Okay. Now, I -- here's another quote from page 2 -- and, again, if you think -- I'm -- I'm -- I'm reading it from the -- the page, but if you think I'm misquoting it, call me out on it; this is just for clarity -- it says, "We also provide a suite of in-house technical capacities, including creative design and media production, compliance and campaign

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finance reporting, data analysis and research, digital marketing and audience targeting, and programmatic fundraising."

So I -- I've got a few questions on this. Ho- -- how do you define "in-house technical capacities"?

A I would say a service that requires some level of technical expertise --

Q Like, does this, like, mean --

A -- for which the work --

Q Oh, sorry, go ahead. I didn't mean to cut you off.

A No, no worries -- for which the work is primarily done by members of our team.

Q Does that include, like, website design, that kind of stuff?

A In some cases it does include website design.

Q All right. And then you got -- how do you define "creative design and media production"?

A Graphic and web design and the production of advertisements and other visuals associated with the projects we work on.

Q And how do you define "data analysis and research"?

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A I'd say cleaning, modeling, and reviewing datasets and using data science to answer questions posed of those datasets.

Q And how do you define "digital marketing and audience targeting"?

A Typically that would be placement of digital advertisements on various online platforms, which includes thinking about the parameters around who is seeing or receiving or being served those advertisements.

Q Now, are you hiring canvassers or is most of your work digital and broadcast advertising?

A You're asking if Ship Creek Group hires canvassers?

Q Yes. Yeah.

A At various times Ship Creek Group has hired voter canvassers.

Q How do you define "programmatic fundraising"?

A Raising money from political -- sorry, raising money from potential political donors via various programs.

Q And how do you define "ca- -- compliance and campaign finance reporting"?

A Advising campaigns and candidates on

Page 22

various aspects of state and federal campaign finance law and filing the reports required by regulatory agencies.

Q So Ship Creek Group is filing the Alaska Public Offices Commission reports for its clients sometimes?

A Members of our team will serve as the treasurer for Alaska Public Offices Commission-regulated campaigns and be responsible for filing those reports.

Q Do they also do it for independent expenditure group clients?

A They have done in the past.

Q And do you personally do that work?

A I do not.

Q All right. We're going to turn to page 4, and it's at the bottom of the page, it's where it says, "Additionally, my team at SCG have compiled the following statistics: 51 and [as spoken] 57 directly manage campaigns won; 11 statewide and local ballot propositions won; 4.1 million-plus small dollar donations raised; 22 first-time candidates elected; 47 non-electoral projects completed; more than a thousand reports filed with the Alaska Public Offices Commission; more than 250 million digital ad

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impression served; 11 major research reports on Alaska elections and campaign financing completed."

So does this mean SCG filed a thousand reports on behalf of its clients?

A Members of my team on our compliance team have told me that they believe that they have filed more than a thousand reports with the Alaska Public Offices Commission.

Q And do you know how many hours SCG has billed for -- for doing APOC reports?

A We typically don't bill hourly.

Q How -- you bill for campaign cycle? How -- how do you determine how much you're owed?

A Often we bill for a suite of services via a monthly fee.

Q Now, have any of the SCG campaign finance reports that SCG staff has filed had errors in them?

A I can't think of specific errors, off the top of my head. Across a thousand reports, I would imagine that there may have been errors.

Sometimes the information the team receives from candidates, there's information missing, or something like that, that might require a report to be amended.

Sometimes you receive different guidance

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from the Alaska Public's [as spoken] Offices Commission staff than we've received in the past that necessitates the amending of a report.

Q Can you think of a time when you got different guidance from the Alaska Public's Offices Commission than you'd gotten in the past?

A An example is not coming to mind. I'm not typically the person who is communicating with the Alaska Public Offices Commission directly.

Q Who is?

A Members of our compliance team.

Q And how big is the compliance team?

A We have two people on our compliance team.

Q Now, I'm going to page -- page 11, and it says here -- this is about halfway down the page. Let me know when you're ready.

A I'm ready.

Q It says, "In -- in reviewing their -- their records, we show three late filings of the SOC for groups of which our members of our team have been treasurer."

Now, this -- "SOC" means statement of contribution -- now, what were these three statement of contribution reports?

A I'm not sure. I just asked my team to

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pull together the overall numbers.

Q Do you know when they were from?

A I don't.

Q And you don't know why they were late?

A So an SOC form is a statement of contribution form, as it says on page 10 of my affidavit -- or my report, excuse me.

Alaska law requires that individuals, persons, or entities contributing a total of 500 or more to a group organized for the principal purpose of influencing the outcome of a ballot proposition file a statement of contribution form with APOC.

So I just want to be clear that these are forms that are not filed by the campaign, they're filed by donors to the campaign.

So our team is not responsible for filing these specific reports, we facilitate and help and encourage those donors to file those reports.

So we're not in a position to speak to exactly why a donor may have filed their report late, but I think you're familiar with people forgetting to file reports on time.

Q So ultimately it's not your job, you're just being nice to the donors in telling them they should file this?

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A We view it as part of our overarching job to support those donors and make sure that they're informed about the law, but we cannot file those forms for them.

Q Now, how did you -- oh, sorry, to your knowledge, have you or anyone in SCG ever backdated a do- -- a donation to avoid a late filing penalty?

A I'm not aware of that happening.

Q And have you or anyone in SCG ever asked someone to pos- -- postpone contributing so as not to risk a late filing?

A Sorry, can you repeat the question?

Q Have you or anyone in SCG ever asked someone to postpone giving your client a contribution so as not to risk a late filing?

A I'm not sure I understand how that would happen.

Q Have you -- has there ever been someone who wanted to contribute to a client of yours but you were afraid either that your client would not be able to submit the report on time or you feared that donor would not be able to file on time, so you told them, wait to give that contribution until we know that the report can be submitted timely?

A My understanding is that a donor is not

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required to file a statement of contribution until they have made a contribution, so I don't know why we would ask a donor to delay making a contribution in order to delay making -- their filing a report of the statement of the contribution.

Q And for the -- for the clients, you've never said, oh, don't give a contribution yet; we're not ready to file that report?

A Campaigns typically do not file a statement of contribution reports.

Q And for the independent expenditure group clients --

A Unless you're talking about --

Q -- for any report, and not just an --

A -- a situation where the independent expenditure is -- would be donating to another entity, independent expenditures are not typically set up for the purposes of donating, they're typically set up for the purpose of receiving donations.

Q Sorry, I want to be clear. I'm not just talking about statement of contribution reports, I mean any reports, have you ever said -- either declined a donation or said, can you give the donation later because a -- a -- a report that was due and you

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didn't want to late file or have inaccurate in- -- information on it?

A And, a- -- again, I'm not sure I'm understanding the question, because typically reporting on donations and the deadlines associated with that reporting are triggered when a donation is made.

So delaying a report in order to delay -- sorry, delaying a donation in order to delay the filing of the report seems -- seems backwards to me.

Q And why is that?

A You can't delay a deadline if the deadline has not been triggered, because the thing that would trigger the deadline has not happened.

Q How did you find out about Ballot Measure 2, and specifically the Ballot Measure 2 that's in litigation here, the one that passed in 2020?

A You're asking how I found out that the ballot measure existed?

Q Yes, correct.

A So that would have been in 2019, I believe, when language would have been submitted to the Lieutenant Governor, I believe when that language was submitted, I was not working in politics at that time -- I -- I don't recall exactly

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how I learned, but I would imagine reading the newspaper, hearing from a friend that that initiative was moving forward.

Q And after it was enacted, how'd you learn of its specific requirements?

A I'm -- I'm sure that I read about the specific requirements of the ballot measure before it was enacted.

Q Where did you read about it?

A I would imagine that I read the ballot language.

Q All right. We're going to turn to page 6. Let me know when you're ready.

A I'm ready.

Q All right. So it -- where it says "Our" -- this is near the top of the page -- "Our analysis of public Alaska Public Offices Commission (APOC) data for 2013 through 2024 suggests that more money is currently being spent in Alaska state and local candidate elections than before Ballot Measure 2 (BM2) passed."

Now, how did you analyze that data?

A We pulled records of donation history from the election cycles noted in our -- excuse me --

Q Bless you.

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A -- noted in our exhibit.
Q You took it from the APOC site?
A That's correct.
Q And did you then put it in an Excel sheet or Google Sheets?
A Someone on my team -- on our data team processed the data. I'm -- I'm sure they used spreadsheets.
Q And what do you mean by "processed"?
A Downloaded and sorted and cleaned the data.
Q And how'd you ensure you had all the data and weren't missing any?
A My understanding is that they downloaded all the reports that were available so that they could access ...
Q Did they know of any way to check for accuracy, other than just hoping that APOC had everything on its site?
A I mean, our report speaks to what ava- -- what is available on the APOC site. Our report does not speak to things that were not reported to APOC.
Q So you had no other way of checking the accuracy, other than just trusting what was on the APOC site?

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A When you -- what do you mean by "the accuracy"?
Q Well, did you verify if these contribu- -- if these statements were correct against any other dataset or you just assumed that because they were on the APOC site, these were both correct and comprehensive?
A Are you asking if we checked with candidates as to whether they had not filed correct information?
Q Yes, or any other way of checking if what was on the APOC site was correct.
A There are ways to confirm that the information that we pulled from APOC represents the aggregate information available on the site. I'm not sure how anybody would determine what information had not been reported.
Q When you say wh- -- what are the ways?
A You can look at the numbers that are listed on the APOC website and cross-ref -- cross-reference those against the numbers that have been downloaded and the totals.
Q That's just verifying that what you downloaded is the actual document, that wouldn't -- would it -- did you do anything to check that the

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underlying data on the APOC site was accurate and comprehensive?
A Our exhibit attests to the information on the APOC site. We are not taking responsibility for information that was not reported.
So if a candidate broke the law and didn't file a record of their donations, that would not be on the APOC site, it would not be in our exhibit.
Q And similarly, if APOC didn't upload a -- a report, that just wouldn't be in your exhibit, right?
A I believe that's correct.
Q Now, did you analyze spending for ballot measures or just for candidates?
A I believe, as it says on page 6, we looked at money being spent in Alaska state and local candidate elections.
Q So not ballot measures?
A I believe that ballot measures are not included in the totals presented in our exhibit.
Q And as you were a -- as you were comparing pre- and post-Ballot Measure 2 data, did you think the data was equivalent in terms of accuracy?
A Can you -- again, can you confirm what you mean by "accuracy" in this context?
Q Well, you said you looked at data from 2013

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to 2024, so for a lot of those cycles, that's before there were -- there were Ballot Me- -- there was Ballot Measure 2 data, and then a couple of those cycles, there was Ballot Measure 2 data, did you think that they were -- the two datasets were equivalent in terms of accuracy?
A When you say "Ballot Measure 2 data," you mean data on campaigns after Ballot Measure 2 had passed?
Q Correct, yes.
A For the most part, APOC is asking the same questions of candidates in terms of the data that they are reporting before and after.
We have not found an in- -- indication as to why the aggerate [as spoken] -- the accurate -- sorry, the aggregate accuracy of what was being reported across all the reports filed in the cycles prior to the passage of 2022 would be substantially different from the aggregate lev- -- level of ac- -- accuracy across all those reports filed after the passage of Ballot Measure 2.
Q Were they also equivalent in terms of comprehensiveness?
A We're not aware of a reason why the level of comprehensiveness in aggregate across all the

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reports filed -- or prior to the passage of Ballot Measure 2, would be different from the ag- -- aggregate level of comprehensiveness for reports filed after the passage of Ballot Measure 2.

Q All right. We're going to turn to page 7, which is the next page.

A Okay.

Q It says here, "Our -- our analysis of public" -- it's -- it's this -- it's -- sorry -- no, I'm moving to a different -- I was reading the wrong passage. My apologies.

A Yes.

Q All right. I'm reading where it says, "Notably, candidate campaign" -- this is about midway through the page -- "Notably, candidate campai-" --

A Sorry, which page are you on?

Q Page 7. Sorry. We're still on page 7, I'm just moving to a different paragraph. It's the last paragraph before the part that's, like, bullet point 3 -- or subheading 3.

A Okay.

Q All right. So it says, "Notably, candidate campaigns have always required disclosure of the true source of the funds, and it is illegal for an individual to make a donation to a candidate campaign

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in Alaska by way of a proxy. Clearly these longstanding requirements are not having a chilling effect."

When you say "required disclosure of the true source of the funds," what do you mean by "true source"?

A The person who is providing those funds to the campaign.

Q And by "person," do you mean, like, an individual person or the -- a group? A corporation?

A There are some groups that are allowed to donate directly to candidate campaigns regulated by APOC.

Q And you count those groups as a true source?

A No, I think in that instance it -- well, it would depend on -- I think it would depend.

Q What would it depend on?

A How the group was organizing its funds and where it was receiving those funds.

Q Now, under your understanding of Ballot Measure 2, can a federal PAC, a Political Action Committee, be a true source?

A I guess I'll note that the -- currently groups donating to candidate campaigns in Alaska are much more heavily restricted in terms of the amount

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that they can give to candidate campaigns than individuals, so the vast majority of donations to candidate campaigns in Alaska are made by individuals.

Q And what ab- -- what about the contributions to independent expenditure groups?

A Those contributions are not regulated in the same way.

Q And und- -- when you use true source to refer to independent expenditure groups, you -- you're using the same definition of "true source"?

A What I was saying was in response to your previous question, making the point that, where we are talking about individual people who constitute the vast majority of donors to candidate campaigns in Alaska, we -- we are talking about the campaign needing to report the true source of that donation, so it is -- my understanding is that it is illegal for an individual to give money to another individual who then gives that money to the campaign and is reported as the donor.

Q And by your understanding, would that also be illegal if they were doing it to an independent expenditure group?

A Under current law?

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Q Under current law. Under Ballot Measure 2.

A My understanding is that Ballot Measure 2 requires the reporting of the original source of the funding.

Q And by "original source," do you mean "true source"?

A Broadly, yes.

Q You say "broadly." What -- what does that mean?

A I could imagine a scenario that would get fairly ridiculous where you could talk about the owner of a grocery store who donated to ca- -- to a campaign and talk about the people that came into their store and bought their cabbages and try to argue that those were actually the true source. So I'm not sure if that's a road you want to go down, but I would view the owner of the grocery store who makes the donation to the campaign from their income as the true source.

Q Now, do you think a federal PAC can be a true source to independent expenditure groups?

A My understanding is that federal PACs are required to report their donors under the federal system.

Q But for the group receiving a contribution

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from a federal PAC, is your understanding that they have a duty to list the donors to the federal PAC or just the federal PAC?

A My understanding is that APOC has allowed for the reporting done by the federal PAC to constitute the disclosure of the true source donations.

Q So just un- -- just to be clear, what you're saying is your understanding is that a independent expenditure group receiving a contribution from a federal PAC can just list the federal PAC as the true source of those funds?

A My sense is that different entities have approached how those donors are disclosed in different ways.

I can't speak to all of those ways, but I'm aware of some instances in which the entity has pointed to the federal reporting disclosure by the federal PAC, pointing to how those -- how those true sources of the funds into that federal PAC may be identified.

Q By "pointing to the federal PAC," do you mean they -- they tell APOC who the donors to the federal PAC were that they got from the federal sourcing requirements or --

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A I -- I can't speak to how every independent expenditure regulated by APOC has chosen to complete the paperwork providing true source disclosure.

Q Have any of your -- of SCG's independent expenditure group clients expressed confusion about receiving contributions from federal PACs?

A Have any of our clients ever expressed confusion about receiving contributions from federals PACs; is that the question?

Q Yes.

A I wouldn't be surprised if they have. I'm not any thinking of any specific examples.

Q If one of your clients ask, can I just list the federal PAC as the true source on my APOC form, would you tell them, yes, do that or, no, don't do that?

A Like I said, my compliance team ...

Q Now, I'm still reading from page 7 here.

A Okay.

Q It says -- or this is a little further up the page actually, where it says, "Now, donors who would have previously given excess funds to an independent expenditure can contribute as much as they want directly to the candidate, which is a simpler

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process and allows the donor to coordinate and discuss the campaign with the candidate and their team directly."

What do you mean by "a simpler process"?

A As an example, the donor that gives to a candidate campaign is not typically required to file a statement of contribution report.

Q So would -- under the new rules, the requirements on independent expenditure reporting, the reports you have to file, they're stricter than on candidate reporting?

A I think the rules are enforced -- I -- I don't know of a reason why the enforce- -- the rules would be enforced in a more lax way on either side.

Q But it's easier to -- to know what the reporting requirements are for giving and re- -- giving to candidate campaigns and then receiving as a candidate than they are as an independent expenditure group?

A My experience, it is marginally simpler to donate to a campaign and understand how your donation has direct value to the campaign and the candidate that you are trying to support.

When you give it to an independent expenditure, you also need to confirm that that

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independent expenditure is going to follow through and support the campaign and do that in a way that is strategic, and the independent expe- -- expenditure group is prohibited or inhibited in their ability to communicate with the candidate.

So there's more uncertainty introduced by donating to a group that is supporting a candidate indirectly versus giving to that candidate directly.

Q But where you say "a simpler process," are you talking about the APOC process or just proces- -- or what do you mean by "process"?

A Well, in part, I mean what I was just talking about, the process for the donor to make a donation and believe that their donation is effectively achieving the goal that they had in mind when making the donation.

Q All right. We're going to turn to the next page.

A Okay.

Q All right. Page 8, it says, "It is telling that -- it is telling that the additional disclosure and disclaimer requirements via Ballot Measure 2 were passed by voters in the next election cycle."

This is -- you -- you see where I'm reading from there?

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A I do.
Q Now, what does this tell?
A So, higher up on the page I talk about how there was significant media coverage in the past election cycle of attempts by groups to essentially use front groups to disguise the source of the funding and spending in Alaska elections.
In the next cycle, Alaska voters passed laws requiring more disclosure of the true source of funding.
Q Now, here -- in the next sentence, you say, "Experts for plaintiffs have submitted reports suggesting that voters do not care about the source of funds behind political messages.
"This claim is belied by the recurring examples of political campaigns and organizations attempting to focus the race around the source of their opposition's money.
"One example is the original campaign against Ballot Measure 2 in 2020. Defend Alaska Elections, the ballot group that was formed to oppose Ballot Measure 2, focused heavily on the source of outside funding for the support campaign."
Now, did -- did 2020's Ballot Measure 2 pass?

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A It did.
Q Would that indicate that -- that DAE's strategy of focusing on the source of the opposition's money was ineffective?
A Not necessarily.
Q What do you mean by "not necessarily"?
A I mean that I don't think you can draw the conclusion that the strategy was ineffective based on the outcome you just talked about.
Q So you can still have an effective strategy, even though it makes you lose the election?
A Where are you drawing the causation that the strategy made them lose the election?
Q Have you ever advised your clients to focus on the source of their opposition's money?
A I'm not recalling a specific example right now, but I -- I could imagine that we've pursued that strategy in the past.
Q We're turning to page 9. Here it says, "Ironically, the research of both the DAE team and any voters who took their advice was made substantially easier by the fact that Alaskans for Better Elections, the group supporting BM2, had adhered to the same reporting standards prescribed in the measure, providing true source disclosure information to the public directly on their campaign website."
Now, which -- which ABE group are you referring to?
A In that instance, Alaskans for Better Elections was the name of the campaign committee focused on supporting the ballot measure.
Q There are a few different groups named Alaskans for Better Elections. Do you know which specific one you're -- or do you just see them all as a single entity?
A I think I just said that Alaskans for Better Elections, in that instance, referring to the name of the APOC-registered committee focused on supporting the ballot measure, which is different from the entities, for example, intervening in this case.
Q Now, it says here, "More ironically" -- is -- still on page 9 --
A Yeah.
Q -- "More ironically, Art Hackney, plaintiffs' Alaska-based expert, was himself a media consultant for DAE."
How is that ironic?
A My understanding is that your experts have suggested -- have suggested in their reports that voters do not respond to, are not influenced by information about the source of the funding behind messages in campaigns, and yet one of those experts has, multiple times, been a part of campaigns that made a priority of spending their money to inform voters about the source of their opposition's funding.
Q And those campaigns lost, right?
A When you evaluate the efficacy of political tactics, you need to look at the baseline of the district, the race, the campaign, and then changes to that baseline that correlate with tactics that were deployed.
So if you are a Democrat running in a Trump-plus 20 House district and you lose by 10 points, it would be very simplistic to assume either that the tactics deployed by that Democrat's campaign had negatively impacted the result or to assume that that, therefore, indicated a poorly run campaign or a campaign run with bad tactics.
Q Did you consider that Mr. Hackney's beliefs on the efficacy of focusing on an opposition's fundraising changed as a result of DAE's failure in the 2020 election?
A I believe Mr. Hackney has -- sorry, can

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you repeat the question?
Q Did you consider that Mr. Hackney's beliefs on the efficacy of focusing on a opponent's source of in- -- a source of money changed after his former employee -- employer, DAE, lost the 2020 ballot measure election?
A I don't have any information about Mr. Hackney's current opinions on campaign strategy, but I can tell you that that 2020 ballot measure, at various times, was polling with much higher support than it ultimately received, and I can't tell you that any one tactic led to the deterioration of that support, such that the outcome of the race was much closer, but I could imagine a world in which Mr. Hackney would conclude that the polling once had a higher level of support for the campaign, they ran various tactics, including significant spending trying to tell voters about the sources of their opposition's funding, and the results substantially narrowed.
So I could certainly imagine a scenario in which Mr. Hackney would conclude that voters did care -- care about the information that he had, at least at one time, thought was strategic and relevant to them.

