



Alaska Public Offices Commission

ARRIVED

Dec 4, 2023

APOC - ANCH
PM HC FAX FILE




EXPEDITED COMPLAINT

EXPEDITED COMPLAINT REQUEST	ALL COMPLAINTS MUST INCLUDE:	<i>APOC case name/number/date</i>
<p>PRIOR to requesting expedited review, ensure your filing meets the factors required for expedited approval in AS 15.13.380(c). Those factors are whether the alleged violation:</p> <p><input checked="" type="checkbox"/> if not immediately restrained (stopped), could materially affect the outcome of an election or other impending event;</p> <p><input checked="" type="checkbox"/> could cause irreparable harm that penalties could not adequately remedy; and</p> <p><input checked="" type="checkbox"/> whether there is reasonable cause to believe that a violation has occurred or will occur</p> <p>Expedited review requires the complainant to prove the violation by a preponderance of the evidence.</p>	<ol style="list-style-type: none"> 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 <i>and</i> all supporting documents were served on respondent 	<h1>23-07-CD</h1>
APOC LAWS ALLEGEDLY VIOLATED <i>Specify section of law or regulation</i>		
Campaign Disclosure Law		Public Official Financial Disclosure
<input checked="" type="checkbox"/> AS 15.13 <input type="checkbox"/> 2 AAC 50.250-405		<input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.680-799
Lobbying Regulation		Legislative Financial Disclosure
<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.550-590		<input type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.680-799

<input type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	COMPLAINANT		RESPONDENT <i>Person or group allegedly violating law</i>
	Alaskans for Better Elections, Inc.		<input checked="" type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group Alaskans for Honest Elections; Wellspring Ministries; Wellspring Fellowship of Alaska; Mikaela Emswiler; Top Fundraising Solutions, LLC
Address City / Zip	510 L St., Ste. 601, Anchorage, AK 99501		Please see attached Complaint, page 1
Phone/Fax	P: 907-222-7932 / F: 907-222-7938		
E-mail	scott@cashiongilmore.com sam@cashiongilmore.com		
COMPLAINANT'S REPRESENTATIVE		RESPONDENT'S REPRESENTATIVE	
<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 Complainant		Please see attached Complaint, page 1
Address	510 L Street, Ste. 601, Anchorage, AK 99501		
Phone/Fax	P: 907-222-7932 / F: 907-222-7938		
E-mail	scott@cashiongilmore.com		
DESCRIPTION or SUMMARY of ALLEGED VIOLATION		<input checked="" type="checkbox"/> SUPPORTING DOCUMENTS – DESCRIBE:	
Please see attached supporting information and documentation.		Please see attached Complaint and associated exhibits.	
		<i>Use extra pages if needed</i>	
PROOF of SERVICE ATTACHED: <input type="checkbox"/> Fax – receipt confirmation <input type="checkbox"/> Certified mail – signed receipt <input type="checkbox"/> Process server – return of service <input checked="" type="checkbox"/> E-mail – delivery/read receipt <input type="checkbox"/> Other:			

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

Signature:  (Scott M. Kendall) Title: Attorney Date: December 4, 2023

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

Signature _____ Title _____

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: 2 AAC 50.870	ANSWERING COMPLAINTS: 2 AAC 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: AS 15.13.380(c)	
WEB: http://doa.alaska.gov/apoc/	APOC FORMS: http://doa.alaska.gov/apoc/forms_all.htm	APOC LAWS: http://doa.alaska.gov/apoc/apoclaws.html	



Todd Cowles <todd@cashiongilmore.com>

Expedited APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com>

Mon, Dec 4, 2023 at 12:53 PM

To: Kevin Clarkson <Kclarkson@gci.net>

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

Mr. Clarkson:

Please find attached an Expedited APOC Complaint along with a Request to Expedite.

Todd Cowles

Paralegal

Cashion Gilmore & Lindemuth

510 L Street, Suite 601

Anchorage, AK 99501

Main: (907) 222-7932

Fax: (907) 222-7938

www.cashiongilmore.com

2 attachments

 **2023.12.04 APOC Expedited Complaint w Exhibits.pdf**
7251K

 **2023.12.04 Request to Expedite Consideration of Expedited APOC Complaint.pdf**
258K



Todd Cowles <todd@cashiongilmore.com>

Expedited APOC Complaint

1 message

Todd Cowles <todd@cashiongilmore.com>

Mon, Dec 4, 2023 at 12:54 PM

To: mikaela.emswiler@gmail.com

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

Ms. Emswiler:

Please find attached an Expedited APOC Complaint along with a Request to Expedite.

Todd Cowles

Paralegal

Cashion Gilmore & Lindemuth

510 L Street, Suite 601

Anchorage, AK 99501

Main: (907) 222-7932

Fax: (907) 222-7938

www.cashiongilmore.com

2 attachments

 **2023.12.04 APOC Expedited Complaint w Exhibits.pdf**
7251K

 **2023.12.04 Request to Expedite Consideration of Expedited APOC Complaint.pdf**
258K

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

Re: Expedited Complaint Against Alaskans for Honest Elections, Wellspring Ministries, Wellspring Fellowship of Alaska, Mikaela Emswiler, and Top Fundraising Solutions, LLC, for Numerous Violations of Campaign Finance Laws (AS 15.13)

Respondents:¹

Alaskans for Honest Elections
2521 East Mtn Village Dr., #904
Wasilla, AK 99654
Telephone: 1-907-802-8116
Kevin Clarkson (counsel for AHE)
kclarkson@gci.net

Mikaela Emswiler
7860 Spruce Street
Anchorage, AK 99507
Telephone: 540-454-5881
mikaela.emswiler@gmail.com

Wellspring Ministries
2511 Sentry Drive, Suite 200
Anchorage, AK 99507
Telephone: 1-907-563-9033
Kevin Clarkson (counsel for WM)
kclarkson@gci.net

Top Fundraising Solutions, LLC
7860 Spruce Street
Anchorage, AK 99507
Telephone: 540-454-5881
mikaela.emswiler@gmail.com

Wellspring Fellowship of Alaska
2511 Sentry Drive, Suite 200
Anchorage, AK 99507
Telephone: 1-907-563-9033
Kevin Clarkson (counsel for WF)
kclarkson@gci.net

I. Introduction

Complainant has unfortunately already been forced to file two APOC complaints related to Respondent Alaskans for Honest Elections' ("AHE") disregard for the law. Now,

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.

Complainant must seek expedited relief from APOC on a third APOC complaint. Because not only are AHE's violations ongoing, but AHE has committed new violations even as the Commission was holding a hearing on a prior complaint.

