

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT ANCHORAGE

LA QUEN NÁAY ELIZABETH MEDICINE  
CROW, AMBER LEE, and KEVIN MCGEE,

Plaintiff(s),

vs.

DIRECTOR CAROL BEECHER, in her official capacity, LT.  
GOVERNOR NANCY DAHLSTROM, in her official  
capacity, and the STATE OF ALASKA, DIVISION OF  
ELECTIONS.

Defendant(s).

CASE NO. 3AN-24-05615CI

**SUMMONS AND  
NOTICE TO BOTH PARTIES  
OF JUDICIAL ASSIGNMENT**

To Defendant: DIRECTOR CAROL BEECHER, in her official capacity

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Cashion Gilmore & Lindemuth, whose address is: 510 L Street, Ste 601, Anchorage, AK, 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at <https://public.courts.alaska.gov/web/forms/docs/tf-955.pdf> to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

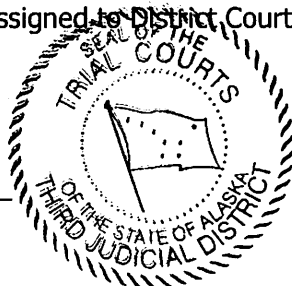
TO: Plaintiff and Defendant

You are hereby given notice that:

- This case has been assigned to Superior Court Judge Rankin and to a magistrate judge.
- This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

04-02-2024  
Date



By: [Signature]  
Deputy Clerk

I certify that on 04-02-24 a copy of this Summons was  mailed  given to  plaintiff  plaintiff's counsel along with a copy of the  Domestic Relations Procedural Order  Civil Pre-Trial Order to serve on the defendant with the summons.  
Deputy Clerk NH

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT ANCHORAGE

LA QUEN NÁAY ELIZABETH MEDICINE  
CROW, AMBER LEE, and KEVIN MCGEE,

Plaintiff(s),

VS.

DIRECTOR CAROL BEECHER, in her official capacity, LT.  
GOVERNOR NANCY DAHLSTROM, in her official  
capacity, and the STATE OF ALASKA, DIVISION OF  
ELECTIONS.

Defendant(s).

CASE NO. 3AN-24-05615CJ

**SUMMONS AND  
NOTICE TO BOTH PARTIES  
OF JUDICIAL ASSIGNMENT**

To Defendant: LT. GOVERNOR NANCY DAHLSTROM, in her official capacity

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Cashion Gilmore & Lindemuth, whose address is: 510 L Street, Ste 601, Anchorage, AK, 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at <https://public.courts.alaska.gov/web/forms/docs/tf-955.pdf> to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

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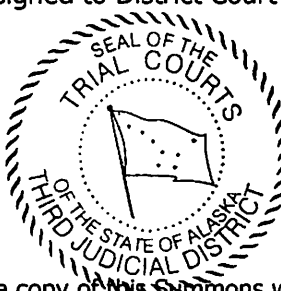
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- This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

04-02-24  
Date



By: [Signature]  
Deputy Clerk

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Deputy Clerk NT

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IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT ANCHORAGE

LA QUEN NÁAY ELIZABETH MEDICINE  
CROW, AMBER LEE, and KEVIN MCGEE,

Plaintiff(s),

vs.

DIRECTOR CAROL BEECHER, in her official capacity, LT.  
GOVERNOR NANCY DAHLSTROM, in her official  
capacity, and the STATE OF ALASKA, DIVISION OF  
ELECTIONS.

Defendant(s).

CASE NO. 3AN-24-05615C7

**SUMMONS AND  
NOTICE TO BOTH PARTIES  
OF JUDICIAL ASSIGNMENT**

To Defendant: STATE OF ALASKA, DIVISION OF ELECTIONS

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days\* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Cashion Gilmore & Lindemuth, whose address is: 510 L Street, Ste 601, Anchorage, AK, 99501.

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at <https://public.courts.alaska.gov/web/forms/docs/tf-955.pdf> to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

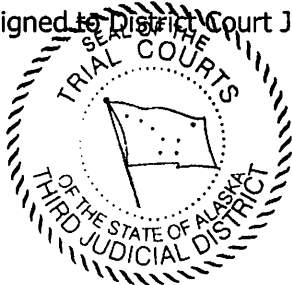
TO: Plaintiff and Defendant

You are hereby given notice that:

- This case has been assigned to Superior Court Judge Rankin and to a magistrate judge.
- This case has been assigned to District Court Judge \_\_\_\_\_.

CLERK OF COURT

04-02-24  
Date



By: Carolyn Harrison  
Deputy Clerk

I certify that on 04-02-24 a copy of this Summons was  mailed  given to  plaintiff  plaintiff's counsel along with a copy of the  Domestic Relations Procedural Order  Civil Pre-Trial Order to serve on the defendant with the summons.  
Deputy Clerk MH

\* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

LA QUEN NÁAY ELIZABETH  
MEDICINE CROW, AMBER LEE, and  
KEVIN MCGEE,

Plaintiffs,

vs.

DIRECTOR CAROL BEECHER, in her  
official capacity, LT. GOVERNOR  
NANCY DAHLSTROM, in her official  
capacity, and the STATE OF ALASKA,  
DIVISION OF ELECTIONS,

Defendants.

**COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

FILED in the TRIAL COURTS  
State of Alaska Third District

APR 02 2024

Clerk of the Trial Courts  
Deputy  
B: \_\_\_\_\_

Case No.: 3AN-24-\_\_\_\_\_

**I. JURISDICTION**

1. This is a complaint for declaratory and injunctive relief brought pursuant to AS 09.40.230, AS 22.10.020, and AS 15.45.240. This matter challenges the Defendants' determination that the initiative petition 22AKHE qualified for the statewide ballot. Plaintiffs contend that Defendants wrongly determined that the petition was properly filed under Article XI, Section 3 of the Alaska Constitution and AS 15.45.160.

2. This court has jurisdiction over the parties and the over the subject matter of this dispute pursuant to AS 09.05.010, AS 09.05.015, and AS 22.10.020.

## II. SUMMARY OF KNOWN VIOLATIONS

3. This case involves serious statutory and constitutional violations, each of which independently disqualify enough petition booklets and signatures to prevent 22AKHE from appearing on any ballot for any election.<sup>1</sup>

### A. The Sponsors of 22AKHE intentionally broke the law—and instructed their petitioners to do the same—during the signature petition drive.

4. The primary sponsors of 22AKHE are Phillip Izon II, Jamie R. Donley, and Arthur C. Mathias (collectively “the Sponsors”).

5. The Sponsors of 22AKHE intentionally conducted their signature petition drive illegally, thereby disqualifying thousands of signatures.

6. The Sponsors and their paid contractor specifically instructed their petition circulators to leave 22AKHE signature petition booklets unattended, with various people and at various places of business, all outside the presence of the individual circulators. These individual circulators followed these instructions and later retrieved many petitions to falsely certify them and the signatures they contained.

7. Alaska Statute AS 15.45.130<sup>2</sup> and AS 15.45.110(a) strictly require that all signatures in a booklet must be personally witnessed by a circulator, and that the

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<sup>1</sup> As Defendants continue to make records available, there will likely be many additional challenges to individual signatures in 22AKHE petition booklets.

<sup>2</sup> The “resident circulator” and \$1 per signature requirements of AS 15.45.130 have been held unconstitutional on free speech grounds; all other provisions of this statute, including those at issue here, remain in full force and effect. *See Resource Development Council for Alaska, Inc. v. Vote Yes for Alaska’s Fair Share*, 494 P.3d 541, 548 (Alaska

signatures must be made only in the presence of the one individual circulator who certifies the booklet.

8. If these requirements are ignored, AS 15.45.130 requires the Defendants to reject the signatures in any such petition booklet.

9. The Alaska Supreme Court has strictly applied statutory and regulatory requirements that complete and accurate information be included in petition booklets, with the remedy for violation being the rejection of impacted signatures.<sup>3</sup>

10. The Division received numerous complaints of 22AKHE petition booklets being left abandoned, and repeatedly warned the Sponsors to cease this practice because it would disqualify the petition booklets.

11. The Division also repeatedly provided the Sponsors with guidance and legal authority demonstrating the illegality of this practice.

12. Nevertheless, the Sponsors and their paid contractor continued to instruct their petition signature gatherers to collect signatures in an unlawful manner.

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2021); *Nader v. Brewer*, 531 F.3d 1028 (9th Cir. 2008) (cert. denied, *Brewer v. Nader*, 556 U.S. 1104 (March 9, 2009)).

<sup>3</sup> See, *N.W. Cruiseship Ass'n of Alaska, Inc. v. Office of Lieutenant Governor and Div. of Elections*, 145 P.3d 573, 578-79 (Alaska 2006) (Holding that where prior statute and regulation required printing the name of the entity paying for signature gathering on every page of the petition, the failure to do so disqualifies all signatures on any page with such an omission).

13. And indeed, numerous circulators acting on behalf of 22AKHE unlawfully allowed multiple individuals to circulate a single booklet and/or abandon signature petition booklets for unmonitored signature collection.

14. When the illegally-collected signatures are removed from the Division's calculation as required by law, 22AKHE no longer has a sufficient number of signatures to qualify for the ballot and must be voided.

**B. The Division of Elections unlawfully allowed 22AKHE Sponsors to "cure" defective 22AKHE petition booklets and violated the strict statutory deadlines applicable to ballot initiatives.**

15. The Sponsors filed their petition booklets for 22AKHE with the Division on January 12, 2024.

16. January 12, 2024 was the last business day before the first day of the Alaska legislative session, on January 16, 2024. January 12 is also less than 30 days before the statutory one-year deadline for expiration of the 22AKHE petition on February 7, 2024.

17. When the Sponsors filed their full petition with the Division on January 12, 2024, dozens of the individual signature petition booklets were not properly notarized as required by law.

18. Alaska Statute 15.45.130 prohibits Defendants from counting petition booklets lacking a valid notarization or self-certification.

19. After the Sponsors filed the petition, the Division discovered, in the course of its review, that dozens of 22AKHE signature petition booklets were defective for lack of a valid notarization.

20. Rather than reject these petition booklets outright as required by statute, the Division told the Sponsors that they could retrieve individual defective booklets from Division custody in order to “cure” them.

21. The Sponsors then obtained notarizations and self-certifications for most of these individual petition booklets and re-filed the booklets with the Division, which ultimately counted the signatures within them.

22. If there are incomplete or unnotarized booklets, the Division may statutorily reject the *entire* petition (i.e., all of the booklets filed together as a single instrument) at the time of filing and allow sponsors to cure defects and collect more signatures in order to timely refile the *entire* petition before the deadline.

23. No law or regulation allows the Division to release individual booklets piecemeal into the Sponsors’ custody during the Division’s signature validation process in order to alter or cure some booklets while the verification process of the remaining booklets is underway.

24. The Division failed to properly invalidate the petition and then illegally released some booklets into the Sponsors’ unsupervised custody during an ongoing petition review process.

25. In the alternative, even if the Division could allow the Sponsors to “cure” individual defective signature petition booklets, the Division does not have the authority to suspend the statutes imposing deadlines on the ballot measure process.



26. The “cured” 22AKHE petition booklets were re-filed with the Division only after the one-year deadline for completing a ballot measure signature drive had lapsed.

27. Because this one-year deadline lapsed before these petition booklets were submitted to complete the Sponsors’ petition, they have no force and effect and may not be counted. Moreover, the entire petition is deemed filed at the time it is complete and, therefore, the entire petition is untimely.

28. The Alaska Supreme Court has a long history of requiring strict compliance with filing deadlines related to elections.<sup>4</sup>

29. Even if the entire petition is not deemed to be untimely, when these unlawfully counted 22AKHE signature petition booklets are removed from the Division’s calculation as required by law, 22AKHE no longer has enough signatures to qualify for the ballot and the petition must be voided.

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<sup>4</sup> See *State v. Jeffrey*, 170 P.3d 226 (2007) (Overturning the Superior Court and holding that strict compliance with judicial retention application deadlines is required. Although the two judges had returned questionnaires and been recommended for retention by the Judicial Council, neither filed their declaration by the required deadline. As a result, both judges were removed from the bench); *Falke v. State*, 717 P.2d 369 (1986) (Holding that a potential candidate who was inside the Division of Elections offices prior to the noon deadline, but who actually finished filing the required paperwork **ten minutes after the deadline** was disqualified from appearing on the ballot. “The legal principle is well established, both in Alaska and in other jurisdictions, that election law filing deadlines are to be strictly enforced.”) (internal citations omitted).

**III. PARTIES**

30. Plaintiff La quen náay Elizabeth Medicine Crow is a resident of Kake, Alaska.<sup>5</sup> Ms. Medicine Crow has spent her life and her career advocating for the rights of Indigenous, and specifically, Alaska Native peoples, including the right to vote, including while in her recently-ended service to First Alaskans Institute over the last 16 years. She continues to serve Alaska Native peoples and all others who now call Alaska home through multiple community endeavors.

31. Plaintiff Amber Lee is a resident of Anchorage, Alaska. In January 2024, Ms. Lee was approached by a petitioner working to gather signatures on behalf of 22AKHE. This individual lied to Ms. Lee, falsely claiming that 22AKHE is not an effort to repeal Open Primaries and Ranked-Choice Voting, but rather that the petition would trigger an “advisory vote” to allow people to show whether they support or oppose the system. Ms. Lee supports Alaska’s Open Primaries and Ranked-Choice Voting system.

32. Plaintiff Kevin McGee is a resident of Anchorage, Alaska. Mr. McGee is the past president and member of the Anchorage branch of the National Association for the Advancement of Colored People (“NAACP”). In that capacity, he has advocated for the rights of Alaska’s African American community, including the right to vote, and the right to fair and representative election systems.

33. Defendant Carol Beecher (“Director Beecher”) is the Director of the Alaska

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<sup>5</sup> Kake is known as Kéix’ in Northern Tlingit, and Kéex’ in Southern Tlingit.

Division of Elections, and is being sued solely in her official capacity regarding the discharge of her duties under Article XI of the Alaska Constitution and Title 15, Chapter 45 of the Alaska Statutes.

34. Defendant Nancy Dahlstrom is the current lieutenant governor of the State of Alaska, and is being sued solely in her official capacity regarding the discharge of her duties under Article XI of the Alaska Constitution and Title 15, Chapter 45 of the Alaska Statutes.

35. Defendant State of Alaska, Division of Elections (the “Division”) is the state agency that administers Alaska’s elections and election processes, including ballot initiatives, and is supervised by the lieutenant governor.

#### **IV. FACTUAL BACKGROUND AND LEGAL ANALYSIS**

##### **A. The Sponsors’ petition drive and history of serious legal violations.**

36. On or about November 23, 2022, the Sponsors filed their petition with the Division.

37. On or about January 20, 2023, the Division certified the petition for 22AKHE.

38. On or about February 8, 2023, the Division issued the Sponsors the printed petition booklets required by AS 15.45.090 for the Sponsors to collect signatures.

39. In addition to providing the petition booklets, the Division also trained the Sponsors on how to gather legal and valid signatures, and provided a written handbook

on these requirements.<sup>6</sup>

40. Among these requirements is the critical element, required by AS 15.45.130, that each petition booklet be circulated by only a single individual, and that that individual must personally witness each signature in any booklet they circulate. Finally, the circulating individual must provide a sworn statement certifying that these guidelines were followed regarding every signature in every petition booklet they handle.

41. If a petition booklet is circulated in violation of this requirement, Defendants may not count *any* of the signatures within it and must discard the *entire* petition booklet.

42. The signature petition drive for 22AKHE was led by Sponsors Mr. Izon and Mr. Mathias, as well as by the official ballot group that registered with the Alaska Public Offices Commission (“APOC”), Alaskans for Honest Elections (“AHE”).

43. On July 5, 2023, a complaint was filed with APOC against AHE, Mr. Mathias, and Mr. Izon, as well as several other entities, including the Ranked Choice Education Association (“the RCEA”).

44. The RCEA was created by Mr. Izon and Mr. Mathias as a “church” in the State of Washington for the purpose of acting as a pass-through for contributions to AHE.

45. The APOC complaint alleged that these entities had failed to properly report their signature gathering activities in support of 22AKHE.

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<sup>6</sup> See Exhibit A, the Division’s Initiative Petition Training Handbook (rev. Dec. 22, 2023).

46. On January 3, 2024, after an extensive investigation and hearing on the merits, APOC found that AHE, Mr. Mathias, and the RCEA, committed numerous campaign finance violations, including using the RCEA “church” to launder contributions from Mr. Mathias to AHE in a way that obscured the actual source of the money.<sup>7</sup>

47. For these and other violations, APOC imposed civil penalties in APOC Complaint No. 23-01-CD totaling \$94,610.<sup>8</sup>

48. Notwithstanding APOC’s findings of numerous violations and the imposition of significant fines, the Sponsors filed the 22AKHE petition with the Division the following week, on January 12, 2024.

49. On March 8, 2024, the Division completed its review of the petition as required by AS 15.45.150, and concluded that the petition met the signature requirements of AS 15.45.140 to qualify the measure for the 2024 ballot.

50. The 22AKHE petition drive was rife with intentional lawbreaking, such that the measure must be disqualified from the ballot.

51. The Division repeatedly warned the Sponsors of 22AKHE about these statutory violations, but the Sponsors continued their brazen law-breaking unabated.

52. The Division’s own review of 22AKHE petition booklets violated the

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<sup>7</sup> This passthrough scheme might also have gifted Mr. Mathias with an unlawful tax deduction; however, APOC declined to rule on that issue because it is beyond the scope of their statutory authority.

<sup>8</sup> See Exhibit B, APOC’s Final Order in Complaint No. 23-01-CD (Jan. 3, 2024).

statutes and regulations controlling the applicable process and deadlines.

53. Separately and together, these violations disqualify enough signatures that 22AKHE cannot appear on the ballot.

**B. Clear statutory violations that invalidate numerous petition booklets.**

**i. Pervasive use of unsupervised petitions and/or sharing of petitions between individuals in violation of AS 15.45.130.**

54. Alaska Statute 15.45.130 requires that any individual who circulates a ballot initiative petition booklet must swear to certain facts, under oath, on the back of the booklet.

55. Among the certifications contained in AS 15.45.130 are: “that the person is the only circulator of that petition,”<sup>9</sup> and “that the signatures were made in the circulator’s actual presence.”<sup>10</sup>

56. If these requirements are not met, or if the certification affidavit is falsified, signatures in the impacted petition booklet may not be counted toward determining the sufficiency of the petition.<sup>11</sup>

57. And yet some of the Sponsors’ petition circulators had an illegal pattern and practice of leaving petition booklets unattended in locations for passerby to sign, which is prohibited by AS 15.45.130.

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<sup>9</sup> AS 15.45.130(2).

<sup>10</sup> AS 15.45.130(3).

<sup>11</sup> See AS 15.45.130; see also 6 AAC 25.240(g).

58. Some of the Sponsor’s petition circulators also had an illegal pattern and practice allowing multiple individuals to circulate the same petition, which is also a clear violation of AS 15.45.130.

59. On or about July 17, 2023, the Division notified the Sponsors that the Division had received complaints about booklets being left unmonitored in violation of the law. Director Beecher called the Sponsors and also emailed them materials (which the Sponsors had previously received on February 8, 2023) listing the legal requirements for circulators, including the requirements that every signature in each petition must be personally witnessed by a single individual, and that booklets cannot be left unattended.<sup>12</sup>

60. Despite this warning, the Division continued to field complaints about unmonitored petitions.

61. On or about October 23, 2023, the Division again called the Sponsors and warned them about these ongoing violations.

62. The Division followed up with an email on or about October 24, 2023, that once again included materials listing the legal requirement that every signature in each petition be personally witnessed by a single individual.<sup>13</sup>

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<sup>12</sup> See Exhibit C, Email from Director Beecher to Mr. Izon and attachments (July 17, 2023).

<sup>13</sup> See Exhibit D, Email from Division Operations Manager, Michaela Thompson to Mr. Izon and attachments (Oct. 24, 2023).

63. Despite the Division’s repeated warnings that the Sponsors were unlawfully circulating petitions, the Sponsors’ illegal pattern and practice of leaving petitions unattended and/or allowing multiple petitioners to circulate the same booklet persisted at least into November and December of 2023.

64. Despite these complaints, the Division failed to investigate or disqualify any 22AKHE petition booklets based on these violations.

65. It is the Division’s practice to accept as true the contents of a petition booklet certification and to disregard any outside information when deciding whether to count them.

66. Mikaela Emswiler runs a company called Top Fundraising Solutions, LLC (“TFS”).

67. TFS, through Ms. Emswiler, served as the paid consultant coordinating the Sponsors’ petition signature gathering campaign.

68. The Sponsors, through AHE, hired Ms. Emswiler (through TFS) to supervise a paid signature gathering program.

69. AHE paid TFS thousands of dollars for these services.

70. In her capacity as consultant for the Sponsors’ petition signature gathering campaign, Ms. Emswiler told individual petitioner circulators where and how to gather signatures in support of 22AKHE.