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Q I'm going to read another quote from page 9. It says, "This is just one example of a favored tactic of Hackney's over the years: running ads that focus on the real or perceived source of the opposition's funding.
"Hackney and other political consultants return to this tactic because they know that voters value understanding the source of the political message they receive."
So what specific races are you referring to?
A One example would be a -- an alcohol tax measure that was on the Anchorage municipal ballot where Mr. Hackney was involved in the ads for the group opposing that ballot measure and ran ads talking about the sources of the funding for the support group.
Q And did Mi- -- Mr. Hackney's side win or lose that referendum?
A I believe they won that referendum.
Q When was this?
A It was a long time ago, and I -- I'm not an exhaustive student of all of Mr. Hackney's political activity, but I believe that campaign was in 2019.
Q And are there other examples you have?

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A I don't have other examples, off the top of my head, in this moment, but I believe that this is a tactic that Mr. Hackney and other consultants have used routinely.
Q So when you say it's "a favored tactic of Hackney's over the years," you're basing that on the Ballot Measure 2 DEA campaign in 2020 and this 2019 Anchorage alcohol tax referendum?
A I'm basing that on multiple examples of Mr. -- Mr. Hackney -- or campaigns that Mr. Hackney was working on using this tactic. Those are just campaigns that I was also involved in, so I had more awareness of.
My assumption is that if Mr. Hackney and his teams are using this tactic in the small number of races in which we've both been on opposing sides of the campaign, it's likely that he's used it in other instances.
I'm also aware of other consultants and campaigns using this tactic in Alaska elections before and after the passage of Ballot Measure 2.
Q But for Mr. Hackney specifically, you're only aware of those two times?
A The only examples that I'm confident attesting to, while under oath right now, are those

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two examples.
I'd want to be a hundred percent sure that Mr. Hackney had been on the team that the campaign had engaged in that messaging, but I believe it's very likely that they have engaged in that sort of tactic in other races.
He's worked on many different campaigns. We've only worked on a small number of campaigns -- or both been involved in a small number of campaigns at the same time, and in multiple of those campaigns, his teams have turned to this tactic.
Q Those multiple campaigns being Ballot Measure 2 and this Anchorage alcohol tax?
A That's correct.
Q And just those?
A No, I think it's quite possible that there have been others.
Q But you can't think of it right now?
A I'm not, with a hundred percent confidence, going to speak to other examples. I think the ones that I've offered make the point.
Q Now, I'm still on page 9 here, where it says, "For example, both Alaska and federal law have long prohibited foreign nationals from giving money or other things of value to political candidate campaigns

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or PACs, either directly or indirectly."
Which Alaska law?
A I'm not going to be able to give you a statute number, but my understanding is that foreign nationals are prohibited from making contributions to campaigns regulated by both APOC and the FEC.
Q And what are you basing that understanding on?
A It's part of the training that the Alaska Public Offices Commission provides.
Q And which federal law?
A I -- again, I can't give you a statute number.
Q I'm going to read another quote from this page 9, it says, "Candidates and PAC who have received money from foreign nationals, even directly [as spoken], have been found liable for fines and even criminal penalties."
Which candidates?
A When I was preparing this report I looked at newspaper articles describing campaigns that had been required to pay fines or received other penalties from -- for receiving money from foreign nationals. I don't recall --
Q Which --

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A -- the exact campaigns at this time, but you can do --
Q Do you recall which --
A -- a Google search of those parameters, and I think you would find media coverage of those things occurring.
Q -- do you recall which newspapers you were reading?
A No, I don't. This was a month or two ago.
Q And do -- yeah, do you recall which PAC received money from foreign nationals?
A I don't.
My sense is that it's commonly held that foreign nationals are restricted from spending directly in American elections.
Q But you can't point to a specific source saying that?
A Not in this moment.
Again, I -- I found it pretty easy to Google and -- and see those examples.
Q Reading from page 9 again, "When plaintiffs' experts describe the burden of 'forensic detective work' to understand the source of their direct owner's funding, they are describing something that has long been an obligation of the compliance teams for both

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candidates and PACs; it is not a new burden introduced by BM2."
So prior to Ballot Measure 2, under your understanding of the law, if an independent expenditure group received money from another independent expenditure group it had no reason to believe was a foreign entity, did it have to report the donors to that -- the giving independent expenditure group?
A My understanding -- this is, in part, based on the training that the Alaska Public Offices Commission provides -- is that campaigns or groups that are prohibited from receiving funding from foreign nationals do receive that funding and spend that money in their campaigns, they are subject to penalties, and it is the responsibility of those groups or campaigns to confirm that they have not received money from foreign nationals.
And so if groups are concerned about avoiding those penalties, they would need to do the due diligence to confirm that they were not receiving prohibited funds.
Q And how do you do that due diligence for your independent expenditure clients?
A It would really depend on the group and

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the source of the funds and the campaign, but examples would be communicating directly with the source of the funds to understand where they had received the funds, making sure that they were aware of what funding was permissible and not, researching those groups independently to understand if they have ever fallen afoul of those rules in the past, those sorts of things.
MR. KILCULLEN: Yeah, do you want to -- do you want to take a break?
MR. GOTTSTEIN: Tim, we've been going for, like, 70 minutes. I don't know when you --
MR. KILCULLEN: Yeah.
MR. GOTTSTEIN: -- want a break point.
MR. KILCULLEN: Yeah, I think a break's a good time now. Yeah.
THE WITNESS: Cool. Thanks, guys.
THE VIDEOGRAPHER: Go off -- off the record at 11:44.
(Brief break.)
THE VIDEOGRAPHER: On the record at 11:55.
BY MR. KILCULLEN:
Q All right. So we're going back to page 7 --
A Sorry, can we -- before we -- can I just go back to one of the questions you asked earlier?

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Q Sure.
A You -- you were asking about my statement that it would be simpler for donors to give to a campaign rather than an independent expenditure, I talked about the statement of contri- --
Q Simpler process.
A Pardon?
Q A simpler process.
A Yeah -- I talked about statement of contribution reports, since that was top of mind from our previous discussion.
I think as I was reflecting on it during the break, an even more simple component of this is that very often donors to independent expenditures have already made a donation to the candidate's campaign.
Alaska previously had some of the lowest contribution limits direct-to-candidate campaigns of any state in the country, and so -- and -- and those were also calendar year restricted.
So a donor might make a $500 donation to a candidate for governor in one year, make another $500 donation to the candidate the next year, and then make a multiple-thousand-dollar contribution to an independent expenditure, now a donor could just

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make that multiple-thousand-dollar, single transaction contribution to the candidate the first time.
And so that's just a -- another example of how it's marginally simpler for donors to give directly to the candidate campaigns.
Q So that's on page 7 actually, so that's a good segue to our -- our next quote. It says, "The axiom 'messenger over message' is well known in political campaigns.
"In both commercial and political advertising, the messenger (the entity the audience perceives to behind the message), can carry as much or more persuasive power than the message itself.
"This is because humans are wired to respond to who delivers information, along with what is being said. Credibility, authenticity, and relativity are shortcuts our brains use to decide whether to trust a claim."
So what sources did you rely on when making this statement?
A I think this is a commonly held perspective across a lot of different political strategists and communicators, in my --
Q Which --

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A -- experience over the last 12 years working on a lot of different campaigns.
And earlier in my career, and still to this day, often folks with more experience than me, learning from other professionals in doing this work, I've come to understand that this is a fairly commonly held component of political strategy and -- and political communications theory.
Q And do you know if science backs this up?
A I've read articles, taken classes in college that would speak to components of this, but I'm primarily basing this off of my own experience executing political strategy, learning from polling and other qualitative research, as well as talking with a lot of different political strategists and consultants around the country.
Q And can you name a specific political strategist or consultant who shares this view?
A Scott Kozar.
Q He -- he would argue that credibility, authenticity, and reliability are shortcuts our brains used?
A He would argue that messenger is often as or more important than message in the efficacy of political communications.

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Q All right. We're going down towards the bottom of the page, and then it's going to continue on to page 8. This is --
A Can I also just -- can I also just note that, you see this also in polling a lot. So often we will split test different messenge- -- sorry, the same message with different messengers.
And you will see notably different results from time to time if the message is being associated with, for example, the firefighters union, than just being provided without association or with a different messenger associated with the message.
Q This is SCG polling?
A We don't do in-house polling.
Q So just other polls you've read?
A On many of the campaigns we've worked on, the campaigns will hire professional pollsters to conduct polling and other qualitative research, and we've seen, over and over again, that the messenger associated with a given message has a significant impact -- or can have a significant impact on how the audience receives the message, how credible it is, how effective it is, et cetera.
Q All right. So the -- the next sentence is -- it starts on page 7, but it continues to

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page 8 -- it says, "This is why campaigns invest so heavily in validators -- pastors, veterans, local business owners, tribal leaders, or everyday citizens -- whose credibility is rooted in identity, local experience, and community connection."

What do you mean by "identity"?

A Who the person is.

Q And what do you mean by "local experience"?

A Someone who has experience living and working in a given community.

Q And then what do you mean by "community connection"?

A Someone who has various connections, professional and personal, relational, to a given community.

Q Now, I'm reading another quote from this page, "For example, in 2018, Political Action Committees called Families of the Last Frontier or Family [as spoken] for Alaska's Future were formed to support Republican legislative and gubernatorial candidates respectively.

How do you know what FLF was formed for?

A Pardon?

Q So -- well, so -- so you say, "For example, in 2018, Political Action Committees called Families

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of the Last Frontier" -- FLF -- "and Families for Alaska's Future were formed to support Republican legislative and gubernatorial candidates respectively."

How do you know what FLF was formed for?

A Typically groups are required to list the purpose of the group when they file with the Alaska Public Offices Commission.

My recollection, but it's somewhat foggy given that this was a long time ago, is that these groups also attested to their purpose in some of the documents that were reviewed during the APOC complaint. I think you can also infer the purpose of the groups based on the ads that they ran.

Q Did you look up their statements of purpose?

A I would imagine that I did at the time. I don't remember exactly.

Q And you believe that that statement of purpose, that it was to support Republican candidates?

A I believe that these groups were formed for the purpose of supporting Republican legislative and gubernatorial candidates.

Q And why do you -- and do you believe that because of their statements of purpose that you said you read at the time?

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A I'm -- I'm trying to give you the preponderance of things on which I base that belief. We're talking about something that happened eight years ago, so I can't tell you the exact moment at which I formed that belief, but I'm confident that that belief is accurate.

Q All right. Still reading from the same page, "After complaints were filed, APOC found that these groups had been formed as 'shell organizations' to shield the rela- -- reality that D.C.-based groups, like the Republican Governors Association, were making the decisions and moving money directly to TV stations in order to pay for the ads."

First off, "as shell organizations," you've got in -- in quotes. Who are you quoting there?

A As I was preparing this, I looked at media coverage of the complaints that were filed against those organizations, and I was also involved in the execution of those complaints.

I'm not sure if I'm quoting one of those things directly or applying quotes because "shell organizations" is a distinct term, but I think that if you review the media coverage and the findings by APOC, you'll see that the Commission found that -- found indications that these groups were formed, at

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least in part, as an attempt to shield the reality of the D.C.-based groups that were initiating the funds.

Q Now, you say "APOC found," APOC, the Alaska Public Offices Commission, is a commission. Do you mean a specific commissioner found or the organization as a whole found?

A I mean the Commission.

Q The Commission, meaning the five defendants in this case, or the -- the Commission as a whole, including its staff? What do you mean by that?

A The Commission is a group of commissioners responsible for making adjudications on matters like this, and the Commission applied penalties against these groups.

Q And how do you know that?

A It was reported in the media.

Q Which media?

A Various Alaska media outlets.

Q Still reading from page 8. "The funds for these organizations did not come from Alaskan families but from political entities based outside of Alaska.

"Clearly the Republican Governors Association believed that Alaskan voters would respond better to a message coming from 'Alaskan families'

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than from a partisan D.C.-based Super PACs, or they would not have gone to the trouble of creating a shell brand to cover their involvement."

Do you believe that FLF has donors other than the RGA?

A I know that in this instance the RGA was the primary donor for these activities in this cycle.

Q What do you mean by "primary donor"?

A The donor that was contributing the bulk of the funds for the activities that were discussed in the complaint.

Q And what do you mean "the bulk of the funds"?

A I'm not sure how I can be more clear than that.

Q Why didn't you note in this report that -- that you believe that FLF had donors who were not the RGA?

A Can you repeat the question?

Q Do you think that someone reading this sentence here could get the misimpression that the RGA was FLF's only donor?

A Which sentence?

Q "The funds for these organizations did not

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come from Alaskan families but from political entities based outside of Alaska.

"Clearly the Republican Governors Association believed that Alaskan voters would respond better to a message coming from 'Alaskan families' than from partisan D.C.-based Super PACs, or they would not have gone to the trouble of creating a shell brand to cover their involvement."

A Yeah, I stand by that statement, and you're asking if I think that somebody -- like, any person might read that and assume that the RGA was the only donor to one of these organizations?

Q Yeah, did you consider that that was the logical understanding of the sentence you wrote?

A I don't think that the sentence that I wrote categorically makes that claim. I could imagine someone making any number of inferences about something that I wrote.

Q And you said -- we talked about shell organization earlier, now you're saying a "shell brand."

What did you specifically re- -- rely on when coming up with that phrase, "shell brand"?

A I think if you review the media coverage, the records of the complaint proceedings, and the

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findings by the Commission, it is hard not to come to the conclusion that these groups were set up for the primary purpose of disguising the origin of the funding.

Q Now, what percentage of funds from the RGA would you say is enough to make an organization a "shell brand"?

A I think it's less a question of the percentage of the funding from the RGA and more a question of the percentage of the funding from Alaska families.

Q And do you have any knowledge of whether the RGA formed FLF or if FLF was formed independently of RGA and then approached the RGA for funds?

A There were indications that the RGA had -- that this was not some independent group approaching the RGA of their own volition, that the RGA was involved in the formation of these groups.

Again, this was a long time ago, so I can't give you a comprehensive accounting of all of those indications, but I think you could get that from the media coverage, the recordings of the proceedings, and the substance of the Commission's findings, but one example would be that the RGA placed media buys from its own bank account, either

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prior to or the same day that these organizations were formed, and then converted those into the name of the organizations, which would suggest that there was an intent by the RGA to engage in these elections before these organizations were ever formed.

Q And you think it's suspicious that the RGA intended to engage in Alaska gubernatorial elections?

A No, I think it is clear from the preponderance of all the things that were discussed in the media coverage, during the complaint proceedings, and in the findings by the Commission, that the RGA wanted to disguise its involvement in those elections.

The fact that the RGA was involved at all is not suspicious to me. It would make sense for the RGA to want to intervene in an Alaska gubernatorial election, but it appears very probable that the RGA wanted to disguise its involvement from the voters.

Q And -- and you said "media coverage" a few times. Can you point me to a specific news article or media outlet that you're relying on?

A We could get on Google and -- and research those complaints, and you would find multiple

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different articles from multiple different sources, including the Anchorage Daily News, the local TV station.

Q Now, do you know who Steve Strait is?

A I don't -- I don't know him well, but I know who he is.

Q Do you believe he has a family?

A I don't know.

Q Do you know who Randy Rudrick is?

A Yes.

Q Do you believe he has a family?

A I don't know.

Q Have you read the deposition of Steve Strait from this litigation?

A Not recently.

Q But -- "not recently," did -- did you read it?

A I don't recall if I read it in full or not.

Q Did ABE give you access to it?

A Did ABE give me access to Steve Strait's deposition?

Q Yes.

A ABE was not involved in the -- in the complaint.

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Q And I'm specif- -- sorry, I -- I want to -- I don't want to be misleading you here -- by "Steve Strait's deposition," I'm specifically talking about Steve Strait's deposition in this litigation, in Gri- -- Griffin versus Stillie.

Have you read that deposition?

A I believe I -- I reviewed -- I'm not a hundred percent sure.

Q Were you given access to his deposition?

A Again, I'm not a hundred percent sure.

Q All right. I'm reading another quote from page 8. "Ironically, while Families of the Last Frontier and Families for Alaska's Future were found in violation of Alaska law, the penalties under the law were much less than the amounts being spent on media and appeared insufficient to deter the unlawful activity, with similar issues occurring in future cycles."

Can you be more specific about what you're referring to here?

A Sorry, in -- in which part of that?

Q So you talk about violation of Alaska law and unlawful activity, which law specifically, which unlawful activity?

A So one of the findings was that the RGA had acted as an independent expenditure group itself, and so that the RGA was not just a donor, but was also, like, engaging in efforts that would make -- like, that would be the efforts of an independent expenditure group who was engaging in independent expenditure activity.

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Q What penalties did FLF receive?

A There were penalties prescribed to the various groups involved in the five- to six-figure range, and the media buys were substantially greater than that.

Q Let's turn to page 10. "Experts for the plaintiffs have suggested that donors named as top contributors in an ad might hypothetically disagree with the substance of a given ad, which would result in voters receiving inaccurate information. This may be an interesting hypothetical, but I find no evidence of it playing out in reality."

How would one find evidence of a group deciding not to run an ad because it would anger a donor to be named for something that he or she might not support?

A That isn't the -- that's not the scenario that I'm describing in these statements.

Q What scenario are you describing?

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A A scenario in which the donors who are named as top contributors in an ad disagree with the substance of that ad.

Q Do you think it's -- did you consider that ads are deliberately not -- that groups are deliberately not running ads they otherwise would run for fear of what donors will say?

A That's not my understanding of what your expert was talking about in the section to which I'm referring.

I believe your expert was talking about a scenario in which top donors would be disclosed in an ad who disagreed with the substance of the ad, and then the ad would be inaccurately suggesting that those donors were supportive of that message.

What I find interesting about that is, one, it blows back against his earlier claim that voters do not care about the sources of the message, because for that to be material, it would suggest that there would be some weight associated with the association of those donors with the substance of the ad, but I also have no personal experience in -- or -- or professional experience with top donors to a group going along with ads that contradicted issues that were important to them -- or issue

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positions that were important to them.
Q Building on that, you say at page 10, "I have not had a single experience of top donors standing by while ad campaigns were run with their names appearing in ads featuring messages that they did not support."
How do you know?
A If top donors are appearing in an ad, they are often going to be concerned with the substance of that ad.
So if a donor is pro-choice, and that's an important policy position for them, and some group starts running pro-life ads and that donor's name is appearing in those ads, in my experience, it would be very likely for that donor to flag their concern with their name being associated with that message.
And I'm saying, I have not experienced that happening, situations where donors to a group were then in substantial conflict with the substance of the ads being run by that group.
Q Do you run each ad by donors who will be named in the ad before running them?
A It really depends on the campaign.
Q So sometimes you don't do that?
A I can imagine an instance in which that

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hadn't happened. It is common, if a donor's going to appear to -- an ad, for them to get a heads-up. It's not always the case that they would have final sign-off on the ad.
This isn't always something that is, like, formally regulated in terms of how the campaign is executed, it's more informal.
But if top donors to a campaign or a project are uncomfortable with the substance of the ad, there are consequences to that, right.
You might see a deterioration of that relationship, you might not see continued funding, but even in an event where the donor had not been consulted prior to the publishing of an ad, if a donor found out that their name was appearing in an ad with a message that they substantially disagreed with, I think it is very likely you would hear about that from that donor -- perhaps, not in every instance, but certainly in some, and I'm telling you that I've not had that experience.
And -- and to be clear, specifically what I'm saying is, not that -- that is -- that situation has never happened, it's that donors, in my experience, do not just stand by while their names are used in ads where they substantively disagree

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with the message of the ad.
I would say that --
Q Uh-huh.
A -- in and of itself, is rare, but donors standing by, I don't have experience of that. And that's the scenario that I understand your expert to be asserting as a possibility under the system.
Q How frequently have you had a donor come to you and say, I -- I don't want my name appearing on that ad?
A It's rare, but that can happen.
Q And is it -- it happens when you run the ad by them before it's on the air or the ad's already on the air and then the donor approaches you?
A Sorry, can you repeat the question?
Q In the instances where that's happened, had the ad already been running when the donor told you, I'm not comfortable with my name on that ad?
A Sorry, I understood you to be asking if that kind of thing can happen, and I believe it can. I'm not thinking of a specific example right now where a donor told a campaign to not run an ad.
Q If a donor didn't like an ad and then just decided not to contribute to that candidate next cycle, would you have any way of knowing why that

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donor didn't contribute, unless they tell them?
A Like, you -- you might hear about it from somebody else. I mean, I think there are ways you might ascertain that information without hearing it directly from the donor, but I --
Q But you might --
A -- I think my point here is, under Ballot Measure 2 or not, whether donors' names appear in ads or not, if donors don't like the substance of ads that are being run by groups that they support, I think there's always the possibility that they may choose to stop funding those groups or otherwise try to get the groups to not run those ads.
What -- what I'm specifically focusing on in this section is the assertion that donors would just stand by if their names were being used in an ad that they disagree with, and I'm saying that I just don't think that that is likely.
Q But you've never had a donor come to you and say, I'm seeing my name in this ad and I don't like it?
A I can't think of an example where that has happened, but I'm also not sure I can think of an example where we have run an ad with funding that we received from a donor to a campaign or a project

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that substantively disagreed with that donor's positions.