Additionally, Complainant has been made aware that Respondents Mikaela Emswiler and her company Top Fundraising Solutions, LLC ("TFS") have been running an unreported "shadow" campaign in support of 22AKHE involving fundraising and paid signature gathering.

Finally, and most shocking of all, Complainant now has evidence demonstrating that Respondents Wellspring Ministries ("WM") and Wellspring Fellowship of Alaska ("WF"; collectively "Wellspring") actually committed perjury before the Commission in the prior proceeding by disavowing any present or intended involvement in the campaign for 22AKHE. As proven by the evidence attached to this complaint, the Wellspring entities have — despite their false denials — been providing staff and a headquarters for the signature petition drive without registering or reporting as required by law.

II. Summary of Complaint

In November 2022, AHE filed an initiative (designated "22AKHE") with the Lieutenant Governor's office. The aim of 22AKHE is to reimpose closed party primaries and repeal ranked-choice voting ("RCV") in Alaska. AHE has registered as a ballot group with APOC and is currently collecting petition signatures to qualify 22AKHE for placement on the 2024 ballot.²

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

Complainant previously filed an APOC complaint (23-01-CD) on July 5 against several Respondents, including AHE, WM, and WF.³ The Staff Report for that complaint recommended that the Commission find that those Respondents are subject to maximum civil penalties of over \$300,000;⁴ APOC Staff calculated a maximum civil penalty of over \$100,000 against AHE alone.⁵ Although a hearing was held on November 16, 2023, the Commission does not plan on issuing a final order until January 5, 2024 — six months after the complaint was filed — because of “the large volume of material and the complexity of the matter[.]”⁶

Critically, during the investigation of 23-01-CD, Wellspring *repeatedly and specifically* claimed to APOC Staff that it was *not* involved with AHE’s efforts or 22AKHE

³ See generally APOC Complaint 23-01-CD (July 5, 2023).

⁴ See generally APOC Staff Report for 23-01-CD (Sept. 9, 2023) (Exhibit B) [hereinafter Staff Report to 23-01-CD].

⁵ See Attachment B to Alaskans for Better Elections’ Pre-Hearing Brief for 23-01-CD (Nov. 2, 2023) (Exhibit C).

⁶ See Order re: Final Order Timing for 23-01-CD (Nov. 27, 2023) (Exhibit D).

*in any way.*⁷ Those claims were made both by their counsel in their official pleadings,⁸ and by Wellspring’s pastor, founder, and President Art Mathias, *under oath.*⁹ Unfortunately, Wellspring’s claims have since been revealed to be totally false.

Complainant has learned that, in reality, Wellspring is serving as the de facto headquarters for the signature petition operation seeking to qualify 22AKHE for the ballot.¹⁰ Ms. Emswiler — either in her personal capacity or through TFS — has been

⁷ See, e.g., Select Highlighted Portions of Respondents’ Answer to Complaint filed by Alaskans for Better Elections for 23-01-CD (July 26, 2023) (Exhibit E) [hereinafter Answer for 23-01-CD]; Select Highlighted Portions of Respondents’ Reply to Response to Answer to Complaint filed by Alaskans for Better Elections and Third Supplement to Complaint for 23-01-CD, included as Exhibit 8 to Staff Report to 23-01-CD (Aug. 14, 2023) (Exhibit F) [hereinafter Reply to Response to Answer for 23-01-CD]; Select Highlighted Portions of Letter from Kevin G. Clarkson to Thomas R. Lucas for 23-01-CD, included as Exhibit 37 to Staff Report to 23-01-CD (Aug. 2, 2023) (Exhibit G) [hereinafter August Letter for 23-01-CD] (yellow highlights in original; green highlights made by Complainant); Highlighted Affidavit of Arthur Matthias for 23-01-CD, included as Exhibit 51 to Staff Report for 23-01-CD (Aug. 14, 2023) (Exhibit H) [hereinafter Mathias Aff. for 23-01-CD]; Select Highlight Portions of Respondents’ Corrected Response to APOC Staff Report to Complaint for 23-01-CD (Oct. 2, 2023) (Exhibit I) [hereinafter Response to Staff Report for 23-01-CD].

⁸ See, e.g., Answer for 23-01-CD (Exhibit E); Reply to Response to Answer for 23-01-CD (Exhibit F); August Letter for 23-01-CD (Exhibit G); Response to Staff Report for 23-01-CD (Exhibit I).

⁹ See generally Mathias Aff. for 23-01-CD (Exhibit H). Under AS 11.56.200, perjury is a Class B felony. Under AS 11.56.210, unsworn falsification in the second degree (which is filing a false written or recorded statement with the purpose of misleading a public servant) is a Class A misdemeanor. The Commission has the authority to make criminal referrals to the Department of Law. See AS 15.13.380(f).

¹⁰ See Affidavit of Gregory Lee (Nov. 30, 2023) [hereinafter Lee Aff.]; see also Exhibit J (Nov. 14, 2023) (Recorded Telephone Conversation); Exhibit K (Nov. 22, 2023) (Recorded Conversation at Wellspring). Exhibits J and K have been transcribed; highlighted transcripts of those recordings have been included as Exhibits L and M. See Highlighted Transcript of Recorded Telephone Conversation between Mikaela Emswiler and Gregory Lee (Nov. 14, 2023) (Exhibit L) [hereinafter Telephone Tr.]; Highlighted Transcript of Recorded Conversation between Mikaela Emswiler and Gregory Lee

serving as a fundraiser and as a coordinator for paid signature gathering efforts on behalf of 22AKHE, and is working directly out of an office within Wellspring.¹¹ WM's paid administrative staff are also assisting with the signature effort as well. This staff has control of a master spreadsheet and are apparently responsible for tracking which signature gatherers have been given specific 22AKHE petition booklets; they also have access to and hand out blank 22AKHE petition booklets and related materials to paid signature gatherers.¹² This apparent "shadow" paid signature drive by Ms. Emswiler and Wellspring has essentially gone unreported and undisclosed by them or AHE.

In sum, **Wellspring has lied to APOC, and is actively supporting AHE's efforts to gather signatures for 22AKHE.** And because of AHE's imminent deadline to gather signatures, **signature gathering for 22AKHE must be paused until the Commission is satisfied that: (1) all Respondents have accurately registered and reported with APOC; (2) AHE's three largest contributors' disclaimer is corrected; and (3) all relevant fines for these violations have been paid.** Complainant is therefore seeking expedited consideration of this complaint, because: (1) Respondents' actions, if not

(Nov. 22, 2023) (Exhibit M) [hereinafter Wellspring Tr.]; *see also* Screenshots from Wellspring (Nov. 27, 2023) (Exhibit N to Affidavit of Samuel G. Gottstein (Dec. 4, 2023) [hereinafter Gottstein Aff.]) [hereinafter Wellspring Website].