71. Ms. Emswiler instructed these individual circulators to gather signatures using illegal methods. Specifically, Ms. Emswiler told circulators that it was permissible



to abandon 22AKHE petition booklets with other individuals and/or at places of business, and then later falsely certify that the individual circulator had personally witnessed and gathered the signatures.

72. Ms. Emswiler was still providing illegal direction to potential 22AKHE circulators as late as November 14, 2023. Specifically, Ms. Emswiler told a prospective signature gatherer that they could simply leave 22AKHE petition booklets at any business locations that would allow it.

73. On November 14, 2023, Ms. Emswiler was not only instructing prospective paid signature gatherers to break the law by leaving booklets unmonitored, she also admitted that the 22AKHE petition campaign was actively engaged in such tactics, observing that “we’ve got a couple places around town that have welcomed [signature petition] books into their businesses” including “[t]he bingo places.”

74. Upon information and belief, at a minimum the following individuals have illegally circulated 22AKHE booklets by leaving petition booklets unattended and/or allowing multiple circulators of the same booklet: Barbara Tyndall; Brad Campbell; Carmen Durham; Colleen Sherman; Eric Hughes; James M. Stocker; John B. Whisamore; John V. Miller; Kathleen Gail Fogle; Kathryn McCollum; Kelly Nash; Linn M. McCabe; Mikaela Emswiler; Natalie Martin; Patricia Bouton; Paula Caywood; Phillip Izon, II; Robert Coulter; Sharon Wessels; Theodorus Hendricks Ransum; Victoria Gotthardt; and William Quantick.

75. Upon information and belief, the individuals listed in the preceding paragraph falsely certified 22AKHE petition booklets in violation of the law.

76. Given the widespread nature of these violations and the Sponsors' pattern and practice of failing to correct them, Plaintiffs believe many additional 22AKHE petition circulators committed the same or similar violations. Indeed, Plaintiffs are in the midst of discovering more violations while reviewing documents the Division recently provided.

77. At a minimum, all booklets circulated by the individuals named in paragraph 74 of this Complaint are defective and may not be counted, because they were left unattended and/or multiple circulators used the same booklets. These booklets are also defective because they were falsely certified by the same individuals.

78. Every individual, including but not limited to those named in paragraph 74 above, who in fact falsely certified a petition booklet that they shared with another circulator and/or that they left unattended for signatures to be added, committed the crime of perjury under AS 11.56.200. Perjury is a Class B felony.<sup>14</sup>

79. These individuals certified over 110 petition booklets for 22AKHE, containing approximately 12,000 signatures. Both of these numbers might well increase

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<sup>14</sup> In addition to listing the legal requirements, the certification page for ballot measures in Alaska contains a perjury warning. At a minimum, every individual who certified a petition that they shared with another petitioner and/or that they left unattended for signatures to be added, committed the crime of unsworn falsification in the second degree under AS 11.56.210. Unsworn falsification in the second degree is a Class A misdemeanor.

if — and more likely when — evidence of additional circulators falsely certifying 22AKHE petition booklets is discovered.

**ii. Crimes of moral turpitude by a notary invalidate petition booklets that were notarized by him.**

80. As described above, Theodorus Hendricks Ransom is one of the individuals who illegally circulated multiple 22AKHE booklets by leaving petitions unattended and/or allowing multiple circulators of the same booklet.

81. Mr. Ransom nonetheless signed the sworn certifications falsely claiming that he personally circulated those booklets and that all signatures were made in his actual presence.

82. In making these false sworn certifications, it appears Mr. Ransom committed the crime of perjury under AS 11.56.200. Perjury is a Class B felony.

83. In Alaska, perjury is considered a crime of moral turpitude. Committing such a crime renders an individual ineligible to serve as a notary.<sup>15</sup> Additionally, committing such a crime is grounds to revoke an individual's status as a notary.<sup>16</sup>

84. Contemporaneously with signing false certifications on his own 22AKHE petition booklets, Mr. Ransom was also notarizing the certifications of other individuals on 22AKHE petition booklets.

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<sup>15</sup> See AS 44.50.020.

<sup>16</sup> AS 44.50.068.

85. Mr. Ransum notarized the following 22AKHE petition booklets that must be invalidated: 0043; 0045; 0094; 0481; 0484; 0780; 0906; 0956; 0957; 1308; 1309; 1320; 1327; 1328; and 1330.

86. The booklets that Mr. Ransum notarized contain approximately 800 signatures.

**iii. Booklets that were defective and not certified as required by law when submitted, but that the Division nonetheless improperly counted.**

87. On January 12, 2024, the Sponsors submitted all of their signature petition booklets to the Division.

88. However, 61 of the petition booklets that the Sponsors submitted on January 12, 2024 were defective when filed. Accordingly, the Division initially declined to count the signatures in these booklets consistent with AS 15.45.130.

89. 22AKHE petition booklet number 0004 was defective when filed and was not counted because it was incorrectly submitted with a notarization date of December 2, 2024.

90. On January 18, 2024, the Division notified the Sponsors of this defect, and allowed them to retrieve the booklet for correction.

91. It is unknown exactly when the Sponsors re-filed 22AKHE petition booklet number 0004 with the Division, but it was definitely after January 18, 2024, and upon information and belief, it was after February 7, 2024.

92. On or before January 26, 2024, the Division realized that 60 additional 22AKHE petition booklets could not be counted under AS 15.45.130 because the booklets had not actually been certified.

93. The Division determined that the purported certifications of these 60 booklets were defective after discovering that the individual who claimed to have notarized the petitions, Catherine Rittgers, did not have a notary commission at the time she purported to act as a notary.

94. Significantly, Ms. Rittgers was not a random third party unrelated to the Sponsors' 22AKHE petition signature drive. She is a longtime employee of one of the Sponsors, Mr. Mathias.<sup>17</sup>

95. More importantly, Ms. Rittgers was also a subcontractor working for TFS through Ms. Emswiler, and was specifically hired to support the 22AKHE petition signature drive.

96. When filed, the 60 booklets referenced above were defective for lack of valid notarization and the Division could not legally count them at that time.

97. Ms. Rittgers' lack of a notary commission rendered the following 22AKHE petition booklets defective and not certified as required by AS 15.45.130 on January 12, 2024, the date they were submitted to the Division: 0010; 0011; 0021; 0031; 0043; 0045; 0064; 0088; 0089; 0362; 0430; 0457; 0472; 0476; 0477; 0479; 0482; 0487; 0540; 0774;

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<sup>17</sup> Ms. Rittgers was an employee of the church that Mr. Mathias founded and where he is a pastor, Wellspring Ministry.

0776; 0794; 0807; 0891; 0897; 0902; 0906; 0923; 0926; 0936; 0938; 0939; 0945; 0950; 0955; 0958; 0959; 0967; 1296; 1299; 1303; 1314; 1316; 1317; 1318; 1322; 1323; 1326; 1333; 1334; 1338; 1349; 1353; 1354; 1359; 1373; 1374; 1375; 1394; and 1402.

98. On January 26, 2024, the Division notified the sponsors of these defects, and allowed them to retrieve the 60 booklets—and only those 60 booklets—for correction.

99. 22AKHE petition booklets numbers 0891 and 1338 were never re-filed with the Division.

100. 22AKHE petition booklets numbers 0010; 0011; 0021; 0031; 0043; 0045; 0064; 0088; 0089; 0362; 0430; 0457; 0472; 0476; 0479; 0476; 0479; 0482; 0540; 0774; 0776; 0794; 0897; 0906; 0923; 0926; 0936; 0939; 0945; 0955; 0958; 0959; 0967; 1296; 1299; 1303; 1317; 1318; 1322; 1323; 1326; 1333; 1334; 1349; 1353; 1354; 1359; 1373; 1374; 1375; 1394; and 1402 were not re-filed with the Division until February 12, 2024.

101. 22AKHE petition booklets numbers 0487; 0807; and 1314 were not re-filed with the Division until February 15, 2024.

102. 22AKHE petition booklets numbers 0902; 0938; 0950; and 1316 were not re-filed with the Division until February 21, 2024.

103. 22AKHE petition booklet number 0477 was not re-filed with the Division until February 23, 2024.

104. When the Sponsors removed these 61 petition booklets from the Division's custody, they took the entire booklets, and not just the certification pages.

105. Upon information and belief, the Division did not scan or photograph the contents of the 61 booklets before releasing them to the Sponsors' control, or otherwise document their contents, to protect against alterations beyond the certification page.

106. Apart from the two petition booklets that were not re-filed (numbers 0891 and 1338), the Division ultimately counted the signatures in the other fifty-nine (59) 22AKHE petition booklets, despite the fact that they were not certified and were defective when originally submitted to the Division on January 12, 2024, and despite the fact that they were not re-submitted to the Division until over a month later.

**iv. Additional booklet challenges as discovered during the pendency of this challenge.**

107. Although the Division has been cooperative in providing information, the Plaintiffs did not have access to information regarding all of the 22AKHE petition booklets until March 23, 2024. Even on that date, the Plaintiffs were provided only with heavily redacted versions of the 22AKHE petition booklets.

108. Accordingly, Plaintiffs reserve the right to supplement their allegations with additional challenges discovered following receipt of unredacted copies of the 22AKHE petition booklets during the pendency of this proceeding.

**C. Individual signatures that must be invalidated.**

109. As stated above, Plaintiffs have not yet been able to review unredacted copies of the 22AKHE petition booklets, because the Division has not provided them.

Accordingly, Plaintiffs reserve the right to supplement their allegations with additional challenges to individual signatures during the pendency of this proceeding.

**D. When defective signatures are lawfully omitted, 22AKHE fails to qualify for the ballot under AS 15.45.140; AS 15.45.160; and Article XI, Section 3 of the Alaska Constitution.**

110. In order to qualify for the ballot under AS 15.45.140, an initiative petition must contain a number of qualified voter signatures that is *both*: (1) equal in number to 10 percent of those who voted in the preceding general election; *and* (2) equal in number to 7 percent of those who voted in the preceding general election in 30 out of 40 house districts.

111. Each cycle, the Division prepares a list of how many signatures, both in total and by house district, a petition must contain to qualify for the ballot.<sup>18</sup>

112. When the booklets and individual signatures challenged herein are properly removed from the count, 22AKHE no longer qualifies for the ballot under AS 15.45.140 and AS 15.45.160(3).

113. After removing disqualified booklets and signatures, 22AKHE does not qualify for the ballot because it does not have signatures equal to 10 percent of those who voted in the preceding general election and/or it does not have signatures equal to 7 percent of those who voted in the preceding general election in 30 out of 40 house districts

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<sup>18</sup> See Exhibit E at 19, the Division’s Public Information Packet on Initiatives (rev. Jan. 5, 2023).



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as required by AS 15.45.140; AS 15.45.160(3) and Article XI, Section 3 of the Alaska Constitution.

114. Plaintiffs’ investigation and analysis is ongoing, and additional individual signatures and/or petition booklets will likely be challenged and found invalid during the pendency of this matter.

**V. CLAIMS**

**A. COUNT I: DECLARATORY JUDGMENT (Violation of AS 15.45.130: failure of sole circulator to monitor all signatures & false certification of petitions)**

115. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

116. Alaska Statute 15.45.130(2) requires that a petition be circulated by only one individual (the “circulator”), and that the circulator must personally swear to this fact on an affidavit contained on the back page of the petition booklet.

117. Alaska Statute 15.45.130(3) requires that all signatures be made in the “actual presence” of the circulator, and that the circulator must personally swear to this fact on an affidavit contained on the back page of the petition booklet.

118. Collectively, these provisions of AS 15.45.130 prohibit circulators from “sharing” the same petition booklet with another circulator or from leaving a petition booklet unattended for signatures to be collected while the booklet is not in the custody and control of the individual circulator.

119. Alaska Statute 15.45.130 also provides that “the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted.” The regulations require that “[a]ll petition booklets must be filed together as a single instrument” with a signed written statement “acknowledging the number of booklets included in the submission.”<sup>19</sup>

120. The lieutenant governor must reject signatures in a petition booklet that was not supervised and controlled as required by AS 15.45.130(2) and (3).

121. The lieutenant governor must reject a petition booklet that is supported by a false circulator’s affidavit because such a booklet is not “properly certified” under AS 15.45.130.

122. The certifications of perjurious circulators who have falsely certified other 22AKHE petition booklets are unreliable at best. Accordingly, these booklets are not “properly certified” under AS 15.45.130, and the lieutenant governor must reject all signatures contained therein.

123. Plaintiffs are entitled to a declaration that the 22AKHE petition booklets that were not supervised and controlled as required by AS 15.45.130(2) and (3) may not be counted.

124. Plaintiffs are entitled to a declaration that the 22AKHE petition booklets that were certified by circulators known to have perjured themselves on other 22AKHE

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<sup>19</sup> See also 6 AAC 25.240(g).

petition booklets may not be counted.

**B. COUNT II: DECLARATORY JUDGMENT (Violation of AS 15.45.130 and 6 AAC 25.240(g): petitions supported by false affidavits)**

125. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

126. Alaska Statute 15.45.130 provides, in relevant part, that in “determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted.”

127. Many affidavits accompanying 22AKHE petition booklets are demonstrably false, and therefore are not properly certified, because the individuals were not the sole circulator of the petition and/or the signatures in the petition were not all made in the circulator’s “actual presence.”

128. Additionally, fifteen or more affidavits accompanying 22AKHE petition booklets were fraudulently “notarized” by Mr. Ransum, an individual not qualified to be a notary. Accordingly, the affidavits were not properly certified as required by law.

129. Plaintiffs are entitled to a declaration that any and all 22AKHE petition booklets supported by circulators’ false affidavits are not “properly certified” as required by AS 15.45.130 and that the signatures in those booklets may not be counted.

130. Plaintiffs are entitled to a declaration that the 22AKHE petition booklets notarized by Mr. Ransum are not “properly certified” as required by AS 15.45.130, and

that the signatures in those petition booklets may not be counted.

131. Plaintiffs are entitled to a declaration that the 22AKHE petition booklets that were certified by circulators known to have signed false affidavits on other 22AKHE petition booklets are not “properly certified” as required by AS 15.45.130, and that the signatures in those booklets may not be counted.

**C. COUNT III: DECLARATORY JUDGMENT (Violation of AS 15.45.130 and 6 AAC 25.240(c): the Division’s illegal petition “cure” process)**

132. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

133. As noted above, Alaska Statute 15.45.130 provides, in relevant part, that in “determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted.”

134. Division regulation 6 AAC 25.240 outlines the steps required to lawfully submit a signature petition in support of a ballot initiative.

135. Specifically, 6 AAC 25.240(c) provides that “[a]ll petition booklets must be filed together *as a single instrument* and must be accompanied by a written statement signed by the submitting committee member or the committee’s designee acknowledging the number of booklets included in the submission.”<sup>20</sup>

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<sup>20</sup> See 6 AAC 25.240(c) (emphasis added).

136. When sponsors submit a petition to the Division, they are required to remain at the Division while Division staff conduct a visual review of whether their petition has enough facially valid signatures to meet minimum thresholds. Petitions that do not appear facially to have enough signatures in certified booklets to meet the minimum statewide signature threshold will be found to have a “patent defect” under 6 AAC 25.240(f).

137. 6 AAC 25.240(f) further describes the process the Division must follow when it detects such a patent defect. The Division informs the sponsors that they may retrieve the *entire petition* (meaning “all booklets”) to resubmit the *entire petition* again, as a single instrument, after curing the defect.<sup>21</sup>

138. The process required in 6 AAC 25.240 was not followed by the Division for 22AKHE and the Division violated the “single instrument” rule.

139. There is no statute or regulation allowing sponsors to break up a petition filing into separate pieces and then file the disparate pieces at different, later times nor is there any statute or regulation allowing sponsors to retrieve one or more component booklets of this single instrument and alter them to cure defects, or for any other reason.

140. Sponsors must sign a “written statement ... acknowledging the number of booklets included in the submission” under 6 AAC 25.240(c).

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<sup>21</sup> See 6 AAC 25.240(f).

141. No statute or regulation allows the sponsors to have any subsequent contact with individual petition booklets, including retrieving or altering them in any way, after the petition booklets are filed with the Division.

142. The Division violated its own regulations when it allowed the Sponsors to retrieve and alter individual 22AKHE petition booklets weeks after Sponsors submitted the whole petition.

143. It is evident that the Division had no authority to allow the Sponsors to supplement their January 12, 2024, petition, because the statutes governing both Recall and Referendum petitions *do* explicitly allow a curing process after filing a petition in support of one of those two vehicles,<sup>22</sup> and the statutes governing ballot initiatives do not.

144. Indeed, the Division once had the power to allow a ballot initiative sponsor to supplement their petition after filing to cure it. *However*, the Alaska Legislature explicitly repealed that power in 1998.<sup>23</sup>

145. Accordingly, the Defendants undisputedly acted outside their power and discretion by allowing the Sponsors to supplement and cure their petition for 22AKHE.

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<sup>22</sup> See AS 15.45.640 and AS 15.45.400 (allowing the “filing of a supplementary petition” within “20 days” and “10 days” of receiving notice that a petition is defective, respectively).

<sup>23</sup> See former AS 15.45.170 (1997) (“Submission of supplementary petition: Upon receipt of notice that the filing of the petition was improper, the initiative committee may amend and correct the petition by circulating and filing a supplementary petition within 30 days of the date that notice was given.”), *repealed by* 1998 SLA, ch. 80, § 7.

146. By allowing the Sponsors to retrieve 61 individual petition booklets to supplement them and cure their defects, re-file these booklets weeks later, but then nonetheless counting the signatures in those booklets, the Defendants exceeded their power and violated AS 15.45.130 and 6 AAC 24.240(c) and (f).

147. Plaintiffs are entitled to a declaration that the signatures in the 61 defective petition booklets that the Division unlawfully released to the Sponsors for alteration may not be counted towards 22AKHE's eligibility for the ballot.

**D. COUNT IV: DECLARATORY JUDGMENT (Violation of AS 15.45.130; AS 15.45.190; AS 15.45.140; and 6 AAC 25.240(d) and (f): violation of mandatory elections deadlines)**

148. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

149. Alternatively, *even if* the Division had the authority to allow the Sponsors to break up their "single instrument" filing into individual booklets, alter those booklets, and resubmit them, the Division nonetheless violated the law by failing to apply mandatory deadlines to the resubmission of these defective petition booklets in support of 22AKHE.

150. Again, as noted above, Alaska Statute 15.45.130 provides, in relevant part, that in "determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted."

151. Alaska Statute 15.45.190 provides, in relevant part, that a ballot measure shall be placed on the next statewide election after “the petition has been filed ... a legislative session has convened and adjourned; and ... a period of 120 days has expired since the adjournment of the legislative session.”

152. The 2024 Alaska legislative session convened on Tuesday, January 16, 2024.

153. The Sponsors did not re-file any of the 61 defective petition booklets with the Division before the 2024 legislative session convened.

154. Alaska Statute 15.45.140(a) provides, in relevant part, that “[t]he sponsors [of a ballot measure] must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them.”

155. Alaska Statute 15.45.140(b) provides that “[i]f the petition is not filed within the one-year period provided for in (a) of this section, the petition has no force or effect.”

156. The Division notified the Sponsors that their petitions were ready for delivery to them on February 8, 2023, making February 7, 2024 the applicable one-year deadline for the Sponsors to file their petition booklets under AS 15.45.140.

157. It is unknown when a single 22AKHE defective booklet was re-filed with the Division (booklet 0004). However, the Division did not advise the Sponsors about this defect until January 18, 2024, meaning, at a minimum, Sponsors did not re-file that



booklet until after the 2024 legislative session had convened, meaning that one booklet, at a minimum, could not count towards a ballot measure for a 2024 election. And, upon information and belief, this booklet was re-filed after the statutory deadline of February 7, 2024.

158. All of the 58 other defective booklets that were re-filed with the Division were not re-filed until February 12, 2024, or later.

159. Accordingly, even if a cure were allowed, it is undisputed that none of these 58 defective booklets were re-filed with the Division in a form that cured their defects until after the 2024 legislative session had convened, and after AS 15.45.140's one-year deadline of February 7, 2024, had lapsed.

160. There is no statute or regulation allowing the Division to unilaterally toll or suspend the statutory filing deadlines under AS 15.45.140 or AS 15.45.190. Even assuming the Division has the authority to allow sponsors to cure defective petitions, piecemeal or otherwise, any such supplemental filing must still be completed before the relevant mandatory deadlines in order to count towards the qualification of the 22AKHE petition.

161. In addition to ignoring mandatory statutory deadlines, the Division's actions contravene the State's own regulations. Specifically, when a petition is filed *on the one-year filing deadline* for ballot initiatives petitions contained at AS 15.45.140,<sup>24</sup>

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<sup>24</sup> This deadline is also referenced in 6 AAC 25.240(d).

but is found, facially, to have insufficient signatures to qualify, the Division is *not allowed to permit any cure*.

162. Rather, the regulations require the Division to determine that the petition “will be certified as insufficient” and rejected under 6 AAC 25.240(f)(1) because there is not time to cure these defects before the statutory deadline.

163. Here, the Sponsors did not re-file the defective booklets to the Division until after the one-year deadline had lapsed, requiring the Division to certify the petition as “insufficient” under 6 AAC 25.240(f)(1).

