

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Alaskans for Better Elections,	)	
	)	
Complainant,	)	
	)	Case No. 23-02-CD
vs.	)	
	)	
Preserve Democracy, Kelly Tshibaka and)	)	
Alaskans for Honest Elections	)	
	)	
Respondent.	)	

NOTICE OF LATE FILING

The Alaska Public Offices Commission (APOC) staff hereby gives notice of its late filing of the following staff report in this matter. Due to the level of calls on limited staff resources and the complexity of this case, staff needed additional time to complete preparation of the Report.

APOC staff is unaware of any opposition to this late filing.

Dated: 8/25/23

By: Thomas R. Lucas
Thomas R. Lucas
Campaign Disclosure Coordinator
Alaska Public Offices Commission



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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TO: APOC Commissioners
DATE: August 25, 2023
FROM: Thomas R. Lucas, Campaign Disclosure Coordinator
SUBJECT: Staff Report, 23-02-CD, *Alaskans for Better Elections v. Preserve Democracy, Kelly Tshibaka and Alaskans for Honest Elections*

On July 24, 2023, staff accepted a complaint filed by Alaskans for Better Elections (Complainant) against Preserve Democracy (PD), Kelly Tshibaka and Alaskans for Honest Elections (AHE).¹

The complaint, filed on July 17, 2023, alleges Respondents PD and AHE violated AS 15.13 in connection with the 22AKHE Initiative by failing to file timely reports and registrations; and Respondents PD and Kelly Tshibaka violated AS 24.45 by failing to make required lobbying reports.²

On July 25, 2023, Complainant filed its First Supplement in support of its Complaint.³

On August 7, 2023, Respondents PD and Kelly Tshibaka filed an Answer to the complaint.⁴

FACTS

1. THE INITIATIVE (22AKHE)

On November 23, 2022, Phillip Izon, Art Mathias and Jamie R. Donley filed an initiative petition with the Lieutenant Governor entitled “An Act to get rid of the Open

¹ Exhibit 1, Complaint.

² *Id.*

³ Exhibit 2, First Supplement.

⁴ Exhibit 3, Answer to Complaint.

Primary System and Ranked-Choice General Election.”⁵ The application was certified on January 20, 2023,⁶ and petition booklets were issued on February 8, 2023.⁷

2. PD

A. Website

PD is an Alaska nonprofit corporation created on December 6, 2022.⁸ Ms. Tshibaka is PD’s CEO, President, and Treasurer.⁹

In its Answer, PD states that staff member Charles Stormont’s February 16, 2023, email response to a question raised provided unsolicited advice and did not advise that PD should register with APOC or amend its website.¹⁰ The question raised however, did not concern PD’s website, but instead concerned get out the vote activities. Nevertheless, Mr. Stormont warned:

“Given that there is an active initiative application in process that seeks to get rid of open primaries and ranked choice voting and Preserve Democracy’s mission, at least in part, to target and repeal ranked choice voting, if Preserve Democracy is planning to make expenditures of this nature, they would likely be required to register with APOC prior to making said expenditures.”¹¹

The Preserve Democracy domain was purchased on February 14, 2018.¹² PD states that its website “went live” on December 19, 2022.¹³ Between December 19, 2022, and January 23, 2023, the website’s landing page stated:

“Preserving Democracy means election systems are simple to understand and accessible to all Americans. We focus on increasing voter turnout and fighting the spread of Rank Choice Voting. This is the key to protecting the democratic participation of all and upholding the will of the majority”¹⁴

⁵ Exhibit 4, 22AKHE Bill by Initiative.

⁶ Exhibit 5, Certification Letter.

⁷ Exhibit 6, Excerpt from Alaska Division of Elections Petition List.

⁸ Exhibit 7, Articles of Incorporation.

⁹ Exhibit 8, Biennial Report.

¹⁰ Ex. 3, p. 8, Timeline.

¹¹ Exhibit 9, February 14-16, 2023, Stormont/Tshibaka Email Chain.

¹² Exhibit 10, Whois Report.

¹³ Ex. 3, p. 8, Timeline.

¹⁴ Exhibit 11, Email Response to Website Questions.

The landing page then directed the viewer to a donation page.¹⁵

Between January 23, 2023, and February 27, 2023, PD’s website proclaimed:¹⁶

- that elections must be easy to understand and accessible to all Americans;
- that ranked choice voting is a political weapon and an emerging threat to democracy;
- that ranked choice voting confuses voters, escalates negativity, increases costs and results in voter suppression; and
- that PD is a non-partisan group dedicated to preserving the fundamentals of our democracy by fighting the spread of ranked choice voting and increasing voter turnout.¹⁷

Of further note, the website, as it existed on January 24, 2023, also provided a link to materials under the heading, Ranked Choice Voting.¹⁸ The website as it existed on March 3, 2023, however, is fundamentally different from that which existed on January 24, 2023.¹⁹ First, the Ranked Choice Voting link was removed and replaced by a link to “Voter Turnout”; and second, the statements bullet-pointed above were replaced with a single statement:

“We are dedicated to preserving the fundamentals of our democracy by protecting election integrity and increasing voter turnout. This is the key to preserving democratic participation and upholding the will of the constituents”²⁰

PD purchased its website domain on December 12, 2022, for \$2,915; and paid a website developer for services in connection with the website, \$4,964 on January 23, 2023.²¹

¹⁵ *Id.*

¹⁶ The website <https://web.archive.org> allows a user to view previous versions of a website to the extent that they were archived. Each archive indicates a specific date that the content was captured.

¹⁷ Ex. 11; Exhibit 12, January 24, 2023, Archive.

¹⁸ Ex. 12 at p. 5.

¹⁹ Exhibit 13, March 3, 2023, Archive. PD asserts that modifications were made to the website on February 27, 2023; *See*, Ex. 3, p. 8.

²⁰ Ex. 13.

²¹ Ex. 11.

PD's website as it exists today appears the same as it appeared on March 3, 2023²².

PD's website, at all times, has been identified only by PD's name and address.

The investigation revealed no evidence that PD's website ever directly or indirectly identified 22AKHE.²³

PD's website, has always been identified solely by PD's name and address.²⁴

B. Speaking Engagements and Fundraisers

As a part of its investigation, staff requested PD to identify each PD event since November 11, 2022.²⁵ For each event identified, staff asked if the event was open to the public; whether Phillip Izon, Art Mathias or any principal or agent of AHE were specifically invited to the event; whether any principal or agent of PD became aware of 22AKHE signature gatherers at the event; and whether any principal or agent of PD requested attendees to sign 22AKHE petition books.²⁶

In response to staff's information request, PD identified ten events – seven speaking engagements and three PD fundraisers: all held between January 14, 2023, and May 26, 2023.²⁷

PD was able to provide the invitations for six of the events.²⁸ None of the invitations directly or indirectly identify 22AKHE – but instead refer to fighting ranked-choice voting; increasing voter participation; acting to avoid a change to the entire U.S. election system; and the emerging threat to election integrity.²⁹

²² <https://preservedemocracy.com/>.

²³ Exs. 12 and 13.

²⁴ *Id.*

²⁵ Exhibit 14, Information Request.

²⁶ *Id.*

²⁷ Ex. 3; Exhibit 15, Second Affidavit of Kelly Tshibaka.

²⁸ Exhibit 16, Event Invitations (Exhibits 1-6 of PD's Answer to the Complaint).

²⁹ *Id.*

Neither Ms. Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or through print or broadcast media.³⁰

Two of the events were recorded in whole or in part.³¹ The first of those was a PD fundraiser held at Bell's Nursery on February 9, 2023.³² At this event, the following was recorded:

Tshibaka: Yes. Carolyn?

Woman: asks question (indiscernible)

Tshibaka: Yes. So, the question is are we combining the efforts to coordinate? So, we have many of the people who are the co-leads for the Alaskans for Honest Elections in the room right now. They are the co-hosts on this, so in that sense, yes, we are running in parallel. What they are doing, the Alaskans for Honest Elections have a ballot initiative to overturn ranked choice voting. They are collecting signatures, they will be here, um, is it next Thursday, guys, is your event?

Unidentified Speaker: Next Thursday, Wellspring Church.

Tshibaka: Wellspring Church, Thursday, what time?

Unidentified Speaker: Seven o'clock

Tshibaka: Seven o'clock and they are in the process right now of printing the signature on the petition forms. So please join them there on Thursday, that's absolutely critical and the money that they are raising is going to collecting signatures. If anyone has ever done one of these signature initiatives before, it actually takes a lot of money to collect signatures, it's really hard and towards the end you are actually spending money to bring firms to bring up to actually help you get the signatures you need to get it on the ballot. In the meantime, we are getting bombarded with ice cream videos, and 80% of you love it, and the brainwashing is beginning, right? We've got to get a counter message out there, so when it is on the ballot we win. I think that is super important and so it is a, both and, not an either or. So, we're working in tandem like that.³³

Unidentified Speaker: Kelly, I just want to make sure everybody heard next Thursday night, Wellspring Ministry, that's where you can actually sign the petition.

Tshibaka: Yes

³⁰ Ex 3; Ex. 15.

³¹ Ex. 2 (audio files attached thereto as Exhibits R and S); https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179

³² *Id.*

³³ Exhibit 17; Unofficial Transcript Number One.

Unidentified Speaker: So, this is a fabulous turnout. I hope to see every one of you over there seven o'clock, next Thursday where you can sign up.

Tshibaka: Yes, and we wanted the petitions to be here tonight, I thought they were, but I think they were delayed in being printed off in the Division of Elections.

Unidentified Speaker (indiscernible)

Tshibaka: Oh, they, okay great.

Unidentified Speaker (indiscernible)

Tshibaka: Yes

Unidentified Speaker (indiscernible)

Tshibaka: Yes, and please volunteer to help get signed all boots on the ground really matter. Thank you. And we will have another event like this, here same time, same place on February 22nd if you want to come back for more wine and bring friends, please feel free to.³⁴

The second recorded event was a speaking engagement at the Alaska School of Government held on February 13, 2023.³⁵ At this event, which was posted online by the Alaska School of Government Ms. Tshibaka outlined four ways to attack ranked choice voting:

- Educate and persuade Alaskans and Americans why ranked choice voting is bad;
- Try to get the legislature to overturn ranked choice voting;
- Do a ballot initiative – “please sign it”;
- Through the Courts.³⁶

Ms. Tshibaka went on to say, “we can’t let the narrative get away from us so that nine months from now when we go yeah, we got the signatures, it’s on the ballot, we also have been inundated with propaganda about how great ranked choice voting is and there is no counter message”.³⁷

The remaining 8 events were held on the following dates at the following locations³⁸:

- January 14, 2023, Mat-Su Republican Women’s meeting in Wasilla;

³⁴ Exhibit 18; Unofficial Transcript Number Two.

³⁵ Ex. 3;

³⁶ https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179 at about 10:00

³⁷ *Id.* at about 39:10.

³⁸ Ex. 3.

- February 7, 2023, Kenai Republican Women’s meeting in Kenai;
- February 22, 2023, Bell’s Nursery fundraiser in Anchorage;
- February 25, 2023, Tongass Conservatives of Southeast Alaska in Ketchikan;
- March 1, 2023, Biblical Citizenship class in Anchorage;
- May 24, 2023, Republican Women of Fairbanks meeting in Fairbanks; and
- May 25, 2023, District 33 and 34 fundraiser in Fairbanks, Alaska.

At each event identified by PD, with exceptions noted, it asserts:

- No principal or agent of AHE was invited to the event by PD.³⁹
- 22AKHE petition booklets were not circulated at the events.⁴⁰
- Ms. Tshibaka’s remarks at the events included the types of activities PD would be engaging in, including a get-out-the-vote campaign and a statewide poll to determine the causes for low voter turnout.⁴¹

C. Get Out the Vote Efforts

PD engaged in get-out-the-vote efforts in connection with the 2023 Anchorage Municipal Election by disseminating mailers in two targeted Assembly Districts – Districts 5 and 6.⁴² The mailers do not mention 22AKHE or suggest that the reader vote one way or the other.⁴³ PD worked with Cygnal, a polling, analytics, and targeting firm, to identify districts that had a large number of medium propensity voters who did not vote in 2022.⁴⁴ PD asked Cygnal to include voters of all registered parties to receive mailers.⁴⁵ In total, the voter file created by Cygnal included 42% Republicans, 41% Democrats and 17% independents.⁴⁶

³⁹ Phillip Izon was invited to speak at the January 14, 2023, Mat-Su Republican Women’s event and most of the events were open to the public, *see*, Ex. 3; Ex. 12.

⁴⁰ Except for the February 22, 2023, Bell’s Nursery event and the February 25, 2023, Tongass Conservatives event, when an attendee began circulating a signature booklet, *see*, Ex. 3; Ex. 12.

⁴¹ Ex. 3; Ex. 15; Exhibit 19, Alaska Show Podcast Transcript at p. 5.

⁴² Ex. 3; Ex. 19, p.5.

⁴³ Exhibit 20, Mailers.

⁴⁴ Ex. 3, pp. 9-10.

⁴⁵ *Id.*

⁴⁶ *Id.*

3. KELLY TSHIBAKA

As noted above, Ms. Tshibaka is the CEO, President and Treasurer of PD. Ms. Tshibaka is not paid for filling any of her positions or functions in connection with PD.⁴⁷

Ms. Tshibaka testified before the Alaska House State Affairs Committee on behalf of PD and in support of HB 1⁴⁸ on March 28, 2023.⁴⁹

During “The Must Read Alaska Show” podcast broadcast on June 6, 2023, Ms. Tshibaka stated: “And I am advocating with the legislature and with the help of a lot of people who are listening right now to overturn rank choice voting...”⁵⁰ Nevertheless, the investigation revealed no evidence of Ms. Tshibaka lobbying other than her testimony before the legislature.

4. AHE

AHE is an Alaska nonprofit corporation created on January 23, 2023.⁵¹ AHE registered as a group with APOC on March 20, 2023, with the stated purpose of: “Any lawful election matters”.⁵² Phillip Izon is the Chairman of the group and a Director of the corporation; Diamond Metzger is the Treasurer of the group and a Director of the corporation; and Art Mathias is a Director of the corporation.⁵³

LAW AND ANALYSIS

1. Registration, Reporting, and Identification of Communications

Complainant alleges that PD violated AS 15.13 by failing to register with APOC before making expenditures in support of 22AKHE, a ballot initiative application filed with the Lieutenant Governor. PD responds that it has made no expenditures that satisfy the definition of expenditure found in AS 15.13.

⁴⁷ Ex. 3

⁴⁸ Exhibit 21, House Bill 1 – A Bill to Repeal Ballot Measure 2 Voting.

⁴⁹ Ex. 3; Exhibit 22, PD PowerPoint Presentation.

⁵⁰ Ex. 19, p. 3.

⁵¹ Exhibit 23, AHE Articles of Incorporation.

⁵² Exhibit 24, AHE Group Registration.

⁵³ Exs.23 and 24.

Alaska Statutes require that each person, other than an individual, must register with APOC before making an expenditure in support of or in opposition to, a ballot proposition or an initiative application filed with the Lieutenant Governor.⁵⁴

Expenditure is defined in relevant part as a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of ... supporting or opposing an initiative proposal application filed with the Lieutenant Governor under AS 15.45.020.⁵⁵ The term expenditure includes an express communication and an electioneering communication but does not include an issues communication.⁵⁶

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.”⁵⁷

An electioneering communication is one that addresses an issue of political importance and attributes a position on that issue to a candidate who is directly or indirectly identified and occurs within the 30 days preceding a general or municipal election.⁵⁸

An issues communication is one that addresses an issue of political importance, directly or indirectly identifies a candidate, but does not support or oppose a candidate.⁵⁹

Although the communication definitions are specific to communications regarding candidates, the distinctions also are appropriate for ballot proposition and initiative campaigns.⁶⁰

⁵⁴ AS 15.13.050(a).

⁵⁵ AS 15.13.400(7)(A)(v).

⁵⁶ AS 15.13.400(7)(C).

⁵⁷ AS 15.13.400(8).

⁵⁸ AS 15.13.400(6).

⁵⁹ AS 15.13.400(13).

⁶⁰ See, *McIntyre v. Ohio Elections Comm’n*, 115 S. Ct. 1511 (1995) (holding that principles regarding regulation of political speech in candidate elections extend equally to issue-based elections such as referendums); *Calif. ProLife Council, Inc., v. Getman*, 328 F.3d 1088 (9th Cir. 2003) (holding that states may regulate express ballot measure advocacy through disclosure laws and applying analysis of “express advocacy” in candidate campaigns to ballot initiative campaigns); *Federal Election Comm’n v. Wisconsin Right to Life, Inc.*, 127 S. Ct. 2652 (2007) (holding that campaign communications that are susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate are the functional equivalent of express campaign communications) (See also, AO 08-02-CD, Timothy McKeever (Renewable Resources Coalition)).

Generally, an issues communication does not trigger registration and reporting requirements. But, in cases concerning a communication that would ordinarily be an issues communication but is disseminated contemporaneously with the existence of a ballot proposition involving the same or similar subject, the Commission has engaged in further analysis to determine if, under all the circumstances, the communication is actually an express communication requiring registration and reporting. Several such cases are discussed below.

In AO 08-02-CD the Commission approved staff’s advice addressing a similar issue as is presented herein. In that case, the Renewable Resources Coalition asked whether certain anti-pebble mine advertisements lost their non-regulated character as issues communications if disseminated near the time of a ballot proposition involving a similar or the same subject.⁶¹ In that case, the Renewable Resources Coalition (RRC) had for several years opposed the Pebble Mine project using phrases such as “protect clean water and wild Alaska salmon.” During the period of such activity, two clean water initiatives reached the 2008 statewide ballot. The initiatives proposed new regulations for new large-scale mining projects in the state, which presumably would include the Pebble Mine, regarding the discharge and storage of certain toxic materials.⁶²

RRC asked the Commission for an advisory opinion as to whether it would be able to continue its education of the public concerning the potential negative impact of the proposed Pebble Mine in the same manner as it had in the past, including use of the phrase, “clean water,” without such activities being considered expenditures made to influence the outcome of a ballot proposition.⁶³ After reviewing RRC’s previous advertisements, and proposed new sample advertisements staff noted that there was no discussion of voting and no express advocacy supporting the initiatives.⁶⁴

⁶¹ Exhibit 25, *Renewable Resources Coalition*, AO 08-02-CD.

⁶² *Id.* at p. 9.

⁶³ *Id.* at p. 10.

⁶⁴ *Id.* at p. 11.

Ultimately, the Commission approved staff’s recommended advice after analysis of the question presented:

*In this case, the example advertisements you provided with your request do not expressly advocate for a position on a ballot initiative or make any mention of an initiative, election or voting. Nor are they the functional equivalents of express communications because they are susceptible to reasonable interpretations other than as exhortations to vote for the initiatives. While the use of the term “clean water” might be interpreted by listeners who are aware of the initiatives as a message in support of the initiatives, it is not the only reasonable interpretation of the advertisements.*⁶⁵

In AO 14-04-CD the Commission adopted staff’s advisory opinion which relied on the legal conclusions and tests set forth in AO 08-02-CD:

*Because the proposed ad does not mention the initiative, does not advocate any position on the initiative and is susceptible to interpretations other than an exhortation to vote for the initiative; the ad would not trigger a reporting or disclosure requirement under AS 15.13.*⁶⁶

More recently, in *Bags for Change*, AO 19-04-CD, the Commission emphasized the importance of a history of communications on a subject that has crossed over to becoming the subject of an initiative. There, the organization, Bags for Change had for many years communicated with the public concerning the harmful effects of plastics in general and plastic bags in particular. In its draft opinion, staff opined that a brochure that provided neutral cost information about a ballot proposition concerning the elimination of plastic bags and mentioned voting and the proposition by name nevertheless did not trigger a registration or reporting requirement because the brochure, taken as a whole, was susceptible to a reasonable interpretation other than an exhortation to vote one way or the other because it provided neutral information concerning the proposition. Upon approving the opinion by a 5-0 vote, the Commission amended to the foregoing, “especially...given

⁶⁵ Ex. 25, pp. 11-12.

⁶⁶ AO 14-04-CD, <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8471> (Staff Opinion); <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=8251> (Commission Order).

that [Bags for Change] has engaged in educational efforts for three years before the [i]nitiative, rather than a group that was created around the [i]nitiative.”⁶⁷

Here, PD was created on December 6, 2022, and PD’s website “went live” on December 19, 2022, – 26 days after 22 AKHE was filed with the Lieutenant Governor. The website announced that PD was “fighting the spread of Rank Choice Voting”.⁶⁸

The website was subsequently revamped on January 23, 2023 – three days after 22 AKHE was certified by the Lieutenant Governor. The revamped website proclaimed ranked choice voting is a political weapon and an emerging threat to democracy; and that ranked choice voting confuses voters, escalates negativity, increases costs and results in voter suppression.

22AKHE petition booklets were issued on February 8, 2023. One day later, on February 9, 2023, PD held a fundraising event at Bell’s Nursery. At the event, Ms. Tshibaka was asked if PD and AHE were coordinating their efforts and she answered, “yes”; and went on to say that PD and AHE were running in parallel; that they wanted the petition booklets to be available, but they were not yet printed; that petition booklets would be available at a subsequent event to be held at Wellspring Church on February 16, 2023, and it was critical to attend; that the public was being bombarded with brainwashing videos so we need to get a counter message out there so that when it (22AKHE) is on the ballot we win; and requested attendees to volunteer to get the petition booklets signed.

On February 13, 2023, at the Alaska School of Government event Ms. Tshibaka stated that ranked choice voting should be attacked and there were four ways to do it:

- Educate and persuade Alaskans and Americans why ranked choice voting is bad;
- Try to get the legislature to overturn ranked choice voting;
- Do a ballot initiative – “please sign it”;
- Through the Courts.⁶⁹

⁶⁷ 19-04-CD, <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=21018>

⁶⁸ PD argues that the use of this phrase means that PD could not be understood to be fighting ranked choice voting in Alaska simply because it was already here. Staff does not agree. The “spread” of ranked choice voting includes both places where it might be considered and places where it already exists – such as Alaska.

⁶⁹ https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IO5_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179 at about 10:00

Ms. Tshibaka went on to say, “we can’t let the narrative get away from us so that nine months from now when we go yeah, we got the signatures, it’s on the ballot, we also have been inundated with propaganda about how great ranked choice voting is and there is no counter message”.⁷⁰

Here, although PD’s website does not specifically mention 22AKHE, staff concludes, based on the timing of the creation of the website; the content of the website message; and the remarks of Ms. Tshibaka at the Bell’s Nursery and Alaska School of Government events, that PD’s website was an express communication from the date of creation through February 27, 2023, because under all the circumstances it was susceptible of no other reasonable interpretation but as an exhortation to support the 22AKHE petition.⁷¹ Staff’s conclusion is consistent with the Commission’s decisions in *Bags for Change and Renewable Resources* because here, unlike those cases, PD has no lengthy history of opposing the subject of the initiative, but instead sprang up just as the initiative was filed.

Staff’s conclusion is also consistent with the Commission’s decision in *Yes on 2 for Better elections v. Alaska Public Policy Forum, et. al.*⁷² In that case, the Commission determined that Alaska Public Policy Forum’s communications were express communications even though the ballot measure at issue was not identified by name where there was no history of communicating about the topic, the communications were disseminated in the context of a ballot measure on the same topic, and the communications were not neutral.⁷³

Accordingly, staff concludes that PD violated AS 15.13.050 by failing to register with APOC before expending funds on its website.

⁷⁰ *Id.* at about 39:10.

⁷¹ PD’s website was not considered an express communication from February 28, 2023, onward because that is when the focus of the website was changed.

⁷² Complaint 20-05-CD, <https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=22767> .

⁷³ *Id.*

Complainant contends that PD should have registered as a group. Staff disagrees. Group is defined in relevant part as two or more individuals who organize for the principal purpose of influencing the outcome of one of more elections or to file an initiative proposal application with the Lieutenant Governor.⁷⁴ Clearly, PD does not satisfy the principal purpose test of the definition. Instead, PD is a person who has made independent expenditures (expenditures in connection with the creation, maintenance and updating of its website) opposing an initiative proposal application filed with the Lieutenant Governor and therefore should have registered as an entity.

As a person making independent expenditures opposing an initiative application, PD was required to file independent expenditure reports.⁷⁵ These reports should have been filed within 10 days of making each expenditure.⁷⁶ As a person opposing an initiative application, PD was also required to file quarterly reports if it received contributions exceeding \$500 or made expenditures exceeding \$500 within a calendar year.⁷⁷ PD expended \$2,915 on December 12, 2022 to purchase its website; and \$4,964 on or about January 23, 2023 for web developer services.⁷⁸

Here, PD violated AS 15.13.040 by failing to file independent expenditure reports; and AS 15.13.110(g) by failing to file a 2022 last quarter report and a 2023 first quarter report.

All communications must be identified by the words, “paid for by” followed by the name and address of the person paying for the communication.⁷⁹ For a person who is not an individual or candidate, the name and title of the person’s principal officer and a statement from the principal officer must also be included.⁸⁰ If the person is not a political party, the identifier must also identify the person’s top 3 contributors, if any during the 12

⁷⁴ AS 15.13.400(9).

⁷⁵ AS 15.13.040(d).

⁷⁶ AS 15.13.110(h).

⁷⁷ AS 15.13.110(g).

⁷⁸ Exhibit 26, Website Costs Email

⁷⁹ AS 15.13.090(a).

⁸⁰ *Id.*

month period before the date of the communication.⁸¹ Here, PD’s website has always been identified solely by its name and address. Accordingly, staff concludes that PD violated AS 15.13.090 by not having a complete paid for by identifier on its website.

2. Get-Out-The-Vote

Complainant contends that PD’s get-out-the-vote efforts in the 2023 Anchorage Municipal Election were targeted at Republican voters and, therefore lost the safe harbor provided by AS 15.13.150(4).⁸²

In support of its contention Complainant: asserts that Scott Kendall and Sam Gottstein, both “super voters” who live in Assembly Districts 3 and 4, respectively did not receive PD’s get out the vote mailers; identifies comments Ms. Tshibaka made about ballot harvesting Republican votes in a different context (a discussion of methods that should be used in future elections); and presents evidence of Ms. Tshibaka’s endorsements of candidates in the 2023 Anchorage Municipal election on her personal twitter page.⁸³

In contrast, PD asserts in its Answer that its mailers, which do not identify 22AKHE or support or oppose any candidate were targeted at “medium propensity” voters who did not vote in 2022 and resided in Assembly Districts 4 and 5. Absent evidence to the contrary, staff concludes that PD’s get-out-the-vote efforts in the 2023 Anchorage Municipal Election did not violate AS 15.13 or the regulations promulgated thereunder because the efforts fell within the election educational activities safe harbor provided at AS 15.13.150(4). Accordingly, staff recommends that the get-out-the-vote allegations be dismissed.

3. Lobbying

A “lobbyist” is defined as a person who is employed, or contracts to communicate directly or through an agent, with a public official for the purpose of influencing legislation

⁸¹ *Id.*

⁸² Participation in get-out-the-vote drives that do not favor a particular candidate, political party or political position are not prohibited.

⁸³ Ex. 1.

or administrative action for more than 10 hours in any 30-day period during a calendar year; or represents oneself as a lobbyist.⁸⁴

Influencing legislative or administrative action” means to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action

Complainant alleges that Ms. Tshibaka violated AS 24.45.041 by failing to register as a lobbyist.⁸⁵ Complainant bases its allegation on the presumption that Ms. Tshibaka as CEO of PD is in a paid position with PD; the uncontested fact that Ms. Tshibaka testified before the House State Affairs Committee on one occasion in support of a bill to repeal ranked choice voting; and Ms. Tshibaka’s comment in a podcast to the effect that she was advocating with the legislature to overturn ranked choice voting.⁸⁶

In her affidavit Ms. Tshibaka states that she is not paid by PD, but instead is a volunteer. Further, PD asserts that Ms. Tshibaka’s podcast statement referred to organizing a letter writing campaign and that she spent zero hours meeting with elected officials to influence their votes on pending legislation.⁸⁷ Accordingly, based on a lack of evidence that Ms. Tshibaka spent more than 10 hours in any 30 day period engaged in lobbying, staff recommends that ABE’s lobbying allegation be dismissed.

4. AHE

In this complaint, Complainant makes the same allegations against AHE as it did in complaint 22-01-CD: failure to register; failure to file timely reports; and failure to file accurate reports. Those allegations (and more, that are specific to the overall allegations in 23-01-CD) will be addressed in staff’s report in 23-01-CD. Accordingly, staff recommends that the allegations against AHE in this case be dismissed, not on the merits, but as redundant with the clear statement that the allegations against AHE will be fully adjudicated in case 23-01-CD.

⁸⁴ AS 24.45.171(11).

⁸⁵ Ex. 1.

⁸⁶ *Id.*

⁸⁷ Exhibit 27, Email re lobbying activity.

CONCLUSION

Based on the foregoing, Staff recommends that the get-out-the-vote and lobbying allegations be dismissed on the merits; and that the allegations against AHE be dismissed as redundant to the allegations made in complaint 23-01-CD.

Staff recommends that the Commission find that PD violated AS 15.13 by failing to register;⁸⁸ file independent expenditure reports;⁸⁹ file a first quarter report;⁹⁰ and identify its political communications.⁹¹

MAXIMUM CIVIL PENALTIES

A. Failure to Register

The maximum civil penalty for failure to timely register is \$50 per day for each day the violation continues.⁹² Here, PD's first expenditure triggering a registration and reporting requirement appears to be in connection with preparing its website to go live on December 19, 2022. Thus, the violation continued for a period of 211 days resulting in a maximum civil penalty of \$10,550.⁹³

B. Failure to file Independent Expenditure Reports

A person making an independent expenditure must file an independent expenditure report not less than 10 days after the expenditure has been made.⁹⁴ The maximum civil penalty for failing to timely file a 10-day independent expenditure report is \$50 per day for each day the violation continues.⁹⁵ Here, an independent expenditure report was due no later than:

⁸⁸ As 15.13.050(A).

⁸⁹ AS 15.13.040((d).

⁹⁰ AS 15.13.110(g).

⁹¹ AS 15.13.090(a).

⁹² AS 15.13.390(a).

⁹³ Staff tolled the running of penalties as of July 17, 2023, the date the complaint was filed.

⁹⁴ AS 15.13.110(h).

⁹⁵ AS 15.13.390(a).

- December 23, 2022, as a result of its December 12, 2022, purchase of its website. The violation continued for a period of 217 days resulting in a maximum civil penalty of \$10,900.
- February 2, 2023, as a result of its January 23, 2023, purchase of website developer services. The violation continued for a period of 166 days resulting in a maximum civil penalty of \$8,300.

C. Quarterly Reports

A person receiving contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar year in support of or in opposition to an initiative proposal application filed with the Lieutenant Governor is required to file a report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter.⁹⁶

Here quarterly reports were due on January 10, 2023, for the fourth quarter of 2022; and April 10, 2023, for the first quarter of 2023. The maximum civil penalty for failing to file a quarterly report is \$50 per day for each day the violation continues. The violation for the 2022 fourth quarter report continued for a period of 189 days resulting in a maximum civil penalty of \$9,450. The violation for the 2023 first quarter report continued for a period of 99 days resulting in a maximum civil penalty of \$4,950.

D. Paid-for-by Identifiers

A paid-for-by identifier should have been on PD's website from the time it "went live" on December 19, 2022, through February 27, 2023 (211 days) when the focus of the website was changed. The maximum civil penalty for failing to provide a required identifier is \$50 per day for each day the violation continues.⁹⁷ Thus, the maximum civil penalty is \$10,550.

⁹⁶ AS 15.13.110(g).

⁹⁷ AS 15.13.390(a).

MITIGATION AND RECOMMENDATION

A civil penalty may be reduced by up to 50% if the person required to file is an inexperienced filer.⁹⁸ An inexperienced filer is one that has been subject to a reporting requirement for less than 365 days. PD has been subject to a reporting requirement for less than 365 days.

A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the late or missing report did not cause significant harm to the public and no aggravating factors exist.⁹⁹ A missing report does not cause significant harm to the public if its value is \$100 or less.¹⁰⁰ Here, in the absence of aggravating factors, staff recommends that the maximum civil penalty for failure to register and for paid-for-by violations be reduced by 90% to \$1,055 each for a total of \$2,110.

A civil penalty may be reduced by a percentage greater than 50% or waived entirely if the penalty is significantly out of proportion to the degree of harm suffered by the public.¹⁰¹ Absent the presence of aggravating factors, a penalty is considered to be significantly out of proportion to the harm suffered by the public exceed the value of the transactions that were not reported or were reported late.¹⁰²

Here, staff recommends that the maximum civil penalty for failure to file the independent expenditure report due on December 23, 2022, be reduced by 90% to \$1,090 because the maximum civil penalty exceeds the value of the transactions that should have been reported.¹⁰³

Based on a lack of standard mitigating criteria, Staff recommends no reduction of the maximum civil penalties for the independent expenditure report that was due on February 2, 2023 and the 2023 first quarterly report due on April 10, 2023.¹⁰⁴ Thus, staff

⁹⁸ 2 AAC 50.865(a)(1)(B).

⁹⁹ 2 AAC 50.865(b)(4).

¹⁰⁰ 2 AAC 50.865(b)(4)(A).

¹⁰¹ 2 AAC 50.865(b)(5).

¹⁰² *Id.*

¹⁰³ Ex. 26, (\$2,915 for purchase of website on December 12, 2023).

¹⁰⁴ PD has declined to provide the amount of income it received during the first quarter of 2023 therefore, staff is unable to determine whether the penalty could be considered to be significantly out of proportion to the degree of harm to the public.

recommends a civil penalty of \$4,950 for the first quarterly report due on April 10, 2023; and \$8,300 for the independent expenditure report due on February 2, 2023.

Thus, staff recommends a total civil penalty of \$16,450.

Staff does not recommend the assessment of costs in this matter.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Scott Kendall 510 L St., Ste. 601 Anchorage, AK 99501 scott@cashiongilmore.com	☒ Certified Mail ☒ US Mail ☒ Email
Matt Singer Schwabe, Williamson & Wyatt 420 L Street, Suite 400 Anchorage, Alaska 99501 msinger@schwabe.com	☒ Certified Mail ☒ US Mail ☒ Email
Kevin Clarkson Law Offices of Kevin Clarkson 2223 Latona Drive NE Keizer, Oregon 97303 kclarkson@gci.net	☒ Certified Mail ☒ US Mail ☒ Email



8/25/2023

Law Office Assistant

Date

9171-9690-0935-0298-1154-76

9171-9690-0935-0298-1154-83

9171-9690-0935-0298-1154-90



Alaska Public Offices Commission

COMPLAINT

ARRIVED

JUL 17 2023

APOC - ANCH
PM HC FAX ELE



FILING A COMPLAINT <i>To be accepted, complaint must include</i>	APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>		APOC case name/number/date
1. Complainant's name + contact info 2. Respondent's name + contact info 3. Laws, regulations allegedly violated 4. Description of allegations 5. Basis of knowledge of alleged facts 6. Documentation to support allegations 7. Notarized signature of the complainant 8. Proof that complaint and all supporting documents were served on respondent	Campaign Disclosure Law Public Official Financial Disclosure Legislative Financial Disclosure Lobbying Regulation	☒ AS 15.13 ☐ 2 AAC 50.250-405 ☐ AS 39.50 ☐ 2 AAC 50.680-799 ☐ AS 24.60 ☐ 2 AAC 50.680-799 ☒ AS 24.45 ☐ 2 AAC 50.550-590	23-02-CD

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

☐ APOC ☐ Person ☐ Party ☒ Group	COMPLAINANTS Alaskans for Better Elections, Inc. Address: 510 L St., Ste. 601 City / Zip: Anchorage, AK 99501 Phone/Fax: 907-222-7932 E-mail: scott@cashiongilmore.com sam@cashiongilmore.com	RESPONDENTS <i>Person or group allegedly violating law</i> ☒ Person ☐ Party ☒ Group Preserve Democracy, Kelly Tshibaka, and Alaskans for Honest Elections See attached Complaint, page 1
COMPLAINANTS' REPRESENTATIVE		RESPONDENTS' REPRESENTATIVES
<i>If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info</i>		
Name/Title	Scott M. Kendall for Complainants	Please see attached Complaint, page 1
Address	510 L Street, Ste. 601	
Phone/Fax	907-222-7932 / 907-222-7938	
E-mail	scott@cashiongilmore.com	
DESCRIPTION or SUMMARY of ALLEGED VIOLATION Please see attached supporting information and documentation.		☒ SUPPORTING DOCUMENTS – DESCRIBE: Please see attached complaint and associated exhibits.
		<i>Use extra pages if needed</i>
PROOF of SERVICE ATTACHED: ☐ Fax – receipt confirmation ☐ Certified mail – signed receipt ☐ Process server – return of service ☒ E-mail – delivery/read receipt ☐ Other:		

COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true

Signature  Title Scott M. Kendall Date July 17, 2023

Subscribed and sworn to or affirmed by me at _____ on _____

Signature  Title Paralegal

APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS

APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS: 2 AAC 50.450 - 476
2221 E. NORTHERN LIGHTS #128	240 MAIN STREET #500	FILING COMPLAINTS: 2AAC 50.870 ANSWERING COMPLAINTS: 2AAC 50.880
ANCHORAGE, AK 99508	P.O. BOX 110222	APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.870
907-276-4176 / FAX 907-276-7018	JUNEAU, AK 99811	INVESTIGATIONS & HEARINGS: 2 AAC 50.875-891
TOLL-FREE 800-478-4176	465-4864 / FAX 465-4832	RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c)
WEB: http://doa.alaska.gov/apoc/	APOC FORMS: http://doa.alaska.gov/apoc/forms_all.html	APOC LAWS: http://doa.alaska.gov/apoc/apoclaws.html



Todd Cowles <todd@cashiongilmore.com>

APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com>

Mon, Jul 17, 2023 at 9:48 AM

To: Alaskans for Honest Elections <admin@alaskansforhonestelections.com>

Cc: Sam Gottstein <sam@cashiongilmore.com>, Scott Kendall <scott@cashiongilmore.com>

To Whom It May Concern:

Please see the attached APOC Complaint.

Todd Cowles

Paralegal

Cashion Gilmore & Lindemuth

510 L Street, Suite 601

Anchorage, AK 99501

Main: (907) 222-7932

www.cashiongilmore.com



2023.07.17 ABE APOC Complaint w Exhibits.pdf

7562K



Todd Cowles <todd@cashiongilmore.com>

APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com>

Mon, Jul 17, 2023 at 9:48 AM

To: Preserve Democracy <info@preservedemocracy.com>

Cc: Sam Gottstein <sam@cashiongilmore.com>, Scott Kendall <scott@cashiongilmore.com>

To Whom It May Concern:

Please see the attached APOC Complaint.

Todd Cowles

Paralegal

Cashion Gilmore & Lindemuth

510 L Street, Suite 601

Anchorage, AK 99501

Main: (907) 222-7932

www.cashiongilmore.com**2023.07.17 ABE APOC Complaint w Exhibits.pdf**

7562K

To: Alaska Public Offices Commission
From: Alaskans for Better Elections, Inc., Complainant

Re: Complaint Against Preserve Democracy, Kelly Tshibaka, and Alaskans for Honest Elections for Numerous Violations of Campaign Finance Laws (AS 15.13) and Lobbying Laws (AS 24.45)

Respondents:¹

Preserve Democracy

1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
Kelly Tshibaka, CEO/Treasurer
info@preservedemocracy.com

Kelly Tshibaka

1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
info@preservedemocracy.com

Alaskans for Honest Elections

2521 East Mtn Village Dr., #904
Wasilla, AK 99654
Telephone: 1-907-802-8116
Phillip Izon, Director
admin@alaskansforhonestelections.com

I. Summary of Complaint

In November 2020, Alaskans voted to enact an initiative designated as “19AKBE” (colloquially known as “Ballot Measure 2”), which established a top-four open nonpartisan primary, ranked-choice voting (“RCV”) for general elections, and new “dark money” disclosure requirements. Two years later, in 2022, Alaskans cast their ballots under these new statutes in special primary and special general elections for US House, as well as in the regular primary and general elections for all races for state and federal offices.

¹ This information is intended to satisfy the required contact information for this APOC Complaint. It has also been relied upon for service of the complaint, with additional documentation to follow. Additional information about the Respondents is included below.

After the November 2022 election, two defeated candidates for elected office — former Governor Sarah Palin and Kelly Tshibaka — each began working to promote the repeal of Alaska’s new election system and a return to the pre-Ballot Measure 2 system. One organization, Alaskans for Honest Elections (“AHE”), is affiliated with Palin and has filed an initiative (designated “22AKHE”) with the Lieutenant Governor’s office. That initiative — which would repeal Ballot Measure 2 — was approved for signature gathering, and AHE is currently collecting petition signatures to qualify for placement on the 2024 ballot.² AHE belatedly registered with APOC as a ballot group as required by law,³ and it appears that other groups and individuals are also working in support of 22AKHE. Numerous allegations regarding those other groups and individuals⁴ are currently being investigated via a separate complaint before APOC, in APOC Complaint No. 23-01-CD.

Although there is some overlap, *this* Complaint largely concerns another entity, Preserve Democracy (“PD”), which appears to be acting as an unregistered ballot group and/or providing unreported⁵ “in kind” support to AHE, the official ballot group seeking to repeal Ballot Measure 2. PD is also supporting a legislative repeal of Ballot Measure 2,

² See Exhibit A, Liz Ruskin, “Launch of campaign to repeal ranked choice voting draws a crowd in Anchorage,” Alaska Public Media, at 7 (Feb. 17, 2023).

³ Although it appears that AHE’s registration as a group with APOC was late — *months* after that organization began activities that required registration — that allegation was formally raised in a prior complaint and not at issue here.

⁴ Respondent AHE is a party to both Complaints.

⁵ PD has not reported contributing such support, and AHE has not reported receiving “in kind” value from PD.

which has been proposed via two bills known as House Bill 1 (“HB1”) and House Bill 4 (“HB4”).

Moreover, PD and its CEO Ms. Tshibaka also appear to have committed other violations. PD has likely acted as an employer of a lobbyist (Ms. Tshibaka) in favor of legislation to repeal Ballot Measure 2 without registering with APOC as such or reporting any of the associated lobbying costs. Likewise, Ms. Tshibaka herself did not register as a lobbyist, which is required if PD in any way compensates her for her employment with PD. Finally, PD appears to have unlawfully participated in the April 2023 Anchorage Municipal elections without registering or reporting as required by APOC.

Currently, this matter is not time sensitive. The possible election for 22AKHE is not until November 2024, the next Municipal election is not until April 2024, and the next session of the Alaska State Legislature — when HB1 and HB4 could again be considered — is not until January 2024. Accordingly, Complainant does not seek to expedite this complaint at this time, but instead asks that APOC Staff fully and completely investigate these allegations over the coming months.

II. Parties and Allegations

A. Preserve Democracy

Preserve Democracy (“PD”) is an Alaska nonprofit corporation that was formed on December 6, 2022.⁶ Ms. Tshibaka is PD’s CEO;⁷ she is also PD’s president, treasurer, and

⁶ See Exhibit B, PD Articles of Incorporation, at 1-2 (Dec. 6, 2022).

⁷ See Exhibit C, PD website screenshot from News tab; see also <https://preservedemocracy.com/news/>.

registered agent.⁸ Ms. Tshibaka, in her role as PD’s CEO, has presented to the Alaska State Legislature, and has lobbied legislators in favor of repealing Ballot Measure 2 via HB1 and/or HB4.⁹ Ms. Tshibaka even touted her efforts to lobby for a legislative repeal during a recent interview with the website Must Read Alaska.¹⁰ However, PD has *never* reported to APOC that it is an employer of a lobbyist, nor has PD reported *any* lobbying-related expenses.

PD has also hosted 22AKHE’s petition signature booklets at its events.¹¹ Indeed, at a PD event on February 13, 2023, Ms. Tshibaka:

- Explained that the purpose of PD was to “oppose ranked choice voting”;

⁸ See Exhibit D, PD Biennial Report (May 17, 2023).

⁹ See Exhibit C. Some exhibits, including Exhibit C, are supported by the Affidavit of Samuel G. Gottstein, dated July 17, 2023. This Affidavit has become necessary because PD has recently changed the contents of its website.

¹⁰ See <https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870>; see also Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka’s interview with John Quick of Must Read Alaska at 3, 5 (June 6, 2023). Exhibit E’s transcript incorrectly refers to Mr. Quick as “John Cook.” See generally Exhibit E. Ms. Tshibaka stated that she is:

[A]dvocating with the legislature and with the help of a lot of people who are listening right now, **to overturn ranked choice voting. . . . I testified before the Alaska State Legislature on House Bill 1, which is to repeal ranked choice voting.** . . . [T]hose bills, House Bill 1 and House Bill 4, which both support overturning ranked choice voting, those are still pending. See generally *id.* (emphasis added).

¹¹ The first known such event occurred at Bell’s Nursery in Anchorage, during which Ms. Tshibaka encouraged people to sign the petition while also discussing support for a legislative repeal. See Affidavit of Scott M. Kendall at ¶ 2 (July 17, 2023) (recalling viewing a video on Facebook Live where Ms. Tshibaka told attendees that 22AKHE’s petition was “important” and that it was available at PD’s event for people to sign). It is believed that petition booklets have been hosted by PD during other subsequent events. See *id.*

- Asked attendees to “please sign” the petition to repeal Ballot Measure 2;
- Requested contributions so that PD could conduct “a statewide poll” about the 2022 general election, which she later explained would be provided to “the people who are mobilizing to fight ranked choice voting . . . for free”; and
- Affirmatively stated in response to a question that, “yes,” she was working with the group gathering signatures to repeal Ballot Measure 2.¹²

These statements show that PD: (1) is working in support of 22AKHE; (2) has overtly supported and assisted with AHE’s signature gathering; (3) was raising funds to conduct a poll that would specifically be used to support and assist AHE’s efforts; and (4) overtly endorses and supports AHE.

These actions, at a minimum, constitutes an “in kind” contribution to AHE’s efforts. Additionally, PD’s website originally contained numerous claims — many false — about how Ballot Measure 2’s reforms depressed election turnout and are otherwise negative for Alaska in PD’s view; PD has since changed its website in an attempt to wipe clean its previously clear anti-Ballot Measure 2 messaging.¹³ In the context of the current effort to gather signatures for 22AKHE, PD’s support for AHE’s petition drive — and the fact that PD’s website was only very recently created¹⁴ — it is evident that much of the prior

¹² See Affidavit of Samuel G. Gottstein at ¶ 4; see also https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179.