¹¹ Ms. Emswiler's and TFS' involvement in AHE's signature gathering efforts were not reported to APOC until November 25, 2023, even though her activities started much earlier. *See* AHE Independent Expenditures Form 15-6 (Nov. 25, 2023) (Exhibit O). Additionally, her activities as a fundraiser and her expenses related to sending signature gatherers to Dillingham have never been reported. *See id.*; *see also* Telephone Tr. at 6-7 (Exhibit L).

¹² *See* Lee Aff. at ¶¶ 6-7; Telephone Tr. at 11 (Exhibit L).

immediately restrained, could materially affect the outcome of AHE’s signature gathering efforts; (2) civil penalties alone could not adequately remedy the harm; and (3) there is reasonable cause to believe that a violation has occurred.¹³

III. Factual Basis for Complaint

In a prior APOC complaint (23-01-CD), complainant alleged that WM (and later WF) had been supporting AHE and 22AKHE, which required Wellspring to report contributions to APOC.¹⁴ But in multiple filings,¹⁵ *and* a sworn affidavit by Art Mathias,¹⁶ Respondents in that prior complaint *repeatedly* asserted that Wellspring is not and does not intend to be involved with AHE’s signature gathering efforts in any way.¹⁷ APOC Staff

¹³ See Complainant’s Request to Expedite Consideration of APOC Complaint Against Alaskans for Honest Elections, Wellspring Ministries, Wellspring Fellowship of Alaska, Mikaela Emswiler, and Top Fundraising Solutions, LLC (Dec. 4, 2023); *see also* AS 15.13.380(c).

¹⁴ See generally APOC Complaint 23-01-CD.

¹⁵ See, e.g., Answer for 23-01-CD (Exhibit E); Reply to Response to Answer for 23-01-CD (Exhibit F); August Letter for 23-01-CD (Exhibit G); Response to Staff Report for 23-01-CD (Exhibit I).

¹⁶ See Mathias Aff. for 23-01-CD (Exhibit H).

¹⁷ See Answer for 23-01-CD, at 2 (Exhibit E) (“**WM is not involved with introducing or promoting 22AKHE.**” (emphasis added)); *id.* at 4 (“**WF is not involved in the efforts to introduce and/or promote 22AKHE in Alaska.**” (emphasis added)); Reply to Response to Answer for 23-01-CD, at 3 (Exhibit F) (“Respondents position is that WM, WF, and [the] RCEA were **not** and are **not** acting to promote or campaign for 22AKHE.” (emphasis in original)); *id.* at 4 (“**WM is not engaged in campaigning for 22AKHE.**” (emphasis added)); *id.* at 4 (“**WM has not and is not acting to promote or campaign for 22AKHE[.]**” (emphasis added)); *id.* at 5 (“WF has no direct interaction with AHE.”); *id.* (“**WF has not and is not acting to promote or campaign for 22AKHE.**” (emphasis added)); *id.* (“[The] RCEA rents the use of the WF conference room for about 1 to 1 ½ hours every 2-3 months for an average of 4-6 hours per year.”); *id.* at 6 (“**WM . . . does nothing to support 22AKHE.**” (emphasis added)); August Letter for 23-01-CD, at 3 (Exhibit G) (“There is . . . an ‘oral understanding’ between the church, WF, and its integrated auxiliary, [the] RCEA regarding (a) mail delivery to the address, and (b) the use

took Wellspring’s counsel and Mr. Mathias at their word and did not recommend the imposition of any civil penalties against Wellspring.¹⁸ But APOC Staff did recommend that AHE report in-kind contributions where appropriate.¹⁹

The Commission has not issued a final order on this prior complaint because of “the large volume of material and the complexity of the matter[.]”²⁰ Phillip Izon, who testified before the Commission on November 16, 2023, has publicly stated that the “plan” is for AHE to shut down “at the end of the year.”²¹ (Dissolution of AHE, which is almost solely funded by Mr. Mathias through the Ranked Choice Education Association (“the RCEA”), could allow the entity to essentially skip out on all of its fines, avoiding any repercussions

of a conference room[.]”); Mathias Aff. for 23-01-CD, at 1 (Exhibit H) (“Wellspring Fellowship is a church. Wellspring Ministry is a separate faith-based organization . . . with a Christian mission, but it is not a church.”); *id.* (“**WM is not engaged in campaigning for 22AKHE.**” (emphasis added)); *id.* (“WM has no direct interaction with [the] RCEA or AHE. **WM has not and is not acting to promote or campaign for 22AKHE.**” (emphasis added)); *id.* (“**WF is not campaigning for 22AKHE.**” (emphasis added)); *id.* at 2 (“WF has no direct interaction with AHE. **WF has not and is not acting to promote or campaign for 22AKHE.**” (emphasis added)); *id.* (“[The] RCEA’s only direct involvement in the effort to repeal Ballot Measure 2 and promote 22AKHE is its contributions to AHE, the ballot group promoting the initiative. **[The] RCEA, like WM and WF, . . . is not working to promote 22AKHE.**” (emphasis added)); Response to Staff Report for 23-01-CD, at 2 (Exhibit I) (“**WM has never been involved in matters related to 22AKHE.**” (emphasis added)).

¹⁸ See Staff Report to 23-01-CD at 23, 28 (Exhibit B).

¹⁹ See *id.* at 21 (“Staff concludes that AHE violated AS 15.13.110(g) by failing to include a nonmonetary contribution from Wellspring Ministries[.]”).

²⁰ See Order re: Final Order Timing for 23-01-CD (Exhibit D).

²¹ See Iris Samuels, “Alaska campaign finance watchdog delays decisions in group’s effort to repeal ranked choice voting,” Anchorage Daily News, at 4-5 (Nov. 29, 2023) (Exhibit P).

for its many violations. Mr. Mathias and Mr. Izon could then simply start a new entity that carries no fines and no negative reporting history.)

On November 7, 2023, nearly a month before AHE reported her involvement,²²

Respondent Ms. Emswiler posted on Facebook that she was:

looking to hire Signature Gatherers to help with the petition drive to repeal Rank[sic] Choice Voting- we are in the home stretch! Please call or DM me for details.^[23]

Ms. Emswiler is the sole owner of TFS;²⁴ AHE recently reported a \$15,000 expenditure to TFS.²⁵ Just prior to forming TFS,²⁶ Ms. Emswiler most recently served as the Operations and Event Coordinator for Kelly Tshibaka's unsuccessful campaign for U.S. Senate in Alaska.²⁷

On November 14, 2023, Gregory Lee contacted Ms. Emswiler and spoke with her on the phone about her signature gathering efforts.²⁸ During that call, Ms. Emswiler stated that:

- “We are paying people \$4 a signature at this point.”²⁹

²² See AHE Independent Expenditures Form 15-6 (Exhibit O).

