

KEVIN G. CLARKSON

ATTORNEY AT LAW

2223 LATONA DR., NE
KEIZER, OREGON 97303
TELEPHONE: (907) 748-4788
kclarkson@pci.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 "Respondents") with respect to your July 12, 2023, correspondence (e-mail and letter) requesting documents and information 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.

Thomas R. Lucas
APOC
July 20, 2023
Page 2 of 5

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 Respondents' objection to your inquiry about RCEA's tax exempt status, it is willing to provide you with the following information. RCEA is an "auxiliary" of another Faith Based Organization, Wellspring Fellowship (WF"). 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. RCEA's articles state that it is an "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 an entity that exists wholly separate and apart from Wellspring Ministries (emphasis added). WM is an Alaska non-profit corporation and a tax-exempt faith-based organization under Section 501(C)(3) of the Internal Revenue Code. WF and WM are two completely 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, consistent with WF's and RCEA's faith-based purposes, seeks to educate the American public regarding ranked choice voting as a general concept. The fact that RCEA mentions Alaska in its web page and in its educational materials does not mean it is advocating for 22AKHE. Alaska is one of two states that have adopted RCV and as such it is a prime example 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—like the material of other educational organizations with internet presences—being available on the internet to Alaskans. RCEA's educational activities and speech are protected by the First Amendment and are not prohibited by

Thomas R. Lucas
APOC
July 20, 2023
Page 3 of 5

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 sections of the IRC which are applicable solely to IRC Section 501(C)(3) entities.

Despite ABE's salacious allegations about contribution "laundering" and "passthrough," RCEA is an independent IRC Section 508(C)(1)(a) educational organization. Although not required—the so-called "dark money" and "true source" provisions of Alaska campaign finance law apply only to "candidate elections" (*see* AS 15.13.040(r); AS 15.13.074(b))—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 that RCEA then contributed to AHE. 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 those funds to AHE directly. Neither Mr. Mathias nor RCEA subverted or even attempted to subvert any campaign finance law by making the donations in the way that they did. RCEA has since received donations from donors other than Mr. Mathias. ABE's allegations to APOC about "tax deductions" are uninformed and unknowledgeable. The only government agency with jurisdiction to adjudicate federal income tax deductions is the IRS.

For your information, WM also is not involved in the efforts to introduce and/or promote 22AKHE in Alaska. WM likewise 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 simply owns the building and real property located at 2511 Sentry Drive in Anchorage, Alaska and rents a mail depository and office presence to RCEA. Nothing about WM's rental relationship with RCEA, two entities that are not 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 to RCEA, another FBO entity that is not 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.

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.

Thomas R. Lucas
APOC
July 20, 2023
Page 4 of 5

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, WM is not involved in the efforts to introduce or promote 22AKHE and is not 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. RCEA is not involved in the efforts to introduce or promote 22AKHE and is not a group under AS 15.13.400(9)(B). Nothing about WM's and RCEA's relationship subjects them to APOC's jurisdiction. WM and RCEA are not organizationally related.

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, and back in December 2022 provided APOC a copy of his check making that 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.
99516

Sincerely,

Thomas R. Lucas
APOC
July 20, 2023
Page 5 of 5

Kevin G. Clarkson

Kevin G. Clarkson

c

Press Release

July 24, 2023

From : Alaskans For Honest Elections

Subject: "Better Elections" APOC complaint.

The local Soros funded attorney that filed this complaint is attempting to weaponize APOC with his many intentionally inaccurate and inflammatory statements. He is attacking me, my church, Christians and our initiative to replace his Marxist voting system.

He is trying to muzzle us and take our constitutional free speech rights. We will fight with all we have to preserve our free speech rights, our voting system, and to protect our Constitutional Republic.

This attack on me, my church, Christians and our country is funded by dark money that ballot measure 2 was supposed to stop. We were lied to!

Ballot measure 2 and its "jungle primary" is really a "One Party" political voting system that eliminates all political parties and creates "the Rank Choice" party. A single party system is the goal and dream of all totalitarian governments across the world.

Why must we redefine our elections? The various Rank Choice voting systems have been around for 40 years and they have always failed and elected the most radical possible candidates. They also require computers and complicated algorithms that are very easily manipulated.

Let's return to our tried-and-true election process that America has used for the last 240 years.

Art Mathias, Alaskans for Honest Elections

907-240-8429

Attached please find our answer to APOC's request for additional information. On the 26th we will file our answer to the complaint itself.