164. In short, state regulations — in addition to the statutes — prohibit the Sponsors from altering individual booklets to somehow “cure” and re-file them to complete their petition filing after AS 15.45.140’s one-year deadline has clearly passed.

165. Plaintiffs are entitled to a declaration that defective 22AKHE petition booklet 0004 was untimely filed under mandatory statutory deadlines.

166. Plaintiffs are entitled to a declaration that the other 58 defective 22AKHE petition booklets that were “cured” and re-filed with the Division after the one-year deadline of February 7, 2024, cannot count toward the signature threshold.

**E. COUNT V: DECLARATORY JUDGMENT (Disqualification of invalid individual signatures)**

167. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

168. Plaintiffs have not yet been permitted to review unredacted copies of the

22AKHE signature petition booklets and therefore reserve the right to challenge, for any reason, additional individual signatures that may be fraudulent or invalid.

**F. COUNT VI: INJUNCTIVE RELIEF (Disqualification of affected petition booklets and signatures)**

169. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

170. Many of the petition booklets submitted in support of 22AKHE were not monitored as signatures were entered, and/or were unlawfully circulated by multiple individuals. Alaska law and the Division's own regulations require Defendants to invalidate these petition booklets and all of the signatures within these booklets, and this Court must order Defendants to follow the law by doing so.

171. Many of the petition booklets submitted in support of 22AKHE were certified by individuals known to have perjured themselves by falsely certifying many other booklets. Alaska law and the Division's own regulations require Defendants to invalidate all petition booklets certified by these individuals, including all signatures within those booklets, and this Court must order Defendants to follow the law by doing so.

172. Many of the petition booklets submitted in support of 22AKHE were notarized by an individual, Mr. Ransum, known to have perjured himself by falsely certifying booklets. Alaska law and the Division's own regulations require Defendants to invalidate all petition booklets notarized by Mr. Ransum, and this Court must order

Defendants to follow the law by doing so.

173. One 22AKHE petition booklet (0004) was defective when filed for lack of a valid certification and may not be counted. Alaska law and the Division's own regulations require Defendants to invalidate this booklet and all signatures within it, and this Court must order the Defendants to follow the law by doing so

174. Alternatively, this one 22AKHE petition booklet (0004) was not cured and re-filed with the Division until at least after the start of the 2024 legislative session. Alaska law and the Division's own regulations require Defendants to invalidate this booklet and all signatures within it, and this Court must order the Defendants to follow the law by doing so.

175. Fifty-eight (58) additional 22AKHE petition booklets were defective when filed for lack of a valid certification and they may not be counted. Alaska law and the Division's own regulations require Defendants to invalidate these booklets and all signatures within them, and this Court must order the Defendants to follow the law by doing so.

176. Alternatively, these 58 22AKHE petition booklets were not cured and re-filed with the Division until after the 2024 legislative session convened and not until after the one-year deadline of February 7, 2024. Alaska law and the Division's own regulations require Defendants to invalidate these booklets and all signatures within them, and this Court must order Defendants to follow the law by doing so.

177. To the extent Plaintiffs' investigation uncovers additional fraudulent booklets or individual signatures, Alaska law and the Division's own regulations require Defendants to reject such booklets or signatures, and this Court should order the Defendants to follow the law by doing so.

**G. COUNT VII: INJUNCTIVE RELIEF (Removal of 22AKHE from ballot and rescission of Division's approval)**

178. Plaintiffs reallege and incorporate by reference all previous and subsequent paragraphs as set forth herein.

179. When the challenged booklets and signatures are invalidated as required by law, 22AKHE no longer meets the signature thresholds required by AS 15.45.140 and Article XI, Section 3 of the Alaska Constitution.

180. Plaintiffs are entitled to an order requiring Defendants to rescind their determination that 22AKHE is qualified for the ballot and, instead, determine that 22AKHE was improperly filed under AS 15.45.160.

181. Plaintiffs are entitled to an order that 22AKHE cannot appear on the ballot in 2024 and further, and that the petition itself is without force and effect for any future election.

**PRAYER FOR RELIEF**

Plaintiffs respectfully request that this Court:

A. Declare that Alaska law requires the Defendants to invalidate all signatures contained in petition booklets that are not carried by a single circulator;

B. Declare that Alaska law requires the Defendants to invalidate all signatures contained in petition booklets in which the signatures were not made in the circulator's "actual presence";

C. Declare that Alaska law requires the Defendants to invalidate all signatures contained in petition booklets that are supported by a false circulator affidavit;

D. Declare that Alaska law prohibits the Defendants from counting signatures contained in petition booklets that were falsely sworn to and therefore not properly certified;

E. Declare that Alaska law requires the Defendants to invalidate all signatures contained in booklets certified by a circulator who has been found to have falsely sworn in another 22AKHE petition booklet;

F. Declare that Defendants violated the law by allowing the Sponsors to remove component parts of their petition from the Division's custody in order to alter them before re-filing them in order to supplement their petition;

G. Declare that Defendants improperly tolled or suspended the mandatory deadlines in statute and regulation to allow the Sponsors to cure or alter component parts of their petition and re-file them to supplement their petition after those deadlines had lapsed;

H. Declare that Defendants may not count signatures or booklets that Plaintiffs have otherwise demonstrated to be fraudulent;

I. Declare that the petition for 22AKHE lacks the required signatures amounting to 10 percent of the voters statewide at the preceding general election as required by AS 15.45.140 and Article XI, Section 3 of the Alaska Constitution;

J. Declare that 22AKHE lacks the required signatures amounting to 7 percent of the voters at the preceding general election in 30 out of 40 house districts as required by AS 15.45.140 and Article XI, Section 3 of the Alaska Constitution;

K. Declare that Defendants violated Article XI, Section 3 of the Alaska Constitution and AS 15.45.160 in certifying 22AKHE and directing that it be placed on a statewide election ballot;

L. Enter an injunction requiring Defendants to:


1. Invalidate any and all 22AKHE petition booklets not monitored and circulated by a sole circulator;
2. Invalidate any and all 22AKHE petition booklets supported by a false circulator affidavit;
3. Invalidate any and all 22AKHE petition booklets notarized by an individual known to have perjured himself;
4. Invalidate 22AKHE petition booklets signed by any circulator who falsely signed the circulator affidavit in any other 22AKHE petition booklet;
5. Invalidate any and all 22AKHE petition booklets removed from the Division's custody to be "cured" in any way after the initial filing;

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6. Invalidate any and all 22AKHE petition booklets that were not re-filed with the Division before the relevant statutory deadline;
  7. Invalidate any and all 22AKHE petition booklets and signatures that the Plaintiffs have otherwise demonstrated to be fraudulent;
  8. Omit the signatures in the foregoing petition booklets from the total number of signatures required by AS 15.45.140;
- M. Enter an injunction requiring Defendants to:
1. Determine that the petition for 22AKHE was improperly filed under AS 15.45.160;
  2. Void 22AKHE; and
  3. Remove 22AKHE from the statewide election ballot;
- N. Award the Plaintiffs' full costs and attorneys' fees incurred in connection with this matter and obtaining the relief sought; and
- O. Enter such other relief as this Court deems just and equitable.

CASHION GILMORE &  
LINDEMUTH  
Attorneys for Plaintiffs

DATED: April 2, 2024



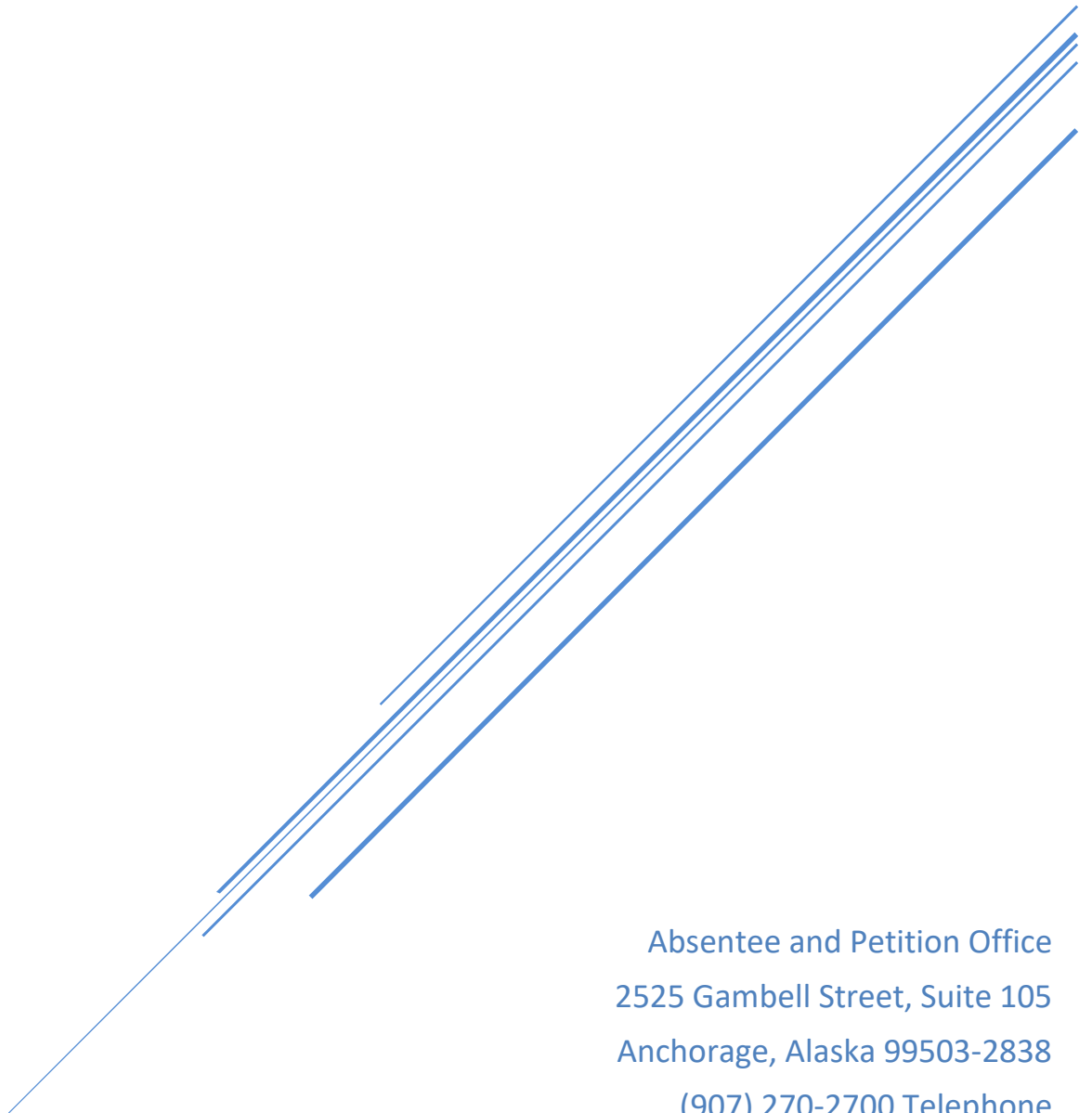
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# State of Alaska

# Division of Elections

## Initiative Petition Training Handbook



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## GENERAL INFORMATION

### STATUTORY REFERENCES

Initiative petition procedures appear in Alaska Constitution Article XI, Alaska Statutes 15.45.010 through 15.45.245 and Title 6 Alaska Administrative Code 25.240 and are available online at the State of Alaska legislative website at <http://www.akleg.gov/basis/statutes.asp#15.45.010> and <http://www.akleg.gov/basis/aac.asp#6.25.240>.

Information in these instructions summarizes the constitution, statutes, and regulations and does not replace the requirements of the Alaska Constitution, Alaska Statutes, and Alaska Administrative Code. It is recommended that the Initiative Committee (committee) and/or designee review the above reflected laws.

### DESIGNEE

The committee may designate a designee in writing to the Division of Elections (division). A designee may perform the following duties:

- Attend training in place of the committee and receive training materials.
- Receive petition booklets and sign the acknowledgement of receipt.
- Distribute petition booklets to circulators.
- Have additional booklets printed, if more booklets are needed than the initial booklets provided by the division.
- File the petition with the division.

Correspondence or specific questions regarding the petition are to be received from and will be directed to the committee by the division. Basic circulation questions can be directed to the division by the designee.

### BOOKLETS

After receiving notification from the Lieutenant Governor's office that a petition application has been certified, the division prepares sequentially numbered petition booklets for circulation.

The booklets are made available to the committee or designee upon completion of training and the signing of the acknowledgment of receipt.

The committee or designee is responsible for training petition circulators to adhere to procedures required by law. Circulators should contact the committee or designee with any questions regarding the circulation of booklets or the filing of the petition.

## ADDITIONAL BOOKLETS

The committee or designee may have additional booklets printed. The division will provide the name of the printer who printed the initial booklets and who has all the needed files. If a different printer is to be used, upon request, the division will provide printer specifications and printer ready files to the printer.

The committee must pay the cost of printing additional booklets. The division is to receive the first sequentially numbered booklet from each additional printings for record keeping prior to the printing of the additional booklets.

## THE CIRCULATOR

### REQUIREMENTS TO BE A CIRCULATOR

The committee or designee is responsible to determine if a person is eligible to circulate a booklet. By law, circulators of a petition must meet the citizenship and age requirements of Alaska Statute 15.45.105. **The Alaska Supreme Court has invalidated the requirement that a circulator must be an Alaska resident.** Circulators must be:

- A United States Citizen.
- 18 Years of Age.

Circulators are not required to be qualified registered voters.

### PAYMENT OF CIRCULATORS

A circulator may receive payment for signatures as set out in Alaska Statute 15.45.110. **The Alaska Supreme Court has invalidated AS 15.45.110(c), so initiative petition circulators may be paid more than \$1 per signature.**

Sec. 15.45.110. Circulation of petition; prohibitions and penalty.

- (a) The petitions may be circulated throughout the state only in person.
- (b) *[Repealed, Sec. 92 ch 82 SLA 2000].*
- (c) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition.
- (d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.
- (e) A person or organization that violates (c) or (d) of this section is guilty of a class B misdemeanor.
- (f) In this section,
  - (1) "organization" has the meaning given in AS 11.81.900;
  - (2) "other valuable thing" has the meaning given in AS 15.56.030 (d);
  - (3) "person" has the meaning given in AS 11.81.900.

## CIRCULATORS RESPONSIBILITIES

Circulators are to review the instructions located in the front of each booklet to ensure they understand the requirements for circulating a booklet.

- Booklets must be circulated in person and must be signed in the circulator's presence. Booklets cannot be left unattended in public areas, businesses, etc. for signing.
- The circulator is to call to each signer's attention the warning notice printed on the front cover of the booklet. In addition, the circulator is to allow an opportunity for each signer to review the ballot title and summary language with the statement of approval or rejection, the statement of costs and the full text of the proposed bill contained in the booklet.
- Only one person may circulate an individual petition booklet. It cannot be transferred to another circulator once signatures have been collected in the book. This means, if a circulator returns an unused booklet (no signatures) to the committee, it can be issued to another circulator. However, if the circulator obtains one signature, that booklet cannot be given to another circulator for distribution. If it appears that more than one person has circulated a book, it will be rejected.
- The booklet cannot be dismantled, copies may not be made of the signature pages, and personal identifying information provided in the booklets should not be collected.

## THE SIGNERS

Only qualified registered Alaskan voters may sign the petition and they must be qualified and registered on or before the date they sign the petition booklet. The below reflects the required information that must be provided by each signer:

PRINTED NAME	Their printed name as listed on their voter registration record.
ADDRESS	An address, residence, or mailing, including city, state, and zip.
NUMERICAL IDENTIFIER	A numerical identifier such as: <ul style="list-style-type: none"><li>▪ Alaska voter identification number.</li><li>▪ Alaska driver's license number.</li><li>▪ Alaska state identification number.</li><li>▪ Date of birth.</li><li>▪ Social Security Number or last four of the Social Security Number.</li></ul>
SIGNATURE	Signature, in addition to printed name, must be included.
DATE SIGNED	Date they signed the petition.

**NOTICE: The signer is required to complete the required information needed as a signer in the booklet. The circulator should NOT be completing the information on behalf of the voter UNLESS, the voter needs assistance due to a disability. This includes date of signature.**

## REGISTRAR TRAINING

Signers must be qualified registered Alaskan voters at the time they sign the petition. If a circulator is a qualified registered voter, it is recommended that they become a registrar.

Registrars are qualified voters authorized by the division to assist with the completion, verification of an applicant's identity and the submission of registration forms to the division.

The effective date of a voter registration form completed in front of a registrar is the day it was signed versus the date received by the division. This becomes very important in regard to the date a person signs the petition and the date a person is registered to vote. The date the person is registered must be on or before the date the person signs the petition.

Registrar classes are held in each of the regional offices. To contact a regional office for a class schedule, see the Division Directory located at the front of this booklet.

## HOW A SIGNER CAN WITHDRAW THEIR SIGNATURE

Signers may withdraw their name from a petition. They must do so in a written notice to the Lieutenant Governor on or before the date the petition is filed. A PDF form is available on the division's website at <https://www.elections.alaska.gov/petitions-and-ballot-measures/#petitions> that a signer may print, complete and submit to the division. The signer will need to provide the following:

- Printed name.
- Statement requesting their name be removed with the name of the petition.
- An identifier such as their voter number, Alaska driver's license number or state identification number, date of birth, or last four of Social Security Number.
- Signature and date.

## CROSSING NAMES OFF IN A BOOKLET

Once a signer signs in a booklet, a committee member, designee, or circulator **MUST NOT** cross off any signer's information. If a person wishes to remove their signature, they must follow the above process.

If a committee member, designee, or circulator determine a person has signed more than once, the signer should not be crossed off. The division will record the signature as a duplicate when processing.

## COMPLETING THE CERTIFICATION AFFIDAVIT

Once a booklet is complete, or a circulator decides to turn in a booklet and not collect any additional signatures, the circulator must complete the certification affidavit on the back cover. Each circulator must print their name in the certification affidavit and indicate if they will or will not be paid as follows:

- By checking the 'Yes' box, this indicates the circulator is being paid and they must write in the name of the person or organization providing payment on the line provided.

- By checking the 'No' box, this indicates that the circulator is not being paid and nothing needs to be entered on the 'Name or Organization' line.

The circulator is to review the certification affidavit that states:

- (1) I am a citizen of the United States and I am 18 years of age or older;
- (2) I am the only one who circulated this booklet;
- (3) The signatures appearing herein were made in my actual presence;
- (4) To the best of my knowledge they are the signatures of the persons whose names they purport to be;
- (5) To the best of my knowledge the signatures are of persons who were qualified voters on the date of the signature;
- (6) I have not violated AS 15.45.110(d) with respect to this petition;
- (7) I have indicated whether or not I have received payment or agreed to receive payment for the collection of signatures on this petition and, if so, I have provided the name of each person or organization that has paid or agreed to pay me for collecting signatures on this petition.

After review of the certification affidavit, the circulator must:

- Sign the statement.
- Although optional, the circulator is asked to provide an identifier such as voter number, date of birth, Alaska identification number or last four of Social Security Number to determine if they are a registered voter for booklet tracking purposes only.
- To have their signature witnessed before a Notary Public or other official authorized to administer an oath.
- Or, if no Notary Public or authorized official is reasonably available, to self-certify the certification affidavit.

Failure to complete the certification affidavit will invalidate the booklet and the signatures will not be counted in determining the sufficiency of the petition. No additional signatures may be obtained in the booklet once the certification affidavit has been completed.

Circulators turn in completed booklets to the committee or designee. If a circulator delivers a booklet to the division, the circulator will be instructed to turn in the booklet to the committee or designee.

If the circulator did not complete the certification affidavit on a petition booklet, the booklet should be returned to the circulator for completion. If there isn't time to return the booklet back to the circulator, a copy of the certification affidavit can be sent electronically to the circulator for completion. The completed copy of the certification affidavit is to be submitted to the committee or designee by the circulator and then attached to the back of the appropriate book.

After the booklets have been filed with the division, if it is discovered during the division's review that a certification affidavit is incomplete, the division will notify the committee or designee. The committee or designee can then have the booklet corrected and returned to the division so long as it is received before the division completes its review of signatures.



## PETITION FILING

### FILING THE PETITION

The petition is filed in accordance with Alaska Statute 15.45.140:

Sec. 15.45.140. Filing of petition.

(a) The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them. The petition may be filed with the lieutenant governor only if it meets all the following requirements: it is signed by qualified voters

(1) equal in number to 10 percent of those who voted in the preceding general election;

(2) resident in at least three-fourths of the house districts of the state; and

(3) who, in each of the house districts described in (2) of this subsection, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

(b) If the petition is not filed within the one-year period provided for in (a) of this section, the petition has no force or effect.

If the deadline for filing the petition falls on a weekend or state holiday, the deadline is moved to the close of business on the next regular business day for the division.

The division does not conduct any 'pre-review' or 'pre-count' of collected signatures. Signatures are only reviewed and counted once the petition has been filed. The committee or designee is responsible for tracking and determining if the petition contains enough signatures to meet all requirements. An electronic statewide voter list may be purchased through any division office.