²³ See Screenshot from Facebook (Nov. 7, 2023) (Exhibit Q to Gottstein Aff.).

²⁴ See 2024 Biennial Report, Top Fundraising Solutions, LLC (Nov. 10, 2023) (Exhibit R).

²⁵ See AHE Independent Expenditures Form 15-6 (Exhibit O).

²⁶ Interestingly, TFS was formed on the *exact same day* as Preserve Democracy, a nonprofit that is the subject of another APOC complaint (23-02-CD). See Articles of Organization, Top Fundraising Solutions LLC (Dec. 6, 2022) (Exhibit S); Articles of Incorporation, Preserve Democracy (Dec. 6, 2022) (Exhibit T).

²⁷ See Screenshot from LinkedIn (Nov. 17, 2023) (Exhibit U to Gottstein Aff.).

²⁸ See *generally* Telephone Tr. (Exhibit L).

²⁹ *Id.* at 2 (emphasis added).

- “[W]e’d like to get this whole thing wrapped up right before Christmas.”³⁰
- **“We deployed a team to Dillingham**, and they were able to pretty much lock that district in.”³¹
- **“I’ve been fundraising [for 22AKHE] all year long.”**³²
- “I would be paying you from my business.”³³
- That she was working “here at Wellspring most days,” and “there’s people here that would be able to hand out books.”³⁴
- “[W]hen you come to the office [in Wellspring], there’s a lady named Kit who has a side office, and she’s got all of the bling. **I gave her the box of blank books**, and you would just take — think about how many books you would like, and then just put your name down on that spreadsheet that’s on top of the books, and then that would be it.”³⁵
- “[W]e’ve been in the back . . . **we’re kind of hunkered down in the back conference room doing the data entries, so all of the books that have been turned in**. We’re trying to, you know, get more of an accurate number of where we sit in each district so we can make sure we lock it all in.”³⁶

Ms. Emswiler did not disclose the origin of the funds to pay for these signature gathering activities in support of 22AKHE. But she did make it clear that she had 22AKHE petition booklets available for pick up at Wellspring’s physical location,³⁷ that “Kit” (a

³⁰ *Id.*

³¹ *Id.* at 6 (emphasis added).

³² *Id.* at 7 (emphasis added).

³³ *Id.*

³⁴ *Id.* at 11.

³⁵ *Id.* (emphasis added).

³⁶ *Id.* at 11-12 (emphasis added).

³⁷ *See id.* at 11.

member of WM’s administrative staff) could provide additional blank petition booklets and “bling” related to the campaign,³⁸ and that all of the petition booklets that had been turned into AHE to date had been brought to Wellspring for data entry.³⁹ AHE appears to have ordered additional petition booklets just a couple of months earlier.⁴⁰

On November 22, Mr. Lee went to Wellspring to meet with Ms. Emswiler.⁴¹ After arriving at Wellspring, Mr. Lee was directed to go to a classroom in WM’s building.⁴² Mr. Lee found Ms. Emswiler in that room, which Mr. Lee observed to be a de facto headquarters for AHE’s signature gathering efforts.⁴³ During his meeting with Ms. Emswiler, Mr. Lee:

- Observed a person doing data entry with a few 22AKHE petition booklets on a computer.⁴⁴
- Observed blank 22AKHE petition booklets.⁴⁵
- Was told by Ms. Emswiler what to say for when people ask for reasons to sign the petition booklet for 22AKHE.⁴⁶

³⁸ *See id.*

³⁹ *See id.* at 11-12.

⁴⁰ *See* Tweet from AHE (@907Honest) (Sept. 3, 2023) (Exhibit V to Gottstein Aff.).

⁴¹ *See* Lee Aff. at ¶ 2.

⁴² *See id.* at ¶ 3. In his prior conversation with Ms. Emswiler, she referred to the location as a “back conference room.” Telephone Tr. at 11 (Exhibit L).

⁴³ *See* Lee Aff. at ¶¶ 3-5.

⁴⁴ *See id.* at ¶ 4.

⁴⁵ *See id.* at ¶¶ 5-6.

⁴⁶ *See* Wellspring Tr. at 21-31 (Exhibit M).

- Was told by Ms. Emswiler that she “want[s] these [signed petition booklets] back before Christmas. So we’re saying **Friday, December 15th would be great.**”⁴⁷
- Was told Ms. Emswiler that “**[o]ur hard-and-fast deadline is to get the[petition booklets] into the Division of Elections [by] January 15th.**”⁴⁸
- Confirmed that Ms. Emswiler has “been working out of here [(i.e., Wellspring)]” with “a team of about eight.”⁴⁹
- Assisted with filling out his contact information on a master spreadsheet of petition signature gatherers who had received 22AKHE petition booklets.⁵⁰ This master spreadsheet was in an office with a person who identified herself as “Kit.”⁵¹ Kit Rittgers is listed as WM’s “Office Administrator.”⁵² Mr. Lee was given two blank 22AKHE petition booklets from a stack of other 22AKHE petition booklets in the office where Ms. Rittgers was located.⁵³

AHE’s APOC Reports do not disclose any payments to WM or WF for the use of their office space and staff, or any in-kind contributions from either WM or WF for the same. In addition to their many prior violations documented in earlier APOC Complaints,⁵⁴ AHE is apparently continuing to hide their activities and their funding from the public for its the signature gathering efforts.

⁴⁷ See *id.* at 31 (emphasis added).

⁴⁸ See *id.* (emphasis added).

⁴⁹ See *id.* at 32, 34.

⁵⁰ See Lee Aff. at ¶ 6.

⁵¹ See *id.*

⁵² See Wellspring Website at 2 (Exhibit N to Gottstein Aff.); see also Lee Aff. at ¶ 7.

⁵³ See Lee Aff. at ¶ 6.

⁵⁴ See generally APOC Complaint 23-01-CD; APOC Complaint 23-06-CD (Nov. 13, 2023).

In sum, AHE appears to be using Wellspring as an unreported base of operations for signature gathering efforts. The secrecy of these activities is in utter defiance of state law requiring accurate and timely disclosure of petition signature activities. In fact, Wellspring’s founder and President Art Mathias perjured himself before the Commission in order to keep these activities hidden from the public view.⁵⁵ Further, because several of the Respondents to this Complaint already have a lengthy list of violations and warnings from APOC Staff within the past year alone,⁵⁶ Respondents’ refusal to properly report their activities can only be described as an *intentional* conspiracy to violate the law.