Typically donors are funding things that they believe in and want to see move forward.

Q It's page 12 we're turning to where it says, "The burden of fitting a long political disclaimer in a -- in a -- into an ad is not a unique or unprecedented challenge."

Why does it matter if it's unique or unprecedented?

A Matter to whom?

Q Why -- why do you -- why do you note in your report that it's "not a unique or unprecedented challenge"?

A My understanding is that one of the concerns raised by your experts is that long disclaimers create challenges that make it harder to communicate effectively, and my point here is that political advertisers are commonly overcoming and finding creative ways to communicate, alongside the challenges posed by a number of different constraints or criteria, frequently those being more complicated than a -- a somewhat longer disclaimer.

Q You say "Every major platform, including Meta, YouTube, TikTok, as well as various programmatic

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video networks, has its own evolving requirements for file size, aspect ratio, character counts, maximum run time, prohibited content, and creative formatting."

Are Meta's requirements for file size, aspect ratio, character count, and maximum run time set by the government?

A In some cases.

Q In the cases where it's relevant to the campaigns you -- you worked for?

A Yes, in some instances.

Q What's an "instance"?

A Disclaimer requirements required on Facebook ads, for example.

Q And what about -- all right. Let's go through the individual things you listed.

Are Meta's requirements for file size set by the government, to your knowledge?

A I can imagine instances where local, state, or federal governments may have set regulations that impact file size, but I don't have a specific example.

Q When -- when SCG groups working on a -- a Meta ad and there's a file size requirement, do you believe that that's been set by the government or that's just been set by Meta?

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A It really depends on the ad.

Q How about aspect ratio for -- for Meta ads? Do you be- -- do you believe that's being set by the government or just by Meta?

A I think that more typically would be something that would be related to the mechanics of the platform.

Q And character count, do you think that's sent by the government or by Meta?

A Typically by the platform.

Q And maximum run time, do you think that's set by Meta or by the -- by the government?

A That depends. There are sometimes requirements by regulators that candidates, for example, be given equal time, so that's an instance where the time that is allotted to certain candidates would be impacted by government regulation.

Q You believe there's an equal time rule for Meta?

A In that instance I'm talking specifically about television.

Q But for Meta?

A It depends on the platform and on the regulator and at the level of ballot.

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Q Now, do you think YouTube's requirements for file size are set by YouTube or by the government?

A Typically by the platform, as I said before.

Q Do you th- --

A I think the -- I mean, other examples, if you're looking for instances of where government regulation might impact the content on ads, for example, the FEC or other regulators might regulate the content that can be featured in ads, as well as disclaimers.

Q But you're specifically talking about the file size, aspect ratio, and character count on Meta, YouTube, and TikTok.

Do you think those are set by the government?

A I'm not asserting that those things are set by the government.

Q Now, also on page 12, "Campaigns already adapt to a landscape where a video must be 15 seconds for one placement, 6 seconds for another, cropped to 1-to-1 for one feed, and 9:16 for another, and cut down again because a platform changed its policies from one month to the next.

"In that context, the required disclaimer is

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not an outlier; it is assumed -- it is simply one more known variable in an ecosystem defined by constant adjustment."

Do any of the tech platforms require you to have a spoken disclaimer?

A I'm -- I'm not familiar with every political regulator in the country from state to local to federal.

I can imagine instances in which a spoken disclaimer might be required on certain platforms, but I think I would just note that the purpose of this section is not to speak to the origin of the constraints, it's just to speak to the variety of constraints that are applied to political advertisers and the ability for those advertisers to communicate effectively within those constraints.

And by speaking about that, to then talk about the size of the burden that is applied by these constraints and the extent to which that makes it substantively harder to communicate effectively, and I'm just pointing out that these -- the -- the size of that burden, in my view, is overblown by your experts and that these are problems that political communicators are routinely solving for.

Q Does Meta require you to have a spoken

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disclaimer?

A Again, I'm not familiar with how Meta is regulated in every given jurisdiction. I can imagine jurisdictions in which Meta -- Meta requires spoken disclaimers.

Q Do -- do you see requirements imposed by the tech platforms as equivalent to requirements imposed by the government?

A I think you -- you need to get more specific about which requirements we'd be talking about.

Q Le- -- let's say a -- a content link requirement.

A I mean, I think one of the things that stands out about the constraints that are applied by these platforms is that they are subject to change, typically much more frequently and without notice.

So when you ask me about disclaimers that are applied by Meta, my question back is, like, which month are we talking about?

Because Meta is a good example of a platform that is constantly changing its requirements across these various different categories and examples.

And so it's difficult to answer that

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question, but that difficulty actually speaks to the point, which is that there are many of these kinds of constraints and political communitors -- communicators are well used to adopting to these kinds of constraints and do that all the time.

Q If a -- a client of yours violates Meta's constraints that are imposed by Meta, what is the consequence?

A Sorry, can you repeat the question?

Q If a -- if a client of yours violates one of the constraints imposed by Meta, such as file size, aspect ratio, character count, maximum run time, prohibited content, or creative formatting, what's the consequence?

A That would really depend on the nature of the violation and also on Meta's terms of use and protocols that are in place about time, which as I say, change rapidly and often without notice, but examples might range from not being able to place that content on the platform at all to potentially even being kicked off the platform or not being able to access the platform for that group or program.

Q And to your knowledge, what -- what are the consequences if one of your clients violates a prohibited content requirement by the government?

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A Again, it really depends on what the violation is, the number of times the organization has violated, if it's the first-time offense, et cetera.

Q To your knowledge, could it include fines and/or prison?

A I -- I don't know about the nature of all the penalties, but I imagine fines might be included.

Q So would it be fair to say that the penalties the government imposes for violations are far more drastic than the penalties imposed by Meta, YouTube, or TikTok?

A I don't think so.

Q And why don't you think so?

A If we go back to the example of Families for the Last Frontier, there were fines applied to that group and the group continued to communicate.

In the instance of being kicked off the platform or not being able to produce your content -- or, sorry, place your content, you're prevented from doing the thing that you set out to do in the first place.

And I think the actions of some of the groups that we've been talking about belie that the

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severity of that would actually be more consequential than the severity of the fine imposed by the government.

Q I'm also reading from -- from page 12, "If anything, disclaimers are more stable than the unpredictable shifts in pa- -- platform algorithms, ad approval rules, or content moderation standards that can change overnight."

In your view, is stability the most important issue to consider when evaluating a campaign finance advertising regime?

A Sorry, I lost track of where you were reading and where you were asking a question.

Q Certainly. I -- I can repeat it.

So it's -- we're still on page 12 -- it says, yeah, "If -- if anything, disclaimers are more stable than unpredictable shifts in platform algorithms, ad approval rules, or content moderation standards that can change overnight."

Is stability, in your view, the most important issue to consider when evaluating a campaign finance advertising regime?

A No, I think stability is an important issue -- sorry, I'll say it differently.

I think the purpose of this section is to

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understand the extent to which there's a burden placed on political communicators that inhibits effective campaign communication, and my point is that all of these constraints are ones that political communicators can and do routinely work through and are still able to communicate effectively while abiding by these constraints.

And then I'm noting that within that, when a constraint has existed for multiple campaign cycles, it is even more easy to navigate that constraint than constraints that change week over week.

Q But a campaign finance regime that's stable could still be burdensome, right?

A Sorry, can you repeat the question?

Q You said that stability's important, I understand that that's what you're saying, and that's one of the factors of evaluating whether a origin- -- a campaign finance regime is burdensome or not; is that what you -- is that a correct phra- --

A I -- I don't think it's a question of importance, and that's why I restarted my answer to the question.

I think it's a matter of comparing various constraints to each other, and what I'm trying to

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say is that there's -- there's an assertion by the expert -- by your experts that constraints are burdensome, but not only that they are burdensome, but that they inhibit effective campaign communication, and I am offering a series of examples of other constraints that are, in my view, larger constraints and that are still navigable and do not, at the end of the day, prevent effective campaign communication.

Q Yeah, I'm -- I'm particularly pointing to the sentence where you say, "disclaimers are more stable than the unpredictable shifts in platform algorithms, ad approval rules, or content moderation standards."

Why does the "stability" specifically matter?

A I'm not making a comment here about the overall importance of stability. I'm making a distinction about the amount of stability with political disclaimers relative to these other constraints, and I'm saying there is less stability in these other constraints typically applied by the platforms.

Q All right. Let's go back to page 10. It says there, "The dual disclosure requirement

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introduced for independent expenditure campaigns is similar to existing Alaska laws requiring dual disclosures for larger contributions to ballot measure campaigns and 24-hour reporting cycles that go into effect in the closing weeks prior to primary, general, and local elections."

What do you mean by "similar"?

A I mean that there are existing Alaska laws that also require dual disclosure for larger contributions and that there are also 24-hour reporting cycles that apply to the reporting of donations.

Q All right. I -- also on page 10, you say, "For at least a decade prior to the passage of Ballot Measure 2, Alaska law has required every individual, person, nongroup entity, or group contributing a total of $500 or more to a group organized for the principal purpose of influencing the outcome of a ballot proposition to file a statement of contribution (SOC) form with APOC."

Right, do you see -- do you see where it says that?

A Yes.

Q Can you turn to pages 23 to 24, please?

A Okay.

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Q All right. I'm going to read the -- the section that's marked (k), do you see that, lowercase (k)?
A I think so.
Q It says, "Every individual, person, nongroup entity, or group contributing a total of $500 or more to a group organized for the principal purpose of influencing the outcome of a proposition and every individual, person, nongroup entity, or group contributing a total of $500 or more to a group organized for the principal purpose of filing an initiative proposal application under AS 15.45.020 or that is filed on an initiative proposal application under AS 15.45.020, shall report the contribution or contributions on a form prescribed by the commission not later than 30 days after the contribution that requires the contributor to report under this subsection is made.
"The report must include the name, address, principal occupation, and employer of the individual filing the report, and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during that calendar year."
So do you understand how many days it says

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they have to file the report?
A 30 days.
Q And under your understanding, how many days does one have to file the report under Ballot Measure 2?
A It's a shorter time frame.
Q How much shorter?
A I believe it's 24 hours, but, again, this is why we have a compliance team.
Q But by your understanding, it's 29 days shorter?
A That's correct.
Q Do you think that's a substantial difference?
A I -- I -- obviously I think 24 hours is substantially shorter than 30 days.
Q How many days did you have to prepare for this deposition?
A I don't recall exactly.
Q If we remove 97 percent of the time you had to prepare for this deposition, do you believe you would have performed as well or be as informed?
A This deposition was a lot longer and required a lot more work than filing one of those reports.

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Q Do you think it would be more likely you'd make an error if you had the time frame shrink by 97 percent?
A I think if I was filing a report that included my name, my address, my principal occupation, and my employer and the amount that I had contributed to an organization, I'm not actually sure that I would be more likely to make a mistake if I had 30 days or 24 hours to write down that information.
Q And do you already have a myalaska account?
A Do I -- are you asking if I have a myalaska account?
Q Yes, I'm asking that.
A I believe I do.
Q Do you think it would -- would be difficult for someone who's not familiar with the myalaska system to create a myalaska account?
A I mean, I can't speak for everyone under the sun, but I don't think it's particularly difficult to create a myalaska account.
Q And do you have Internet connection at your house?
A I do.
Q Do you think it would be more difficult to

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file the report if you didn't?
A I'm not actually sure that I have personally filed one of these reports, so I'm -- I'm not sure I can speak to -- speak to that question.
Q And I'm turning to page 11, so we're go- -- we're going back, back to your report.
All right. So it says here --
MR. GOTTSTEIN: And, Tim, just -- Tim, before -- before you go, just so you know, we -- at some point we'll need to take a break for lunch.
MR. KILCULLEN: Okay. All right. I will -- I'll finish this section, and then let's -- let's take a break, okay.
THE WITNESS: Sounds good.
BY MR. KILCULLEN:
Q All right. This is on page 11 where it says, "Notably, a donor to a ballot committee must file a -- a statement of contribution if their contribution is or exceeds $500, where a ba- -- whereas Ballot Measure 2's requirements for dual disclosure for independent expenditure group contributions start at $2,000.
"This means that the requirements for Ballot Measure 2 apply more loosely than the requirements that were already in existence for ballot measures."

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Why aren't you noting the time frame difference -- difference here?

A So in the previous section we were talking about, I used the word "similar" intentionally. I'm not saying that these are exactly the same systems. I'm saying that there are multiple similarities across different components of Alaska law, and so there are instances where groups are required, under existing Alaska law, prior to Ballot Measure 2 passing in 2020, that required 24-hour turnaround of reports, in some cases with more complicated sets of information than what is required for the statement of contribution report under Ballot Measure 2.

I'm responding here to your expert's assertion that these groups -- sorry, these forms constitute an untenable burden, and I'm just recounting our experience with filing forms and reports under a variety of similar circumstances to point out that, in some cases, there are actually more stringent aspects of the existing law that are still, in our experience, relatively straightforward to operate under.

Q But specifically this -- the two sentences I'm focusing on -- this isn't talking about the two

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laws in general, it's talking specifically about the statement of contribution requirements, and it says -- I'm going to read it for clarity for the record -- "Notably, a donor to a ballot committee must file an SOC if their contribution is or exceeds $500, whereas BM2's requirements for dual disclosure for IE group contributions start at $2,000.

"This means that the requirements from BM2 actually apply more loosely than the requirements that were already in existence for ballot measures," and you're not mentioning the time frame difference.

In hindsight, do you believe that you could have been a little more clear when writing this section?

A No, I think this section is clear. I'm not -- the point that I'm trying to make is that there are examples of how the existing requirements apply to a -- a broader cross section of donors than the requirements introduced by Ballot Measure 2.

You're making a separate point, which is, there is a time frame difference between these two sets of laws, which I think is a valid point, it's just not the point I'm trying to make here.

Q All right. Also -- I'm reading another quote from page 11 -- "From reviewing APOC's online

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public record system: The total number of filers who have been assessed a penalty for the late filing of a SOC, appear to be 66 (since the start of electronic recordkeeping), or about 2.3 percent," and then you got in parentheses, 66 divided by 2815 times a hundred.

This was the same data analysis as before where you -- your team got -- got this information from the APOC site, put it in an Excel sheet or a Google Sheet, and analyzed it that way based on the records on APOC's site?

A It's -- it's not the same data analysis, but it's a similar methodology for how we obtained the data.

Q And what was different about the -- the data analysis, other than that it was different datasets? Was the --

A That -- that is the -- that's the distinction.

Q That's the distinction. Got it.

So, again, the only -- the only way you ensure that you had all the data and weren't missing any was just making sure it matched with what was on the APOC site?

A We are not aware of -- to my knowledge, we

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are not aware of penalties that are not reflected on the APOC site.

So your question is: The only way that we could validate that data, and our compliance team have lots of exposure to what's going on with APOC and its interactions with other campaigns, so I think it's notable that we're not aware of penalties that are missing, but, yes, you're correct that for producing these analyses, we are relying on the data provided on the APOC website.

Q And now you're talking about total number of filers, are these filers to contributing to candidates or to ballot measures? To independent expenditure groups? All three?

A I believe if you look at the previous page, it's talking about reports filed before Ballot Measure 2 went into effect, so that would include ballot measure groups.

Q Why would saying that mean it includes ballot measure groups? Are you -- are you certain it includes ballot measure groups?

A Well, those are the groups for which statement of contribution reports were required.

Q And as you're comparing the very similar questions to earlier with the other dataset, as you

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were comparing pre- and post-Ballot Measure 2 data for this issue, do you think the data is equivalent in terms of both accuracy and comprehensiveness?

A Not a reason of why those things would be substantively dil- -- different across the two periods in aggregate.

Q All right. Well, I'm -- I'm reading another section from -- from page 11, that's the part with the bullet points, "When a donor triggers the reporting requirement by contributing $500 or more (including nonmonetary contributions) to an initiative or ballot group, SCG compliance typically sends the donor: An email that explains the reporting requirements; a list of exactly what needs to be reported and when; instructions on how to create a myalaska account and how to electronically file the report; and follow-up communication as needed until the form is filed.

"To date, our compliance team has facilitated the files [as spoken] of 559 SOC reports. In reviewing their records, we show three late filings of the SOC for groups for which members of our team have been treasurer."

To clarify, these statement of contribution reports are to fill the independent expenditure client's responsibilities or are they on behalf of the

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donors?

A A statement of contribution report is a report filed by the donor.

When you say filed on behalf of the donor, I just want to be clear, like we talked about before, the donor's responsible for filing these reports. We are not filing these reports on behalf of the donor.

Q Have you ever -- independent expenditure groups can also make contributions, have you ever had any of your independent expenditure --

A I'm sorry --

Q -- group -- sorry.

A -- could you -- could you start over?

Q I apologize. Yes. I hope you're okay.

A Yeah.

Q The -- your independent expenditure group clients, have they ever, themselves, made contributions or they're only receiving?

A I'm -- I'm not sure. I cannot tell you that there's never been an instance where an independent expenditure group that we were working with made a contribution to another group, but as I said before, typically these groups are formed for the purposes of communicating with the public,

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rather than making follow-on donations.

Q All right. And I'm still referring to this -- this list -- I -- I can reread it if you want, but where you're -- you're saying that you send the donor, after they give a contribution, what the report -- this email explaining reporting requirements, telling them how to set up a myalaska account -- you said you think that's your responsibility as a re- -- as a person who works in campaigns, you said that earlier if I'm understanding you correctly --

A I don't think -- no, that's not quite what I said. I --

Q Oh, sorry.

A -- what I was trying to say is that, in terms of how we define our role when working for these organizations, part of that role, as defined by us in the services that we provide, is to help facilitate the filing of these reports for donors to those groups.

Q And do you believe you're legally obligated to send them this information?

A I'm not aware of a -- of a law that would make that a legal obligation.

Q You're just doing it because moral

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responsibility and best business practices?

A We're doing it because that's how we've defined our role and the service that we're providing to these organizations.

Q Could you imagine a less scrupulous group not doing that?

A Yes.

Q And what is your average -- or an SCG client's average donation of $500 or more?

A Sorry, can -- can you ask that again?

Q So when -- when an SCG client is receiving a donation of $500 or more, are those generally donations in the hundreds or in the thousands? Tens of thousands?

A It really depends on the campaign or the project.

Q The last bullet point in this list where you say, a "Follow-up communication as needed until the form is filed," what does a "follow-up communication" entail?

A I mean, depends on the individual and the contact information that they've provided.

Q Do you try calling them?

A I'm not the person who does this. I tend to try to manage my team for outcomes. And I think

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as you see in the information provided, the outcome is that, you know, over 99 percent of cases, donors are filing these reports, and that overwhelmingly donors are able to file the reports and to do it within the deadline, and so I don't --

Q And --

A -- get involved in the communication between our team and the donors.

Q Is that done by the two compliance people at SCG?

A Typically.

Q Have they told you if any donor expressed frustration at their obligation to file an SOC report?

A Not that I recall.

Q Have you ever asked them?

A Not that I recall.

Q To your knowledge, have you or anyone at SCG just filled out the form for the donor?

A To my knowledge, we have not done that.

Q Have you or anyone at SCG referred a donor to someone else to -- to help them fill out the form?

A Again, I view it as my responsibility to make sure that we are doing right by the organization that we are working for.

If a lot of donors were unable to fill out

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the reports or were inc- -- or -- or were incurring fines, I'd be concerned that we would have a problem, but the overwhelming majority of the donors to the different organizations that we've worked with who had to file these reports have been able to file them and have been able to do it on time.