It is strongly recommended that the committee or designee collect signatures well OVER the required amount to account for duplicate signatures and signatures that cannot be counted. How many additional signatures to be collected is at the discretion of the committee or designee.

### HOW TO FILE THE PETITION WITH THE DIVISION

All petition booklets must be filed together as a single instrument and must be accompanied by a written statement signed by the submitting committee member or designee acknowledging the number of booklets included in the submission as required in 6 AAC 25.240(c).

The petition may be filed at any division office. The committee or designee are asked to contact the Absentee and Petition Office to schedule a filing date, time, and location at least two weeks prior to the anticipated delivery date.

Upon delivery of petition booklets to a division office, the office will perform a rough count of the signatures. This is to confirm that there are at least enough signatures to meet the 10 percent requirement of those who voted in the preceding general election. When delivering a petition, plan on a

one to two hour wait period while staff performs a rough count of the signatures. Petition booklets will be handled as follows:

- If the petition is filed on the one-year deadline and does not have enough signatures, the petition will be denied, and the committee will not have an opportunity to correct the deficiency.

*Example: The committee or designee files the petition on the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is one signature less than the total number of required signatures. The petition will be rejected.*

To ensure the confidentiality of identifying information provided by the signers, the division will keep the booklets for destruction purposes.

- If the petition is filed before the one-year deadline and does not have enough signatures, the petition will be returned to the committee or designee and the petition may be re-submitted with additional signatures on or before the one-year deadline.

*Example: The committee or designee files the petition before the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is one signature less than the total number of required signatures. The petition will be returned to the committee or designee to collect additional signatures and re-file on or before the one-year deadline.*

- If the petition contains exactly the required amount or more signatures, the petition will be accepted.

*Example: The committee or designee files the petition prior to the one-year deadline and the rough count of signatures in booklets, that potentially can be counted, is exactly the total number of required signatures. This petition will be received, and the division will begin signature verification. However, 100% of the submitted signatures for this petition would have to qualify during verification.*

- If the committee decides to withdraw the petition after gathering signatures, the division will request the committee or designee return the booklets to the division to secure. This is to ensure the confidentiality of identifying information provided by the signers in the booklets. The division will keep the booklets until the 365-day circulation deadline has passed and then will have the booklets destroyed.

## SIGNATURE REVIEW

Signatures in a petition booklet will not be counted if the person who circulated the petition did not complete the certification affidavit as required by Alaska Statutes 15.45.130 and it is not corrected by the committee by the conclusion of the division's signature review process. Individual signatures in a petition booklet will not be counted if the signer:

- Is not a qualified registered Alaskan voter.
- Does not provide an identifier such as voter number, last 4 of SSN, date of birth or Alaska driver's license number.
- Does not sign or make a mark.
- Does not date their signature.
- Does not provide an address (residence or mailing) or provides an incomplete address.
- Cannot be identified as a registered voter with the information provided.
- Was not registered to vote in Alaska at the time they signed the petition.
- Unknowingly signs the petition more than one time; any additional signature will not be counted.
- If the division cannot read the signers information.

## NOTIFICATION OF REVIEW OF PETITION

From the date a petition is filed with the division, the division will begin verifying signers. Daily, the division will post the results of signature review on the division's website.

Within 60 days of filing a petition, the Lieutenant Governor is required to notify the committee if the petition was properly or improperly filed. If properly filed, the Lieutenant Governor will inform the committee of which election the proposition will appear on the ballot.

If improperly filed, the Lieutenant Governor will inform the committee the reason the petition failed in accordance with Alaska Statutes 15.45.160:

*Sec. 15.45.160. Bases for determining the petition was improperly filed.*

The lieutenant governor shall notify the committee that the petition was improperly filed upon determining that

- (1) there is an insufficient number of qualified subscribers;
- (2) the subscribers were not resident in at least three-fourths of the house districts of the state; or
- (3) there is an insufficient number of qualified subscribers from each of the house districts described in (2) of this section.

## PROPOSITION ON THE BALLOT, ADOPTION AND EFFECTIVE DATE

### BALLOT TITLE AND PROPOSITION

In accordance with Alaska Statute 15.45.180, the lieutenant governor, with the assistance of the attorney general, will prepare the ballot title and proposition if the petition is properly filed. Typically, the ballot title and proposition are prepared during the application review period by the attorney general. The ballot title and proposition are part of the petition booklet.

Sec. 15.45.180. Preparation of ballot title and proposition.

(a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than 25 words, indicate the general subject of the proposition. The proposition shall give a true and impartial summary of the proposed law. The total number of words used in the summary may not exceed the product of the number of sections in the proposed law multiplied by 50. In this subsection, “section” means a provision of the proposed law that is distinct from other provisions in purpose or subject matter.

(b) The proposition prepared under (a) of this section shall comply with AS 15.80.005 and shall be worded so that a “Yes” vote on the proposition is a vote to enact the proposed law.

### THE ELECTION

The title and proposition will be placed on the ballot in accordance with Alaska Statutes 15.45.190:

Sec. 15.45.190. Placing proposition on ballot.

The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, special primary, or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and
- (3) a period of 120 days has expired since the adjournment of the legislative session.

Typically, the ballot proposition will be on either the primary or general election. If the legislature adjourns at the 90-day legislative session, the proposition will most likely be on the primary election. If the legislature adjourns after the 90-day legislative session, each day that passes after the 90<sup>th</sup> day will determine the election.

If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature substantially the same as the proposed law was enacted after the petition was filed, and before the date of the election, the petition is void. The committee will be notified, and the title and proposition will not be on any ballot.

## **PRIMARY BALLOT MEASURES PAMPHLET OR OFFICIAL ELECTION PAMPHLET**

The division will prepare and publish for distribution the below information about the proposition in an election pamphlet.

- Sample of the ballot proposition
- The proposed bill
- Pro statement
- Con statement
- Neutral summary of the proposition prepared by the Legislative Affairs Agency
- Statement of costs

## **PUBLIC HEARINGS**

At least 30 days prior to the election that the proposition is to appear on the ballot, the lieutenant governor's office will hold two or more public hearings in each judicial district of the state. Each hearing will include the written or oral testimony of one supporter and one opponent of the proposition.

## **ADOPTION AND EFFECTIVE DATE OF PROPOSED LAW**

When a majority of votes cast for the proposition favor its adoption, the proposed law is enacted and certified. The act becomes effective 90 days after certification.

## FREQUENTLY ASKED QUESTIONS

### FAQ

- Q: Can the address where the circulators are to return completed booklets be stamped on the back cover?
- A. *Yes. The address information may be placed in an area where it will not obscure any existing information on the booklet.*
- Q: May a stamp be used to complete the circulator payment line in the certification affidavit?
- A. *Yes. A stamp may be used to fill in the payment information, but it must state the full name of the organization or person making payment. An acronym cannot be used.*
- Q: If 'Yes' for payment is checked for payment in the certification affidavit, but the organization or person is not indicated in the paid by line will the booklet be rejected?
- A. *Yes. However, if the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of the signatures.*
- Q: If 'No' for payment is checked in the certification affidavit but the organization or person who is making payment is inadvertently entered on the paid by line, will the booklet be rejected?
- A. *No.*
- Q: If the payment section in the certification affidavit is not completed at all, will the booklet be rejected?
- A. *Yes. However, if the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of the signatures.*
- Q: Can the committee, designee or circulator highlight areas of the petition booklet?
- A. *No.*
- Q: Can a person convicted of a felony circulate a petition?
- A. *Yes. So long as the circulator is a citizen of the United States and 18 years of age or older, they may circulate a petition.*

- Q: Can a person who is not a qualified registered voter in Alaska circulate a petition?
- A. *Yes. So long as the circulator is a citizen of the United States and 18 years of age or older, they may circulate a petition.*
- Q: Where can a circulator go to gather signatures?
- A. *There are no restrictions currently in statute or regulation where signatures may be gathered. It is the committee, designee, or circulator's responsibility to check with the individual owner of a facility or location for approval. The Division of Elections does not get involved in the approval of gathering signatures at a location.*
- Q: When should a circulator use the self-certification when completing the certification affidavit of a booklet?
- A. *Self-certification can be performed when a Notary Public or other authorized official is not reasonably available.*
- Q: Who are other authorized officials besides a Notary Public that may administer the oath for the certification affidavit?
- A. *Other authorized officials are:*
- *Justice, judge, or magistrate of a court*
  - *Clerk or deputy clerk of a court*
  - *United States postmaster*
  - *A commissioned officer*
  - *City or borough clerk*
- Q: What should the committee or designee do if a booklet is received, and the circulator did not complete the certification affidavit?
- A. *If the circulator did not complete the certification affidavit for a petition booklet, the booklet should be returned to the circulator for completion.*
- If there isn't enough time to return the booklet back to the circulator, a copy of the certification affidavit can be sent electronically to the circulator for completion. The completed copy of the certification affidavit is to be submitted to the committee or designee by the circulator and then attached to the back of the appropriate book.*
- If the booklets have been filed, and it is discovered during the division's review that the certification affidavit is incomplete, the division will notify the committee or designee and the committee or designee can have the booklet corrected and returned to the division so long as it is received before the division completes its review of signatures.*

- Q: Will the Division of Elections perform a random sampling of the signatures prior to the committee or designee submitting the booklets?
- A. *No. If the committee or designee would like to conduct their own verification of signatures, they may purchase an electronic statewide voter list from any division office to perform a signature check.*
- Q: Is a signer required to provide an address?
- A. *Yes. A signer must provide an address (including city and zip code information).*
- Q: If it is discovered, after the fact, that a signer did not provide an address but provided other identifying information, will that signature be counted?
- A. *No. Law requires the signer to provide an address.*
- Q: Would a signer be rejected if they moved but decline to update their registration record, but signed the petition anyway and provided all required information?
- A. *No. If the voter provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected. However, the signature will be tabulated for the house district in which the voter is registered in the voter registration database and not the new address provided by the voter in the petition booklet.*
- Q: Would a signer be rejected if they signed in the field where they are directed to print their name and printed their name in the signature field?
- A. *No. So long as the voter has provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected.*
- Q: Would a signer be rejected if their printed name is illegible, but the signed name can be read?
- A. *No. So long as the voter has provided all the required information (printed name, address, identifier, signature, and date signed) and the signer could be verified as a qualified registered voter, the signature would not be rejected.*
- Q: Would a signer be rejected if they did not provide the signature date?
- A. *Yes. A signer must provide the date that they signed the petition.*
- Q: Would a signer be rejected if they did not provide an identifier?
- A. *Yes. A signer must provide one identifier.*



Q: Would a signer be rejected if they did not provide their signature but provided a printed name?

A. *Yes. A signer must sign the petition.*

Q: Would a signer be rejected if a signer signed the petition on one day and then initially registered to vote after the date they signed the petition?

A. *Yes. At the time a person signs the petition, they must be a qualified registered voter.*

Q: Would a signer be rejected if they signed petition and then later passed away?

A. *No. So long as the signer was a qualified registered voter at the time of signing, their signature will be counted.*

**BEFORE THE ALASKA PUBLIC OFFICES COMMISSION**

Alaskans for Better Elections, )  
 )  
 Complainant, )  
 )  
 v. ) **APOC Case No. 23-01-CD**  
 )  
 Alaskans for Honest Elections, Alaskans for )  
 Honest Government, Wellspring Ministries, )  
 Wellspring Fellowship, Ranked Choice )  
 Education Association, Art Mathias, and Phillip )  
 Izon, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**FINAL ORDER**

Alaskans for Better Elections (ABE) alleged violations of AS 15.13 by seven respondents: Alaskans for Honest Elections (AHE), Alaskans for Honest Government (AHG), Wellspring Ministries, Wellspring Fellowship, Ranked Choice Education Association (RCEA), Art Mathias, and Phillip Izon. ABE alleges that the respondents have failed to register with APOC, failed to correctly report contributions and expenditures, failed to provide accurate paid-for-by identifiers on communications, made an unlawful cash contribution, and/or failed to report the true source of contributions to AHE. The allegations all relate to the signature gathering effort for ballot initiative 22AKHE, which seeks to repeal the open primary and top-four ranked choice general election system that Alaska voters enacted by initiative in 2020.

After completing an investigation, the Alaska Public Offices Commission Staff

recommended that the Commission find that the following violations occurred<sup>1</sup>:

- Failure to register before making expenditures, in violation of AS 15.13.050(a) by AHE, AHG,<sup>2</sup> and RCEA
- Failure to file timely and accurate independent expenditure, statement of contribution, and/or quarterly reports, in violation of AS 15.13.040 and 15.13.110(g) & (h) by AHG, RCEA, AHE, and Art Mathias<sup>3</sup>
- Failure to place compliant paid-for-by identifiers on communications in support of 22AKHE, in violation of AK 15.13.090: AHG, RCEA, AHE
- Making a cash contribution in excess of \$100, in violation of AS 15.13.074(e) by RCEA
- True-source reporting violations of AS 15.13.040 and 15.13.074(b) by RCEA, AHE, and Art Mathias

After a hearing on November 16, 2023, the Commission finds that these violations occurred and imposes civil penalties totaling \$94,610.

## **I. BACKGROUND**

### **A. Ballot initiative 22AKHE**

On November 23, 2022, Phillip Izon, Art Mathias, and Jamie R. Donley filed an application for certification of an initiative entitled “An Act Restoring Political Party Primaries and Single-Choice General Elections.”<sup>4</sup> The Lieutenant Governor certified the petition,<sup>5</sup> which was named “Alaskans for Honest Elections” and identified as 22AKHE by its sponsors, on January 20, 2023. The Division of Elections delivered petition

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<sup>1</sup> Staff Report at 27-28, available at <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25421> and <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25422>.

<sup>2</sup> This violation is not included in the Conclusion of Staff’s Report. It is discussed at page 15-16 of the Report.

<sup>3</sup> Staff’s Conclusion also does not list this violation, which is discussed at page 26 of the Report.

<sup>4</sup> See AS 15.45.020, AS 15.45.030.

<sup>5</sup> See AS 15.45.070.

booklets to the sponsors on February 8, 2023. Sponsors' deadline to file them with enough signatures to place the initiative on the ballot is February 7, 2024.<sup>6</sup>

## **B. Respondents**

This matter concerns allegations that the seven respondents failed in various ways to meet their obligations under Alaska's campaign finance laws in connection with support of 22AKHE. The two individual respondents are Art Mathias and Phillip Izon, two of 22AKHE's three primary sponsors. Each of the five other respondents is an organization in which Mathias, Izon, or both serves in a key role.

Two of the five respondent organizations have registered with APOC. First, Alaskans for Honest Government (AHG) registered as an entity on November 1, 2022. AHG's stated purposes were to "help Alaskans with data, information and research" and "[p]rovide polling and other election resources to voters." Phillip Izon was listed as the entity's Record Keeper/Agent. During Staff's investigation, Mr. Izon said in an affidavit that "[AHG] is a Political Action Committee that was formed to make independent expenditures related to the November 2022 general election for Alaska's U.S. House and U.S. Senate seats" and that he registered the entity with APOC by mistake.<sup>7</sup>

Alaskans for Honest Elections (AHE) is an Alaska non-profit corporation created on January 23, 2023. In November 2022, Mr. Izon inquired with APOC Staff about whether AHE had an obligation to register and report its expenditures "prior to the state

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<sup>6</sup> See AS 15.45.140.

<sup>7</sup> Staff Report Ex. 13 at 1.

approved initiative.”<sup>8</sup> Staff responded that “[i]t appears that what you are contemplating is a referendum (a ballot proposition to repeal a law), not an initiative,” and “the definition of an expenditure does not include money spent during the signature gathering stage of a referendum (unlike, an initiative).”<sup>9</sup> AHE did not register at that point.

Then on February 23 and 24, 2023, APOC’s director followed up and advised Mr. Izon that because AHE had filed an initiative proposal application, not a referendum as Staff had mistakenly opined, AHE *did* have reporting obligations during the signature gathering stage and reports were likely overdue by that point.<sup>10</sup> APOC’s director reiterated that “money raised and spent for the purpose of supporting an initiative application must be reported” and “is not contingent on approval of the application.”<sup>11</sup>

AHE registered as a group with APOC on March 20, 2023, with the stated purpose of “[a]ny lawful election matters.” Phillip Izon is the group’s chairman and a director; Art Mathias is also a director. AHE filed its first quarter report for 2023 on April 10, 2023.<sup>12</sup> That report included a nonmonetary contribution and corresponding expenditure of \$200,000 for Mr. Izon’s “Management Costs/Time.” Mr. Izon explained to Staff that this amount was intended as an estimate of the total value of the services he would contribute

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<sup>8</sup> Staff Report Ex. 23 at 4.

<sup>9</sup> *Id.* at 2-3.

<sup>10</sup> Staff Report Ex. 24 at 6.

<sup>11</sup> *Id.* at 1.

<sup>12</sup> Staff Report Ex. 25; AS 15.13.110(g).

running AHE’s initiative campaign all the way through an election.<sup>13</sup> AHE filed a second quarter report as well. Both quarterly reports disclosed contributions from RCEA.

The oldest of the respondent organizations is Wellspring Ministries, an Alaska nonprofit corporation formed in July 1999. Art Mathias is its president and treasurer. Wellspring Ministries owns a building at 2511 Sentry Drive in Anchorage containing classrooms and a gymnasium, which also serves as an auditorium. Wellspring Ministries leases space in the building to other non-profit organizations. During the investigation, Wellspring Ministries explained that “[b]ecause WM is a non-profit corporation with tax-exempt status, it leases space in its building only to other non-profit organizations and charges those non-profit tenants only the cost associated with operating and maintaining the leased space that the tenant occupies”<sup>14</sup> and that “[c]harging ‘fair market value’ for the use of the building space is antithetical to non-profit status.”<sup>15</sup>

One of Wellspring Ministries’ non-profit tenants in the Sentry Drive building is Wellspring Fellowship, the fourth of the five organizational respondents. Wellspring Fellowship is a non-profit religious corporation incorporated in Washington on December 8, 2022. Art Mathias is one of its directors, and its address is at the Wellspring Ministries building in Anchorage. Wellspring Fellowship’s rent is “only the cost of operation and maintenance associated with [its] leased space.”<sup>16</sup> The leased space

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<sup>13</sup> Staff Report Ex. 13.

<sup>14</sup> Staff Report Ex. 37 at 2.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

includes the gymnasium, some office space, and a conference room. Wellspring Fellowship uses the gymnasium for worship services.

The fifth and final organizational respondent is Ranked Choice Education Association (RCEA), another Washington non-profit religious corporation. RCEA was incorporated on December 16, 2022. Art Mathias is its president and a director; its other two directors are Phillip Izon and Patricia Mathias. RCEA’s Bylaws state that it is an “Integrated Auxiliary of Wellspring Fellowship” with the same religious purposes as Wellspring Fellowship.<sup>17</sup>

The forgoing information about the seven respondents is summarized in the table.

<b>Respondent Name</b>	<b>Organization type</b>	<b>Creation date</b>	<b>APOC registration date</b>	<b>Respondent Officers</b>
<b>Alaskans for Honest Government (AHG)</b>	APOC registered entity	Web domain: October 15, 2022	Nov. 1, 2022 (APOC entity)	Phillip Izon (agent)
<b>Alaskans for Honest Elections</b>	Alaska nonprofit corporation	Jan. 23, 2023	Mar. 20, 2023 (APOC group)	Phillip Izon (chairman, director) Art Mathias (director)
<b>Ranked Choice Education Association</b>	Washington nonprofit religious corporation	Dec. 16, 2022	Has not registered	Art Mathias (President) Phillip Izon (director)
<b>Wellspring Ministries</b>	Alaska nonprofit corporation	July 1, 1999	Has not registered	Art Mathias (president, treasurer)
<b>Wellspring Fellowship</b>	Washington nonprofit religious corporation	Dec. 8, 2022	Has not registered	Art Mathias (director)

<sup>17</sup> Staff Report Ex. 45 at 1; Ex. 58 at 1.

### **C. Respondents' communications related to 22AKHE**

This matter concerns spending on respondents' communications regarding ranked choice voting and 22AKHE in particular. AHE purchased the domain for its website on November 11, 2022. The website promotes AHE's signature gathering effort for 22AKHE. From November 19, 2022 through April 6, 2023, the paid-for-by identifier on the website stated only "Paid for by Alaskans for Honest Elections," naming none of AHE's contributors. By April 21, 2023, the paid-for-by identifier listed Phillip Izon, RCEA, and Carolyn Overstreet as AHE's top three contributors.<sup>18</sup>

AHE also posted videos on a YouTube page, nearly all of which urge viewers to reject ranked choice voting and to sign the 22AKHE petition. The paid-for-by identifiers on the videos name only AHE and none of its contributors.

AHG purchased a web domain on October 15, 2022. Though Mr. Izod reported that AHG intended to make expenditures in connection with only federal races, as of November 18, 2022, AHG's website contained only material related to ranked choice voting and efforts to bring 22AKHE to the voters. The landing page displayed a link to "Alaskans for Honest Elections' Ballot Initiative" and a graphic showing the initiative process. As of April 26, 2023, AHG's website also had links to AHE's website and a page where visitors could sign up to receive a petition booklet with language directing visitors to "Click Here to sign The Initiative Today." On July 5, 2023, AHG's website landing page continued to display links to sign the petition. Since its inception, AHG's

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<sup>18</sup> Staff Report Ex. 40 & 42.



website has displayed the following paid-for identifier: “paid for by Alaskans for Honest Government. Not authorized by any candidate or candidate’s committee.”