IV. Parties and Allegations

A. Alaskans for Honest Elections

Alaskans for Honest Elections (“AHE”) is the official ballot group supporting 22AKHE, the ballot initiative intended to repeal Ballot Measure 2.⁵⁷ As of the date of this complaint, APOC Staff has previously recommended maximum civil penalties in excess of \$100,000 against AHE in 23-01-CD.⁵⁸ AHE has also been separately fined thousands of dollars for late reporting,⁵⁹ and there is another pending complaint (23-06-CD) that is

⁵⁵ See Mathias Aff. for 23-01-CD (Exhibit H).

⁵⁶ See Notices of Penalty Assessments Against AHE (Exhibit W); see also Staff Report to 23-01-CD (Exhibit B).

⁵⁷ See Group Registration Form, AHE (Mar. 20, 2023) (Exhibit X).

⁵⁸ See Attachment B to Alaskans for Better Elections’ Pre-Hearing Brief for 23-01-CD (Exhibit C).

⁵⁹ See Notices of Penalty Assessments Against AHE (Exhibit W).

currently being investigated by Staff, which demonstrates AHE’s additional failures to properly report their activities.⁶⁰

Relevant to *this* Complaint, AHE has apparently been running their paid signature gathering and related data-entry operations out of offices located at Wellspring. Not only has this in-kind support *not* been reported by AHE in any way, but Wellspring and AHE have actually deceived APOC Staff by repeatedly denying — in pleadings and a sworn affidavit — the existence of any such relationship in 23-01-CD.⁶¹

Additionally, Ms. Emswiler (through TFS) has apparently been running a paid signature gathering operation in support of 22AKHE for weeks.⁶² Ms. Emswiler also claims to have “been fundraising [for 22AKHE] all year long.”⁶³ And Ms. Emswiler took credit for “deploy[ing] a team [of signature gatherers] to Dillingham,”⁶⁴ which occurred on or before October 11, 2023.⁶⁵

AHE has either delayed or failed to report payments or in-kind contributions for all of these activities.⁶⁶ The one report that AHE did file listing TFS was not filed timely on

⁶⁰ See generally APOC Complaint 23-06-CD.

⁶¹ See, e.g., Answer for 23-01-CD (Exhibit E); Reply to Response to Answer for 23-01-CD (Exhibit F); August Letter for 23-01-CD (Exhibit G); Mathias Aff. for 23-01-CD (Exhibit H); Response to Staff Report for 23-01-CD (Exhibit I).

⁶² See Screenshot from Facebook (Exhibit Q to Gottstein Aff.).

⁶³ See Telephone Tr. at 7 (Exhibit L).

⁶⁴ See *id.* at 6 (emphasis added).

⁶⁵ See Screenshot from Instagram (Exhibit Y to Gottstein Aff.); see also Gottstein Aff. at ¶ 7.

⁶⁶ See AHE Independent Expenditures Form 15-6 (Exhibit O).

its face.⁶⁷ It also appears to be incomplete and untimely given Ms. Emswiler’s: (1) Facebook post asking for help signature gathering;⁶⁸ (2) claim that she has “been fundraising all year long;”⁶⁹ and (3) statement that she “deployed a team [of signature gatherers] to Dillingham”⁷⁰ nearly two months ago.⁷¹ These are violations because an “expenditure” has been broadly defined under Alaska law; it “includes a[ny] ‘promise or agreement to purchase or transfer money or anything of value.’”⁷²

i. Alleged violations by AHE.

- a. Failure to accurately report three largest contributors, violating AS 15.13.090(a): In the event AHE is receiving Wellspring’s office space and administrative staff support, as well as Ms. Emswiler’s paid petition drive, as an in-kind contribution, the value of both categories of donation are almost certainly large enough that AHE must change its three largest contributors disclaimer to reflect that reality.⁷³ Additionally, because of its prior violations, AHE’s disclaimer has always been, and continues to be, false.

⁶⁷ See *id.* (reporting an expenditure that occurred on November 13 on November 25).

⁶⁸ See Screenshot from Facebook (Exhibit Q to Gottstein Aff.).

⁶⁹ See Telephone Tr. at 7 (Exhibit L).

⁷⁰ See *id.* at 6.

⁷¹ See Screenshot from Instagram (Exhibit Y to Gottstein Aff.); see also Gottstein Aff. at ¶ 7.

⁷² See *Republican Governors Ass’n v. APOC*, 485 P.3d 545, 549 (Alaska 2021) (quoting former AS 15.13.400(6)(A)); see also AS 15.13.400(7)(A). “The statute and the Commission’s regulations . . . require disclosure of debts, contributions, and expenditures when they are created, changed, or cancelled.” See *Republican Governors Ass’n*, 485 P.3d at 551 (citing AS 15.13.040)).

⁷³ See First Screenshot from AHE’s Website (Exhibit Z to Gottstein Aff.). AHE’s website also contains a pop-up that asks visitors to return any 22AKHE petition booklets by December 15, 2023. See Second Screenshot from AHE’s Website (Exhibit AA to Gottstein Aff.).

- b. Failure to file timely and accurate 10-day reports, violating AS 15.13.110: AHE was under an obligation to report Ms. Emswiler’s activities through TFS in a 10-day report. It failed to timely do so.⁷⁴ Additionally, given other evidence — like the timing of Ms. Emswiler’s Facebook post, her comments as having been fundraising all year long, and her deploying signature gatherers to Dillingham — the 10-day report that AHE filed is almost certainly even more untimely and inaccurate, as well as incomplete. AHE has also failed to report any contributions, in-kind or otherwise, that have been made by Wellspring.
- c. Failure to file accurate quarterly reports, violating AS 15.13.110(g): It appears that Wellspring and Ms. Emswiler’s services have been engaged or provided to AHE in-kind for a substantial period of time. Accordingly, AHE’s failure to report these activities on prior quarterly reports is likely to result in additional violations.
- d. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

B. Wellspring Ministries and Wellspring Fellowship of Alaska

Wellspring Ministries (“WM”) was formed in Alaska as a religious nonprofit corporation.⁷⁵ Typically, a charitable and religious organization like WM is not permitted to participate in partisan activities in a substantial manner.⁷⁶ In addition to its beneficial IRS tax-exempt status, WM is registered with the Municipality of Anchorage as an exempt

⁷⁴ See AHE Independent Expenditures Form 15-6 (Exhibit O).

⁷⁵ 2023 Biennial Report, Wellspring Ministries of Alaska (June 22, 2023) (Exhibit BB).