Q And do you believe that each donor has personally filled out every form they filed?

A I'm not aware of a legal requirement for them to personally fill out their form -- sorry, fill out the form.

What I'm aware of is a requirement for them to file the form, and I'm not aware of any reason why donors would not be filing the forms themselves.

Q Do you think it's possible they're ask- -- that at least some of the donors are asking friends, party officials, or union representatives to fill out the forms for them?

A I really don't know.

Q All right. We're still sticking with page 11, where it says --

MR. GOTTSTEIN: We've been going for, like, 15 or 20 minutes, Tim.

MR. KILCULLEN: Oh, yeah. Sorry.

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Let's -- yeah, let's go ahead with a -- with a lunch break. Sure. Sorry about that, Sam.

THE VIDEOGRAPHER: Go off --

MR. GOTTSTEIN: No, no worries.

THE VIDEOGRAPHER: -- off the record at 1:01.

(Break.)

THE VIDEOGRAPHER: On the record at 1:29.

BY MR. KILCULLEN:

Q All right. So we're back at page 11, and where -- where it says -- talking about the -- the penalties -- "Two of these were first-time filers, so the penalty was waived per APOC standards."

Do you believe those standards are imposed by law?

A In some cases APOC standards are imposed by law, in other cases, my understanding is that APOC develops its own regulations consistent with the law -- or standards, I should say.

Q What would SCG have done if APOC had not waived the penalties?

A I think that would have depended on the circumstances of the individual case.

Q You said that you were -- learned it from your compliance team. You don't know who these two

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donors were?

A Not off the top of my head.

Q And then for this -- referring to the third donor, "The other donor filed one day late and elected not to contest the $50 penalty."

Do you know who this donor was?

A Not off the top of my head.

Q Do you know why he or she didn't contest the penalty?

A From talking with my compliance team, my recollection is that they understood that the donor felt like it'd be more trouble than it was worth.

Q Did SCG urge him or her to contest the penalty?

A I'm not sure.

Q And did the other two filers contest their penalties?

A The other two filers were not penalized.

Q Well, it says their penalty was waived.

A Are you asking if they contested the waiving of their penalty?

Q If the waiver was after a contested or not.

A I -- I believe the penalty was waived before they would have needed to make a decision about contesting.

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Q And do you know if any of these three donors had counsel?
A I don't, but I doubt it.
Q And then still on page 11, "In summary, across many different ballot campaigns and hundreds of individual donors, including both Alaskans and out-of-state donors ranging widely in political experience and financial capacity, only a fraction of a percentage point of those donors have failed to adhere to the requirements," and are you speaking about your donors specifically or all donors in general here?
A I believe I was speaking about both.
Q And how do you know this to be true for both?
A We know from the public record that donors to various ballot campaigns, over the last few cycles in Alaska, number at least in the hundreds. We know that they include both Alaskans and out-of-state donors.
We know that those donors range in terms of their experience in Alaska politics and their record of prior donations in Alaska politics, and from the public record, and also from the amounts of the donations, we see indications of different

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levels of financial capacity, and then I think the last part of your question is answered in the statements above.
Q So you're relying on the APOC data to say this?
A To substantiate the clause that reads, "only a fraction of a percentage point of those donors have failed to adhere to the requirements," we are relying on data from the APOC website.
Q All right. Turning to page 12, the next page, it says, "As political campaign professionals who have and will continue to manage dozens of political campaigns in Alaska, producing hundreds of political ads and overseeing the filing of thousands of forms and reports with APOC, we find the requirements introduced by BM2 to be manageable and reasonable."
Who's the "we" referring to?
A To the team at Ship Creek Group.
Q And does this quote apply to the true source requirements?
A I think in the bulleted text, you see that the quote is applied to the disclaimer requirements introduced by Ballot Measure 2.
Q Which disclaimer requirements? Are -- are

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you referring to all of them, including the -- the true source? The out-of-state donor? The spoken disclaimer?
There's a few different disclaimer requirements. I'm asking specifically about the true source requirements, do you find them to be manageable and reasonable?
A Which requirement for a disclaimer are you referring -- are you referring to?
Q The -- the true source requirement, that you list the top three donors, including the true source.
A We -- so I think in this clause I am talking about the various disclaimer requirements introduced by Ballot Measure 2.
There are other requirements introduced by Ballot Measure 2 that we've discussed today, this section is referring to the various disclaimer requirements.
Q I'm going to go through the -- the -- the specific requirements. For the true source requirements, do you understand what -- what I mean by that?
A There's a true source requirement that groups file the true source of all of their funds, which is different from a disclaimer requirement, so

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I'm not sure which of those you're referring to.
Q So that when they're in the -- specifically as it applies to the disclaimers, when a -- under Ballot Measure 2, when a group -- when a group is listing its top three biggest donors, they can't just list the independent expenditure group or the -- some other nonprofit they got it from, they often have to list the true source, which means the person who gave it to that group.
Does this quote apply to that requirement?
A Yes.
Q And why do you think that requirement is manageable and reasonable?
A We don't find that these requirements have significantly interfered with our ability to operate internally, with our ability to provide services for our clients, or with our ability to communicate effectively with voters.
Q Have you ever used disclosure information from APOC in ads you ran for clients?
A I don't recall, off the top of my head, but if you have an example, be happy to talk about it.
Q If -- let's go to page 14. All right. So where it says, "Note that these amounts are estimates,

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given" -- then this is in the footnote, by the way -- it says, "Note that these amounts are estimates, given the potential for errors or glitches in the APOC reporting system and also manual errors on the part of treasurers filing reports."

What glitches have you experienced with the APOC reporting system -- or has SCG experienced?

A Again, I'm not the person on our team responsible for filing APOC reports, so I don't have a comprehensive accounting of all of the issues that may have been experienced.

I'm aware of occasional issues with uploading information to the APOC portal and then temporary issues with accessing a particular page, similar to what you might experience with a corporate website or any other website that you go to online.

Q So your compliance workers have told you that sometimes APOC's site won't them -- let them submit the reports they have to re- -- have to submit?

A Occasionally there are times when there's an issue uploading data to the APOC portal and you need to reach out to APOC to get the issue resolved or understand how to correct the way that you're filling in the data.

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Q How frequently does that happen?

A Excuse me. Just give me a second, let me have some water.

Q Certainly.

A I know that the bulk of the time we were able to upload the information we need to upload to the APOC website.

I know there have been instances where we've run into issues. We've appreciated APOC's staff's responsiveness in getting those issues resolved.

We find that generally we are able to access the information we need from the APOC website and upload the information that we need to upload.

Q Generally but not always?

A That's correct.

Typically those issues are temporary, so if a page on the site is not working or if there's a problem with uploading information, we're able to get it resolved.

My point in making this footnote on this chart is to be clear that I don't feel like it is critical to my argument to say that these numbers are accurate to the penny.

I'm confident in the trend line and directionality of these numbers, and I think that's the important component of the argument that I'm trying to make.

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Q Now, has -- has SCG being doing -- has SCG's business improved, been about the same, or -- or declined since the enactment of Ballot Measure 2, specifically its election year-related business, like independent expenditure groups, candidates, ballot measures, that such?

A What do you mean by "improved"?

Q Are you getting either more clients or higher paying clients?

A We -- as I said, I left SCG from twenty-twenty- -- sorry, 2017 through 2018. I came back to the company in a reduced capacity in 2019 and 2020 and returned full-time -- in a full-time capacity in 2021 with an intent to grow the business, and the business has grown fairly steadily since I did that.

MR. KILCULLEN: All right. I think that's -- I think that's all for -- for us for now, unle- -- and there might be a response if -- if Ms. Weiant or Mr. Gottstein has a question that raises some issue, but otherwise we're done.

THE WITNESS: Awesome. Sorry.

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MS. WEIANT: This is Rebecca Weiant for the State, we don't have any questions for Mr. Heckendorn. Thank you.

MR. GOTTSTEIN: And this is Sam Gottstein, I also don't have any questions. Thanks.

THE VIDEOGRAPHER: We will go off the record at 1:45.

(Proceedings concluded at 1:45 p.m.)

(Signature reserved.)

-o0o-

CERTIFICATE

I, Brooklende D. Leavitt, Registered Professional Reporter and Notary Public in and for the State of Alaska, do hereby certify that the witness in the foregoing proceedings was duly sworn; that the proceedings were then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed by computer transcription; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not a party to nor have I any interest in the outcome of the action herein contained.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my seal this 22nd day of January, 2026.

Brooklende D. Leavitt

Brooklende D. Leavitt, RPR
My Commission Expires 1/30/2028

Errata Sheet

NAME OF CASE: GRIFFIN, ET AL. vs STILLIE, ET AL.
DATE OF DEPOSITION: 01/09/2026
NAME OF WITNESS: John-Henry Heckendorn
Reason Codes:
1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page _____ Line _____ Reason _____
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Exhibit 83

In the Matter Of:

DOUG SMITH vs RICHARD STILLIE

Juli Lucky

September 25, 2025

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

DOUG SMITH, ROBERT GRIFFIN, ALLEN VEZEY, ALBERT HAYNES, TREVOR SHAW, FAMILIES OF THE LAST FRONTIER, and ALASKA FREE MARKET COALITION,

Plaintiffs,

v.

RICHARD STILLIE, JR., in his official capacity as chair of the Alaska Public Offices Commission, and LANETTE BLODGETT, ERIC FEIGE, DAN LA SOTA, and WALTER CARLTON MONEGAN, III, in their official capacities as members of the Alaska Public Offices Commission,

Defendants.

_____/

Case No. 3:22-CV-00077-SLG

CERTIFIED TRANSCRIPT

VIDEOCONFERENCED 30(b)(6) DEPOSITION OF ALASKANS FOR BETTER ELECTIONS DESIGNEE: JULI LUCKY

Thursay, September 25, 2025
11:00 a.m.

Pages 1 - 116, inclusive

Taken by Counsel for Plaintiffs

Via Zoom Videoconference

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VIDEOCONFERENCE; THURSDAY, SEPTEMBER 25, 2025
11:05 A.M.
-o0o-

THE VIDEOGRAPHER: Good morning, everybody. We're going on the record at 11:05 a.m. Alaska time.

This is the live-recorded Zoom video deposition of Juli Lucky, Intervenor-Defendant Alaskans for Better Elections, Inc., taken by plaintiffs in the matter of Smith, et al., versus Stillie, et al., Alaskans for Better Elections, Inc., Intervenor-Defendant, Case No. 3:22-CV-00077-SLG for the United States District Court for the District of Alaska.

This deposition is being held on September 25th, 2025. My name is Kevin Kurka. I'm the videographer and Zoom host. The court reporter is Kathy Swinhart. We're here today on behalf of Pacific Rim Reporting, 711 M Street, Suite 4, Anchorage, Alaska 99501. This deposition is being held via Zoom.

Starting with plaintiffs' counsel, would counsel now please introduce themselves and state who they represent.

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MR. STEPHENS: This is Reilly Stephens on behalf of the plaintiffs.

THE VIDEOGRAPHER: And everybody please introduce themselves and state who they represent.

MR. KILCULLEN: I'm Tim Kilcullen --

MR. KENDALL: Scott Kendall on behalf of Intervenor-Defendant Alaskans for Better Elections.

MR. GOTTSTEIN: And Sam Gottstein also on behalf of Intervenor-Defendants.

MS. LOBER: Helen Lober representing Defendant Alaska Public Offices Commission. And with me on the call today is my co-counsel Robert Bacaj.

And for the record, counsel for plaintiffs and for ABE has agreed that APOC can join ABE's objections during the deposition today.

THE VIDEOGRAPHER: And I also have Mr. Richards online listening in.

Would the court reporter please swear in the witness.

THE REPORTER: I'm going to have you please raise your right hand.

JULI LUCKY,
30(b)(6) witness herein, being sworn on oath, was examined and testified as follows:

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THE REPORTER: You can proceed.

MR. RICHARDS: Sorry, and I apologize. This is Craig Richards. I just joined by phone, so I do have audio now. And I'm here on behalf of the plaintiffs. Thank you.

THE VIDEOGRAPHER: So the witness is waiting, so the first person that needs to ask questions, please --

MR. STEPHENS: All right. Sure.

EXAMINATION

BY MR. STEPHENS:

Q Good morning, Ms. Lucky, is it? Is that correct?

A Lucky, yes.

Q Have you ever had a deposition taken before, Ms. Lucky?

A No.

Q All right. So we're going to -- I'm just going to go over some basic guidelines.

I'm going to ask the questions; you give your answers. The court reporter is recording everything you say, so please answer in an audible and clear manner so that they can correctly record your answers.

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Please wait until I'm done asking the question to answer, and I will do my best to wait until you are finished with your answer to speak as well.

If you don't understand a question, you can ask me to repeat it or perhaps rephrase it.

Sometimes your lawyer may object to a question I ask. Unless he tells you not to answer it, you can answer my question despite the objection.

You can ask to take a break at any time. Except that if I have asked a question and you have not answered it, I'll ask you to answer before we break.

Did you speak with anyone in preparation for this deposition?

A Yes. I spoke with Mr. Gottstein and Mr. Kendall, who are on the deposition today.

Q Did you refer to any notes or documents?

A Are you asking if I'm referring to them now or if I referred to them --

Q As far as -- in -- in your preparation. In your -- in your preparation.

A In our preparation? Um, yes.

Q Could you describe what those were?

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A Let me remember.
There were some -- I made some notes about what would happen during the deposition. I think that there was a sheet that kind of went over basically the stuff that you had just said.
And then there were some exhibits that we had provided that I think we -- actually, I think it was just the paperwork that came with the -- the e-mails that came back and forth. I don't think I had any of the exhibits with us when we were doing the preparation.
Q Fair enough.
And what is your current position, Ms. Lucky?
A Executive director with Alaskans for Better Elections.
Q And how long have you been in that job?
A January of 2022.
Oh, actually -- sorry. I started with Alaskans for Better Elections on January of 2022. They did not actually hire me to be the executive director straight off. I worked for approximately a year -- sorry.
THE REPORTER: I need you to slow down. Sorry.

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THE WITNESS: Oh, okay. Sorry about that.
I started with Alas- --
THE REPORTER: Go ahead.
THE WITNESS: I've been the executive director of Alaskans for Better Elections since January of 2023. When I was initially hired, I was hired in a -- a different position, and that would have been January of 2022.
BY MR. STEPHENS:
Q Okay. What was the original position after...
A Um, I -- I don't -- I didn't have a specific title, I don't think. I was heading up some -- the voter education as we were moving into the first year where we used our new system.
Q Um, okay. And so your -- the current position, the executive director position, um, what is -- what is -- what is your role? What are your job duties, or what is your job there?
A A very broad question. I -- I'll try to answer to the best of my ability.
You know, I --
Q What does the executive director do? What does the executive director do?

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A The executive director -- I mean, I'm the only staff for Alaskans for Better Elections, so I really do everything. But it's my job to make sure that we are, you know, legally compliant. I look over financial reports. I provide all those financial reports to the board. I come up with work plans for Alaskans for Better Elections. I do the voter education. I interface with other voter education, um, you know, entities. Answer questions about what the -- you know, answer the mail.
I mean, I pretty much -- as the only staff, I pretty much do it all.
Q So you're the only staff, and then are there -- do you have volunteers, or is there -- or you have outside contractors, or is there anyone helping you out?
A We do have a few, um, outside contractors that help out with things. We don't really have a lot of volunteers that are involved in day-to-day. Although, when we have particular things, volunteers will help out, like if we're tabling at events or something like that.
THE REPORTER: I need you to continue to slow down, please.

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THE WITNESS: Sorry.
THE REPORTER: That's all right.
BY MR. STEPHENS:
Q Uh, so just -- so I think we'll just do some background on the organization.
Uh, when was Alaskans for Better Elections founded?
A I believe it was -- it was before my time. I believe it was founded in 2019 for, um, the -- there's two entities. So there's the c4, which is Alaskans for Better Elections. I believe that was founded in 2019. And then there's the Alaskans for Better Elections Foundation, which was founded in, I believe, 2021. I filled out the paperwork to be recognized as a 501(c)(3) when I came on in 2022.
Q Okay. And just for clarity sake, so Alaskans for Better Elections is an intervenor in this case. Is it the c3 or the c4 that is the party to this case?
A I believe it is the c4.
Q Okay. And that's -- and that's Inc.?
A Yes.
Q Okay.
A Inc. is the c4.

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Q Okay. So you're the executive director of Alaskans for Better Elections, Inc.?
I'm just trying to make sure we have all -- I am not confusing the entity.
A Yes.
Q Do you also -- do you have a position with the foundation as well or just with the c4?
A I am also the executive director of the foundation.
Q Okay. So you are the executive director of both entities?
A That is correct.
Q Okay. And why was Alaskans for Better Elections founded in, we said, 2019?
A I wasn't there when it was founded, so I'm not sure I could speak to why it was founded.
Q Okay. What -- maybe -- let's put it this way.
What is the mission of the organization?
A The mission of our organization is to protect the reforms that were adopted in -- by Ballot Measure 2 in 2020, which is -- there's the, you know, dark money transparency, nonpartisan open primaries, and ranked choice voting, in addition to providing voter education and resources and

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research on how the systems are working.
Q Okay. So my next question was going to be policy positions, but I guess you just talked about -- you talked about dark money and some of -- and, um, also -- and, um, ranked choice voting and some -- and so -- and so those are the -- the subjects of what was -- well, there's been a couple Ballot Measure 2s.
The Ballot Measure 2 this case is about from 2020, are you familiar with that, uh, ballot measure?
A I am familiar with 2022's Ballot Measure 2, yes.
Q And what was Alaskans for Better Elections' role in that -- role or relationship with that ballot measure?
A Again, I was not with Alaskans for Better Elections at the time. My understanding is that they were the campaign group behind getting the ballot measure passed.
Q Um, I think we should back up just, um -- I -- it went into effect in '22 -- '22, but I think we're talking about ballot measure from -- I think it was from 2020. Am I right --
A Well --

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Q -- about that?
I think we -- I think we both mixed that up. Sorry.
A Sorry. In my -- in my attempt to be clear, I think I was just trying to repeat what you had said.
But yes, it is obviously 2020's Ballot Measure 2 and --
Q Yeah.
A -- the first election under the system -- or 2020's Ballot Measure 2 --
Q Yeah.
A -- with the first election --
Q Right.
A -- happening in 2022.
Q Right.
A Yes.
Q We --
A Apologies.
Q Sorry for that mix-up.
And so -- but -- and so Alaskans for Better Elections sponsored that ballot measure, correct? Or support...
A Okay. That may be a legal distinction. I'm sorry, I'm not trying to be, um --

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Q I -- I --
A -- persnickety about it.
They advocated for it, and I know that they ran a campaign to support it. I'm not sure who -- the initial sponsors of Ballot Measure 2. I believe the sponsors are -- are actual individuals, but I'm unsure. I'm sorry.
Q That's fair. That's -- the -- I didn't mean to verb the -- but it -- Alaskans for Better Elections actively supported this ballot measure.
A That is correct.
Q Yes.
What were the -- what were the organization's goals in supporting that ballot measure?
A Again, I wasn't part of the organization at the time. I can talk about what the -- you know, what the ballot measure might -- well, I don't want to make any assumptions about what people at the organization wanted for goals.
Q Well, you are here representing -- you are here giving testimony on behalf of the organization, so part of the idea is to present the organization's position. So, um...
MR. KENDALL: Perhaps you could -- this

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is Mr. Kendall. Perhaps you could rephrase it. And if you wanted to ask, you know, what are ABE's reasons for supporting reforms now, I think that's probably --

MR. STEPHENS: That's good enough, yeah.

MR. KENDALL: Yeah.

MR. STEPHENS: We'll do it that way.

Q And so what are the reasons for ABE supporting -- supporting Ballot Measure 2?

A The Alaskans for Better Elections believes that the voter reforms made by Ballot Measure 2 give more power to the voter. That's basically the -- you know, what they're trying to do and what the board members and the organization supports is creating a system where voters have more power in the system.

And it addresses, um, returns to a nonpartisan open primary, which gives the voters a similar experience that we had in a blanket primary prior to the primaries being closed down in the year 2000, um, and provides more information on, you know, spending in candidate campaigns to the public.

Q All right. Ms. Lucky, do you have the -- we had sent along a PDF with exhibits.

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Do you have that available to you?

A Yes, I do.

Q Could you go to Plaintiffs' Exhibit 1 that -- it's on -- it's page 3 of the PDF. It's the first page of the substance.

(Exhibit 1 marked.)

A Exhibit 1, and we're looking at page 3 of the PDF. The pages aren't numbered, so I just want to make sure we're looking at the --

Q Oh, okay. I'm sorry. I have it in digital form. I'm sorry.

It's the page -- so the first -- it's the first page after it says Exhibit 1.

