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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ROBERT GRIFFIN, et al.,

Plaintiffs,

v.

RICHARD STILLIE, JR., in his official
capacity as chair of the Alaska Public
Offices Commission, et al.,

Defendants,

and

ALASKANS FOR BETTER
ELECTIONS, INC.,

Intervenor-Defendant.

Case No. 3:22-CV-00077-SLG

**ALASKANS FOR BETTER
ELECTIONS' REPLY IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT**

Because much of Plaintiffs’ opposition echoes their own motion for summary judgment,¹ Intervenor-Defendant Alaskans for Better Elections, Inc. (“ABE”) hereby incorporates by reference its previously-filed opposition to Plaintiffs’ motion for summary judgment in its entirety.² In addition, ABE highlights and emphasizes the following four points.

First, Plaintiffs argue that ABE did not address some of their “claims” in its motion for summary judgment.³ But ABE could not have done so, since those “claims” are nowhere to be found in Plaintiffs’ complaint.⁴ Moreover, Plaintiffs mischaracterize the underlying facts in their examples of “overburdensome” penalties.⁵ For example: (1) APOC did not impose *any* civil penalties for when a nonprofit religious organization (RCEA) and its recipient (AHE) failed to disclose contributors during the period when APOC had provided incorrect advice;⁶ (2) Kimberly Hays explained that an unanticipated \$10,000 wire transfer that was received over the holidays was quickly resolved for a \$300 civil penalty;⁷ and (3) APOC ultimately decided to only impose civil penalties for 1 out of

¹ See Doc. 169; *see also* Doc. 133-1.

² See *generally* Doc. 167.

³ See Doc. 169 at 2-7; *see also* Doc. 132.

⁴ See Doc. 40 at 17-21; *see also* Doc. 167 at 22-25.

⁵ See Doc. 169 at 4-5.

⁶ See Doc. 169 at 4; Doc. 167 at 7-10; Doc. 167-1 at 241-99.

⁷ See Doc. 169 at 4-6; Doc. 132-1 at 134; Doc. 167 at 15-16.

11 alleged violations rather than mitigate civil penalties for all 11 as suggested by ABE.⁸ These are not reasons to deny ABE's motion.

Second, Plaintiffs argue that Alaska's statutory requirements for both radio advertisements and text messages are functional prohibitions on speech.⁹ But as ABE and APOC have previously noted, Plaintiffs' arguments are based on a misreading of what is actually required in both circumstances.¹⁰ This means that Plaintiffs have failed to meet the high burden to invalidate all of the laws at issue in this case in their facial challenge.¹¹ Moreover, contrary to Plaintiffs' suggestion,¹² there *is* evidence in the record to contest Plaintiffs' argument about how long it takes to read a compliant radio advertisement; Ms. Hays testified that a spoken audio disclaimer can take "[a]bout 15 seconds."¹³

Third, Plaintiffs mischaracterize the evidence in the record about Alaska's conditional out-of-state disclaimers.¹⁴ Multiple experts and witnesses made it clear that it is not necessarily a bad thing if political funding comes from outside of Alaska.¹⁵ And

⁸ See Doc. 169 at 5; Doc. 167-1 at 290-91.

⁹ See Doc. 169 at 14-17.

¹⁰ See Doc. 167 at 2-4; Doc. 166 at 3.

¹¹ See *Moody v. NetChoice, LLC*, 603 U.S. 707, 727-28 (2024); *United States v. Stevens*, 559 U.S. 460, 473 (2010); *Washington State Grange v. Washington State Republican Party*, 522 U.S. 442, 449-51 (2008).

¹² See Doc. 169 at 16 ("[A]t no point have either it or its expert witnesses provided any testimony where someone could say the disclosure faster[.]").

¹³ See Doc. 132-1 at 141.

¹⁴ See Doc. 169 at 17-20.

¹⁵ See Doc. 132-1 at 31; Doc. 167-1 at 35, 59; 526, 544, 624.

ABE's 30(b)(6) designee repeatedly explained why such disclaimers are important: ABE recognizes the informational interest this type of disclaimer can provide to voters.¹⁶

Finally, the Ninth Circuit's recent *en banc* decision in *Moving Oxnard Forward, Inc. v. Lopez* ("*Oxnard*") further bolsters ABE's position.¹⁷ *Oxnard* is not inconsistent with this Court's and the Ninth Circuit's prior decisions that exacting scrutiny applies to Plaintiffs' claims.¹⁸ And even though *Oxnard* concerns limits on campaign contributions¹⁹ — which is not at issue here²⁰ — the *en banc* decision makes it clear that Plaintiffs have not come close to showing invidious discrimination for the popularly-enacted ballot initiative at issue here,²¹ even *if* Plaintiffs had alleged it in their complaint.²²

This Court should GRANT ABE's motion for summary judgment.

¹⁶ See Doc. 167-1 at 523, 530, 543-544.

¹⁷ See generally *Moving Oxnard Forward, Inc. v. Lopez*, 173 F.4th 1070 (9th Cir. 2026) (*en banc*).

¹⁸ See Doc. 48 at 9-10, 21-25, 37; Doc. 56 at 12-14; *see also Alaska Pol'y F. v. APOC*, 583 P.3d 701, 729-30 (Alaska 2026); *cf. Oxnard*, 173 F.4th at 1076-77.

¹⁹ See *Oxnard*, 173 F.4th at 1075-76.

²⁰ See Doc. 40; *see also* Doc. 48 at 30.

²¹ See *Oxnard*, 173 F.4th at 1086-89.

²² See generally Doc. 40.

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DATED: June 26, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2026, a copy
of the foregoing document was served via CM/ECF
on all counsel of record.

By: /s/ Scott Kendall