⁷⁶ See 26 U.S.C. § 4911(c)(2).

religious organization, allowing them to evade property taxes of over \$70,000 *per year*⁷⁷ on buildings and land it owns valued at \$5.24 million.⁷⁸

WM shares common officers with AHE and the Ranked Choice Education Association (“the RCEA”).⁷⁹ The RCEA is “an Integrated Auxiliary of” Wellspring Fellowship of Alaska (“WF”),⁸⁰ which itself is related to WM.⁸¹ The RCEA was formed as a “Nonprofit Religious Organization” in Washington State in December 2022,⁸² and donors may receive tax benefits by virtue of this group purporting to operate as a 501(c)(3)

⁷⁷ See <https://smartasset.com/taxes/alaska-property-tax-calculator#sLkQGzB7L9> (showing that assets valued at \$5.24 million would require approximately \$73,884 in annual property taxes).

⁷⁸ See Property Tax Exemption Record, Wellspring Ministries of Alaska (Exhibit CC).

⁷⁹ See Staff Report to 23-01-CD at 4, 7, 9 (Exhibit B).

⁸⁰ See Articles of Incorporation, RCEA (Dec. 16, 2022) (Exhibit DD).

⁸¹ See Staff Report to 23-01-CD at 10 (Exhibit B).

⁸² See Articles of Incorporation, RCEA (Exhibit DD). Wellspring Fellowship of Alaska is also a “Nonprofit Religious Organization” that was formed in Washington State in December 2022. See Articles of Incorporation, Wellspring Fellowship of Alaska (Dec. 8, 2022) (Exhibit EE).

organization.⁸³ Virtually all of AHE’s funding has been funneled through the RCEA and reported in its name.⁸⁴

Because of these connections and evidence that the RCEA actually operated out of Wellspring’s offices, Complainant alleged in its prior complaint that Wellspring was providing in-kind value in the form of staff and office space.⁸⁵ Wellspring *repeatedly* denied that it was involved in AHE’s signature gathering efforts.⁸⁶ Specifically, Wellspring told APOC Staff (and the Commission) that:

- “WM owns the building and real property located at 2511 Sentry Dr. in Anchorage, Alaska[.]”⁸⁷

⁸³ The RCEA purports to be a 508(c)(1)(A) organization. *See* Articles of Incorporation, RCEA (Exhibit DD). All that being a 508(c)(1)(A) organization means is that it can start claiming to be tax exempt as a 501(c)(3) organization without having to first apply for a favorable determination letter from the IRS. *See* <https://www.taxnotes.com/research/federal/court-documents/court-opinions-and-orders/no-charitable-deduction-for-donation-to-church-stripped-of-exempt/1p2v7>; *see also Taylor v. Comm’r*, T.C. Memo 2000-17 (T.C. 2000) (Exhibit FF) (“[S]ection 508(c)(1) simply relieves churches from applying for a favorable determination letter regarding their exempt status as required by section 508(a). Nothing in section 508(c)(1) relieves a church from having to meet the requirements of section 501(c)(3).”).

⁸⁴ *See* APOC Complaint 23-06-CD at 3 & n.10. Because the RCEA has reported contributing another \$30,000 to AHE on November 25, 2023, AHE has received well over 90% of its contributions from the RCEA. *See* Statement of Contribution Form 15-5 (Nov. 25, 2023) (Exhibit GG) (reporting that the RCEA has contributed \$152,000 to AHE this year alone).

⁸⁵ *See* APOC Complaint 23-01-CD.

⁸⁶ *See, e.g.,* Answer for 23-01-CD (Exhibit E); Reply to Response to Answer for 23-01-CD (Exhibit F); August Letter for 23-01-CD (Exhibit G); Mathias Aff. for 23-01-CD (Exhibit H); Response to Staff Report for 23-01-CD (Exhibit I).

⁸⁷ Answer for 23-01-CD at 2 (Exhibit E).

- **“WM is not involved with introducing or promoting 22AKHE.”**⁸⁸
- “[The] RCEA has no relationship to WM.”⁸⁹
- **“WF is not involved in the efforts to introduce and/or promote 22AKHE in Alaska.”**⁹⁰
- “The fact that WM owns property and rents a mail depository and some small modicum of office space to [the] RCEA is irrelevant to APOC.”⁹¹
- “Respondents position is that WM, WF, and [the] RCEA were **not** and are **not** acting to promote or campaign for 22AKHE.”⁹²
- **“WM is not engaged in campaigning for 22AKHE.”**⁹³
- **“WM has not and is not acting to promote or campaign for 22AKHE[.]”**⁹⁴
- **“WF has no direct interaction with AHE.”**⁹⁵
- **“WF has not and is not acting to promote or campaign for 22AKHE.”**⁹⁶
- “[The] RCEA rents the use of the WF conference room for about 1 to 1 ½ hours every 2-3 months for an average of 4-6 hours per year.”⁹⁷
- **“WM . . . does nothing to support 22AKHE.”**⁹⁸

88 *Id.* (emphasis added).

89 *Id.* at 3.

90 *Id.* at 4 (emphasis added).

91 *Id.* at 6.

92 Reply to Response to Answer for 23-01-CD at 3 (Exhibit F) (emphasis in original).

93 *Id.* at 4 (emphasis added).

94 *Id.* (emphasis added).

95 *Id.* at 5 (emphasis added).

96 *Id.* (emphasis added).

97 *Id.*

98 *Id.* at 6 (emphasis added).

- “None of WM, WF[,] or [the] RCEA hosted the February 16, 2023, event for AHE.”⁹⁹
- “[The] RCEA does not share office space with WM. [The] RCEA rents a mail drop and the occasional use of a conference room from WF. WF [is] a church [that] leases space from WM.”¹⁰⁰
- “WM charges WF on the cost of operation and maintenance associated with WF’s leased space.”¹⁰¹
- “There is . . . an ‘oral understanding’ between the church, WF, and its integrated auxiliary, [the] RCEA regarding (a) mail delivery to the address, and (b) the use of a conference room[.]”¹⁰²
- “Wellspring Fellowship is a church. Wellspring Ministry is a separate faith-based organization . . . with a Christian mission, but it is not a church.”¹⁰³
- **“WM is not engaged in campaigning for 22AKHE.”**¹⁰⁴
- “WM has no direct interaction with [the] RCEA or AHE. **WM has not and is not acting to promote or campaign for 22AKHE.**”¹⁰⁵
- **“WF is not campaigning for 22AKHE.”**¹⁰⁶
- “WF has no direct interaction with AHE. **WF has not and is not acting to promote or campaign for 22AKHE.**”¹⁰⁷

⁹⁹ *Id.* at 9.

¹⁰⁰ *Id.* at 11.

¹⁰¹ August Letter for 23-01-CD at 2 (Exhibit G).

¹⁰² *Id.* at 3.

¹⁰³ Mathias Aff. for 23-01-CD at 1 (Exhibit H).

¹⁰⁴ *Id.* (emphasis added).

¹⁰⁵ *Id.* (emphasis added).

¹⁰⁶ *Id.* (emphasis added).