On February 16, 2023, AHE held a petition signing event at Wellspring Ministries’ gymnasium at the building on Sentry Drive. Media reported that the event lasted at least two hours, yielded roughly 300 signatures, and included a fundraising pitch for the signature-gathering effort.<sup>19</sup> During Staff’s investigation, Respondents explained that Wellspring Fellowship charges \$1 to a group called the Greater Alaska Chapter of the Association of Mature American Citizens (AMAC) to use the gymnasium for its monthly meetings. Respondents explained that this group, rather than either Wellspring entity, provided the gymnasium to AHE for the petition signing event.<sup>20</sup> AHE’s invitations to the event did not mention that group.<sup>21</sup>

RCEA purchased its first web domain on December 22, 2022, one month after the application for initiative 22AKHE was filed. The website’s landing page was devoted to promoting AHE’s efforts, with a heading reading “Alaska’s Efforts to Repeal Ranked Choice” and a link to AHE’s website. The website also listed locations to sign 22AKHE petition booklets. RCEA’s first website contained no paid-for-by identifier.

RCEA purchased a new web domain on May 23, 2023. The new website does not mention 22AKHE or contain any links to AHE materials. Rather, the website contains material arguing against ranked choice voting in general and describing it as negative and

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<sup>19</sup> Staff Report Ex. 1 at 152.

<sup>20</sup> Staff Report Ex. 37 at 5.

<sup>21</sup> Staff Report Ex. 36.

a threat to democracy in all jurisdictions. However, on July 3 and 5, 2023, RCEA published tweets stating that it hopes to get 22AKHE on the ballot so ranked choice voting can be removed from “our state” and identifying itself as “the group behind” the signature collecting effort to repeal ranked choice voting in Alaska.<sup>22</sup>

RCEA filed two Statement of Contributions reports with APOC, on May 9 and June 11, 2023, showing \$90,000 in contributions to AHE made in five installments:

- \$1,000 by check on February 6, 2022
- \$75,000 by check on February 8, 2022
- \$2,358 cash on February 22, 2022
- \$1,382 by check on February 23, 2023
- \$10,260 by check on June 11, 2023.<sup>23</sup>

Staff’s investigation found a different but similar series of transactions. The \$1,000 contribution was made in January, not February, and RCEA’s reported check number was incorrect. The \$75,000 contribution was made on February 3 by cashier’s check, not regular check. The cash contribution was refunded to RCEA and replaced with a check in the same amount on August 1, 2023. The reported check number for the \$1,382 contribution was incorrect. And no \$10,260 contribution was made on June 11 or otherwise. Instead, RCEA contributed \$11,000 to AHE by check on May 22, 2022. The total of RCEA’s actual contributions to AHE was therefore \$90,740, not \$90,000.

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<sup>22</sup> Staff Report Ex. 52 & 54.

<sup>23</sup> Staff Report Ex. 55 & 56.

RCEA’s May 9 report did not provide a true source for the four contributions it reported. The June 11 report, however, disclosed that Mr. Mathias was the true source of \$90,000 of contributions to AHE, via a donation in that amount from Mr. Mathias to RCEA on December 20, 2022.<sup>24</sup> Media reported that at the 22AKHE petition signing event at the Wellspring Ministries building on February 16, Mr. Mathias told attendees he had contributed \$100,000 to the ballot measure group.<sup>25</sup>

## II. LAW AND ANALYSIS

The violations Staff found fall into five categories—registration violations (AS 15.13.050(a)), reporting violations (AS 15.13.040 and AS 15.13.110), paid-for-by identifier violations (AS 15.13.090(a)), a cash contribution violation (AS 15.13.074(e)), and true source violations (AS 15.13.040 and 15.13.074(b)).<sup>26</sup> Each is discussed in turn, followed by a summary table showing the maximum statutory penalty calculations for each violation, the penalty assessment amounts produced by application of 2 AAC 50.855, and the Commission’s penalty mitigation determinations under 2 AAC 50.865.<sup>27</sup>

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<sup>24</sup> Staff Report Ex. 55.

<sup>25</sup> Staff Report Ex. 2 at 16 & Ex. 35.

<sup>26</sup> The allegation that Mr. Izon should be personally responsible for violations committed by respondent organizations that he directs or controls is dismissed. *See* Staff Report at 26-27.

<sup>27</sup> Staff’s Report did not apply 2 AAC 50.855, instead making recommendations for the application of 2 AAC 50.865 directly to the statutory maximum penalty amounts. But the statutes and the regulatory framework require the Commission to assess civil penalties in complaint matters in the same manner as in Staff-initiated matters and then to proceed to the mitigation analysis. *See* AS 15.13.390(a)(5) & (b). The starting point for the Commission’s discretionary mitigation determinations is always a “civil penalty determined under 2 AAC 50.855.” 2 AAC 50.865(a), (b), & (d).

## **A. Registration violations**

The Complaint alleges that three respondents, AHG, RCEA, and AHE, failed to register before making expenditures supporting the 22AKHE application. Each “person other than an individual” must register with APOC “[b]efore making an expenditure in support of or in opposition to . . . an initiative proposal application . . . .”<sup>28</sup> An “expenditure” is “a purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer anything of value, incurred or made for the purpose of . . . supporting or opposing an initiative proposal application.”<sup>29</sup> Expenditure “includes an express communication,” but “does not include an issues communication.”<sup>30</sup> And 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 vote for or against a specific candidate.”<sup>31</sup> APOC uses that statutory definition to identify expenditures in the ballot proposition and initiative context as well.<sup>32</sup>

### **1. Alaskans for Honest Government**

From its inception, AHG’s website was devoted to the subject of ranked choice voting, specifically supporting AHE’s effort to collect signatures for 22AKHE.<sup>33</sup> The Commission agrees with Staff’s conclusion that AHG violated AS 15.13.050(a) by

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<sup>28</sup> AS 15.13.050(a). “Person” includes APOC entities and groups. AS 15.13.400(16).

<sup>29</sup> AS 15.13.400(7)(A)(iv).

<sup>30</sup> AS 15.13.400(7)(C).

<sup>31</sup> AS 15.13.400(8).

<sup>32</sup> *See Brief of Appellee, Alaska Policy Forum v. APOC*, 2023 WL 3972969 at \*12-21 (Alaska Apr. 4, 2023).

<sup>33</sup> Staff Report Ex. 15-20.

failing to register before making an expenditure on its website.<sup>34</sup> AHG registered as an entity on November 1, 2023, 17 days after the expenditure on its website. The statutory maximum penalty for this violation is \$50 per day, totaling \$850.<sup>35</sup> But because this is a “late filing of . . . a registration” by “a first-time filer,” no penalty is assessed.<sup>36</sup>

## 2. Ranked Choice Education Association

Similarly, RCEA’s website from its inception on December 22, 2022 through May 2023 was devoted to supporting 22AKHE, and respondents do not dispute that the original website was an express communication requiring registration and reporting.<sup>37</sup> Staff found, and the Commission agrees, that the website did not stop being an express communication in support of 22AKHE when RCEA purchased a new domain in May 2023. Even though the new website no longer mentions the initiative by name, the website continues to present extensive, non-neutral advocacy against ranked choice voting. RCEA had no pre-22AKHE history of educating the public about the subject. And RCEA’s tweets on July 3 and 5, 2023 identified it as “the group behind the repeal of #RankedChoiceVoting in Alaska,” hoping to “get this on the ballot” and “remove it from our State.” Considering this context—especially RCEA’s own contemporaneous

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<sup>34</sup> Staff Report at 15-16. The Commission agrees with Staff that AHG is a “nongroup entity,” AS 15.13.400(14), not a group, because AHG was not “organize[d] for the principal purpose of filing an initiative proposal application” and did not file one. AS 15.13.400(9)(C).

<sup>35</sup> AS 15.13.390(a).

<sup>36</sup> 2 AAC 50.855(b)(2)(A)(i).

<sup>37</sup> Staff Report Ex. 44 at 3 ¶ 11, Ex. 48; *see* Respondents’ Response to APOC Staff Report at 16-17, available at <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25423>.

statements about the group’s mission to repeal ranked choice voting in Alaska and its recent advocacy supporting 22AKHE by name—RCEA’s website as of at least July 5, 2023 was susceptible of no other reasonable interpretation but as a continuation of the group’s pre-existing exhortation to support 22AKHE.<sup>38</sup>

The Commission therefore concludes that RCEA’s website was an express communication at all times until at least Staff’s tolling of penalties on July 5, 2023. RCEA violated AS 15.13.050(a) by failing to register as an entity during that time, and still has not registered. The maximum penalty for this violation over the period of 195 days is \$9,750. Because this is the first alleged violation against RCEA, the penalty for this incomplete registration is assessed at 50 percent of the maximum, \$4,875.<sup>39</sup>

The Commission finds that RCEA is entitled to have the portion of this penalty that accrued before February 23, 2023 (63 days, \$1,575) mitigated entirely due to Staff’s incorrect advice about reporting obligations in connection with 22AKHE<sup>40</sup> and to have the remaining \$3,300 reduced by an additional 50 percent, to \$1,650, because it is an inexperienced filer.<sup>41</sup> Further mitigation is not warranted given RCEA’s continuing failure to register, even though it has conceded making express communications that require registration and reporting.<sup>42</sup>

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<sup>38</sup> See AS 15.13.400(7)-(8).

<sup>39</sup> 2 AAC 50.855(b)(3)(B).

<sup>40</sup> 2 AAC 50.865(b)(2)(B).

<sup>41</sup> 2 AAC 50.865(a)(1)(B).

<sup>42</sup> See Response to APOC Staff Report at 17.

### **3. Alaskans for Honest Elections**

The Commission similarly agrees with Staff that AHE violated AS 15.13.050(a) by failing to register before making expenditures in support of 22AKHE. AHE purchased its web domain on November 11, 2022, and registered as a group on March 20, 2023, a penalty period of 129 days leading to a maximum penalty of \$6,450. Like AHG, AHE cannot be assessed a penalty for this late registration because it was a first-time filer.<sup>43</sup>

#### **B. Reporting violations**

Persons making independent expenditures in support of an initiative application must file independent expenditure reports within ten days of each expenditure.<sup>44</sup> And a group or entity that receives contributions or makes expenditures exceeding \$500 within a calendar year supporting an initiative must file quarterly reports during the period before an election campaign begins.<sup>45</sup> The maximum statutory penalty for failure to file both types of reports is \$50 per day.<sup>46</sup>

#### **1. Alaskans for Honest Government**

AHG violated these statutes when it failed to file an independent expenditure report in connection with the purchase of its web domain and failed to file a fourth quarter report for 2022. The independent expenditure report was due December 3, 2022—ten days after the 22AKHE application was filed—and penalties were tolled on

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<sup>43</sup> 2 AAC 50.855(b)(2)(A)(i).

<sup>44</sup> AS 15.13.040(d)-(e); AS 15.13.110(h).

<sup>45</sup> AS 15.13.110(g).

<sup>46</sup> AS 15.13.390(a).

July 5, 2023,<sup>47</sup> covering a period of 214 days and leading to a maximum penalty of \$10,700. The fourth quarter report was due January 10, 2023, leading to a penalty period of 176 days and a maximum penalty of \$8,800.<sup>48</sup>

Because these reports have never been filed and because they were not AHG's first violation, 2 AAC 50.855 provides no reduction to the statutory maximum.<sup>49</sup> However, the Commission finds that the portion of these penalties that accrued before Staff's incorrect advice was remedied should be mitigated entirely<sup>50</sup> and the remaining portion mitigated by fifty percent because AHG is an inexperienced filer.<sup>51</sup> That leads to a penalty of \$3,300 for each of the two missing reports. From there, the Commission waives the independent expenditure report penalty entirely because the value of the expenditure—AHG's web domain—was certainly far less than \$3,300 and is therefore “significantly out of proportion to the degree of harm to the public.”<sup>52</sup> Because AHG has never provided the information that would have been required on a quarterly report,

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<sup>47</sup> Staff Report at 28 n.152.

<sup>48</sup> ABE argues that Staff neglected to impose a penalty on AHG for failure to file a first quarter report, citing the Staff Report at page 18. It is apparent, however, that Staff intended to describe a *fourth* quarter reporting violation at page 18, consistent with the Conclusion at pages 27 and 29 of the report. APOC received no evidence that AHG received contributions or made expenditures triggering quarterly reporting obligations in 2023. See AS 15.13.110(g); Staff Report Ex. 30 at 4 (describing AHG as inactive for “months and months” as of August 2023).

<sup>49</sup> 2 AAC 50.855(b)(3)(C).

<sup>50</sup> 2 AAC 50.865(b)(2)(B).

<sup>51</sup> 2 AAC 50.865(a)(1)(B).

<sup>52</sup> 2 AAC 50.865(b)(5).



however, that factor cannot be applied to the second penalty and the Commission imposes a \$3,300 penalty for that missing report.

## **2. Alaskans for Honest Elections**

Staff concluded that AHE violated AS 15.13.040(d) and 15.13.110(h) by failing to file three independent expenditure reports, instead reporting the expenditures late on its first quarter report. AHE also violated AS 15.13.110(g) by filing inaccurate first and second quarter reports and filing its second quarter report late. Staff issued civil penalty assessments for these violations. In the context of this complaint matter, they are dismissed without prejudice to be addressed through the civil penalty assessment process.

The Commission notes for purposes of those civil penalty assessment matters that Staff found, and the Commission agrees, that AHE's reports violated AS 15.13.110(g) because they did not identify the true source of the \$90,740 AHE received from RCEA.<sup>53</sup> Staff also found, and the Commission agrees, that AHE should have reported a non-monetary contribution from Wellspring Ministries for the use of the gymnasium in its building for a signature drive and fundraising event lasting more than two hours on February 16, 2023.<sup>54</sup> Wellspring Ministries, which is controlled by Mr. Mathias, leases the space at cost to Wellspring Fellowship, which is also controlled by Mr. Mathias. Wellspring Fellowship allows the Greater Alaska Chapter of the AMAC to use the space for its meetings for \$1. And AMAC allowed AHE, which is also led by Mr. Mathias, to use the gymnasium at no charge. Wellspring Ministries and/or Wellspring Fellowship,

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<sup>53</sup> See AS 15.13.040(b)-(e) & (q).

<sup>54</sup> Staff Report Ex. 1 at 152.

not AMAC, was the true source of this non-monetary contribution to AHE<sup>55</sup> and its value is “the normal market charge for” the use of similar space.<sup>56</sup>

### 3. Ranked Choice Education Association

Staff concluded that RCEA violated AS 15.13.040(d) and 15.13.110(h) by failing to file an independent expenditure report in connection with the purchase of its web domain. That report should have been filed by January 1, 2023, leading to a penalty period of 185 days and a maximum penalty of \$9,250. And Staff concluded that RCEA violated AS 15.13.110(g) by failing to file a fourth quarter report for 2022 by January 10, 2023, a penalty period of 176 days and a maximum penalty of \$8,800.

Staff’s report overlooked RCEA’s obligation to file a 2023 first quarter report because RCEA contributed to the 22AKHE effort during that period.<sup>57</sup> The report was due April 10, 2023, leading to a penalty period of 86 days and a maximum of \$4,300.

The Commission applies the same penalty analysis to these three missing reports as to those of AHG. First, 2 AAC 50.855 provides no reduction because the reports remain incomplete and are not RCEA’s first alleged violation.<sup>58</sup> However, the Commission applies 2 AAC 50.865 to mitigate all penalty accruals prior to February 23,

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<sup>55</sup> AS 15.13.400(19) makes AMAC an “intermediary for the true source” because AMAC received its access to the gymnasium space as a donation or gift.

<sup>56</sup> 2 AAC 50.250(b)(1)(A). The Commission agrees with Staff that there is insufficient evidence to find an AS 15.13 violation based on AHE’s reporting of a \$200,000 estimated nonmonetary contribution of future services from Mr. Izon.

<sup>57</sup> AS 15.13.110(g). One of RCEA contributions was a direct expenditure for the petitions themselves, on AHE’s behalf. Staff Report Ex. 56.

<sup>58</sup> 2 AAC 50.855(b)(3)(C).

2023 due to Staff's incorrect advice about reporting obligations related to ballot initiative campaigns and mitigates the penalties that accrued after that date by 50 percent because RCEA was an inexperienced filer.<sup>59</sup> That analysis leads to a \$3,300 penalty each for the independent expenditure report and fourth quarter report and a \$2,150 penalty for the first quarter report. The Commission applies 2 AAC 50.865(b)(5) to waive the penalty for the report associated with the web domain expenditure because it is out of proportion to the size of that transaction.<sup>60</sup> But because of the sizable amounts of RCEA's other transactions, no further mitigation is available for the two quarterly report violations.

#### **4. Art Mathias**

Mr. Mathias made a \$90,000 contribution to RCEA on December 22, 2022, which, as discussed below, was a contribution to AHE through RCEA as intermediary. Mr. Mathias was required to file a statement of contributions report by January 21, 2023, 30 days after making that contribution,<sup>61</sup> leading to a penalty period of 165 days and a maximum statutory penalty of \$8,250. 2 AAC 50.855(b)(3)(B) reduces this penalty by 50 percent because the missing report is Mr. Mathias's first alleged violation. The Commission then applies 2 AAC 50.865(a)(1)(B) and (b)(2)(B) to mitigate the penalty entirely through February 23, 2023 and by 50 percent thereafter. That leads to a penalty of \$1,237.50 for this violation.

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<sup>59</sup> 2 AAC 50.865(b)(2)(B); 2 AAC 50.865(a)(1)(B).

<sup>60</sup> 2 AAC 50.865(b)(5).

<sup>61</sup> AS 15.13.040(k).

### **C. Paid-for-by identifiers**

Alaska’s campaign disclosure law requires all communications to be identified using the words “paid for by” followed by the name and address of the person paying for the communication.<sup>62</sup> If the communication comes from a person other than an individual or a candidate—like a group or an entity—the identifier must include the name and title of the person’s principal officer; a statement that the principal officer approves the communication; and the name, city, and state of each of the person’s top three contributors.<sup>63</sup> Communications requiring these disclosures include websites and videos like those published by AHE, AHG, and RCEA.<sup>64</sup> The maximum civil penalty for failing to provide the required identifier is \$50 per day.<sup>65</sup>

#### **1. Alaskans for Honest Government**

AHG’s website has never identified its principal officer, provided a statement that the principal officer approves the communications on the website, or named its top three contributors. The Commission agrees with Staff that AHG violated AS 15.13.090(a). The penalty period began November 23, 2022, when the 22AKHE application was filed, and ends with Staff’s tolling of penalties on July 5, 2023, a period of 224 days, leading to a statutory maximum penalty of \$11,200. The Commission considers the inaccurate paid-for-by violations analogous to the “error in a registration, statement, or report” provision

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<sup>62</sup> AS 15.13.090(a).

<sup>63</sup> *Id.*

<sup>64</sup> *See* AS 15.13.400(3); 2 AAC 50.306(e)(2).

<sup>65</sup> AS 15.13.390(a).

of 2 AAC 50.855, which leads to a 50 percent reduction in the penalty assessed because it was AHG’s “first election cycle.”<sup>66</sup> And the Commission applies 2 AAC 50.865(a)(1)(B) (inexperienced filer) and (b)(2)(B) (Staff error) to mitigate this penalty entirely through February 23, 2023 and by 50 percent thereafter. That leads to a penalty of \$1,650 for this violation.

## 2. Alaskans for Honest Elections

Between November 23, 2022 and April 6, 2023, the paid-for-by identifier on AHE’s website did not name its principal officer, did not include a statement that the principal officer approves of communications on the website, and did not name any of AHE’s top three contributors. Even after AHE added this information, its paid-for-by identifier remained out of compliance because it listed RCEA instead of Mr. Mathias as a top-three contributor. RCEA was an intermediary for Mr. Mathias, who was the true source of the contribution.<sup>67</sup> The Commission finds that AHE violated AS 15.13.090(a) during the same 224-day day penalty period as AHG, leading to the same statutory maximum penalty of \$11,200. And the Commission applies the same regulatory provisions—2 AAC 50.855(b)(2)(C)(i), 2 AAC 50.865(a)(1)(B), and (b)(2)(B)—to impose the same penalty of \$1,650 for this violation.

AHE also failed to include compliant paid-for-by identifiers on its videos. The written portions do not contain the required information, and the identifiers do not remain on the screen throughout the videos as required by AS 15.13.090(c). Staff determined

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<sup>66</sup> 2 AAC 50.855(b)(2)(C)(i).