MR. KENDALL: Yeah, we have -- for your knowledge, we've got the exhibits here, and they're tabbed for Ms. Lucky.

MR. STEPHENS: Okay.

MR. KENDALL: So you can just --

MR. STEPHENS: Okay.

MR. KENDALL: -- take her straight to the exhibit number, not the page number, because that will probably be confusing.

MR. STEPHENS: Okay. Fair enough.

I -- I was thinking everyone had this digitally, and so it would be easier to do it with

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that. That's -- that's just fine, then. So -- but anyway. So Exhibit 1.

All right. Mr. Kendall, so -- and this is -- we'll just -- we'll pause for a second, and I want to ask you. A lot of this stuff is con -- marked confidential. Some of it, I think, is like -- I mean, some of it is, like, nature -- there's some stuff that's like nature photography, and there's some stuff that's press releases.

I don't know -- um, we can -- under the protective order, I can ask about the confidential stuff in the deposition. I don't know -- but I just wanted to ask what your -- or are you -- are you going to feel like you're going to assert it over all of these things?

If we could have the deposition -- we could have portions of the deposition sealed if you'd like, I suppose.

MR. KENDALL: Yeah, you can -- by and large, you can ask about documents we've marked as confidential. Some of them are internal drafts, things that were never publicized. So if you were going to submit them as exhibits and so forth in court, we might have a discussion then. But in terms of asking Ms. Lucky about them, that's just

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fine.

MR. STEPHENS: Okay. Just wanted to be sure, clear about that. Okay.

Q All right. Ms. Lucky, do you have Exhibit 1 in front of you?

A Yes.

Q Okay. And so this is a -- a draft of a press release, um, or a public statement?

A I was not there at the time this was done. It does say "Newsletter draft" at the top.

Q Okay.

(Brief pause.)

MR. STEPHENS: Actually, I change my mind. We're going to go to the next one, Exhibit 2. Sorry about that.

(Exhibit 2 marked.)

Q Let me know when you have that in front of you.

A I do have it in front of me.

Q All right. So this is a document, it is marked confidential. It is from ABE's discovery responses.

At the top it says, "Alaska's History of Non-" [indiscernible].

(Reporter clarification.)

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BY MR. STEPHENS:
Q The top of the document, the title says "Alaska's History of Non-Majority Winners and Spoiled Elections."
A Correct. That's the document I have in front of me.
Q Yeah. Yeah. Okay.
And so what -- when we're talking about spoiled elections, what does it mean for an election to be spoiled?
A So I did not write this document. When we talk about -- okay. I'm not sure what to do here. Do you want me to read what the document says, or do you want me to give you my impression of what they were -- what the term means colloquially?
Q Well, I was asking what -- what your understanding of the term is.
A Yes. I understand the term of election spoilers to be when there are more than two candidates, then the -- the one candidate that is not necessarily a competitive candidate could, you know, spoil the election by not getting enough to win but taking enough away that you don't have a majority winner of the remaining candidates.

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Q So a third-party candidate who -- who shifts votes away from the two main parties?
A Or an independent candidate. Just somebody that I would say is not a contend -- is not likely to win the race, and so they take a smaller percentage of the vote, which then allows another candidate to win with less than a majority.
Q And so if we look at the document, when it says, you know, no Senate majority winners since 2022, non-major -- no -- non-majority problems in Governor races, too, so when ABE was putting this together, I mean, it -- so what -- would it be fair to say that it was the outcomes of the elections that were a part of the concern?
A I can't comment on what ABE was putting together at the time. But, yeah, it's -- the document talks about, um, winning the election without having a majority vote.
Q All right. So let's go to Plaintiffs' Exhibit 4.
(Exhibit 4 marked.)
A I have Exhibit 4 in front of me. It starts "Don't believe" at the top.
Q Yes.
So this document doesn't have a label on

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it, but if you -- so if you scroll down or scroll -- so if you go down to, uh, the third page where it says "Short Version," I think that demonstrates what this is, is this is basically ad copy or, um -- or communications copy.
A I'm sorry. Was that a question for me?
Q I was just describing what this is since it doesn't have a title on the actual page there.
A I'm sorry. Are you just -- I'm --
Q I -- yeah.
A If you're asking me to tell you where I am in the document, I'm -- I'm at the part where -- what you were saying, but I wasn't sure what the question was.
Q Yeah. Yeah. Yeah, no.
So just go -- go to the first page of Exhibit 2 [sic], which it's -- ABE 000527 is the Bates number at the bottom, the --
A Uh-huh.
Q -- number at the bottom.
And then the -- one, two, three, four -- one, two, three -- the third -- so the one, two, three, four, five, the -- five -- the fifth paragraph, the third from the bottom, would you mind just reading that paragraph?

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A So we're looking at the page that's --
Q So it's -- it's the page that -- the page that starts five -- the page numbered 527 at the bottom.
A Correct.
Q It's the -- one, two, three, four -- fifth paragraph that starts "The result of recent primary."
A Okay. And you want me to read that paragraph?
Q If -- if you -- yes, please.
A Out loud? Sorry.
Q Yes, please.
A Okay.
Q Yes -- yes, please.
A "The results of the recent primary provide a stark illustration of why change is needed. Legislators who defied their party leadership and worked across the aisle on solutions were targeted in the Republican primary. Secret donors funneled hundreds of thousands of dollars into personal attack ads against a handful of incumbents that were designed to depress moderate voter turnout while increasing enthusiasm among the party's most radical voters."

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Did you want me to keep reading? That's the end of the paragraph.
Q No.
Well, so, I mean, would it be fair to say that the point of this document is to say that you're trying -- that you think the ads are too divisive?
A I'm sorry. I didn't -- I didn't hear you.
THE WITNESS: Can I turn the sound up a little bit on this?
Would it be fair to say -- what was the rest of the --
MR. STEPHENS: Yeah.
THE WITNESS: -- sentence?
BY MR. STEPHENS:
Q Well, and so the -- and so the next is:
"The results were predictable. Some incumbents lost with as little as 6 percent of their district voting against them."
So, I mean, would it be fair to say that the argument of this passage is that there's something wrong with ads that affect the election?
A I'm going to read it one more time so I can answer your question. One moment.

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[Witness reviewing document.]
And, I'm sorry, could you repeat your question now that I've read the paragraph?
Q Yeah.
Well, so if you -- if you're talking about, you know, the influence of money, the influence of ads and speech on campaigns, is -- what -- was the point to prevent partisan attack ads? I mean, is that really -- I mean, is there something wrong with partisan attack ads?
A I think -- when I read this paragraph, the intent to me is -- is illustrative. That it's saying that -- what the results of the primary were, and that the money that was put in was -- was secret, targeted at a handful of incumbents and designed to depress moderate voter turnout.
Um, I guess I'm not taking that interpretation away from this paragraph.
Q Okay. So let's go to the -- the -- it's the last paragraph that is not -- it's the paragraph that goes -- it starts on the bottom of this page and goes to the next page.
Um, could you -- could you read that paragraph? It starts "Ballot Measure 2 was designed."

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A "Ballot Measure 2 was designed to address these problems. It will bring an end to the secret dark money spending tainting our elections by requiring prompt and full disclosure of the people actually putting in big dollars to support a particular candidate. Right now, special interests can hide their funding by funneling it through third-party organizations and Super PACs. The money is then often passed through multiple organizations to disguise the identity of the original donor."
Q So -- so the point of Ballot Measure 2 was to stop people from running ads that resulted in incumbents losing?
A I -- I don't know if that's a yes or no. I don't agree with that interpretation.
You know, ABE has stood by that what they're looking for is transparency in donors, not -- I mean -- and I believe that that's what that passage is saying. It's about hiding their funding and passing it through multiple organizations in order to, you know, disguise the identity of the original source of the money.
Q So we're going to -- so next is Plaintiffs' Exhibit 5, which is the next one.

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(Exhibit 5 marked.)
A And just so we're all clear, the first page of that is going to be ABE 001647?
Q Correct, yes. That -- I think that's --
A Yes.
Q -- the only page.
A I'm there.
Q Yeah.
Would you mind reading the third paragraph, the middle paragraph on the page there?
A Starting with "Unfortunately"?
Q Yes, ma'am.
A "Unfortunately, our current system in Alaska is set up to drive candidates to political extremes. This happens with a combination of partisan primaries and the influence of dark money groups outside that spend heavily to tinker with our primaries. These groups especially have focused on punishing legislators that work together by primarying them out: finding a more extreme partisan and spending tons of money to out-speak everyone else."
Q So -- so, again, the concern seems -- is that there -- the concern is that they're trying to primary out incumbents with outside money that

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will, uh, out-speak everyone else is the quote there, right? Out-speak everyone else?
A Yes, that is -- that is the -- what's in the paragraph.
Q So the -- so the -- you know, the Supreme Court's, um, cases on this is [indiscernible] have always said that the only valid role for the campaign finance regulation is --
MR. KENDALL: Objection. Are you going to point --
MR. STEPHENS: No. No.
MR. KENDALL: -- Ms. Lucky --
MR. STEPHENS: Yeah.
MR. KENDALL: -- at the exhibit about what the Supreme Court has said --
MR. STEPHENS: No.
MR. KENDALL: -- if you are going to testify --
MR. STEPHENS: No.
MR. KENDALL: -- about it?
MR. STEPHENS: No, I was -- I was just setting up the following question.
Q Which is, um, I mean, are -- aren't -- are these not concerns that are well beyond simply the appearance of corruption or the -- or actual

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corruption?
A I'm not sure I understand the question. I can answer it this way, and if this does not answer your question, I'm happy to rephrase.
The concerns that ABE has had is the ability to spend money without sourcing it to -- you know, to fund candidates especially in the closed primary. So I think that this is twofold. You know, Ballot Measure 2 had multiple tracks, one of them being the opening -- reopening, really, Alaska's primary to all voters and also shining a light on the dark money.
And I think when I read this paragraph, it is talking about how both of those work together, um, and that was the problem in our previous system where the dark money would be affecting these primaries allowing more extreme candidates.
Q Could you go to -- all right. Thank you.
Could you go to Plaintiffs' Exhibit 6, please.
(Exhibit 6 marked.)
A Six. And that's starting with ABE 000606.
Q Uh, yeah, the first page is 606.

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Um, and then, so -- and I -- and actually the thing that we're going to look at is on 607, but it -- because you'll see at the bottom of this, it -- it identifies Paula DeLaiarro, expert in campaign finance law.
At the bottom of 606.
A Yes.
Q Yeah. Okay.
So we're -- then 607 is her quote, so we're going to 607.
A And you wanted me to look at the quote starting on the -- with "One possibility"?
Q Yeah. Yes.
A Okay.
Q Could you just read that, please?
A Oh, certainly.
THE REPORTER: Slower, please.
THE WITNESS: "One possibility is that it will be a deal-breaker to some campaigns, they will refuse to disclose donors and they'll take the ball and go play on someone else's field. The other option would be that groups will see it as basically the price of admission to participate in elections in Alaska and will comply and disclose -- disclose who those donors are. Either way it is a

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win-win for Alaska, DeLaiarro said. Once we know who the people are who are contributing, I think Alaska voters will be better informed as to what the political agenda may be from outside sources."
BY MR. STEPHENS:
Q So would it be fair to say that the goal -- that the -- that Ms. DeLaiarro is expressing there is the -- is the goal that some people will not participate, uh, in campaigns because of this law?
A I can't speak to what Paula DeLaiarro was trying to say there. When I read the quote, I -- she identifies as one -- one possibility is that some campaigns will refuse to disclose. Another possibility would be that they will disclose as the price of admission.
Q But --
A And the --
Q But -- finish, finish what you were saying.
A Well, I think it's fair to say that what ABE was looking for, based on the corporate culture that we have today, was transparency in who is donating to political campaigns for candidates.
Q Okay. But this, um -- I -- I guess it's

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a press release. We'll call it a press release.
But the argument in this press release is that it will prevent people from participating. Or discourage at least, to dissuade.
A It's -- I can read the press release in its entirety. But what it will talk about is this -- this --
Q If you -- if you would like to take a minute to read it, you can take a minute to read it. Please go ahead.
A And the question is whether the press release -- I'm sorry. Could you repeat the question? I'm so sorry.
Q Doesn't -- doesn't this support the inference that the purpose of Ballot Measure 2 was to stop spending and -- and to reduce participation by some people in Alaska?
A [Witness reviewing document.]
So when I read the press release in its entirety, it's -- to me, it reads about transparency. I don't know if I -- if I should be reading additional passages, but -- but it does talk about bringing transparency to -- to the funders and providing more information to voters.
And I -- you know, the quote does say one possibility is that folks will choose not to disclose donors, but the other possibility would be that they disclose their donors, and Alaskan members of the public would then have that information.
Q Okay. Thank you.
Plaintiffs' Exhibit 7, please.
(Exhibit 7 marked.)
A I am at ABE 001957.
Q All right. And so you'll see that it starts at 1957 at the bottom. We're going to go to 1958.
A Yes. I am at 1958.
Q So you'll see there's a -- and this is -- there's a quote here, again Paula DeLaiarro. It's actually very similar to the quote above, and it's -- and so I -- we won't -- we don't need to reread the part that's sort of repetitive, where it says one possibility is it will be a deal-breaker.
The other option, groups will see it's the price of admission to participate, um, why should there be a price of admission to participate in elections?
A I -- I guess, I'd -- it's an interesting question. I -- that was not my statement that there should be a price to admission. But ABE's position is that if you are participating in Alaskan elections that, you know, we should be able to follow the money to its true source for candidate elections.
I'm not sure how to -- I'm sorry. I'm not sure how to answer that question about the -- the, quote, price of admission.
Q That's fine.
The one part that is not in the earlier quote, which is at the end of this paragraph, says: "Either way is a win-win for Alaska."
Um, so it was a win-win for Alaska to have a price of admission added to elections?
MR. KENDALL: I'm going to object. It's just sort of an argumentative question. Um, I mean, the quote speaks for itself. It says the price of admission is to disclose.
If you want to ask Ms. Lucky if that's what it says, great. But you seem to be trying to get a quote that implies there is some sort of monetary price, and I don't --
MR. RICHARDS: Hey, Scott, can we knock off -- can we knock off the speaking objections, please? Just make your objection for the record.
THE REPORTER: I don't know who is speaking. Sorry.
Was that Mr. Kendall or Mr. Richards who was making the --
MR. RICHARDS: That was Craig Richards.
THE REPORTER: Thank you.
And then who spoke up afterwards?
MR. KENDALL: It was Scott Kendall, and then Mr. Richards was the one who interrupted me.
THE REPORTER: Okay.
MR. KENDALL: Thank you.
MR. STEPHENS: All right. So why don't we back up and we'll -- we'll ask the question again here real quick.
Q Why is it a win-win for Alaska to create a price of admission for elections?
A So this is a quote by a person who is not me, and so what I can do is refer to what she says about why it is a win-win.
And the -- what the quote says is that either people that don't want to disclose donors will choose not to participate, or people who will disclose their donors will participate, and that is what she is describing as the win-win.
Q Um, and then we're going to -- the next

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quote, Jim -- that's under Jim Rubens, which is a different person. Um...

It --

A Yes, I've found it.

Did you --

Q Yeah.

A -- want me to read it?

Q Uh, sure. Please go ahead.

A All right. So it's a quote by Jim Rubens:

"Small states like ours are now being overwhelmed by big money controlled by a tiny number of people in places like Washington, D.C., San Francisco, California, New York, and they are determining which candidates are viable in elections."

Q But -- so do you think it's illegitimate for people from outside the state of Alaska to, uh, speak on -- on -- on Alaska elections?

A No.

Q You don't?

A No.

Q Um, okay.

Then why do so much of ABE's materials that we've already looked at frankly all talk about

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out-of -- the out-of-state money as the problem if you don't think it -- if you don't think that's inappropriate?

A My interpretation of the quotes have to do with money that is unsourced, not necessarily outside money. I know that both -- they're two distinct things, and I know that there are, um -- you know, there's consternation about both with the public.

But Alaskans for Better Elections' position has been about making sure that people know where the money comes from so that they understand the motivations behind the spending.

Q You used the term "unsourced." What do you -- could you define that, or what do you mean by that?

A Um, money that is not sourced to the person that initially gave the money.

Q Okay. Money that is not sourced from the -- okay.

A I guess the best way to say it is that, you know, we're -- there's public disclosure of who gives money to whom. And so when I talk about unsourced, it's -- it's about the public disclosure of the person who initially gave the money

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regardless of how many organizations the money might have gone through.

Q Okay. So -- so sourced, but you mean disclosure of sources or of the source?

A Yes. When you're asking what I meant by -- by sourced, I mean that -- yes, disclosed I guess is the better way to say it.

Q Okay. All right. Plaintiffs' Exhibit 8, please.

(Exhibit 8 marked.)

A And I am at ABE 000504.

Q Correct.

And just if you could read just the first paragraph. It says "To the Editor," and the first paragraph begins "Women's participation."

A Okay.

"Women's participation in Alaska's political process has been constantly undermined in the past by special interests. While we vote in large numbers, women generally have less wealth, and our individual voices can be easily drowned out by money and power. It is too important a problem to ignore because the decisions made in Juneau and Washington affect our daily lives, our families, and our futures."

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Q Okay. And then just the first sentence of the next paragraph.

A Certainly.

"This fall, we have a chance to level the playing field by voting Yes on Ballot Measure 2."

Q So would it be fair to say that ABE supported Ballot Measure 2 because it wanted to lever -- level the playing field?

A I'm not sure one letter to the editor will describe -- or -- or draft, I'm assuming, letter to the --

Q Okay. What --

A -- editor would describe what ABE's -- sorry. Could you repeat the question?

Q Well, as the representative of ABE, who -- I think we talked before about we -- we agreed on the phrasing earlier about ABE's support of -- present tense support of Ballot Measure 2.

A Correct.

Q Would -- is -- and so -- so is it fair to say that part of it goes to level the playing field?

A I would characterize it as, you know, ABE wants to make sure that we open the door to all candidates equally. I mean, I guess you could call

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it leveling the playing field, but I think that it's -- it's ensuring that each candidate has the same opportunity as any other candidate to participate in the election.

Q All right. And then Plaintiffs' Exhibit 9.

(Exhibit 9 marked.)

A ABE 000593?

Q Yep.

And then the -- so the -- the second full paragraph here, the one that begins "The term Dark Money," if you see that one?

A Yes.

Q Could you just read that paragraph, please.

A "The term Dark Money describes the large sums of outside political dollars that flow into Alaska each election year with little or no real information about the original source of the funds. Secret political spending in candidate campaigns is a growing concern among citizens of the state as many hear it's drowning out the voices of ordinary Alaskans."

Q So, I mean, is -- is the concern that the money is secret, or is the concern that it's

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drowning out the voices of ordinary Alaskans?

They seem like two different things to me.

A If you're asking about what -- what our -- what ABE is concerned about, our concern is sourcing -- sorry, I shouldn't say sourcing -- making sure that the funding is publicly disclosed in a way that people who are voting can see where it came from.

MR. STEPHENS: All right. How are you feeling? Do you want a break or should we move on -- or should we move on to something else?

THE WITNESS: I'm good.

BY MR. STEPHENS:

Q Okay.

Um, okay. So we spoke earlier about, um, the fact that there are two ABE entities, and you're -- basically you're both of them, correct?

A Correct.

Q And so how do you fund your operations?

A ABE operations are funded mostly through grants and some individual contributions. We don't sell anything or, you know, raise -- raise any money like that.

Q Okay. So the grant -- and the grants are

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from foundations or some -- that sort of thing, or are they government grants?

A The foundations are, yes, and nonprofits. Not government grants.

Q Yeah.

A We're not funded by the government.

Q And, um, are most -- are most of those foundations, are they based in Alaska?

A Um, no. I would say most -- it's not -- most of them, I think, are outside. A lot of our individual donors are from Alaska.

Q And -- and just walk me through how it works with the c3 and c4. So, um -- so how do you divide up the roles of those two groups or those two entities?

A So c3 operations are educational operations, so grants that come in to help nonpartisan educational efforts such as -- I'm sorry, slow down -- tabling at events, or we partner with groups like "Get Out The Native Vote" or the Polynesian Cultural Association or anybody who is really doing any sort of voter education and provide nonpartisan information to that.

So grants generally come from other c3 and individuals, and then we -- the work is done,

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you know, that fits that -- that realm. So any of our educational work will be done by the c3 foundation.

Q Okay. And some of the -- okay. The c3 foundation.

A Correct.

Q And so do you share office space?

A We did share office space. I work from home, and I'm the only -- it's a small organization. I am the only employee, so yes, we share office space.

Q So -- so there isn't office space anymore, you're saying?

A Right, there isn't an office --

Q Fair --

A -- space.

Q Fair enough. Fair enough.

How do you decide to divvy up the expenses, though? How do you...