¹³ See Exhibit F, PD website screenshots (Jan. 24, 2023); Exhibit G, PD website screenshots (Feb. 14, 2023).

¹⁴ When APOC has decided whether communications or actions were campaign-related, it has often looked to whether communications on an issue predated the existence of a ballot measure such that it could be seen as “issues communications.” But where, as

contents of PD's website are capable of no other interpretation than an exhortation to support the repeal of Ballot Measure 2 by passage of 22AKHE.¹⁵ This means that PD was required to register with APOC as a ballot group, must include proper paid for by disclaimers, must report its expenditures, and must disclose its donors.¹⁶

Separately, PD also touts on its website that it promoted a Get-Out-The-Vote ("GOTV") effort during Anchorage's recent municipal election.¹⁷ Nonpartisan GOTV efforts are not regulated by APOC, as they are allowed as educational activities. However, such activities must not only be nonpartisan on their face,¹⁸ but they must also be targeted in such a way to make it clear that they are not intended to impact the election outcome in a manner that benefits a specific party or specific candidate(s).¹⁹

here, there were no such communications until after the ballot measure was filed, it is clear that such actions are reportable campaign speech.

¹⁵ See AS 15.13.400(8) (defining an "express communications" as a communication that "when read as a whole and with limited reference to outside events, is susceptible to no other reasonable interpretation than as an exhortation to vote" in a particular way); see also Final Order on Reconsideration, APOC Complaint No. 20-05-CD, at 6, 8-9 (July 12, 2021) (concluding that an entity was required to register before making expenditures, report independent expenditures, and identify who paid for communications, because "there [was] no other reasonable interpretation of [the entities'] communications but as an exhortation to vote against implementing ranked-choice voting, a key component of the initiative").

¹⁶ See AS 15.13.040; AS 15.13.050; AS 15.13.090; AS 15.13.110.

¹⁷ See <https://preservedemocracy.com/voter-turnout/>; see also Exhibit H, PD website screenshots (Apr. 26, 2023).

¹⁸ See Exhibit I, PD's Get-Out-The-Vote mailers.

¹⁹ See August 22, 1990 APOC Advisory Opinion to John McKay discussing voter registration activities, wherein the Commission explained that, in order to be immune from falling under AS 15.13, a voter registration drive cannot limit its efforts to registering people of a particular partisan group, but must be conducted on as wide a basis as possible.

For example, an entity could send GOTV mailers as widely as possible to *all* voters in a specific geographic area, so long as those mailers do not tell the recipients who to vote for or against. In contrast, an organization that sends GOTV mailers *only* to *conservative Republican* voters in *targeted districts* during a municipal election would be impermissibly partisan and obviously intended to benefit certain candidates, making it reportable to APOC either as an independent expenditure, or as a contribution directly to the supported candidates.²⁰

PD appears to have specifically opted for the latter approach in advance of Anchorage’s April 2023 municipal election. Ms. Tshibaka has made her intention of directing GOTV and ballot harvesting methods only at “Republican” voters explicit during her interview with Must Read Alaska.²¹ And Ms. Tshibaka made other statements urging

²⁰ See March 26, 1999 APOC Advisory Opinion No. AO-98-07-CD to Alaska Federation of Natives at pages 1 & 3, declaring that in order for GOTV activities to qualify as “educational” and not campaign-related, the activities “**may not directly or indirectly encourage . . . attendees to vote for or against specific candidates or ballot measures,**” **and they must not “target voters with a particular partisan affiliation.”** (emphasis added).

²¹ See <https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870>; see also Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka’s interview with John Quick of Must Read Alaska at 5-6. The following conversation on that podcast is relevant:

Tshibaka: And so we use some of the same methods and techniques that they were using in Florida [to turn out Republicans], we’ll use one of the top analytics firms data analytics firms in the country, to target voters And we just put a ton of money into it.

Quick: So, let me walk myself through this strategy There’s a dozen people out there knocking on doors, they knock on the doors of Republicans, they help them register as an absentee ballot person. And then they follow up with that person during the week or two before the election to either help them turn in

voters to support a specific slate of candidates.²² In particular, Ms. Tshibaka herself directly connected her GOTV mailers to PD's and her own support for specific candidates for Anchorage Assembly.²³

PD sent out GOTV mailers regarding Anchorage Assembly races. However, it appears that voters registered as Democrats and Nonpartisans in these races did not receive PD's GOTV mailers.²⁴ This act is evidence of a clear attempt by PD to impact Anchorage's municipal election for a partisan purpose and to benefit certain candidates. This is further reinforced by the fact that Ms. Tshibaka, the CEO of PD, touted PD's GOTV effort while simultaneously promoting its chosen slate of conservative candidates by name.²⁵ Accordingly, under the statutes, and APOC's own prior Advisory Opinions, these actions

the ballot or mail it on their behalf. Is that kind of some strategy that happens in Florida?

Tshibaka: Yes, exactly. You got it right.

See Exhibit E at 5-6.

²² See Exhibit J, various posts on Twitter by Ms. Tshibaka.

²³ See Exhibit J at 4 (April 4, 2023 tweet from Ms. Tshibaka showing an image of one of PD's GOTV mailers and declaring "... **Vote Common-Sense Republicans onto our Assembly: Leigh Sloan, Spencer Moore, Scott Myers, Rachel Ries, Brian Flynn, John Trueblood, Travis Szanto**") (emphasis added).

²⁴ See Affidavit of Scott M. Kendall at ¶¶ 3-4; Affidavit of Samuel G. Gottstein at ¶¶ 11-12.

²⁵ See Exhibit J. For example, on both March 29 and April 4, 2023, Ms. Tshibaka was touting PD's GOTV effort while simultaneously listing specific Assembly candidates that this effort was intended to support. See *id.*

were either contributions to the supported candidates or Independent Expenditures in their favor.²⁶

PD has not registered with APOC, nor has it disclosed any of its donors. It has not reported these activities as contributions *or* as Independent Expenditures. Furthermore, PD's GOTV mailers contained *no* disclaimer revealing its three largest contributors as is required by law.²⁷ Complainant asks APOC to investigate and to obtain the actual mailing lists used by PD's mail-house to deliver these GOTV mailers. If it is shown that the GOTV materials went to a partial list — targeting selected voters, rather than *all* voters in an area — then the many registration, disclosure, and disclaimer violations by PD are clear.²⁸

1. Alleged violations by Preserve Democracy.

- a. Failure to register as a ballot group prior to undertaking campaign activity, violating AS 15.13.050: Despite hosting a website containing materials that can be interpreted no other way than as support for 22AKHE, PD has not registered as a ballot group. This violation dates back to when its website first included such materials, which was the case at least as of January 24, 2023.²⁹
- b. Failure to file any quarterly reports, violating AS 15.13.110(g): Because PD has never filed any APOC report, its finances are completely opaque to the public.

²⁶ See August 22, 1990 APOC Advisory Opinion to John McKay; March 26, 1999 APOC Advisory Opinion No. AO-98-07-CD to Alaska Federation of Natives.

²⁷ See AS 15.13.040; AS 15.13.050; AS 15.13.090; AS 15.13.110.

²⁸ It should be noted that PD claims to have worked to oppose a ballot measure in Nevada that contains nearly identical reforms to Ballot Measure 2. See Exhibit K, Preserve Democracy website information; see also <https://preservedemocracy.com/news/>. It is unknown if PD is complying with the reporting and disclosure requirements applicable under Nevada law.

²⁹ See Exhibit F, PD website screenshots (Jan. 24, 2023).

- c. Failure to file any 10-day independent expenditure reports, violating AS 15.13.110: A ballot group is required to report any expenditures within ten days of undertaking them. PD has failed to report *any* expenditures, including those for its campaign website, resulting in an unknown number of 10-day violations.
- f. Failure to report three largest contributors, violating AS 15.13.090(a): PD's website and communications do not include a listing of its three largest contributors as is required by law.
- g. Failure to report in-kind contributions to AHE and to candidates, violating AS 15.13.040(b)(2); AS 15.13.400(4)(A): By hosting petition booklets for 22AKHE at its many events around the state, PD has made in-kind donations to AHE's ballot measure activities. Additionally, by sending GOTV mailers to certain, targeted voters intended to help specific candidates for Anchorage Assembly, PD made unreported in-kind contributions to their campaigns. The scope and value of these in-kind activities must be investigated and reported.
- h. Failure to register as an employer of a lobbyist, violating AS 24.45.061: Ms. Tshibaka is purportedly employed by PD. It is uncontested that she lobbied the Alaska Legislature and individual legislators in support of HB 1, which would repeal Ballot Measure 2. Any employer of a lobbyist must register with APOC.
- i. Failure to report expenses related to lobbying, violating AS 24.45.061: PD has not reported the costs of employing Ms. Tshibaka. PD has also not reported the costs of supporting such lobbying efforts to APOC as is required by law.³⁰
- j. Failure to register as an Independent Expenditure Group prior to acting to influence an election, violating AS 15.13.050(c): PD did not register as an Independent Expenditure Group prior to sending its targeted mailers for the Anchorage municipal election in April 2023. PD's mailers appear to have been intended to impact the outcome of that election in favor of its preferred candidates for the Anchorage Assembly.

³⁰ In contrast to PD's practices, the primary group that supports maintaining Alaska's current election system (Alaskans for Better Elections, Inc.) *did* report its expenses related to lobbying *against* H.B. 1. See Exhibit L, ABE's amended lobbying expense report (June 21, 2023).

k. Failure to disclose donors and file reports required for Independent Expenditure Groups, violating AS 15.13.040(d)-(e); AS 15.13.110(h) and 110(k); AS 15.13.140(b); AS 15.13.135(a): Likewise, PD did not file any of the necessary reports of donors, contributions, and expenditures prior to attempting to influence the outcome of the Anchorage elections for Assembly.

l. Failure to file 10-day reports regarding the activities taken to impact the Anchorage election, violating AS 15.13.110(h): PD was separately obligated to file reports within 10 days of making any expenditure to impact the Anchorage elections. It failed to do so.

m. Failure to include information on its three largest contributors on communications intended to impact the Anchorage election, violating AS 15.13.090: The targeted mailers sent by PD did not contain a proper paid for by disclaimer, including its three largest contributors, as is required by law.

n. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

B. Kelly Tshibaka

As discussed above, Kelly Tshibaka is Preserve Democracy's CEO, president, treasurer, and registered agent. She also founded the organization and is presumed to direct its activities. During the 2023 legislative session of the Alaska State Legislature, Ms. Tshibaka lobbied and testified in favor of HB1, HB4, and in favor of repealing Ballot Measure 2, generally. Ms. Tshibaka has discussed these lobbying efforts.³¹

³¹ See <https://podcasts.apple.com/us/podcast/must-listen-kelly-tshibakas-idea-for-conservative-wins/id1531215896?i=1000615901870>; see also Exhibit E, Highlighted Rough Transcript of Ms. Tshibaka's interview with John Quick of Must Read Alaska at 3, 5 (June 6, 2023). Ms. Tshibaka stated that she is:

Tshibaka: [A]dvocating with the legislature and with the help of a lot of people who are listening right now to overturn rank[sic] choice voting I testified before the Alaska State legislature on House Bill one, which is to repeal ranked

Ms. Tshibaka has not registered as a lobbyist and did not direct PD to register as an employer of a lobbyist or to report its expenses related to her lobbying efforts.

1. Alleged violation by Kelly Tshibaka

- a. Failure to register as a lobbyist, violating AS 24.45.041: Ms. Tshibaka is believed to be compensated by PD. It is uncontested that she lobbied the Alaska State Legislature and individual legislators in support of HB1 and HB4, both of which would repeal Ballot Measure 2. Any individual paid to lobby or who presents themselves to others as a lobbyist must register with the APOC.

C. Alaskans for Honest Elections

Alaskans for Honest Elections (“AHE”) is the official ballot group supporting 22AKHE, the ballot initiative intended to repeal Ballot Measure 2.³² Currently, that activity involves communications with the public and support for its petition signature drive. AHE became an Alaskan nonprofit corporation on January 23, 2023.³³ And because AHE had only recently filed a single quarterly report³⁴ with APOC, AHE has been fined by the Commission at least twice for failing to also file required independent expenditure reports.³⁵ It also means that AHE, which was required by law to file its second quarterly

choice voting . . . those bills, House Bill 1 and House Bill 4, which both support overturning rank[sic] choice voting, those are still pending.

³² See Exhibit M, AHE Group Registration Form.

³³ See Exhibit N.

³⁴ See Exhibit O, AHE’s first quarter report.

³⁵ See Exhibit P, Assessment Letters (Apr. 24, 2023). AHE did file a (late) second quarterly report on July 16, 2023. See Exhibit Q, AHE’s second quarterly report.

report on July 10, 2023, is late on that filing as well.³⁶ AHE has not reported any in-kind donation by PD as of this filing.

1. Alleged violations by AHE

- a. Failure to file 10-day reports, violating AS 15.13.110: A ballot group is required to report any expenditures within ten days of undertaking them. Although AHE filed a first quarter report, it failed to timely file required 10-day reports regarding expenditures. APOC staff has already fined AHE for some of these prior omissions.³⁷ AHE's recently-filed second quarterly report also confirms that AHE continues to ignore the ten-day reporting requirement.³⁸ To the extent AHE has received "in kind" support from PD, it must be reported as both income and expenditures, meaning that support should have been included on one or more 10-day reports.
- b. Failure to accurately report receipt of "in kind" contributions from Preserve Democracy, violating AS 15.13.040(b)-(c) and AS 15.13.110: AHE failed to include "in kind" support received from PD on its first quarter report to APOC.
- c. Failure to file a timely Second Quarterly report, violating AS 15.13.110: AHE only filed its required second quarterly report on July 16, 2023, which was due on or before July 10, 2023.³⁹
- d. Failure to accurately report the source of contributions laundered through the RCEA, violating AS 15.13.040(b), (q), AS 15.13.074(b), and AS 15.13.110(k). As described in APOC Complaint NO. 23-01-CD, the Ranked Choice Education Association ("RCEA") is not a bona fide source of contributions. Yet AHE continues to list them as a contributor on its second quarterly report.⁴⁰

³⁶ See Exhibit Q, AHE's second quarterly report.

³⁷ See Exhibit P, Assessment Letters. Although admonished and fined by APOC staff, AHE does not appear to have ever filed these IE reports. Further, AHE had not filed any expense or report in the over two months since, their failures to file 10-day reports continues unabated.

³⁸ See Exhibit Q, AHE's second quarterly report.

³⁹ See *id.*

⁴⁰ See *id.*

- e. Failure to accurately account for prior contributions, cash on hand, or total income and expenditures for the year, violating AS 15.13.110. In its first quarterly report, AHE reported ending the period with \$25,085.70 cash on hand.⁴¹ Yet in its second quarterly report, that “surplus” appears to have vanished, since AHE reported having *no* cash on hand the following day.⁴² AHE also appears to have grossly underreported the total amount of income and expenses for the campaign.⁴³ In sum, AHE’s second quarterly report appears to be wildly inaccurate.
- f. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

III. CONCLUSION

Ms. Tshibaka and her organization, Preserve Democracy, are clearly against the reforms of Ballot Measure 2, including its nonpartisan open primary elections and ranked-choice general elections. Although it is their right to support closed partisan primaries and oppose these nonpartisan improvements to our election system, they must still obey existing laws when taking these actions. Ms. Tshibaka and PD appear to have intentionally disobeyed the law in order to keep their finances completely opaque to the public, including while attempting to influence the outcome of the most recent Anchorage municipal election. That cannot be allowed.

Additionally, although AHE (eventually) registered with APOC as is required, its reports are replete with fabrications and omissions, such as omitting PD’s support for their measure, and it has failed to comply with Alaska’s reporting requirements. In its attempt

⁴¹ See Exhibit O, AHE’s first quarter report.

⁴² See Exhibit Q, AHE’s second quarterly report.

⁴³ See *id.*

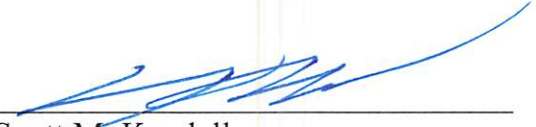
to roll back Alaska's election laws, AHE is obligated to obey the transparency and reporting requirements built into Alaska law. It has not.

Whether or not to return to the prior, partisan election system is a decision that could be before Alaskan voters in the near future. In their deliberations, voters are entitled to clear, timely, and accurate financial information regarding those who wish to influence their vote. Currently, Respondents are deceiving the public. Accordingly, Complainant respectfully requests that APOC Staff timely and fully investigate these violations and any others that come to light during their investigation.

CASHION GILMORE & LINDEMUTH
Attorneys for Complainant

DATE: July 17, 2023

By:



Scott M. Kendall
Alaska Bar No. 0405019
Samuel G. Gottstein
Alaska Bar No. 1511099

AFFIDAVIT OF SAMUEL G. GOTTSTEIN

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

I, Samuel G. Gottstein, being first duly sworn and deposed, hereby state as follows:

1. I am an attorney representing Complainant Alaskans for Better Elections, Inc. in the APOC Complaint against Respondents Preserve Democracy (“PD”), Kelly Tshibaka, and Alaskans for Honest Elections (“AHE”).
2. In anticipation of possibly filing the above-referenced Complaint, I began to save screenshots from some of the Respondents’ websites and accounts starting in April 2023.
3. Attached as Exhibit C to the above-referenced Complaint is a true and correct copy of a screenshot that I took of PD’s website on July 7, 2023. This screenshot is from the “News” tab as it existed on PD’s website on that date.
4. On July 17, 2023, I recorded video clips from a Facebook Live video of a PD event from February 13, 2023. That video was accessible at the following website: https://www.facebook.com/watch/live/?extid=CL-UNK-UNK-UNK-IOS_GK0T-GK1C&mibextid=2Rb1fB&ref=watch_permalink&v=2059065894484179. In the video and the clips that I have saved, Ms. Tshibaka: (1) discusses PD’s efforts to “oppose ranked choice voting”; (2) urges attendees to “please sign” the petition to repeal Ballot Measure 2; (3) requests donations so that PD can conduct “a statewide

poll” about the 2022 general election; (4) touts the ability to give the future results of that poll to “the people who are mobilizing to fight ranked choice voting . . . for free”; and (5) affirmatively states that she is working with the group gathering signatures to repeal ranked choice voting.

5. On July 13, 2023, I took additional screenshots from an internet archive at <https://web.archive.org>. The internet archive allows a user to input a specific web address to see what prior versions of that website, if any, are contained within the internet archive database. Some websites have many archived pages, and some only have a few. Each archive indicates a specific date and time that its content was captured and remains available as part of the internet archive.

6. Attached as Exhibit F to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD’s website as it existed on January 24, 2023, according to what I accessed on <https://web.archive.org>. The first four pages of Exhibit F show the contents of PD’s main webpage on January 24, 2023. The fifth and final page of Exhibit F shows the “Ranked Choice Voting” dropdown menu on that page. The internet archive does not appear to contain information about the content on the three dropdown pages shown on the final page of Exhibit F.

7. Attached as Exhibit G to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD’s website as it existed on February 14, 2023, according to what I accessed on <https://web.archive.org>. Exhibit G shows that PD’s main webpage remained substantially similar on this date to how it existed on

January 24, 2023. However, by March 2023, the internet archive shows that the content on PD's main website changed.

8. Attached as Exhibit H to the above-referenced Complaint is a true and correct copy of screenshots that I took of PD's website on April 26, 2023. This screenshot is from the "News" tab that existed on PD's website on that date.

9. Attached as Exhibit I to the above-referenced Complaint is a true and correct copy of three of PD's get-out-the-vote mailers that I downloaded from PD's website on April 26, 2023.

10. Attached as Exhibit J to the above-referenced Complaint is a true and correct copy of a series of screenshots of posts on Twitter that Ms. Tshibaka made on her account (@KellyForAlaska) in March and April of 2023. I saved these screenshots on May 31, 2023.

11. I am a "super voter" in Anchorage municipal elections. I believe I have voted in every Anchorage municipal election since I turned eighteen in May of 2006. I am a lifelong registered Nonpartisan voter. Because of the frequency that I and the remainder of my household votes, we tend to receive a significant amount of campaign literature whenever there is an election.

12. I live in Assembly District 4. There was an Assembly election in April 2023 for my district, where Felix Rivera and Travis Szanto were running for the Anchorage Assembly. I do not recall receiving any get-out-the-vote mailers distributed by PD during this year's Anchorage Assembly race.

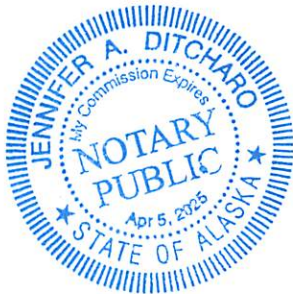
13. Attached as Exhibit K to the above-referenced Complaint is a true and correct copy of PD's "News" tab on its website as it existed on June 20, 2023.

FURTHER AFFIANT SAYETH NAUGHT.



Samuel G. Gottstein
Alaska Bar No. 1511099

SUBSCRIBED AND SWORN to before me on this 17th day of July, 2023, at Anchorage, Alaska.



Notary Public in and for Alaska
My Commission Expires: 4/5/25

AFFIDAVIT OF SCOTT M. KENDALL

[illegible]

I, Scott M. Kendall, being first duly sworn and deposited, hereby state as follows:

1. I am an attorney representing Complainant Alaskans for Better Elections, Inc. in the APOC Complaint against Respondents Preserve Democracy (“PD”), Kelly Tshibaka, and Alaskans for Honest Elections (“AHE”).

2. In February 2023, I recall watching a video on Facebook Live of an event that PD hosted at Bell's Nursery in Anchorage, Alaska. In that video, I recall Ms. Tshibaka mentioning AHE's petition, saying to the effect of the petition for 22AKHE "is very important to support." I also recall Ms. Tshibaka saying that they have the petition "here to sign", meaning at the event hosted by PD. In anticipation of the filing this Complaint, I attempted to find the Facebook Live video, but it was apparently deleted by PD and is no longer available. My understanding is that PD has had AHE's petition booklets for attendees to sign at other subsequent events as well.

3. My wife and I are both “super voters” in Anchorage municipal elections. I believe I have voted in every election, including every Anchorage municipal election, since I moved to Anchorage in the fall of 2003. I am a registered Nonpartisan voter, and my wife is a registered Democrat. Because of the frequency

that our household votes, we tend to receive a large number of campaign literature whenever there is an election.

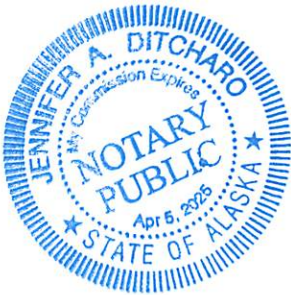
4. I live in Assembly District 3. There was an Assembly election in April 2023 for my district, where Anna Brawley and Brian Flynn were running for the Anchorage Assembly. Neither my wife nor I received any of the get-out-the-vote mailers distributed by PD during this year's Anchorage Assembly race.

FURTHER AFFIANT SAYETH NAUGHT.



Scott M. Kendall
Alaska Bar No. 0405019

SUBSCRIBED AND SWORN to before me on this 1th day of July, 2023, at Anchorage, Alaska.

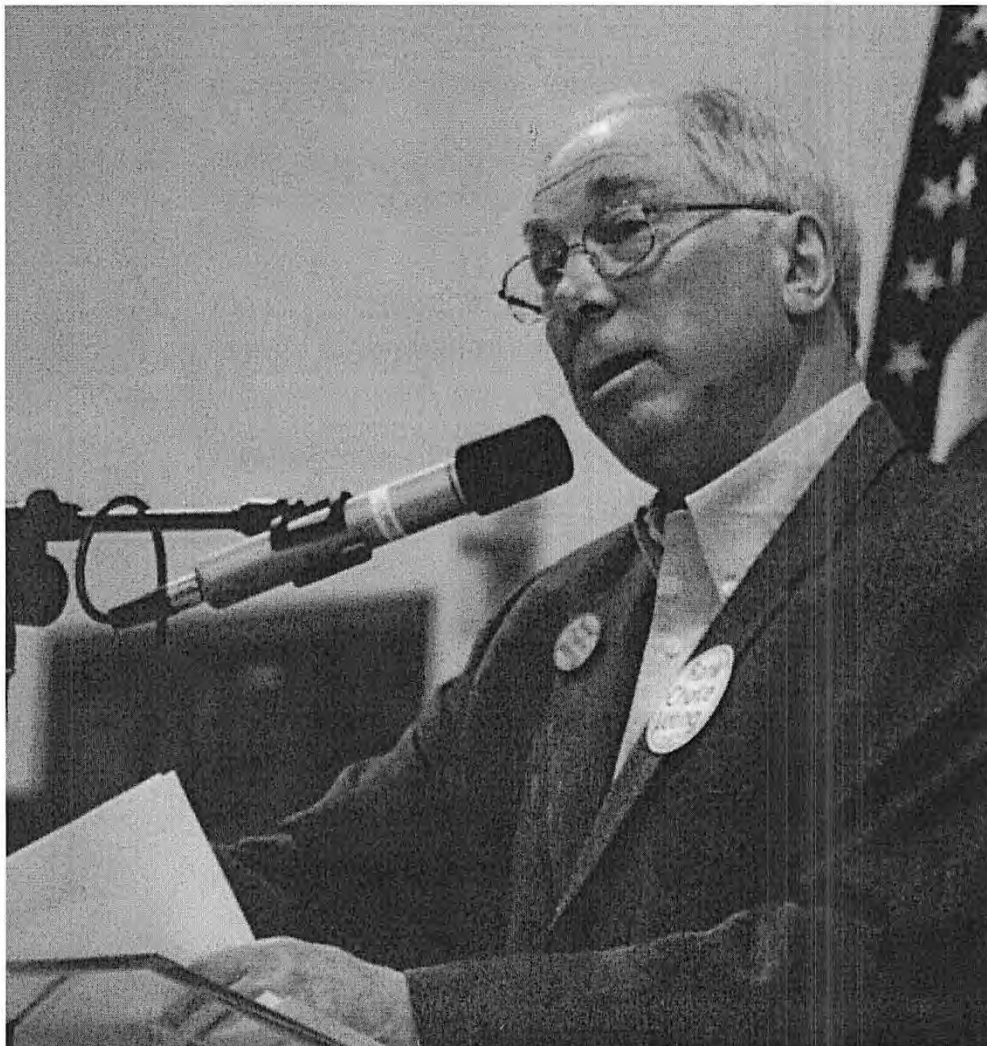


Notary Public in and for Alaska
My Commission Expires: 4/5/25



Launch of campaign to repeal ranked choice voting draws a crowd in Anchorage

By Liz Ruskin, Alaska Public Media - February 17, 2023



Art Matthias speaks to voters at an Alaskans for Honest Elections event on Feb. 16, 2023. (Elyssa Loughlin/Alaska Pub

A few hundred people met at a south Anchorage church Thursday night to kick off a sign and go back to the way Alaska used to elect candidates.

The new system, which Alaskans used for the first time last year, pairs an open primary with four candidates.

Art Mathias, a longtime Anchorage resident and founder of Wellspring Ministries, is a spokesman who says ranked choice puts the entire country at risk.

"Literally, seriously at risk," he said. "If we don't replace ranked choice voting, we will never stop outside corporations coming up and buying our candidates and buying our elections."

Mathias said he's donated \$100,000 to the effort, and the campaign has raised \$400,000.

Fans of ranked choice say it empowers citizens to vote their conscience, without worrying about party loyalty.

The system tends to favor consensus candidates and lessen the power of political parties, putting conservatives at a disadvantage to liberals. Last year, Alaska re-elected its Republican governor to the Legislature.

Ranked choice changed the outcome in only three Alaska races. In two of those, the tabular candidate who got the most first-choice votes kept the lead, even after the votes that went to the voter's choices.

Mathias and other speakers at the kickoff event put the repeal campaign in culture-war territory, saying it was about transgender people.

"They keep preaching that a man can get pregnant until we believe it. You believe it?" Mathias asked. "Can this be? And we can't let it go. We got to stay engaged. We got to get engaged, or it's your choice?"

Other speakers included Republican fundraiser Michael Alfaro, a North Carolinian who fought for two presidential runs. Alfaro had said former Gov. Sarah Palin was to be the keynote speaker. Alaska's attorney general, Jerry Ward, said she was on a flight and couldn't arrive in time.

Organizers will need 27,000 signatures to get the initiative on the 2024 ballot.

A poll by Alaska Survey Research last month found a majority of Alaska voters would support the initiative in a future election.

<https://twitter.com/IvanMoore1/status/1618437311188078593?s=20>



Liz Ruskin, Alaska Public Media

Liz Ruskin is the Washington, D.C., correspondent for Alaska Public Media. Reach her at lruskin@alaskapublic.org.



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10215554
Date Filed: 12/06/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-12/6/2022 7:13:04 PM

Articles of Incorporation

Domestic Nonprofit Corporation

1 - Entity Name

Legal Name: Preserve Democracy

2 - Purpose

To preserve the fundamentals of our democracy--election systems should be simple to understand and accessible to all Americans.

3 - NAICS Code

813311 - HUMAN RIGHTS ORGANIZATIONS

4 - Registered Agent

Name: Kelly Tshibaka

Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

Physical Address: 16036 Hidden Creek Ln, Anchorage, AK 99516

5 - Entity Addresses

Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

Physical Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

6 - Officials

Name	Address	% Owned	Titles
Heather Gottshall	1349 Jackson Dr, Anchorage, AK 99518		Director
Simcha Weed	P.O. Box 9000, Brownsville, TX 78520		Director
Stuart Gates	11161 E State Rd 70, Unit 110-905 Box 905, Lakewood Ranch, FL 34202		Director
Heather Gottshall			Incorporator
Simcha Weed			Incorporator
Stuart Gates			Incorporator

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Kelly Tshibaka

TESTIFIED BEFORE ALASKA LEGISLATURE

On March 28, 2023, Preserve Democracy's CEO Kelly Tshibaka testified before the Alaska House State Affairs Committee in support of H.B. 1 to repeal Ranked Choice Voting



THE STATE of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10215554
Date Filed: 05/17/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Domestic Nonprofit Corporation

Initial Biennial Report

Entity Name: Preserve Democracy

Entity Number: 10215554

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515

Mailing Address: 1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Kelly Tshibaka

Physical Address: 16036 HIDDEN CREEK LN, ANCHORAGE, AK 99516

Mailing Address: 645 G STREET STE. 100-578, ANCHORAGE, AK 99501

Officials: The following is a complete list of officials who will be on record as a result of this filing.

- **Provide all officials and required information. Use only the titles provided.**
- **Four (4) Mandatory Officers, who must be individuals:** this entity must have a President, Vice-President, Secretary, and Treasurer. Two or more offices may be held by the same individual, except the offices of President and Secretary cannot be the same individual.
- **Three (3) Mandatory Directors, who must be individuals.** The number of directors must be at least three (3).

Full Legal Name	Complete Mailing Address	% Owned	Assistant Secretary	Assistant Treasurer	Director	President	Secretary	Treasurer	Vice President
Simcha Weed	P.O. BOX 9000, BROWNSVILLE, TX 78520	N/A			X				
Stuart Gates	11161 E STATE RD 70, UNIT 110-905 BOX 905, LAKEWOOD RANCH, FL 34202	N/A			X				
Kelly Tshibaka	1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515	N/A				X		X	
Heather Gottshall	1349 JACKSON DR, ANCHORAGE, AK 99518	N/A			X		X		X

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

NAICS Code: 813311 - HUMAN RIGHTS ORGANIZATIONS

New NAICS Code (optional):

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with

the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Kelly Tshibaka

Tshibaka On “The Must Read Alaska Show”

Transcript Produced Thu, Jun 15, 2023 3:44PM • 29:53

SUMMARY KEYWORDS

alaska, people, state, anchorage, happened, election, rank choice voting, florida, voters, turn, ballots, campaign, districts, republican, year, absentee ballots, kelly, voting, conservative, stand

SPEAKERS

John Cook, Kelly Tshibaka

00:10

Hello there Alaskans wherever you are. Welcome to the must read Alaska Show coming to you from somewhere in Alaska. This is the place where we talked about, you guessed it, Alaska, where we keep the mainstream media on their toes and where we are standing up for what's right and a world run by leftist. You can find out more by heading over to BuzzFeed alaska.com and also checking out the must read Alaska YouTube channel for some really great content. But first, let's get this party started.

John Cook 00:41

Welcome everybody to the mustard Alaska Show. I'm your host John Cook coming to you live from somewhere in Alaska. And man yesterday was just a beautiful day here on the Kenai Peninsula. We talking about almost a full day of sun this is a miracle him yet to have that happen. It seems like for a year here on the Kenai Peninsula it has, I don't know, maybe it peaked out 60 degrees yesterday. So man, we were outside getting the Tana was amazing. I hope everybody's having an awesome summer so far. And I want to thank everybody for listening, watching and reading must read Alaska. We do this so that we can spread conservative news for all the nooks and crannies of Alaska. And if you want to help keep the lights on here at mustard, Alaska, we would really really love that. We're not funded by some dark web nonprofit money conglomerate. We're just funded by everyday folks who care about conservative news in Alaska \$5 \$10 \$100 of the time, keeps the lights on here at mustard, Alaska. So if you head on over to must read alaska.com on the right hand side there, there's a little donate button, click on that. And feel free to donate, you can also sign up for our newsletter there. And the majority of all of our content is free for you, which we really strive to do. But without further ado, our very special guest today. Kelly Chewbacca, former commissioner of administration for the state of Alaska, former government watchdog guru for in Washington, DC. And Kelly, welcome to the mystery Alaska show.

Kelly Tshibaka 02:08

It's great to be with you, John. Thanks for having me.

John Cook 02:11

Well, I'm super excited to come back on our readers are are big fans of what you're doing. And so we're kind of gonna get a catch up on what you've been up to over the last couple of months. But my first question out the gate is kind of a big one. But you can kind of go any which way you want with it. But what is your take on the political landscape of Alaska? You know, you've had a chance to probably hang out with all the folks in Alaska, you've been literally all over the state, you know, back and forth times 10. What is your take on the political landscape right now in Alaska?

Kelly Tshibaka 02:46

That's a really good question. A lot of people after November 2022, I think in Alaska are feeling really discouraged, at least from our team. And I know of at least 20 Republican leaders across the state who have actually moved out of state permanently since January of this year. I think that that is very unfortunate and discouraging. That's not just your conservative families, your pillars in the community, who would be people who could be potential candidates are a strong voting base. These are people who've actually run for office or held office, in the past leaders in the Republican Party, people who we would know that are listening to this podcast right now they've picked up and gone to Republican states like Texas and Florida, and decided that there is really no future in Alaska. What I think that means for us is if we don't have people here holding the line, and in sticking our flag and taking a stand, then there isn't going to be a way to maintain what I think is our our strong convictions in Alaska for what Alaska stands for, which is freedom and economic prosperity, the future of our country, I really believe that this is the land that powers America with our energy that creates America with our minerals, feeds America with our fish inspires America with our tourism, protects America with national security. We are the front lines and the resource for a free United States of America. And the only way that we can be all of those things is with the principles and values that conservatives stand for. And it's not going to be through things like government welfare, government handouts, and government control and government overreach, which is what other parties in principle stand for. And so I think it's really important that we have a conservative base up here that stands for economic freedom, economic prosperity, free economic principles, and a social value set that really emphasizes the family as the the base unit of America for economic principles. It's a base, the base economic unit and the base Community Unit that forms the nation, you can have the family without a nation, but you cannot have nations without families. And I really think that that's something we stand for. So I would really love to see us as, as a state. And the people who are listening to this podcast, to continue to use our voices and to continue to stand together to hold the line to not lose heart, I think the only way we lose is by giving up. And unfortunately, I see a lot of people doing that just in fatigue and frustration and discouragement to say, You know what, I'm just one person, it doesn't matter. But when enough people say that it actually does matter. And we started to see that even in 2022. I think something interesting, it's not the question you asked, but I'll throw it out there, John. The reason why we lost so many elections, including mine in 2022, is not because of specifically rank choice voting. And it is not because of so much money and dark money that was spent, it's actually because our team forfeited the game. When you go when you look at the data of what happened in the race, because elections are really just data games. We did an unfortunate job of just not showing up to vote in last year's election, when we had the lowest voter turnout in state history across the board. And when you look at the numbers of who came 19,000 Super voter Republicans, people who vote in four out of four elections, doesn't matter what election it is, did not show up in 2022. If half of those voters had shown up, I would have won the election. Not only that, but Juneau wouldn't be able to caucus Democrat in the Senate,

we probably would have had a different turnout in the US House race. Those are the kinds of consequences that happen. When we just decide, well, it's already predetermined, there's no way we can win, let's throw in the towel and forfeit the game. And that has huge consequences for the future of Alaska. Because then when certain policymakers come in power in the Senate and the House, in statewide elections, and then in Juneau, certain policies are made when it comes to resource development and jobs, the economy, social values, schools and taxes. And then people leave the state. And all of a sudden, you see the state turning blue really quickly. But why did it? And the answer is because we just didn't show up to an election. That's a pretty pathetic reason to turn Alaska blue.

John Cook 07:48

Yeah, it's a bummer. It's we were talking about a couple days ago. And, man, I I'm hopeful still, but man, that was a tough pill to swallow. So, you know, we look around Alaska, and we see these things happening. We, you know, it's definitely turning more purple by the day. And it seems like the economy's in the crapper still, and people, you know, local elections aren't even going the way people would like. So what what are you hopeful for what, you know, keeps you going because you obviously haven't given up so what what is it that drives you to get out there and get after it still,

Kelly Tshibaka 08:30

I believe one person can make a huge difference. And that person doesn't just need to be me, it can be each one of us. And what I realized after the election is two things. One, I don't need to be a senator to continue to pursue those same goals that I had on the campaign and that our entire team of volunteers was working towards. So I'm pursuing those goals through the private sector. We've started a consulting firm, we're doing things like affordable housing, and helping to spur on our economy and generate economic development in Alaska. And it's going really great. And I'm excited about that. It's and that's one of the reasons I've been traveling the state. The other thing that I'm working towards is one of the pillars we were working on in the campaign, which is election integrity, making sure that our elections are on track, and that we do things like increased voter turnout. And I'm advocating with the legislature and with the help of a lot of people who are listening right now to overturn rank choice voting, because the more that we've looked into what actually happened last year, I do think that there's a strong correlation between the onset of rank choice voting and the lowest voter turnout that we saw in state history. And so there is a correlation there with voter suppression. And it didn't just happen on the Republican side. It happened on the Democrat side as well. It happened in rural Alaska, and it happened in rail belt Alaska. And so the legislature knowing that we're having this extreme decrease in voter participation as a result of rank choice voting happening. And so one of the things we're doing right now is we're preparing to do a statewide poll to figure out exactly why Alaskans have stopped voting so that we can diagnose that accurately. And going into 2024, which is just a year and a half away from today. I'm trying to do everything we can to increase and maximize voter turnout, so that the people who are elected are the best reflection of the will of the people in the constituents here in Alaska. And not just 40% of the people who are voting in Alaska, which is what happened in 2022. That's what we're working towards. And I really believe that, as I'm going around and talking, there is a spark that's starting to light again, in the people across the state and people are starting to see, wait, there is something we can do about it. We didn't know that it was it was simply a discouragement factor, if you will, that happen in 2022. And there is some hope here and we can actually galvanize and do something about it. So I'm starting to see people get prepared for 2024, which is probably going to

take a lot of door knocking and a lot of significant effort in getting ballots in. So for example, I was just in Fairbanks for several days talking to a lot of different Republican groups up there. And one of the things that we talked about is changing our entire mindset around absentee ballots. And I'll give you a story, John, I talked with the teams in Florida and this has come up several times. This even came up at the young Republican gathering that just happened this past weekend when they brought up DC Drano who's a very significant social media influencer, who now lives in Florida, came up with them and came up with the people who've actually been handling the transition in Florida. Remember that Florida used to be a toss up state back in Bush versus Gore, it was a purple state, we never knew how Florida was going to go. It is not that state anymore. It is now a bright red state where their governor DeSantis is winning by 20 points. It is a bright red state. And all of this despite the fact that all the media outlets in Florida are actually liberal. So the question is how in the last 20 years has Florida gone from being a toss up state to a bright red state? It turns out and I dug into this after the election to figure out how do we how do we get Alaska back on track. It turns out that their Republican Party's actually focused heavily on moving towards absentee ballots for all registered Republicans in the state. And that's a little bit different than maybe what the messaging is that we've heard in the last several years. But what Florida figured out is when you have absentee ballots in everybody's hands, it's like having that gadget on our charter fishing boats on the Kenai River where you can see all the fish in the river under the boat, versus being on that charter boat where you can't see what the guides telling you. Oh, trust me, I know where the fishing holes are. Which guy do you prefer to fish with? The one where you can see all the fish under the river. And you know, you're over the fishing hole, or the guy who's saying, hey, trust me, I know where everything is, when it's our job to bring the ballots in, we want to go with a guy who can show us where the ballots are. And that's what absentee ballots do. When everybody has absentee ballots that means every single campaign, so local campaigns that you know, campaigns, the GOV campaign, the house campaign, the US Senate campaign, plus every independent expenditure group can see exactly who has a ballot, where they are and which ballots need to be targeted. So they can target all their campaign messaging, their door knockers, etc. To go to those voters to make sure those voters turn in their ballots, which means you have a much more likely ratio of turning those ballots in a much higher percentage of those ballots being turned in, than if you're just hoping and praying that on election day, your voters turn in ballots, it's just a much higher risk that the fact is Republican ballots or your voters are not going to get their ballots in on election day than if you can actually see where the ballots are, target them and bring the votes in. It just makes sense. And so all of these voters and and ballot leaders and campaigners in Florida are telling us, Look, if you really want to mobilize your vote in 2020 for Republicans put in for absentee ballots. It's the smartest thing you can do work as a team, maximize your your donation dollars. If you're giving 10 bucks to a campaign, it's gonna go a lot further, if everybody registers for absentee ballots in 2024 than if you just kind of hope and pray that everybody goes into the polls and precincts on election day because something always interferes sickness or work or kids or something. So register for absentee ballots, we have a much stronger likelihood of being able to win our elections that way.

John Cook 14:54

That's awesome. So you've, you've been around the state like we've talked about, you have this new thing you're doing called preserve democracy, not necessarily new, because you've been doing it now pretty much since the election was over. So give us give us a little update on that just preserve

democracy. I know that you're working really hard at educating people on rank choice voting. So how's that been going?

Kelly Tshibaka 15:20

First, I want to say thank you to all of our donors and supporters for helping to make this happen. We've been extremely busy when going around the state doing education campaigns, and helping everybody understand what happened in 2020. To what we've been hearing what's going on what the data says. So those tours have happened in southeast the peninsula, the valley, Anchorage, Fairbanks, that's gone really well. I testified before the Alaska State legislature on House Bill one, which is to repeal ranked choice voting. So everybody listening those bills, House Bill one and House Bill four, which both support overturning rank choice voting, those are still pending. So you can contact your legislators in the Senate and in the house and tell them that you support House Bill one and House Bill four to overturn rank choice voting. If you need talking points. My presentation is on our website at preserve democracy.com. And you can look at that PowerPoint presentation under a resource and figure out what some of the talking points with the data could be that you could use with your representatives. Another thing that we did is we ran a Get Out the Vote campaign in the anchorage Muni race. The idea behind this was to do a pilot project, John, to figure out can we actually mobilize voters to vote, because we saw in 2022, we had such strong voter drop off. And so we use some of the same methods and techniques that they were using in Florida, we'll use one of the top analytics firms data analytics firms in the country, to target voters who normally vote in every four year elections or the two year elections. Maybe they don't vote in Muni races, but they could be prompted to vote. And we just put a ton of money into it. Thank you donors for helping with that. And we used 1000s and 1000s of text messages. And digital ads will use dozens of phone calls to each voter, and mailings. And we targeted just two districts to because it's just an experiment. And what we saw is that it didn't move the needle at all, those districts didn't have any higher voter turnout percentage than the other districts, which was extremely surprising and disappointing. But also helpful, because what it shows us is that the typical methods used to drive voter turnout in the past, despite the high quality campaign, the proven methods and the ton of money. It's not moving Alaskan voters and Anchorage is 40% of the state. That's helpful because in 2024, it means if you were to drop millions of dollars on text messages, and phone calls, and mailers and digital ads is not actually going to increase voter turnout. So what is going to increase voter turnout, that leaves us with door knocking, which we saw actually did make a difference in my campaign, turning in ballots themselves. So helping people collect their ballots and turn them in. And it's going to require some answers to this poll that we're going to put out to figure out why people aren't voting so that we can actually get to the root cause. And so that's why we're doing the poll. The last thing that I've really been involved in and this has been, I think, extremely helpful and persuasive. There are a lot of other states that are considering rank choice voting, they have ballot initiatives or their state legislators are considering it. And what they're looking at is Alaska, and quote how well ranked choice voting turned out in Alaska, based on some propaganda from some pro ranked choice, voting organizations that are funded by special interests. And so we've been able to provide them just with the data of what actually happened here. Like, for example, the lowest voter turnout in history, or the fact that we had 75 candidates running for just three statewide offices, and we had no ability for our parties to screen or vet their candidate candidates in the backgrounds to even let people know whether the candidates lined up with the parties or vet out false candidates, we had a Hollywood actress move up here, change her name, and take on a big Alaska identity a couple of times, yes, exactly. And run for

office, but nobody was able to even screen or read that candidate, or let Alaskans know this person's fake. And so those are some of the things that happened up here because of our new system, that we're able to tell other states and their legislators, these are this is what rank choice voting is allowing to happen. So that's what we're dealing with preserved democracy. But you can learn more at preserve democracy.com If you need resources, or if you want to help support us.

John Cook 19:55

So let me walk myself through this strategy. Just so I can understand it, because I'm just now thinking about it. And I, and I think it's something that we haven't done in Alaska. So, absentee ballot chasing, let's say, you know, there's a dozen people out there knocking on doors, they knock on the doors of Republicans, they help them register as an absentee ballot person. And then they follow up with that person during the week or two before the election to either help them turn in the ballot or mail it on their behalf. Is that kind of some of the strategy that happens in Florida?

Kelly Tshibaka 20:33

Yes, exactly. You got it right. And even in the beginning, I'm not sure that you need to go and knock on their door to help them register as an absentee that could be done through phone calls, or even through mailers, or in the republican district model districts can do that. Districts can own their own data sets and really mobilize their own districts to get their Republican people to register with absentee ballots.