<sup>67</sup> AS 15.13.090(a); AS 15.13.040(e)(5); AS 15.13.400(19). *See* section II.E below.

based on its investigation that “[t]he combined amount of time that the videos were posted without a compliant paid-for-by identifier” was 1,830 days, resulting in a maximum civil penalty of \$91,500. AHE has not disputed that determination, and the Commission therefore accepts it. The Commission applies 2 AAC 50.855(b)(2)(C) to reduce that penalty by 50 percent. Lacking precise dates for the different videos, the Commission cannot apply full mitigation through February 23, 2023 with precision as it has done for other violations due to Staff error. The Commission therefore uses a rougher estimate and reduces the penalty by 75 percent to account for both Staff error and the fact that AHE is in its first election cycle.<sup>68</sup> That leads to a penalty of \$11,437.50 for the identifier violations on AHE’s videos.

### **3. Ranked Choice Education Association**

RCEA’s websites had no paid-for-by identifier at all, and RCEA therefore also violated AS 15.13.090(a). Staff recommended imposing a penalty from December 22, 2022 through May 23, 2023 when RCEA purchased its new website.<sup>69</sup> However, that recommendation is inconsistent with Staff’s and the Commission’s conclusion that RCEA was engaged in express communications even after changing its website. Through at least July 5, 2023, RCEA identified itself to the public, consistent with its original website, as “the group” behind the 22AKHE effort.<sup>70</sup> The Commission therefore imposes a penalty through that date, a period of 195 days, leading to a statutory maximum penalty

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<sup>68</sup> 2 AAC 50.865(a)(1)(B) & (b)(2)(B).

<sup>69</sup> Staff Report at 30.

<sup>70</sup> Staff Report Ex. 52 & 54.

of \$9,750. Because RCEA’s absent identifier is analogous to an incomplete filing rather than a late or erroneous one, 2 AAC 50.855(b)(3) requires a maximum penalty assessment. The Commission then applies 2 AAC 50.865(a)(1)(B) and (b)(2)(B) to mitigate the penalty entirely through February 23, 2023 and by 50 percent thereafter and imposes a penalty of \$3,300 for this violation.

**D. Cash contribution**

A person or group may not make a cash contribution exceeding \$100.<sup>71</sup> RCEA does not dispute that it violated this provision when it contributed \$2,358 in cash to AHE. When an unlawful cash contribution is discovered, the recipient must return it to the contributor.<sup>72</sup> Staff found, and the Commission agrees, that AHE remedied this violation by returning the \$2,358 to RCEA. Mr. Izon explained that “[a]s of July 25, 2023, that cash contribution has been corrected by refund to RCEA and the reissuance of an RCEA check in the same amount to AHE.”<sup>73</sup>

Complainant argues that this approach did not fully correct the problem because RCEA has not identified the true source of the \$2,358 in cash it originally gave to AHE. But RCEA *did* identify the true source of the \$2,358—Mr. Mathias.<sup>74</sup> Staff could have

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<sup>71</sup> AS 15.13.074(e).

<sup>72</sup> AS 15.13.114(a).

<sup>73</sup> Staff Report Ex. 13 ¶ 5. Mr. Izon’s statement was not quite accurate. The \$2,358 check to AHE was actually dated August 1, 2023. Staff Report Ex. 56.

<sup>74</sup> Staff Report Ex. 56.

recommended a per-day penalty covering the time before the refund was made,<sup>75</sup> but did not. The Commission declines to impose a separate monetary penalty for this violation.

#### **E. True Source violations**

The final type of violation Staff recommended the Commission find in this matter concerns the allegation that Mr. Mathias, RCEA, and AHE all failed to comply with “true source” reporting requirements regarding Mr. Mathias’s \$90,000 contribution to RCEA and RCEA’s contribution, in turn, of almost exactly that amount to AHE. Alaska law prohibits contributing anonymously or using the name of another.<sup>76</sup> Rather, contributions must be made in the name of the true source of the money or thing of value,<sup>77</sup> and a person making independent expenditures must report the true source of contributions it receives.<sup>78</sup> The true source is the contributor “whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services.”<sup>79</sup> By contrast, a contributor “who derived funds via contributions, donations, dues, or gifts” is not a true source, but rather, “an intermediary for the true source.”<sup>80</sup>

Respondents argue that true source reporting has “no application to a ballot

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<sup>75</sup> See AS 15.13.390(a).

<sup>76</sup> AS 15.13.074(b).

<sup>77</sup> 2 AAC 50.258(a).

<sup>78</sup> AS 15.13.040(e) & (q).

<sup>79</sup> AS 15.13.400(19).

<sup>80</sup> *Id.* “[A] membership organization [that] receives dues or contributions of less than \$2,000 per person per year” can be a true source.



proposition campaign.”<sup>81</sup> They contend that AS 15.13.065(c) makes AS 15.13.074(b) and 2 AAC 50.258 inapplicable to ballot initiative campaigns. AS 15.13.065(c) provides:

Except for reports required by AS 15.13.040 and 15.13.110 and except for the requirements of AS 15.13.050, 15.13.060, and 15.13.112 – 15.13.114, the provisions of AS 15.13.010 – 15.13.116 do not apply to limit the authority of a person to make contributions to influence the outcome of a ballot proposition.

This statute does not exempt any of the respondents from reporting the true source of contributions made and received for the purpose of influencing the outcome of 22AKHE. First, the statute makes clear that the registration and reporting requirements of AS 15.13.040, 15.13.050, and 15.13.110 all *do* apply to ballot propositions. And even without considering AS 15.13.074(b), those statutes require all three parties to report the contributions at issue here and to identify their true source. AHE, a group making expenditures, was required by AS 15.13.040(b), (d), (e), and (q) to report contributions it received and their true sources. RCEA, an entity that made independent expenditures in support of 22AKHE, was required by AS 15.13.040(d), (e), and (q) to report its contributions and expenditures and their true sources. And AS 15.13.040(k) required both Mr. Mathias and RCEA to report Mr. Mathias’s contribution to AHE via RCEA.

Moreover, AS 15.13.074(b) does apply and is an independent statutory source, above and beyond AS 15.13.040 and AS 15.13.110, for Mr. Mathias and RCEA’s obligation to disclose that Mr. Mathias was the true source of \$90,000 RCEA contributed

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<sup>81</sup> Respondents’ Response to APOC Staff Report at 5-11; Respondents’ Motion for Partial Summary Judgment, available at <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=25425>.

to AHE. The statute prohibits contributions made “anonymously, using a fictitious name, or using the name of another.” The plain language of AS 15.13.065(c) does not exempt contributions in support of ballot initiatives from that prohibition; the prohibition does not “limit the authority of a person to make contributions to influence the outcome of a ballot proposition” that the person would otherwise have.<sup>82</sup> Because of the reporting obligations in the parts of the statute that unquestionably do apply, no one has “authority” to contribute anonymously or in the name of another.

Mr. Mathias has “authority” to contribute unlimited amounts to AHE. Requiring him, RCEA, and AHE to disclose that he is the true source of contributions to AHE does not limit that authority in any way. Reading AS 15.13.065(c) as Respondents do would undermine the reporting obligations at the heart of the statutory scheme, which unquestionably apply to ballot initiatives and require true source reporting.<sup>83</sup> The Alaska Supreme Court has long confirmed that the law requires transparency about the funding of ballot initiative campaigns, writing that:

[a] ballot measure is often of great importance financially to its proponents, opponents, or both, and multi-million dollar advertising campaigns have been waged. In such circumstances the voter may wish to cast his ballot in accordance with his approval or disapproval, of the sources of financial support.<sup>84</sup>

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<sup>82</sup> AS 15.13.065(c).

<sup>83</sup> *Id.*; AS 15.13.040.

<sup>84</sup> *Messerli v. State*, 626 P.2d 81, 87 (Alaska 1981).

Respondents argue that Alaska’s true source reporting requirements infringe upon the First Amendment associational right of donors to give anonymously to nonprofits.<sup>85</sup> But the law requires disclosure of who funds *political* advocacy, not nonprofit donors generally. And the U.S. Supreme Court has recognized that a state can require disclosure of funding sources supporting signature collection for ballot initiatives.<sup>86</sup>

In sum, the Commission concludes that Staff correctly applied AS 15.13.074(b) and the true source reporting requirements of AS 15.13.040 to the respondents.

Respondents also make a fact-based argument that Mr. Mathias was not actually the true source of \$90,000 of RCEA’s contributions to AHE, despite RCEA’s June 11, 2023 report to APOC that he was.<sup>87</sup> They argue that because RCEA had other donors besides Mr. Mathias and because money is fungible, the money RCEA gave to AHE is “not traceable” to him.

The most fundamental problem with this argument is that even if the Commission accepted it, it would not relieve RCEA and AHE of their obligation to disclose the true source of these contributions. Ruling out Mr. Mathias as the true source does not convert RCEA into the true source. Because RCEA derives its funds from “contributions, donations, dues, or gifts,” it is an intermediary and not, by definition, the true source of a

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<sup>85</sup> See, e.g., *Nat’l Ass’n for Advancement of Colored People v. State of Alabama*, 357 U.S. 449, 462–63 (1958).

<sup>86</sup> *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 205 (1999) (explaining that states can “legitimately require[] sponsors of ballot initiatives to disclose who pays petition circulators, and how much”).

<sup>87</sup> Staff Report Ex. 34.

contribution.<sup>88</sup> AHE and RCEA must therefore identify the true source of money RCEA contributes, even if it is not Mr. Mathias.<sup>89</sup>

The Commission agrees, however, with Staff’s conclusion that Mr. Mathias was the true source of \$90,000 out of the \$90,740 RCEA gave to AHE. Respondents’ own statements and the other evidence compel this conclusion. RCEA’s June 11 Statement of Contributions report identified Mr. Mathias as the true source of RCEA’s contributions to AHE. There can be no coincidence to the fact that RCEA reported contributing the exact amount it received from Mr. Mathias—\$90,000—even though Mr. Mathias overshot slightly, writing the final check to AHE for \$740 more than Mr. Izon had reported.<sup>90</sup>

In a July 20, 2023 letter to APOC Staff, Respondents’ attorney plainly acknowledged that Mr. Mathias was the true source, writing that “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.”<sup>91</sup> The letter emphasized, correctly, that Mr. Mathias “would have been perfectly within the law to contribute those funds to AHE directly.”<sup>92</sup> The problem was not the contribution or its amount but rather, its incorrect attribution to an intermediary rather than a true source.

The testimony of Mr. Mathias and Mr. Izon at the hearing did not undermine Staff’s conclusion. Mr. Mathias testified at the hearing that he himself makes the

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<sup>88</sup> AS 15.13.400(19).

<sup>89</sup> AS 15.13.040(d), (e), (q).

<sup>90</sup> See Staff Report Ex. 33-34 & 56.

<sup>91</sup> Staff Report Ex. 3 at 9.

<sup>92</sup> *Id.*

decisions about money going out of RCEA. And he personally signed the checks from RCEA to AHE.<sup>93</sup> Respondents now describe RCEA’s true source report as a mistake, but offer no explanation for RCEA naming Mr. Mathias as the true source other than the obvious reason—that he was. When asked why he identified Mr. Mathias as the true source, Mr. Izon said only that he “thought it was required.”

Mr. Mathias also acknowledged his contribution to AHE publicly at the February 16, 2023, fundraising and signature gathering event. One media account of his comments described him saying “he’s donated \$100,000 to the effort,” and Mr. Mathias now says that meant “the effort” more broadly, including RCEA’s out of state educational efforts.<sup>94</sup> But the article as a whole describes the February 16 event as focused on the “signature drive aiming to get rid of ranked choice voting” in Alaska, also calling it “the repeal effort” and quoting Mr. Mathias’s warning about “Outside corporations coming up and buying our candidates and buying our elections.”<sup>95</sup> RCEA is not mentioned. Another article reported that Mr. Mathias “repeatedly told attendees that he had contributed \$100,000 to the ballot measure group seeking to overturn ranked choice voting.”<sup>96</sup>

The Commission agrees with Staff that the weight of the evidence shows that Mr. Mathias intended his \$90,000 contribution to RCEA to be passed through to AHE as

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<sup>93</sup> Staff Report Ex. 56.

<sup>94</sup> Staff Report Ex. 51 at 1 ¶ 4. “The effort” was the reporter’s word choice, not a direct quote attributed to Mr. Mathias. Staff Report Ex. 35.

<sup>95</sup> Staff Report Ex. 35.

<sup>96</sup> Staff Report Ex. 2 at 16

needed and that he effectuated that intent. AHE violated AS 15.13.040(b), 15.13.110(g) and 15.13.074(b) by failing to report that Mr. Mathias was the true source of \$90,000 of the contributions it received from RCEA and by failing to report a true source for the remaining \$740 that it received from RCEA.

Mr. Mathias violated AS 15.13.040(k), 15.13.074(b), and 2 AAC 50.258(a) by contributing \$90,000 to AHE in the name of another and failing to report his contribution. The maximum penalty for that violation is \$90,000, the amount of the contribution, which the Commission can treble if an intentional violation is found.<sup>97</sup>

RCEA violated AS 15.13.040(d), 15.13.110(h), 15.13.074(b), and 2 AAC 50.258(a) by failing to disclose the true source of the \$79,740 of contributions to AHE shown on its May 9, 2023 statement of contribution report.<sup>98</sup> The maximum penalty for that violation is \$79,740, “the amount of the contribution that is the subject of the misreporting or failure to disclose,” and the Commission has discretion to treble the penalty if the violation is shown to have been intentional.<sup>99</sup> Because the public was ultimately informed about the true source of the \$90,000, the Commission elects not to treble the penalties in this matter.

The Commission accepts Staff’s recommendation to reduce RCEA’s penalty by 75 percent largely because RCEA did report that Mr. Mathias was the true source. APOC’s regulations support that result. First, a delayed true source disclosure can reasonably be

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<sup>97</sup> *Id.*

<sup>98</sup> Staff Report Ex. 33.

<sup>99</sup> AS 15.13.390(a)(3).

subject to the “first election cycle” 50 percent reduction to a penalty assessment under 2 AAC 50.855(b)(2)(C)(i). And for the same reason—that it is RCEA’s first election cycle—2 AAC 50.865(a)(1)(B) provides discretion to mitigate RCEA’s assessed penalty by another 50 percent. The Commission exercises that discretion and imposes a \$19,935 penalty for RCEA’s violation.

With respect to Mr. Mathias, the same penalty assessment regulation—2 AAC 50.855(b)(2)(C)(i)—applies to reduce his penalty by half. However, unlike RCEA, Mr. Mathias never reported his contribution, despite being the person who made the decision to contribute to AHE and who wrote the checks from RCEA to AHE. The Commission finds that discretionary mitigation is not warranted and imposes a penalty of \$45,000 for Mr. Mathias’s violation.

All violations found and penalties assessed are summarized in the Table. The penalties for the four respondents found to have committed violations total \$94,610.

Violation	dates of violation	total days <sup>100</sup>	max penalty	2 AAC 50.855 assessment	2 AAC 50.865 mitigation
<b>Failure to Register</b>					
AHG	10/15/22 to 11/1/2022	17	\$850	\$0	N/A
RCEA	12/22/2022 to 7/5/2023	195	\$9,750	\$4,875	\$1,650.00
AHE	11/11/2022 to 3/20/2023	129	\$6,450	\$0	N/A
<b>Failure to file reports</b>					
<i>AHG</i>					
Ind. exp. Report	12/3/2022 to 7/5/2023	214	\$10,700	\$10,700	\$0
4Q 2022 Report	1/10/2023 to 7/5/2023	176	\$8,800	\$8,800	\$3,300
<i>RCEA</i>					
Ind. exp. Report	1/1/2023 to 7/5/2023	185	\$9,250	\$9,250	\$0
4Q 2022 Report	1/10/2023 to 7/5/2023	176	\$8,800	\$8,800	\$3,300
1Q 2023 Report	4/10/2023 to 7/5/2023	86	\$4,300	\$4,300	\$2,150
<i>Art Mathias</i>					
Stmnt. of Cont. Report	1/21/2023 to 7/5/2023	165	\$8,250	\$4,125	\$1,237.50
<b>Paid-for-by identifiers</b>					
AHG	11/23/2022 to 7/5/2023	224	\$11,200	\$5,600	\$1,650
AHE-website	11/23/2022 to 7/5/2023	224	\$11,200	\$5,600	\$1,650
AHE-YouTube videos		1830	\$91,500	\$45,750	\$11,437.50
RCEA	12/22/2022 to 7/5/2023	195	\$9,750	\$9,750	\$3,300
<b>True Source</b>					
RCEA			\$79,740	\$39,870	\$19,935
Art Mathias			\$90,000	\$45,000	\$45,000
<b>AHG Total</b>					<b>\$4,950</b>
<b>RCEA Total</b>					<b>\$30,335</b>
<b>AHE Total</b>					<b>\$13,087.50</b>
<b>Art Mathias Total</b>					<b>\$46,237.50</b>

### III. CONCLUSION

The Commission finds that the violations described in this report occurred and orders Alaskans for Honest Government, Alaskans for Honest Elections, Ranked Choice

<sup>100</sup> The statutory maximum penalty for all per-day penalty calculations in this matter is \$50, as explained in the analysis.



Education Association, and Art Mathias to pay the penalties imposed herein, in the total amounts shown on the table above.

The Commission further orders:

- AHG to file the two reports discussed herein within 30 days.
- RCEA to register as an entity and to file required reports, including its expenditures in support of 22AKHE during the time it was engaged in express communication, as well as its contributions to AHE and their true sources, within 30 days.
- AHE to correct its previous reports within 30 days and to complete future reporting in accordance with the determinations herein.
- Art Mathias to file the statement of contribution report discussed herein 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.<sup>101</sup> A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.<sup>102</sup>

Dated: January 3, 2024.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION<sup>103</sup>

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<sup>101</sup> AS 15.13.380(g), AS 44.62.560, Alaska R. App. P. 602.

<sup>102</sup> 2 AAC 50.891(g).

<sup>103</sup> Commissioners Richard Stillie, Suzanne Hancock, Dan LaSota, and Lanette Blodgett voted to approve this order. Commissioner Eric Feige did not participate in the November 16, 2023 special meeting or the decision.

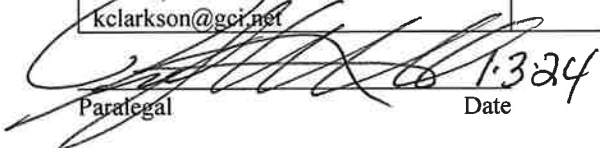
**Certificate of Service:**

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:

Samuel Gottstein  
Scott Kendall  
Cashion Gilmore & Lindemuth  
510 L Street, Suite 601  
Anchorage, AK 99501  
sam@cashiongilmore.com  
scott@cashiongilmore.com

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

Kevin Clarkson  
Law Offices of Kevin Clarkson  
2223 Latona Drive NE  
Keizer, OR 97303  
kclarkson@gci.net

  
Paralegal

1.3.24  
Date

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**From:** Beecher, Carol L (GOV)  
**Sent:** Monday, July 17, 2023 12:35 PM AKDT  
**To:** info@leadinglightadvisors.com  
**CC:** Thompson, Michaela R (GOV)  
**Subject:** FW: 22AKHE - Alaskans for Honest Elections petition  
**Attachments:** 2. Initiative Booklet Instructions to Circulators.docx

Hello again,

I sent you the wrong document – my apologies!

See the attached.

Thanks,  
cb

**From:** Beecher, Carol L (GOV)  
**Sent:** Monday, July 17, 2023 12:20 PM  
**To:** info@leadinglightadvisors.com  
**Cc:** Thompson, Michaela R (GOV) <michaela.thompson@alaska.gov>  
**Subject:** 22AKHE - Alaskans for Honest Elections petition

Hello Mr. Izon,

Thank you for returning my call. As a follow-up regarding the petition booklet(s) at Duane's Antique Market, for your convenience I've attached the first two pages of the petition booklet containing the directions and requirements for petitioners in the collection of signatures.

Thank you for your attention to this matter.

Carol Beecher  
Director  
Alaska Division of Elections  
907-465-4611



## INSTRUCTIONS TO CIRCULATORS

### STATUTORY AUTHORITY

Initiative petition procedures appear in AS 15.45.010 – 15.45.245 and 6 AAC 25.240. Information in these instructions summarizes the statutes and regulations.

The information provided in these instructions should not be considered a substitute for reading the statutes and regulations in their entirety. Read these instructions thoroughly before circulating a petition booklet. Contact your Initiative Committee members (see back of booklet) if you have any questions.

### I – GENERAL

Alaska Statutes provide the rules that must be followed by petition circulators. As a circulator of this petition booklet, by law you are subject to the following general provisions:

- (1) You must be a citizen of the United States and 18 years of age or older.
- (2) **Circulator Payment Disclosure:** In the affidavit, you must indicate if you are or will be paid (check “Yes”) to collect signatures and, if so, by whom. Provide the full name of the person or organization who is or will be paying you. **IMPORTANT: If you check “Yes” to indicate that you are or will be paid, you must indicate who is paying you. Failure to do so will result in the signatures of the booklet not being counted in determining the sufficiency of the petition (will invalidate the booklet).** If you are not being paid to gather signatures, simply check “No.”
- (3) You must personally circulate this petition booklet. It must be signed in your presence; it cannot be left unattended at a public office or business for signing.
- (4) Each signer must be a registered Alaskan voter. It is your responsibility to call each signer’s attention to the warning notice printed on the front cover of this booklet.
- (5) Allow each signer to review the summary language, the full text of the proposed bill and the cost to the state for processing and implementing this petition included as part of this booklet.
- (6) You are the only person who may circulate this booklet after you have obtained one signature.
- (7) Warning: The signatures will be counted only if all the required information is provided.