A I guess I wouldn't say it's my decision. What -- I spend a lot of time understanding the compliance, and we do have a compliance attorney, so generally I run work streams by those compliance attorneys. And then anything that is a c3, um -- depending on how many staff we have at the time, we

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will take the staff hours for the c3 work, and it's billed back to the c4. The c4 existed prior.

And then what we take is a commensurate amount of office expenses so that way we don't have to have, like, two Google accounts or two, you know, newspaper subscriptions. So basically the number of hours that are spent on the c3 work are billed, um, from the c4 which has the payroll, and then a percentage of our office expenses that meet the number of staff hours that are done that month are also included in that, um -- in the invoice from the c4 to the c3.

Q Okay. And so -- and so is -- so obviously donors to a c3, your c3, are tax deductible, correct?

Um, and are the -- are the donors to the c4 ever disclosed anywhere? Or the c3, I should say.

A I --

Q Or the c3, I should say.

A I -- I don't -- I would have to look at our tax returns. There's no -- like, we -- we do all the things that we need to do as far as doing our tax returns and our DCCED -- sorry -- Alaska Department of Commerce and Community Development.

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All of the places that we need to be compliant with, I -- our compliance people make sure that we do the correct things.

I am unsure if the donors to the c3 are -- are in filings to the IRS. I'm sorry.

Q What -- what -- no, I -- let me put it this -- ask this a different way.

When you do things that count as -- qualify under Ballot Measure 2 as electioneering or, you know, campaign expenses, things that you have to report to APOC, which group is reporting to APOC? Is that the c4?

A I don't really understand what you mean by required by Ballot Measure 2 to be reported by -- to APOC.

Q When -- when you -- when you're -- you do -- you are engaged in campaign activities, electioneering activities where you have to file reports with APOC, correct?

A Alaskans for Better Elections, I mean, on and off it is. Generally the c4 does advocacy and lobbying. But yes, when -- when the -- when -- if Alaskans for Better Elections is involved in any APOC, it would be through the c4, and we would have, um, filed the appropriate filings and --

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basically, yes.

So the c4 will sometimes take part in campaign activity. When that campaign activity happens, it has done so in the past, and it has filed with APOC, um, and -- and filed reports. That's -- if that's what you're asking.

Q Sure.

And when the c4 runs ads, it has to comply with the Ballot Measure 2 requirements, for instance, that you put, um, the -- that you disclose the true source to APOC that you -- and then you put the -- at the top donor funding ads, correct?

A I -- I don't recall the c4 doing ads, but we would, of course, do our -- any compliance that was required.

We did have things on our -- on our website, and, of course, we had the correct, um, disclaimers on there.

Q Sure. Sure.

Well, okay. But -- let me find -- hold on. Which exhibit is it?

We're actually going to jump ahead to Plaintiffs' Exhibit 31.

(Exhibit 31 marked.)

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A All right. And 31 does not have a -- doesn't have a number on the bottom, but it's an independent expenditures Form 15-6. Submission date is 12/7/2023.

Q Sure.

Okay. And the name on here is Paula DeLaiarro whose name came up before?

A Yes, the filer is Paula DeLaiarro.

Q Okay. And so this is, um, from December 2023.

Were you executive director at this -- in -- at this point, December 2023?

A Yes.

Q Okay. So I -- I'm just bringing this up as this is a -- like an independent expenditure report. And so I just -- when you were talking about whether we report things, this is an example I was trying to give you.

Um...

A I'm sorry. If there was a question, I missed it.

Q No, that -- it's fair enough.

A Okay.

Q I -- but so -- but -- I -- right.

So this is the c4 that's filing this

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report, I guess, is my question.
A Correct, yes.
Q It doesn't --
A The c4 -- Alaskans for Better Elections, Inc., which is the c4, filed the independent expenditure report.
Q And so the c4 has to follow those rules -- follow those -- submit those reports, I mean, but the c3 does not?
A Yes. If the c4 is engaging in what is considered, um -- I don't -- I'm sorry. I won't know -- this will not be the right legal way, but -- or the right legal term.
But the c4 only has to file with APOC if it is taking action in a campaign. The c3, as a nonprofit educational entity, does not take campaign action, doesn't do campaign speech, so it would not have filed the independent expenditure report, and it did not register as a group.
Q So the c4 has to report to APOC, but the c3 doesn't?
A If the c4 is participating in an election, then the c4 would have to file with APOC. As a general course of business, the c4 does not have to file with APOC.

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Q So would it be fair to call the c3 a dark money?
A The c3 is a nonprofit. It does not take part in any candidate or even ballot measure elections. I believe that dark money is a term that is used when spending money to influence outcomes of campaigns.
Q But it's sharing expenses with a group that does have to do that and does have to report this.
A It is reimbursing a c4 for expenses that are attributable to that work stream that is a c3 work stream.
Q And the money that -- from the c3 that reimburses it doesn't -- is -- is never reported or disclosed to anyone.
A I'm sorry. Could you repeat the question?
Q And -- and the money that -- and the money that is contributed there, it -- from the c3 side is never disclosed or reported anywhere. Those donors never show up on any ad.
A Those -- the money that goes to the c3 doesn't pay for any ads. Um, so...
Nonprofit donors to the c3 are reported

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in any way that any other nonprofit c3 would report its donors.
Um, I'm sorry. I'm not sure how to answer the question.
The c3 doesn't take out political ads and, therefore, would not be subject to the disclosure requirements that -- that an entity that takes out campaign ads would be subject to.
So --
Q Correct, but -- correct.
But the c3 -- but the c3's funds still go -- are still -- are still sharing expenses with the group that does have to report.
(Reporter clarification.)
MR. STEPHENS: Are still sharing expenses is -- was the word I used.
THE WITNESS: It is reimbursing for expenses that are -- that are used for the c3 workload, which is voter education.
So the c4, you know, has staff and other things, and -- and the time that is used on the c3 is billed to that -- you know, there's an invoice, and there is a commensurate accounting, and it is billed -- I -- that's how I could describe the relationship.

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MR. STEPHENS: All right. We've been going for almost an hour. I -- why don't we take a ten-minute break just -- I need to go to the bathroom, to be honest with you.
THE WITNESS: Okay.
THE VIDEOGRAPHER: Certainly. We are going off record at 12:03 p.m. Alaska time for a ten-minute break.
MR. STEPHENS: Sounds great.
(Recess taken.)
THE VIDEOGRAPHER: All right. We are going back on record at 12:17 p.m. Alaska time.
Please continue.
MR. STEPHENS: All right. Ms. Lucky, thank you -- thank you for coming back.
Q How would you describe, just in your own words, what the disclosure regime implemented by Ballot Measure 2 was meant to accomplish? What were -- this case is about the disclosure stuff. Obviously there is the ranked choice voting stuff, but on the -- on that -- what I'll call the disclosure regime, what -- how would you describe what that was meant to accomplish?
A It was meant to require disclosure of the initial source of money used in candidate

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campaigns. And also requires some disclosures, I'm not as familiar with what the required disclosures are, but I know there were disclosures that were required on ads and such.

Q Um, okay. So you mentioned the -- it's called -- I think it's true source in the statute, the -- actually the word used, original source maybe or something like that.

So the -- that true source reporting which you focused on, that's one aspect of this. What was the purpose of that?

A The purpose of that is to ensure that voters know who is behind, um, the paying for the ads.

Q All right. And so what does it mean to be behind paying for the ads?

A I feel like I might be being repetitive, so I'm not trying to be repetitive. But I think that the intent is to ensure that the person who initially gave the money to whichever organizations might be, you know, getting money, um, is reported to the public.

Q Okay. Like, for instance, you know, if -- if you have a foundation that gets money from just individual people, random donors, and then

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the -- but then the foundation is making the determination to give money to an independent expenditure group, I mean, is -- is it the foundation the source of the money, or is it all those random individual people, are they the original source?

A So the individual -- it would be the individuals that initially, um, I think it's earned the money. I don't -- I can't remember exactly what the definition is in the statute. But the intent, I think, is the individual that initially earned the money.

Q Sure, but...

And what does -- but what does that mean to you in terms of earning the money? Because, like, your -- a -- you know, my company pays me, and then I give a donation, did my company salary, you know -- I mean, is my company paying -- is my company really funding this because the money they give me goes to the group?

A Are you asking for my personal opinion on --

Q Yeah, just your own personal -- as a representative of ABE. Not as a lawyer -- you're not a lawyer, I'm not asking you to understand the

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statute, but as a representative of ABE and their policy position.

A And the policy position is the person who earns the -- so it wouldn't be a company that pays you for your work. But if your labor is compensated, like, that would be money that you earned. So you would be the -- the true source of that money, not the company that pays you to provide your labor.

Q So if I give money to -- I'm not from Alaska, but let's pretend I was. If I give money to the Alaskan -- Alaskan Libertarians -- I don't know, we'll make this up -- and then they give money to a group that runs ads about guns, I didn't care about the guns, I cared about something else, I mean, isn't it a little weird for me to be listed as a supporter of the gun rights thing just because I -- some of -- some funds happened to end up there?

A So, again, are you asking my personal opinion on that? But before I answer --

Q I'm -- I'm asking your -- you're here -- so you're here as --

A Correct.

Q -- a corporate witness representing an

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entity, so I'm basically asking for the entity's position or their -- you know, their policy position basically or their, you know --

A I want to be clear that I don't think that I would ever posit that my company's position was that something was weird.

But I will say that --

Q Fair enough.

A -- that the company that I work for wants to see transparency in candidate elections.

So I think in your scenario, I don't know who the candidate would be. And I think that if you're supporting an organization that then goes on to support individuals that are running for office, that the public has a right to know who is supporting these individuals that are running for office. And I believe that that -- that accurately reflects Alaskans for Better Elections' position.

Q Well, so the question was not about candidates, but about independent expenditures about, you know, what sometimes are called issue ads, right? And so -- right? So the money ends up in the coffers of the gun rights group because that -- it -- money changed hands, right? So it -- it -- so it's -- so not so much supporting a

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candidate.
Um, would -- when you get money from foundations, do the foundations tell you every donor who ever donated to that foundation?
A When Alaskans for Better Elections Foundation gets money from foundations, we do not ask for that information. We are also not taking out political ads.
Q So you don't get -- so the Inc., the c4, doesn't get any foundation money?
A I would have to look at the Inc.'s -- the Inc. does get money from organizations that we do not have all of the individual disclosures for -- disclosures for.
Q Okay.
A If that is the question.
Q But the -- but aren't those people the true source of the money that it's getting?
A I would say that people who give to a -- an organization that then gives to other organizations would be the true source of the money that they gave, yes.
Q Okay. So you actually don't know the true sources of the money you're getting?
A By me, you mean Alaskans for Better --

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Q Well --
A -- Elections Found --
Q ABE does not know, yes.
A ABE does not have a record of the true source of the donations that have been given to -- to them, no.
Q Why not?
A It's not required. We're not taking out ads against -- if it were required by -- uh.
The -- I -- you know, what I feel like we're getting at is the point of the dark money provisions. The point of the dark money provision was to provide transparency in candidate elections. We do not provide any donations to candidate elections. If we did that, we would be getting true source information and providing that as required by the law that we helped pass.
That's -- Alaskans for Better Elections is a nonpartisan group. We do not support candidates.
Q Okay. But you -- you -- but the point -- but -- and because you don't, I suppose -- but -- so you've avoided the initial compliance burden of doing the true source information.
A I'm sorry. What was the question?

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Q So you -- okay. So -- and because you've -- because you -- because you haven't done anything that's triggered that, you have avoided the compliance burden of the true source information.
A We've complied by the law. I'm not sure that we've avoided anything. What we've done is taken donations as allowed by law, spent the money as allowed by law, and done all of the disclosures we need to do based on the law that passed.
Q Understood.
So you haven't made the effort?
A I don't understand the question. We haven't made the effort to?
Q Um, another provision of the law was -- was, um, that the individual donors also have to report their individual donations.
Are you familiar with that aspect of it?
A Somewhat, yes.
Q Okay. Um, and so what is the purpose of double reporting? Because reporting -- it's already reported by whoever gets the money, right, but the individual also has to report. So what's the purpose of having the individual person who doesn't have a lawyer, who gave, you know, maybe a

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couple grand to one -- in one time, that they have to figure that out?
What -- what's the point of that?
A I think the purpose would be to ensure that the aggravators that are getting that money are reporting accurately. I can't speak to why it was, um, drafted that way in the ballot measure.
Q Do you not think there's a risk that average people just don't have a lawyer to know they have to do that?
A I think that when they donate -- I mean -- hm, I don't know how to -- how to answer that question. Do I think -- can you repeat the question?
Q Um, okay. Now I forgot what the question was. Um -- um -- that's fine.
Let's go to -- where am I at? Plaintiffs' -- if you could turn to Plaintiffs' Exhibit 16.
(Exhibit 16 marked.)
A SOA 10040?
Q Yep.
A Yes.
Q All right. So we're going to page -- it's actually -- within this document, we're going

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to go to page -- we're going to go to the page marked 10057.

A 10057?

Q Yep. Let me know when you're there.

A I am there.

Q So -- so, um, the second half of this paragraph starting with "Significant penalties." It's -- one, two, three, four -- five lines down, basically the middle of the paragraph.

A Correct. Yes, I see it.

Q Could you just read that to the end of the paragraph?

A "Significant penalties are necessary because Respondents have intentionally defied a Commission order that was issued one year ago and denied the public important information until after the relevant election has passed. Simply put, Respondents should not be rewarded for ignoring APOC's decision and thumbing their noses at the law's reporting requirements."

Q All right. And then flip back a couple pages to the one that ends with 55.

A I'm there.

Q Okay. Um, okay. So the second paragraph, the longer on this page, it starts with

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for 11 -- "For AHE's 11 violations," could you read -- could you read that -- that sentence real quick?

A Starting with "For AHE's 11," and then the number 11 --

Q Yeah.

A -- in parentheses, "violations of AS 15.13.090, ABE recognizes that the imposition of completely un-mitigated penalties could be seen as leading to the imposition of disproportional civil penalties with respect to these violations. For example, in its final order, the Commission reduced civil penalties for similar repeated violations of AS 15.13.090 by nearly 90 percent. But because AHE has continued to ignore the Commission's final order, and has not followed the disclaimer requirements outlined in AS 15.13.090, ABE suggests a smaller, but still significant, 50 percent reduction of the maximum civil penalties for these particular violations. As is reflected in the accompanying table, ABE suggests that the Commission, in its discretion, impose $16,700 in civil penalties against AHE for its 11 violations of AS 15.13.090."

Q So would it be fair to say that ABE

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recognizes that the statutory penalties imposed [indiscernible] can actually sometimes be inappropriately high?

A I believe ABE's position is -- is quoted -- I mean, is -- is laid out here in the pleading. Let me just read it one more time, and then if you could ask your question again. Just give me one second. It's a little harder for me to understand it while I'll reading it out loud.

Q Why don't you take as much time as you need, and let me know when you're ready.

A [Witness reviewing document.] Okay. I'm ready. What was the question again?

Q The question is, would it fair to say that ABE recognizes that the -- the statutory penalties imposed by [indiscernible] can actually often be far too, uh -- uh, can be disproportionately large?

A Yes.

Q Um, all right. If you could turn to -- it's Exhibit 10.

(Exhibit 10 marked.)

A All right. And this is ABE 001178?

Q Correct.

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A Yes, I'm there.

Q All right. And then this is, let's see -- one, two, three -- the fourth paragraph from the bottom, starts "We have seen an avalanche."

A Yes, I'm there.

Q Could you read the "We have seen an avalanche," just read that paragraph.

A "We have seen an avalanche of outside money bury the voices of regular Alaskans in recent elections. Outside influence, regardless of source or issue, has turned our long tradition of civic discourse into a mirror image of the debilitating partisanship that has gridlocked our national political system. We now fight over control of state government instead of debating solutions to move us toward a brighter, more prosperous future for all Alaskans."

Q All right. And then -- then can you go next to Exhibit 11, the next one.

(Exhibit 11 marked.)

Q It's the --

A Yeah, I'm there. ABE --

Q 1343.

A Yes, 1343. Correct.

Q And then the first full paragraph there,

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there's a thing that -- there's like a one-line thing that says -- there's a paragraph that says "It must be wonderful."

A Uh-huh.

Q If you could read that, please.

THE REPORTER: Slowly please.

THE WITNESS: Sorry.

"It must be wonderful to live in New York or California or Oregon because they get to go through their days without the other 49 states telling them to how live their lives. But as Alaskans, we're under a constant barrage of do-gooders who know best about what we should be doing."

BY MR. STEPHENS:

Q So the message from -- that ABE was putting out for Ballot Measure 2 was that it would keep outsiders out of Alaska elections; is that fair?

A Reading this document that -- what's in this document, I don't know if this was actually published or somebody's draft. I know that what ABE is concerned about now is the transparency of the donations that come in.

Q All right. So next is Exhibit 12.

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(Exhibit 12 marked.)

A Yes, one -- ABE 1788?

Q Correct.

A I'm there.

Q All right. The last full paragraph on that page that starts "Next, Ballot Measure 2" --

A Yes.

Q -- could you read that paragraph, please?

A "Next, Ballot Measure 2 will put an end to dark money, a term that sounds scary because it is. Dark money refers to the millions of dollars of big outside spending that pours into Alaska to influence our elections. Current Alaska laws don't even require the true source of that money to be identified, so outsiders can try to buy our elections, and they don't even have to disclose who they are. When Measure 2 becomes law, these big-money outsiders will finally have to step out from behind the curtain and admit who they are. And, you know what? I think a lot of them will decide to spend their money trying to buy someone else's election. Dark money just has no place in the Land of the Midnight Sun."

Sorry. Did you want me to keep reading?

Q No, no. No.

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So, again, all of the messaging is about outsiders, about -- and about the idea that these people, you know -- and about the idea that these people, you know, should -- will hopefully not spend money in the elections. So, I mean, what -- is that not the obvious import of this?

A I believe the piece also talks about transparency. Again, I don't know if this was a published document or who the author of the document is. And I can say that Alaskans for Better Elections wants to see transparency in, um, donations to candidate campaigns.

Q All right. Exhibit -- now we're going to flip to Exhibit 13.

(Exhibit 13 marked.)

A I'm there. It's --

Q All right.

A -- 1790?

Q Yep.

Could you read the third paragraph on that page? Starts with "Now, if some sponsor."

A "Now, if some sponsor came up to me and offered me a bunch of money to sponsor my long johns, with the understanding that I'll keep them covered up, something I try to do anyway, so no one

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can ever know about it, I would think that was kind of weird. Like, what are they hiding? But that's what happens every election year in Alaska, and it's called Dark Money. Rich outsiders pour gallons of money into Alaskan -- Alaska's election campaigns, and they go to all kinds of trouble to hide its source. Ballot Measure 2 will make that practice illegal. If somebody wants to pay for the privilege of influencing Alaska's elections, they will have to reveal who's doing the influencing. Like I said, just good common sense."

Q So does ABE consider it a privilege to speak on issues in Alaska elections?

A I have never heard that communicated as a corporate culture, if that's the question.

Q Well, I -- but so -- when talking about the privilege of influencing elections, I mean, is it a privilege -- is speaking on -- in elections a privilege?

A I don't believe it's a privilege. As I said, this is, you know, possibly a draft. It could be something that somebody submitted. All I can tell you is that what we want to see is trans -- what the organization would like to see is transparency in candidate campaigns and identifying

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who is the true source of the money.
So, you know, I -- I don't know that I can explain why every particular word in every draft of anything put forth by the campaign is -- was -- these are in our files. I can just talk to what ABE is trying to accomplish and what I know the board wants to see happen.
Q All right. Exhibit 14.
THE WITNESS: Do you mind if I take a quick one-minute break? I'm so sorry. I was unable to fix my parking, and I just need to pay the meter on my phone.
MR. STEPHENS: Well, if you have to go to the parking meter, why don't we give you -- we'll give you ten minutes. How about that?
THE WITNESS: It's actually just on my phone. I literally just need ten minutes.
MR. STEPHENS: Oh, okay. We'll take a break.
THE WITNESS: Thank you.
THE VIDEOGRAPHER: All right. Going off the record at 12:41 p.m. Alaska time for a short break.
(Recess taken.)
THE VIDEOGRAPHER: Okay. And we're going

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back on record at 12:43 p.m. Alaska time.
Please continue.
BY MR. STEPHENS:
Q Okay. Let see, where were we? I think -- could you turn to Plaintiffs' Exhibit 14, I think is where we were.
(Exhibit 14 marked.)
A Yes. 1905?
Q Correct, 1905.
Um, the -- okay. So the second paragraph from the bottom, "Today in Alaska," could you just read that for me, please?
A I'm sorry. We're at 1905, the second paragraph, and my document starts "I believe we are witnessing."
Q I'm sorry. Second from the bottom I said, I'm sorry.
A Oh, second from the bottom, I'm so sorry. All right.
"Today in Alaska we allow those interests far different than ours -- outside lobbying firms, Washington, D.C. think tanks -- to overwhelm our local elections with money and advocacy that has nothing to do with improving our community. They cut checks, dump resources into races, and leave

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town after three months, with no care for the character of the person they elect, as long as they will conduct themselves according to the will of the party."
(Brief pause.)
BY MR. STEPHENS:
Q All right. Could you go to Plaintiffs' Exhibit 17, please.
(Exhibit 17 marked.)
A SOA 00333?
Q Make sure I have the right one. Yep.
A I'm there.
Q Okay. So this was -- this is a letter that was part of -- it was in the -- the deposition notice questions. Um, so this is a letter from, well, actually Mr. Kendall to APOC, correct?
A It appears to be, yes, a letter from Mr. Kendall, Cashion, Gilmore & Lindemuth letterhead, to executive director at APOC.
Q Yeah.
And so I was confused by this. Was he sending this on behalf of APOC?
A All I can say is that he wasn't sending it on behalf of Alaskans for Better Elections.
Q Okay.