¹⁰⁷ *Id.* at 2 (emphasis added).

- “[The] RCEA’s only direct involvement in the effort to repeal Ballot Measure 2 and promote 22AKHE is its contributions to AHE, the ballot group promoting the initiative. **[The] RCEA, like WM and WF, . . . is not working to promote 22AKHE.**”¹⁰⁸
- **“WM has never been involved in matters related to 22AKHE.”**¹⁰⁹

All of these assurances were provided either through counsel or under oath. Based on that evidence, APOC Staff recommended that no violations be found against Wellspring.¹¹⁰

Unfortunately, it is now apparent that one of two things happened. Either Wellspring: (1) deceived APOC Staff and was continually providing support to AHE’s signature gathering efforts all along; or (2) was not *previously* providing such support, but then decided to do so even *after learning that such support would be reportable*, and then *still* refused to report.

The overwhelming evidence provided with this current Complaint affirmatively proves that Wellspring is — at a minimum — *currently* providing *significant* in-kind contributions of office space and staff support.¹¹¹ These significant contributions have never been reported to APOC.

Prospective paid signature gatherers are being told that Wellspring is the headquarters from which to obtain blank 22AKHE petition booklets,¹¹² and that these

¹⁰⁸ *Id.* (emphasis added).

¹⁰⁹ Response to Staff Report for 23-01-CD at 2 (Exhibit I) (emphasis added).

¹¹⁰ *See* Staff Report to 23-01-CD at 23, 28 (Exhibit B).

¹¹¹ *See* Lee Aff. at ¶¶ 3-7; Telephone Tr. at 11-12 (Exhibit L); Wellspring Tr. at 2-40 (Exhibit M).

¹¹² *See* Telephone Tr. at 11 (Exhibit L).

booklets are held by Wellspring's staff.¹¹³ And when prospective paid signature gatherers arrive at Wellspring's physical location, they must fill out who they are on a master spreadsheet that is kept by WM staff,¹¹⁴ and may even receive blank 22AKHE petition booklets from the same WM staff member.¹¹⁵ Additionally, AHE's data entry and validation process for signatures has been performed by a team of eight headquartered in a conference room at Wellspring.¹¹⁶ It is very likely that Wellspring staff are also participating in these data entry and validation activities as well.

Although Wellspring's activities appear to violate IRS code and, as a result, the conditions of its Municipality of Anchorage property tax exemptions, those questions are beyond the scope of APOC's authority. However, Wellspring's prior false and deceptive statements made to APOC Staff and the Commission — along with its current failures to disclose and report its activities in support of AHE — are well within APOC's purview.

i. Alleged violations by Wellspring.

- a. Failure to report in-kind contributions to AHE in violation of AS 15.13.040(k): By providing AHE with dedicated office space, a physical address, as well an unknown amount of staff and administrative support, Wellspring has unquestionably made in-kind contributions to AHE's ballot measure activities. The scope and value of these in-kind activities must be investigated and reported. The value of these in-kind activities are also almost certain to impact AHE's three largest contributors disclaimer.

¹¹³ *See id.*

¹¹⁴ *See* Telephone Tr. at 11 (Exhibit L); Wellspring Tr. at 39 (Exhibit M).

¹¹⁵ *See* Telephone Tr. at 11 (Exhibit L); *see also* Lee Aff. at ¶ 6 (describing receiving 22AKHE petition booklets from a stack of blank booklets from an office in Wellspring).

¹¹⁶ *See* Wellspring Tr. at 32, 34 (Exhibit M); *see also* Telephone Tr. at 3, 11-12 (Exhibit L); *see also* Lee Aff. at ¶¶ 4-5.

- b. Failure to register as an entity in violation of AS 15.13.050: Any person, other than an individual, is required to register with APOC *before* making an expenditure in support of a ballot initiative. Wellspring, despite making a significant number of expenditures in support of 22AKHE, has failed to register as an entity with APOC.
- c. Failure to file any Quarterly or 10-Day Reports in violation of AS 15.13.110: An entity is required to file quarterly and 10-day reports. Wellspring has never filed either report.
- d. Failure to report three largest contributors in violation of AS 15.13.090(a): Wellspring’s website does not include a “paid for by” disclaimer, let alone one that accurately lists its three largest contributors as is required by law.
- e. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

C. Mikaela Emswiler and Top Fundraising Solutions, LLC

As detailed above, Ms. Emswiler — through her business Top Fundraising Solutions, LLC (“TFS”)¹¹⁷ — appears to have been running a clandestine paid signature gathering operation on behalf of AHE for 22AKHE out of Wellspring for months. She claims to have been raising money for 22AKHE “all year long.”¹¹⁸ She had been paying for signature gatherers for nearly a month before her activities were reported by AHE.¹¹⁹ And she “deployed” signature gatherers (presumably also paying for their time and travel costs) to Dillingham in mid-October, which has *still* not been reported to APOC.¹²⁰

¹¹⁷ See 2024 Biennial Report, Top Fundraising Solutions, LLC (Exhibit R). Again, complainant notes that it is curious that TFS was created on the exact same day as another anti-RCV entity, Preserve Democracy. See Articles of Organization, Top Fundraising Solutions LLC (Exhibit S); Articles of Incorporation, Preserve Democracy (Exhibit T).

¹¹⁸ See Telephone Tr. at 7 (Exhibit L).

¹¹⁹ See *id.* at 2.

¹²⁰ See Telephone Tr. at 6 (Exhibit L); see also Gottstein Aff. at ¶ 7.

The evidence of Ms. Emswiler’s unreported activities is beyond dispute. The fact that these activities needed to be reported to APOC — either as an expenditure or in-kind contribution — is also beyond dispute. Given that the parties she is working with have been subject to multiple APOC complaints, there can be no question that this failure to report is intentional. It is also an ongoing violation.

i. Alleged violations by Ms. Emswiler and/or TFS.

- a. Failure to report contributions to AHE in violation of AS 15.13.040(k): By providing AHE with services in support of a paid signature petition drive, and potentially providing fundraising services, Ms. Emswiler has made (at a minimum) in-kind contributions to the AHE’s ballot measure activities. It also appears that other contributions either were reported late or have not been reported at all. There may be other unreported contributions and expenditures as well. The scope and value of these violations must be investigated and reported.
- b. Failure to register as an entity in violation of AS 15.13.050: Any person, other than an individual, is required to register with APOC *before* making an expenditure in support of a ballot initiative. It is not clear whether Ms. Emswiler is operating on her own or in tandem with another individual to create an independent expenditure organization under Alaska law. If she is or has been working with another individual in support of 22AKHE, she will have violated AS 15.13.050 by failing to register that independent expenditure organization as an entity with APOC.
- c. Failure to file any Quarterly or 10-Day Reports in violation of AS 15.13.110: An entity is required to file quarterly and 10-day reports. To the extent Ms. Emswiler has somehow formed her own independent expenditure organization that is supporting 22AKHE, she would not only be required to register before making any expenditure, but she would also need to file both Quarterly and 10-Day Reports. She has never filed either report.
- d. Any other violations of AS 15.13. et seq. that are discovered during this proceeding.