John Cook 21:02

That's awesome. If you are in leadership in the republican district, and you're listening to this, that is a strategy that I don't know anybody's doing in Alaska. And man, that could be a game changer. So kudos to you, Kelly, for gleaning from Florida and figuring out kind of what set them apart because, man, that just makes total sense. So

Kelly Tshibaka 21:25

like the Florida people have said, John, again, think of it like the fish model, it tells us where the fish are. The Florida people have said if we implement this in implemented effectively, we could turn our state 20 points red, and in minimum 10 points right across the entire state. That's what our population demographics tell us. That's what we have here as a bench. My concern is, if we don't turn on this quickly, what we'll see is a continual attrition of not only Republican leaning leaders, but also Republican leaning families. And I saw that even during the campaign, as I was knocking doors, I was seeing people I was knocking moderate doors, right people I was trying to persuade, but people who otherwise would be voting for me moving out of state and leaving before November, because they were just so tired of the quality of life and Alaska anymore. The schools and the public safety, were just so draining for them. And sometimes it's jobs and economy. It wasn't worth living here anymore. They moved up here, sometimes with a military moved up here for work or better quality of life. And the conditions they're living in, especially in Anchorage, were just getting so bad, it wasn't worth it. And they were moving back to other states that we're offering them something better. And we were just we're losing a lot of really good people. And we don't have a lot to offer them. Because the way that our cities are being led the way that our state is being led, and economic opportunities drying up. The school systems are leaving a lot to be desired when our math and literacy proficiency is below 30%. And we've got a lot of crime and home, especially through anchorage homeless, homelessness challenges that

are exposing our families and our children to a lot that parents don't want them to see. And so really good people and families are leaving, you know, by a lot. We kind of stopped that trend. We need good leadership throughout the state school boards, assemblies, mayors in Juneau, all the way up to the top.

John Cook 23:34

This is great. I think that, especially during the last election, we had lots of districts that wanted to help very badly, they were doing everything they could do but they didn't have a tool to really go after and the the the main people in the Republican Party of Alaska, were definitely not giving them any direction. And so this could give districts something to target and man, you know, most of these districts could could, you know, really do some amazing work with with this to focus on so that's pretty exciting. Last question to you this is this where we went by 30 minutes pretty quick, Kelly, you know, how important is it? Do you think for folks to get involved in the local elections, even community boards or those kinds of things? Because I think that's one of the areas that I think conservatives have just kind of not really done, either not had time to do or not really cared about or both. And so it becomes a farm team for the other side of, you know, all these community boards and Anchorage and local, you know, school boards all across the state to try out their policies and beliefs and then make it on to, you know, state house or State Senate. How important is it for conservatives to get involved in these local boards and community groups? I

Kelly Tshibaka 25:00

think it's incredibly important. We would be surprised how much of our daily life is actually affected by local policy, what's happening on the the little boards, if you will, or the school board or the assembly. And we don't follow those so much. And so we don't know we think a lot more as affected by state law, but it's actually isn't it's affected at the local level. I'll give you an example. the Anchorage School Board has a budget that is twice the size of the Anchorage assembly. What does that mean for the average Republican who's listening, they affect twice the amount of your taxes as the Anchorage assembly. And so all those people who you're not voting for, and you don't really know what their name is, and you don't really know what their background is, or how they politically lean that your property tax going up right there. And so when they're putting out bonds, and what does that bond mean? And remember, when they promised us that if you vote for this 86 kazillion dollar bond, they won't ask for any more next year. And they've asked for more the next two years. Yeah, that's your property tax. They're pricing us out of our homes in Anchorage while we're all fleeing to the valley or fleeing to the peninsula. And that's all school board people. Fortunately, John having watched what happens in Fairbanks in the peninsula, and in in Anchorage, and knowing these people, we actually have really good candidates running for these offices, we just have really bad voter turnout on our team. Interestingly, there have been articles in The Atlantic, in Politico, etc, where the Democrats in Alaska have laid out their blueprint for taking over Alaska. And sir, over the last 115 years, these blueprints have been laid out in these liberal publications. And they start with leaves little local elections, where conservatives aren't paying attention will take over the school boards, and the City Council's will take over the the neighborhood boards, you know, you see those little signs posted neighborhood council meeting. And they'll take those over, and they'll train up their bench of leaders, and then they'll just gradually progress them to the next level of leadership, school board assembly, and then they'll run for June now, then they'll take over governor, and then they'll take over the US House of Congress, and they'll take over US Senate. It's working. Have you noticed? Um, so I think we need to understand if you don't believe me, believe them. They've

been executing this strategy over the last 10 to 15 years. And they've been graduating up the ranks Forrest Dunbar and people like Mary Portola, people whose names we've been like, what I don't recognize that name. And they've been going from these little tiny no name positions, very quickly escalating them up into Statehouse positions. And then they intend to take over our US Congress and US Senate positions, and then all of Alaska, it won't be purple or slightly pink, we're going to turn bright blue. And it'll feel like it happened overnight. They did the same thing in Oregon and Washington. And we're next. And so how important is it extremely important, not just for us to run, but for us to support and be involved.

John Cook 28:08

Well, I appreciate you joining us, your Kelly, any last minute thoughts here before we head off.

Kelly Tshibaka 28:13

I have a lot of great hope for the future of Alaska, but it's going to be for us to operate as a team. And that means donors continuing to support candidates continuing to run, volunteers continuing to help. And we've got to we've got to take a stand and plant our flag. And on that note, John, we will be announcing our husband, I will have a big announcement a little bit later this year to help encourage and inspire everybody on our team because we think we're we are continuing to be very committed to this cause and we're wanting to do our part. So stay tuned. coming more from the Chewbacca is in 2023.

John Cook 28:49

Nice. Well, I really appreciate you joining us. Kelly here on the must read Alaska show. And for folks listening in. Maybe you just cut the last half of this, you're gonna want to go back and listen to the whole thing. Because Kelly, Chewbacca shares a great secret sauce on how we can potentially win like elections all over the state in 2024. And for folks tuning in, you're also going to not want to miss the next couple episodes to I'm going to have three episodes today. Next, I'm going to have Senator Shelley Hughes here in about an hour or so. And then Senator James Kaufman later on today, and then lieutenant governor is going to be on Thursday morning. So we've got a very packed week this week. If you listen watch and read must read Alaska. We want to thank you for doing that. If you want to help to keep the lights on here it must read Alaska, go to must read alaska.com on the right hand side there's a little donate button. Click on that. Every \$5 \$10 \$100 helps us keep the lights on here. It must read Alaska. Until next time, I'm John quick from somewhere in Alaska. Thank you so much, Kelly for joining us.

Kelly Tshibaka 29:51

Thank you Bye



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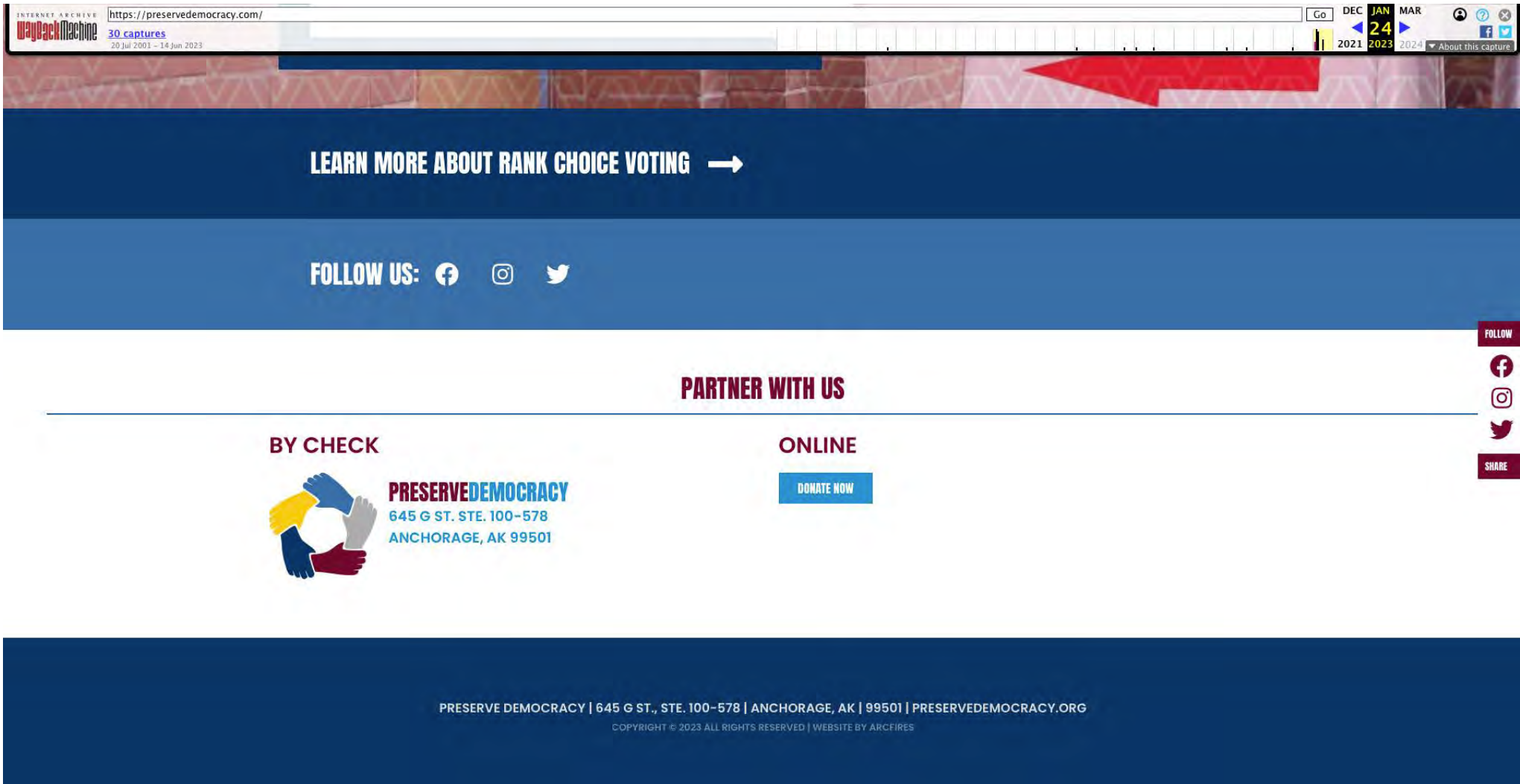
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2. Read and **sign the declaration** on the ballot return envelope.
3. Return your ballot by **mailing it** through the U.S. Postal Service with first class postage, by returning it to an **Anchorage Vote Center** (AVC), or place it in one of the **secure drop boxes below**:

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ASD Education Center

5530 E Northern Lights Boulevard

Bartlett High School

1101 Golden Bear Drive

Begich Middle School

7440 Creekside Center Drive

City Hall

632 West 6th Avenue

Clark Middle School

150 Bragaw Street

Dimond High School

2909 West 88th Avenue

Eagle River Town Center

12001 Business Boulevard

Election Center

619 East Ship Creek Ave.

Fairview Rec Center

1121 East 10th Avenue

Girdwood Community Center

250 Egloff Drive

Loussac Library

3600 Denali Street, near Book Drop

O'Malley's on the Green

3651 O'Malley Road

MOA Planning & Development Center

4700 Elmore Road

Service High School

5577 Abbott Road

South Anchorage High School

13400 Elmore Road

Spenard Community Rec Center

2020 West 48th Avenue

UAA Alaska Airlines

3550 Providence Drive

West Anchorage High School

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A stylized, flat-design illustration of a city skyline. The scene is divided into two main horizontal sections by a dark grey road. The top section shows a variety of buildings: a tall brown building with a black roof and three flags, a grey building with a grid pattern, a white building with a grid pattern, and a tall white building with vertical grey stripes. There are also several green trees and yellow cars on the road. The bottom section is a reflection of the top section in a body of water, showing the same buildings, trees, and cars mirrored. The sky is light blue with several small black birds flying. The overall style is clean and modern, using a limited color palette of blues, greys, browns, and greens.

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The next Regular Municipal Election is April 4, 2023

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1. Once you receive your ballot package in the mail, mark your choice(s) by filling in the oval(s) with **black or blue pen** and then, place your ballot into the **secrecy sleeve** and then into the **ballot return envelope**.
2. Read and **sign the declaration** on the ballot return envelope.
3. Return your ballot by **mailing it** through the U.S. Postal Service with first class postage, by returning it to an **Anchorage Vote Center** (AVC), or place it in one of the **secure drop boxes below**:

This is NOT a Ranked-Choice Election

ASD Education Center

5530 E Northern Lights Boulevard

Bartlett High School

1101 Golden Bear Drive

Begich Middle School

7440 Creekside Center Drive

City Hall

632 West 6th Avenue

Clark Middle School

150 Bragaw Street

Dimond High School

2909 West 88th Avenue

Eagle River Town Center

12001 Business Boulevard

Election Center

619 East Ship Creek Ave.

Fairview Rec Center

1121 East 10th Avenue

Girdwood Community Center

250 Egloff Drive

Loussac Library

3600 Denali Street, near Book Drop

O'Malley's on the Green

3651 O'Malley Road

MOA Planning & Development Center

4700 Elmore Road

Service High School

5577 Abbott Road

South Anchorage High School

13400 Elmore Road

Spenard Community Rec Center

2020 West 48th Avenue

UAA Alaska Airlines

3550 Providence Drive

West Anchorage High School

1700 Hillcrest Drive



PAID FOR BY
PRESERVEDEMOCRACY
645 G ST. STE. 100-578
ANCHORAGE, AK 99501



Kelly Tshibaka @KellyForAlaska · Mar 29

Anchorage, remember to vote! So grateful for all who have helped Preserve Democracy launch this Get Out the Vote campaign. The community of voters will determine our future!





Kelly Tshibaka @KellyForAlaska · Mar 29



Anchorage, VOTE! Scott Myers, John Trueblood, Brian Flynn, Travis Szanto, Leigh Sloan, Spencer Moore, Rachel Ries. We need a fresh future; we need a fresh Assembly.



2



4



18



888





Kelly Tshibaka @KellyForAlaska · Mar 30



In the Anchorage Assembly race, 9% of voters have voted. That means if you vote this year, your vote could be worth more than 10 votes, Usually turnout is around 30%, making votes worth just more than 3 votes. Your vote really counts this year, so remember to turn in your ballot!



1



4



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794

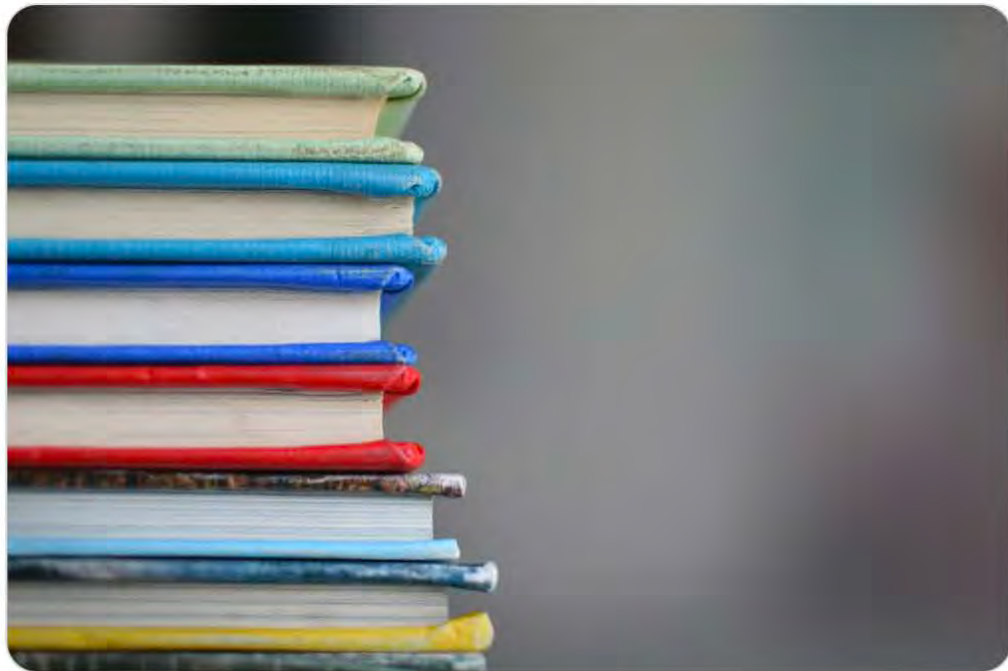




Kelly Tshibaka @KellyForAlaska · Apr 4

...

Vote DAVE DONLEY and MARK ANTHONY COX for SCHOOL BOARD.
Anchorage - Get Out the Vote!



1



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8



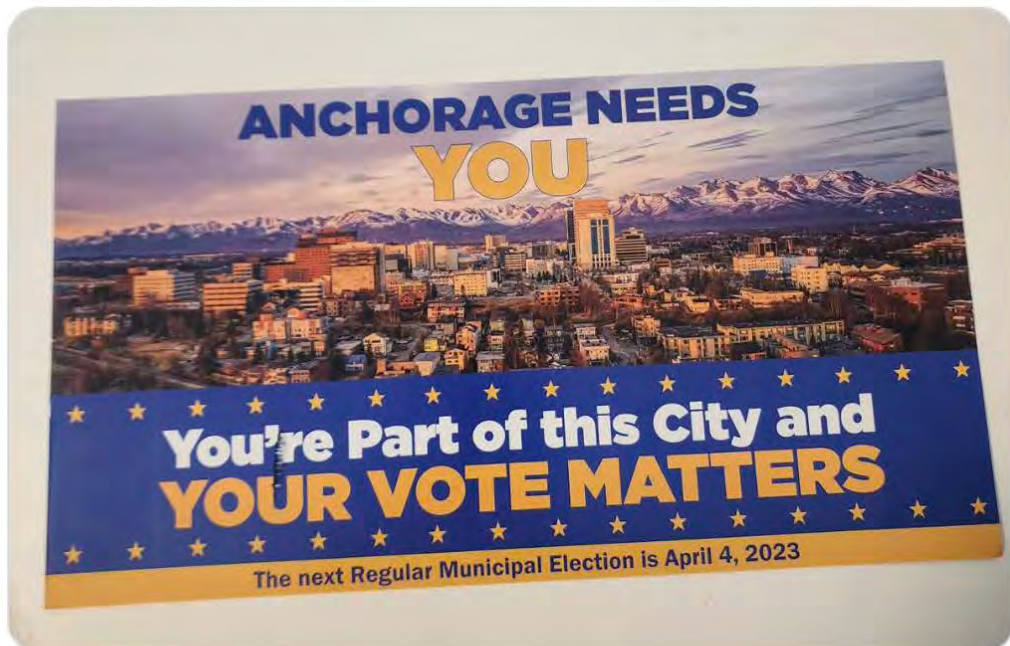
767



Kelly Tshibaka @KellyForAlaska · Apr 4

...

Join the community that cares about the future of Anchorage: Turn in your ballot today! Vote Common-Sense Republicans onto our Assembly: Leigh Sloan, Spencer Moore, Scott Myers, Rachel Ries, Brian Flynn, John Trueblood, Travis Szanto



3



15



914



[About](#)[News](#)[Voter Turnout](#)[Resources](#)[Volunteer](#)[Contact](#)[DONATE](#)

NEWS

FOUNDER'S CIRCLE

Thank you to our FOUNDER'S CIRCLE—our key donors who provide critical support to Preserve Democracy's efforts:

- Charles M.
- Daniel M.
- Charlotte W
- Karen P
- George K
- Lenora V
- Andrew P
- Art D
- Sally D
- Gary R
- John D
- Denise T
- Lou S
- Sam A
- Kathryn C
- Eva E
- James S
- Mark N
- David H
- Robert R
- Michael B
- James F
- John L
- James E
- David M
- Gabrielle K

- Clark E
- Erick H
- Alyce H
- Vicki M
- George D
- Dennis W
- Edward S
- Wiley B
- Burl R
- Carol C



PLATINUM FOUNDERS

Preserve Democracy recognizes and appreciates our Platinum Founders who make our work possible:

- Susan C.
- Lon N.
- Jimmy S.
- Michele H.
- Stephen H.
- William K.
- Burl R.

- James C.
- Lanet S.
- Gary K.
- Susan C.
- Damien S.
- William D.
- Gary O.
- Dr Robert D.



TESTIFIED BEFORE ALASKA LEGISLATURE

On March 28, 2023, Preserve Democracy's CEO Kelly Tshibaka testified before the Alaska House State Affairs Committee in support of H.B. 1 to repeal Ranked Choice Voting



GET OUT THE VOTE

Thanks to the support of Preserve Democracy donors, we are running a Get-Out-the-Vote pilot project in Alaska. We're using innovative methods

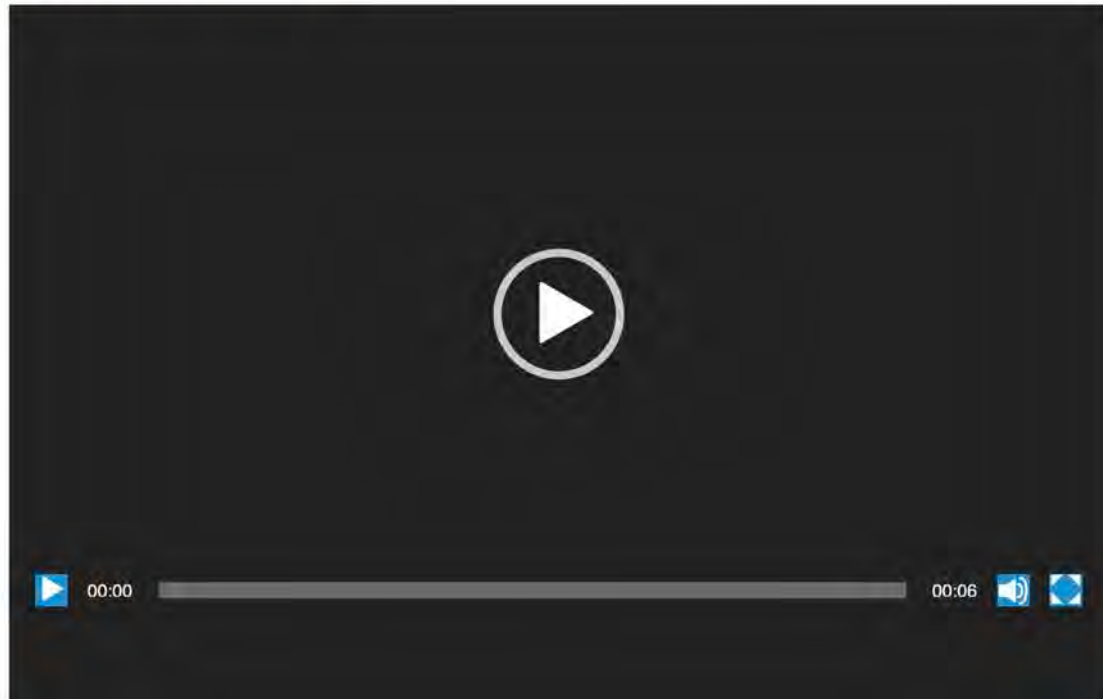
to see how we can successfully increase voter participation in a state that had record low voter turnout just 5 months ago.

We are launching over 14,000 text messages 20,000 phone calls, 14,000 mailers, and thousands of digital ads. The more donations we receive, the more we can do!

[6×9 PD GOTV Mailer 01](#)

[6×9 PD GOTV Mailer 02](#)

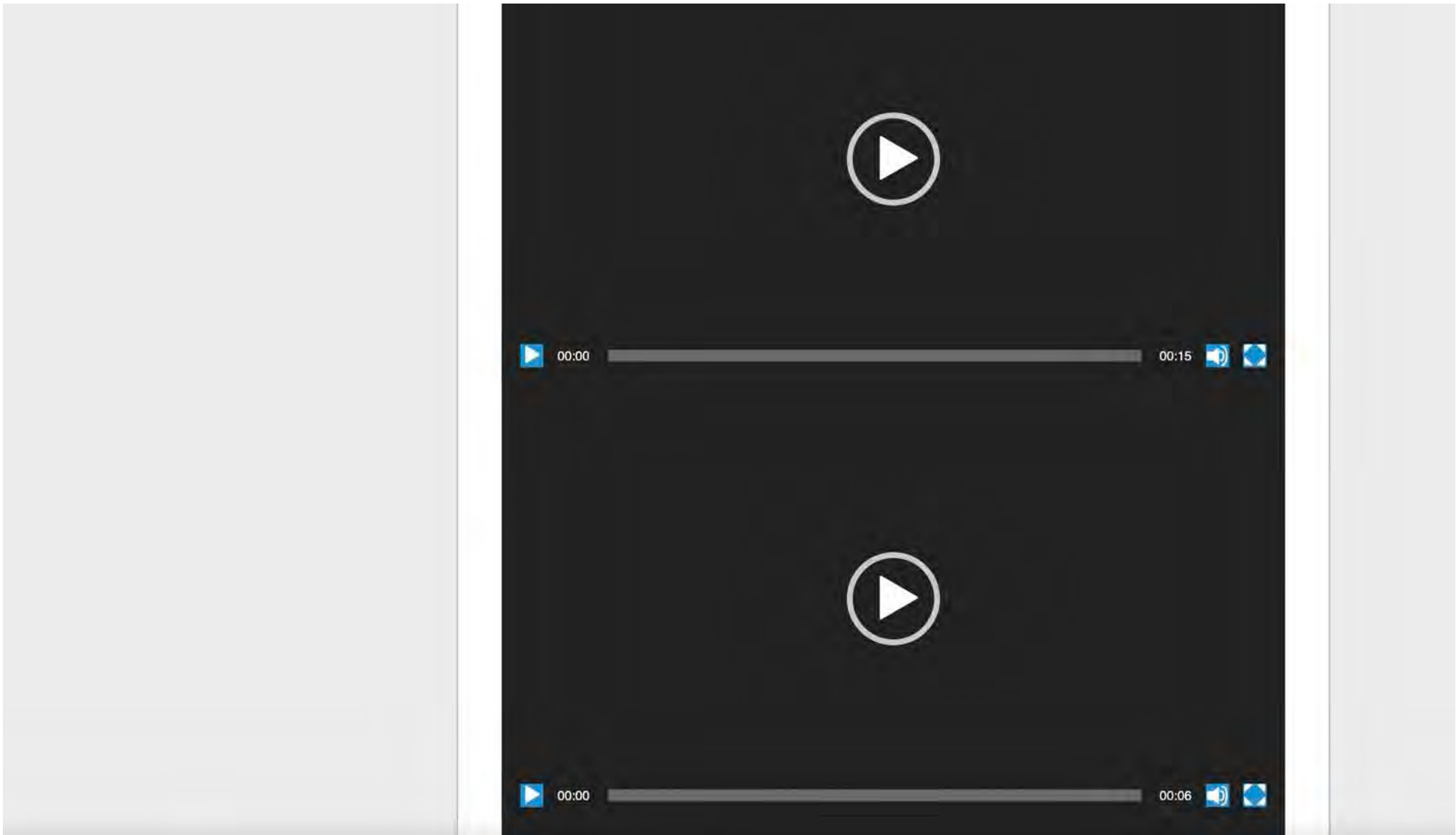
[6×9 PD GOTV Mailer 03](#)

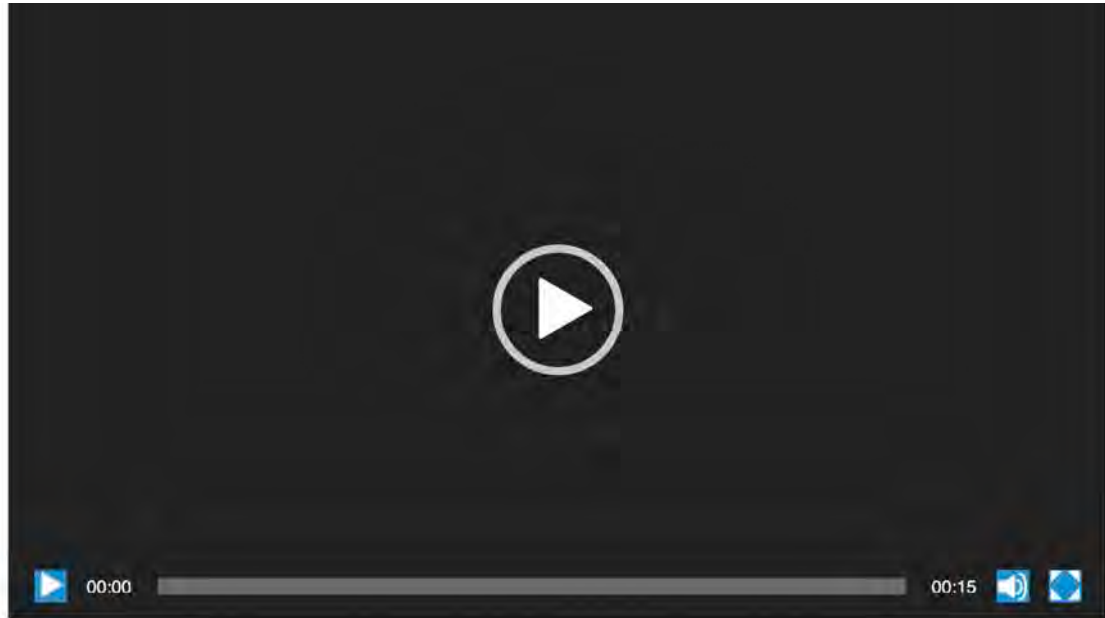


FOLLOW



SHARE





PROVIDED EVIDENCE IN MINNESOTA LEGISLATURE HEARING

Preserve Democracy provided evidence regarding the effects of Ranked-Choice Voting on the 2022 Alaska elections to the Minnesota House Elections Committee for its hearing on HF 2486, a bill to allow all municipal elections to be run by RCV.



ASSIST NEVADA (2023)

Preserve Democracy assisted local leaders in Nevada in their efforts to oppose a ballot initiative that would amend their Constitution in a way that would undermine election integrity and increase voter suppression.



ASSIST STATE OF GEORGIA (2023)

Preserve Democracy provided information and data to leaders in Georgia who were coordinating with legislators on policy affecting their election integrity.

FOLLOW US:   

FOLLOW US:



PARTNER WITH US

BY CHECK

PRESERVEDEMOCRACY

1120 HUFFMAN RD., STE. 24-835,
ANCHORAGE, AK 99515

ONLINE

DONATE NOW

PRESERVE DEMOCRACY | 1120 HUFFMAN RD., STE. 24-835 | ANCHORAGE, AK | 99515 | PRESERVEDEMOCRACY.COM

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EMPLOYER OF LOBBYIST REPORT FORM

AMENDMENT

Amendment Description: Add outsource lobbying costs for travel to Juneau that were erroneously left out of previous reports.

COMPLETED

Signed **06/21/2023**

Year: **2023**

Report: **1st Quarter**

Filer First Name: **Juli**

Filer Middle Name:

Filer Last Name: **Lucky**

EMPLOYER INFORMATION

Employer Name: **Alaskans For Better Elections, Inc.**

Mailing Address: **721 Depot Drive, Suite 100**

City, State Zip: **Anchorage, Alaska 99501**

Phone: **9073515108**

E-mail: **juli@alaskansforbetterelections.com**

Fax:

GIFTS

Date	Name	Position	Nature of Gift	Value
No Gifts Given				

NOTICE OF TERMINATION

Lobbyist Name	Termination Date
No Notice of Terminations	

INTERESTS OF EMPLOYER

General description of the legislative and administrative action the employer of

lobbyist attempted to influence during the period. Report specific bill numbers when possible. AS 24.45.061(a)(5).

Matters relating to Elections in Alaska.

Nature and interest of the entity employing or retaining lobbying services:

Matters relating to Elections in Alaska.

SCHEDULE A (COMPENSATION AND EXPENSES PAID TO OR ON BEHALF OF THE LOBBYIST)

Lobbyist Name	Compensation		Expenses	
	Fee / Salary		Food / Beverage	
2023 - Strategy North Group LLC., Strategy North Group LLC.	Other	\$0.00	Living	\$0.00
			Travel	\$0.00
			Other	\$0.00
	Totals		Totals	
	This Report	\$18,750.00	This Report	\$0.00
	Previous Total	\$0.00	Previous Total	\$0.00
	New Total	\$18,750.00	New Total	\$0.00

SCHEDULE B (COSTS RELATED TO LOBBYING)

In-House Costs Related to Lobbying

Employee Name	Lobbying Activity	Support of Lobbying	Amount
Juli Lucky	Direct contact with legislators and staff to prepare for hearings and provide feedback on legislation.	Creation of presentation materials for Senate State Affairs and House State Affairs hearings.	\$1,150.00
Total			\$1,150.00

Outsourced Costs Related to Lobbying

Date	Payee/Vendor	Address	Purpose	Amount
01/24/2023	Four Points by Sheraton	51 Egan Drive Juneau, Alaska 99801	Lodging for J. Lucky for Senate State Affairs hearing presentation on 1/24/2023 and	\$434.34

			related meetings.	
01/19/2023	Alaska Airlines	P.O. Box 68900 Seattle, Washington 98168	Airfare for J. Lucky for Senate State Affairs hearing presentation on 1/24/2023 and related meetings.	\$584.29
03/23/2023	Alaska Airlines	P.O. Box 68900 Seattle, Washington 98168	Airfare for J. Lucky for House State Affairs hearing presentation on 3/28/2023 and related meetings.	\$578.69
03/28/2023	Anchorage International Airport	5000 W International Airport Road Anchorage, Alaska 99502	Airport parking for J. Lucky for House State Affairs hearing presentation on 3/28/2023 and related meetings.	\$13.00
Total				\$1,610.32

Costs Related to Lobbying Totals

This Report	\$2,760.32
Previous Total	\$0.00
New Total	\$2,760.32

GROUP REGISTRATION FORM

COMPLETED

Submission Date: **03/20/2023**
Filer First Name: **Phillip**
Filer Middle Name (Optional): **A**
Filer Last Name: **Izon**
Filer's Title with Group: **Records Keeper**

GROUP INFORMATION

Previously Registered: **No**
Election Year: **2023**
Group Name: **Alaskans For Honest Elections**
Abbreviation: **AKHE**
Purpose: **Any lawful election matters**
Group Type: **Initiative Proposal**
Group Mailing Address: **2521 E Mtn Village Dr**
City, State Zip: **Wasilla, Alaska 99654**
Additional Email Addresses to Notify: **admin@alaskansforhonestelections.com**

CHAIR

Name: **Phillip Izon**
Address: **4201 E. Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **9078028116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): Did Not Report

TREASURER

Name: **Diamond Metzner**
Address: **4201 Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **907-802-8116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): Did Not Report

 DEPUTY TREASURERS / CO-CHAIRS

Name	Address	Title
No Deputy Treasurers / Co-chairs / Nothing to Report		

TYPE OF GROUP

INITIATIVE PROPOSAL APPLICATION GROUP**Title: Alaskans For Honest Elections****Subject: Repeal of Ranked Choice Voting**

CAMPAIGN PLANS

Initiative Proposal Group: Active before the initiative is certified or the ballot in an election.

BANK ACCOUNT / CAMPAIGN DEPOSITORY

 Name of Bank: **Alaska USA FCU**
Bank Address: **1501 Parks Hwy**
City, State Zip: **Wasilla, Alaska 99654**



THE STATE
of **ALASKA**

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

Date Filed: 01/23/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Articles of Incorporation

Domestic Nonprofit Corporation

Web-1/23/2023 3:08:45 PM

1 - Entity Name

Legal Name: Alaskans For Honest Elections

2 - Purpose

Any lawful election matters

3 - NAICS Code

810 - CIVIC AND SOCIAL ORGANIZATIONS

4 - Registered Agent

Name: Diamond Metzner

Mailing Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654

Physical Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654

5 - Entity Addresses

Mailing Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654

Physical Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654

6 - Officials

Name	Address	% Owned	Titles
Art Mathias	3900 Arctic Blvd STE 102, Anchorage, AK 99503		Director
Diamond Metzner	2521 E. Mtn Village Dr, #904, Wasilla, AK 99654		Director
Phil Izon	4201 Dimond Way, B, Wasilla, AK 99654		Director
Diamond Metzner			Incorporator
Philip Izon			Incorporator
Art Mathias			Incorporator

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Diamond Metzner

CAMPAIGN DISCLOSURE FORM

AMENDMENT

Amendment Description: **Fixing two dates to January 23rd**

COMPLETED

Submission Date: **04/21/2023**Filer First Name: **Phillip**Filer Middle Name: **A**Filer Last Name: **Izon**Filer's Title: **Records Keeper**Report Type: **First Quarterly**

GROUP INFORMATION

Group Name: **2023 - Alaskans For Honest Elections**Group Abbreviation: **AKHE**Group Address: **2521 E Mtn Village Dr**City, State Zip: **Wasilla, Alaska 99654**

REPORT INFORMATION

Election Year: **0**Election: **N/A**Report Type: **First Quarterly**Reporting Period: From **01/08/2023** Through **04/07/2023**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$0.00				
[+] ↓		Year To Date Income Total: (From Box A of previous report)		Total Income To Date: (Box A)	
Total Income Reported:	\$293,817.70	[+] ⇒	\$0.00	[=] ⇒	\$293,817.70
[-] ↓		Year to Date Expense Total: (From Box B of previous report)		Total Expense To Date: (Box B)	
Total Expenditures Reported:	\$268,732.00	[+] ⇒	\$0.00	[=] ⇒	\$268,732.00
[=] ↓					
Closing Cash On Hand:	\$25,085.70				
[-] ↓					
Total Debts:	\$0.00				
[=] ↓					

Surplus/Deficit:

\$25,085.70

INCOME

Date Received	Payment Method	Contributor	Details	Amount
01/23/2023	Non-Monetary Website & Domain	Izon, Phillip 13388 E Moosewallow Ave Palmer, Alaska 99645	Occupation: Self Employer: Swarm Intel USA Description:	\$350.00
01/23/2023	Non-Monetary Management Costs / Time In Kind Donation	Izon, Phillip 13388 E Moosewallow Ave Palmer, Alaska 99645	Occupation: Self Employed Employer: Swarm Intel USA Description:	\$200,000.00
01/31/2023	Credit Card	Chambers, Bret 13200 Floral Lane Anchorage, Alaska 99516	Occupation: Retired Employer: Retired Description:	\$50.00
02/01/2023	Credit Card	Angus, George 2420 N Cottonwood Loop Wasilla, Alaska 99654	Occupation: Matsu Borough Employer: Matsu Borough Description:	\$25.00
02/01/2023	Credit Card	Merwin, David PO Box 671624 Chugiak, Alaska 99567	Occupation: Retired Employer: Retired Description:	\$100.00
02/01/2023	Credit Card	Pence, William 3859 Killewich Dr Juneau, Alaska 99801	Occupation: retired Employer: retired Description:	\$50.00
02/02/2023	Credit Card	Sarber, Jon 1285 Bay Ave in Homer, AK Homer, Alaska 99603	Occupation: retired Employer: retired Description:	\$50.00
02/03/2023	Credit Card	Ernster, Renee P.O. Box 3496 Valdez, Alaska 99686	Occupation: DCC LLC Employer: DCC LLC Description:	\$10.00
02/03/2023	Credit Card	Jones, Larry 4710 Kershner Ave. Anchorage, Alaska 99517	Occupation: Accountant Employer: ACS Description:	\$25.00
02/03/2023	Credit Card	Stock, Richard 485 Ballaine Rd Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	\$50.00
02/05/2023	Credit Card	Moose, Daniel 913 W 14th Ave Anchorage, Alaska 99501	Occupation: Self Employed Employer: Self Employed Description:	\$100.00

02/05/2023	Credit Card	Turner, Fran P.O. Box 646 Nenana, Alaska 99760	Occupation: Retired Employer: Retired Description:	\$100.00
02/06/2023	Check 1007	Ranked Choice Education Association 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	\$1,000.00
02/07/2023	Credit Card	Hutchison, Christine 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	\$25.00
02/08/2023	Credit Card	Gregoire, Aaron PO Box 57079 North Pole , Alaska 99505	Occupation: Mechanic Employer: Fairbanks Gold Mining Description:	\$20.00
02/08/2023	Credit Card	Marrs, Kevin 746 cranberry ridge Fairbanks, Alaska 99712	Occupation: Retired Employer: Retired Description:	\$25.00
02/08/2023	Credit Card	MODESITT, RICK 1069 RECTOR ROAD PARKERSBURG, West Virginia 26105	Occupation: retired Employer: retired Description:	\$25.00
02/08/2023	Check 0108107251	Ranked Choice Education Association 2511 Sentry Drive Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	\$75,000.00
02/08/2023	Credit Card	Wall, Robert 18849 Timberline Drive Anchorage, Alaska 99577	Occupation: Retired Employer: Retired Description:	\$20.00
02/08/2023	Credit Card	Wall, Robert 18849 Timberline Drive Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	\$100.00
02/09/2023	Credit Card	chung, Dyane 620 w 47th ave apt D Anchorage, Alaska 99503	Occupation: State of Alaska Employer: State of Alaska Description:	\$50.00
02/09/2023	Credit Card	Helton, darrell 22021 fawn ln	Occupation: Retired Employer: Retired	\$50.00

		Chugiak, Alaska 99567	Description:	
02/09/2023	Credit Card	helton, darrell 22021 Fawn Lane Anchorage, Alaska 99567	Occupation: Retired Employer: Retired Description:	\$10.00
02/09/2023	Credit Card	Maywald, Linda 9211 Flintlock Street Anchorage, Alaska 99507	Occupation: TA Substitute Employer: ASD Description:	\$51.75
02/09/2023	Credit Card	Milos, Adrienne HC 60 Box 2623 Haines, Alaska 99827	Occupation: retired Employer: retired Description:	\$20.00
02/09/2023	Credit Card	Pempek, Caleb P.O. Box 1542 Palmer, Alaska 99645	Occupation: Journeyman Employer: MEA Description:	\$25.00
02/10/2023	Credit Card	Rupe, Cynthia 35555 Kenai Spur Hwy PMB 199 Soldotna, Alaska 99669	Occupation: retired Employer: retired Description:	\$25.00
02/11/2023	Credit Card	Durham, Carmen 1178 Skyline Dr Fairbanks, Alaska 99712	Occupation: Homemaker Employer: Homemaker Description:	\$37.50
02/11/2023	Credit Card	Rupp, Kenneth 3206 South Cir Anchorage, Alaska 99507	Occupation: Retired Employer: Retired Description:	\$100.00
02/11/2023	Credit Card	Smith, Jane P.O.Box 404 Sutton, Alaska 99674	Occupation: Retired Employer: Retired Description:	\$10.00
02/13/2023	Credit Card	Ilgenfritz, linda 4362 York Ave Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	\$20.00
02/14/2023	Credit Card	Duncan, Sally P.O. Box 16108 Two Rivers, Alaska 99716	Occupation: Retired Employer: Retired Description:	\$235.00
02/15/2023	Credit Card	Armstrong, Vickie 4544 Drake Street Fairbanks, Alaska 99709	Occupation: Retired Employer: Retired Description:	\$156.00
02/15/2023	Credit Card	Breiner, Linda HC 89 BOX 8182 Talkeetna, Alaska 99676	Occupation: Office manager Employer: IOLA Enterprises Description:	\$12.50

02/15/2023	Credit Card	Breiner, Linda HC 89 Box 8182 Talkeetna, Alaska 99676	Occupation: office manager Employer: IOLA Enterprises Description:	\$50.00
02/15/2023	Credit Card	Carlo, Raven P.O. Box 58062 Fairbanks, Alaska 99711	Occupation: CNA Employer: Foundation Health Description:	\$12.50
02/15/2023	Credit Card	Cruse, Riska PO Box 401 Willow, Alaska 99688	Occupation: Photographer Employer: Self Description:	\$12.50
02/15/2023	Credit Card	Jeff Taylor Box 3076 Anderson, Alaska 99744	Occupation: No Employer: Na Description:	\$33.50
02/15/2023	Credit Card	Mader, Brian PO Box 1794 Kenai, Alaska 99611	Occupation: Construction Employer: Alaska Electrical Description:	\$100.00
02/15/2023	Credit Card	Mitchell, Teresa 3000 Wentworth St Anchorage, Alaska 99508	Occupation: Accountant Employer: Self Description:	\$10.00
02/15/2023	Credit Card	Pearce, David 6275 N. Douglas Hwy Juneau, Alaska 99801	Occupation: Retired Employer: N/A Description:	\$7.00
02/15/2023	Credit Card	Stark, Rhonda PO Box 1452 Palmer, Alaska 99645	Occupation: Office Manager Employer: Alaska Prime Power Description:	\$41.00
02/15/2023	Credit Card	Sunseri-Fichtner, Tiffany 1271 S Paddy Place Wasilla, Alaska 99623	Occupation: na Employer: na Description:	\$12.50
02/16/2023	Check 1922	Kruckenber, Kateryna PO Box 220591 Anchorage, Alaska 99522	Occupation: Book Keeper Employer: Consistent Book Keeping Description:	\$250.00
02/16/2023	Credit Card	Mathew, John 9200 Emerald St Anchorage, Alaska 99502	Occupation: retired Employer: na Description:	\$100.00
02/16/2023	Credit Card	Musick, Terrence 12220 Rainbow Ave Anchorage, Alaska 99516	Occupation: retired Employer: retired Description:	\$100.00
02/16/2023	Credit Card	Pherson, Sandra 7287 N False Pass Cir Wasilla, Alaska 99654	Occupation: clerk Employer: valley country stores Description:	\$50.00
02/16/2023	Credit Card	Pherson, Sandy	Occupation: Clerk	\$20.00

