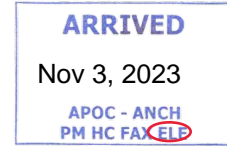


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BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

PHILLIP IZON,)
)
 Complainant,)
)
 v.)
)
 ALASKANS FOR BETTER ELECTIONS;)
 ALASKANS FOR BETTER ELECTIONS)
 INC.; and ALASKANS FOR BETTER)
 ELECTIONS FOUNDATION, INC.,)
)
 Respondents.) Case No. 22-04-CD

RESPONDENTS' ANSWER

The complaint of complainant Phillip Izon (“Complaint”) is without merit, and should be dismissed. Respondents Alaskans for Better Elections, Alaskans for Better Elections, Inc., and Alaskans for Better Elections Foundation, Inc. (“Respondents”), have complied fully with all applicable laws involving campaign finance and APOC requirements. Respondents firmly deny that they have violated any such laws.

The relevant standard for communications such as those complained of here plainly shows that there was no violation. In fact, several advisory opinions of the Commission clearly establish that the communications set forth in the Complaint were lawful.

According to long-established Commission rules, a party “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 an exhortation to vote for the initiatives.”¹ *Renewable Resources Coalition*, AO 08-02-CD. *See Renewable Resources Foundation, Inc.*, AO 14-04-CD and *Bags for Change*, AO 19-04-CD.²

In this instance, all of Respondents’ communications complained of here fully comply with this standard: they are issue advertisements, and (1) they do not mention any ballot initiative (or initiative proposal),³ (2) they do not advocate a position on any initiative, and (3) they are thus susceptible to interpretations other than as an exhortation to vote for (or against) an initiative. To the contrary, though they may be susceptible to several interpretations, they are not susceptible by any stretch of the imagination to the one being espoused by complainant here—as an exhortation to vote against an initiative.

In several instances complainant all but concedes that Respondents’ communications do not meet this standard. Complainant claims that a communication expressly advocated against the initiative proposal—at the same time admitting, “albeit without mentioning it by name.” *Complaint* at 7, ¶ 12. Similarly, complainant highlights another communication, even though it made no mention whatsoever of the initiative proposal, claiming rather that it made “*implicit* mention” of the proposal. *Id.* at 9, ¶ 14. Using his own myopic view, complainant distorts and misapplies the applicable standard, first articulated by Chief Justice John Roberts, to allege,

¹ Of course, this standard applies to exhortations to vote against an initiative, as well as for it.

² *See also Renewable Resources Foundation*, AO 13-04-CD.

³ For purposes of this Answer, Respondents do not distinguish between the initiative proposal or the initiative itself, but assume *arguendo* that the standard discussed above applies to both. Respondents note, however, that the initiative has not yet been certified as a ballot measure because its sponsors have yet to gather enough signatures for it to appear on the ballot.

absurdly, that these communications can only be interpreted as an exhortation to vote against the initiative, even though they do not mention the initiative at all. Clearly, complainant is wrong.

Respondents have been educating the public about, and advocating for, ranked choice voting (“RCV”) for several years. This is no surprise, since promoting the issue of RCV is one of their core missions. In 2022 the first statewide general election using RCV was held in Alaska—quite successfully—and Respondents applauded it. Respondents have continued to educate the public about the benefits of RCV. The fact that an initiative proposal to repeal RCV in Alaska was submitted to the Lieutenant Governor about the same time the first RCV results from the election were released did not somehow convert Respondents’ lawful issue communications—about RCV and its successful use in the election—into impermissible express communications attacking the proposal. As complainant concedes, Respondents’ communication did not even mention the proposal. *Complaint* at 7, ¶ 12.

In addition, when the legislature convened, one or more legislators began efforts to repeal the law which Respondents had supported and which had successfully passed. Bills to repeal RCV were introduced in 2022 and 2023, and Respondents conducted informational sessions in 2022 open to legislators to educate them about RCV. Legislative efforts to repeal RCV, though so far unsuccessful, are still in the works. Thus, Respondents continue their efforts to educate both legislators and the public in general about RCV.

Furthermore, the election season in 2022 presented both a unique and unusually crowded election schedule. The 2022 season included not only a regular primary election and a regular general election, but also a special primary and special general election for U.S. Congress. And RCV was being used for the first time ever in Alaska (and just about anywhere else in the 50 states)

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in these elections. Respondents worked tirelessly to educate the voting public on RCV, how it worked and how easy it was to understand and use.⁴

In sum, complainant's Complaint is baseless, both as a matter of law and as a matter of fact. The Complaint should therefore be dismissed.

DATED this 3rd day of November 2023.

REEVES AMODIO LLC
Attorneys for Respondents

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By: /s/ Kevin M. Boots
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CERTIFICATE OF SERVICE

I certify that the foregoing was served upon the following parties by email this 3rd day of November 2023 to the following:

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/s/ Veronica Rendulic
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⁴ Respondents also note that, during these efforts, they sought informal guidance from APOC staff to ensure that their activities and communications complied with all APOC rules. As part of staff's review, staff pointed Respondents to the three Advisory Opinions cited earlier in this response, and indicated that Respondents' communications satisfied the standards set forth therein.