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A I mean, I can't talk to why he would send this letter.
Q Fair enough. Fair enough.
All right. If you could go to Plaintiffs' Exhibit 20, please.
(Exhibit 20 marked.)
A Okay. SOA 07209.
Q Yeah.
A I am there.
Q Okay. And so -- and then within this document, we're going down to, let's see here -- we're going to page -- actually, it's on the first page.
Um, so I'll just -- I'll just read this part. It says -- the last sentence says:
"The Commission agrees, in large part, dismissing the allegations" -- blah, blah, blah -- "except for six press releases addressing ABE's filing of APOC complaints. The Commission concludes these press releases needed paid-for-by disclaimers, but did not trigger the respondents' duty to register and file campaign reports."
So this was a finding by APOC that ABE had failed to put the correct disclosure on its press releases, correct?

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A I'm sorry, I'm so sorry. I thought you said the first page, but I'm not seeing -- can you give me the page number again?
Q So -- okay. So what I was reading is basically the last sentence that starts on -- at the bottom, it says 7209.
A Oh, I see. Okay. Okay. Yes.
Q The last sentence, "The Commission agrees."
A Uh-huh.
Q Right, okay.
You can take a second to read that, if you like.
A Uh-huh.
[Witness reviewing document.]
Yes, I've read it.
Q Okay. So this was a finding by APOC that ABE had actually failed to put the right disclaimers on your press releases, correct?
A Um, I -- can I read the next sentence?
Q You can read as much as you like. Let me know when you're ready.
A Can I read it -- well, so the next sentence says that the Commission remands to staff further investigation --

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Q Right.
A -- of whether they had compliant disclaimers.
Um, if you're asking about how -- what disclaimers we had on the press releases, the disclaimers that were avail -- the press releases were posted on our website, and disclaimers did appear on the website. So the individual press release paper that is in the complaint does not have the disclaimer. The website that hosted the press releases had the disclaimer.
Q And why did the ones that ended up in the complaint not -- did the ones that went out not have a disclaimer? Why did -- why were there two different versions?
A I'm not saying there were two different versions. What I am saying is that the disclaimer was on the website where they were posted publicly. The e-mail came from ABE. I'm not sure if the disclaimer was in the e-mail -- I'm sorry.
Without seeing the actual e-mails, I can't say if the disclaimer was in the actual e-mail footer, but obviously the press releases themselves did not contain that disclaimer.
Q And then -- and then we're going to go to

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page -- it's 7224. So -- and it's -- it's page 16 of 30 of the document, if you look at the page numbers that are --
A Yes, I am there.
Q Okay. Let's see, and where is the sentence.
Okay. Could you just read that paragraph, please?
A And so we're looking at page 16, which paragraph?
Q So, I'm sorry, the paragraph -- the -- the last paragraph, "The deadline grew nearer."
A "The deadline grew nearer for AHE to return the 22AKHE petition booklets with voters' signatures to the Division of Elections. Sometime in December 2023 or January 2024, two ABE communications called for petition signers to withdraw their signatures. One declared: It takes three minutes to withdraw your name from the petition trying to get rid of Alaskan's open primary. The other stated: Some people are upset that Murkowski won the election last year and are circulating a petition to get rid of open primaries in Alaska. If you signed this petition by mistake, you can withdraw your name before the deadline.

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Both included paid-for-by disclaimers."
Q So the, um -- the "It takes three minutes to withdraw your name" thing, that was found by APOC to be electioneering, correct?
A Correct.
Q All right. Um, if you could go to the page that's -- page 7228. It's page 20 of the document page numbers.
A I am there at 7228.
Q All right. So after -- the sentence that starts after footnote 67, it says:
"In previous decisions," um, "the Commission distilled relevant factors including" -- and then there is these five -- these five numbered factors.
Do you see that?
A I'm sorry. Okay. Let me see.
Oh, yes. They're -- I'm sorry. They're in the text. I was expecting a bulleted list. I do see it now.
Q Yeah, yeah. Yeah, so you see (1), (2), (3)?
A Uh-huh.
Q Could you just read those? Could you read the list, please?

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A "(1), Whether the communications identified the ballot measure directly or indirectly; (2), the extent to which the communications encouraged voters to do something; (3), the extent to which the communications were neutral; (4), the entity's history of communicating about the topic; and (5), the timing of the communications relative to ballot -- to the ballot measure efforts."

Did you want me to keep reading or just the --

Q Uh, that's fine.

So as someone who -- you're the executive director of a group that sometimes does -- does things that, uh, APOC considers electioneering, when you look at that five-factor test, how do you think about what you're supposed to comply with?

A I'm not sure I understand the question.

Q Well, for instance -- okay. So, for instance, how would you decide whether a communication encourages a voter to do something?

A I think it would have to have a request for the voter to do something, such as vote this way or that way or take a specific action that was to influence voters.

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Q Okay. And what -- what -- what would it mean for a communication to be neutral?

A Um, a neutral communication would not be taking one side or the other. For example, a neutral communication could be something like there is a petition circulating that would repeal X or Y. So not requesting that a voter sign the petition or not sign the petition, I believe that would be a neutral communication.

Q Okay. So you're saying that you would -- so if it just said, oh, there is a -- there's a issue on the ballot to vote on, but not -- not actually saying anything about how to vote on it, is that the idea?

A Correct.

Q Okay. All right. So Exhibit 21.

(Exhibit 21 marked.)

A SOA 00488.

Q And then the first couple pages of this are, like, preliminary. If you scroll -- if we flip through them to -- it's -- 494 is where the kind of substantive document starts.

A All right. 494?

Q Uh, yes.

All right. And do you recognize this

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document?

A Yes.

Q And what is it?

A It is a complaint against Alaskans for Honest Elections, Alaskans for Honest Government, Ranked Choice Education Association, Wellspring Ministries, Phillip Izon, and Art Mathias for violations of campaign finance laws.

Q Okay. So this was a complaint filed by ABE with APOC against the people you just listed, correct?

A Correct.

Q Um, how does ABE see -- I'm trying to think -- let's see, how shall I say this?

How does ABE --

A I'm sorry -- oh.

Q Yeah, no. Sorry. I'm trying to -- I'm trying to make sure I phrase this in a way that is useful to you.

How -- how does ABE see its role in filing complaints? Or how do -- when -- we have a bunch of complaints we found here that you guys have filed. When -- how do you decide when to file complaints?

A Are you asking about the process that we

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would use internally?

A I'm asking, yes, as -- yeah, we can come back to this specific one, but in general -- general, when you're filing complaints, what are you trying to accomplish?

A So, I mean, I wouldn't say that we file complaints in general. I think that there were some issues that -- when there are issues that bubble up that the board feels strongly about that we might hear about from other sources or, you know, stumble upon in doing research, we will bring those matters up to the board. The board will consider whether or not they feel, um, you know, doing a complaint is, you know, beneficial and necessary based on what the behavior is.

Q Do you -- do you have any -- do you recall how many complaints you filed in the last election cycle, let's just say in the 2024 election cycle?

A I don't -- I wouldn't want to guess a number. I would say probably between one and six.

Q Okay. Maybe like -- how about, like, within the last year or in 2024 or -- or any -- whatever time period you might recall?

A I -- I mean, I don't know that -- I'm

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trying to think if we filed something in 2024. I mean, I just don't -- I'm sorry. I don't --

Q That's fine.

A -- remember. The time kind of all gets a little --

Q No --

A -- weird.

Q No problem at all. No problem at all.

All right. Let's go back specifically to this one that we were looking at.

What caused ABE to file this complaint?

A Um, we were made -- you know, it came to our attention that there were some questions about how the money was being sourced, and the -- took the information to the board, and the board decided that we should move forward and file the complaint.

Q And what was the circumstance that made this one seem like it was worth your time?

A Let me just reread this one and make sure I understand what this one --

Q Please take as much time as you want to look it over and remember and take as much time as you need.

A [Witness reviewing document.]

Okay. I've reviewed. Can you repeat the

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question, please?

Q I believe the question was to the effect of, what was it about this circumstance that made ABE feel that it should file a complaint?

A I believe the -- one of the biggest concerns was the involvement of Wellspring Ministries and how it was related to the church that was put -- sorry, I don't know the legal term for it. But there was a church that I think was originated in Washington and how that was relating to how the signature gathering was being funded.

Q And signature gathering for what?

A For the -- a repeal effort -- a citizens -- it was 19AK -- no, sorry, 19 was us -- 22AKG, which was to repeal nonpartisan -- sorry, I might have the -- I might have the numbers wrong, so please forgive me.

It was a --

Q That's fine.

A -- petition that would repeal nonpartisan primaries and ranked choice voting.

Q It was confusingly also called Ballot Measure 2.

A Right.

Q Yes.

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Yeah, so this is the 2024 Ballot Measure 2, right, that was not about the disclosure stuff, but about repealing ranked choice voting, correct?

A Correct.

Q Okay. And so Alaskans for Honest Elections was the group -- I -- I don't -- the group supporting that ballot measure. Let's just say supporting. We'll keep it easy.

A I'll just make a tiny distinction. I'm not sure it's that important.

The Alaskans for Honest Elections was the group behind doing the signature gathering. I actually am unsure if they were part of the ballot measure campaign.

Q Fair enough.

Working in support of that --

A They were working to get the signatures, correct.

Q Yeah, okay.

A Correct.

Q Okay. And so that was to repeal the ranked choice voting that ABE supported, correct?

A Repeal the primaries and ranked choice voting, yes.

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Q Yeah.

So -- so when you filed this, you filed this against your political opponent?

A I think that we filed it in order to ensure that people understood where the money was coming from because it was very difficult to figure it out based on the filings they have done in public and the information that was not available publicly.

Q You mentioned the church. What -- can you just -- what was the issue with the church, sorry?

A That there were a -- the Ranked Choice Education Association -- and let me just get to the right page because I don't want to say something that is --

Q Take as much time --

A -- not correct --

Q Take as much time as you need.

A I'm sorry?

Q I said take as much time as you need.

A So the Ranked Choice Education Association had incorporated as an integrated auxiliary of the Wellspring Fellowship of Alaska. So that -- it was a religious nonprofit.

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Q You mentioned it was from Washington?
A It was incorporated in Washington.
Q Okay. And so this is a church. What was the issue -- how did the church get wrapped up in this?
A I guess that was the question we were trying to find out with the complaint. I mean, that's --
Q Fair enough.
A When you ask what was the kind of driving force, I think that that was the question, is how would Wellspring Fellowship of Alaska, which is an actual church that is in the state of Washington that has a subsidiary called Ranked Choice Education Association, which was the largest donor to folk -- the effort to, um, repeal open primaries and ranked choice voting, that's kind of the crux of the whole complaint, right, is how do they all relate together and where is the funding coming from?
Q All right. And so -- but what was the church actually contributing?
A I'm sorry? I -- I didn't understand the question.
Q What was the church -- but what was --

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but what was the church actually contributing?
A I'm so sorry. I didn't under -- it's just the last word of the sentence I didn't understand.
Q What -- what was the church contributing was the last word -- was the last word. Sorry.
A So I think that Ranked Choice Education Association -- let me -- sorry. Let me go back to the APOC report because --
Q Take your time.
A -- I just want to make sure that I'm getting this correct.
But -- yeah, just give me a minute because I don't want to put a recollection if I have the information right here.
Q Take your time.
A [Witness reviewing document.]
A lot of pages. One moment, I'm sorry.
Q I think the one you're looking for might be 513, SAO [sic] 00513. I think. I don't know what you're looking, but that's -- that's where the Wellspring Ministries is from.
A Oh, I was actually looking for the -- I prefer to look at the actual document. So what I was looking for was the --

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MR. KENDALL: 554.
THE WITNESS: 554?
MR. STEPHENS: 554? Okay.
THE WITNESS: I just want to see the actual contribution.
MR. KENDALL: Yeah.
THE WITNESS: Right, so there was a contribution -- well, this was a thousand dollar one, but that was made on 2/6/2023. So this is where we get into the Ranked Choice Education Association was -- okay. Sorry. Going further down the page, here's -- okay.
On February 8, 2023, there was a $75,000 donation to Alaskans for Honest Elections, which were the signature gatherers, made by the Ranked Choice Education Association. And it was -- when looking up what the Ranked Choice -- Ranked Choice Education Association was and how it was incorporated, that it was discovered that they were actually a subsidiary of Wellspring Fellowship of Alaska, which was incorporated in Washington state.
BY MR. STEPHENS:
Q Wait, it was a subsidiary of a church?
A Yes.
Q Okay. So if you go -- let's go to 513,

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page 20 of the complaint document.
A Okay. One moment.
All right. I'm there at page 513.
Q All right. Just -- so the second sentence -- at the bottom, there's a heading for Wellspring Ministries. And the second sentence says: [As read]
Additionally, RCEA's records and public-facing communications indicate that Wellspring provides material support in the form of office space and address.
Did I read that accurately?
(Reporter clarification.)
MR. STEPHENS: Address, as in street address, A-D-D-R-E-S-S.
Q Did I read that accurately?
A Yes.
Q So the concern -- so it was actually -- the contribution wasn't -- was an office.
A So this is Wellspring Ministries. And I believe that RCEA is a subsidiary of Wellspring Fellowship of Alaska, which is the church that was created in Washington. Wellspring Ministries is actually the church that I believe is sited in Alaska. So they were using space from the

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Wellspring Ministries building and sharing an address.

Ranked Choice Education Association -- the names get a little confusing, and I think that that was, again, part of the impetus of why ABE wanted to move forward with the complaint, was to understand how all of these organizations were interrelated.

Q Let's go to Exhibit 23.

(Exhibit 23 marked.)

A Okay. SOA 1988. I am there.

Q 1988. And then -- yes. And then, again, the first couple pages of this are, like, whatever. And then 1991 is where the kind of substantive document starts.

A Yes, I am there.

Q Okay. So this is another complaint filed by you folks.

Are you familiar with this document?

A I'm sorry. Was another complaint filed --

Q By ABE.

A Yes.

Q Are you familiar with this?

A I am familiar with this.

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Q Okay. And what was -- what was the reason for this complaint?

A And I will take just a few minutes to read the complete --

Q Please take --

A -- complaint.

Q Please take your time.

A [Witness reviewing document.]

My recollection is that the -- there was a -- what kind of started this complaint was that there was an event that was put on by either Preserve Democracy or Alaskans for Honest Elections where the other organization spoke specifically about the petition. And I believe it was a Preserve Democracy event, but it might have been the other way around. And someone had gone to that event and alerted us, and so we did some research into that, that, um, collaboration partnership to figure out how they were related.

Q And so -- but Project Democracy, at least according to this, had gone to APOC to get precleared. It's pretty clear what they were doing.

A I'm sorry. I didn't understand the question.

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Q Well, Project Democracy had gone to APOC --

(Reporter clarification.)

Q I'm sorry.

Project Democracy -- or Preserve Democracy, I should say. Preserve Democracy is the entity PD. They had gone to APOC and asked to be precleared, though, right? They were trying to follow the rules, right?

A I can't comment on whether or not they were trying to follow the rules.

Q Sure. Fair enough.

A The concern is that you can -- you know, you can get precleared for certain actions, but I believe the concern was that they were talking about signing the petition at one of their events. And so the concern that was brought to us was that they were actually participating in the petition process.

So I'm not sure what they were precleared for or if they were precleared. I can just say that because they were -- Preserve Democracy was extorting people to sign the petition, that was the concern, is that that is not neutral speech. That is, you know, trying to get people to take an

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action.

MR. STEPHENS: Okay. I have one last section here, but I think let's take a ten-minute break, and then I -- we have one last little bit, and then I will be able to -- well, I think your attorneys might have some questions at that point, but I will -- we only have a little bit left to go. But if we could take a ten-minute break, please.

THE VIDEOGRAPHER: All right. We are going off record at 1:14 p.m. Alaska time for a short break.

(Recess taken.)

THE VIDEOGRAPHER: All right. So we are going back on record at 1:23 p.m. Alaska time.

Please continue.

MR. STEPHENS: Welcome back.

THE WITNESS: Thank you.

BY MR. STEPHENS:

Q Could you please go -- we're going to go to Plaintiffs' Exhibit 24.

(Exhibit 24 marked.)

A ABE 1627.

Q Correct. Yes.

So this one actually has a title at the top. It says "Alaskans, Not Political Parties or

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Special Interests, Should Decide Alaska's Future" by Lesil McGuire.

Is Ms. McGuire associated with ABE?

A Yes.

Q What is her association or affiliation?

A So currently Lesil McGuire is a paid consultant to help me do some coalition building. She came on contract January of this year.

Q Okay. So the -- so the second to last paragraph here starts "The U.S. Supreme Court's 2010."

A Yes.

Q Could you read that paragraph and the next paragraph which goes on to the next page?

A Okay.

"The U.S. Supreme Court's 2010 decision in Citizens United versus Federal Elections Commission further changed our country's political landscape by opening the floodgates of outside dark money to flow into Alaska. When I first ran for office, the candidates drove the message and were directly accountable to the voters. Today, the dark money unleashed by Citizens United controls the narrative and buries all other messaging. Whether it's leftist Antifa-style groups funded and

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driven by the likes of George Soros, or small government activists supported by Koch-type conservative networks, these entities are prohibited from coordinating with the actual candidates, but are free to spend as much as they want in our elections without revealing the true source of their funding. To that end, we continue to see millions dumped into our elections each and every year. While I am not opposed to outside money, I do believe Alaskans have every right to know where it's coming from."

Q Okay. And then we'll go to page -- we'll go to -- let's see, what are we on now?

And then Exhibit 25.

(Exhibit 25 marked.)

A Yes. 25. Okay.

Q Okay.

A ABE 1799.

Q And so this is -- so it doesn't have the name at the top here, so actually if you -- um, in fact, you if go -- if you go to 1802, it says Joe Geldhof? I'm not sure if I'm pronouncing that right.

A Joe Geldhof?

Q Yeah.

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Is Mr. Geldhof, is he affiliated with ABE?

A He is not affiliated with ABE. I don't know if he was affiliated with the campaign.

Q Okay. So -- so this was not an op-ed that ABE worked on or commissioned?

A I couldn't tell you that. Joe Geldhof is a -- is a frequent contributor to opinion editorials, especially in the Juneau Empire.

Q Fair enough.

All right. We're going to go -- go back to Plaintiffs' Exhibit 7 real quick.

A I'm sorry. Which one?

Q We're going back to 7.

A Okay. Exhibit 7?

Q Yes.

A ABE 1957.

Q Yes. And then we're on -- and so on 57.

A I am there.

Q Okay. And then the -- under Jeff Clements, the second bullet point --

A Uh-huh.

Q -- could you just read that bullet point?

A All right. Jeff Clements says:

"If you're saying money is free speech,

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basically you're saying that those with the most money have the most free speech and those without billions of dollars to play in this game or corporate treasuries are sidelined."

Q Okay. And then we're going to go to 1963, ABE 1963.

A I am at 1963.

Q The last -- under Jim Rubens, the third -- the fourth bullet point, I should say, the last one that starts "Citizens United."

A Okay. The -- I'm sorry. The third one or the last one?

Q The very last one that starts "Citizens United."

(Reporter clarification.)

A Okay. So it's Jim Rubens, fourth bullet point is:

"Citizens United claimed that there would be no corruption and no perception of corruption. This is false. We would like to preserve the Tenth Amendment and federalism in our states."

Q So, again, and, you know, this is -- these are all of the theme, but they're all of the theme that the messaging and what ABE was saying is really about keeping money out, keeping outsiders

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out. And so wasn't that just part of the goal here, was to change who would -- to change who would participate in elections and participate in speaking elections?