		7287 N False Pass Cir Wasilla, Alaska 99654	Employer: Valley Country Stores Description:	
02/16/2023	Credit Card	Rosen, Jeffrey 10441 Nabesna Circle Anchorage, Alaska 99577	Occupation: Retired Employer: Retired Description:	\$10.00
02/16/2023	Check 27765	Suter, Mary PO Box 670144 Chugiak, Alaska 99567	Occupation: Retired Employer: Retired Description:	\$500.00
02/16/2023	Credit Card	VanValin, Lenora 6112 North Moose Meadows Road Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$20.00
02/16/2023	Credit Card	VavValin, Lenora 6112 N. Moose Meadows Rd Wasilla, Alaska 99654	Occupation: retired Employer: retired Description:	\$10.00
02/16/2023	Check 8886	Warren, J. Kris 900 W 86th Ave Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	\$250.00
02/16/2023	Check 1515	Warren, Dawn 900 W. 86th Ave Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	\$250.00
02/16/2023	Credit Card	Whisamore, John 5921 S Bodenbug Loop Palmer, Alaska 99645	Occupation: retired Employer: retired Description:	\$50.00
02/16/2023	Check 4632	Young, Harry 33081 Eagle Vista Dr Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	\$300.00
02/17/2023	Credit Card	Braham, Roxanna 2120 Badger Road North Pole, Alaska 99705	Occupation: Na Employer: Midstate Equipment Inc. Description:	\$200.00
02/17/2023	Credit Card	Jackson, Tim 3227 216th Pl Bothell, Washington 98021	Occupation: PMF Employer: PMF Description:	\$250.00
02/17/2023	Credit Card	Priestley, Joan 3705 Arctic Boulevard Suite 1332 Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	\$103.50
02/18/2023	Credit Card	Nettels, Chris 1901 Beaver Place	Occupation: Retired Employer: Geotek	\$100.00

		Anchorage, Alaska 99504	Description:	
02/19/2023	Credit Card	Helmuth, Carolyn 2062 East Carney Road Wasilla, Alaska 99654	Occupation: Payroll Lead Employer: Calista Corporation Description:	\$115.75
02/19/2023	Credit Card	Urbano, Paul 9160 E Lexington St Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	\$12.50
02/20/2023	Credit Card	Clark, Todd 9310 Carlson Road Anchorage, Alaska 99507	Occupation: Owner Employer: TGI Freight Description:	\$100.00
02/20/2023	Credit Card	McIntosh, Larry N Dartmoor St Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$25.00
02/20/2023	Credit Card	McIntosh, Larry 4085 Dartmoor Street Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$10.00
02/20/2023	Credit Card	Miller, Robert 902 Noorvik Court Fairbanks, Alaska 99701	Occupation: Army Employer: US Army Description:	\$77.00
02/20/2023	Credit Card	Sell, Rebecca 3224 W 30th Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	\$45.00
02/21/2023	Credit Card	Evans, Brett Po Box 879002 Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$50.00
02/21/2023	Check 5159	Franklin, Catherine PO Box 823 Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	\$200.00
02/21/2023	Credit Card	Glover, Scott PO Box 871571 Wasilla, Alaska 99687	Occupation: Retired Employer: Retired Description:	\$42.45
02/21/2023	Credit Card	Thomas, Harrel 5957 Franklin Drive Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	\$25.00
02/22/2023	Credit Card	Amos, Denise 3717 W 43rd Ave Anchorage, Alaska 99517	Occupation: na Employer: na Description:	\$100.00
02/22/2023	Credit Card	Caffroy, Chandra 35020 Scandinavian Drive/731 Anchor Point, Alaska 99556	Occupation: Manager Employer: AFCR Description:	\$80.00

02/22/2023	Check 841	Cole, Susan 2440 E Tudor Rd Box 811 Anchorage, Alaska 99507	Occupation: Retired Employer: Retired Description:	\$50.00
02/22/2023	Check 279	Crossman, Elsie 1801 Minerva Way Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	\$25.00
02/22/2023	Check 3644	Easterly, Sue 1526 Bannister Dr. Anchorage, Alaska 99508	Occupation: Retired Employer: Retired Description:	\$100.00
02/22/2023	Credit Card	Fogle, Kathy 37065 Steelhead Cir Sterling, Alaska 99672	Occupation: Retired Employer: Retired Description:	\$29.25
02/22/2023	Check 4135	Halverson, Robert 1371 Hillcrest Dr Unit 303 Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	\$200.00
02/22/2023	Check 5925	Heim, Sabah 14440 Old Seward Hwy Anchorage, Alaska 99515	Occupation: Self Employer: Self Description:	\$100.00
02/22/2023	Credit Card	Hill, Linda 12410 Hopa Circle Anchorage, Alaska 99515	Occupation: Retired Employer: Retired Description:	\$27.50
02/22/2023	Credit Card	Hill, Linda 12410 Hopa Cr Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	\$100.00
02/22/2023	Check 6041	Jackson, Sherri 3626 Casper St Anchorage, Alaska 99502	Occupation: Retired Employer: Retired Description:	\$50.00
02/22/2023	Credit Card	Kern, Danny 4901 E 40th Ave Anchorage, Alaska 99516	Occupation: retired Employer: retired Description:	\$100.00
02/22/2023	Credit Card	Leverly, Bradley 3501 N Moose St Wasilla, Alaska 99654	Occupation: retired Employer: retired Description:	\$50.00
02/22/2023	Check 8701	Luhrs, James 3333 Lakeshore Dr Anchorage, Alaska	Occupation: retired Employer: retired Description:	\$200.00

		99517		
02/22/2023	Credit Card	Mietzner, Diamond 4201 Dimond Way Wasilla, Alaska 99654	Occupation: Marketing Employer: Self Description:	\$83.60
02/22/2023	Credit Card	Ordaz, Azabel 806 West 57th Ave Anchorage, Alaska 99518	Occupation: business manager Employer: ak4dy Description:	\$50.00
02/22/2023	Credit Card	Overstreet, Carolyn 8122 Lamplighter Ct Anchorage, Alaska 99502	Occupation: Retired Employer: Retired Description:	\$2,000.00
02/22/2023	Check 678	Pessolano, Jodie 5018 E 43rd Ave #5 Anchorage, Alaska 99508	Occupation: Self Employer: North Star Design Description:	\$100.00
02/22/2023	Credit Card	Phelps, Greg 8501 Skyhills Dr Anchorage, Alaska 99502	Occupation: Self Employer: PHELPS Construction, LLC Description:	\$100.00
02/22/2023	Credit Card	Price, Noreen 20656 Driftwood Bay Dr Eagle River, Alaska 99577	Occupation: retired Employer: retired Description:	\$200.00
02/22/2023	Cash	Ranked Choice Education Association 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507	Occupation: Education Employer: RCEA Description:	\$2,358.00
02/22/2023	Credit Card	Smith, Dorothy 12411 Caragana Cir Anchorage, Alaska 99515	Occupation: Homemaker Employer: homemaker Description:	\$250.00
02/22/2023	Check 3302	Turner, Linda 1027 S Arza Cir Palmer, Alaska 99645	Occupation: Retired Employer: Retired Description:	\$50.00
02/22/2023	Check 8834	Washburn, Rebecca PO Box 823 Palmer, Alaska 99645	Occupation: Self Employer: Washburn Farm Nursery Description:	\$100.00
02/22/2023	Credit Card	Whisamore, John 5921 S. Bodenburg Lp Palmer, Alaska 99645	Occupation: Retired Employer: retired Description:	\$12.50
02/23/2023	Non-Monetary Printing Services / In- Kind Donation	Ranked Choice Education Association 2511 Sentry Dr. Ste	Occupation: Education Employer: RCEA Description:	\$1,382.00

		200 Anchorage, Alaska 99507		
02/23/2023	Credit Card	Richeson, Randolph 360 W. KATMAI Soldotna, Alaska 99669	Occupation: retired Employer: retired Description:	\$100.00
02/23/2023	Credit Card	Rosin, Lela 3669 CHINULNA DRIVE Kenai, Alaska 99611	Occupation: Self Employer: Self Description:	\$200.00
02/24/2023	Credit Card	CORBeil, Richard 3336 Doil Dr Anchorage, Alaska 99507	Occupation: Employer: Description:	\$50.00
02/24/2023	Credit Card	Eads, Margaret P.O. Box 19529 Thorne Bay, Alaska 99919	Occupation: Lumberman Employer: Self Employed Description:	\$71.00
02/24/2023	Credit Card	Terry, Desiree 11130 E Equestrian Circle Palmer, Alaska 99645	Occupation: Creekside Church Employer: Creekside Church Description:	\$20.00
02/25/2023	Credit Card	Ducey, Cynthia P.O.Box 220844 Anchorage, Alaska 99522	Occupation: attorney Employer: ducey and associates Description:	\$200.00
02/27/2023	Credit Card	Sherman, Colleen 43420 Kalifornsky Beach Rd Soldotna, Alaska 99669	Occupation: Self Employer: G F Sherman Signs Description:	\$500.00
02/28/2023	Credit Card	McMullen, Kym 4541 E Crane Rd Wasilla, Alaska 99654	Occupation: Na Employer: Na Description:	\$25.00
03/01/2023	Credit Card	Hahn, Deborah 11725 Inspiration Dr Eagle River, Alaska 99577	Occupation: retired Employer: retired Description:	\$100.00
03/01/2023	Credit Card	Heise, Genie 4506 Taft Street Anchorage, Alaska 99517	Occupation: Parole Officer Employer: State of Alaska Description:	\$38.70
03/01/2023	Credit Card	Rapp, Cammie 1555 Bradway Rd. #4 North pole, Alaska 99705	Occupation: Retired Employer: Retired Description:	\$69.00
03/01/2023	Credit Card	Rapp, Cammie 1555 Bradway Rd #4	Occupation: retired Employer: retired	\$50.00

		North Pole, Alaska 99705	Description:	
03/02/2023	Credit Card	Johanknecht, Peter 7700 Evander Drive Anchorage, Alaska 99518	Occupation: Retired Employer: Retired Description:	\$20.00
03/04/2023	Credit Card	Rebecca, Washburn PO Box 823 Palmer, Alaska 99645	Occupation: Self Employer: Washburn Family Nursery Description:	\$500.00
03/06/2023	Credit Card	carson, edward 580 W Roy Rd Apt 1 Wasilla, Alaska 99654	Occupation: Quality Control Inspector Employer: NANA Construction Description:	\$30.00
03/07/2023	Credit Card	Donelson, Cecelia 908 R Street Anchorage, Alaska 99501	Occupation: real estate sales Employer: self employed Description:	\$55.00
03/07/2023	Credit Card	Hutchison, Christine 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	\$25.00
03/09/2023	Credit Card	Martin, Brian 6570 E Robinson Cir Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$10.00
03/09/2023	Credit Card	Sherman, Colleen 43420 Kalifornsky Beach Rd Soldotna, Alaska 99669	Occupation: Self Employer: GF Sherman Signs Description:	\$500.00
03/11/2023	Credit Card	Holliday, Lola PO Box 551 Garden Grove, California 92842	Occupation: na Employer: na Description:	\$20.00
03/13/2023	Credit Card	Carhart, Steve 3324 Knik Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	\$25.00
03/13/2023	Credit Card	Francine, Sayer PO Box 10 Homer, Alaska 99603	Occupation: retired Employer: retired Description:	\$100.00
03/16/2023	Credit Card	Anderson, John 3801 Chiniak Bay Dr Anchorage, Alaska 99515	Occupation: Manager Employer: Alaska Abatement Description:	\$250.00
03/16/2023	Credit Card	Baird, Joe 414 Marine Street Sitka, Alaska 99835	Occupation: Retired Employer: Retired Description:	\$50.00
03/18/2023	Credit Card	Curry, Amiah POB 210516 Auke Bay, Alaska	Occupation: retired Employer: na Description:	\$12.50

		99821		
3/18/2023	Credit Card	Durham, Carmen 1178 Skyline Dr Fairbanks, Alaska 99712	Occupation: Homemaker Employer: Homemaker Description:	\$29.25
03/18/2023	Credit Card	Erickson, Arne 368 Hillside Drive Fairbanks, Alaska 99712	Occupation: Commercial Vehicle Inspector Employer: State of Alaska Description:	\$25.00
03/18/2023	Credit Card	Lindsey, Kurt PO Box 92267 Anchorage, Alaska 99509	Occupation: Southside Petro Employer: Southside Petro Description:	\$500.00
03/18/2023	Credit Card	Newman, Larry 4637 Virginia #C Dallas, Texas 75204	Occupation: retired Employer: retired Description:	\$10.00
03/18/2023	Credit Card	Priebe, Mary 4790 Sandy Beach Dr Anchorage, Alaska 99502	Occupation: retired Employer: retired Description:	\$75.00
03/18/2023	Credit Card	Veith, Frank PO BOX 1591 Anchorage, Alaska 99645	Occupation: CONAM Construction Employer: Conam construction Description:	\$50.00
03/19/2023	Credit Card	Melum, Lana 7231 North Park Dr Anchorage, Alaska 99516	Occupation: Retired Employer: Retired Description:	\$100.00
03/20/2023	Credit Card	Mattson, Donald 730 West Rockside Road Wasilla, Alaska 99654	Occupation: Retired Employer: Retired Description:	\$30.00
03/21/2023	Check 31688	Leman, Loren 2699 Nathaniel Ct Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	\$150.00
03/29/2023	Credit Card	Carey, Craig 4109 Lynn Dr Anchorage, Alaska 99508	Occupation: Employer: Description:	\$25.00
03/29/2023	Credit Card	Cooper, Darlene 1300 West 45th Avenue Anchorage, Alaska 99503	Occupation: Retired Employer: Retired Description:	\$62.50
03/29/2023	Credit Card	Olson, Larry PO Box 978 Sterling, Alaska 99672	Occupation: Retired Employer: Retired Description:	\$20.00

03/30/2023	Credit Card	Campbell, Casey 126 E Cook Ave Anchorage, Alaska 99501	Occupation: Realtor Employer: Benson Realty Description Description:	\$20.00
03/30/2023	Credit Card	Whitford, Sharri 175 n Binkley st #4032 Soldotna, Alaska 99669	Occupation: Retired Employer: Retired Description:	\$41.45
04/01/2023	Credit Card	Carroll, Susanne 1752B Army Rd Fairbanks, Alaska 99709	Occupation: Retired Employer: na Description:	\$12.50
04/01/2023	Credit Card	Hahn, Deborah 11725 Inspiration Dr Eagle River, Alaska 99577	Occupation: Retired Employer: Retired Description:	\$100.00
04/01/2023	Credit Card	Tennis, Jacque 2931 Bennett Ave Anchorage, Alaska 99517	Occupation: Retired Employer: Retired Description:	\$50.00
04/04/2023	Credit Card	Ross, Leroy 3223 E. Lakeview Rd Wasilla, Alaska 99654	Occupation: Three Bears Alaska Employer: Three Bears Alaska Description:	\$100.00
04/07/2023	Credit Card	Hutchison, Christine 281 Juliussen St Kenai, Alaska 99611	Occupation: Self Employer: Na Description:	\$25.00
Number of Contributions under \$100:				0
Sum of Contributions under \$100:				\$0.00
Income Total:				\$293,817.70

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
01/23/2023	Non-Monetary Website & Domain	Izon, Phillip 13388 E Moosewallow Ave Palmer, Alaska 99645		\$350.00
01/23/2023	Non-Monetary Management Costs / Time In Kind Donation	Izon, Phillip 13388 E Moosewallow Ave Palmer, Alaska 99645		\$200,000.00
01/15/2023	Check 101	Leading Light Advors 4201 E. Dimond Way Wasilla, Alaska 99654	Marketing / Communications	\$20,000.00
02/22/2023	Check 102	Leading Light Advisors 4201 E. Dimond Way	Marketing / Communications	\$20,000.00

		Wasilla, Alaska 99654		
02/23/2023	Non-Monetary Printing Services / In-Kind Donation	Ranked Choice Education Association 2511 Sentry Dr. Ste 200 Anchorage, Alaska 99507		\$1,382.00
03/11/2023	Debit Card	Leading Light Advisors 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	\$2,500.00
03/15/2023	Debit Card	Leading Light Advisors 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	\$3,000.00
03/21/2023	Check 103	Leading Light Advisors 4201 E. Dimond Way Wasilla, Alaska 99654	Marketing / Communications	\$20,000.00
04/01/2023	Debit Card	Leading Light Advisors 4201 E Dimond Way Wasilla, Alaska 99654	Merchandise / Marketing	\$1,500.00
Expenditure Total:				\$268,732.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
Remaining Debt Total:				\$0.00



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.daa.alaska.gov/apoc

April 24, 2023

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Alaskans for Honest Elections

Attn: Phillip Izon

4201 E. Dimond Way Unit B

Wasilla, Alaska 99654

admin@alaskansforhonestelections.com

nevesiltstudio@gmail.com

RE: Notice of Penalty Assessment – Independent Expenditure Report¹

Mr. Izon:

According to our records you did not timely file your Independent Expenditure Report that was due on February 25, 2023.² Instead, the information required to be reported was disclosed on April 10, 2023, in your First Quarterly Report (44 days late). By law a maximum penalty of \$50 accrues each day the report is late.³ The maximum penalty the Alaska Public Offices Commission has assessed you is \$2,200.⁴

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.⁵ **Accordingly, the assessed penalty owed is \$1,100.**

Additionally, please be advised:

- 1) You may pay the reduced penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; visiting our [website](#)⁶ to make a payment by credit card; or you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the

¹ AS 15.13.110(h).

² For expenditures between February 15, 2023 and February 25, 2023.

³ AS 15.13.390(a).

⁴ 2 AAC 50.855(a).

⁵ 2 AAC 50.855(b)(2)(C)(i).

⁶ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

PLEASE NOTE: credit card payment cannot be made by phone; they must be made online.

entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other questions concerning this matter, please contact the APOC staff.

- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.⁷ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission. You will receive a copy of that recommendation and notice of when the Commission will meet to consider the matter. You will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangement for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.⁸

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas

Thomas R. Lucas
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Alaskans for Honest Elections Attn: Phillip Izon 4201 E. Dimond Way Unit B Wasilla, Alaska 99654 admin@alaskansforhonestelections.com nevesiltstudio@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email
<i>Erika Potter</i> Law Office Assistant	4/24/2023 Date

9171-9690-0935-0294-3929-87

⁷ 2 AAC 50.831(a).

⁸ 2 AAC 50.895.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
Fax: 907.276.7018
www.doa.alaska.gov/apoc

April 24, 2023

VIA CERTIFIED MAIL, U.S. MAIL, & EMAIL

Alaskans for Honest Elections

Attn: Phillip Izon

4201 E. Dimond Way Unit B

Wasilla, Alaska 99654

admin@alaskansforhonestelections.com

nevesiltstudio@gmail.com

RE: Notice of Penalty Assessment – Independent Expenditure Report¹

Mr. Izon:

According to our records you did not timely file your Independent Expenditure Report that was due on March 21, 2023.² Instead, the information required to be reported was disclosed on April 10, 2023, in your First Quarterly Report (20 days late). By law a maximum penalty of \$50 accrues each day the report is late.³ The maximum penalty the Alaska Public Offices Commission has assessed you is \$1,000.⁴

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.⁵ **Accordingly, the assessed penalty owed is \$500.**

Additionally, please be advised:

- 1) You may pay the reduced penalty and avoid formal Commission action by remitting payment by check or money order payable to the State of Alaska to the Alaska Public Offices Commission at the address above; visiting our website⁶ to make a payment by credit card; or you may pay in cash at our offices. **Payment must be made within thirty days of the date of this letter.** If you are unable to pay the

¹ AS 15.13.110(h).

² For expenditures between March 11, 2023 and March 21, 2023.

³ AS 15.13.390(a).

⁴ 2 AAC 50.855(a).

⁵ 2 AAC 50.855(b)(2)(C)(i).

⁶ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

PLEASE NOTE: credit card payment cannot be made by phone; they must be made online.

entire assessed penalty in a single payment and wish to discuss a payment plan, or have any other questions concerning this matter, please contact the APOC staff.

- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.⁷ **If you wish to appeal you must submit the enclosed appeal affidavit to APOC within thirty days of the date of this letter.**

If you appeal, staff will review your affidavit and prepare a recommendation for the Commission. You will receive a copy of that recommendation and notice of when the Commission will meet to consider the matter. You will have the opportunity to participate in the meeting either in person or telephonically.

Failure to respond to this notice by either making arrangement for payment within thirty days or submitting an appeal within thirty days will result in staff presenting this matter to the Commission for a final order in the amount of the assessed penalty and referral to the Attorney General's Office.⁸

A copy of this letter will be placed in your APOC file and is considered a public document. If you have any questions about this matter, please contact APOC staff.

ALASKA PUBLIC OFFICES COMMISSION

Thomas R. Lucas

Thomas R. Lucas
Campaign Disclosure Coordinator

Encl: Civil Penalty Appeal Affidavit
2 AAC 50.865

cc: Group File (w/o enclosures)

CERTIFICATE OF SERVICE: I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Alaskans for Honest Elections Attn: Phillip Izon 4201 E. Dimond Way Unit B Wasilla, Alaska 99654 admin@alaskansforhonestelections.com nevesiltstudio@gmail.com	☒ Certified Mail ☒ U.S. Mail ☒ Email
<i>Erika Potter</i> Law Office Assistant	4/24/2023 Date

9171-9690-0935-0294-3929-94

⁷ 2 AAC 50.831(a).

⁸ 2 AAC 50.895.

CAMPAIGN DISCLOSURE FORM

COMPLETED

Submission Date: **07/16/2023**
 Filer First Name: **Phillip**
 Filer Middle Name: **A**
 Filer Last Name: **Izon**
 Filer's Title: **Records Keeper**
 Report Type: **Second Quarterly Report**

GROUP INFORMATION

Group Name: **2023 - Alaskans For Honest Elections**
 Group Abbreviation: **AKHE**
 Group Address: **2521 E Mtn Village Dr**
 City, State Zip: **Wasilla, Alaska 99654**

REPORT INFORMATION

Election Year: **0**
 Election: **N/A**
 Report Type: **Second Quarterly Report**
 Reporting Period: From **04/08/2023** Through **07/07/2023**

FINANCIAL SUMMARY

THIS PERIOD		ENTIRE CAMPAIGN			
Beginning Cash On Hand:	\$0.00				
[+] ↓		Year To Date Income Total: (From Box A of previous report)		Total Income To Date: (Box A)	
Total Income Reported:	\$10,760.00	[+] ⇒	\$0.00	[=] ⇒	\$10,760.00
[-] ↓		Year to Date Expense Total: (From Box B of previous report)		Total Expense To Date: (Box B)	
Total Expenditures Reported:	\$10,000.00	[+] ⇒	\$0.00	[=] ⇒	\$10,000.00
[=] ↓					
Closing Cash On Hand:	\$760.00				
[-] ↓					
Total Debts:	\$0.00				

[=] ↓	
Surplus/Deficit:	\$760.00

INCOME

Date Received	Payment Method	Contributor	Details	Amount
04/28/2023	Credit Card	Adickes, William 1401 Edgecumbe Drive Sitka, Alaska 99835	Occupation: Home Maker / Attorney Employer: Retired Description:	\$500.00
06/11/2023	Check 2010	Ranked Choice Education Association 2511 Sentry Dr Suite 200 Anchorage, Alaska 99507	Occupation: Education Association Employer: RCEA Description:	\$10,260.00
Number of Contributions under \$100:				0
Sum of Contributions under \$100:				\$0.00
Income Total:				\$10,760.00

EXPENDITURES

Date	Payment Method	Vendor	Purpose	Amount
06/12/2023	Check 201	Leading Light Advisors 4201 Dimond Way Wasilla, Alaska 99654	Advertising / Communication	\$5,000.00
07/03/2023	Check 202	Leading Light Advisors 4201 Dimond Way Wasilla, Alaska 99654	Advertising / Communication	\$5,000.00
Expenditure Total:				\$10,000.00

DEBTS

Date Incurred	Name	Description or Purpose	Original Amount	Balance Remaining
No Debts / Nothing to Report				
			Remaining Debt Total:	\$0.00

To: Alaska Public Offices Commission
From: Alaskans for Better Elections, Inc., Complainant

Re: Complainant's First Supplement in Support of APOC Complaint 23-02-CD Against Preserve Democracy, Kelly Tshibaka, and Alaskans for Honest Elections.

Respondents:

Preserve Democracy

1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
Kelly Tshibaka, CEO/Treasurer
info@preservedemocracy.com

Kelly Tshibaka

1120 Huffman Rd., Suite 24-835
Anchorage, Alaska 99515
info@preservedemocracy.com

Alaskans for Honest Elections

2521 East Mtn Village Dr., #904
Wasilla, AK 99654
Telephone: 1-907-802-8116
Phillip Izon, Director
admin@alaskansforhonestelections.com

I. Introduction

Complainant hereby supplements its original complaint (23-02-CD) with additional information that it was not aware of when it was filed on July 17, 2023.

II. Supplemental Information Regarding Allegations Against Preserve Democracy and Alaskans for Honest Elections.

This complaint cited a video from an event where Kelly Tshibaka — Preserve Democracy's ("PD") CEO, president, treasurer, and registered agent¹ — spoke on February 13, 2023.² Counsel for complainant has since listened to audio from a similar PD

¹ See APOC Complaint 23-02-CD at 3-4.

² See *id.* at 4-5.

event that occurred at Bell's Nursery in Anchorage on February 9, 2023.³ This event appears to be a different PD event that occurred at Bell's Nursery than the one that was previously referenced in the complaint.⁴

In the audio from PD's February 9 event, Ms. Tshibaka:

- Affirmatively answered "yes," when asked whether PD was "coordinating with other organizations that are . . . collecting signatures";⁵
- Gave a shout-out to "the co-leads of Alaskans for Honest Elections," ("AHE") who were "in the room right now";⁶
- Urged attendees to "please join" AHE at "Wellspring Church" the following Thursday night for AHE's signature gathering event;⁷
- Stated that PD is "running in parallel" and "working in tandem" with AHE;⁸
- Told attendees that AHE's signature gathering efforts are "absolutely critical";⁹

³ See Affidavit of Samuel G. Gottstein at ¶ 2 (July 25, 2023) [hereinafter Gottstein Aff.]. Two clips from this audio have been included as part of this filing as Exhibit R and Exhibit S. See *id.* at ¶¶ 3-4.

⁴ See Exhibit S to Gottstein Aff. (urging supports to attend another PD event at Bell's Nursery on February 22).

⁵ See Exhibit R to Gottstein Aff.

⁶ See *id.*

⁷ See *id.*

⁸ See *id.*

⁹ See *id.*

- Explained that is “super important” to “get a counter message out there, so that when [22AKHE is] on the ballot, we win”,¹⁰ and
- Said that she “wanted the [22AKHE] petitions to be here tonight,” and urged attendees to “please volunteer to help get [th]em signed.”¹¹

Additionally, another speaker — who appears to be Art Mathias — asked those in attendance to “actually sign the petition” at “Wellspring Ministry” the following Thursday night.¹²

This information further confirms that PD has: (1) worked with AHE since February 2023; (2) explicitly urged Alaskans to assist with AHE’s signature-gathering efforts, as well as attend an AHE event at Wellspring; and (3) viewed itself as supporting AHE’s messaging and campaigning efforts if 22AKHE reaches the ballot.

III. CONCLUSION

This supplemental information further confirms the allegations in this complaint regarding Preserve Democracy and Alaskans for Honest Elections. It further shows that both entities have been working together since at least February 2023. Complainant requests that APOC Staff consider this additional supplemental information when conducting its investigation into the allegations in this complaint.

¹⁰ *See id.*

¹¹ *See Exhibit S to Gottstein Aff.*

¹² *See id.*

CASHION GILMORE & LINDEMUTH
Attorneys for Complainant

DATE: July 25, 2023

By:



Scott M. Kendall
Alaska Bar No. 0405019
Samuel G. Gottstein
Alaska Bar No. 1511099

AFFIDAVIT OF SAMUEL G. GOTTSTEIN

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

I, Samuel G. Gottstein, being first duly sworn and deposed, hereby state as follows:

1. I am an attorney representing Complainant Alaskans for Better Elections, Inc. in APOC Complaint 23-02-CD against Respondents Preserve Democracy (“PD”), Kelly Tshibaka, and Alaskans for Honest Elections (“AHE”).
2. After the Complaint was served on Respondents on July 17, 2023, I received an audio file from a PD event at Bell’s Nursery that occurred on February 9, 2023. I had not received or listened to this audio file before the Complaint was filed. I subsequently listened to that nearly thirty-five (35) minute audio file, and had two audio clips created from that longer audio file. I also took notes, and created a rough transcription, of those two audio clips on February 19, 2023. These two shorter audio clips have been included in Complainant’s First Supplement in Support of APOC Complaint 23-02-CD.
3. Included as Exhibit R to the above-referenced First Supplement is a true and correct copy of the first audio clip from the 35-minute audio file described above. Exhibit R begins at approximately 18:00 of the original audio, and goes until approximately 19:30.

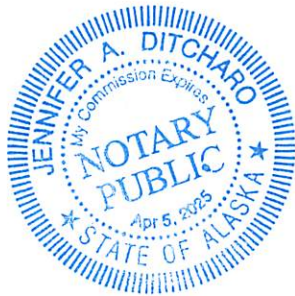
4. Included as Exhibit S to the above-referenced First Supplement is a true and correct copy of the second audio clip from the 35-minute audio file described above. Exhibit S begins at approximately 29:43 of the original audio, and goes until approximately 30:23.

FURTHER AFFIANT SAYETH NAUGHT.



Samuel G. Gottstein
Alaska Bar No. 1511099

SUBSCRIBED AND SWORN to before me on this 25th day of July, 2023, at Anchorage, Alaska.



Notary Public in and for Alaska
My Commission Expires: 4/5/25

PLACEHOLDER FOR
ATTACHED ELECTRONIC FILE

[Exhibit R - 2023.02.09 Tshibaka (18_00-19_30).mp3]

PLACEHOLDER FOR
ATTACHED ELECTRONIC FILE

[Exhibit S - 2023.02.09 Tshibaka (29_43-30_23).mp3]

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER)
ELECTIONS, INC.,)
Complainant,) APOC Case No. 23-02-CD
v.)
PRESERVE DEMOCRACY, KELLY)
TSHIBAKA and ALASKANS FOR)
HONEST ELECTIONS,)
Respondents.)
_____)

PRESERVE DEMOCRACY AND KELLY TSHIBAKA
RESPONSE TO COMPLAINT

I. INTRODUCTION

Kelly Tshibaka and Preserve Democracy ask that the complaint be dismissed. The complainant, Mr. Kendall, is a political operative who files similar complaints every election cycle, often on thin or non-existent evidence. Such is the case here. The things that Mr. Kendall complains about are the free exercise of speech, protected by the First Amendment, and do not trigger any reporting or registration obligations. APOC should not be used as a tool to silence debate on important political topics or to punish those whose views happen to be opposite those of the complainant and his dark-money clients.

II. BACKGROUND

After the results of the November 2022 election in Alaska and across the United States, a group of concerned citizens joined together to form Preserve Democracy. The

1 original founders of the organization include Simcha Weed of Brownsville, TX; Stuart
2 Gates of Lakewood Ranch, FL; Heather Gottshall of Anchorage, AK; and Kelly
3 Tshibaka of Anchorage, AK. This group formed a 501(c)(4) entity, Preserve
4 Democracy (PD), for the purpose of preserving the fundamentals of our democracy—
5 “election systems should be simple to understand and accessible to all Americans.” Ms.
6 Weed, Mr. Gates, and Ms. Gottshall serve as the Board of Directors for the
7 organization; Ms. Tshibaka serves as the President and Chief Executive Officer (CEO),
8 a position for which she does not draw a salary or other compensation.
9

10
11 The founders of PD were concerned by the low voter turnout in the Southern
12 U.S. and Alaska compared to the rest of the United States. They were focused on
13 increasing low voter turnout and fixing some of the causes behind low turnout. They
14 were inspired by the Honest Elections Project, which talks on its website about
15 “preserving our democracy,” “election integrity,” and how “[i]t should be easy to vote
16 and hard to cheat.”
17

18
19 The directors and officers of PD are not all registered as members of the same
20 political party; their intent was to start an apolitical group with an overarching mission
21 of “protecting election integrity and increasing voter turnout.”

22 The projects the Board had the CEO focus on included:

- 23
24 1. A Get-Out-the-Vote pilot project in the 2023 Anchorage Municipal race
25 to determine if and how medium propensity voters of all political
26 persuasions could be motivated to vote.
2. A statewide poll to determine the reasons Alaskans did not vote in 2022.

3. Speaking at events to inform constituents how they could be involved in election integrity, from contacting their legislators about HB 1 (“An Act Relating to Elections”) or HB 4 (“An Act Relating to Elections”), to encouraging state compliance with the National Voter Registration Act.
4. Fighting the spread of Ranked-Choice Voting (RCV) in states where it was *not yet* implemented by providing information, data, or testimony to legislatures or advocacy groups.
5. Assisting with voter registration and absentee ballot drives in advance of the 2024 election.

Preserve Democracy initiated contact with APOC in mid-January and a couple times in February to seek guidance on its Get-Out-the-Vote campaign, which was its primary focus through the beginning of the year. PD has sought to comply with Alaska law in all regards. PD also began seeking guidance from APOC in mid-January and retained legal counsel from Birch Horton Bittner & Cherot in February, to help navigate the rules of APOC. Birch Horton attorney Jason Brandeis conferred with APOC on behalf of PD in several communications between March and May, 2023, as PD sought guidance to confirm that its activities would not trigger reporting obligations.

In response to guidance Ms. Tshibaka received from APOC and follow-up guidance from Birch Horton Bittner & Cherot, Tshibaka and PD took action to be extra careful in their messaging and activities to ensure they were neither making expenditures nor giving an appearance that they were making an expenditure to support an initiative proposal application. Complainants, Alaskans for Better Elections (ABE), are trying to conflate Ms. Tshibaka’s personal political views, protected under the First Amendment and the Alaska State Constitution, with her activities as the CEO of PD.

1 The two are not the same. APOC regulates expenditures, not speech, and PD has not
2 incurred any expenditures intended to influence a candidate or ballot initiative election.

3
4 **III. TESTIFYING ONCE IN PUBLIC LEGISLATIVE HEARING DOES NOT
5 REQUIRE REGISTRATION AS A LOBBYIST**

6 The complaint asserts that Kelly Tshibaka was required to register as a lobbyist
7 because she testified at a hearing before the Alaska legislature. As a matter of law, Ms.
8 Tshibaka is not a lobbyist. Alaska Statute 24.45.171(11) defines a “lobbyist” as “a
9 person who:

10 (A) is ***employed and receives payments, or who contracts for economic***
11 ***consideration***, including reimbursement for reasonable travel and living
12 expenses, ***to communicate*** directly or through the person’s agents ***with***
13 ***any public official for the purpose of influencing legislation*** or
14 administrative action ***for more than 10 hours in any 30-day period*** in
15 one calendar year; or

16 (B) represents oneself as engaging in the ***influencing of legislative or***
17 ***administrative action*** as a ***business***, occupation, or profession.

18 Alaska Statute 24.45.171(9) defines “influencing legislative or administrative
19 action” as “to communicate directly for the purpose of introducing, promoting,
20 advocating, supporting, modifying, opposing, or delaying or seeking to do the same
21 with respect to any legislative or administrative action.”

22 Pursuant to AS 24.45.161(a)(1)(B), a person is exempt from registering as a
23 lobbyist if the person “limits lobbying activities to appearances before public sessions
24 of the legislature, or its committees or subcommittees, or to public hearings or other
25 public proceedings of state agencies.”

1 Because the only “lobbying” identified by the complaint is that Ms. Tshibaka on
2 one occasion testified at a public hearing of the legislature, the complaint does not
3 identify “more than 10 hours in any 30-day period” and does not identify any activity
4 other than conduct that is expressly exempt because it involves testifying before a
5 public hearing of the legislature. Thus, the complaint fails to identify any conduct that
6 would require registration as a lobbyist.
7

8 Furthermore, the complaint erroneously speculates that Ms. Tshibaka is paid as
9 the CEO of Preserve Democracy. This fact is untrue. Ms. Tshibaka’s role as CEO is
10 voluntary. [See Affidavit of Tshibaka] In her one appearance in front of the legislature,
11 Ms. Tshibaka appeared remotely and did not incur any travel or other expenses. PD
12 did not incur any expenses associated with Ms. Tshibaka’s single appearance in a public
13 hearing of the legislature.
14
15

16 Dismissal is generally appropriate when the allegations of a complaint fail to
17 state a valid claim. Because the complaint fails to state a claim regarding lobbying, that
18 allegation should be dismissed.
19

20 **IV. PRESERVE DEMOCRACY WAS NOT FORMED TO SUPPORT OR** 21 **OPPOSE A BALLOT INITIATIVE**

22 A group is required to register with APOC when it is formed for the purpose of
23 supporting or opposing a ballot initiative. See AS 15.13.050. PD was not formed for
24 such purpose, and so had no obligation to register as a ballot group. Instead, PD was
25 formed with regard to more general concerns about the health of democracy, including
26

1 the need to improve voter turnout and stop the national spread of ranked-choice voting.
2 PD is not a sponsor of any ballot initiative and has not spent money in support of any
3 initiative.
4

5 **V. PRESERVE DEMOCRACY HAS NOT MADE ANY EXPENDITURES**
6 **THAT TRIGGER INDEPENDENT EXPENDITURE GROUP**
7 **REPORTING**

8 A group or individual is required to report independent expenditures in excess
9 of \$500 that are made in support of or against a ballot initiative. *See* AS 15.13.110. PD
10 has not incurred \$500 in such expenditures. First, Ms. Tshibaka is not paid in her role
11 as CEO. [*See* Affidavit of Tshibaka] When she attends events, provides testimony, or
12 provides an interview, she is not being paid. Second, PD has not incurred any expenses
13 in excess of \$500 related to events. PD has not rented space, paid for catering, or paid
14 for advertising for any events. On one occasion, a volunteer intended to donate some
15 supplies for an event but did not have the cash available, and so PD provided \$209.89
16 to the volunteer for supplies, and the volunteer later reimbursed PD for the same
17 amount. This \$209.89 is the only expenditure PD has made for events, and this amount
18 does not trigger a reporting obligation under AS 15.13.110.
19
20

21 APOC regulates political spending, not political speech. People are not required
22 to register with the government before expressing their opinions. Because PD has not
23 made independent expenditures in support of a ballot initiative, it is not an Independent
24 Expenditure group under AS 15.13.110 and had no reporting requirement.
25
26

1 Complainant asserts that the language on earlier versions of the PD website
2 could only be read as advocacy related to the ballot initiative. This is untrue. The
3 exhibit Complainant provides, Exhibit F, makes no mention of a ballot initiative. The
4 website did not ask for voters to vote a certain way. Rather, the website discusses the
5 spread of ranked-choice voting around the country and the risks that this phenomenon
6 poses to democracy.
7

8 During a ballot initiative about the Pebble mine, APOC issued advisory opinions
9 that distinguished educational communications from initiative-related advocacy.
10 APOC advised that an issue group was not required to report expenditures for issue
11 advertisements that do not mention ballot initiatives, do not advocate a position on the
12 initiatives, and are susceptible to interpretations other than as exhortations to vote for
13 the initiatives. See Advisory Opinion 08-02-CD. Under APOC's established advisory
14 opinion, PD did not come close to the line in its earliest website iterations, because it
15 made no mention of a ballot initiative, nor did it advocate a position on the initiatives,
16 and its message can reasonably be interpreted as educating readers about the national
17 spread of ranked-choice voting, not the circumstances in Alaska. PD's website
18 language that was critical of ranked-choice voting was intended to halt the spread of
19 the phenomenon in other states, and can reasonably be read as such. Nonetheless, as
20 PD interacted with APOC and as the initiative effort heated up, PD sought to avoid any
21 concerns in this regard, and so toned down its mention of ranked-choice voting on its
22
23
24
25
26

1 website. PD's effort to be conservative and avoid any controversy with APOC should
2 not be construed as anything other than a good faith effort to stay clear of any violations.
3

4 Here is a timeline relevant to PD's website:

5 **TIMELINE**

- 6 • 12/6/22 PD Formed
- 7 • 12/19/22 PD Website Goes Live
- 8 • Mid-January 2023 PD Contacts APOC for Get-Out-the-Vote Guidance
- 9 • 1/22/23 AHE Initiative Application Accepted by Lt. Governor
- 10 • 2/14/23 Tshibaka E-Mailed APOC Paralegal Mr. Stormont for Get-
11 Out-the-Vote Guidance
- 12 • 2/16/23 APOC Mr. Stormont Responds; Provides Unsolicited
13 Advice, Does Not Advise PD Register with APOC or
14 Amend Its Website
- 15 • 2/16/23 AHE Launches Campaign to Repeal RCV (Tshibaka and
16 PD Did Not Attend)
- 17 • 2/18/23 Tshibaka Sends Website Revisions to Web Development
18 Team
- 19 • 2/22/23 PD Reaches Out to Retain Legal Counsel, Following Board
20 Meeting to Approve Retention of Counsel
- 21 • 2/23/23 PD Board of Directors Re-Prioritizes PD's Mission Focus
22 Areas
- 23 • 2/27/23 Website Revisions Completed by Website Development
24 Team

25 **VI. AN INDEPENDENT POLL IS NOT A CAMPAIGN EXPENDITURE AND**
26 **PRESERVE DEMOCRACY HAS NOT SHARED THE POLL WITH ANY**
CAMPAIGN GROUPS

The complaint alleges, without factual support, that PD conducted a poll and

1 shared it with Alaskans for Honest Elections (AHE). This is untrue. While PD did
2 conduct a poll to try to understand the reasons for low voter turnout in Alaska's recent
3 election, it did so to inform its own Get-Out-the-Vote efforts. PD has not conveyed the
4 poll results to AHE, nor any of its principals or agents.

6 PD contracted with Cygnal to conduct a poll concerning the causes for low voter
7 turnout in the Alaska November 2022 General Election. Cygnal is an award-winning
8 international polling, public opinion, and predictive analytics firm that pioneered multi-
9 mode polling, text-to-web collection, and emotive analysis.

11 PD conducted a poll to assess the reasons for low voter turnout in 2022. The poll
12 questions focused exclusively on previous election experiences. The poll fell outside of
13 APOC regulation because: (1) the intent of the poll was for purposes other than to
14 influence the outcome of any candidate or ballot initiative election; (2) the substance of
15 the poll did not express support for or opposition to the 22AKHE ballot proposition or
16 RCV; and (3) the polling information was not used for or supplied to a campaign or
17 ballot initiative group and was not used to influence any election.

20 **VII. PRESERVE DEMOCRACY DID NOT TARGET PARTISAN VOTERS** 21 **IN THE ANCHORAGE MUNICIPAL ELECTION**

22 The complaint alleges, without factual support, that PD must have targeted
23 partisan voters in its Get-Out-the-Vote (GOTV) effort because two lawyers for
24 complainant did not receive PD's mailers, and those lawyers reside in Assembly
25 Districts 3 and 4. PD targeted its GOTV effort at Anchorage Assembly Districts 5
26

1 and 6. Within those districts, PD did not distinguish partisan affiliation. The majority
2 of recipients of mailers in the two targeted districts were not registered as Republicans,
3 but instead as non-partisan, unregistered, or Democrats. PD targeted those two
4 Assembly districts because data showed them to have a high percentage of voters who
5 had not voted in the past election but had voted in prior elections. In other words, PD
6 targeted districts where it thought it would have the most success in getting out the
7 votes. PD's mailers do not identify specific candidates or issues, and are plainly
8 permissible GOTV communications not regulated by APOC.
9
10

11 As stated by Complainants, "nonpartisan GOTV efforts are not regulated by
12 APOC." PD engaged in a **nonpartisan** GOTV campaign during the 2023 Anchorage
13 Municipal race.
14

- 15 1. PD focused its GOTV campaign on medium-propensity voters in
16 Districts 5 and 6, with the intent of evaluating whether voters who
17 otherwise were less inclined to vote in an election could be motivated to
18 vote.
- 19 2. PD worked with Cygnal to identify districts that had a large number of
20 "medium propensity voters" who did not vote in 2022, but could be
21 motivated to vote in the Municipal race.
- 22 3. PD asked Cygnal to include voters of all registered parties in the mailer
23 list group.
- 24 4. To the best of PD's knowledge, Cygnal worked with a contractor to create
25 a voter file that included voters of all parties in Districts 5 and 6.
- 26 5. In total, 42% of voters' parties were Republican, 41% of voters' parties
were Democrat or Other, and 17% of voters' parties were
Independent. In other words, 58% of voters identified were not registered
Republican.

- 1 6. The raw voter file was not shared with Ms. Tshibaka or PD before or
2 during the GOTV campaign.
- 3 7. Messaging for the GOTV campaign was neutral as to candidates, political
4 parties, and issues.
- 5 8. Ms. Tshibaka sought and received guidance from APOC staff between
6 mid-January 2023, and February 16, 2023, on the Get-Out-the-Vote
7 effort.
- 8 9. In her originating e-mail to APOC, Tshibaka indicated PD “intend[ed] to
9 run Get-Out-the-Vote ads targeting medium or low propensity voters in
10 up to 3 districts for the Anchorage Assembly races.” She also indicated
11 that PD emailed APOC in mid-January, left a message for APOC in early
12 February, and left a message for the Director of APOC. Tshibaka’s clear
13 intent was to comply with the letter and spirit of APOC’s guidance, which
14 is why she made those efforts to communicate with APOC.
- 15 10. The statements of support Tshibaka made for individual candidates on
16 her *personal* social media sites: a) did not represent PD, b) did not
17 constitute an expenditure, and c) were not made in coordination, direct or
18 indirect, with the candidate(s). Tshibaka took a photo of a PD mailer
19 received by a moderate voter registered at her house. Posting a photo of
20 the front of that mailer with support for candidates by name on her
21 personal social media account did not constitute an APOC regulated
22 expenditure. Any Alaskan who receives mailers has the right to post a
23 photo online with support for their candidate or ballot proposition of
24 choice. If this were to fall within APOC’s jurisdiction, APOC staff would
25 become social media police. Regulating Tshibaka’s ability to make
26 statements of support for candidates on her personal social media sites
 would prohibitively infringe on her First Amendment free speech rights.
11. On the *Must Read Alaska* podcast, Tshibaka described PD’s GOTV
 efforts in party-neutral terms, explaining that PD targeted only 2 districts:

 The idea behind this was to do a pilot project, John, to
 figure out can we actually mobilize voters to vote, because
 we saw in 2022, we had such strong voter drop off. And so
 we used some of the same methods and techniques that they
 were using in Florida. We used one of the top analytics
 firms...data analytics firms in the country to *target voters*
 who normally vote in every four year elections or the two
 year elections (emphasis added). *Maybe they don’t vote in*

1 *Muni races, but they could be prompted to vote* (emphasis
2 added). ...And we targeted just two districts, too, because
3 it's just an experiment (emphasis added).

- 4 12. On the *Must Read Alaska* podcast, Tshibaka made recommendations for
5 the 2024 election cycle in her personal capacity. She recommended
6 Republicans use data analytics, absentee ballots, and ballot chasing
7 strategies to help increase voter turnout in the 2024 election. Those
8 statements had no relevance to PD's GOTV efforts in 2023. Ms.
9 Tshibaka was not being paid by PD to participate in the podcast.