### II – SIGNATURE PAGES

When gathering signatures, you will need to collect the below information from each registered Alaskan voter:

- Column 1: **Printed Name** – Signers should print their name exactly as it appears on their voter registration. Example: A voter who has registered under M. Jane Smith should not print Mary J. Smith or Jane Smith.
- Column 2: **Address, City, State and Zip Code** – Signers must provide a residence or mailing address.
- Column 3: **Numerical Identifier** – Signers must provide a numerical identifier such as: Voter number, Alaska driver’s license number or state identification number, date of birth, or last four digits of Social Security Number.
- Column 4: **Signature** – Signatures, in addition to printed names, must be included.
- Column 5: **Date Signed** – Signers must provide the date of signature.

### III – CERTIFICATION AFFIDAVIT

You must complete the certification affidavit on the back cover. Failure to do so will result in the signatures of the booklet not being counted in determining the sufficiency of the petition (will invalidate the booklet). According to AS 15.45.130, the circulator who personally circulated the petition booklet must certify each petition booklet. The affidavit on the outside of the back cover of this booklet states that a circulator certifies that:

- (1) I am a citizen of the United States and I am 18 years of age or older;
- (2) I am the only one who circulated this booklet;
- (3) The signatures appearing herein were made in my actual presence;
- (4) To the best of my knowledge they are the signatures of the persons whose names they purport to be;
- (5) To the best of my knowledge the signatures are of persons who were qualified voters on the date of the signature;

## INSTRUCTIONS TO CIRCULATORS

- (6) I have not knowingly paid, offered to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition;
- (7) I have indicated whether or not I have received payment or agree to receive payment for the collection of signatures on this petition, and, if so, I have provided the name of each person or organization that has paid or agreed to pay me for collecting signatures on this petition.

### To complete the certification affidavit:

- (1) Print your name on the line provided in the certification statement on the outside of the back cover.
- (2) Sign below the certification statement and provide an identifier such as voter number, date of birth, Alaska driver's license or state identification number, or last four of Social Security Number.
- (3) Have the Notary Public or other official complete the affidavit or, if no official is available, complete the self-certification box.
- (4) **NO** additional signatures may be obtained in this booklet after you complete the affidavit.

## IV – COMPLETING THE PETITION

When the petition booklet is completed, return it to the Initiative Committee. Committee names and addresses are found at the bottom of the back cover of the petition booklet. The Division of Elections will not accept individual booklets.

## V – ADDITIONAL PETITION BOOKLETS

For additional petition booklets, contact a member of the Initiative Committee.

## VI – FILING THE PETITION

The petition must be filed as one single filing to the Division of Elections and must be filed within one year from the date the Initiative Committee received notice from the Division of Elections that the petition booklets were ready for distribution. If the petition is not filed within the one-year period, the petition has no force or effect.

The Division of Elections will examine each petition booklet to determine if each signer is a qualified voter and that they provided all required information.

The petition must be signed by qualified voters: (1) equal in number to 10 percent of those who voted in the preceding general election, (2) resident in at least three-fourths of the house districts of the state and (3) who, in each of the house districts described in (2) above, are equal in number to at least seven percent of those who voted in the preceding general election in the house district. If the Division of Elections determines that there are not enough signatures, the petition will be declared improperly filed and the Lt. Governor will notify the committee.

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**From:** Thompson, Michaela R (GOV)  
**Sent:** Tuesday, October 24, 2023 3:38 PM AKDT  
**To:** Beecher, Carol L (GOV); info@leadinglightadvisors.com  
**Subject:** RE: 22AKHE - Alaskans for Honest Elections petition  
**Attachments:** 2. Initiative Booklet Instructions to Circulators.docx

Good afternoon,

I am emailing to follow-up regarding the phone calls yesterday about the 2 unattended petition booklets at the Tudor Bingo Center in Anchorage. As you are aware, booklets cannot be left unattended at a public office or business for signing. Additionally, petition signers must sign the booklet in the presence of the circulator. When the circulator is finished gathering signatures, they must complete the certification affidavit on the back which states that "(3) the signature appearing herein were made in my actual presence." For your convenience I am attaching the instructions to the circulators which covers this information.

It is my understanding that Tudor Bingo Center has been contacted. Additionally, the division asks that you remind your circulators of the above requirements.

Thank you for your attention to this matter.

*Michaela R. Thompson*

Division Operations Manager  
State of Alaska, Division of Elections  
Absentee and Petition Office  
Phone: (907) 270-2700  
Fax: (907) 270-2780



*CONFIDENTIALITY NOTICE: This communication with its content and any attachments may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). If you are not the intended recipient, please contact the sender and destroy all copies of the communication.*

**From:** Beecher, Carol L (GOV) <carol.beecher@alaska.gov>  
**Sent:** Monday, July 17, 2023 12:35 PM  
**To:** info@leadinglightadvisors.com  
**Cc:** Thompson, Michaela R (GOV) <michaela.thompson@alaska.gov>  
**Subject:** FW: 22AKHE - Alaskans for Honest Elections petition

Hello again,

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DOE31

See the attached.  
Thanks,  
cb

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**Sent:** Monday, July 17, 2023 12:20 PM  
**To:** [info@leadinglightadvisors.com](mailto:info@leadinglightadvisors.com)  
**Cc:** Thompson, Michaela R (GOV) <[michaela.thompson@alaska.gov](mailto:michaela.thompson@alaska.gov)>  
**Subject:** 22AKHE - Alaskans for Honest Elections petition

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Carol Beecher  
Director  
Alaska Division of Elections  
907-465-4611



DOE32

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Alaska Statutes provide the rules that must be followed by petition circulators. As a circulator of this petition booklet, by law you are subject to the following general provisions:

- (1) You must be a citizen of the United States and 18 years of age or older.
- (2) **Circulator Payment Disclosure:** In the affidavit, you must indicate if you are or will be paid (check “Yes”) to collect signatures and, if so, by whom. Provide the full name of the person or organization who is or will be paying you. **IMPORTANT: If you check “Yes” to indicate that you are or will be paid, you must indicate who is paying you. Failure to do so will result in the signatures of the booklet not being counted in determining the sufficiency of the petition (will invalidate the booklet).** If you are not being paid to gather signatures, simply check “No.”
- (3) You must personally circulate this petition booklet. It must be signed in your presence; it cannot be left unattended at a public office or business for signing.
- (4) Each signer must be a registered Alaskan voter. It is your responsibility to call each signer’s attention to the warning notice printed on the front cover of this booklet.
- (5) Allow each signer to review the summary language, the full text of the proposed bill and the cost to the state for processing and implementing this petition included as part of this booklet.
- (6) You are the only person who may circulate this booklet after you have obtained one signature.
- (7) Warning: The signatures will be counted only if all the required information is provided.

### II – SIGNATURE PAGES

When gathering signatures, you will need to collect the below information from each registered Alaskan voter:

- Column 1: **Printed Name** – Signers should print their name exactly as it appears on their voter registration. Example: A voter who has registered under M. Jane Smith should not print Mary J. Smith or Jane Smith.
- Column 2: **Address, City, State and Zip Code** – Signers must provide a residence or mailing address.
- Column 3: **Numerical Identifier** – Signers must provide a numerical identifier such as: Voter number, Alaska driver’s license number or state identification number, date of birth, or last four digits of Social Security Number.
- Column 4: **Signature** – Signatures, in addition to printed names, must be included.
- Column 5: **Date Signed** – Signers must provide the date of signature.

### III – CERTIFICATION AFFIDAVIT

You must complete the certification affidavit on the back cover. Failure to do so will result in the signatures of the booklet not being counted in determining the sufficiency of the petition (will invalidate the booklet). According to AS 15.45.130, the circulator who personally circulated the petition booklet must certify each petition booklet. The affidavit on the outside of the back cover of this booklet states that a circulator certifies that:

- (1) I am a citizen of the United States and I am 18 years of age or older;
- (2) I am the only one who circulated this booklet;
- (3) The signatures appearing herein were made in my actual presence;
- (4) To the best of my knowledge they are the signatures of the persons whose names they purport to be;
- (5) To the best of my knowledge the signatures are of persons who were qualified voters on the date of the signature;



## INSTRUCTIONS TO CIRCULATORS

- (6) I have not knowingly paid, offered to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition;
- (7) I have indicated whether or not I have received payment or agree to receive payment for the collection of signatures on this petition, and, if so, I have provided the name of each person or organization that has paid or agreed to pay me for collecting signatures on this petition.

### To complete the certification affidavit:

- (1) Print your name on the line provided in the certification statement on the outside of the back cover.
- (2) Sign below the certification statement and provide an identifier such as voter number, date of birth, Alaska driver's license or state identification number, or last four of Social Security Number.
- (3) Have the Notary Public or other official complete the affidavit or, if no official is available, complete the self-certification box.
- (4) **NO** additional signatures may be obtained in this booklet after you complete the affidavit.

## IV – COMPLETING THE PETITION

When the petition booklet is completed, **return it to the Initiative Committee**. Committee names and addresses are found at the bottom of the back cover of the petition booklet. The Division of Elections will not accept individual booklets.

## V – ADDITIONAL PETITION BOOKLETS

For additional petition booklets, contact a member of the Initiative Committee.

## VI – FILING THE PETITION

The petition must be filed as one single filing to the Division of Elections and must be filed within one year from the date the Initiative Committee received notice from the Division of Elections that the petition booklets were ready for distribution. If the petition is not filed within the one-year period, the petition has no force or effect.

The Division of Elections will examine each petition booklet to determine if each signer is a qualified voter and that they provided all required information.

The petition must be signed by qualified voters: (1) equal in number to 10 percent of those who voted in the preceding general election, (2) resident in at least three-fourths of the house districts of the state and (3) who, in each of the house districts described in (2) above, are equal in number to at least seven percent of those who voted in the preceding general election in the house district. If the Division of Elections determines that there are not enough signatures, the petition will be declared improperly filed and the Lt. Governor will notify the committee.

# Public Information Packet on Initiatives

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State of Alaska  
DIVISION OF ELECTIONS

H34 (Rev 01/05/2023)

This packet is designed and intended to assist the public by providing general information regarding the initiative process for statewide initiatives. The information contained in this packet applies only to state—**not municipal**—initiative process.

This packet **is not legal advice** and should not be construed as such. Nothing in this packet should be considered a substitute for reading current, applicable provisions of law in their entirety. The State of Alaska, Division of Elections, and the Office of the Lieutenant Governor make no representations as to the accuracy or currency of the information contained in this packet.

Published Attorney General Opinions on initiatives can be found online at: [http://www.law.state.ak.us/doclibrary/opinions\\_index.html](http://www.law.state.ak.us/doclibrary/opinions_index.html) or in the state law libraries. To review past initiatives, visit the division’s website at [www.elections.alaska.gov/Core/initiativepetitionstatus.php](http://www.elections.alaska.gov/Core/initiativepetitionstatus.php).

All correspondence to the Director of the Division of Elections or to the Office of the Lieutenant Governor regarding initiatives should be directed as follows:

Division of Elections  
Absentee and Petition Office  
2525 Gambell Street, Suite 105  
Anchorage, AK 99503-2838  
(907) 270-2700  
(877) 375-6508 (toll free within U.S.)

Office of the Lieutenant Governor  
P.O. Box 110015  
Juneau, AK 99811-0015  
(907) 465-3520

## **Alaska Constitutional Provisions on Initiative, Referendum, and Recall**

**Section 11.1 - Initiative and Referendum.** The people may propose and enact laws by the initiative, and approve or reject acts of the legislature by the referendum.

**Section 11.2 - Application.** An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred qualified voters as sponsors, and shall be filed with the lieutenant governor. If he finds it in proper form he shall so certify. Denial of certification shall be subject to judicial review.

**Section 11.3 - Petition.** After certification of the application, a petition containing a summary of the subject matter shall be prepared by the lieutenant governor for circulation by the sponsors. If signed by qualified voters who are equal in number to at least ten percent of those who voted in the preceding general election, who are resident in at least three-fourths of the house districts of the State, and who, in each of those house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district, it may be filed with the lieutenant governor.

**Section 11.4 - Initiative Election.** An initiative petition may be filed at any time. The lieutenant governor shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first statewide election held more than one hundred twenty days after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

**Section 11.5 - Referendum Election.** A referendum petition may be filed only within ninety days after adjournment of the legislative session at which the act was passed. The lieutenant governor shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first statewide election held more than one hundred eighty days after adjournment of that session.

**Section 11.6 - Enactment.** If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The lieutenant governor shall certify the election returns. An initiated law becomes effective ninety days after certification, is not subject to veto, and may not be repealed by the legislature within two years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty days after certification. Additional procedures for the initiative and referendum may be prescribed by law.

**Section 11.7 - Restrictions.** The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, to local or special legislation, or to laws necessary for the immediate preservation of the public peace, health, or safety.

**Section 11.8 - Recall.** All elected public officials in the State, except judicial officers, are subject to recall by the voters of the State or political subdivision from which elected. Procedures and grounds for recall shall be prescribed by the legislature.

## Alaska Statutes on Statewide Initiatives

**Sec. 15.45.010. Provision and scope for use of the initiative.** The law-making powers assigned to the legislature may be exercised by the people through the initiative. However, an initiative may not be proposed to dedicate revenue, to make or repeal appropriations, to create courts, to define the jurisdiction of courts or prescribe their rules, or to enact local or special legislation.

**Sec. 15.45.020. Filing application.** An initiative is proposed by filing an application with the lieutenant governor. A deposit of \$100 must accompany the application. This deposit shall be retained if a petition is not properly filed. If a petition is properly filed, the deposit shall be refunded.

**Sec. 15.45.030. Form of application.** The application must include the

- (1) proposed bill;
- (2) printed name, the signature, the address, and a numerical identifier of not fewer than 100 qualified voters who will serve as sponsors; each signature page must include a statement that the sponsors are qualified voters who signed the application with the proposed bill attached; and
- (3) designation of an initiative committee consisting of three of the sponsors who subscribed to the application and represent all sponsors and subscribers in matters relating to the initiative; the designation must include the name, mailing address, and signature of each committee member.

**Sec. 15.45.040. Form of proposed bill.** The proposed bill shall be in the following form:

- (1) the bill shall be confined to one subject;
- (2) the subject of the bill shall be expressed in the title;
- (3) the enacting clause of the bill shall be: "Be it enacted by the People of the State of Alaska;"
- (4) the bill may not include subjects restricted by AS 15.45.010.

**Sec. 15.45.050. Manner of notice.** Notice to the initiative committee on any matter pertaining to the application and petition may be served on any member of the committee in person or by mail addressed to a committee member as indicated on the application.

**Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe to the application in support of the proposed bill are designated as sponsors. The initiative committee may designate additional sponsors by giving written notice to the lieutenant governor of the names, addresses, and numerical identifiers of those so designated.

**Sec. 15.45.070. Review of application for certification.** Within 60 calendar days after the date the application is received, the lieutenant governor shall review the application and shall either certify it or notify the initiative committee of the grounds for denial.

**Sec. 15.45.080. Bases of denial of certification.** The lieutenant governor shall deny certification upon determining in writing that

- (1) the proposed bill to be initiated is not confined to one subject or is otherwise not in the required form;
- (2) the application is not substantially in the required form; or
- (3) there is an insufficient number of qualified sponsors.

**Sec. 15.45.090. Preparation of petition.** (a) If the application is certified, the lieutenant governor shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state. Each petition must contain

- (1) a copy of the proposed bill;
- (2) an impartial summary of the subject matter of the bill;

(3) a statement of minimum costs to the state associated with certification of the initiative application and review of the initiative petition, excluding legal costs to the state and the costs to the state of any challenge to the validity of the petition;

(4) an estimate of the cost to the state of implementing the proposed law;

(5) the statement of warning prescribed in AS 15.45.100;

(6) sufficient space for the printed name, a numerical identifier, the signature, the date of signature, and the address of each person signing the petition; and

(7) other specifications prescribed by the lieutenant governor to ensure proper handling and control.

(b) Upon request of the initiative committee, the lieutenant governor shall report to the committee the number of persons who voted in the preceding general election.

**Sec. 15.45.100. Statement of warning.** Each petition shall include a statement of warning that a person who signs a name other than the person's own on the petition, or who knowingly signs more than once for the same proposition at one election, or who signs the petition when knowingly not a qualified voter, is guilty of a class B misdemeanor.

**Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet, a person shall be

(1) a citizen of the United States;

(2) 18 years of age or older; and

(3) a resident of the state as determined under AS 15.05.020. *NOTE: U.S. District Court Case No. 3:17-cv-00202-JWS Stipulated Judgement and Order dated October 19, 2017, established that division would no longer enforce the requirements of AS 15.45.105(3) Alaska residency requirement.*

**Sec. 15.45.110. Circulation of petition; prohibitions and penalty.** (a) The petitions may be circulated throughout the state only in person.

(b) *[Repealed, Sec. 92 ch 82 SLA 2000].*

(c) A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition. *Note: The Alaska Supreme Court has invalidated AS 15.45.110(c), so initiative petition circulators may be paid more than \$1 per signature.*

(d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to a person to sign or refrain from signing a petition.

(e) A person or organization that violates (c) or (d) of this section is guilty of a class B misdemeanor.

(f) In this section,

(1) "organization" has the meaning given in AS 11.81.900;

(2) "other valuable thing" has the meaning given in AS 15.56.030(d);

(3) "person" has the meaning given in AS 11.81.900.

**Sec. 15.45.120. Manner of signing and withdrawing name from petition.** Any qualified voter may subscribe to the petition by printing the voter's name, a numerical identifier, and an address, by signing the voter's name, and by dating the signature. A person who has signed the initiative petition may withdraw the person's name only by giving written notice to the lieutenant governor before the date the petition is filed.

**Sec. 15.45.130. Certification of circulator.** Before being filed, each petition shall be certified by an affidavit by the person who personally circulated the petition. In determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted. The affidavit must state in substance

(1) that the person signing the affidavit meets the residency, age, and citizenship qualifications for circulating a petition under AS 15.45.105; *NOTE: U.S. District Court Case No. 3:17-cv-00202-JWS October*

19, 2017, *Stipulated Judgement and Order dated October 19, 2017, established that division would no longer enforce the requirements of AS 15.45.105(3) Alaska residency requirement.*

(2) that the person is the only circulator of that petition;

(3) that the signatures were made in the circulator's actual presence;

(4) that, to the best of the circulator's knowledge, the signatures are the signatures of the persons whose names they purport to be;

(5) that, to the best of the circulator's knowledge, the signatures are of persons who were qualified voters on the date of signature;

(6) that the circulator has not entered into an agreement with a person or organization in violation of AS 15.45.110(c);

(7) that the circulator has not violated AS 15.45.110(d) with respect to that petition; and

(8) whether the circulator has received payment or agreed to receive payment for the collection of signatures on the petition, and, if so, the name of each person or organization that has paid or agreed to pay the circulator for collection of signatures on the petition.

**Sec. 15.45.140. Filing of petition.** (a) The sponsors must file the initiative petition within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them. The petition may be filed with the lieutenant governor only if it meets all of the following requirements: it is signed by qualified voters

(1) equal in number to 10 percent of those who voted in the preceding general election;

(2) resident in at least three-fourths of the house districts of the state; and

(3) who, in each of the house districts described in (2) of this subsection, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

(b) If the petition is not filed within the one-year period provided for in (a) of this section, the petition has no force or effect.

**Sec. 15.45.150. Review of petition.** Within not more than 60 days of the date the petition was filed, the lieutenant governor shall review the petition and shall notify the initiative committee whether the petition was properly or improperly filed, and at which election the proposition shall be placed on the ballot.

**Sec. 15.45.160. Bases for determining the petition was improperly filed.** The lieutenant governor shall notify the committee that the petition was improperly filed upon determining that

(1) there is an insufficient number of qualified subscribers;

(2) the subscribers were not resident in at least three-fourths of the house districts of the state; or

(3) there is an insufficient number of qualified subscribers from each of the house districts described in (2) of this section.

**Sec. 15.45.180. Preparation of ballot title and proposition.** (a) If the petition is properly filed, the lieutenant governor, with the assistance of the attorney general, shall prepare a ballot title and proposition. The ballot title shall, in not more than 25 words, indicate the general subject of the proposition. The proposition shall give a true and impartial summary of the proposed law. The total number of words used in the summary may not exceed the product of the number of sections in the proposed law multiplied by 50. In this subsection, "section" means a provision of the proposed law that is distinct from other provisions in purpose or subject matter.

(b) The proposition prepared under (a) of this section shall comply with AS 15.80.005 and shall be worded so that a "Yes" vote on the proposition is a vote to enact the proposed law.

**Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall direct the director to place the ballot title and proposition on the election ballot of the first statewide general, special, special primary, or primary election that is held after

- (1) the petition has been filed;
- (2) a legislative session has convened and adjourned; and
- (3) a period of 120 days has expired since the adjournment of the legislative session.