A That is not what -- when I -- when I was a voter in 2020, that is -- that is not my takeaway. My -- and as I said before, ABE's -- what we are striving for is transparency in elections and making sure the voters know where the money is coming from. So that's what I can speak to.

Q Do you think it's fair to say that the requirements imposed by Ballot Measure 2 will discourage -- will discourage people from participating in Alaska elections?

A Are you specifically saying individual donors or people as in voters?

A All right. Let's -- we'll just do it -- do you think the fact that individual people, who may not have lawyers, have to dual-report their own contributions to -- that they make in support of political causes, do you think that will chill speech and discourage some people from making those contributions?

A So my understanding is an individual

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donor that gives over a certain amount would not have a dual-reporting requirement. They would just be reporting their contribution.

Q Well, but they have to report the contribution that's already being reported by the person receiving it, correct?

A Yes. A campaign that gets a contribution would be reporting it. And person that gives over a certain amount, I don't know exactly what that is based off the top of my head, would be reporting that as well.

Q And they have to report that within 24 hours of making it?

A I'm so sorry, I'm not that familiar with the law.

Q Fair enough.

A But I assume so.

Q So if a random small business owner gives $2,500 to support some group that they -- they have to know to report that themselves?

A They would have to report it themselves. Um, any -- I think any responsible group would let them know what the reporting requirements are. I know that our treasurer does.

Q If -- okay. If the group forgets to tell

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them or neglects to, is that a defense?

A I don't know how APOC -- I'm not sure that's a question I'm qualified to answer --

Q Fair enough.

A -- legally.

Q Fair enough. Fair enough.

But do you -- so -- but do you think the dual reporting will chill speech?

A I guess I would take issue with that there's dual -- I mean, a person reports that they gave money, do I think that that's going to make someone that spends two -- you know, $2,500 to support a candidate not spend $2,500 to support a candidate? I -- I mean, I can't speak for what would chill -- I'm sorry. I -- I think I'm saying a lot of words.

But I wouldn't want to opine on what motivates people to do other things. I don't necessarily think that's going to chill speech. I think that if you want to stand behind your candidate, um, you know, most people want their names to be out there, and that is -- I'm not sure that reporting it would chill.

Are you -- I guess the question is, are you concerned that having to file something with

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APOC -- because their name is already being publicized.

Q Well, but the -- the compliance burden of having to figure out how to comply with the law on your own as an individual person.

A And I guess my -- any campaign that is taking contributions should know the law and should make sure that their contributors are aware.

Q And if they don't, the person who donates money is just out of luck if they didn't know they were supposed to do that?

A I think generally we have to follow laws as are written. There are often laws that some people are unaware of.

Um, I'm not sure how to -- I'm not sure how to answer your question. I'm sorry. Can you rephrase?

Q It's fine. We can move on.

The -- the -- the true source reporting, the reporting of the -- the donors of the donors of the donors, do you think that compliance burden is going to chill speech?

A Can you tell me what you mean by "chill speech"?

Q So I sort of gave a version of this

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already, right. If I give money to the Alaska Libertarians because I like their position on taxes, and then they, you know, give a grant to a pro-Second Amendment group to run ads about guns, and I -- and in this hypothetical, I -- I don't care about guns or maybe I disagree with the ads, I'm still going to be the true source of that money, correct?

A It's my understanding that the true source requirement applies -- well...

If there was an organization that was doing political speech that was required to be reported to APOC for campaign purposes about guns, then that would be correct, that you are -- you would be a true source to the -- and I don't know how -- I'm sorry. I don't know how it works with political parties.

But I think that, um -- because I know that their -- a lot of this stuff is --

Q Well, so -- sorry. I just -- I just --

A Sorry.

Q -- meant Alaska Libertarians United. I didn't mean the political party. I just -- I was just making up a political -- I was just making up a political [indiscernible]. Sorry.

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Like, so you don't think that the fact that money that you give could end up with your name on it supporting something you never even heard of, you don't think that might discourage people from donating?

A Again, I'm now not talking personally about me. That is not an issue that has come up for ABE, that -- I don't think that ABE thinks that there is a problem with reporting the true sources, um, if it eventually gets used for political speech.

Q So you don't think that compliance burden chills speech?

A I don't -- I'm sorry. I don't think what?

Q You don't think that compliance burden chills speech?

A And by "chill speech," in this instance what you are saying is --

Q Discourage --

A -- donations --

Q Discourage people from speaking and participating and supporting issues and candidates in Alaska elections.

A I mean, it is difficult for me to do this without giving a personal opinion, the way that the question is being asked.

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Q Okay.

A So are you asking do I personally think that it would chill speech if somebody thinks if they gave to an organization that then gives to another organization, that their name might be in a public disclosure if that organization takes out political ads?

Q I mean, it's kind of -- it's a practical question. Do you think it makes people more or less likely to make donations?

A I don't know that it would make people more or less likely to make donations.

Q You don't think compliance burdens can discourage people from engaging in activities because they don't want to deal with the compliance burden?

A I mean, again, this is -- I don't know if I can ask for some further clarification here.

MR. KENDALL: At this point, I'm going to object because --

MR. STEPHENS: That's fine.

MR. KENDALL: -- we're kind of way beyond the scope of the notice at this point.

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MR. STEPHENS: That's fine. Fine.

MR. RICHARDS: The witness still needs to answer the question.

MR. STEPHENS: Yeah. Yeah, no.

THE WITNESS: Okay. And what was the question?

MR. STEPHENS: Let's try and rephrase.

Q Do you think -- do you -- do you agree or disagree that the true source reporting might/will discourage some people from participating?

A Do I agree or disagree that reporting might/will discourage someone from participating? I -- I don't know that I can answer that question. I think that people make decisions on what they want to do based on their own, you know, set of rules. So...

I'm sorry. I'm doing the best I can. I'm not trying to be --

Q Well, let --

A -- obstinate.

Q Well, let me -- I'll try it this way.

Before we had all -- I mean, we went through all that stuff earlier about -- with all -- you know, ABE's campaign materials and press releases and public statements are all talking

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about -- the term -- phrase used earlier was "the price of admission in Alaska elections." And repeatedly we said that there -- said, well, you know, some people will not want to participate, and that's good, that -- right? That was what a lot of that messaging was, that these out -- this outside money might decide not to participate.

That was the import of a lot of those statements, correct?

A Some -- yeah, the statements that you had me read from individuals in 2020, they did include that people may choose not to participate or they may choose to participate and make sure that their names are on the record.

Q All right. And then last -- the other part of this case is the on-air disclaimers. Which do you think that having a disclaimer that takes up more than 50 percent of an ad, uh, reduces the incentive to run ads?

A I don't think I can answer that question on behalf of ABE.

Q Well, let me -- I'll -- I'll rephrase.

As -- as the executive director of ABE, would you run a 30-second radio ad where 20 seconds of it was going to be a disclaimer?

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A I -- I am un -- I mean, I suppose it depends on -- I guess not a radio ad, I mean, if the majority of it -- I don't know that I can answer would I do something in that way.

I know radio ads -- I don't -- I don't know how to answer that question.

Q That's fine.

All right. Then the last aspect of this case is the part of the disclaimer that, if -- if it applies, you have to put it says the majority of money comes from outside the state of Alaska, correct?

Are you familiar with that part of it?

A I am unfortunately not --

Q Okay.

A -- that familiar with that --

Q So --

A -- that part of it.

Q Well, but you don't need to be.

Just in general, do you -- do you think putting a disclaimer -- that disclaim -- a disclaimer that says the money is from out of state, what do you think the purpose of that disclaimer is?

What was ABE's purpose in supporting it, if ABE -- if ABE does support it?

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MR. KENDALL: Objection. The question misstates what the statute requires.

MR. STEPHENS: Okay. Um, let's see if I can find...

All right. So the exact -- the exact verbiage is not what's important here. The -- the point is, the statute requires that people -- that groups that get most of the money that comes from out of state have to put a disclaimer saying we get our money from out of state on the ad.

Q Um, what is the purpose of having that out-of-state disclaimer?

A I'm not familiar with the disclaimer.

Q Fair enough.

A My understanding was that the ads had to have the name and the city and state of the, um -- I'm sorry. I'm not familiar with that particular requirement.

Q That's fine. Okay.

A I think that the point of having someone's name and state and city, which is -- which is what I'm familiar with, is to ensure that people know, you know, who the top contributors are and where they're coming from.

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Q Okay. So if you -- if a voter sees an ad that says the majority of contributions to this group came from outside the state of Alaska, do you think that's -- do you think that's supposed to tell them something about the group?

A I mean, I think that it is telling them that the majority of the money comes from outside Alaska, and voters can make their own decision about whether or not that's, you know, something that they want to support or listen to.

Q But -- so you don't think that -- that there's any -- you don't think that's meant to -- you don't think that that is -- of a piece with all this language we read about outsiders interfering in Alaska elections, you don't think that that's meant to imply that?

A I think it's meant to give voters the ability to know where the money is coming from.

Q And if it's from outside the state, they deserve to know that?

A I'm sorry?

Q And if it's outside the -- and if it's from outside the state, they should know that?

A I think they should know if it's from inside the state or outside the state or who the

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people are. I mean, it's -- the whole point is transparency so voters can make informed decisions.

Q And -- and you don't think that that requirement, uh, will affect the message, will -- will change the message?

A I'm not sure I understand the question, but I will -- so I don't think that saying who paid for the message changes the message. I think that it allows someone who is listening to the message to understand what the person that is paying for it stands for to be able to -- to kind of make that connection of who are the people that are behind this. Are they out-of-staters, or is this particular organization out of state, or -- or it's -- I don't think it changes the message. It gives the voter information.

A lot of people rely on trusted messengers to make -- you know, to help them understand how to vote on things, and so I think that that's an additional piece of information that voters can use.

Q What do you mean by "trusted messengers"?

A Um, people tend to listen to people that they trust.

Q And people -- and if -- and if it says

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the money is from out of state, is that someone someone should not trust?

A I'm sorry?

Q And the money is from -- and so should people trust money coming from out of state less?

A I think people -- no, that's not what I implied, or that's not what I meant to imply. I don't think that people should trust money that comes from any location less.

I think that the information that is given is to allow them to discern where the money is coming from and whether or not they trust that individual or, you know, group --

Q Well, but --

A -- of individuals.

Q Well, but it's not a group of individuals if it's just saying outside of the state, right? It's not -- that's not saying George Soros or the Koch brothers. That's saying foreigners, right? It's not specifying an individual, correct?

A I'm sorry. I didn't understand the question.

Q But -- but this is not about identifying individuals. This is about sort of foreigners versus locals, right? I mean, it's not -- it's not

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about particular individuals.

A I think it's about knowing whether the message is coming from people who live in our state and know our issues versus someone who, um, doesn't live in our state and know our issues.

I mean --

Q And --

A -- people have trusted messengers all over the country.

I am not sure that I -- you know, there are people that I trust that are not necessarily in the state and people that I trust that are in the state. So I think the whole point is to provide the transparency to the voter who is receiving the message.

Q And -- but the voters should think differently about the person in the state versus the person out of the state?

A I don't think the voters should feel differently -- okay. That's -- sorry. I'm not giving a -- I'm trying to -- it's not my opinion, it was the opinion -- I don't think that that's a value judgment about who people should trust. I think giving them the information so they can determine who is behind the messaging is what

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the -- what the law does.

MR. STEPHENS: All right. One moment, let me just go back over.

All right. I think that's pretty much what I had, so if -- if Scott or the APOC people want to do any kind of follow-up, then they can go right ahead. But I think we will leave it at that.

MR. KENDALL: This is Scott Kendall for ABE, and we have no questions for Ms. Lucky. Deferring here to APOC's counsel.

MS. LOBER: No questions from APOC.

THE VIDEOGRAPHER: Okay. Anybody else? Sounds like we might have come to a conclusion here.

So thank you, everybody, for your participation today. And we are going off record at 1:49 p.m. Alaska time.

Please place any transcription orders with Kathy or video orders with myself.

(Off the video record.)

THE REPORTER: Off the video record. This is the court reporter.

First of all, Mr. Kendall, should I send the notification to you for witness signature?

MR. KENDALL: Yes, please. Thank you.

THE REPORTER: Okay. And do you want a copy of the transcript?
MR. KENDALL: Yes.
THE REPORTER: Okay. And, Ms. Lober, did you want a copy of the transcript?
MS. LOBER: Yes, just the transcript, please.
THE REPORTER: Okay. Mr. Richards, did you want a copy of the transcript?
MR. STEPHENS: I'll speak on behalf of the plaintiffs. Yes, we want a copy of the transcript. This is Mr. Stephens.
THE REPORTER: Okay. So we are good to go off the record if everyone is okay with that.
MR. STEPHENS: Okay.
MR. KENDALL: Thank you.
THE VIDEOGRAPHER: Off the record at 1:50. Everybody have a great day.
MR. STEPHENS: Thank you.
MR. KILCULLEN: Bye all.
(Proceedings concluded at 1:50 p.m.)
(Signature reserved.)
--o0o--

CERTIFICATE

I, KATHY L. SWINHART, Certified Shorthand Reporter and Notary Public in and for the State of Alaska, do hereby certify that the witness in the foregoing proceedings was duly sworn; that the proceedings were taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and later transcribed by computer transcription; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not a party nor have I any interest in the outcome of the action herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 12th day of October, 2025.

Kathy Swinhart

KATHY L. SWINHART
My Commission Expires 7/1/2028

Errata Sheet

NAME OF CASE: DOUG SMITH vs RICHARD STILLIE
DATE OF DEPOSITION: 09/25/2025
NAME OF WITNESS: Juli Lucky
Reason Codes:
1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page _____ Line _____ Reason _____
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Exhibits

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LUCKY, JULI 9-25-25 EXH 2 3:10 21:15,16 24:17
LUCKY, JULI 9-25-25 EXH 4 3:13 23:20,21,22
LUCKY, JULI 9-25-25 EXH 5 3:15 28:25 29:1
LUCKY, JULI 9-25-25 EXH 6 3:16 31:20,22
LUCKY, JULI 9-25-25 EXH 7 3:19 35:7,8 96:12,15
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Exhibit 84

In the United States District Court
For the District of Alaska

Robert Griffin, et al.,

Plaintiffs,

v.

Richard Stillie, et al.,

Defendants,

v.

Alaskans for Better Elections,

Defendant-Intervenor,

Declaration

I, Cheryl Frasca, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. I am involved in conservative political activism in the State of Alaska.

3. I frequently assist political donors with their Alaska Public Office Commission (APOC) forms.

4. I believe the majority of the political donors in the state of Alaska do not understand their compliance obligations and are relying on others to fill out their forms or walk them through filling out their forms. I believe this number is even higher out-of-state, where people have not already set up myAlaska accounts.

5. Were it not for my assistance, several donors would have been liable for crippling fines for inadvertent mistakes in completing the APOC disclosure forms. One of those donors is Robert "Bob" Griffin.

6. I recall one donor aged in her nineties who was deeply troubled at having to log a donation within 24 hours because she did not have internet service.

7. I have never charged Bob Griffin for helping him with his forms, and I have helped others free of charge as well. I believe that without my assistance, many people would either be liable for fines or have to hire a compliance expert (or both).

Cheryl Frasca

Cheryl Frasca

Date: 4/9/2026

Exhibit 85

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Declaration**

I, Robert Griffin, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. I am a former school board member and citizen who cares deeply about Alaska and the issues most important to it. I am also a pilot who spends much of the year airborne.

3. I have given to independent expenditure groups and candidates in past elections, including approximately $14,500 in donations in 2018, $4,500 in 2019, and $2,750 in 2020.

4. OI am not familiar with the intricacies of campaign finance law and expect the organizations I support to guide me on compliance with legal limits and reporting.

5. Hiring an attorney to help me navigate campaign finance compliance could easily end up costing more than some of the donations I make and would create a serious disincentive to continue contributing.

6. I used to donate to groups to support specific initiatives, but that does not necessarily mean I agreed with everything that group did, or everyone they may in turn donate money to.

7. I believe strongly in the right of private association and the compelled disclosures required by Initiative 2 would be in conflict with my principles

8. I would like to continue to give similar or even greater amounts to the causes that are important to me, including during the 2026 election cycle.

9. However, if I give $2,000 or more to an independent expenditure group, I will now be subject to the disclosure and reporting requirements of Initiative 2.

10. I fear that being associated with my donations may lead to reprisals against me or my family in the current climate of cancel culture.

11. I also fear that I will be unable to accurately fill out the true source disclosure form, or that my submission will inadvertently be submitted late.

12. I also fear that even if I do all my compliance work correctly, I could be subjected to a frivolous complaint and not be able to promptly respond to it, leading to crippling fines.

13. When I discovered Ballot Measure 2's effects, I turned to Cheryl Frasca to fill out my donor forms. Without the assistance of Cheryl Frasca, I would not have been able to accurately and promptly complete the forms I submitted.

14. I have drastically reduced my giving now that I know about Ballot Measure 2's full extent, including the continuous 24-hour rule, because I fear that I will make an inadvertent compliance mistake. My concern is exacerbated due to how often I am airborne without access to my mail or internet.

15. One of the groups I would have donated to but for Ballot Measure 2 was Families of the Last Frontier.

16. The burdensome additional requirements added by Ballot Measure 2 are a serious and compelling disincentive for potential donors like myself.

17. I believe that the disclosure and reporting requirements of Ballot Measure 2 abridge my rights under the Constitution.

18. Without relief from this court, I will be forced to forgo giving to important causes in Alaska.

Robert Griffin

S/Robert Griffin

Date: 10 April 2026

Exhibit 86

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Declaration**

I, Stanley Allen Vezey, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. I am a former Alaska state legislator and Alaska Public Offices Commission member who cares deeply about Alaska and the issues most important to it.

3. I have given to independent expenditure groups and candidates in past elections, including approximately $2,400 in donations in 2018 and $2,250 in 2020.

4. I am not familiar with the intricacies of campaign finance law and expect the organizations I support to guide me on compliance with legal limits and reporting. I have had to rely on outside assistance to complete the forms mandated by Ballot Measure 2. I am not confident I have completed all of the forms correctly, despite my best efforts.

5. I am frustrated to have my name run on an ad just because I gave to the candidate, because it indicates I endorse everything said in that ad. On the contrary, while I give to political groups, it does not mean I endorse everything that group believes. Furthermore, I do not have control over what ads the groups I donate to run.

6. As a former member of the Alaska Public Offices Commission, I can say with confidence that the Commission is not well equipped to determine appropriate fines for Ballot Measure 2's speech penalties. Given the Commission is an inherently political body, and its members are political appointees, application of penalties under Ballot Measure 2 would be tainted by bias and be far to0 subjective to be considered fair.

7. As a former member of the Alaska Public Offices Commission, I can also attest to the profound burden an investigation poses on groups and individuals investigated, as well as to their donors or friends. This burden exists even when the Commission determines there was no wrongdoing.

8. As a former member of the Alaska Public Offices Commission, I can assure you that the Commission does not only exist as a body and only speak through its decisions. Rather, the Commission is a law enforcement agency run by five commissioners and staffed by lawyers and compliance officers, many of whom have their own political biases and agendas.

Stanley Allen Vezey

/s/Allen Vezey_____
Date: _04/09/2026_____

Exhibit 87

In the United States District Court
For the District of Alaska

Robert Griffin, et al., Plaintiffs, v. Richard Stillie, et al., Defendants, v. Alaskans for Better Elections, Defendant-Intervenor,	**Declaration**

I, Trevor Shaw, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a citizen and resident of the State of Alaska, am over 18 years of age, and am competent to make this Declaration.

2. In addition to serving as a Plaintiff in this case in my individual capacity, I am an officer of Plaintiff Alaska Free Market Coalition (AFMC) and am authorized to testify on its behalf.

3. After Ballot Measure 2, I made the painful decision to have the AFMC cease all its political speech. The provisions of Ballot Measure 2, especially the 24-hour continuous true source reporting, make it too risky that a donor's inadvertent omission could leave her personally liable for thousands of dollars in fines. I was not comfortable imposing that kind of harm on donors.

4. Separately, after Ballot Measure 2, I feared that donors would be faced with harassment due to having their names listed in AFMC ads. I did not feel comfortable risking the safety of my donors.

5. Because of Ballot Measure 2, I also am apprehensive about engaging in personal political giving, as my income is intertwined with company income and I

fear that my customers will be wrongly accused of being the true source of my personal giving.

6. My concerns with Ballot Measure 2 are not limited to my concerns about criminal liability. Even an investigation that vindicates me could expose my clients and AFMC's donors to harassment and harm. APOC's process is too subjective and lacks the due process necessary for me to feel comfortable working with AFMC to engage in political speech. I do not want to force my clients or my donors to have to pay for attorneys due to frivolous complaints they receive because of my political speech.

Trevor Shaw



Date: 04/10/2026