10 Complainants' only evidence that PD targeted Republican voters are two affidavits
11 stating that two attorneys, who are not registered Republican and who live in separate
12 districts not targeted by PD, did not receive PD GOTV mailers. These attorneys would
13 not have received the PD GOTV mailers because: a) they did not live in either District
14 5 or 6, where PD's GOTV campaign occurred, and b) even if they had lived in those
15 districts, they are super-voters, not medium propensity voters.

16 There is no merit to Complainants' allegation that PD or Ms. Tshibaka led a
17 partisan GOTV campaign.

18 **VIII. PRESERVE DEMOCRACY'S EVENTS ARE NOT REPORTABLE TO**
19 **APOC**

20 The United States and Alaska Constitution protect the right of people to gather
21 peaceably and discuss politics. This free speech activity is core to our democracy.
22 APOC does not regulate political speech, and citizens are not required to register with
23 the state before they gather or express an opinion. Because PD has not coordinated
24 with any ballot group and has not incurred expenditures of over \$500, it has no
25 reportable obligations with regard to any public events. PD did not purchase or transfer
26

1 money or anything of value, nor promise or agree to purchase or transfer money or
2 anything of value, in order to speak at or have these events.

3
4 Furthermore, the purpose of PD's events was not to "influence the outcome of"
5 22AKHE. Rather, the purpose of these events was to support the passage of HB 1, to
6 increase voter participation, enhance election integrity, determine the cause for low
7 voter turnout in 2022, and fight the spread of RCV in states other than Alaska (to avoid
8 any misperception of attempting to influence the outcome of a ballot question, PD
9 refrained from speaking on this after receiving guidance from APOC and legal counsel
10 in late February). If 22AKHE came up, it did so after PD's main remarks, during Q&A
11 time as a question from an attendee, which shows influencing the outcome of 22AKHE
12 was not the "purpose" of the event.
13
14

15 **Mat-Su Republican Women's Event on January 14th**

- 16 1. On January 14, 2023, Ms. Tshibaka was invited to speak at a Mat-Su
17 Republican Women's meeting in Wasilla, Alaska.
- 18 2. PD does not know whether this event was open to the public.
- 19 3. This event occurred before 22AKHE was approved by the Lt. Governor as a
20 pending ballot initiative.
- 21 4. PD does not have an invitation for this event.
- 22 5. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of
23 money, or anything of value made in connection with hosting the event.
24 AS 15.13.400(7). It was PD's intent to not make any expenditures for this
25 kind of event.
- 26 6. Principals or agents of PD did not specifically invite Phillip Izon, Art
Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
Choice Education Association, Wellspring Ministries or Wellspring

Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship. Nor does PD know everyone who may have attended the event.

7. PD understands that the Mat-Su Republican Women's Club invited Phil Izon to speak at the event, and he spoke before Ms. Tshibaka. Ms. Tshibaka does not recall having any prior knowledge that Phil Izon would be in attendance at the event.
8. AHE did not bring a signature book(s) to the event.
9. Ms. Tshibaka has no recollection of advocating for repealing RCV in Alaska, nor supporting 22AKHE, nor advocating for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.
10. No attendees brought a 22AKHE signature book to the event.
11. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.
12. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).
13. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

Kenai Republican Women's Meeting on February 7th

1. On February 7, 2023, Ms. Tshibaka spoke at a Kenai Republican Women's meeting in Kenai, Alaska.
2. This meeting was open to the public.
3. An invitation for this meeting is attached as Exhibit 1.
4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event.

AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.

5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.
6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.
7. Ms. Tshibaka has no recollection of advocating for repealing RCV in Alaska, nor supporting 22AKHE, nor advocating for the gathering of signatures at the event.
8. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.
9. No attendees brought a 22AKHE signature book to the event.
10. Neither Tshibaka nor PD filmed the events, broadcast them on social media, disseminated them on the internet, posted them online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.
11. Ms. Tshibaka's statements at the event did not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).
12. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.

Bell's Nursery Event on February 9th

1. On February 9, 2023, Tshibaka spoke at a fundraiser for PD at Bell's Nursery, hosted by leaders in Anchorage.
2. This event was open to the public.
3. An invitation for this meeting is attached as Exhibit 2.

- 1 4. A volunteer for PD wished to pay for supplies for this event but did not have
2 funds available on the day, and so PD advanced \$209.89 for supplies to the
3 volunteer, who later reimbursed PD in the same amount. This is the only
4 time that PD expended any funds on an event, and after reimbursement the
5 net cost to PD was zero (\$0).
- 6 5. Except as explained above, Ms. Tshibaka nor PD have a record of any
7 expenditure, transfer of money, or anything of value made in connection with
8 hosting the event. AS 15.13.400(7). It was PD's intent to not make any
9 APOC-regulated expenditures.
- 10 6. Principals or agents of PD did not specifically invite Phillip Izon, Art
11 Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
12 Choice Education Association, Wellspring Ministries or Wellspring
13 Fellowship to attend the event. Ms. Tshibaka does not know who the
14 principals or agents are of Alaskans for Honest Elections, Ranked Choice
15 Education Association, Wellspring Ministries or Wellspring Fellowship.
- 16 7. Neither Phillip Izon, nor Art Mathias, nor any principal nor agent of Alaskans
17 for Honest Elections, Ranked Choice Education Association, Wellspring
18 Ministries nor Wellspring Fellowship spoke at the event.
- 19 8. AHE did not bring a signature book(s) to the event, nor did principals or
20 agents of the organization attend the event.
- 21 9. No attendees brought a 22AKHE signature book to the event.
- 22 10. When Ms. Tshibaka was asked if AHE and PD were "combining the efforts
23 to coordinate," she did not say PD and AHE were coordinating efforts
24 because PD and AHE were not and have never coordinated efforts.
- 25 11. Ms. Tshibaka did not and does not have any knowledge of the structure or
26 organization of AHE, including its principals or agents. When she said, "We
have many of the people who are the co-leads of Alaskans for Honest
Elections in the room right now, they are the co-hosts on this," Ms. Tshibaka
was referring to co-hosts for the PD event who had told Ms. Tshibaka that
they were volunteering for AHE. Ms. Tshibaka was incorrect in labeling
them "co-leads;" they were merely volunteers.
12. It is clear from the recording of the event that Ms. Tshibaka did not know
where AHE's event would be, what date it would be, or what time it would
be—she asked members in the audience who were supporting AHE's
initiative for that information. This is further evidence that PD was not

1 coordinating with AHE and PD had no intent to promote AHE's petition
2 signature launch event at the February 9th PD fundraiser. In other words, the
3 purpose of the event was not to influence the outcome of 22AKHE.

4 13. Ms. Tshibaka's intent in saying "we [PD and AHE] are running in parallel"
5 was to convey that PD is not working with, supporting, or contributing to
6 AHE. Ms. Tshibaka's intent in saying, "what they [AHE] are
7 doing...Alaskans for Honest Elections have a ballot initiative to overturn
8 Ranked-Choice Voting. They're collecting signatures," was to distinguish
9 the activities of PD from AHE.

10 14. When Ms. Tshibaka said, "We wanted the petitions to be here tonight," the
11 "we" referred to co-hosts who sponsored the event who intended to bring the
12 petition books to collect signatures afterwards.

13 15. Ms. Tshibaka said, "please join them [AHE] there [at their event]...that's
14 absolutely critical." "We've got to get a counter message out there so when
15 it's on the ballot, we win. I think that's super important." "Please volunteer
16 to help get them signed."

17 16. Ms. Tshibaka then turned her comments back to fundraising for PD by
18 talking about educating the public about how voters were affected in the
19 Alaska November 2022 election. At the time, she thought a voter education
20 effort might work "in tandem" with the efforts of AHE, but after receiving
21 guidance from APOC shortly after this event, Ms. Tshibaka refrained from
22 including in her education efforts any material that could be considered to
23 support or oppose 22AKHE.

24 17. No attendees brought a 22AKHE signature book to the event.

25 18. Neither Ms. Tshibaka nor PD filmed the events, broadcast them on social
26 media, disseminated them on the internet, posted them online, or intended to
disseminate her communications at the event through print, broadcast media,
or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of
this event posted online.

19. At this event, Ms. Tshibaka's remarks included the types of activities PD
would be engaging in, including a Get-Out-the-Vote campaign and a
statewide poll to determine the causes for low voter turnout.

20. Ms. Tshibaka's statements at the event did not constitute a regulated "express
communication" that was an "exhortation to vote for or against a specific
candidate" as defined under AS 15.13.400(8).

- 1 21. Ms. Tshibaka has a First Amendment protected free speech right to endorse
2 and encourage gathering of signatures for 22AKHE, and such statements are
3 not regulated by APOC if Ms. Tshibaka and/or PD did not make an
 expenditure in support of 22AKHE.

4 **February 13th Event Hosted by Edna DeVries at the Mat-Su School of**
5 **Government**

- 6 1. On February 13, 2023, Ms. Tshibaka was invited to speak at a “School of
7 Government,” hosted by Matanuska-Susitna Borough Mayor, Edna DeVries.
- 8 2. PD does not know whether this event was open to the public.
- 9 3. PD does not have an invitation for this event.
- 10 4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of
11 money, or anything of value made in connection with hosting the event.
12 AS 15.13.400(7). It was PD’s intent to not make any APOC-regulated
 expenditures.
- 13 5. Principals or agents of PD did not specifically invite Phillip Izon, Art
14 Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
15 Choice Education Association, Wellspring Ministries or Wellspring
16 Fellowship to attend the event. Ms. Tshibaka does not know who the
 principals or agents are of Alaskans for Honest Elections, Ranked Choice
 Education Association, Wellspring Ministries or Wellspring Fellowship.
- 17 6. Neither Ms. Tshibaka nor PD were involved with planning or organizing the
18 event.
- 19 7. AHE did not bring a signature book(s) to the event, nor did members of the
20 AHE organization attend the event, as best as PD knows.
- 21 8. Ms. Tshibaka does not recall advocating for repealing RCV in Alaska, nor
22 did she support 22AKHE, nor did she advocate for the gathering of signatures
23 at the event. No principal or agent of PD requested attendees to sign 22AKHE
 initiative application booklets.
- 24 9. No attendees brought a 22AKHE signature book to the event.
- 25 10. Neither Ms. Tshibaka nor PD filmed the events, broadcast them on social
26 media, disseminated them on the internet, posted them online, or intended to

disseminate her communications at the event through print, broadcast media, or the internet.

11. At this event, Ms. Tshibaka's remarks included the types of activities PD would be engaging in, including a Get-Out-the-Vote campaign and a statewide poll to determine the causes for low voter turnout.
12. Ms. Tshibaka's statements at the event do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).
13. Ms. Tshibaka has a First Amendment protected free speech right to endorse and encourage gathering of signatures for 22AKHE, and such statements are not regulated by APOC if Tshibaka and/or PD did not make an expenditure in support of 22AKHE.

Bell's Nursery Event on February 22nd

1. On February 22, 2023, Ms. Tshibaka spoke at a fundraiser for PD at Bell's Nursery, hosted by leaders in Anchorage.
2. This event was open to the public.
3. An invitation for this meeting is attached as Exhibit 3.
4. Neither Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting the event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.
5. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.
6. AHE did not bring a signature book(s) to the event, nor did members of the organization attend the event.
7. To Ms. Tshibaka's knowledge, the co-hosts who sponsored the event did not intend to bring petition books to collect signatures afterwards.

- 1 8. Neither Tshibaka nor PD filmed the events, broadcast them on social media,
2 disseminated them on the internet, posted them online, or intended to
3 disseminate her communications at the event through print, broadcast media,
4 or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of
5 this event posted online.
- 6 9. Ms. Tshibaka's prepared remarks did not advocate for repealing RCV in
7 Alaska, nor support 22AKHE, nor advocate for the gathering of signatures.
- 8 10. Sometime after Ms. Tshibaka began speaking, an attendee circulated a
9 22AKHE signature book around the room. Ms. Tshibaka has no recollection
10 of saying the petition was "important" nor encouraging attendees to sign it.
11 Ms. Tshibaka was particularly cautious about her comments at this event,
12 and ensuring they did not qualify as APOC-regulated statements, given that
13 she had just received guidance from APOC and retained Birch Horton Bittner
14 & Cherot as counsel for APOC compliance.
- 15 11. At this event, Ms. Tshibaka's remarks included the types of activities PD
16 would be engaging in, including a Get-Out-the-Vote campaign and a
17 statewide poll to determine the causes for low voter turnout.
- 18 12. Ms. Tshibaka's statements at the event did not constitute a regulated "express
19 communication" that was an "exhortation to vote for or against a specific
20 candidate" as defined under AS 15.13.400(8).
- 21 13. Ms. Tshibaka has a First Amendment protected free speech right to endorse
22 and encourage gathering of signatures for 22AKHE, and such statements are
23 not regulated by APOC if Tshibaka and/or PD did not make an expenditure
24 in support of 22AKHE.

25 **Tongass Conservatives of Southeast Alaska Event in Ketchikan on February 25th**

- 26 1. On February 25, 2023, Ms. Tshibaka was invited to speak at a Tongass
Republicans meeting in Ketchikan, Alaska.
2. PD does not know whether this event was open to the public.
3. PD does not have an invitation for this event.
4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of
money, or anything of value made in connection with this event.
AS 15.13.400(7). It was PD's intent to not make any APOC-regulated
expenditures.

- 1 5. Principals or agents of PD did not specifically invite Phillip Izon, Art
2 Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
3 Choice Education Association, Wellspring Ministries or Wellspring
4 Fellowship to attend the event. Ms. Tshibaka does not know who the
principals or agents are of Alaskans for Honest Elections, Ranked Choice
Education Association, Wellspring Ministries or Wellspring Fellowship.
- 5 6. AHE did not bring a signature book(s) to the event, nor did members of the
6 organization attend the event.
- 7 7. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she
8 support 22AKHE, nor did she advocate for the gathering of signatures at the
9 event. No principal or agent of PD requested attendees to sign 22AKHE
initiative application booklets.
- 10 8. Ms. Tshibaka recalls a 22AKHE signature book was at the event. Ms.
11 Tshibaka did not know before her trip to Ketchikan that there would be a
petition signature book at the event.
- 12 9. Neither Tshibaka nor PD filmed the events, broadcast them on social media,
13 disseminated them on the internet, posted them online, or intended to
14 disseminate her communications at the event through print, broadcast media,
15 or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of
this event posted online.
- 16 10. Ms. Tshibaka's statements at the event did not constitute a regulated "express
17 communication" that was an "exhortation to vote for or against a specific
candidate" as defined under AS 15.13.400(8).
- 18 11. At this event, Ms. Tshibaka's remarks focused on encouragement, the re-
19 telling of a faith-based story, and included the types of activities PD would
20 be engaging in, focusing primarily on the Get-Out-the-Vote campaign. Ms.
21 Tshibaka does not recall whether she discussed the statewide poll to
determine the causes for low voter turnout.

22 **Biblical Citizenship Class on March 1st**

- 23 1. On March 1, 2023, Ms. Tshibaka was invited to speak about PD at a Biblical
24 Citizenship Class in Anchorage, Alaska.
- 25 2. PD does not know whether this event was open to the public.
- 26 3. An invitation for this meeting is attached as Exhibit 4.

- 1 4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of
2 money, or anything of value made in connection with hosting the event.
3 AS 15.13.400(7). It was PD's intent to not make any APOC-regulated
4 expenditures.
- 5 5. Principals or agents of PD did not specifically invite Phillip Izon, Art
6 Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
7 Choice Education Association, Wellspring Ministries or Wellspring
8 Fellowship to attend the event. Ms. Tshibaka does not know who the
9 principals or agents are of Alaskans for Honest Elections, Ranked Choice
10 Education Association, Wellspring Ministries or Wellspring Fellowship.
- 11 6. AHE did not bring a signature book(s) to the event, nor did members of the
12 organization attend the event.
- 13 7. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she
14 support 22AKHE, nor did she advocate for the gathering of signatures at the
15 event. No principal or agent of PD requested attendees to sign 22AKHE
16 initiative application booklets.
- 17 8. No principal or agent of PD was aware that individuals seeking signatures in
18 connection with the 22AKHE initiative application were present, if any.
- 19 9. To the best of Ms. Tshibaka's knowledge, no attendees brought a 22AKHE
20 signature book to the event.
- 21 10. Neither Tshibaka nor PD filmed the event, broadcast it on social media,
22 disseminated it on the internet, posted it online, or intended to disseminate
23 her communications at the event through print, broadcast media, or the
24 internet. Neither PD nor Tshibaka ever had a Facebook Live video of this
25 event posted online.
- 26 11. Ms. Tshibaka's statements at the event did not constitute a regulated "express
communication" that was an "exhortation to vote for or against a specific
candidate" as defined under AS 15.13.400(8).
12. At this event, Ms. Tshibaka's remarks included the types of activities PD
would be engaging in, focusing primarily on the Get-Out-the-Vote campaign.
Ms. Tshibaka does not recall whether she discussed the statewide poll to
determine the causes for low voter turnout.

Republican Women of Fairbanks Meeting on May 24th

1. On May 24, 2023, Ms. Tshibaka was invited to speak at a Republican Women of Fairbanks meeting in Fairbanks, Alaska.
2. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting this event. AS 15.13.400(7). It was PD's intent to not make any APOC-regulated expenditures.
3. PD does not know whether this event was open to the public.
4. An invitation for this meeting is attached as Exhibit 5.
5. Neither Ms. Tshibaka nor PD were involved in organizing this event.
6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.
7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.
8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.
9. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.
10. To the best of Ms. Tshibaka's knowledge, no attendees brought a 22AKHE signature book to the event.
11. Ms. Tshibaka's statements at the event do not constitute a regulated "express communication" that was an "exhortation to vote for or against a specific candidate" as defined under AS 15.13.400(8).

- 1 12. At this event, Ms. Tshibaka's remarks included the types of activities PD
2 would be engaging in, including a statewide poll to determine the causes for
3 low voter turnout.
4 13. Regardless, Ms. Tshibaka has protected First Amendment free speech rights
5 that may not be abridged.

6 **District 33 and District 34 PD Fundraiser on May 25th**

- 7 1. Districts 33 and 34 hosted a fundraiser for PD on May 25, 2023 in Fairbanks,
8 Alaska.
9 2. This event was open to the public.
10 3. An invitation for this meeting is attached as Exhibit 6.
11 4. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of
12 money, or anything of value made in connection with hosting this event.
13 AS 15.13.400(7). It was PD's intent to not make any APOC-regulated
14 expenditures.
15 5. Neither Ms. Tshibaka nor PD were involved in organizing this event.
16 6. Principals or agents of PD did not specifically invite Phillip Izon, Art
17 Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked
18 Choice Education Association, Wellspring Ministries or Wellspring
19 Fellowship to attend the event. Ms. Tshibaka does not know who the
20 principals or agents are of Alaskans for Honest Elections, Ranked Choice
21 Education Association, Wellspring Ministries or Wellspring Fellowship.
22 7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media,
23 disseminated it on the internet, posted it online, or intended to disseminate
24 her communications at the event through print, broadcast media, or the
25 internet. Neither PD nor Tshibaka ever had a Facebook Live video of this
26 event posted online.
8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she
support 22AKHE, nor did she advocate for the gathering of signatures at the
event. No principal or agent of PD requested attendees to sign 22AKHE
initiative application booklets.
9. No principal or agent of PD was aware that individuals seeking signatures in
connection with the 22AKHE initiative application were present, if any.

10. To the best of Ms. Tshibaka’s knowledge, no attendees brought a 22AKHE signature book to the event.

11. Ms. Tshibaka’s statements at the event do not constitute a regulated “express communication” that was an “exhortation to vote for or against a specific candidate” as defined under AS 15.13.400(8).

Friday Republican Luncheon in Fairbanks on May 26th

1. Ms. Tshibaka was invited to speak about Preserve Democracy at the Friday Republican Luncheon on May 26, 2023.

2. Neither Ms. Tshibaka nor PD have a record of any expenditure, transfer of money, or anything of value made in connection with hosting this event. AS 15.13.400(7). It was PD’s intent to not make any APOC-regulated expenditures.

3. This event was not open to the public.

4. PD does not have an invitation for this event.

5. Neither Ms. Tshibaka nor PD were involved in planning or organizing this event.

6. Principals or agents of PD did not specifically invite Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship to attend the event. Ms. Tshibaka does not know who the principals or agents are of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship.

7. Neither Ms. Tshibaka nor PD filmed the event, broadcast it on social media, disseminated it on the internet, posted it online, or intended to disseminate her communications at the event through print, broadcast media, or the internet. Neither PD nor Tshibaka ever had a Facebook Live video of this event posted online.

8. Ms. Tshibaka did not advocate for repealing RCV in Alaska, nor did she support 22AKHE, nor did she advocate for the gathering of signatures at the event. No principal or agent of PD requested attendees to sign 22AKHE initiative application booklets.

9. No principal or agent of PD was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present, if any.

1 10. Ms. Tshibaka's statements at the events do not constitute a regulated
2 "express communication" that was an "exhortation to vote for or against a
3 specific candidate" as defined under AS 15.13.400(8).

4 11. At this event, Ms. Tshibaka's remarks included the types of activities PD
5 would be engaging in, including a statewide poll to determine the causes for
6 low voter turnout.

IX. CONCLUSION

7 At some point, APOC must recognize complainant as the "boy who cried wolf."
8 Each election cycle, Mr. Kendall manufactures yet another dramatic, hyperbolic set of
9 accusations that are intended to generate headlines and media attention around his
10 candidates and ballot initiatives while tying up political opponents in needless agency
11 proceedings. This is an obvious abuse of the process envisioned under Alaska law and
12 is a waste of this agency's limited time and resources. The complaint is frivolous and
13 should be dismissed.
14

15 DATED at Anchorage, Alaska, this 7th day of August, 2023.

16
17 SCHWABE, WILLIAMSON & WYATT, P.C.
18 Attorneys for Respondents Preserve Democracy and
19 Kelly Tshibaka

20 By: _____

Matthew Singer

Alaska Bar No. 9911072

msinger@schwabe.com

Lee C. Baxter

Alaska Bar No. 1510085

lbaxter@schwabe.com

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 7th day of August, 2023, a
3 true and correct copy of the PRESERVE DEMOCRACY AND
4 KELLY TSHIBAKA RESPONSE TO COMPLAINT (27 pages)
with AFFIDAVIT AND EXHIBITS (8 pages) was served upon
the following by:

5 ☒ US Mail ☒ Email ☐ Fax ☐ Hand-Delivery

6 Scott M. Kendall
7 Cashion Gilmore & Lindemuth LLC
8 510 L Street, Suite 601
Anchorage, AK 99501
scott@cashiongilmore.com

9 Kevin G. Clarkson
10 Law Offices of Kevin G. Clarkson
2223 Latona Dr. NE
Keizer, OR 97303
kclarkson@kci.net

11 
12 Jeanne M. Huston
13 jhuston@schwabe.com

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ALASKANS FOR BETTER
ELECTIONS, INC.,
Complainant,
v.
PRESERVE DEMOCRACY, KELLY
TSHIBAKA and ALASKANS FOR
HONEST ELECTIONS,
Respondents.

10
1

2 STATE OF ALASKA)
) ss.
3 THIRD JUDICIAL DISTRICT)

4 I, Kelly Tshibaka, being first duly sworn, depose and state as follows:

1. I serve as the CEO of Preserve Democracy in a volunteer capacity and am not paid for my CEO role.

8 2. To the best of my knowledge, neither I nor Preserve Democracy has
9 shared the raw data from the poll we commissioned with any third party, including
10 Alaskans for Honest Elections and/or anyone else.

2 3. Our pollster prepared an analysis and summary of the poll results, which
3 I shared on a national listserv established by the Conservative Policy Institute's Election
4 Integrity group. I do not know the identity of all participants on that listserv. My
5 purpose in sending the analysis and summary was to educate fellow concerned citizens

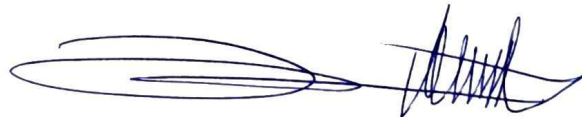
1 from the Lower 48 who share similar concerns about low voter turnout and how to
2 improve participation in future elections.

3
4 4. I also wrote an Op-Ed piece that was published in Must Read Alaska in
5 which I discuss the poll: [https://mustreadalaska.com/tshibaka-new-poll-shows-main-](https://mustreadalaska.com/tshibaka-new-poll-shows-main-cause-of-2022-low-voter-turnout-in-alaska/)
6 [cause-of-2022-low-voter-turnout-in-alaska/](https://mustreadalaska.com/tshibaka-new-poll-shows-main-cause-of-2022-low-voter-turnout-in-alaska/). As is clear from the opinion piece, the
7 purpose of my communication was to address concerns about low voter turnout and
8 encourage ideas for improved participation in future elections.
9

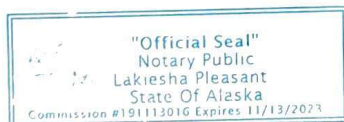
10 FURTHER AFFIANT SAYETH NAUGHT.

11
12 
13 Kelly Tshibaka

14 SUBSCRIBED AND SWORN TO before me this 5 day of August, 2023,
15 at Anchorage, Alaska.

16
17 
18

19 Notary Public in and for the State of Alaska
20 My Commission Expires: 11/13/2023





Kristie Babcock



A FUNDRAISING EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

FIGHT RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION

FEB. 7TH, 6:00 P.M. PARADISOS -- KENAI

CO-HOSTS:

KRISTIE & TUCKERMAN BABCOCK
FORMER REP. RON GILLHAM
CINDY & MARK GLASSMAKER
TAMMY WALTON & CATHY STURMAN
WAYNE & HELEN OGLE
MIKE CRAWFORD
JILL SCHAEFER & APRIL ORTH
CODY & BETH MISHLER
FRED BRAUN
RON HYDE & ROB WALL



IF WE DON'T ACT NOW, THE ENTIRE
U.S. ELECTION SYSTEM IS ABOUT TO CHANGE



Loren Leman



A FUNDRAISING EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

FIGHT RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION

**FEB. 9TH, 5:30 P.M. BELL'S NURSERY
(13700 SPECKING AVE)**



HOSTS

LOREN & CAROLYN LEMAN	MIKE MOSESAN	PAUL & SUSANNE GIONET
----------------------------------	---------------------	----------------------------------

CO-HOSTS

CRAIG CAMPBELL MEAD TREADWELL SHELLEY SOUTH ALYCE HANLEY RANDY & HEATHER SULTE JASON BAER CALVIN & CHANDLER HOFFMAN MARC & SUZANNE LUIKEN JOSEPH & ERICA LEMAN WES & CYNDI SAUNDERS MAYOR DAN & LYNNETTE SULLIVAN	JEFF & STEPHANIE LENTFER JIM & KIM MINNERY DAN & ROBERTA ZIPAY MARTIN & ROBIN ECKMANN BUD & CHRIS DUKE NATE CALLINA JUDY & RANDY ELEDGE WIN FAULKNER ALAN & PORTIA ERICKSON BOB & CHEN GRIFFIN AL SMAY	EDGAR BLATCHFORD PETE & LAUREL HICKEL SAMI & BRUCE GRAHAM KATHY & STEVE HENSLEE LORAN & DUBY BAXTER WARD & CRISTIN HINGER STEPHANIE & MIKE TAYLOR BILL & ROSEMARY BORCHARDT JEFF & LISA GARNES SANDY & TONY BLOMFIELD CHELSEA & CHARLIE POHLAND
---	--	---

IF WE DON'T ACT NOW, THE ENTIRE
U.S. ELECTION SYSTEM IS ABOUT TO CHANGE



Terri Hall (Steve...)



Thanks

Wednesday, Feb 15 • 9:21 AM



AN EDUCATION & BENEFIT EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

FIGHT RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION



FEB. 22, 5:30 P.M. BELL'S NURSERY
13700 SPECKING AVE | FREE WINE & APPETIZERS
SILENT AUCTION

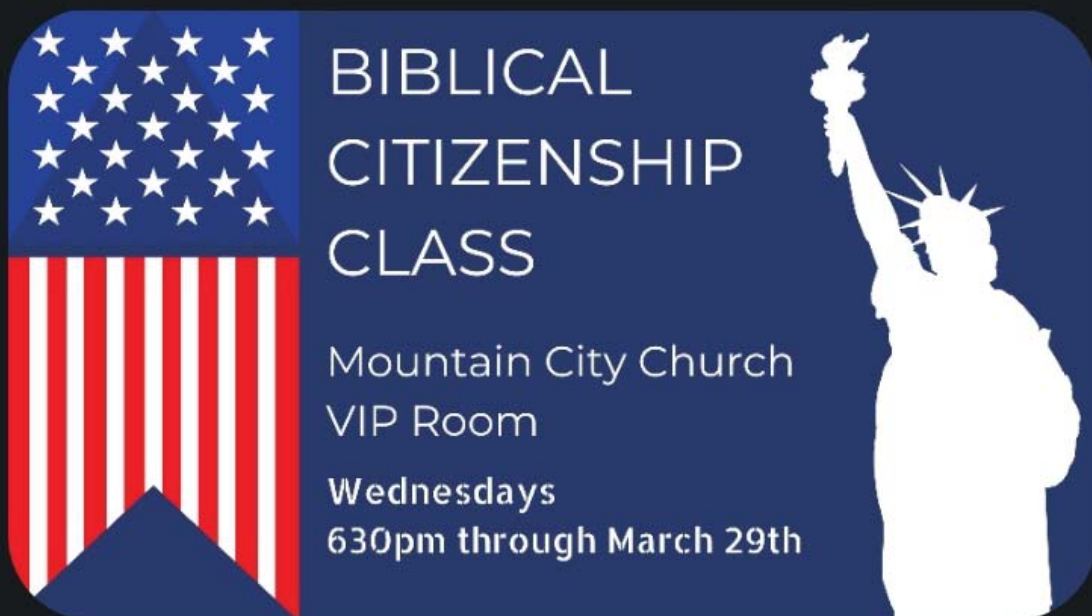
CO-HOSTS

MIKE MOSESAN	CATHY DUXBURY	CHRISTINE HILL
TERRIE PISA	TERRI HALL	KEVIN DURLING
JAY & LORELEI	STEVE STRAIT	RYAN & ELIZABETH
CREWDSON	SHEILA CERNICH	HUNT

IF WE DON'T ACT NOW, THE ENTIRE
U.S. ELECTION SYSTEM IS ABOUT TO CHANGE



Loran Baxter (D...)





Patty Wiesel FB...



Palace off of Airport Way.



Republican Women of Fairbanks

invite you to our next meeting with speaker

Kelly Tshibaka, CEO, Preserve Democracy

"The Emerging Threat to Election Integrity"

Wednesday, May 24, at 5:30 p.m.

Mayan Palace, Washington Plaza, Fairbank

Paid for by the Republican Women of Fairbanks



Barbara Haney ...



A FUNDRAISING EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

HELP OVERTURN RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION

**MAY 25TH, 7 P.M. GENE'S CHRYSLER DODGE
(3400 S CUSHMAN)**



HOSTS

LANE & JULIE NICHOLS	GARY & BARB TYNDALL	RALPH & CONNIE SEEKINS
JOHN COGHILL	BARBARA HANEY	ARTHUR & SALLY DUNCAN
JOSH & RUTH CHURCH	LIBBY DALTON-SLANE	JOHN & PATTY WISEL
MELISSA BURNETT	RON & AMANDA WALL	HANK & CANDY BARTOS
CORY MONTAGUE	RICH EIDE	HARMONY TOMASZEWSKI
AILEEN COTTER	RUTH & JON EWIG	DON & RITA TROMETTER
BONNIE KULZER	CHRISTINE ROBBINS	TIM BYRNES
DUSTIN & MANDI HART	JOHN MOWERY	PAM & LONNIE LOFTS
D&G ENTERPRISES		DON THOMPSON

PRESERVEDEMOCRACY.COM

AN INITIATIVE TO:

ESTABLISH A PARTY PRIMARY SYSTEM, ELMINATE THE NONPARTISAN AND OPEN TOP FOUR PRIMARY ELECTION SYSTEM, AN ACT REPLACING THE OPEN PRIMARY SYSTEM AND RANKED-CHOICE GENERAL ELECTION WITH THE POLITICAL PARTY PRIMARY & EASILY UNDERSTOOD ELECTION SYSTEM & ELMINIATING ALL PROVISIONS OF RANKED CHOICE VOTING AND JUNGLE PRIMARIES (19AKBE).

**A BILL BY INITIATIVE
For an Act Entitled**

“This act would get rid of the Open Primary System and Ranked-Choice General Election. In place of that, this act would create a Political Party Primary and General Election Process that is easily understood. The political parties of Alaska will select their candidates through a primary process. Voters would vote for their preferred candidate, and then each one preferred candidate from each registered political party would appear on the general ballot.”

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

1 "Alaskans For Honest Elections (22AKHE)"

Section 1: The uncoded law of the State of Alaska is amended by adding a section to read: FINDINGS AND INTENT. The People of the State of Alaska find:

- (1) It is in the public interest of Alaska to improve the electoral process by increasing transparency, participation, & function of our elections.
- (2) It is in the public interest of Alaska to adopt a party primary election system that reflects the various voters of Alaska, which will generate more qualified candidates for elected office, boost voter turnout, better reflect the will of the electorate.
- (3) It is in the public interest of Alaska to adopt a general election system that reflects the people of Alaska. A Party Primary voting system where voters would vote for their preferred candidate, and then each

one preferred candidate from each registered political party would appear on the general ballot, currently Ranked Choice Voting makes voting confusing, takes much longer to declare a winner. Using the party primary system mitigates the likelihood that a candidate who is disapproved by a majority of voters will get elected, allow Alaskans to vote for the candidates that most accurately reflect their values, encourage greater third-party and independent participation in elections, and provide a stronger mandate of one voter, one vote.

2 * **Section 2.** AS 15.10.120(c) is amended to read:

3 (c) An election supervisor shall appoint one nominee of the political party **of**
4 **which the governor is a member** [OR POLITICAL GROUP WITH THE LARGEST
5 NUMBER OF REGISTERED VOTERS AT THE TIME OF THE PRECEDING
6 GUBERNATORIAL ELECTION] and one nominee of the political party **that**
7 **received** [OR POLITICAL GROUP WITH] the second largest number of **votes**
8 **statewide in** [REGISTERED VOTERS AT THE TIME OF] the preceding
9 gubernatorial election. **If** [HOWEVER, THE ELECTION SUPERVISOR MAY
10 APPOINT A QUALIFIED PERSON REGISTERED AS A MEMBER OF A THIRD
11 POLITICAL PARTY OR POLITICAL GROUP OR AS A NONPARTISAN OR
12 UNDECLARED VOTER IF] a party district committee or state party central
13 committee of the party **of which the governor is a member** [OR GROUP WITH
14 THE LARGEST NUMBER OF REGISTERED VOTERS] or the party **that received**

1 [OR GROUP WITH] the second largest number of votes statewide in [REGISTERED
2 VOTERS AT THE TIME OF] the preceding gubernatorial election fails to present the
3 names prescribed by (b) of this section by April 15 of a regular election year or at least
4 60 days before a special [PRIMARY] election, the election supervisor may appoint
5 any qualified individual registered to vote.

6 * Sec. 3. AS 15.10.170 is amended to read:

7 **Sec. 15.10.170. Appointment and privileges of watchers.** (a) The precinct
8 party committee, where an organized precinct committee exists, or the party district
9 committee where no organized precinct committee exists, or the state party
10 chairperson where neither a precinct nor a party district committee exists, may appoint
11 one or more persons as watchers in each precinct and counting center for any election.
12 Each candidate not representing a political party may appoint one or more watchers
13 for each precinct or counting center in the candidate's respective district or the state for
14 any election. Any organization or organized group that sponsors or opposes an
15 initiative, referendum, or recall may have one or more persons as watchers at the polls
16 and counting centers after first obtaining authorization from the director. A state party
17 chairperson, a precinct party committee, a party district committee, or a candidate **not**
18 representing a political party or organization or organized group may not have
19 more than one watcher on duty at a time in any precinct or counting center. A watcher
20 must be a United States citizen. The watcher may be present at a position inside the
21 place of voting or counting that affords a full view of all action of the election officials
22 taken from the time the polls are opened until the ballots are finally counted and the
23 results certified by the election board or the data processing review board. The
24 election board or the data processing review board may require each watcher to
25 present written proof showing appointment by the precinct party committee, the party
26 district committee, the organization or organized group, or the candidate the watcher
27 represents that is signed by the chairperson of the precinct party committee, the
28 party district committee, the state party chairperson, the organization or
29 organized group, or the candidate representing no party.

30 (b) In addition to the watchers appointed under (a) of this section, in a primary
31 election, [OR] special [PRIMARY] election [OR SPECIAL ELECTION] under

1 AS 15.40.140, or special runoff election under AS 15.40.141, each candidate may
2 appoint one watcher in each precinct and counting center.

3 * Sec. 4. AS 15.13.020(b) is amended to read:

4 (b) The governor shall appoint two members of each of the two political
5 parties whose candidate for governor received the highest number of votes in [OR
6 POLITICAL GROUPS WITH THE LARGEST NUMBER OF REGISTERED
7 VOTERS AT THE TIME OF] the most recent preceding general election at which a
8 governor was elected. The two appointees from each of these two parties [OR
9 GROUPS] shall be chosen from a list of four names to be submitted by the central
10 committee of each party [OR GROUP].

11 * Sec. 5. AS 15.13.020(d) is amended to read:

12 (d) Members of the commission serve staggered terms of five years, or until a
13 successor is appointed and qualifies. The terms of no two members who are members
14 of the same political party [OR POLITICAL GROUP] may expire in consecutive
15 years. A member may not serve more than one term. However, a person appointed to
16 fill the unexpired term of a predecessor may be appointed to a successive full five-year
17 term.

1 * Sec. 6. AS 15.15.030(5) is amended to read:

2 (5) The names of the candidates and their party designations shall be
3 placed in separate sections on the state general election ballot under the office
4 designation to which they were nominated. The [IF A CANDIDATE IS
5 REGISTERED AS AFFILIATED WITH A POLITICAL PARTY OR POLITICAL
6 GROUP, THE] party affiliation, if any, shall [MAY] be designated after the name of
7 the candidate [, UPON REQUEST OF THE CANDIDATE. IF A CANDIDATE HAS
8 REQUESTED DESIGNATION AS NONPARTISAN OR UNDECLARED, THAT

1 DESIGNATION SHALL BE PLACED AFTER THE NAME OF THE CANDIDATE.
2 IF A CANDIDATE IS NOT REGISTERED AS AFFILIATED WITH A POLITICAL
3 PARTY OR POLITICAL GROUP AND HAS NOT REQUESTED TO BE
4 DESIGNATED AS NONPARTISAN OR UNDECLARED, THE CANDIDATE
5 SHALL BE DESIGNATED AS UNDECLARED]. The lieutenant governor and the
6 governor shall be included under the same section. Provision shall be made for voting
7 for write-in and no-party candidates within each section. Paper ballots for the state
8 general election shall be printed on white paper.

9 * Sec. 7. AS 15.15.360(a) is amended to read:

10 (a) The election board shall count ballots according to the following rules:

11 (1) A voter may mark a ballot only by filling in, making "X" marks,
12 diagonal, horizontal, or vertical marks, solid marks, stars, circles, asterisks, checks, or
13 plus signs that are clearly spaced in the oval opposite the name of the candidate,
14 proposition, or question that the voter desires to designate. [IN A GENERAL
15 ELECTION, A VOTER MAY MARK A BALLOT THAT REQUIRES THE VOTER
16 TO VOTE FOR CANDIDATES IN ORDER OF RANKED PREFERENCE BY THE
17 USE OF NUMERALS THAT ARE CLEARLY SPACED IN ONE OF THE OVALS
18 OPPOSITE THE NAME OF THE CANDIDATE THAT THE VOTER DESIRES TO
19 DESIGNATE.]

20 (2) A failure to properly mark a ballot as to one or more candidates
21 does not itself invalidate the entire ballot.

22 (3) If a voter marks fewer names than there are persons to be
23 elected to the office, a vote shall be counted for each candidate properly marked.

24 (4) If a voter marks more names than there are persons to be elected to
25 the office, the votes for candidates for that office may not be counted.

26 (5) [(4)] The mark specified in (1) of this subsection shall be counted
27 only if it is substantially inside the oval provided, or touching the oval so as to indicate
28 clearly that the voter intended the particular oval to be designated.

29 (6) [(5)] Improper marks on the ballot may not be counted and do not
30 invalidate marks for candidates properly made.

31 (7) [(6)] An erasure or correction invalidates only that section of the

1 ballot in which it appears.

2 **(8)** [(7)] A vote marked for the candidate for President or Vice-
3 President of the United States is considered and counted as a vote for the election of
4 the presidential electors.

5 [(9) REPEALED

6 (10) REPEALED

7 (11) REPEALED

8 (12) REPEALED]

9 * **Sec. 8.** AS 15.15.370 is amended to read:

10 **Sec. 15.15.370. Completion of ballot count; certificate.** When the count of
11 ballots is completed, and in no event later than the day after the election, the election
12 board shall make a certificate in duplicate of the results. The certificate includes the
13 number of votes cast for each candidate, [INCLUDING, FOR A CANDIDATE IN A
14 GENERAL ELECTION, THE NUMBER OF VOTES AT EACH ROUND OF THE
15 RANKED-CHOICE TABULATION PROCESS UNDER AS 15.15.350, THE
16 NUMBER OF VOTES] for and against each proposition, yes or no on each question,
17 and any additional information prescribed by the director. The election board shall,
18 immediately upon completion of the certificate or as soon thereafter as the local mail
19 service permits, send in one sealed package to the director one copy of the certificate
20 and the register. In addition, all ballots properly cast shall be mailed to the director in a
21 separate, sealed package. Both packages, in addition to an address on the outside, shall
22 clearly indicate the precinct from which they come. Each board shall, immediately
23 upon completion of the certification and as soon thereafter as the local mail service
24 permits, send the duplicate certificate to the respective election supervisor. The
25 director may authorize election boards in precincts in those areas of the state where
26 distance and weather make mail communication unreliable to forward their election
27 results by telephone or radio. The director may authorize the unofficial totaling of
28 votes on a regional basis by election supervisors, tallying the votes as indicated on
29 duplicate certificates. To ensure adequate protection, the director shall prescribe the
30 manner in which the ballots, registers, and all other election records and materials are
31 thereafter preserved, transferred, and destroyed.

1 * **Sec. 9.** AS 15.15.450 is amended to read:

2 **Sec. 15.15.450. Certification of state ballot counting review.** Upon
3 completion of the state ballot counting review, the director shall certify the person
4 receiving the largest number of votes for the office for which that person was a
5 candidate as elected to that office [NOMINATED OR ELECTED, AS
6 APPLICABLE,] and shall certify the approval of a justice or judge not rejected by a
7 majority of the voters voting on the question. The director shall issue to the elected
8 candidates and approved justices and judges a certificate of their election or approval.
9 The director shall also certify the results of a proposition and other question except
10 that the lieutenant governor shall certify the results of an initiative, referendum, or
11 constitutional amendment.

12 * **Sec. 10.** AS 15.20.081(a) is amended to read:

13 (a) A qualified voter may apply in person, by mail, or by facsimile, scanning,
14 or other electronic transmission to the director for an absentee ballot under this
15 section. Another individual may apply for an absentee ballot on behalf of a qualified
16 voter if that individual is designated to act on behalf of the voter in a written general
17 power of attorney or a written special power of attorney that authorizes the other
18 individual to apply for an absentee ballot on behalf of the voter. The application must
19 include the address or, if the application requests delivery of an absentee ballot by
20 electronic transmission, the telephone electronic transmission number, to which the
21 absentee ballot is to be returned, the applicant's full Alaska residence address, and the
22 applicant's signature. However, a person residing outside the United States and
23 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
24 not include an Alaska residence address in the application. A person may supply to a
25 voter an absentee ballot application form with a political party or group affiliation
26 indicated only if the voter is already registered as affiliated with the political party or
27 group indicated. Only the voter or the individual designated by the voter in a
28 written power of attorney under this subsection may mark the voter's choice of
29 primary ballot on an application. A person supplying an absentee ballot
30 application form may not design or mark the application in a manner that
31 suggests choice of one ballot over another, except that ballot choices may be listed

1 on an application as authorized by the division. The application must be made on a
2 form prescribed or approved by the director. The voter or registration official shall
3 submit the application directly to the division of elections. For purposes of this
4 subsection, "directly to the division of elections" means that an application may not be
5 submitted to any intermediary that could control or delay the submission of the
6 application to the division or gather data on the applicant from the application form.
7 However, nothing in this subsection is intended to prohibit a voter from giving a
8 completed absentee ballot application to a friend, relative, or associate for transfer to
9 the United States Postal Service or a private commercial delivery service for delivery
10 to the division.

11 * **Sec. 11.** AS 15.20.081(h) is amended to read:

12 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
13 from outside the United States or from an overseas voter qualifying under
14 AS 15.05.011 that has been marked and mailed not later than election day may not be
15 counted unless the ballot is received by the election supervisor not later than the close
16 of business on the

17 (1) 10th day following a primary election or special [PRIMARY]
18 election under AS 15.40.140; or

19 (2) 15th day following a general election, special runoff election, or
20 special election, other than a special [PRIMARY] election described in (1) of this
21 subsection.

22 * **Sec. 12.** AS 15.20.190(a) is amended to read:

23 (a) Thirty days before the date of an election, the election supervisors shall
24 appoint, in the same manner provided for the appointment of election officials
25 prescribed in AS 15.10, district absentee ballot counting boards and district questioned
26 ballot counting boards, each composed of at least four members. At least one member
27 of each board must be a member of the same political party of which the governor is
28 a member [OR POLITICAL GROUP WITH THE LARGEST NUMBER OF
29 REGISTERED VOTERS AT THE TIME OF THE PRECEDING
30 GUBERNATORIAL ELECTION], and at least one member of each board must be a
31 member of the political party whose candidate for governor received the second

1 largest number of votes in [OR POLITICAL GROUP WITH THE SECOND
2 LARGEST NUMBER OF REGISTERED VOTERS AT THE TIME OF] the
3 preceding gubernatorial election. The district boards shall assist the election
4 supervisors in counting the absentee and questioned ballots and shall receive the same
5 compensation paid election officials under AS 15.15.380.