**Sec. 15.45.195. Public hearings.** (a) At least 30 days before the election at which an initiative is to appear on the ballot, the lieutenant governor or a designee of the lieutenant governor shall hold two or more public hearings concerning the initiative in each judicial district of the state. Each public hearing under this section shall include the written or oral testimony of one supporter and one opponent of the initiative.

(b) The lieutenant governor shall provide reasonable notice of each public hearing required under this section. The notice must include the date, time, and place of the hearing. The notice may be given using print or broadcast media. The lieutenant governor shall provide notice in a consistent fashion for all hearings required under this section.

(c) Penalties for a violation of this section may not include removal of an initiative from the ballot.

(d) If the lieutenant governor determines that it is technologically and economically feasible, the division shall provide a live audio and video broadcast of each hearing held under (a) of this section on the division's Internet website.

**Sec. 15.45.200. Display of proposed law.** The director shall provide each election board with at least five copies of the proposed law being initiated, and the election board shall display at least one copy of the proposed law in a conspicuous place in the room where the election is held.

**Sec. 15.45.210. Determination of void petition.** If the lieutenant governor, with the formal concurrence of the attorney general, determines that an act of the legislature that is substantially the same as the proposed law was enacted after the petition had been filed, and before the date of the election, the petition is void and the lieutenant governor shall so notify the committee.

**Sec. 15.45.220. Adoption and effective date of proposed law.** If a majority of the votes cast on the initiative proposition favor its adoption, the proposed law is enacted, and the lieutenant governor shall so certify. The act becomes effective 90 days after certification.

**Sec. 15.45.240. Judicial review.** Any person aggrieved by a determination made by the lieutenant governor under AS 15.45.010 - 15.45.220 may bring an action in the superior court to have the determination reviewed within 30 days of the date on which notice of the determination was given.

**Sec. 15.45.245. Delegation by lieutenant governor.** The lieutenant governor may delegate the duties imposed on the lieutenant governor by AS 15.45.010 - 15.45.240 to the director.



## Definitions in the Alaska Statutes

**Sec. 15.80.010. Definitions.** In this title, unless the context otherwise requires,

- (1) "absent uniformed services voter" has the meaning given in 52 U.S.C. 20310;
- (2) "absentee voting official" means a person appointed to serve as an absentee voting official in accordance with AS 15.20.045;
- (3) "ballot" means any document provided by the director on which votes may be cast for candidates, propositions, or questions;
- (4) "director" means the director of elections who is the chief elections officer of the state appointed in accordance with AS 15.10.105(a);
- (5) "division" means the division of elections created under AS 15.10.105;
- (6) "election board" means the board appointed in accordance with AS 15.10.120;
- (7) "election official" means election board members, members of counting or review boards, employees of the division of elections, and absentee voting officials;
- (8) "electronically generated ballot" means any ballot other than a paper ballot that is physically marked by the voter using a writing instrument or a mechanical device;
- (9) "federal election" means a general, special, special primary, or primary election held solely or in part for the purpose of selecting, nominating or electing a candidate for the office of President, Vice-President, presidential elector, United States senator, or United States representative;
- (10) "felony involving moral turpitude" includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, sex trafficking, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography;
- (11) "general election" means the election held on the Tuesday after the first Monday in November of even-numbered years;
- (12) "hand-counted ballot" means a ballot designated to be counted by hand in precincts where precinct tabulators are not available;
- (13) "house district" means one of the districts described in art. VI, sec. 1, Constitution of the State of Alaska;
- (14) "judicial district" means one of the districts defined in AS 22.10.010;
- (15) "lieutenant governor" includes an appointed lieutenant governor, governor, or acting governor if a vacancy has occurred in the office of lieutenant governor or governor;
- (16) "limited political party" means a political group which organizes for the purpose of selecting candidates for electors for President and Vice-President;
- (17) "local election" means a regular or special election held by a borough, city, school district, or regional educational attendance area;
- (18) "master register" means the list of all registered voters in the state which is maintained by the director of elections;
- (19) "member of a political party" means a person who supports the political program of a party;

(20) "numerical identifier" means a voter's date of birth, the last four digits of a voter's social security number, a voter's Alaska driver's license number, or a voter's Alaska identification card number or voter identification number;

(21) "oath" includes affirmation;

(22) "official registration list" means the list of all voters qualified to vote at a particular election compiled in accordance with AS 15.07.125;

(23) "optically scanned ballot" means a paper ballot designed to be read by an optical scanning machine;

(24) "overseas voter" has the meaning given in 42 U.S.C. 1973ff-6;

(25) "party district committee" means the political party committee that performs the executive function for a region representing an area larger than a precinct and smaller than the state;

(26) "political group" means a group of organized voters which represents a political program and which does not qualify as a political party;

(27) "political party" means an organized group of voters that represents a political program and has at least 5,000 registered voter in the state; beginning with the results of the 2030 decennial federal census, following each decennial federal census, the division shall by regulation adjust this number by the percentage of the change to the population of the state since the 2020 decennial federal census, rounded to the nearest 500.

(28) "precinct" means the territory within which resident voters may cast votes at one polling place;

(29) "precinct tabulators" means an electronic optical scanning ballot tabulation system or other tabulator designated by the director to electronically count ballots;

(30) "presidential election year" means a year in which the presidential electors are elected;

(31) "proposition" means an initiative, referendum, or constitutional amendment submitted at an election to the public for vote;

(32) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030;

(33) "question" means an issue placed on the ballot to determine whether a judge or justice shall be accepted or rejected, whether a constitutional convention shall be called, whether a state debt shall be contracted, or whether a state official shall be recalled;

(34) "ranked-choice voting" means, in a general election, the method of casting and tabulating votes in which voters rank candidates in order of preference and in which tabulation proceeds in sequential rounds in which (A) a candidate with a majority in the first round wins outright, or (B) last-place candidates are defeated until there are two candidates remaining, at which point the candidate with the greatest number of votes is declared the winner of the election.

(35) "registration official" includes an employee of the division of elections when performing the task of voter registration and a person appointed to serve as a registration official in accordance with AS 15.07.081 or 15.07.100;

(36) "reregistration" means the submission of a registration form by a voter whose registration was inactivated on the master register maintained under AS 15.07 and the director's reactivation of that registration in accordance with that chapter; in this paragraph, "a voter whose registration was inactivated" does not include a voter whose registration was inactivated under AS 15.07.130 and whose ballot may be counted under AS 15.15.198;

(37) "senate district" means one of the districts described in art. VI, sec. 2, Constitution of the State of Alaska;

(38) "signature" or "subscription" includes a mark intended as a signature or subscription;

(39) "special election" means an election held at a time other than when the general or primary election is held and an election called to be held with, and at the time of, the general or primary election;

(40) "special runoff election" means a runoff election for a United States senator or United States representative held because no candidate for the office received over 50 percent of the votes cast that the special election for that office;

(41) "state chairperson " or "state party chairperson" means the political party official elected as the highest ranking statewide party executive;

(42) "sworn" includes affirmed;

(43) "unconditional discharge" means that a person is released from all disability arising under a conviction and sentence, including probation and parole;

(44) "vacancy" exists in an office when the person elected or appointed to the office resigns, retires, dies, is recalled, is rejected by majority vote on the question at an election, is convicted of a corrupt practice, is removed by impeachment, or is expelled;

(45) "voter" means a person who presents oneself for the purpose of voting either in person or by absentee ballot;

(46) "voter registration agency" means an agency designated in or under AS 15.07.055.

## **Alaska Regulations on Initiative, Referendum, and Recall**

**6 AAC 25.240. Initiative, referendum, and recall petitions.** (a) Upon certification of the application for a petition, the director will prepare petition booklets for circulation by petition circulators in the general manner prescribed by AS 15.45.090, 15.45.320, or 15.45.560. The director will prepare and have printed sequentially numbered official petition booklets as determined by the director to allow full circulation throughout the state or throughout the senate or house district that will be affected. The booklets will be sent, or otherwise made available for delivery, to a member of the initiative, referendum, or recall committee or the committee's designee for distribution to circulators. The committee or designee may request additional booklets. Upon the director's approval of the request, additional sequentially numbered booklets will be printed by the director and made available to committee or designee, or printed by the committee or designee in a format approved by the director. The committee or designee must pay the cost of printing additional booklets in excess of the initial booklets. If the committee or designee elects to have additional booklets printed, the first booklet from each additional printing shall be submitted to the director.

(b) Each subscriber to the petition shall provide

- (1) the subscriber's printed name;
- (2) a numerical identifier that can be verified against the voter's record for that subscriber;
- (3) the subscriber's signature or mark;
- (4) the date of the subscriber's signature or mark; and
- (5) the subscriber's address.

(c) All petition booklets must be filed together as a single instrument, and must be accompanied by a written statement signed by the submitting committee member or the committee's designee acknowledging the number of booklets included in the submission.

(d) The initiative committee or the committee's designee may file the petition at any time before the close of business on the 365th day after the date that notice is given to the initiative committee that the petition booklets are ready for initial distribution. The referendum committee or the committee's designee may file the petition at any time before the close of business on the 90th day after the adjournment of the legislative session at which the act was passed. The recall committee or the committee's designee may file the petition at any time before the close of business on a date that is at least 180 days before the termination of the term of office of the state public official subject to recall. If the deadline for filing an initiative or recall petition falls on a weekend or state holiday, the deadline is the close of business on the next regular business day for the division.

(e) The petition must be filed in person, by mail, or other shipping method at any office of the division.

(f) A petition that at the time of submission contains on its face an insufficient number of booklets or signed subscriber pages required for certification will be determined by the director to have a patent defect. The director will notify the committee, in writing, of the patent defect and provide information on resubmitting the petition, if applicable. A petition that contains a patent defect and that is filed

- (1) on the deadline specified in (d) of this section will be certified as insufficient;
- (2) before the deadline specified in (d) of this section will be declared incomplete and all petition booklets will be returned to the committee or designee for resubmission; the resubmitted petition must be filed by the deadline specified in (d) of this section.

(g) The signatures contained in a petition booklet filed under (c) of this section will not be counted in determining the sufficiency of the petition if the person who circulated the petition did not complete the certification affidavit for the booklet as required by AS 15.45.130, 15.45.360, or 15.45.600.

(h) An individual signature in a petition booklet will not be counted in determining the sufficiency of the petition if the signer

(1) does not provide an address;

(2) does not sign or make a mark;

(3) does not provide a numerical identifier;

(4) unknowingly signs the petition more than one time; any additional signature will not be counted; or

(5) does not date the individual's signature.

(i) Repealed 2/28/2014.

(j) Repealed 5/14/2006.

(k) Communication with the director shall be limited to the committee. A request for information must be made in writing.

## **Frequently Asked Questions: Initiatives**

### **What is an initiative?**

An initiative is a law proposed by the people rather than the legislature (AS 15.45.010).

### **How does an initiative become law?**

An initiative becomes law through an election by a majority of voters who vote in favor of the proposition (AS 15.45.220).

### **Are there any limitations on the subject of an initiative?**

Yes. An initiative may not propose any law that dedicates revenue, makes or appeals appropriations, creates courts, defines jurisdiction of courts, prescribes court rules, or enacts local or special legislation (AS 15.45.010).

### **What are the basic steps to proposing and enacting an initiative?**

The three basic steps are the application, the petition, and the election.

### **How is an initiative proposed?**

An initiative is proposed by filing an application with the lieutenant governor along with a \$100 deposit (AS 15.45.020).

### **What are the requirements of an initiative application?**

As a general matter, the initiative application must include the proposed bill, voter signatures, and the designation of an initiative committee. *Note that each of these elements has very specific statutory requirements which are set forth in statutes AS 15.45.030 and AS 15.45.040.*

### **What happens after the initiative application is filed?**

The lieutenant governor will review the application and decide whether to certify it or not within 60 days (AS 15.45.070).

### **What happens if the initiative application is not certified?**

The lieutenant governor will notify the initiative committee of the grounds for denial (AS 15.45.070), and the initiative may not proceed to the petition phase and may not appear on the ballot.

### **Why would an initiative application be denied certification?**

An initiative application may be rejected if the proposed bill is not confined to one subject or is not in the required form, if the application is not substantially in the required form, or if there is an insufficient number of qualified sponsors (AS 15.45.080), or if the subject of the proposition is clearly unconstitutional under controlling legal authority.

### **What happens if and after the application is certified?**

If and after the initiative application is certified, the lieutenant governor prepares initiative petitions for circulation throughout the state. The petition must be prepared, circulated, and filed, in that order, in a particular way described in statute and regulation (AS 15.45.090-AS 15.45.140; 6AAC 25.240).

### **What happens if and after the petition is filed?**

If and after the petition is filed, the lieutenant governor reviews the petition and notifies the initiative committee within 60 days whether the petition was properly or improperly filed and at which election the initiative will be appear on the ballot (AS 15.45.150).

### **Why would the lieutenant governor decide that a petition was improperly filed?**

As a general matter, the lieutenant governor will determine that the petition was improperly filed if there are not enough qualified subscribers to the petition or the subscribers did not meet certain

residency requirements. The specific reasons for such a determination are set out in statute AS 15.45.160.

**Can a supplement petition be filed if there are an insufficient number of signatures?**

If there are not enough qualified subscribers to the petition or the subscribers did not meet certain residency requirements, a supplemental petition cannot be filed.

**How and when does an initiative finally get onto the ballot?**

If and after the petition is properly filed, the lieutenant governor and the Attorney General's Office prepare the ballot title and proposition in the manner described in statute AS 15.45.180. The initiative proposition will appear on the ballot at the first statewide election held after the petition was filed, a legislative session has convened and adjourned, and a period of 120 days has passed since the adjournment of the legislative session (AS 15.45.190).

**When does a legislative session convene and adjourn?**

The legislature shall convene at the capital each year on the third Tuesday in January at 1:00 p.m. (AS 24.05.150 (b)). The legislature shall adjourn from a regular session within 90 consecutive calendar days, including the day the legislature first convenes in that regular session (AS 24.05.090).

**How does the lieutenant governor let the public know about the initiative?**

If and after the lieutenant governor determines that an initiative proposition will appear on the ballot, the lieutenant governor will hold public hearings in the manner described in statute AS 15.45.195.

**What can I do if I disagree with something the lieutenant governor does regarding an initiative?**

You may ask the superior court to review the lieutenant governor's determination within 30 days of notice of the determination (AS 15.45.240).

## **Common Errors in the Initiative Process**

### **Problems with Bill**

- The proposed bill is not in the proper form:
  - ✓ The bill is not confined to one subject.
  - ✓ The subject of bill is not expressed in the title.
  - ✓ The bill is missing the proper enacting clause.
  - ✓ The bill includes an improper subject:
    - Dedicates revenue.
    - Makes or repeals appropriations.
    - Creates courts.
    - Defines jurisdiction of courts.
    - Prescribes court rules.
    - Enacts local or special legislation.
    - Is clearly unconstitutional under controlling legal authority.

### **Problems with Application**

- The application is not in the required form:
  - ✓ The application is missing the printed name, signature, address, and numerical identifiers of qualified voters.
  - ✓ Each signature page of the application does not include a statement that the qualified voters signed the application as sponsors with the proposed bill attached.
  - ✓ The proposed bill is not actually attached to each signature page.
  - ✓ The application fails to designate a three-member initiative committee.
  - ✓ The members of the initiative committee fail to also sign the application as sponsors.
- There is an insufficient number of qualified sponsors:
  - ✓ There are fewer than 100 qualified voters who have signed the application.

### **Problems with Petition**

- The petition was not properly circulated:
  - ✓ Circulator is not qualified (not U.S. citizen, not adult, not state resident).
  - ✓ Petition is not certified by circulator with proper affidavit (AS 15.45.130).
- The petition was not properly filed:
  - ✓ There is an insufficient number of qualified subscribers:
    - Less than 10% of those who voted in the preceding general election.
  - ✓ The subscribers were not resident in at least  $\frac{3}{4}$  of the house districts of the state.
  - ✓ There is an insufficient number of qualified subscribers from each of the house districts:
    - Less than 7% of those who voted in the preceding general election in the house district.
  - ✓ The petition was not filed within one year from the time the sponsors received notice from the lieutenant governor that the petitions were ready for delivery to them.



**Initiative Committee Members**

Three Primary Sponsors

We, the below, represent all sponsors and signers in matters of the initiative petition:

Title of Proposed Bill: \_\_\_\_\_

**Initiative Committee Member No. 1** (primary contact person for all matters and correspondence)

Printed Name: _____	
Address: _____	
Identifier: _____	
<small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No., or Last 4 of SSN)</small>	
Phone Number: _____	Email Address: _____
Signature: _____	

**Initiative Committee Member No. 2**

Printed Name: _____	
Address: _____	
Identifier: _____	
<small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No., or Last 4 of SSN)</small>	
Phone Number: _____	Email Address: _____
Signature: _____	

**Initiative Committee Member No. 3**

Printed Name: _____	
Address: _____	
Identifier: _____	
<small>(*Voter No., Date of Birth, AK Driver's License No., Social Security No., or Last 4 of SSN)</small>	
Phone Number: _____	Email Address: _____
Signature: _____	

\*Identifier information for the three primary sponsors is not required per Alaska Statutes. However, this information assists the Division with voter verification.

**INSTRUCTIONS:** For EACH signature page of the initiative application must include a statement that the signers are sponsors and qualified voters who signed the initiative application with the proposed bill attached (Alaska Statute 15.45.030 (2)). The statement should also indicate that the qualified voters are signing as sponsors to the application. It is the initiative committee’s responsibility to determine where to place the text of the proposed bill, on each page or as an attachment, with the signature pages. Each signer must be a qualified voter as defined in AS 15.80.010(30) and provide the signer’s printed name, address, a numerical identifier as defined in AS 15.80.010(19), and signature as reflected below in order to be approved as a signer. **Each initiative committee member MUST also sign the initiative application signature pages.**

**By signing as a sponsor below, I affirm that I am a qualified voter in the State of Alaska and acknowledge that the proposed bill was attached at time I signed the signature page.**

	<b>Printed Name</b> (Print Clearly)	<b>Address</b> (City, State & Zip)	<b>Identifier – Provide ONE</b> (Voter ID No., Date of Birth, AK Driver’s License No., Alaska ID No., or Last 4 digits of Social Security No.)	<b>Signature</b>
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Name, Address, Identifier and Signature of Initiative Petition Committee Member No. 1

1.				
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Name, Address, Identifier and Signature of Initiative Petition Committee Member No. 2

2.				
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Name, Address, Identifier and Signature of Initiative Petition Committee Member No. 3

3.				
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Sample Page

**INSTRUCTIONS:** EACH signature page of the initiative application must include a statement that the signers are sponsors and qualified voters who signed the initiative application with the proposed bill attached (Alaska Statute 15.45.030 (2)). The statement should also indicate that the qualified voters are signing as sponsors to the application. It is the initiative committee’s responsibility to determine where to place the text of the proposed bill, on each page or as an attachment, with the signature pages. Each signer must be a qualified voter as defined in AS 15.80.010(30) and provide the signer’s printed name, address, a numerical identifier as defined in AS 15.80.010(19), and signature as reflected below in order to be approved as a signer. **Each initiative committee member MUST also sign the initiative application signature pages.**

By signing as a sponsor below, I affirm that I am a qualified registered voter in the State of Alaska and acknowledge that the proposed bill was attached at time I signed the signature page.

	<b>Printed Name</b> (Print Clearly)	<b>Address</b> (City, State & Zip)	<b>Identifier – Provide ONE</b> (Voter ID No., Date of Birth, AK Driver’s License No., Alaska ID No., or Last 4 digits of Social Security No.)	<b>Signature</b>
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Sample Page

## Number of Petition Signatures - 2022 General Election

Statewide = 10% Requirement      House District = 7% Requirement

Statewide	Number of Ballots Cast 2022 General	10%	Number of Signatures Required
Statewide	267,047	26,704.70	26,705
District	Number of Ballots Cast 2022 General	7%	Number of Signatures Required
1	6,888	482.16	482
2	7,567	529.69	530
3	8,804	616.28	616
4	7,713	539.91	540
5	5,989	419.23	419
6	9,847	689.29	689
7	7,443	521.01	521
8	8,793	615.51	616
9	10,284	719.88	720
10	7,153	500.71	501
11	8,190	573.3	573
12	6,774	474.18	474
13	5,790	405.3	405
14	6,155	430.85	431
15	7,709	539.63	540
16	8,068	564.76	565
17	6,465	452.55	453
18	2,297	160.79	161
19	3,728	260.96	261
20	5,469	382.83	383
21	7,313	511.91	512
22	3,964	277.48	277
23	8,336	583.52	584
24	7,996	559.72	560
25	8,378	586.46	586
26	7,213	504.91	505
27	6,678	467.46	467
28	7,098	496.86	497
29	8,220	575.4	575
30	8,135	569.45	569
31	5,330	373.1	373
32	3,406	238.42	238
33	6,256	437.92	438
34	7,693	538.51	539
35	7,878	551.46	551
36	7,952	556.64	557
37	3,680	257.6	258
38	3,763	263.41	263
39	3,817	267.19	267
40	2,711	189.77	190