6 * Sec. 13. AS 15.20.203(i) is amended to read:

7 (i) The director shall mail the materials described in (h) of this section to the
8 voter not later than

9 (1) 10 days after completion of the review of ballots by the state
10 review board for a primary election, or **for** a special [PRIMARY] election under
11 AS 15.40.140 that is followed by a special runoff election;

12 (2) 60 days after certification of the results of a general election,
13 special runoff election, or special election other than a special [PRIMARY] election
14 described in (1) of this subsection.

15 * Sec. 14. AS 15.20.203(j) is amended to read:

16 (j) The director shall make available through a free access system to each
17 absentee voter a system to check to see whether the voter's ballot was counted and, if
18 not counted, the reason why the ballot was not counted. The director shall make this
19 information available through the free access system not less than

20 (1) 10 days after certification of the results of a primary election, or a
21 special [PRIMARY] election under AS 15.40.140 that is followed by a special
22 runoff election; and

23 (2) 30 days after certification of the results of a general or special
24 election, other than a special [PRIMARY] election described in (1) of this subsection.

25 * Sec. 15. AS 15.20.207(i) is amended to read:

26 (i) The director shall mail the materials described in (h) of this section to the
27 voter not later than

28 (1) 10 days after completion of the review of ballots by the state
29 review board for a primary election, or **for** a special [PRIMARY] election under
30 AS 15.40.140 that is followed by a special runoff election;

31 (2) 60 days after certification of the results of a general or special

election, other than a special [PRIMARY] election described in (1) of this subsection.

* **Sec. 16.** AS 15.20.207(k) is amended to read:

(k) The director shall make available through a free access system to each voter voting a questioned ballot a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election or a special [PRIMARY] election under AS 15.40.140 that is followed by a special runoff election; and

(2) 30 days after the certification of the results of a general or special election, other than a special [PRIMARY] election described in (1) of this subsection.

* **Sec. 17.** AS 15.20.211(d) is amended to read:

(d) The director shall mail the materials described in (c) of this section to the voter not later than

(1) 10 days after completion of the review of ballots by the state review board for a primary election, or for a special [PRIMARY] election under AS 15.40.140 that is followed by a special runoff election;

(2) 60 days after certification of the results of a general or special election, other than a special [PRIMARY] election described in (1) of this subsection.

* **Sec. 18.** AS 15.20.211(f) is amended to read:

(f) The director shall make available through a free access system to each voter whose ballot was subject to partial counting under this section a system to check to see whether the voter's ballot was partially counted and, if not counted, the reason why the ballot was not counted. The director shall make this information available through the free access system not less than

(1) 10 days after certification of the results of a primary election or a special [PRIMARY] election under AS 15.40.140 that is followed by a special runoff election; and

(2) 30 days after the certification of the results of a general or special election, other than a special [PRIMARY] election described in (1) of this subsection.

* **Sec. 19.** AS 15.25.010 is amended to read:

1 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective
2 state executive and state and national legislative offices shall be nominated in a
3 primary election by direct vote of the people in the manner prescribed by this chapter.
4 The director shall prepare and provide a primary election ballot for each
5 political party. A voter registered as affiliated with a political party may vote that
6 party's ballot. A voter registered as nonpartisan or undeclared rather than as
7 affiliated with a particular political party may vote the political party ballot of
8 the voter's choice unless prohibited from doing so under AS 15.25.015. A voter
9 registered as affiliated with a political party may not vote the ballot of a different
10 political party unless permitted to do so under AS 15.25.015 [THE PRIMARY
11 ELECTION DOES NOT SERVE TO DETERMINE THE NOMINEE OF A
12 POLITICAL PARTY OR POLITICAL GROUP BUT SERVES ONLY TO
13 NARROW THE NUMBER OF CANDIDATES WHOSE NAMES WILL APPEAR
14 ON THE BALLOT AT THE GENERAL ELECTION. EXCEPT AS PROVIDED IN
15 AS 15.25.100(d), ONLY THE FOUR CANDIDATES WHO RECEIVE THE
16 GREATEST NUMBER OF VOTES FOR ANY OFFICE SHALL ADVANCE TO
17 THE GENERAL ELECTION].

18 * **Sec. 20.** AS 15.25 is amended by adding a new section to read:

19 **Sec. 15.25.015. Participation in primary election selection of a political**
20 **party's candidates.** (a) Not later than 5:00 p.m., Alaska time, on September 1 of the
21 calendar year before the calendar year in which a primary election is to be held, a
22 political party shall submit a notice in writing to the director stating whether the party
23 bylaws expand or limit who may participate in the primary election for selection of the
24 party's candidates for elective state executive and state and national legislative offices.
25 A copy of the party's bylaws expanding or limiting who may participate in the primary
26 election for selection of the party's candidates, documentation required under (b) of
27 this section, and other information required by the director, must be submitted along
28 with the notice. The notice, bylaws, documentation, and other information required by
29 the director shall be provided by the party's chairperson or another party official
30 designated by the party's bylaws.

31 (b) Once a political party timely submits a notice and bylaws under (a) of this

1 section and the director finds that the party has met the requirements of this chapter
2 and other applicable laws, the director shall permit a voter registered as affiliated with
3 another party to vote the party's ballot if the voter is permitted by the party's bylaws to
4 participate in the selection of the party's candidates and may not permit a voter
5 registered as nonpartisan or undeclared to vote a party's ballot if the party's bylaws
6 restrict participation by nonpartisan or undeclared voters in the party's primary;
7 however, for a subsequent primary election, the party shall timely submit another
8 notice, bylaws, documentation, and other information under (a) of this section if the
9 party's bylaws regarding who may participate in the primary election for selection of
10 the party's candidates change.

11 (c) Party bylaws required to be submitted under (a) of this section must be
12 precleared by the United States Department of Justice under 42 U.S.C. 1973c (sec. 5,
13 Voting Rights Act of 1965) before submission. Documentation of the preclearance
14 must accompany the bylaws submitted under (a) of this section.

15 * **Sec. 21.** AS 15.25.030(a) is amended to read:

16 (a) A member of a political party [PERSON] who seeks to become a
17 candidate of the party in the primary election [OR A SPECIAL PRIMARY
18 ELECTION] shall execute and file a declaration of candidacy. The declaration shall be
19 executed under oath before an officer authorized to take acknowledgments and must
20 state in substance

21 (1) the full name of the candidate;

22 (2) the full mailing address of the candidate;

23 (3) if the candidacy is for the office of state senator or state
24 representative, the house or senate district of which the candidate is a resident;

25 (4) the office for which the candidate seeks nomination;

26 (5) the name of the political party of which the person is a candidate
27 for nomination [OR POLITICAL GROUP WITH WHICH THE CANDIDATE IS
28 REGISTERED AS AFFILIATED, OR WHETHER THE CANDIDATE WOULD
29 PREFER A NONPARTISAN OR UNDECLARED DESIGNATION PLACED
30 AFTER THE CANDIDATE'S NAME ON THE BALLOT];

31 (6) the full residence address of the candidate, and the date on which

1 residency at that address began;

2 (7) the date of the primary election [OR SPECIAL PRIMARY
3 ELECTION] at which the candidate seeks nomination;

4 (8) the length of residency in the state and in the district of the
5 candidate;

6 (9) that the candidate will meet the specific citizenship requirements of
7 the office for which the person is a candidate;

8 (10) that the candidate is a qualified voter as required by law;

9 (11) that the candidate will meet the specific age requirements of the
10 office for which the person is a candidate; if the candidacy is for the office of state
11 representative, that the candidate will be at least 21 years of age on the first scheduled
12 day of the first regular session of the legislature convened after the election; if the
13 candidacy is for the office of state senator, that the candidate will be at least 25 years
14 of age on the first scheduled day of the first regular session of the legislature convened
15 after the election; if the candidacy is for the office of governor or lieutenant governor,
16 that the candidate will be at least 30 years of age on the first Monday in December
17 following election or, if the office is to be filled by special election under
18 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
19 date of certification of the results of the special election; or, for any other office, by
20 the time that the candidate, if elected, is sworn into office;

21 (12) that the candidate requests that the candidate's name be placed on
22 the primary [ELECTION OR SPECIAL PRIMARY] election ballot;

23 (13) that the required fee accompanies the declaration;

24 (14) that the person is not a candidate for any other office to be voted
25 on at the primary or general election and that the person is not a candidate for this
26 office under any other declaration of candidacy or nominating petition;

27 (15) the manner in which the candidate wishes the candidate's name to
28 appear on the ballot; and

29 (16) that the candidate is registered to vote as a member of the
30 political party whose nomination is being sought [IF THE CANDIDACY IS FOR
31 THE OFFICE OF THE GOVERNOR, THE NAME OF THE CANDIDATE FOR

1 LIEUTENANT GOVERNOR RUNNING JOINTLY WITH THE CANDIDATE FOR
2 GOVERNOR; AND

3 (17) IF THE CANDIDACY IS FOR THE OFFICE OF LIEUTENANT
4 GOVERNOR, THE NAME OF THE CANDIDATE FOR GOVERNOR RUNNING
5 JOINTLY WITH THE CANDIDATE FOR LIEUTENANT GOVERNOR].

6 * **Sec. 22.** AS 15.25 is amended by adding a new section to read:

7 **Sec. 15.25.057. Nomination by party petition where incumbent dies or is**
8 **disqualified or incapacitated.** (a) If an unopposed incumbent candidate for
9 renomination dies, becomes disqualified from holding the office the candidate is
10 seeking, or is certified as being incapacitated between June 1 of the election year and
11 that date which is more than 54 days before the date of the primary election, the
12 candidate's place on the ballot may be filled by party petition. The petition shall state
13 that the political party requests the name of the proposed candidate replace that of the
14 incumbent on the primary election ballot and shall be accompanied by a declaration of
15 candidacy from the person named in the petition. The petition must be received by the
16 director not later than 14 days after the death, disqualification, or certification of
17 incapacity of the incumbent or 52 days before the primary election date, whichever
18 time is earlier.

19 (b) The method for certifying an incumbent candidate for nomination as being
20 incapacitated, the method for selecting the person who is to be named in the party
21 petition, and the method for placing the name of the person selected on the primary
22 nomination ballot are the same as those prescribed in AS 15.25.111 and 15.25.131
23 relating to filling vacancies of party nominees in a general election.

24 (c) The death, disqualification, or certification of incapacity of the incumbent
25 within 52 days before or on the primary election date does not affect the counting and
26 review of the ballots. If the result of the counting and review discloses that the
27 candidate, if the candidate had lived, would have been nominated, the candidate shall
28 be declared nominated. The vacancy may be filled by party petition as provided in
29 AS 15.25.111 - 15.25.131.

30 * **Sec. 23.** AS 15.25.060 is repealed and reenacted to read:

31 **Sec. 15.25.060. Preparation and distribution of ballots; appropriate ballot.**

1 (a) The primary election ballots shall be prepared and distributed by the director in the
2 manner prescribed in this section. The director shall prepare and provide a primary
3 election ballot for each political party that contains all of the candidates of that party
4 for elective state executive and state and national legislative offices and all of the
5 ballot titles and propositions required to appear on the ballot at the primary election.
6 The director shall print the ballots on white paper and place the names of all
7 candidates who have properly filed in groups according to offices. The order of the
8 placement of the names for each office shall be as provided for the general election
9 ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of
10 names. The director shall also prepare and print a separate primary election ballot
11 including only the ballot titles and propositions required to appear on the ballot.

12 (b) A voter may vote only one primary election ballot. A voter may vote a
13 political party ballot only if the voter is registered as affiliated with that party, is
14 allowed to participate in the party primary under the party's bylaws, or is registered as
15 nonpartisan or undeclared rather than as affiliated with a particular political party and
16 the party's bylaws do not restrict participation by nonpartisan or undeclared voters in
17 the party's primary. For the purpose of determining which primary election ballot a
18 voter may use, a voter's party affiliation is considered to be the affiliation registered
19 with the director as of the 30th day before the primary election. If a voter changes
20 party affiliation within the 30 days before the primary election, the voter's previous
21 party affiliation shall be used for the determination under this subsection.

22 (c) If a voter is not voting in person and has requested an absentee ballot or
23 special needs ballot but has not indicated a choice of ballot, the director shall provide
24 the voter with the ballot listing the candidates of the political party or group with
25 which the voter is affiliated, as determined under (b) of this section.

26 * **Sec. 24.** AS 15.25.100 is repealed and reenacted to read:

27 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
28 director shall place the name of the candidate receiving the highest number of votes
29 for an office by a political party on the general election ballot.

30 * **Sec. 25.** AS 15.25.105(a) is amended to read:

31 (a) If a candidate does not appear on the primary election ballot or is not

1 successful in advancing to the general election and wishes to be a candidate in the
2 general election, the candidate may file as a write-in candidate. Votes for a write-in
3 candidate may not be counted unless that candidate has filed a letter of intent with the
4 director stating

5 (1) the full name of the candidate;

6 (2) the full residence address of the candidate and the date on which
7 residency at that address began;

8 (3) the full mailing address of the candidate;

9 (4) the name of the political party or political group of which the
10 candidate is a member, if any [WITH WHICH THE CANDIDATE IS
11 REGISTERED AS AFFILIATED, OR WHETHER THE CANDIDATE WOULD
12 PREFER A NONPARTISAN OR UNDECLARED DESIGNATION];

13 (5) if the candidate is for the office of state senator or state
14 representative, the house or senate district of which the candidate is a resident;

15 (6) the office that the candidate seeks;

16 (7) the date of the election at which the candidate seeks election;

17 (8) the length of residency in the state and in the house district of the
18 candidate;

19 (9) the name of the candidate as the candidate wishes it to be written
20 on the ballot by the voter;

21 (10) that the candidate meets the specific citizenship requirements of
22 the office for which the person is a candidate;

23 (11) that the candidate will meet the specific age requirements of the
24 office for which the person is a candidate; if the candidacy is for the office of state
25 representative, that the candidate will be at least 21 years of age on the first scheduled
26 day of the first regular session of the legislature convened after the election; if the
27 candidacy is for the office of state senator, that the candidate will be at least 25 years
28 of age on the first scheduled day of the first regular session of the legislature convened
29 after the election; if the candidacy is for the office of governor or lieutenant governor,
30 that the candidate will be at least 30 years of age on the first Monday in December
31 following election or, if the office is to be filled by special election under

1 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the
2 date of certification of the results of the special election; or, for any other office, by
3 the time that the candidate, if elected, is sworn into office;

4 (12) that the candidate is a qualified voter as required by law; and

5 (13) that the candidate is not a candidate for any other office to be
6 voted on at the general election and that the candidate is not a candidate for this office
7 under any other nominating petition or declaration of candidacy.

8 * **Sec. 26.** AS 15.25.105(b) is amended to read:

9 (b) If a write-in candidate is running for the office of governor, the candidate
10 must file a joint letter of intent together with a candidate for lieutenant governor. **Both**
11 **candidates must be of the same political party or group.**

12 * **Sec. 27.** AS 15.25 is amended by adding new sections to read:

13 **Sec. 15.25.111. Filling vacancies by party petition.** If a candidate of a
14 political party nominated at the primary election dies, withdraws, resigns, becomes
15 disqualified from holding the office for which the candidate is nominated, or is
16 certified as being incapacitated in the manner prescribed by this section after the
17 primary election and 64 days or more before the general election, the vacancy may be
18 filled by party petition. The central committee of any political party or any party
19 district committee may certify as being incapacitated any candidate nominated by their
20 respective party by presenting to the director a sworn statement made by a panel of
21 three licensed physicians, not more than two of whom may be of the same political
22 party, that the candidate is physically or mentally incapacitated to an extent that
23 would, in the panel's judgment, prevent the candidate from active service during the
24 term of office if elected. The director shall place the name of the person nominated by
25 party petition on the general election ballot. The name of a candidate disqualified
26 under this section may not appear on the general election ballot.

27 **Sec. 15.25.121. Requirements for party petition.** Party petitions for the
28 nomination of candidates shall state in substance that the political party desires and
29 intends to support the named candidate for the named office and requests that the
30 name of the proposed candidate be placed on the general election ballot. The petition
31 may be filed not later than 64 days before the date of the general election.

1 **Sec. 15.25.131. Selection of nominees for party petition.** The nominees of
2 political parties by party petition may be selected for statewide offices by the state
3 party central committee or in any other manner prescribed by the party bylaws, and the
4 petition for statewide offices shall be signed by the state chairperson of the political
5 party or, in the absence of the state chairperson, by any two members of the state party
6 central committee. The nominees of political parties by party petition may be selected
7 for district-wide offices by the respective party district committee or in any other
8 manner prescribed by the party bylaws, and the petition for district-wide offices shall
9 be signed by the chairperson of the party district committee, or in the absence of the
10 chairperson, by any two members of the party district committee, or in any other
11 manner prescribed by the party bylaws. The petition may be delivered in person, or by
12 mail, facsimile, or other reliable electronic transmission.

13 **Sec. 15.25.141. Provision for no-party candidate nominations.** Candidates
14 not representing a political party are nominated by petition.

15 **Sec. 15.25.151. Date of filing petition.** A candidate seeking nomination by
16 petition shall submit the information required under AS 15.25.181(a)(1) - (8) and (11)
17 - (17) to the director in the time and manner specified in AS 15.25.040. The full
18 petition with voter signatures shall be filed with the director by actual physical
19 delivery in person at or before 5:00 p.m., prevailing time, on the day of the primary
20 election in the year in which a general election is held for the office, or by actual
21 physical delivery to the director by registered or certified mail return receipt requested
22 which is postmarked at or before 5:00 p.m., prevailing time, on the day of the primary
23 election in the year in which a general election is held for the office, and received not
24 more than 15 days after that time. If the postmark is illegible, a dated receipt from the
25 post office where dispatched shall be acceptable as evidence of mailing.

26 **Sec. 15.25.161. Required number of signatures for statewide office.**
27 Petitions for the nomination of candidates for the office of governor, lieutenant
28 governor, United States senator, and United States representative shall be signed by
29 qualified voters of the state equal in number to at least one percent of the number of
30 voters who cast ballots in the preceding general election.

31 **Sec. 15.25.171. Required number of signatures for district-wide office.**

1 Petitions for the nomination of candidates for the office of state senator or state
2 representative shall be signed by qualified voters of the house or senate district in
3 which the proposed nominee desires to be a candidate equal in number to at least one
4 percent of the number of voters who cast ballots in the proposed nominee's respective
5 house or senate district in the preceding general election. A nominating petition may
6 not contain less than 50 signatures for any district.

7 **Sec. 15.25.181. Requirements for petition.** (a) The petition must state in
8 substance

- 9 (1) the full name of the candidate;
- 10 (2) the full residence address of the candidate and the date on which
11 residency at that address began;
- 12 (3) the full mailing address of the candidate;
- 13 (4) the name of the political group, if any, supporting the candidate;
- 14 (5) if the candidacy is for the office of state senator or state
15 representative, the house or senate district of which the candidate is a resident;
- 16 (6) the office for which the candidate is nominated;
- 17 (7) the date of the election at which the candidate seeks election;
- 18 (8) the length of residency in the state and in the district of the
19 candidate;
- 20 (9) that the subscribers are qualified voters of the state or house or
21 senate district in which the candidate resides;
- 22 (10) that the subscribers request that the candidate's name be placed on
23 the general election ballot;
- 24 (11) that the proposed candidate accepts the nomination and will serve
25 if elected with the statement signed by the proposed candidate;
- 26 (12) the name of the candidate as the candidate wishes it to appear on
27 the ballot;
- 28 (13) that the candidate is not a candidate for any other office to be
29 voted on at the primary or general election and that the candidate is not a candidate for
30 this office under any other nominating petition or declaration of candidacy;
- 31 (14) that the candidate meets the specific citizenship requirements of

1 the office for which the person is a candidate;

2 (15) that the candidate will meet the specific age requirements of the
3 office for which the person is a candidate; if the candidacy is for the office of state
4 representative, that the candidate will be at least 21 years of age on the first scheduled
5 day of the first regular session of the legislature convened after the election; if the
6 candidacy is for the office of state senator, that the candidate will be at least 25 years
7 of age on the first scheduled day of the first regular session of the legislature convened
8 after the election; and if the candidacy is for the office of governor or lieutenant
9 governor, that the candidate will be at least 30 years of age on the first Monday in
10 December following the election or, if the office is to be filled by special election
11 under AS 15.40.230 — 15.40.310, that the candidate will be at least 30 years of age on
12 the date of certification of the results of the special election; or, for any other office,
13 by the time that the candidate, if elected, is sworn into office;

14 (16) that the candidate is a qualified voter; and

15 (17) if the candidacy is for the office of the governor, the name of the
16 candidate for lieutenant governor running jointly with the candidate for governor.

17 (b) A person filing a nominating petition under this section, other than a
18 person subject to AS 24.60 who is filing a petition for a state legislative office, shall
19 simultaneously file with the director a statement of income sources and business
20 interests that complies with the requirements of AS 39.50. A person who is subject to
21 AS 24.60 and is filing a nominating petition for state legislative office shall
22 simultaneously file with the director a disclosure statement that complies with the
23 requirements of AS 24.60.200.

24 (c) An incumbent public official, other than a legislator, who has a current
25 statement of income sources and business interests under AS 39.50 on file with the
26 Alaska Public Offices Commission, or an incumbent legislator who has a current
27 disclosure statement under AS 24.60.200 on file with the Alaska Public Offices
28 Commission, is not required to file a statement of income sources and business
29 interests or a disclosure statement with the nominating petition under (b) of this
30 section.

31 **Sec. 15.25.186. Eligibility of candidate.** The provisions of AS 15.25.042 and

1 15.25.043 apply to determinations of a candidate's eligibility when a candidate seeks
2 nomination by petition under AS 15.25.141 - 15.25.201.

3 **Sec. 15.25.191. Placement of names on general election ballot.** The director
4 shall place the names and the political group affiliation of persons who have been
5 properly nominated by petition on the general election ballot.

6 **Sec. 15.25.201. Withdrawal of candidate's name.** If a candidate nominated
7 by petition dies or withdraws after the petition has been filed and 64 days or more
8 before the general election, the director may not place the name of the candidate on
9 the general election ballot.

10 * **Sec. 28.** AS 15.30.010 is amended to read:

11 **Sec. 15.30.010. Provision for selection of electors.** Electors of President and
12 Vice President of the United States are selected by election at the general election in
13 presidential election years [, IN THE MANNER AND AS DETERMINED BY THE
14 RANKED-CHOICE METHOD OF TABULATING VOTES DESCRIBED IN
15 AS 15.15.350 - 15.15.370].

16 * **Sec. 29.** AS 15.40.140 is amended to read:

17 **Sec. 15.40.140. Condition of calling [SPECIAL PRIMARY ELECTION**
18 **AND] special election.** When a vacancy occurs in the office of United States senator
19 or United States representative, the governor shall, by proclamation, call a special
20 [PRIMARY] election under AS 15.40.144(a); however, [TO BE HELD ON A DATE
21 NOT LESS THAN 60, NOR MORE THAN 90, DAYS AFTER THE DATE THE
22 VACANCY OCCURS, TO BE FOLLOWED BY A SPECIAL ELECTION ON THE
23 FIRST TUESDAY THAT IS NOT A STATE HOLIDAY OCCURRING NOT LESS
24 THAN 60 DAYS AFTER THE SPECIAL PRIMARY ELECTION. HOWEVER, IN
25 AN ELECTION YEAR IN WHICH A CANDIDATE FOR THAT OFFICE IS NOT
26 REGULARLY ELECTED,] if the vacancy occurs on a date that is [NOT] less than 60
27 [, NOR MORE THAN 90,] days before or is on or after the date of

28 [(1)] the primary election in the general election year during which
29 a candidate to fill the office is regularly elected, the governor may not call a [,
30 THE] special [PRIMARY] election [SHALL BE HELD ON THE DATE OF THE
31 PRIMARY ELECTION WITH THE SUBSEQUENT SPECIAL ELECTION TO BE

1 HELD ON THE DATE OF THE GENERAL ELECTION; OR

2 (2) THE GENERAL ELECTION, THE SPECIAL PRIMARY
3 ELECTION SHALL BE HELD ON THE DATE OF THE GENERAL ELECTION
4 WITH THE SUBSEQUENT SPECIAL ELECTION TO BE HELD ON THE FIRST
5 TUESDAY THAT IS NOT A STATE HOLIDAY OCCURRING NOT LESS THAN
6 60 DAYS AFTER THE SPECIAL PRIMARY AND GENERAL ELECTION].

7 * **Sec. 30.** AS 15.40 is amended by adding new sections to read:

8 **Sec. 15.40.143. Condition of calling a special runoff election.** (a) If no
9 candidate in a special election called under AS 15.40.140 receives over 50 percent of
10 the votes cast for the office, the governor shall, by proclamation, call a special runoff
11 election under AS 15.40.144(b).

12 (b) In a special runoff election called under (a) of this section, the director
13 shall place the names of the candidates receiving the greatest number of votes and the
14 second greatest number of votes in the special election on the special runoff election
15 ballot.

16 **Sec. 15.40.144. Time of calling the special election and special runoff**
17 **election.** (a) Except as provided in (c) of this section, if a special election is called
18 under AS 15.40.140, it shall be held on a date not less than 60, nor more than 90, days
19 after the date the vacancy occurs.

20 (b) Except as provided in (c) of this section, a special runoff election under
21 AS 15.40.143 shall be held on the first Tuesday that is not a state holiday occurring
22 not less than 60 days after the special election.

23 (c) In an election year in which a candidate for the vacant office is not
24 regularly elected, and the vacancy occurs on a date that is not less than 60, nor more
25 than 90, days before the date of

26 (1) the primary election, the special election shall be held on the date
27 of the primary election with any subsequent special runoff election under
28 AS 15.40.143 to be held on the date of the general election; or

29 (2) the general election, the special election shall be held on the date of
30 the general election with any subsequent special runoff election under AS 15.40.143 to
31 be held on the first Tuesday that is not a state holiday occurring not less than 60 days

1 after the special and general election.

2 * **Sec. 31.** AS 15.40 is amended by adding a new section to read:

3 **Sec. 15.40.151. Condition for holding special election with primary.** If the
4 vacancy occurs on a date not less than 60, nor more than 90, days before the date of
5 the primary election, the governor shall, by proclamation, call the special election to
6 be held on the date of the primary election.

7 * **Sec. 32.** AS 15.40.160 is amended to read:

8 **Sec. 15.40.160. Proclamation.** The governor shall issue the proclamation
9 [CALLING THE SPECIAL PRIMARY ELECTION AND SPECIAL ELECTION] at
10 least 50 days before the

11 (1) special [PRIMARY] election; and

12 (2) if a special runoff election is required under AS 15.40.143(a),
13 special runoff election.

14 * **Sec. 33.** AS 15.40.165 is amended to read:

15 **Sec. 15.40.165. Term of elected senator.** At the special election, or, as
16 provided by AS 15.40.143, at the special runoff election, a United States senator
17 shall be elected to fill the remainder of the unexpired term. The person elected shall
18 take office on the date the United States Senate meets, convenes, or reconvenes
19 following the certification of the results of the special election or special runoff
20 election by the director.

21 * **Sec. 34.** AS 15.40.170 is amended to read:

22 **Sec. 15.40.170. Term of elected representative.** At the special election, or, as
23 provided by AS 15.40.143, at the special runoff election, a United States
24 representative shall be elected to fill the remainder of the unexpired term. The person
25 elected shall take office on the date the United States house of representatives meets,
26 convenes, or reconvenes following the certification of the results of the special
27 election or special runoff election by the director.

28 * **Sec. 35.** AS 15.40.190 is amended to read:

29 **Sec. 15.40.190. Requirements of petition for no-party candidates.** Petitions
30 for the nomination of candidates not representing a political party shall be signed
31 by qualified voters of the state equal in number to at least one percent of the

1 number of voters who cast ballots in the preceding general election and shall
2 [MUST BE EXECUTED UNDER OATH,] state in substance that which is required
3 for nomination petitions by AS 15.25.181 [A DECLARATION OF CANDIDACY
4 UNDER AS 15.25.030, AND INCLUDE THE FEE REQUIRED UNDER
5 AS 15.25.050(a)].

6 * **Sec. 36.** AS 15.40 is amended by adding new sections to read:

7 **Sec. 15.40.201. Requirements of party petition.** Petitions for the nomination
8 of candidates of political parties shall state in substance that the party desires and
9 intends to support the named candidate for the office of United States senator or
10 United States representative, as appropriate, at the special election and requests that
11 the name of the candidate nominated be placed on the ballot.

12 **Sec. 15.40.211. Selection of party nominees.** The nominees of political
13 parties may be selected by the state convention or in any other manner prescribed by
14 the party bylaws, and the petition shall be signed by the chairperson and secretary of
15 the state convention, or if the nominees are selected by the party central committee,
16 the petition shall be signed by the chairperson of the central committee or in any other
17 manner prescribed by the party bylaws.

18 * **Sec. 37.** AS 15.40.220 is amended to read:

19 **Sec. 15.40.220. General provisions for conduct of [THE] special**
20 **[PRIMARY] election and special runoff election.** Unless specifically provided
21 otherwise, all provisions regarding the conduct of the [PRIMARY ELECTION AND]
22 general election shall govern the conduct of the special [PRIMARY] election and the
23 special runoff election of the United States senator or United States representative,
24 including provisions concerning voter qualifications; provisions regarding the duties,
25 powers, rights, and obligations of the director, of other election officials, and of
26 municipalities; provision for notification of the election; provision for payment of
27 election expenses; provisions regarding employees being allowed time from work to
28 vote; provisions for the counting, reviewing, and certification of returns; provisions
29 for running as, voting for, and counting ballots for a write-in candidate;
30 provisions for the determination of the votes and of recounts, contests, and appeal; and
31 provision for absentee voting.

1 * **Sec. 38.** AS 15.40.230 is amended to read:

2 **Sec. 15.40.230. Condition and time of calling [SPECIAL PRIMARY**
3 **ELECTION AND] special election.** When a person appointed to succeed to the
4 office of lieutenant governor succeeds to the office of acting governor, the acting
5 governor shall, by proclamation, call a special [PRIMARY] election to be held on a
6 date not less than 60, nor more than 90, days after the date the vacancy in the office of
7 the governor occurred [AND A SUBSEQUENT SPECIAL ELECTION TO BE HELD
8 ON THE FIRST TUESDAY THAT IS NOT A STATE HOLIDAY OCCURRING
9 NOT LESS THAN 60 DAYS AFTER THE SPECIAL PRIMARY ELECTION].
10 However, if the vacancy occurs on a date that is less than 60 days before or is on or
11 after the date of the primary election in years in which a governor is regularly elected,
12 the acting governor shall serve the remainder of the unexpired term and may not call a
13 special election.

14 * **Sec. 39.** AS 15.40.240 is amended to read:

15 **Sec. 15.40.240. Conditions for holding special [PRIMARY ELECTION**
16 **AND SPECIAL] election with primary or general election.** If the vacancy occurs
17 on a date not less than 60, nor more than 90, days before the date of the primary
18 election in years in which a governor is regularly elected [IN AN ELECTION
19 YEAR IN WHICH A GOVERNOR IS NOT REGULARLY ELECTED, THE
20 ACTING GOVERNOR SHALL, BY PROCLAMATION, CALL THE SPECIAL
21 PRIMARY ELECTION TO BE HELD ON THE DATE OF THE PRIMARY
22 ELECTION AND THE SPECIAL ELECTION TO BE HELD ON THE DATE OF
23 THE GENERAL ELECTION,] or [,] if the vacancy occurs on a date not less than 60,
24 nor more than 90, days before the date of the primary election or general election in
25 election years in which a governor is not regularly elected, the acting governor shall,
26 by proclamation, call the special [PRIMARY] election to be held on the date of the
27 primary election or general election [WITH THE SUBSEQUENT SPECIAL
28 ELECTION TO BE HELD ON THE FIRST TUESDAY THAT IS NOT A STATE
29 HOLIDAY OCCURRING NOT LESS THAN 60 DAYS AFTER THE SPECIAL
30 PRIMARY AND GENERAL ELECTION].

31 * **Sec. 40.** AS 15.40.250 is amended to read:

1 **Sec. 15.40.250. Proclamation of [SPECIAL PRIMARY ELECTION AND]**
2 **special election.** The acting governor shall issue the proclamation [CALLING THE
3 SPECIAL PRIMARY ELECTION AND SPECIAL ELECTION] at least 50 days
4 before the [SPECIAL PRIMARY] election.

5 * **Sec. 41.** AS 15.40.280 is amended to read:

6 **Sec. 15.40.280. Requirements of petition for no-party candidates.** Petitions
7 for the nomination of candidates not representing a political party shall be signed
8 by qualified voters of the state equal in number to at least one percent of the
9 number of voters who cast ballots in the preceding general election, shall include
10 nominees for the office of governor and lieutenant governor, and shall [MUST BE
11 EXECUTED UNDER OATH,] state in substance that which is required for
12 nomination petitions by AS 15.25.180 [A DECLARATION OF CANDIDACY
13 UNDER AS 15.25.030, AND INCLUDE THE FEE REQUIRED UNDER
14 AS 15.25.050(a)].

15 * **Sec. 42.** AS 15.40 is amended by adding new sections to read:

16 **Sec. 15.40.291. Requirements of party petition.** Petitions for the nomination
17 of candidates of political parties shall state in substance that the party desires and
18 intends to support the named candidates for the offices of governor and lieutenant
19 governor at the special election and requests that the names of the two candidates
20 nominated be placed on the ballot.

21 **Sec. 15.40.301. Selection of party nominees.** The nominees of political
22 parties may be selected by state convention or in any other manner prescribed by the
23 party bylaws, and the petition shall be signed by the chairperson and secretary of the
24 state convention, or, if the nominees are selected by the party central committee, the
25 petition shall be signed by the state chairperson of the political party or in any other
26 manner prescribed by the party bylaws.

27 * **Sec. 43.** AS 15.40.310 is amended to read:

28 **Sec. 15.40.310. General provisions for conduct of [THE SPECIAL**
29 **PRIMARY ELECTION AND] special election.** Unless specifically provided
30 otherwise, all provisions regarding the conduct of the [PRIMARY AND] general
31 election shall govern the conduct of the special [PRIMARY ELECTION AND

1 SPECIAL] election of the governor and lieutenant governor, including provisions
2 concerning voter qualifications; provisions regarding the duties, powers, rights, and
3 obligations of the director, of other election officials, and of municipalities; provision
4 for notification of the election; provision for payment of election expenses; provisions
5 regarding employees being allowed time from work to vote; provisions for the
6 counting, reviewing, and certification of returns; provisions for the determination of
7 the votes and of recounts, contests, and appeal; and provision for absentee voting.

8 * **Sec. 44.** AS 15.40.330 is amended to read:

9 **Sec. 15.40.330. Qualification and confirmation of appointee.** (a) The
10 appointee shall meet the qualifications of a member of the legislature as prescribed in
11 art. II, sec. 2, Constitution of the State of Alaska, [AND, IF THE PREDECESSOR IN
12 OFFICE WAS A MEMBER OF A POLITICAL PARTY OR POLITICAL GROUP
13 AT THE TIME OF THE VACANCY, (1)] shall be a member of the same political
14 party [OR POLITICAL GROUP] as that which nominated the predecessor in office,
15 [;] and [(2)] shall be subject to confirmation by a majority of the members of the
16 legislature who are members of the same political party which nominated [OR
17 POLITICAL GROUP AS] the predecessor in office and of the same house as was the
18 predecessor in office. If the predecessor in office was not nominated by [A
19 MEMBER OF] a political party or [POLITICAL GROUP AT THE TIME OF THE
20 VACANCY, OR,] if no other member of the predecessor's political party [OR
21 POLITICAL GROUP] is a member of the predecessor's house of the legislature, the
22 governor may appoint any qualified person. If the appointee is not a member of a
23 political party [OR POLITICAL GROUP, AS PROVIDED IN (b) OF THIS
24 SECTION], the appointment is not subject to confirmation. If the appointee is a
25 member of a political party [OR POLITICAL GROUP], the appointment is subject to
26 confirmation as provided by [(b) OF] this section for the confirmation of political
27 party [OR POLITICAL GROUP] appointees.

28 (b) A member of a political party [OR POLITICAL GROUP] is a person who
29 supports the political program of a [POLITICAL] party [OR POLITICAL GROUP].
30 The filing for office of a candidate as an independent or no-party candidate
31 [ABSENCE OF A POLITICAL PARTY OR POLITICAL GROUP DESIGNATION

1 AFTER A CANDIDATE'S NAME ON AN ELECTION BALLOT] does not preclude
2 a candidate from being a member of a political party [OR POLITICAL GROUP].
3 Recognition of an independent or no-party [A] candidate as a member of a
4 [POLITICAL] party [OR POLITICAL GROUP] caucus of members of the legislature
5 at the legislative session following the election of the independent or no-party
6 candidate is recognition of that person's [POLITICAL] party [OR POLITICAL
7 GROUP] membership at the time filings were made by party candidates for the
8 preceding general election [FOR THE PURPOSES OF CONFIRMATION UNDER
9 THIS SECTION].

10 * Sec. 45. AS 15.40.380 is amended to read:

11 **Sec. 15.40.380. Conditions for part-term senate appointment and special**
12 **election.** If the vacancy is for an unexpired senate term of more than two years and
13 five full calendar months, the governor shall call a special [PRIMARY ELECTION
14 AND A SPECIAL] election by proclamation and the appointment shall expire on the
15 date the state senate first convenes or reconvenes following the certification of the
16 results of the special election by the director.

17 * Sec. 46. AS 15.40.390 is amended to read:

18 **Sec. 15.40.390. Date of special [PRIMARY ELECTION AND SPECIAL]**
19 **election.** The special [PRIMARY] election to fill a vacancy in the state senate shall be
20 held on the date of the first general [PRIMARY] election held more than three full
21 calendar months [60 DAYS] after the senate vacancy occurs [, AND THE SPECIAL
22 ELECTION SHALL BE HELD ON THE DATE OF THE FIRST GENERAL
23 ELECTION THEREAFTER].

24 * Sec. 47. AS 15.40.400 is amended to read:

25 **Sec. 15.40.400. Proclamation of [SPECIAL PRIMARY ELECTION AND]**
26 **special election.** The governor shall issue the proclamation calling the [SPECIAL
27 PRIMARY ELECTION AND] special election at least 50 days before the [SPECIAL
28 PRIMARY] election.

29 * Sec. 48. AS 15.40.440 is amended to read:

30 **Sec. 15.40.440. Requirements of petition for no-party candidates.** Petitions
31 for the nomination of candidates not representing a political party shall be signed

1 by qualified voters equal in number to at least one percent of the number of
2 voters who cast ballots in the proposed nominee's respective house or senate
3 district in the preceding general election. A nominating petition may not contain
4 less than 50 signatures for any district, and must [BE EXECUTED UNDER
5 OATH,] state in substance that which is required in petitions for nomination by
6 AS 15.25.181 [A DECLARATION OF CANDIDACY UNDER AS 15.25.030, AND
7 INCLUDE THE FEE REQUIRED UNDER AS 15.25.050(a)].

8 * **Sec. 49.** AS 15.40 is amended by adding new sections to read:

9 **Sec. 15.40.451. Requirements of petition by political party.** Petitions for the
10 nomination of candidates of political parties shall state in substance that the party
11 desires and intends to support the named candidate for the office of state senator at the
12 special election and requests that the name of the candidate be placed on the ballot.

13 **Sec. 15.40.461. Selection of political party nominees.** The nominees of
14 political parties may be selected by the respective party district committee or by any
15 other manner as provided by the party bylaws, and the petition shall be signed by the
16 chairperson of the party district committee or by any other party official designated by
17 the party bylaws.

18 * **Sec. 50.** AS 15.40.470 is amended to read:

19 **Sec. 15.40.470. General provision for conduct of [THE SPECIAL**
20 **PRIMARY ELECTION AND] special election.** Unless specifically provided
21 otherwise, all provisions regarding the conduct of the [PRIMARY ELECTION AND]
22 general election shall govern the conduct of the special [PRIMARY ELECTION AND
23 SPECIAL] election of state senators, including provisions concerning voter
24 qualifications; provisions regarding the duties, powers, rights, and obligations of the
25 director, of other election officials, and of municipalities; provision for notification of
26 the election; provision for payment of election expenses; provisions regarding
27 employees being allowed time from work to vote; provisions for the counting,
28 reviewing, and certification of returns; provisions for the determination of the votes
29 and of recounts, contests, and appeal; and provision for absentee voting.

30 * **Sec. 51.** AS 15.45.190 is amended to read:

31 **Sec. 15.45.190. Placing proposition on ballot.** The lieutenant governor shall

1 direct the director to place the ballot title and proposition on the election ballot of the
2 first statewide general, special, special **runoff** [PRIMARY], or primary election that is
3 held after

4 (1) the petition has been filed;

5 (2) a legislative session has convened and adjourned; and

6 (3) a period of 120 days has expired since the adjournment of the
7 legislative session.

8 * **Sec. 52.** AS 15.45.420 is amended to read:

9 **Sec. 15.45.420. Placing proposition on ballot.** The lieutenant governor shall
10 direct the director to place the ballot title and proposition on the election ballot for the
11 first statewide general, special, special **runoff** [PRIMARY], or primary election held
12 more than 180 days after adjournment of the legislative session at which the act was
13 passed.

14 * **Sec. 53.** AS 15.58.010 is amended to read:

15 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and
16 before each state primary, special, or special **runoff** [PRIMARY] election at which a
17 ballot proposition is scheduled to appear on the ballot, the lieutenant governor shall
18 prepare, publish, and mail at least one election pamphlet to each household identified
19 from the official registration list. The pamphlet shall be prepared on a regional basis as
20 determined by the lieutenant governor.

21 * **Sec. 54.** AS 15.58.020(b) is amended to read:

22 (b) Each primary, special, or special **runoff** [PRIMARY] election pamphlet
23 shall contain only the information specified in (a)(6) and (a)(9) of this section for each
24 ballot measure scheduled to appear on the primary, special, or special **runoff**
25 [PRIMARY] election ballot.

26 * **Sec. 55.** AS 15.58.030(b) is amended to read:

27 (b) **No** [NOT] later than July 22 of a year in which a state general election will
28 be held, an individual who becomes a candidate for the office of United States senator,
29 United States representative, governor, lieutenant governor, state senator, or state
30 representative under AS 15.25.030 **or 15.25.181** may file with the lieutenant governor
31 a photograph and a statement advocating the candidacy. **An individual who becomes**

a candidate for the office of United States senator, United States representative, governor, lieutenant governor, state senator, or state representative by party petition filed under AS 15.25.110 may file with the lieutenant governor a photograph and a statement advocating the candidacy within 10 days of becoming a candidate.

* Sec. 56. AS 15.80.010(9) is amended to read:

(9) "federal election" means a general, special, special **runoff** [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;

* Sec. 57. AS 15.80.010(27) is amended to read:

(27) "political party" means an organized group of voters that represents a political program and

(A) that nominated a candidate for governor who received at least three percent of the total votes cast for governor at the preceding general election or has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election;

(B) if the office of governor was not on the ballot at the preceding general election but the office of United States senator was on that ballot, that nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States senator at that general election; or

(C) if neither the office of governor nor the office of United States senator was on the ballot at the preceding general election, that nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at that general election or has registered voters in the state equal in number to at least three percent of the total votes cast for United States representative at

1 that general election;

2 * **Sec. 58.** AS 39.50.020(b) is amended to read:

3 (b) A public official or former public official other than an elected or
4 appointed municipal officer shall file the statement with the Alaska Public Offices
5 Commission. Candidates for the office of governor and lieutenant governor and, if the
6 candidate is not subject to AS 24.60, the legislature shall file the statement under
7 AS 15.25.030 or 15.25.181. Municipal officers, former municipal officers, and
8 candidates for elective municipal office shall file with the municipal clerk or other
9 municipal official designated to receive their filing for office. All statements required
10 to be filed under this chapter are public records.

11
12 ***Sec. 59.**, AS 15.15.025, 15.15.030(14), 15.15.030(15), 15.15.030(16),
13 15.15.030(17), 15.15.060(e), 15.15.350(c), 15.15.350(d), 15.15.350(e), 15.15.350(f),
14 15.15.350(g); AS 15.58.020(a)(13), 15.58.020(c); and AS 15.80.010(34) are repealed.



Lieutenant Governor Nancy Dahlstrom
STATE OF ALASKA

January 20, 2023

Phillip Izon II
4201 E Dimond Way, Unit B
Wasilla, AK 99654

Mr. Izon:

On November 23, 2022, I received your application for the following initiative that you entitled:

"An Act Restoring Political Party Primaries and Single-Choice General Elections"

I forwarded the application to the Division of Elections for verification of signatures and to the Department of Law for legal review.

The Division of Elections determined that 181 of the 183 signatures submitted were those of qualified voters. Therefore, the application has a sufficient number of sponsors to qualify for circulation of a petition under AS 15.45.030. The petition statistics report prepared by the Division of Elections is enclosed.

The Department of Law concluded that the proposed bill is in the proper form and therefore recommend that I certify this initiative application. A copy of the Department of Law opinion regarding the application is enclosed.

Consequently, I hereby certify your initiative application under Article XI of the Alaska Constitution and under the provisions of AS 15.45. I further certify that the proposed bill to be initiated is in the required form, that the application is substantially in the required form, and that there are a sufficient number of qualified sponsors. Your official certificate is enclosed.

The Division of Elections will prepare and print sequentially numbered petition booklets to allow full circulation throughout the state. Each petition will 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; (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 personal information and signatures of each person signing the petition; and (7) other specifications that I decide would ensure proper handling and control. As soon as the booklets are available, they will be delivered to the Division of Elections office of your choice. You will also be provided with instructions and training for booklet distribution and accounting. These instructions must be followed.

The initiative petition must be filed within one year from the date notice is given that the petition booklets are ready for delivery. 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 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. Based on the 2022 General Election, you will need to gather a total of 26,705 signatures from qualified voters consistent with the foregoing requirements.

If you have questions or comments about the ongoing initiative process, please contact April Simpson in my office at (907) 465-4081.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Dahlstrom", with a long horizontal flourish extending to the right.

Nancy Dahlstrom
Lieutenant Governor

Petition ID:	22AKHE
Petition Status:	Petition Booklets Issued
Petition Application Title:	"An Act to get rid of the Open Primary System and Ranked-Choice General Election."
Primary Sponsors:	Phillip Izon II, Jamie R Donley, and Arthur C Mathias
Contact Sponsor:	Phillip Izon II – 4201 E Dimond Way Unit B, Wasilla AK 99654
Petition Application Filed:	November 23, 2022
Sponsors Proposed Bill Language:	"An Act to get rid of the Open Primary System and Ranked-Choice General Election."
Petition Application Review Deadline:	January 22, 2023
Petition Application:	Application Certified - January 20, 2023 Application Certification Letter Application Signature Review Attorney General Opinion: AGO No. 2023100126 Statement of Costs
Petition Booklets Issued:	February 8, 2023
Petition Booklets Filing Deadline:	February 7, 2024



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10215554
Date Filed: 12/06/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-12/6/2022 7:13:04 PM

Articles of Incorporation

Domestic Nonprofit Corporation

1 - Entity Name

Legal Name: Preserve Democracy

2 - Purpose

To preserve the fundamentals of our democracy--election systems should be simple to understand and accessible to all Americans.

3 - NAICS Code

813311 - HUMAN RIGHTS ORGANIZATIONS

4 - Registered Agent

Name: Kelly Tshibaka

Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

Physical Address: 16036 Hidden Creek Ln, Anchorage, AK 99516

5 - Entity Addresses

Mailing Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

Physical Address: 645 G Street Ste. 100-578, Anchorage, AK 99501

6 - Officials

Name	Address	% Owned	Titles
Heather Gottshall	1349 Jackson Dr, Anchorage, AK 99518		Director
Simcha Weed	P.O. Box 9000, Brownsville, TX 78520		Director
Stuart Gates	11161 E State Rd 70, Unit 110-905 Box 905, Lakewood Ranch, FL 34202		Director
Heather Gottshall			Incorporator
Simcha Weed			Incorporator
Stuart Gates			Incorporator

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Kelly Tshibaka



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10215554
Date Filed: 05/17/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Domestic Nonprofit Corporation

Initial Biennial Report

Entity Name: Preserve Democracy

Entity Number: 10215554

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 1120 Huffman Rd Ste. 24-835, Anchorage,
AK 99515

Mailing Address: 1120 Huffman Rd Ste. 24-835, Anchorage,
AK 99515

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Kelly Tshibaka

Physical Address: 16036 HIDDEN CREEK LN, ANCHORAGE,
AK 99516

Mailing Address: 645 G STREET STE. 100-578,
ANCHORAGE, AK 99501

Officials: The following is a complete list of officials who will be on record as a result of this filing.

- **Provide all officials and required information. Use only the titles provided.**
- **Four (4) Mandatory Officers, who must be individuals:** this entity must have a President, Vice-President, Secretary, and Treasurer. Two or more offices may be held by the same individual, except the offices of President and Secretary cannot be the same individual.
- **Three (3) Mandatory Directors, who must be individuals.** The number of directors must be at least three (3).

Full Legal Name	Complete Mailing Address	% Owned	Assistant Secretary	Assistant Treasurer	Director	President	Secretary	Treasurer	Vice President
Simcha Weed	P.O. BOX 9000, BROWNSVILLE, TX 78520	N/A			X				
Stuart Gates	11161 E STATE RD 70, UNIT 110-905 BOX 905, LAKEWOOD RANCH, FL 34202	N/A			X				
Kelly Tshibaka	1120 Huffman Rd Ste. 24-835, Anchorage, AK 99515	N/A				X		X	
Heather Gottshall	1349 JACKSON DR, ANCHORAGE, AK 99518	N/A			X		X		X

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

NAICS Code: 813311 - HUMAN RIGHTS ORGANIZATIONS

New NAICS Code (optional):

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with

the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Kelly Tshibaka

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

Hello Ms. Tshibaka,

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

As to your other questions:

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

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

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

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

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



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

Thank you,

Charles Stormont
Paralegal I

Phone: (907) 276-4176

Toll-Free: 1-800-478-4176

Fax: (907) 276-7018

Alaska Public Offices Commission

2221 E. Northern Lights Blvd STE 128

Anchorage, AK 99508

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From: Preserve Democracy <info@preservedemocracy.com>

Sent: Tuesday, February 14, 2023 10:10 AM

To: Stormont, Charles R (DOA) <charles.stormont@alaska.gov>

Subject: GOTV question

You don't often get email from info@preservedemocracy.com. [Learn why this is important](#)

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

Hi Charles,

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

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

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

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

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

Thanks,

Kelly Tshibaka

Kelly Tshibaka | CEO

Preserve Democracy | 645 G Street Ste. 100-578 | Anchorage, AK 99501

Phone: 907-717-8525 | PreserveDemocracy.com

preservedemocracy.com

Updated 10 days ago 

Domain Information

Domain: preservedemocracy.com

Registrar: GoDaddy.com, LLC

Registered On: 2018-02-14

Expires On: 2025-02-14

Updated On: 2023-03-06

Status: clientDeleteProhibited
clientRenewProhibited
clientTransferProhibited
clientUpdateProhibited

Name Servers: camilo.ns.cloudflare.com
julissa.ns.cloudflare.com

Shareholder
D: (907) 339-7129
C: (907) 830-0790
msinger@schwabe.com

Schwabe

From: Singer, Matthew
Sent: Tuesday, August 22, 2023 11:17 AM
To: Lucas, Tom R (DOA) <tom.lucas@alaska.gov>
Cc: Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Stormont, Charles R (DOA) <charles.stormont@alaska.gov>
Subject: FW: PD - Website questions

Tom,
Regarding the website and its various versions, I wanted to provide more information. I apologize if my prior email was confusing. The website has had essentially three versions. Let's call them Version 1.0, 2.0, and 3.0. In addition, Version 2 had at least a few tweaks, which you can think of as Version 2.1, etc.

December 19, 2022 Website Version 1.0

When people went to the landing page "PreserveDemocracy.com" it routed them to the donation page. The top of the page said "Preserving Democracy means election systems are simple to understand and accessible to all Americans. We focus on increasing voter turnout and fighting the spread of Rank Choice Voting. This is key to protecting the democratic participation of all and upholding the will of the majority."

Under the intro language, was the donation form.

This basic donation 1-page site was in place until January 23, 2023.

January 23, 2023 Website Version 2.0

The changes suggested in Ms. Tshibaka's January 22, 2023 email that I previously provided you were incorporated into a version that went live January 23, 2023. That version of the site was up until February 27, 2023.

After Version 2.0 went live on January 23, it was revised numerous times with small editing/formatting changes to correct content (like editing "Rank" to "Ranked") (Versions 2.1, 2.2, etc.). There also were some news articles added about Ranked-Choice efforts from around the country (see attached email). Ms. Tshibaka recalls adding these in response to a request from a contact in another state who needed materials to fight the spread of Ranked-Choice Voting in that jurisdiction. PD has no record of any other changes made between January 23 and February 27.

February 2023 Website Version 3.0, February 27 to Present

After Ms. Tshibaka received feedback from Charles Stormont at APOC, she was concerned the intent and purpose of the website might be misconstrued, so out of an abundance of caution she changed the language to what it is today. She requested those revisions on or about February 18, 2023. The current website has been in place since the website team completed the revisions on February 27, 2023.

We were able to locate the invoice for the website, and so I need to correct/supplement a prior piece of information. As the attached invoice shows, the amount of \$4,964 that I mentioned before for website construction was for more than just that item, and included media pitches, web security, and other project management tasks. It is also noteworthy that the website developer did not charge for changes to content. That is, PD was obligated for the cost of the website and that cost did not change as the website went from Version 1 to Version 2 to Version 3. In other words, once PD contracted for a bullhorn, what it said through the bullhorn did not cost it more money.

Matthew Singer

—
Shareholder
D: (907) 339-7129
C: (907) 830-0790
msinger@schwabe.com

Schwabe

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□permission is strictly prohibited. If you are not the intended recipient,
please contact the sender and □delete all copies.□



About

Ranked Choice Voting

News

Resources

Contact

DONATE



**In order to preserve our democracy,
elections must be easy to understand and
accessible to all Americans.**



RANKED CHOICE VOTING

Ranked Choice Voting (RCV) is a political weapon and emerging threat to our democracy. It is a complex, multi-step process that [confuses voters](#), [escalates negativity](#), [increases costs](#), and results in [voter suppression](#).

RCV is already in 28 states. In 2023, [NBC reports](#) that legislatures in 14 states are considering expanding or implementing RCV. And Congress has [introduced a bill](#) twice before to make RCV mandatory in all 50 states for U.S. House and Senate races. **If we don't act now, the entire U.S. election system is about to change.**

Preserve Democracy is a non-partisan group dedicated to preserving the fundamentals of our democracy by fighting the spread of RCV and increasing voter turnout. This is key to protecting democratic participation and preserving the will of the constituents.



We are dedicated to preserving the fundamentals of our democracy by fighting the spread of Ranked Choice Voting and increasing voter turnout. This is key to protecting democratic participation and preserving the will of the constituents.



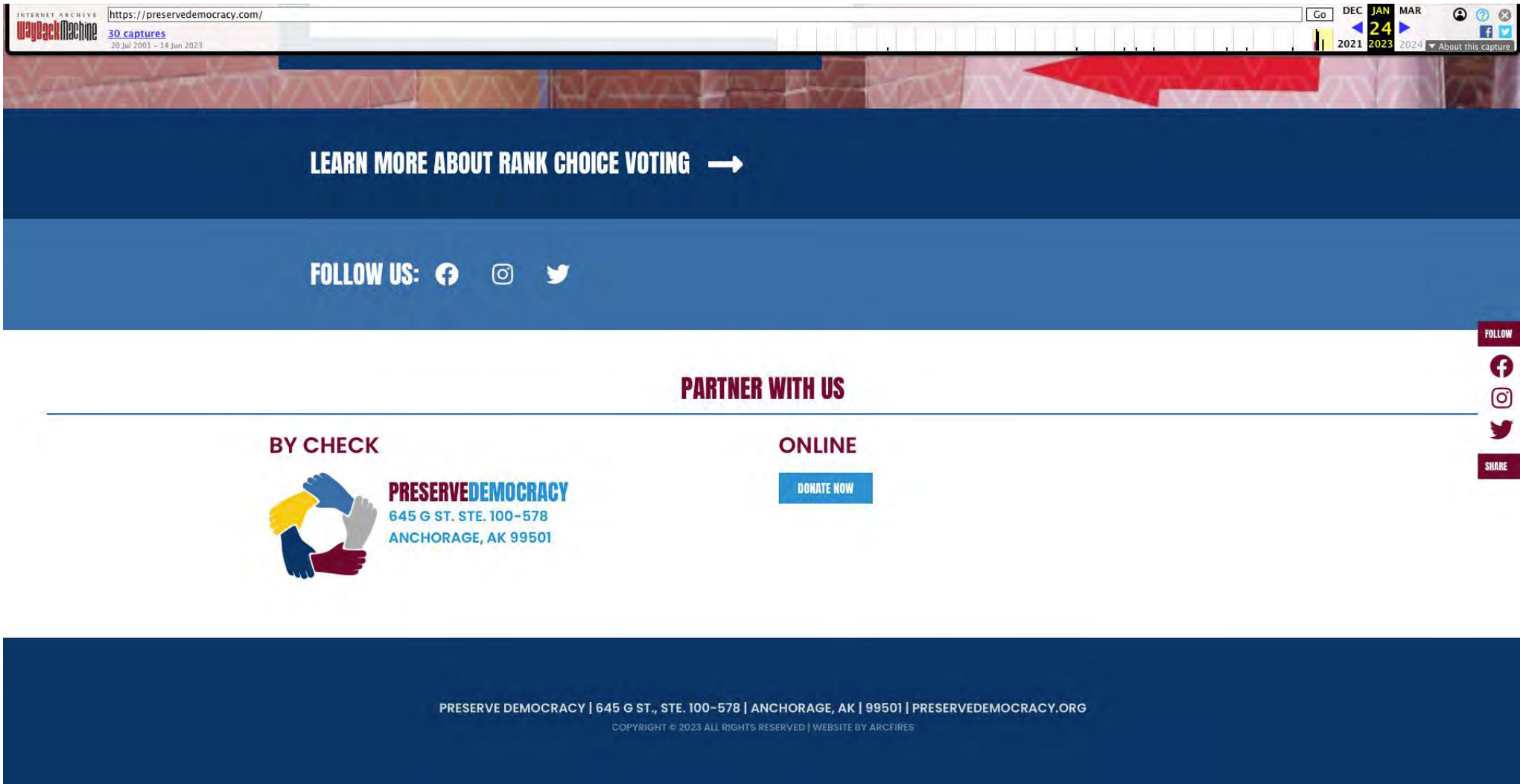
**VOTE
HERE**



LEARN MORE ABOUT RANK CHOICE VOTING →

FOLLOW US:   







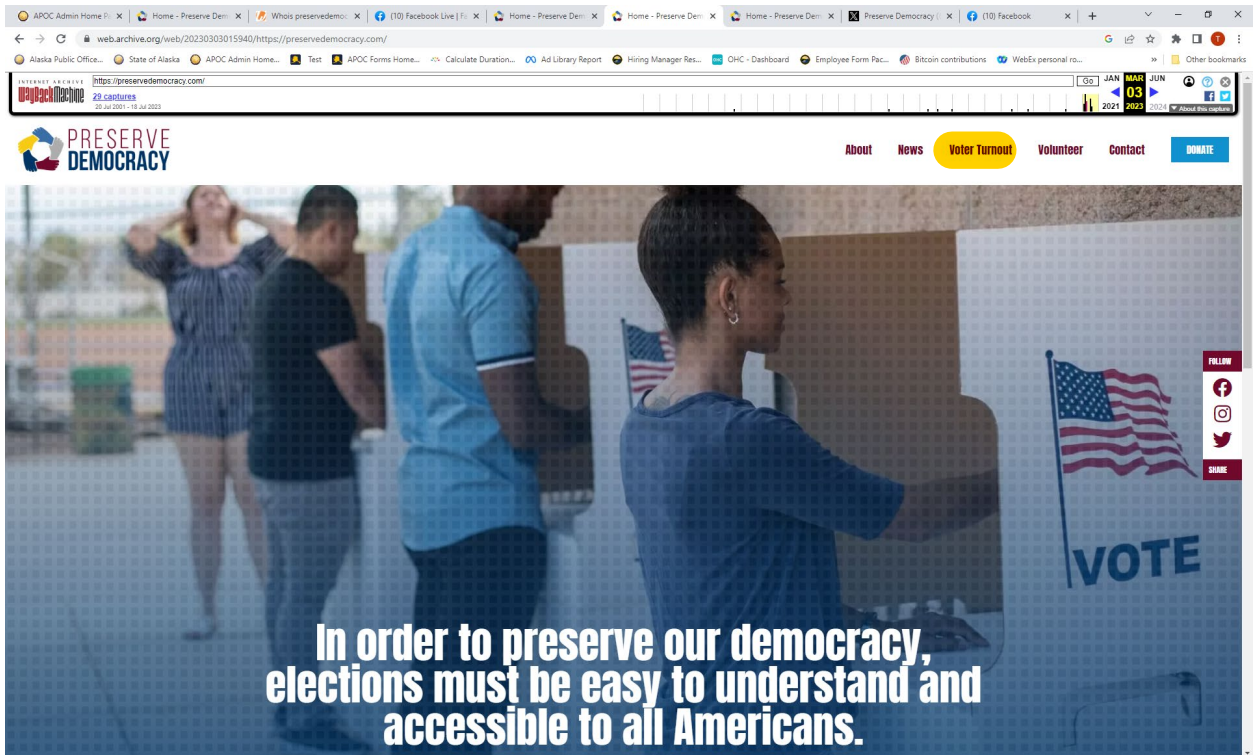
WHAT IS RANKED CHOICE VOTING?

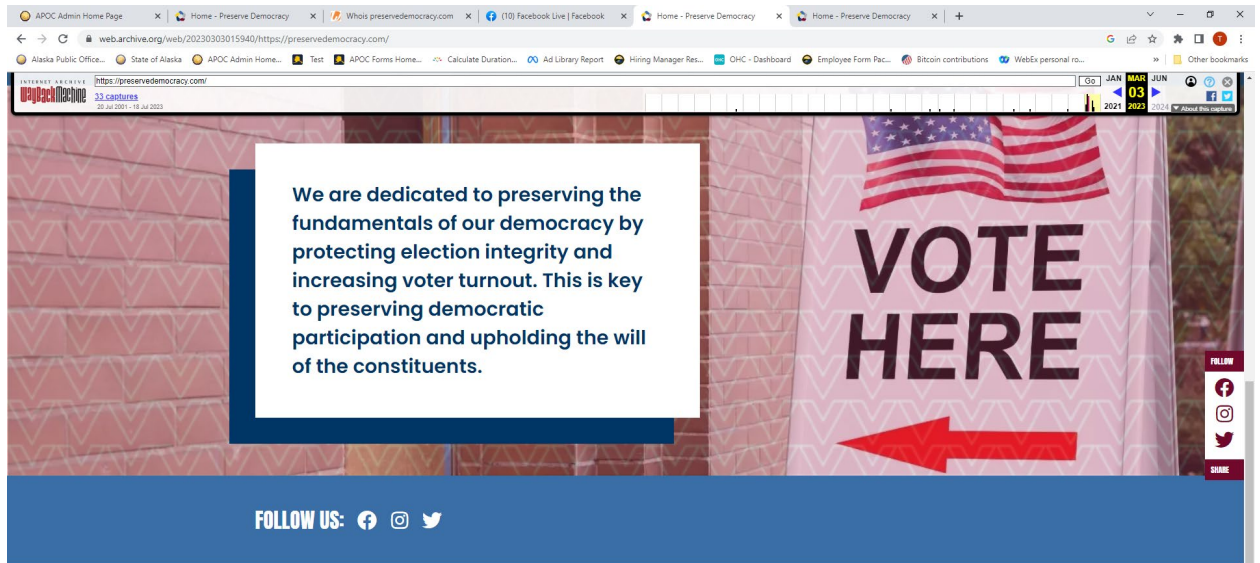
WHAT IS THE PROBLEM?

WHERE IS RANKED CHOICE VOTING USED?



**In order to preserve our democracy,
elections must be easy to understand and
accessible to all Americans.**





PARTNER WITH US

BY CHECK



PRESERVEDEMOCRACY
645 G ST. STE. 100-578
ANCHORAGE, AK 99501

ONLINE

[DONATE NOW](#)

From: [Lucas, Tom R \(DOA\)](#)
To: info@preservedemocracy.com; Kelly@preservedemocracy.com
Cc: [Hebdon, Heather R \(DOA\)](#); [Griffin, Morgan A \(LAW\)](#); [Stormont, Charles R \(DOA\)](#)
Subject: APOC Information Requests
Date: Thursday, July 27, 2023 10:36:00 AM

I have been assigned to investigate the complaint filed against Preserve Democracy in case number 23-02-CD. I am making the following requests pursuant to the authority granted in AS 15.13.045:

1. Please identify each Preserve Democracy event held since November 11, 2022.
2. For each event identified in response to request number 1, please state whether the event was open to the public.
3. For each event identified in response to request number 1, please provide a copy of any public invitations/announcements that were made inviting attendance.
4. For each event identified in response to request number 1, please state whether Phillip Izon, Art Mathias, or any principal or agent of Alaskans for Honest Elections, Ranked Choice Education Association, Wellspring Ministries or Wellspring Fellowship were specifically invited to attend the event.
5. For each event identified in response to request number 1, please state whether any principal or agent of Preserve Democracy was aware that individuals seeking signatures in connection with the 22AKHE initiative application were present.
6. For each event identified in response to request number 1, please state whether any principal or agent requested attendees to sign 22AKHE initiative application booklets.
7. For each event identified in response to request number 1, please state whether Preserve Democracy requested contributions for the purpose of purchasing a poll concerning the 2022 State Primary or General Election.
8. Please identify any person hired by Preserve Democracy to perform a poll concerning the 2022 State Primary or General Election.
9. For any person identified in response to request number 8, please provide the questions asked and the results of any poll that was performed.
10. Please identify any person other than a principal or agent of Preserve Democracy to whom the raw results of any poll performed by any person identified in response to request number 8 were provided. For each person identified, please state whether that person paid Preserve Democracy to obtain the poll results. For any payments made,

please state the amount that was paid and by whom.

11. For each of the mailers shown in exhibit I to the complaint in case number 22-02-CD, please explain in detail how the mailing list was generated.

I am requesting that your responses be provided no later than close of business, Thursday, August 3, 2023.

Thomas R. Lucas
Campaign Disclosure Coordinator

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

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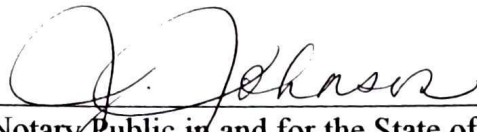
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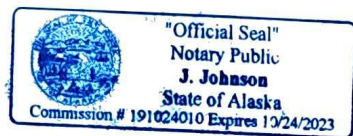
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1 SUBSCRIBED AND SWORN TO before me this 10 day of August, 2023,
2 at Anchorage, Alaska.

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4 
5 Notary Public in and for the State of Alaska
6 My Commission Expires: 10.24.2023





Kristie Babcock



A FUNDRAISING EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

FIGHT RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION

FEB. 7TH, 6:00 P.M. PARADISOS -- KENAI

CO-HOSTS:

KRISTIE & TUCKERMAN BABCOCK
FORMER REP. RON GILLHAM
CINDY & MARK GLASSMAKER
TAMMY WALTON & CATHY STURMAN
WAYNE & HELEN OGLE
MIKE CRAWFORD
JILL SCHAEFER & APRIL ORTH
CODY & BETH MISHLER
FRED BRAUN
RON HYDE & ROB WALL



*IF WE DON'T ACT NOW, THE ENTIRE
U.S. ELECTION SYSTEM IS ABOUT TO CHANGE*



Loren Leman



A FUNDRAISING EVENT TO



**PRESERVE
DEMOCRACY**

with Kelly Tshibaka

FIGHT RANKED-CHOICE VOTING &
INCREASE VOTER PARTICIPATION

**FEB. 9TH, 5:30 P.M. BELL'S NURSERY
(13700 SPECKING AVE)**



HOSTS

LOREN & CAROLYN LEMAN	MIKE MOSESAN	PAUL & SUSANNE GIONET
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Terri Hall (Steve...



Thanks

Wednesday, Feb 15 • 9:21 AM



AN EDUCATION & BENEFIT EVENT TO



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with Kelly Tshibaka

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Exhibit R – Preserve Democracy Event February 9, 2023

Unofficial Transcript

Tshibaka: Yes. Carolyn?

Woman: asks question (indiscernible)

Tshibaka: Yes. So, the question is are we combining the efforts to coordinate? So, We have many of the people who are the co-leads for the Alaskans for Honest Elections in the room right now. They are the co-hosts on this, so in that sense, yes, we are running in parallel. What they are doing, the Alaskans for Honest Elections have a ballot initiative to overturn ranked choice voting. They are collecting signatures, they will be here, um, is it next Thursday, guys, is your event?

Unidentified Speaker: Next Thursday, Wellspring church.

Tshibaka: Wellspring church, Thursday, what time?

Unidentified Speaker: Seven o'clock

Tshibaka: Seven o'clock and they are in the process right now of printing the signature on the petition forms. So please join them there on Thursday, that's absolutely critical and the money that they are raising is going to collecting signatures. If anyone has ever done one of these signature initiatives before, it actually takes a lot of money to collect signatures, it's really hard and towards the end you are actually spending money to bring firms to bring up to actually help you get the signatures you need to get it on the ballot. In the meantime, we are getting bombarded with ice cream videos, and 80% of you love it, and the brainwashing is beginning, right? We've got to get a counter message out there, so when it is on the ballot we win. I think that is super important and so it is a, both and, not an either or. So, we're working in tandem like that.

Total time: 1:30.

End of recording.

Exhibit S – Preserve Democracy Event February 9, 2023

Unofficial Transcript

Unidentified Speaker: Kelly, I just want to make sure everybody heard next Thursday night, Wellspring Ministry, that's where you can actually sign the petition.

Tshibaka: Yes

Unidentified Speaker: So, this is a fabulous turnout. I hope to see every one of you over there seven o'clock, next Thursday where you can sign up.

Tshibaka: Yes, and we wanted the petitions to be here tonight, I thought they were, but I think they were delayed in being printed off in the Division of Elections.

Unidentified Speaker (indiscernible)

Tshibaka: Oh, they, okay great.

Unidentified Speaker (indiscernible)

Tshibaka: Yes

Unidentified Speaker (indiscernible)

Tshibaka: Yes, and please volunteer to help get signed all boots on the ground really matter. Thank you. And we will have another event like this, here same time, same place on February 22nd, if you want to come back for more wine and bring friends, please feel free to.

Total time: 41 seconds

End of recording.

Tshibaka On “The Must Read Alaska Show”

Transcript Produced Thu, Jun 15, 2023 3:44PM • 29:53

SUMMARY KEYWORDS

alaska, people, state, anchorage, happened, election, rank choice voting, florida, voters, turn, ballots, campaign, districts, republican, year, absentee ballots, kelly, voting, conservative, stand

SPEAKERS

John Cook, Kelly Tshibaka

00:10

Hello there Alaskans wherever you are. Welcome to the must read Alaska Show coming to you from somewhere in Alaska. This is the place where we talked about, you guessed it, Alaska, where we keep the mainstream media on their toes and where we are standing up for what's right and a world run by leftist. You can find out more by heading over to BuzzFeed alaska.com and also checking out the must read Alaska YouTube channel for some really great content. But first, let's get this party started.

John Cook 00:41

Welcome everybody to the mustard Alaska Show. I'm your host John Cook coming to you live from somewhere in Alaska. And man yesterday was just a beautiful day here on the Kenai Peninsula. We talking about almost a full day of sun this is a miracle him yet to have that happen. It seems like for a year here on the Kenai Peninsula it has, I don't know, maybe it peaked out 60 degrees yesterday. So man, we were outside getting the Tana was amazing. I hope everybody's having an awesome summer so far. And I want to thank everybody for listening, watching and reading must read Alaska. We do this so that we can spread conservative news for all the nooks and crannies of Alaska. And if you want to help keep the lights on here at mustard, Alaska, we would really really love that. We're not funded by some dark web nonprofit money conglomerate. We're just funded by everyday folks who care about conservative news in Alaska \$5 \$10 \$100 of the time, keeps the lights on here at mustard, Alaska. So if you head on over to must read alaska.com on the right hand side there, there's a little donate button, click on that. And feel free to donate, you can also sign up for our newsletter there. And the majority of all of our content is free for you, which we really strive to do. But without further ado, our very special guest today. Kelly Chewbacca, former commissioner of administration for the state of Alaska, former government watchdog guru for in Washington, DC. And Kelly, welcome to the mystery Alaska show.

Kelly Tshibaka 02:08

It's great to be with you, John. Thanks for having me.

John Cook 02:11

Well, I'm super excited to come back on our readers are are big fans of what you're doing. And so we're kind of gonna get a catch up on what you've been up to over the last couple of months. But my first question out the gate is kind of a big one. But you can kind of go any which way you want with it. But what is your take on the political landscape of Alaska? You know, you've had a chance to probably hang out with all the folks in Alaska, you've been literally all over the state, you know, back and forth times 10. What is your take on the political landscape right now in Alaska?

Kelly Tshibaka 02:46

That's a really good question. A lot of people after November 2022, I think in Alaska are feeling really discouraged, at least from our team. And I know of at least 20 Republican leaders across the state who have actually moved out of state permanently since January of this year. I think that that is very unfortunate and discouraging. That's not just your conservative families, your pillars in the community, who would be people who could be potential candidates are a strong voting base. These are people who've actually run for office or held office, in the past leaders in the Republican Party, people who we would know that are listening to this podcast right now they've picked up and gone to Republican states like Texas and Florida, and decided that there is really no future in Alaska. What I think that means for us is if we don't have people here holding the line, and in sticking our flag and taking a stand, then there isn't going to be a way to maintain what I think is our our strong convictions in Alaska for what Alaska stands for, which is freedom and economic prosperity, the future of our country, I really believe that this is the land that powers America with our energy that creates America with our minerals, feeds America with our fish inspires America with our tourism, protects America with national security. We are the front lines and the resource for a free United States of America. And the only way that we can be all of those things is with the principles and values that conservatives stand for. And it's not going to be through things like government welfare, government handouts, and government control and government overreach, which is what other parties in principle stand for. And so I think it's really important that we have a conservative base up here that stands for economic freedom, economic prosperity, free economic principles, and a social value set that really emphasizes the family as the the base unit of America for economic principles. It's a base, the base economic unit and the base Community Unit that forms the nation, you can have the family without a nation, but you cannot have nations without families. And I really think that that's something we stand for. So I would really love to see us as, as a state. And the people who are listening to this podcast, to continue to use our voices and to continue to stand together to hold the line to not lose heart, I think the only way we lose is by giving up. And unfortunately, I see a lot of people doing that just in fatigue and frustration and discouragement to say, You know what, I'm just one person, it doesn't matter. But when enough people say that it actually does matter. And we started to see that even in 2022. I think something interesting, it's not the question you asked, but I'll throw it out there, John. The reason why we lost so many elections, including mine in 2022, is not because of specifically rank choice voting. And it is not because of so much money and dark money that was spent, it's actually because our team forfeited the game. When you go when you look at the data of what happened in the race, because elections are really just data games. We did an unfortunate job of just not showing up to vote in last year's election, when we had the lowest voter turnout in state history across the board. And when you look at the numbers of who came 19,000 Super voter Republicans, people who vote in four out of four elections, doesn't matter what election it is, did not show up in 2022. If half of those voters had shown up, I would have won the election. Not only that, but Juneau wouldn't be able to caucus Democrat in the Senate,

we probably would have had a different turnout in the US House race. Those are the kinds of consequences that happen. When we just decide, well, it's already predetermined, there's no way we can win, let's throw in the towel and forfeit the game. And that has huge consequences for the future of Alaska. Because then when certain policymakers come in power in the Senate and the House, in statewide elections, and then in Juneau, certain policies are made when it comes to resource development and jobs, the economy, social values, schools and taxes. And then people leave the state. And all of a sudden, you see the state turning blue really quickly. But why did it? And the answer is because we just didn't show up to an election. That's a pretty pathetic reason to turn Alaska blue.

John Cook 07:48

Yeah, it's a bummer. It's we were talking about a couple days ago. And, man, I I'm hopeful still, but man, that was a tough pill to swallow. So, you know, we look around Alaska, and we see these things happening. We, you know, it's definitely turning more purple by the day. And it seems like the economy's in the crapper still, and people, you know, local elections aren't even going the way people would like. So what what are you hopeful for what, you know, keeps you going because you obviously haven't given up so what what is it that drives you to get out there and get after it still,

Kelly Tshibaka 08:30

I believe one person can make a huge difference. And that person doesn't just need to be me, it can be each one of us. And what I realized after the election is two things. One, I don't need to be a senator to continue to pursue those same goals that I had on the campaign and that our entire team of volunteers was working towards. So I'm pursuing those goals through the private sector. We've started a consulting firm, we're doing things like affordable housing, and helping to spur on our economy and generate economic development in Alaska. And it's going really great. And I'm excited about that. It's and that's one of the reasons I've been traveling the state. The other thing that I'm working towards is one of the pillars we were working on in the campaign, which is election integrity, making sure that our elections are on track, and that we do things like increased voter turnout. And I'm advocating with the legislature and with the help of a lot of people who are listening right now to overturn rank choice voting, because the more that we've looked into what actually happened last year, I do think that there's a strong correlation between the onset of rank choice voting and the lowest voter turnout that we saw in state history. And so there is a correlation there with voter suppression. And it didn't just happen on the Republican side. It happened on the Democrat side as well. It happened in rural Alaska, and it happened in rail belt Alaska. And so the legislature knowing that we're having this extreme decrease in voter participation as a result of rank choice voting happening. And so one of the things we're doing right now is we're preparing to do a statewide poll to figure out exactly why Alaskans have stopped voting so that we can diagnose that accurately. And going into 2024, which is just a year and a half away from today. I'm trying to do everything we can to increase and maximize voter turnout, so that the people who are elected are the best reflection of the will of the people in the constituents here in Alaska. And not just 40% of the people who are voting in Alaska, which is what happened in 2022. That's what we're working towards. And I really believe that, as I'm going around and talking, there is a spark that's starting to light again, in the people across the state and people are starting to see, wait, there is something we can do about it. We didn't know that it was it was simply a discouragement factor, if you will, that happen in 2022. And there is some hope here and we can actually galvanize and do something about it. So I'm starting to see people get prepared for 2024, which is probably going to

take a lot of door knocking and a lot of significant effort in getting ballots in. So for example, I was just in Fairbanks for several days talking to a lot of different Republican groups up there. And one of the things that we talked about is changing our entire mindset around absentee ballots. And I'll give you a story, John, I talked with the teams in Florida and this has come up several times. This even came up at the young Republican gathering that just happened this past weekend when they brought up DC Drano who's a very significant social media influencer, who now lives in Florida, came up with them and came up with the people who've actually been handling the transition in Florida. Remember that Florida used to be a toss up state back in Bush versus Gore, it was a purple state, we never knew how Florida was going to go. It is not that state anymore. It is now a bright red state where their governor DeSantis is winning by 20 points. It is a bright red state. And all of this despite the fact that all the media outlets in Florida are actually liberal. So the question is how in the last 20 years has Florida gone from being a toss up state to a bright red state? It turns out and I dug into this after the election to figure out how do we how do we get Alaska back on track. It turns out that their Republican Party's actually focused heavily on moving towards absentee ballots for all registered Republicans in the state. And that's a little bit different than maybe what the messaging is that we've heard in the last several years. But what Florida figured out is when you have absentee ballots in everybody's hands, it's like having that gadget on our charter fishing boats on the Kenai River where you can see all the fish in the river under the boat, versus being on that charter boat where you can't see what the guides telling you. Oh, trust me, I know where the fishing holes are. Which guy do you prefer to fish with? The one where you can see all the fish under the river. And you know, you're over the fishing hole, or the guy who's saying, hey, trust me, I know where everything is, when it's our job to bring the ballots in, we want to go with a guy who can show us where the ballots are. And that's what absentee ballots do. When everybody has absentee ballots that means every single campaign, so local campaigns that you know, campaigns, the GOV campaign, the house campaign, the US Senate campaign, plus every independent expenditure group can see exactly who has a ballot, where they are and which ballots need to be targeted. So they can target all their campaign messaging, their door knockers, etc. To go to those voters to make sure those voters turn in their ballots, which means you have a much more likely ratio of turning those ballots in a much higher percentage of those ballots being turned in, than if you're just hoping and praying that on election day, your voters turn in ballots, it's just a much higher risk that the fact is Republican ballots or your voters are not going to get their ballots in on election day than if you can actually see where the ballots are, target them and bring the votes in. It just makes sense. And so all of these voters and and ballot leaders and campaigners in Florida are telling us, Look, if you really want to mobilize your vote in 2020 for Republicans put in for absentee ballots. It's the smartest thing you can do work as a team, maximize your your donation dollars. If you're giving 10 bucks to a campaign, it's gonna go a lot further, if everybody registers for absentee ballots in 2024 than if you just kind of hope and pray that everybody goes into the polls and precincts on election day because something always interferes sickness or work or kids or something. So register for absentee ballots, we have a much stronger likelihood of being able to win our elections that way.

John Cook 14:54

That's awesome. So you've, you've been around the state like we've talked about, you have this new thing you're doing called preserve democracy, not necessarily new, because you've been doing it now pretty much since the election was over. So give us give us a little update on that just preserve

democracy. I know that you're working really hard at educating people on rank choice voting. So how's that been going?

Kelly Tshibaka 15:20

First, I want to say thank you to all of our donors and supporters for helping to make this happen. We've been extremely busy when going around the state doing education campaigns, and helping everybody understand what happened in 2020. To what we've been hearing what's going on what the data says. So those tours have happened in southeast the peninsula, the valley, Anchorage, Fairbanks, that's gone really well. I testified before the Alaska State legislature on House Bill one, which is to repeal ranked choice voting. So everybody listening those bills, House Bill one and House Bill four, which both support overturning rank choice voting, those are still pending. So you can contact your legislators in the Senate and in the house and tell them that you support House Bill one and House Bill four to overturn rank choice voting. If you need talking points. My presentation is on our website at preserve democracy.com. And you can look at that PowerPoint presentation under a resource and figure out what some of the talking points with the data could be that you could use with your representatives. Another thing that we did is we ran a Get Out the Vote campaign in the anchorage Muni race. The idea behind this was to do a pilot project, John, to figure out can we actually mobilize voters to vote, because we saw in 2022, we had such strong voter drop off. And so we use some of the same methods and techniques that they were using in Florida, we'll use one of the top analytics firms data analytics firms in the country, to target voters who normally vote in every four year elections or the two year elections. Maybe they don't vote in Muni races, but they could be prompted to vote. And we just put a ton of money into it. Thank you donors for helping with that. And we used 1000s and 1000s of text messages. And digital ads will use dozens of phone calls to each voter, and mailings. And we targeted just two districts to because it's just an experiment. And what we saw is that it didn't move the needle at all, those districts didn't have any higher voter turnout percentage than the other districts, which was extremely surprising and disappointing. But also helpful, because what it shows us is that the typical methods used to drive voter turnout in the past, despite the high quality campaign, the proven methods and the ton of money. It's not moving Alaskan voters and Anchorage is 40% of the state. That's helpful because in 2024, it means if you were to drop millions of dollars on text messages, and phone calls, and mailers and digital ads is not actually going to increase voter turnout. So what is going to increase voter turnout, that leaves us with door knocking, which we saw actually did make a difference in my campaign, turning in ballots themselves. So helping people collect their ballots and turn them in. And it's going to require some answers to this poll that we're going to put out to figure out why people aren't voting so that we can actually get to the root cause. And so that's why we're doing the poll. The last thing that I've really been involved in and this has been, I think, extremely helpful and persuasive. There are a lot of other states that are considering rank choice voting, they have ballot initiatives or their state legislators are considering it. And what they're looking at is Alaska, and quote how well ranked choice voting turned out in Alaska, based on some propaganda from some pro ranked choice, voting organizations that are funded by special interests. And so we've been able to provide them just with the data of what actually happened here. Like, for example, the lowest voter turnout in history, or the fact that we had 75 candidates running for just three statewide offices, and we had no ability for our parties to screen or vet their candidate candidates in the backgrounds to even let people know whether the candidates lined up with the parties or vet out false candidates, we had a Hollywood actress move up here, change her name, and take on a big Alaska identity a couple of times, yes, exactly. And run for

office, but nobody was able to even screen or read that candidate, or let Alaskans know this person's fake. And so those are some of the things that happened up here because of our new system, that we're able to tell other states and their legislators, these are this is what rank choice voting is allowing to happen. So that's what we're dealing with preserved democracy. But you can learn more at preserve-democracy.com If you need resources, or if you want to help support us.

John Cook 19:55

So let me walk myself through this strategy. Just so I can understand it, because I'm just now thinking about it. And I, and I think it's something that we haven't done in Alaska. So, absentee ballot chasing, let's say, you know, there's a dozen people out there knocking on doors, they knock on the doors of Republicans, they help them register as an absentee ballot person. And then they follow up with that person during the week or two before the election to either help them turn in the ballot or mail it on their behalf. Is that kind of some of the strategy that happens in Florida?

Kelly Tshibaka 20:33

Yes, exactly. You got it right. And even in the beginning, I'm not sure that you need to go and knock on their door to help them register as an absentee that could be done through phone calls, or even through mailers, or in the republican district model districts can do that. Districts can own their own data sets and really mobilize their own districts to get their Republican people to register with absentee ballots.

John Cook 21:02

That's awesome. If you are in leadership in the republican district, and you're listening to this, that is a strategy that I don't know anybody's doing in Alaska. And man, that could be a game changer. So kudos to you, Kelly, for gleaning from Florida and figuring out kind of what set them apart because, man, that just makes total sense. So

Kelly Tshibaka 21:25

like the Florida people have said, John, again, think of it like the fish model, it tells us where the fish are. The Florida people have said if we implement this in implemented effectively, we could turn our state 20 points red, and in minimum 10 points right across the entire state. That's what our population demographics tell us. That's what we have here as a bench. My concern is, if we don't turn on this quickly, what we'll see is a continual attrition of not only Republican leaning leaders, but also Republican leaning families. And I saw that even during the campaign, as I was knocking doors, I was seeing people I was knocking moderate doors, right people I was trying to persuade, but people who otherwise would be voting for me moving out of state and leaving before November, because they were just so tired of the quality of life and Alaska anymore. The schools and the public safety, were just so draining for them. And sometimes it's jobs and economy. It wasn't worth living here anymore. They moved up here, sometimes with a military moved up here for work or better quality of life. And the conditions they're living in, especially in Anchorage, were just getting so bad, it wasn't worth it. And they were moving back to other states that we're offering them something better. And we were just we're losing a lot of really good people. And we don't have a lot to offer them. Because the way that our cities are being led the way that our state is being led, and economic opportunities drying up. The school systems are leaving a lot to be desired when our math and literacy proficiency is below 30%. And we've got a lot of crime and home, especially through anchorage homeless, homelessness challenges that

are exposing our families and our children to a lot that parents don't want them to see. And so really good people and families are leaving, you know, by a lot. We kind of stopped that trend. We need good leadership throughout the state school boards, assemblies, mayors in Juneau, all the way up to the top.

John Cook 23:34

This is great. I think that, especially during the last election, we had lots of districts that wanted to help very badly, they were doing everything they could do but they didn't have a tool to really go after and the the the main people in the Republican Party of Alaska, were definitely not giving them any direction. And so this could give districts something to target and man, you know, most of these districts could could, you know, really do some amazing work with with this to focus on so that's pretty exciting. Last question to you this is this where we went by 30 minutes pretty quick, Kelly, you know, how important is it? Do you think for folks to get involved in the local elections, even community boards or those kinds of things? Because I think that's one of the areas that I think conservatives have just kind of not really done, either not had time to do or not really cared about or both. And so it becomes a farm team for the other side of, you know, all these community boards and Anchorage and local, you know, school boards all across the state to try out their policies and beliefs and then make it on to, you know, state house or State Senate. How important is it for conservatives to get involved in these local boards and community groups? I

Kelly Tshibaka 25:00

think it's incredibly important. We would be surprised how much of our daily life is actually affected by local policy, what's happening on the the little boards, if you will, or the school board or the assembly. And we don't follow those so much. And so we don't know we think a lot more as affected by state law, but it's actually isn't it's affected at the local level. I'll give you an example. the Anchorage School Board has a budget that is twice the size of the Anchorage assembly. What does that mean for the average Republican who's listening, they affect twice the amount of your taxes as the Anchorage assembly. And so all those people who you're not voting for, and you don't really know what their name is, and you don't really know what their background is, or how they politically lean that your property tax going up right there. And so when they're putting out bonds, and what does that bond mean? And remember, when they promised us that if you vote for this 86 kazillion dollar bond, they won't ask for any more next year. And they've asked for more the next two years. Yeah, that's your property tax. They're pricing us out of our homes in Anchorage while we're all fleeing to the valley or fleeing to the peninsula. And that's all school board people. Fortunately, John having watched what happens in Fairbanks in the peninsula, and in in Anchorage, and knowing these people, we actually have really good candidates running for these offices, we just have really bad voter turnout on our team. Interestingly, there have been articles in The Atlantic, in Politico, etc, where the Democrats in Alaska have laid out their blueprint for taking over Alaska. And sir, over the last 115 years, these blueprints have been laid out in these liberal publications. And they start with leaves little local elections, where conservatives aren't paying attention will take over the school boards, and the City Council's will take over the the neighborhood boards, you know, you see those little signs posted neighborhood council meeting. And they'll take those over, and they'll train up their bench of leaders, and then they'll just gradually progress them to the next level of leadership, school board assembly, and then they'll run for June now, then they'll take over governor, and then they'll take over the US House of Congress, and they'll take over US Senate. It's working. Have you noticed? Um, so I think we need to understand if you don't believe me, believe them. They've

been executing this strategy over the last 10 to 15 years. And they've been graduating up the ranks Forrest Dunbar and people like Mary Portola, people whose names we've been like, what I don't recognize that name. And they've been going from these little tiny no name positions, very quickly escalating them up into Statehouse positions. And then they intend to take over our US Congress and US Senate positions, and then all of Alaska, it won't be purple or slightly pink, we're going to turn bright blue. And it'll feel like it happened overnight. They did the same thing in Oregon and Washington. And we're next. And so how important is it extremely important, not just for us to run, but for us to support and be involved.

John Cook 28:08

Well, I appreciate you joining us, your Kelly, any last minute thoughts here before we head off.

Kelly Tshibaka 28:13

I have a lot of great hope for the future of Alaska, but it's going to be for us to operate as a team. And that means donors continuing to support candidates continuing to run, volunteers continuing to help. And we've got to we've got to take a stand and plant our flag. And on that note, John, we will be announcing our husband, I will have a big announcement a little bit later this year to help encourage and inspire everybody on our team because we think we're we are continuing to be very committed to this cause and we're wanting to do our part. So stay tuned. coming more from the Chewbacca is in 2023.

John Cook 28:49

Nice. Well, I really appreciate you joining us. Kelly here on the must read Alaska show. And for folks listening in. Maybe you just cut the last half of this, you're gonna want to go back and listen to the whole thing. Because Kelly, Chewbacca shares a great secret sauce on how we can potentially win like elections all over the state in 2024. And for folks tuning in, you're also going to not want to miss the next couple episodes to I'm going to have three episodes today. Next, I'm going to have Senator Shelley Hughes here in about an hour or so. And then Senator James Kaufman later on today, and then lieutenant governor is going to be on Thursday morning. So we've got a very packed week this week. If you listen watch and read must read Alaska. We want to thank you for doing that. If you want to help to keep the lights on here it must read Alaska, go to must read alaska.com on the right hand side there's a little donate button. Click on that. Every \$5 \$10 \$100 helps us keep the lights on here. It must read Alaska. Until next time, I'm John quick from somewhere in Alaska. Thank you so much, Kelly for joining us.

Kelly Tshibaka 29:51

Thank you Bye



**YOUR CITY NEEDS
YOU**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

**You're a Part of Anchorage and
YOUR VOTE MATTERS**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

The next Regular Municipal Election is April 4, 2023

1. Once you receive your ballot package in the mail, mark your choice(s) by filling in the oval(s) with **black or blue pen** and then, place your ballot into the **secrecy sleeve** and then into the **ballot return envelope**.
2. Read and **sign the declaration** on the ballot return envelope.
3. Return your ballot by **mailing it** through the U.S. Postal Service with first class postage, by returning it to an **Anchorage Vote Center** (AVC), or place it in one of the **secure drop boxes below**:

This is NOT a Ranked-Choice Election

ASD Education Center

5530 E Northern Lights Boulevard

Bartlett High School

1101 Golden Bear Drive

Begich Middle School

7440 Creekside Center Drive

City Hall

632 West 6th Avenue

Clark Middle School

150 Bragaw Street

Dimond High School

2909 West 88th Avenue

Eagle River Town Center

12001 Business Boulevard

Election Center

619 East Ship Creek Ave.

Fairview Rec Center

1121 East 10th Avenue

Girdwood Community Center

250 Egloff Drive

Loussac Library

3600 Denali Street, near Book Drop

O'Malley's on the Green

3651 O'Malley Road

MOA Planning & Development Center

4700 Elmore Road

Service High School

5577 Abbott Road

South Anchorage High School

13400 Elmore Road

Spenard Community Rec Center

2020 West 48th Avenue

UAA Alaska Airlines

3550 Providence Drive

West Anchorage High School

1700 Hillcrest Drive



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645 G ST. STE. 100-578
ANCHORAGE, AK 99501

OUR ANCHORAGE OUR HOME



★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★
You're Part of this City and
YOUR VOTE MATTERS
★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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ANCHORAGE NEEDS YOU



★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

You're Part of this City and YOUR VOTE MATTERS



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33rd Legislature(2023-2024)

Next Bill

BILL

HB 1

BILL

CURRENT STATUS

(H) STA

VERSION

STATUS DATE

Then JUD

SHORT TITLE

REPEAL BALLOT MEASURE 2 VOTING CHGS

STATUS DATE

01/19/2023

SPONSOR(S)

REPRESENTATIVES RAUSCHER, Vance, McCabe, Prax, Tomaszewski

TITLE

"An Act relating to elections."

Bill Number:

Search Bill

Next Bill

Sponsor Statement

[Actions](#)

[Full Text](#)

[Fiscal Notes](#)

[Amendments](#)

[Minutes and Audio](#)

[Documents](#)

FULL TEXT OF HB 1

Version

Amended Name

PDF

Date

House

Senate

[HB0001A](#)

HB 1

01/19/2023

Intro/ Offered

Passed

[Similar Subject Match](#) or [Exact Subject Match](#)

[CAMPAIGNS](#)

[ELECTIONS](#)

[GOVERNOR](#)

[INITIATIVES](#)

[LEGISLATORS](#)

[POLITICAL PARTIES](#)

[VOTING](#)

Bill Number:

Display Bill

Next Bill

https://www.akleg.gov/basis/Bill/Detail/33?Root=HB 1#tab1_4

Exhibit 21

Page 1 of 1

1/2



PRESERVE DEMOCRACY

Presentation for Alaska House State Affairs Committee in Support of H.B. 1
March 28, 2023

Kelly Tshibaka
Kelly@PreserveDemocracy.com

THREAT

Ranked-Choice Voting is an emerging threat to our election system. It causes:

VOTER SUPPRESSION

INCREASED NEGATIVITY AND COSTS IN CAMPAIGNS

DISTRUST IN THE ELECTION SYSTEM

RISK TO THE DEMOCRATIC LEGITIMACY OF ELECTION OUTCOMES

INCREASED VULNERABILITY TO DARK MONEY

FEWER CANDIDATE CHOICES

MORE EXTREME CANDIDATES BEING ELECTED

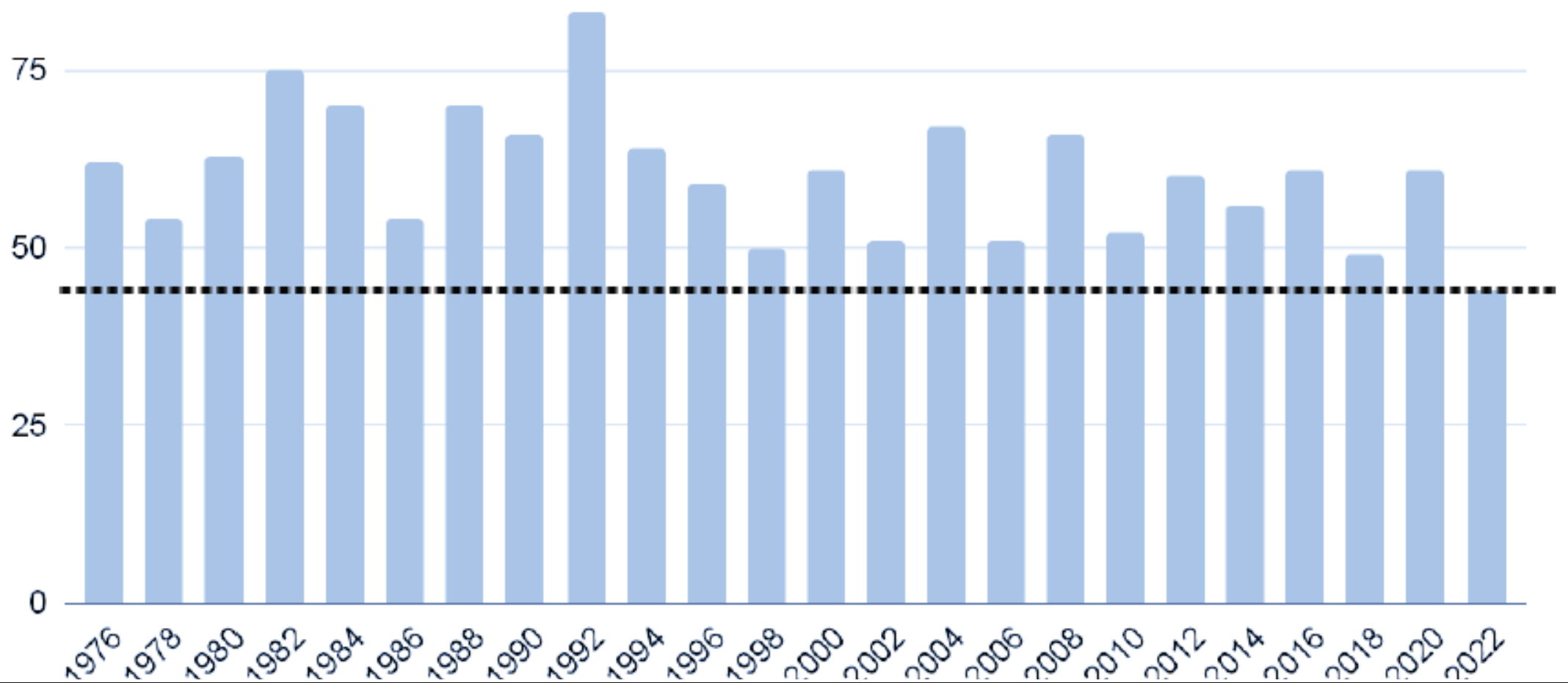


ALASKA'S RECORD LOW VOTER TURNOUT

Lowest voter turnout in state history occurred the year Alaska introduced Ranked-Choice Voting (RCV).

Turnout was 44.4%, down from 49.8% in 2018 and 56.08% in 2014. That is 18,000 less voters than in 2018 and 2014.

Even fewer voters participated in the US Senate and House races. *Only 40% voted in the federal races—a 10% drop from 2018.*



Alaska Voter Turnout Rate by Year



ACLU TESTIMONY – RANKED CHOICE VOTING

“Ranked choice ballots have suppressed voter turnout... (RCV) has resulted in decreased turnouts up to 8% in non-presidential elections. RCV exacerbates economic and racial disparities in voting. Voting errors and spoiled ballots occur far more often. In Minneapolis, for example, nearly 10% of ranked choice ballots were not counted, most of these in low-income communities of color.”

--Testimony of Vignesh Ganapathy
Kansas Policy Director



NEW YORK POST

“Ranked choice voting is not beneficial to minorities. It’s voter suppression. I hope that the courts see that ranked choice voting is not right for democracy.”

- Hazel Dukes

President of the NY chapter of the NAACP, 7/1/21

**NEW YORK
Amsterdam News**

“Let there be no doubt we are seeing a renewed systematic and racist effort to restrict the ability of Black voters to exercise the right for which so many have died... I am deeply concerned that the imposition of Ranked Choice Voting...will disproportionately discourage Black and Latino voters from full participation. Voter suppression comes in many forms.”

- Hazel Dukes

President of the NY chapter of the NAACP, 5/13/21

RANKED-CHOICE VOTING CREATES...



INCREASED NEGATIVITY and COSTS



Maine's US Senate race is the most negative one in the country

The race also "set records as the most expensive in Maine's history."

October 2, 2020

RANKED-CHOICE VOTING CREATES...



DISTRUST

San Francisco Chronicle

Alameda County admits tallying error in ranked-choice voting, flips one result and raises big questions
December 28, 2022

- The certified 3rd place candidate was declared the actual winner
- After the election was certified, the Registrar of Voters learned its RCV system was not configured properly by FairVote, *a special-interest funded organization that has advocated for the spread of RCV for decades*
- FairVote came into Alameda County, reprogrammed the RCV system, and the election results were re-run, producing a different outcome
- Led to a recount of every RCV race in the county
- “It really feeds into the distrust so many people have in our election system when this sort of thing happens.” –Jim Ross, *SF Chronicle*, 12/28/22

RANKED-CHOICE VOTING: BALLOTS TOSSED & WINNERS GET LESS THAN 50%



Nov. 18, 2014

MYTH Lower ranked candidates are redistributed until a candidate with *50% or more* of the vote wins.

FACT In 4 jurisdictions using Ranked-Choice Voting, none of the final winners received 46% of the total vote share because over 27% of the ballots originally cast were thrown out as the RCV rounds progressed.

THE STUDY CONCLUDED:

RCV increases the difficulty of the task facing voters. A substantial number of voters either cannot or choose not to rank multiple candidates. Even individuals who mark three distinct choices often face the prospect of exhaustion, so education alone will not fix the problem.

The possibility that exhaustion might tip the balance in the final round poses a serious risk to the democratic legitimacy of the method and the outcomes it produces.

RANKED-CHOICE VOTING CATERERS TO DARK MONEY

75

In 2022, 75 candidates ran for 3 state-wide offices in Alaska.

With Alaska's RCV-related open primary system, the burden was on each voter to research every candidate's background and platform to make an informed decision... an impossible task.

So, the candidates (incumbents) with the most money (*and dark money*) had the greatest advantage... and won in all 3 races.

RANKED-CHOICE VOTING LIMITS CHOICES

1

In 2020, 6 third-party candidates were on the general election ballot for federal offices in Alaska (not including Al Gross, candidate for US Senate, who ran as an Independent but was on the ballot as a Democrat).

In 2022, only 1 third-party candidate was able to make it through Alaska's new RCV-related open primary system to the general election for a federal office.

RCV significantly limited the ability of Independents, Libertarians, Alaska Independent Party, and other 3rd party candidates from making it to the general election.

RANKED-CHOICE VOTING ELIMINATES MODERATES

In Alaska's 2022 U.S. House race, Democrats forced out a moderate Independent candidate, Al Gross, who previously ran as the Democrat candidate for U.S. Senate in 2020. This left only one remaining Democrat in the final 4 general election, Mary Peltola, who held far more extreme political views than Al Gross.

Similarly, a moderate Alaska Native Republican dropped out of the final 4 in the U.S. House race after determining she had no path to victory to win the election. A less moderate candidate took the fourth spot on the ballot.

BI-PARTISAN OPPOSITION TO RANKED-CHOICE VOTING

Former U.S. Senator Mark Begich (D-AK) & Former Governor Sean Parnell (R-AK)



Ranked Choice Voting is a
“confusing new system” that
“encourages political
trickery...”

Alaskans shouldn’t have to
doubt that their votes count.”



San Francisco Chronicle

“I am concerned that [RCV] has often
led to voter confusion...The cure being
proposed [for low turnout] is far worse
than the disease. We do not believe
the Board should be experimenting
with San Francisco’s hard fought right
to vote. Primaries and runoff elections
have served our nation well for most
of its history.”

-- **Gavin Newsom, Governor of CA (D),**
on vetoing a bill that would allow RCV
statewide



STATES ARE BANNING RANKED-CHOICE VOTING



IDAHO may be next

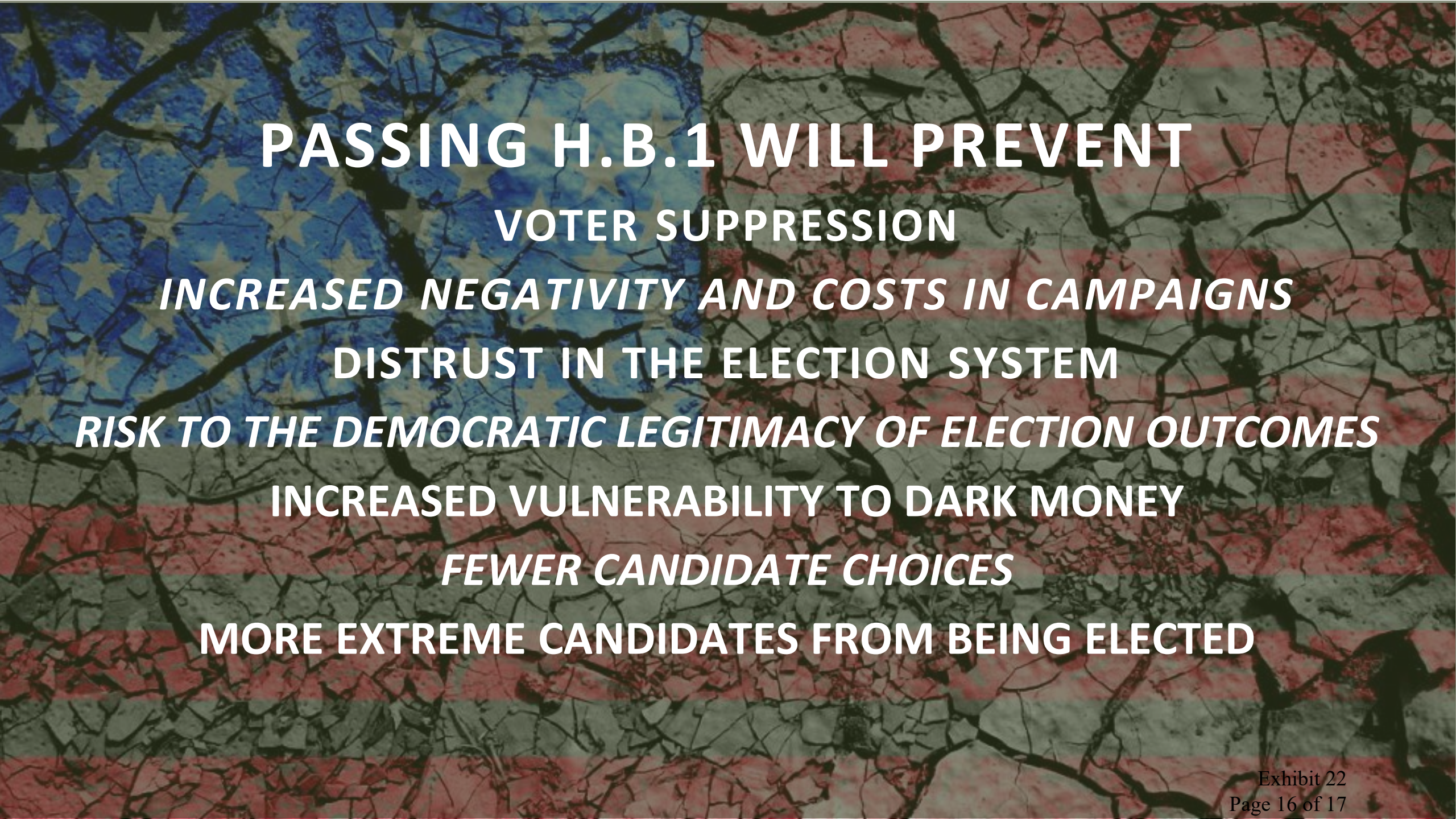
ALASKANS WANT TO REPEAL RCV



53% OF ALASKANS WANT RCV REPEALED

Alaska Survey Research Poll by Ivan Moore
January 2023

- Poll of 1,397 registered Alaskan voters shortly after 2022 election
- “Everyone who follows me here on [Twitter] knows that I am a huge supporter of RCV, but these numbers show the reality. The original passage of RCV was by a very narrow margin and any idea that ‘once we have an RCV election, everyone will love it’ is NOT the case.” – Ivan Moore

The background of the entire slide is a stylized American flag that has been heavily cracked and shattered, resembling broken glass or dried mud. The stars and stripes are visible but fragmented by a network of dark, irregular cracks.

PASSING H.B.1 WILL PREVENT

VOTER SUPPRESSION

INCREASED NEGATIVITY AND COSTS IN CAMPAIGNS

DISTRUST IN THE ELECTION SYSTEM

RISK TO THE DEMOCRATIC LEGITIMACY OF ELECTION OUTCOMES

INCREASED VULNERABILITY TO DARK MONEY

FEWER CANDIDATE CHOICES

MORE EXTREME CANDIDATES FROM BEING ELECTED



PreserveDemocracy.com

Kelly Tshibaka
Kelly@PreserveDemocracy.com



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10221011
Date Filed: 01/23/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-1/23/2023 3:08:45 PM

Articles of Incorporation

Domestic Nonprofit Corporation

1 - Entity Name

Legal Name: Alaskans For Honest Elections

2 - Purpose

Any lawful election matters

3 - NAICS Code

813410 - CIVIC AND SOCIAL ORGANIZATIONS

4 - Registered Agent

Name: Diamond Metzner

Mailing Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654

Physical Address: 2521 E. Mtn Village Dr, #904, Wasilla, AK 99654

5 - Entity Addresses

Mailing Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654

Physical Address: 2521 E. Mtn Village Dr., #904, Wasilla, AK 99654

6 - Officials

Name	Address	% Owned	Titles
Art Mathias	3900 Arctic Blvd STE 102, Anchorage, AK 99503		Director
Diamond Metzner	2521 E. Mtn Village Dr, #904, Wasilla, AK 99654		Director
Phil Izon	4201 Dimond Way, B, Wasilla, AK 99654		Director
Diamond Metzner			Incorporator
Phillip Izon			Incorporator
Art Mathias			Incorporator

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Incorporator(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Diamond Metzner

GROUP REGISTRATION FORM

COMPLETED

Submission Date: **03/20/2023**
Filer First Name: **Phillip**
Filer Middle Name (Optional): **A**
Filer Last Name: **Izon**
Filer's Title with Group: **Records Keeper**

GROUP INFORMATION

Previously Registered: **No**
Election Year: **2023**
Group Name: **Alaskans For Honest Elections**
Abbreviation: **AKHE**
Purpose: **Any lawful election matters**
Group Type: **Initiative Proposal**
Group Mailing Address: **2521 E Mtn Village Dr**
City, State Zip: **Wasilla, Alaska 99654**
Additional Email Addresses to Notify: **admin@alaskansforhonestelections.com**

CHAIR

Name: **Phillip Izon**
Address: **4201 E. Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **9078028116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): **Did Not Report**

TREASURER

Name: **Diamond Metzner**
Address: **4201 Dimond Way Unit B**
City, State Zip: **Wasilla, Alaska 99654**
Phone: **907-802-8116**
E-mail: **admin@alaskansforhonestelections.com**
Fax (Optional): **Did Not Report**

DEPUTY TREASURERS / CO-CHAIRS

Name	Address	Title
No Deputy Treasurers / Co-chairs / Nothing to Report		

TYPE OF GROUP

INITIATIVE PROPOSAL APPLICATION GROUP

Title: **Alaskans For Honest Elections**
Subject: **Repeal of Ranked Choice Voting**

CAMPAIGN PLANS

Initiative Proposal Group: Active before the initiative is certified or the ballot in an election.

BANK ACCOUNT / CAMPAIGN DEPOSITORY

Name of Bank: **Alaska USA FCU**
Bank Address: **1501 Parks Hwy**
City, State Zip: **Wasilla, Alaska 99654**

STATE OF ALASKA

Department of Administration

Alaska Public Offices Commission

SARAH PALIN, GOVERNOR

□ 2221 EAST NORTHERN LIGHTS, RM 128
ANCHORAGE ALASKA 99508-4149
PHONE: (907) 276-4176
FAX: (907) 276-7018
e-mail: *First Name. Last Name@alaska.gov*

□ P.O.BOX 110222
JUNEAU, ALASKA 99811-0222
PHONE: (907) 465-4864
FAX: (907) 465-4832

April 23, 2008

Timothy A. McKeever
HOLMES WEDDLE & BARCOTT, P.C.
701 West Eight Avenue, Suite 700
Anchorage, Alaska 99501

Re: Request for advisory opinion regarding activities of
Renewable Resources Coalition – AO-08-02-CD

Dear Mr. McKeever:

This letter responds to your March 25, 2008, request for advice regarding whether certain activities of Renewable Resources Coalition, Inc. (“RRC”) trigger reporting and disclosure requirements under the campaign disclosure law. Specifically, you asked whether the RRC activities are considered expenditures made to influence the outcome of the “clean water” ballot initiatives, which propose statewide regulations of certain discharges from new mines.

SHORT ANSWER

- RRC is not required to report expenditures for issue advertisements that do not mention ballot initiatives, do not advocate a position on the initiatives, and are susceptible to interpretations other than as exhortations to vote for the initiatives;
- In providing a forum or space at RRC events for ballot initiative groups to distribute materials, sign up new members or solicit donations, RRC is providing a service and value to those groups and therefore is subject to reporting requirements for non-monetary contributions to those groups;
- RRC advocates on its website on behalf of the ballot initiatives and therefore the cost related to that advocacy is reportable as an independent expenditure.

LAW

Sec. 15.13.010. Applicability.

(b) Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, nongroup entity, municipality or individual for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

Sec. 15.13.040. Contributions, expenditures, and supplying of services to be reported.

(d) Every individual, person, nongroup entity, or group making an expenditure shall make a full report of expenditures, upon a form prescribed by the commission, unless exempt from reporting.

(e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission no later than 10 days after the expenditure is made.

(k) Every individual, person, nongroup entity, or group contributing a total of \$500 or more to a group organized for the principal purpose of influencing the outcome of a proposition shall report the contribution or contributions on a form prescribed by the commission not later than 30 days after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during the calendar year.

Sec. 15.13.065. Contributions.

(c) 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. In this subsection, in addition to its meaning in AS 15.60.010_, "proposition" includes an issue placed on a ballot to determine whether

- (1) a constitutional convention shall be called;
- (2) a debt shall be contracted;
- (3) an advisory question shall be approved or rejected; or

- (4) a municipality shall be incorporated.

Sec. 15.13.140. Independent expenditures for or against ballot proposition or question.

(a) This chapter does not prohibit a person from making independent expenditures in support of or in opposition to a ballot proposition or question.

(b) An independent expenditure for or against a ballot proposition or question

(1) shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other requirements of this chapter; and

(2) may not be made if the expenditure is prohibited by AS 15.13.145.

Sec. 15.13.400. Definitions.

In this chapter,

(3) "communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and costing \$500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c);

(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or political party;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party;

(5) "electioneering communication" means a communication that

(A) directly or indirectly identifies a candidate;

(B) addresses an issue of national, state, or local political importance and attributes a position on that issue to the candidate identified; and

(C) occurs within the 30 days preceding a general or municipal election;

(6) "expenditure"

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

(7) "express communication" means a communication 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;

(10) "independent expenditure" means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with

the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate;

(11) "individual" means a natural person;

(12) "issues communication" means a communication that

(A) directly or indirectly identifies a candidate; and

(B) addresses an issue of national, state, or local political importance and does not support or oppose a candidate for election to public office.

2 AAC 50.250. Contributions.

(a) In AS 15.13 and this chapter, except as otherwise provided in this section, "contribution"

(1) has the meaning given in AS 15.13.400 ;

(2) includes a

(A) subscription, advance, transfer, forgiveness of all or part of a debt, relaxation of credit, or anything of value made or provided by a person, group, or nongroup entity for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and

(B) personal contribution as described in 2 AAC 50.254; and

(3) does not include

(A) costs incurred in covering or carrying a news story, editorial, or commentary by a broadcasting station, newspaper, or periodical of regular publication, unless the media organization is owned or controlled by a political party, group, or candidate; if the media organization is owned or controlled by a political party, group, or candidate, the cost of the news story is a contribution, unless the news story is a bona fide news account and is part of a general pattern of campaign-related news accounts that gives reasonably equal coverage to all opposing candidates in the circulation or listening area;

(B) a non-monetary contribution or in-kind donation of a single item with a normal cost of \$50 or less;

(C) a payment made by an individual for the individual's own travel expenses, if the payment is voluntary and is made without an understanding that the payment will be directly or indirectly repaid;

(D) a payment made by a business, corporation, trade association, labor union, or other organization not organized primarily to influence elections to communicate directly with the organization's members or employees, or their families, on any subject, if the communication is of the same format used by the organization when it has communicated in the past on nonpolitical subjects, and does not solicit contributions or any action other than voting for or against a candidate or ballot proposition or question;

(E) a gift, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election;

(F) costs incurred to provide necessary administrative services associated with a payroll withholding plan; these costs may not include expenses associated with soliciting contributions;

(G) provision of a service or facility to a candidate, group, or nongroup entity if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office;

(H) provision of an organization's membership or mailing list to the group or nongroup entity affiliated with the organization;

2 AAC 50.270. Independent expenditures.

(a) An expenditure is not an independent expenditure as defined in AS 15.13.400 if it is made in cooperation, consultation, or concert with or at the request, suggestion, or prior consent of a candidate, treasurer, or deputy treasurer, or an agent of the candidate, group, or nongroup entity. An expenditure that is not an independent expenditure includes the following:

(1) an expenditure based on information about the candidate's, group's, or nongroup entity's plans, projects, or needs provided by the candidate or an agent of the candidate, group, or nongroup entity;

(2) an expenditure made by any person, group, or nongroup entity based on data from a candidate's, group's, or nongroup entity's pollster or campaign consultant or any other person who receives compensation or reimbursement from the campaign;

(3) an expenditure made for the purpose of soliciting contributions to be paid to a candidate, group, or nongroup entity;

(4) an expenditure made to finance the distribution of campaign material provided by the candidate, treasurer, campaign consultant, or any other agent of the candidate, group, or nongroup entity.

(b) Independent expenditures may be made without limit on the amount or frequency.

(c) A person making an independent expenditure must disclose the following on an independent expenditure report under AS 15.13.040 (d) and (e):

(1) the date of the expenditure;

(2) the amount of the expenditure;

(3) the check number, if the expenditure is paid by check;

(4) the name and address of the payee;

(5) a description of items or services purchased;

(6) identification of the candidate or ballot proposition the expenditure was intended to influence;

(7) a statement as to whether the expenditure was intended to support or oppose the candidate or ballot proposition.

(d) To obtain an exemption from the requirements in AS 15.13.040 and AS 15.13.135, an individual must file a written exemption request with the commission and provide the nature of the expenditure and the need for an exemption. The exemption will be kept confidential pending a final determination by the commission. If the commission determines that the individual would likely be subject to undue harassment, threats, or economic reprisals as the result of public disclosure, the commission will grant the exemption. If the purpose of the expenditure is to sponsor or produce a communication, after publication the individual granted an exemption shall provide the commission with a copy of the communication.

2 AAC 50.336. Reporting statements of contribution or of independent expenditure.

(a) A candidate, group, or nongroup entity who regularly files reports under 2 AAC 50.321 and satisfies the applicable requirements of AS 15.13.040 (a), (b), (c), and (j) need not also file a statement of contribution or of independent expenditure under AS 15.13.040 (d) or (e).

(b) A person whose contributions to a group required under 2 AAC 50.294 to register as a ballot group reach \$500 during a calendar year shall file a statement of contribution not later than 30 days after reaching \$500.

(c) An individual whose independent expenditures for billboards, signs, or printed materials concerning a ballot proposition exceeds \$500 during a calendar year shall file a statement of independent expenditure not later than 10 days after exceeding \$500. An individual who makes an independent expenditure for any other purpose shall file a statement of

independent expenditure not later than 10 days after making the expenditure. A person other than an individual that makes an independent expenditure for any purpose shall file a statement of independent expenditure no later than 10 days after making the expenditure.

(d) A corporation, company, partnership, firm, association, organization, business trust, labor union, or publicly funded entity that is not a group and that files a statement of contribution or of independent expenditure under AS 15.13.040 (d) satisfies any obligation under AS 15.13.050 to register with the commission.

(e) An individual required to report contributions to candidates for legislative office under AS 15.13.074 (g) as a lobbyist shall file a statement of contribution not later than 30 days after making a contribution.

2 AAC 50.352. Ballot measure activity.

(a) A person, including a corporation or labor union, may make contributions to influence the outcome of a ballot proposition.

(b) A person who makes contributions to influence the outcome of a ballot proposition

(1) must report those contributions as required by AS 15.13.040 ; and

(2) may not make

(A) anonymous contributions; or

(B) contributions using the name of another, as set out in 2 AAC 50.258.

(c) A corporation, company, partnership, firm, association, organization, business trust, labor union, or publicly funded entity may report its contributions and expenditures under AS 15.13.040 (d) and (e) as an individual if

(1) all contributions and expenditures to influence the outcome of a ballot measure election are made from the organization's general day-to-day operating account; and

(2) the organization does not assess, collect, pool, or solicit money or anything of value for the purpose of influencing a ballot measure election.

(d) A corporation, company, partnership, firm, association, organization, business trust, labor union, or publicly funded entity that does not meet the requirements in (c) of this section must register and report as a group.

(e) An individual who makes expenditures to influence the outcome of a ballot proposition election need not report those expenditures if the individual makes them in accordance with AS 15.13.040 (h).

2 AAC 50.379. Election educational activities.

Election-related communications and activities are educational if they

(1) do not favor particular candidates or a position on a ballot measure; or

(2) provide an opportunity for the expression of views of all candidates or both sides of a ballot measure.

2 AAC 50.405. Definitions for 2 AAC 50.250 - 2 AAC 50.405 and AS 15.13.

In 2 AAC 50.250 - 2 AAC 50.405 and in AS 15.13

(5) "anything of value" means any item of real or personal property and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered; "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, and mailing lists;

FACTS

According to your request, RRC is an Alaskan non-profit corporation, founded on August 11, 2005, and is a tax-exempt entity under the provisions of section 501(c)(6) of the Internal Revenue Code. Under its Articles of Incorporation, RRC's purposes include helping members of the public to better understand and communicate public policy issues concerning serving and strengthening Alaska's hunters and fishermen and "encouraging members of the general public to let their legislators, elected and appointed legislative and government officials and other community leaders know that the general public supports public policies that uphold responsible access and maximization of hunting and fishing resources." The listed purposes do not include influencing the outcome of elections.

You indicated that the Pebble Mine project, proposed for an area near Bristol Bay, is of particular concern to RRC and, as a result, for several years RRC has sought to educate the public about the mine's potential impact on the area's ecology through activities such as advertisements, events, and publication of newsletters and a website. During this period of RRC activity, the Lieutenant Governor certified two ballot initiatives on March 11, 2008, referred to as "The Alaska Clean Water Initiative" (07WATR) and "The Alaska Clean Water Initiative (III)" (07WTR3). The initiatives propose regulations for new large scale mining projects in the state, which presumably will include the proposed Pebble Mine, regarding the discharge and storage of certain toxic materials.

You indicated that RRC's leadership does not wish to engage directly in campaigning activities on behalf of the initiatives, but wishes to continue to educate and inform the public

about the concerns RRC has about the Pebble Mine and the need to promote and encourage hunting and fishing activities in Bristol Bay and the state. You included with your request examples of advertisements that RRC has run in the past, including some that include language such as, "Protect clean water and wild Alaska salmon."

In responding to your request, we reviewed RRC's website. The site contains a "Call to Action" section, which includes references to the Clean Water initiatives. A chart lists each initiative and indicates that "no action" is requested for the initiatives that have been certified. Under the chart is a heading reading "The time to wait and see is over. Act now to save Bristol Bay!!" followed by this text:

Help stop the proposed Pebble Mine slated for the headwaters of the Bristol Bay watershed in Alaska. The Pebble Mine threatens the spawning grounds of the largest run of wild sockeye salmon in the world. The Renewable Resources Coalition has determined that one way to stop this misguided development project is to do so by supporting those who would change the overly permissive mining laws of the State of Alaska, either by legislation or by ballot initiative.

The Call to Action section encourages readers to participate in opposing the Pebble mine in numerous ways, including joining and contributing to RRC, volunteering, encouraging organizations to go on the record in opposing the Pebble mine, informing others about the mine, responding to Pebble mine news stories with letters to the editor and radio call-ins, and contacting Alaska state and federal officials.

ANALYSIS

The Alaska Public Offices Commission ("APOC") is responsible for administering AS 15.13, which governs state election campaigns. AS 15.13.040(d) and AS 15.13.140 require reporting to APOC of independent expenditures in support of ballot initiatives. AS 15.13.040(k) and AS 15.13.065 require reporting of contributions totaling \$500 or more to a group organized for the principal purpose of influencing the outcome of a ballot initiative. APOC has implemented regulations under the authority of these statutes, regarding: contributions, 2 AAC 50.250; independent expenditures, 2 AAC 50.270; reporting statements of contribution or of independent expenditures, 2 AAC 50.336; and ballot measure activity, 2 AAC 50.352.

You have asked the following questions regarding the reporting requirements for various RRC activities and we are combining our responses to questions 1 and 2 and to questions 3 and 4 because those questions are closely related to each other.

- 1) **May RRC continue to educate the public regarding the potential impact of the proposed Pebble Mine project without such activities being considered expenditures made to influence the outcome of a ballot proposition?**
- 2) **May the phrase "clean water" continue to appear in RRC advertisements, or will the phrase cause such advertisements to be considered expenditures made to influence the outcome of a ballot proposition?**

More specifically, you asked whether RRC's sponsorship of advertisements and direct mail pieces discussing the proposed Pebble Mine and its effect on the Bristol Bay drainage constitute reportable expenditures. You indicated that the advertisements ran long before certification of the initiatives and RRC intends to run similar advertisements long after the initiative voting is completed.

While we cannot offer an opinion regarding hypothetical future advertisements, the advertisement samples you provided do not trigger the reporting requirement for campaign expenditures. Because the advertisements do not include express advocacy on behalf of the initiatives and, when viewed as a whole, are susceptible to reasonable interpretations other than as an exhortation to vote for the initiatives, expenditures for the communications are not required to be reported.

RRC's sponsorship of advertisements must be reported as independent expenditures if the advertisements are "in support of" or "for" a ballot proposition. AS 15.13.140. An "expenditure" includes a purchase or anything of value incurred or made for the purpose of influencing the outcome of a ballot proposition or question. AS 15.13.400(6).

Neither the statutes nor the regulations explain the meaning of these terms for the purposes of reporting expenditures in ballot measure campaigns, but the laws do address how a communication influences a candidate campaign. Alaska's campaign statutes divide expenditures for communications in candidate campaigns into three categories for the purposes of reporting requirements. Under the statutes, reportable expenditures include "express communications" and "electioneering communications," but not "issues communications." AS 15.13.400(6)(C). 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." AS 15.13.400(7). An electioneering communication is one that addresses an issue of political importance and attributes a position on that issue to a candidate who is directly or indirectly identified. AS 15.13.400(5). An issues communication is one that directly or indirectly identifies a candidate and addresses an issue of political importance but does not support or oppose the candidate. AS 15.13.400(12).

Although these definitions are specific to communications regarding candidates, the distinctions also are appropriate for ballot initiative campaigns. See *McIntyre v. Ohio Elections Comm'n*, 115 S. Ct. 1511 (1995) (holding that principles regarding regulation of political speech in candidate elections extend equally to issue-based elections such as referendums); *Calif. Pro-Life Council, Inc., v. Getman*, 328 F.3d 1088 (9th Cir. 2003) (holding that states may regulate express ballot measure advocacy through disclosure laws and applying analysis of "express advocacy" in candidate campaigns to ballot initiative campaigns); see also *Federal Election Comm'n v. Wisconsin Right to Life, Inc.*, 127 S. Ct. 2652 (2007) (holding that campaign communications that are susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate are the functional equivalent of express campaign communications).

In this case, the example advertisements you provided with your request do not expressly advocate for a position on a ballot initiative or make any mention of an initiative, election or voting. Nor are they the functional equivalents of express communications because they are

susceptible to reasonable interpretations other than as exhortations to vote for the initiatives. While use of the term “clean water” might be interpreted by listeners who are aware of the initiatives as a message in support of the initiatives, it is not the only reasonable interpretation of the advertisements. As its website indicates, RRC urges numerous different kinds of opposition activity. Therefore, the advertisements do not fall within the categories of express or electioneering communications but appear to be issue communications. As such, they do not trigger the reporting requirement for independent campaign expenditures.

You also asked about expenditures for “clean water” stickers that contain RRC’s website address. Although this is a close question, the stickers do not expressly mention a ballot initiative or advocate a position on an initiative. Nevertheless, the context of distribution may determine if they are reportable expenditures. If the “clean water” stickers, which arguably refer indirectly to the ballot initiatives, are distributed in a context that can only be interpreted as ballot initiative advocacy, their cost should be reported as an expenditure on behalf of an initiative.

If the stickers are donated to a ballot advocacy group, they are considered contributions to that group and reportable as such.

- 3) **If brochures, created by a separate entity, that advocate in favor of the Initiatives are distributed at an RRC event, will the cost of that event be considered an expenditure made to influence the outcome of a ballot proposition?**
- 4) **May RRC allow a separate entity, that advocates in favor of the Initiatives, to sign up new members during RRC events? Or would such activities cause the Commission to consider the cost of such an event to be an expenditure made to influence the outcome of a ballot proposition?**

You indicated that RRC hosts educational seminars, fair booths, and public and private presentations to fulfill its mission of educating the public regarding issues that may impact renewable hunting and fishing resources and that ballot initiative groups may seek to distribute their own brochures and materials, to sign up members and to seek donations at these RRC events. You also indicated that RRC will not initiate any discussions or advocate a position regarding the ballot initiatives at these events. Given the circumstances you describe, if RRC provides space at its events for ballot measure groups to distribute materials, or solicit members or donations, the value of that space would constitute a non-monetary contribution to the group rather than an independent expenditure.

Because RRC will not itself advocate a position and the ballot initiatives are not the main purpose of the events, the total cost of the events will not be considered a direct expenditure for the purpose of influencing the outcome a ballot initiative. Moreover, a ballot initiative group’s participation in the event presumably will be with RRC’s permission, so the service that RRC provides to the group will not be an independent expenditure because it will be made in cooperation and in concert with the ballot measure group. AS 15.13.140; AS 15.13.400(10); 2 AAC 50.270.

If the RRC events provide a space or forum for ballot measure groups to engage in campaign-related activities, however, such events are a service and something of value to the participating groups. Therefore, if RRC is not charging the group for the space, the value of that space should be considered a non-monetary contribution to the group. AS 15.13.400(4); 2 AAC 50.250.

The value of the contribution presumably will be the market value of a booth or venue at an RRC event or a reasonable pro-rated cost based on the portion of the event used by any ballot measure groups. Once RRC's contributions to a ballot initiative group exceed \$500 or more, RRC is required to report the contributions pursuant to AS 15.13.040 and 2 AAC 50.336(b).

You also indicated that during RRC seminars and forums audience members may ask about the ballot initiatives. To the extent RRC does not favor a position on a ballot measure in such discussions and provides opportunities for the expression of views of both sides of the ballot measure, such discussion would not be considered a campaign activity regulated by the commission. 2 AAC 50.379. If RRC advocates a position regarding the ballot initiatives at its seminars and forums, however, whether it raises the issue or not, then RRC will be acting for the direct purpose of influencing the outcome of the ballot initiative and related event expenditures will be subject to reporting requirements.

5) Does dissemination and promotion of an electronic newsletter or web site, that discusses the Pebble Mine controversy, constitute a reportable expenditure?

Although you represented that RRC's website may contain incidental references to the initiatives, the website's Call to Action section contains more than an incidental reference. It expressly requests that readers "act now" and states that RRC has determined that one way to stop the Pebble mine development is by supporting those who would "change the overly permissive mining laws of the State of Alaska, either by legislation or by ballot initiative." In contrast with the advertisements discussed above, this communication is express advocacy, or its functional equivalent, on behalf of the ballot initiatives and, therefore, is a reportable expenditure.

CONCLUSION

The reporting requirements for communication expenditures are triggered when the communication is express advocacy, or its functional equivalent, for or against a ballot initiative. Allowing a ballot initiative group to distribute brochures, sign up members or solicit donations at an RRC event triggers the reporting requirements for contributions to that group.

RRC may report its contributions and expenditures under AS 15.13.040(d) and (e) as an individual if the contributions and expenditures are made from its general day-to-day operating account and RRC does not "assess, collect, pool, or solicit money or anything of value for the purpose of influencing a ballot measure election." 2 AAC 50.352(c). If that is not the case, RRC must register and report as a group.

Only the Commission has the authority to approve an advisory opinion. The Commission will rule on staff's proposed advice at its June 11-13, 2008, meeting. If you wish to participate

when the Commission considers this matter, please contact me so that this matter can be scheduled for a mutually convenient time during the June meeting. The Commission may approve, disapprove, or modify the proposed advice. An advisory opinion must be approved by an affirmative vote of at least four members or it will be considered disapproved. Both staff's proposed advice and the Commission's final advisory opinion apply only to the specific facts and activities for which the advice was requested.

If you rely on staff's proposed advisory opinion in good faith, and the Commission subsequently rejects the proposed advice, staff will take no enforcement action on activities up to that point if you acted under the specific facts described. If you have any additional questions or would like to discuss this proposed advice, please contact me at 907-334-1725.

The Commission approved the advice in this letter by an affirmative vote of 5-0 on June 11, 2008. The advice in this opinion applies only to the specific activity for which the advice was requested.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

Christina Ellingson, Acting Executive Director

From: [Singer, Matthew](#)
To: [Lucas, Tom R \(DOA\)](#)
Cc: [Hebdon, Heather R \(DOA\)](#); [Stormont, Charles R \(DOA\)](#)
Subject: PD - Website questions
Date: Monday, August 21, 2023 2:54:55 PM
Attachments: [image005.png](#)
[image006.png](#)
[Website language 1.23.23.pdf](#)
[Website Language 12.19.22.pdf](#)

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

Tom,

Regarding your inquiry about the PD website, PD purchased the domain name for its website on December 12, 2022 and paid \$2915.

PD retained a web developer and paid \$4964 on or about January 23, 2023 to the web developer.

We have no record of other specific costs associated with the website.

When the webpage went live on December 19, it had a logo, a donation page, and a landing page. The text for the landing page was sent by Kelly Tshibaka to the web designer on December 19, 2022, and he uploaded it onto the page. I have attached the email where she sent this text. The text reads as follows:

Preserving Democracy means election systems are simple to understand and accessible to all Americans.

We focus on increasing voter turnout and fighting the spread of Rank Choice Voting. This is key to protecting the democratic participation of all and upholding the will of the majority.

As you can see, the page made no mention of a ballot initiative, nor even any mention of RCV in Alaska. Indeed, “fighting the spread of Rank Choice Voting” inherently indicates a focus on other parts of America, since RCV had already spread to Alaska as of this date. The reference to “all Americans” indicates a focus beyond Alaska. PD needed this placeholder website up quickly because in December 2022, it was seeking donations from donors *outside of Alaska* who were concerned about Ranked-Choice Voting spreading to their states.

As PD built out the webpage, it added content and provided that to the web designer. We located the attached email from January 22, 2023 in preparation for the full site to go live on January 23, 2023 when PD officially launched its organization to the public. While there is substantially more discussion about RCV, again there is no mention of an Alaska ballot initiative, and there continues to be a focus on fighting the *national spread* of RCV. The closest there comes to any reference to Alaska is a reference to legislators considering RCV legislation in this section:

Preserve Democracy is focused on the following top priorities:

Combat RCV in Alaska, Nevada, and Other States. *Through polls, studies, and videos showing RCV*

suppressed the vote and disenfranchised voters in Alaska, we will educate decision-makers in AK, NV, & other states considering enacting RCV state-wide.

Targeted Voter Registration and Get Out the Vote Efforts in 2023-2024. *We will focus on strategically getting-out-the-vote in Alaska and add other House districts with tight races as funds allow. Our methods cost less than half the industry average cost per voter.*

Oppose Other RCV Initiatives. *As RCV proposals spread, we are mobilizing and empowering voters and policy-makers to oppose RCV by educating and equipping them with real data, case studies, and RCV voter perspectives.*

While PD indicates it wishes to combat RCV, the means it indicates it wishes to use are educational tools including polls and studies, designed to use the Alaska experience as a way to “educate decision-makers.” The website was originally intended to be a resource for decision-makers across the U.S. to have easy access to the same kind of information PD provided the Alaska Legislature in its public testimony in March. Educating decision-makers, including those in Nevada and other states, is, of course, different than influencing a specific Alaska election and Alaskan voters on a particular ballot initiative.

As I previously explained, PD did in fact follow through by conducting a poll focused on voter-turnout and writing about it in an opinion piece, by attending a public hearing of the legislature on a bill considering whether or not to keep RCV statewide, by asking people to send letters to the legislature in favor of a pending house bill regarding RCV, and by engaging with activists in other states to help educate about Alaska’s experience with RCV. PD has been transparent and consistent about the role it sees for itself, and also clear that it does not wish to be involved in ballot initiative advocacy.

Please feel free to call or email if this response prompts additional follow up.

Matthew Singer

—
Shareholder
D: (907) 339-7129
C: (907) 830-0790
msinger@schwabe.com

Schwabe

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From: [Singer, Matthew](#)
To: [Lucas, Tom R \(DOA\)](#)
Subject: "advocating to legislature"
Date: Thursday, August 10, 2023 5:56:46 PM
Attachments: [image001.png](#)
[image002.png](#)

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Tom,

When Ms. Tshibaka talked at a public event about advocating to the legislature, the things she had in mind include testifying at public hearing and organizing a letter writing campaign. It is our view that neither activity is lobbying under Alaska law and so she spent zero hours lobbying. She did not travel to Juneau or the LIO, for example, to meet with individual elected officials in order to influence their votes on a pending piece of legislation. She did ask people to write letters in support of HB 1. Again, asking people to engage in the democratic process is political Free Speech, not lobbying as defined in statute.

Cheers,

[Matthew Singer](#)

—
Shareholder
D: (907) 339-7129
C: (907) 830-0790
msinger@schwabe.com

Schwabe

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