V. Conclusion

The evidence of Respondents' activities is irrefutable, and their failure to properly report is inexcusable. Many of these Respondents have already been sanctioned by APOC several times this year. Given the very public nature of the prior complaints, Respondents who may be new to this process are also well aware of what the law requires.

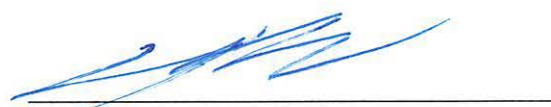
Respondents can no longer plead ignorance or incompetence. The facts presented in this Complaint demonstrate not only flagrant violations of the law, but a conspiracy to run a secret paid signature-gathering operation through a church in utter and intentional disregard for the law's requirements.

As discussed in more detail in a concurrently-filed request, the Commission should immediately expedite this matter and hold a hearing to shine daylight on these activities. And once Respondents' culpability has been established at a hearing, the Commission must sanction them in a manner that will finally halt their rampant illegal activities. Simply put, their intentional deception of the public must be brought to an end.

CASHION GILMORE & LINDEMUTH
Attorneys for Complainant, Alaskans for Better
Elections, Inc.

DATE: December 4, 2023

By:



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

AFFIDAVIT OF GREGORY LEE

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

I, Gregory Lee, being first duly sworn and deposed, hereby state as follows:

1. On November 14, 2023, at approximately 1:30pm, I received a phone call from Mikaela Emswiler. Ms. Emswiler was returning my call from earlier that day. This conversation was recorded on an iPhone. Included as Exhibit J is a true and correct copy of the audio from that call.

2. On November 22, 2023, at approximately 2:00pm, I went to Wellspring Ministries located at 2511 Sentry Drive in Anchorage, Alaska. At Ms. Emswiler’s invitation and direction, I went to Wellspring Ministries to speak with her and pick up a petition booklet for 22AKHE. I recorded the conversations that I had when I was at Wellspring Ministries on that day on my iPhone. Included as Exhibit K is a true and correct copy of the audio from my visit to Wellspring.

3. When I walked into Wellspring Ministries, a person at a welcome booth or greeting table directed me to go to a classroom to the right at the end of a hallway to speak with Ms. Emswiler. I met with Ms. Emswiler in that classroom.


4. The only other person who was present in the classroom was later referred to by Ms. Emswiler as “Theo.” Theo appeared to be doing data entry with a few 22AKHE petition booklets on a computer.

5. The classroom where I met with Ms. Emswiler included a long table to the left side of the room, which is where she and Theo were working. I noticed some 22AKHE petition booklets in the room, along with signs that were being made for signature gatherers to use on the back side of their petition booklets. On the right side of the room, I observed some chairs being used by the church.

6. Before I left, Ms. Emswiler and I went to an office located on the other side of the welcome booth or greeting table. This is where Ms. Emswiler gave me two blank 22AKHE petition booklets from a stack of petition booklets. Ms. Emswiler then introduced me to “Kit” who was in that office. In that office was a master spreadsheet where I provided my information to sign out for the 22AKHE petition booklets. I also observed additional blank 22AKHE petition booklets in that office.

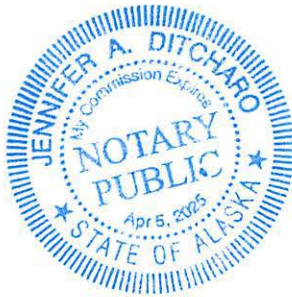
7. I have reviewed a photo of “Kit Rittgers,” which is included in what was marked as Exhibit N. Ms. Rittgers appears to be Kit, the same person who was in the office at Wellspring Ministries that contained a master spreadsheet of petition signature gatherers for 22AKHE petition booklets.

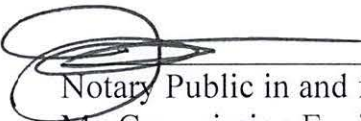
FURTHER AFFIANT SAYETH NAUGHT.



Gregory Lee

SUBSCRIBED AND SWORN to before me on this 30th day of November, 2023, at Anchorage, Alaska.





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

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 Alaskans for Honest Elections (“AHE”), Wellspring Ministries (“WM”), Wellspring Fellowship of Alaska (“WF”), Mikaela Emswiler, and Top Fundraising Solutions, LLC (“TFS”).
2. In anticipation of possibly filing the above-referenced Complaint, I began to save screenshots from some of the Respondents’ websites and social media accounts starting in November 2023. I have also saved additional screenshots in relation to prior APOC complaints (23-01-CD, 23-02-CD, and 23-06-CD) starting in April 2023.
3. Attached as Exhibit N to the above-referenced Complaint is a true and correct copy of screenshots that I took of WM’s website on November 27, 2023. I reached this page by going to WM’s main website, hovering my cursor over the “About Us” tab, and clicking on “Ministry Staff.” The “Ministry Staff” webpage is distinct from a similar one that is identified as “Fellowship Staff.”
4. Attached as Exhibit Q to the above-referenced Complaint is a true and correct copy of a screenshot that I took from Facebook on November 17, 2023.

5. Attached as Exhibit U to the above-referenced Complaint is a true and correct copy of a screenshot that I took from LinkedIn on November 17, 2023. As of today, Ms. Emswiler's LinkedIn profile indicates that she is "Present[ly]" a "Full-time" "Operations and Event Coordinator" for "Kelly for Alaska."
6. Attached as Exhibit V to the above-referenced Complaint is a true and correct copy of a screenshot that I took of a Tweet from AHE's Twitter account (@907Honest).
7. Attached as Exhibit Y to the above-referenced Complaint is a true and correct copy of a screenshot from Instagram Live that was taken on October 11, 2023.
8. Attached as Exhibit Z to the above-referenced Complaint is a true and correct copy of a screenshot that I took of AHE's website on November 30, 2023.
9. Attached as Exhibit AA to the above-referenced Complaint is a true and correct copy of a screenshot that I took of AHE's website on November 30, 2023. This screenshot shows a pop-up on AHE's main page, which asks for petition booklets to be "Returned By Dec. 15th."


FURTHER AFFIANT SAYETH NAUGHT.



Samuel G. Gottstein
Alaska Bar No. 1511099

SUBSCRIBED AND SWORN to before me on this 4th day of December, 2023,
at Anchorage, Alaska.

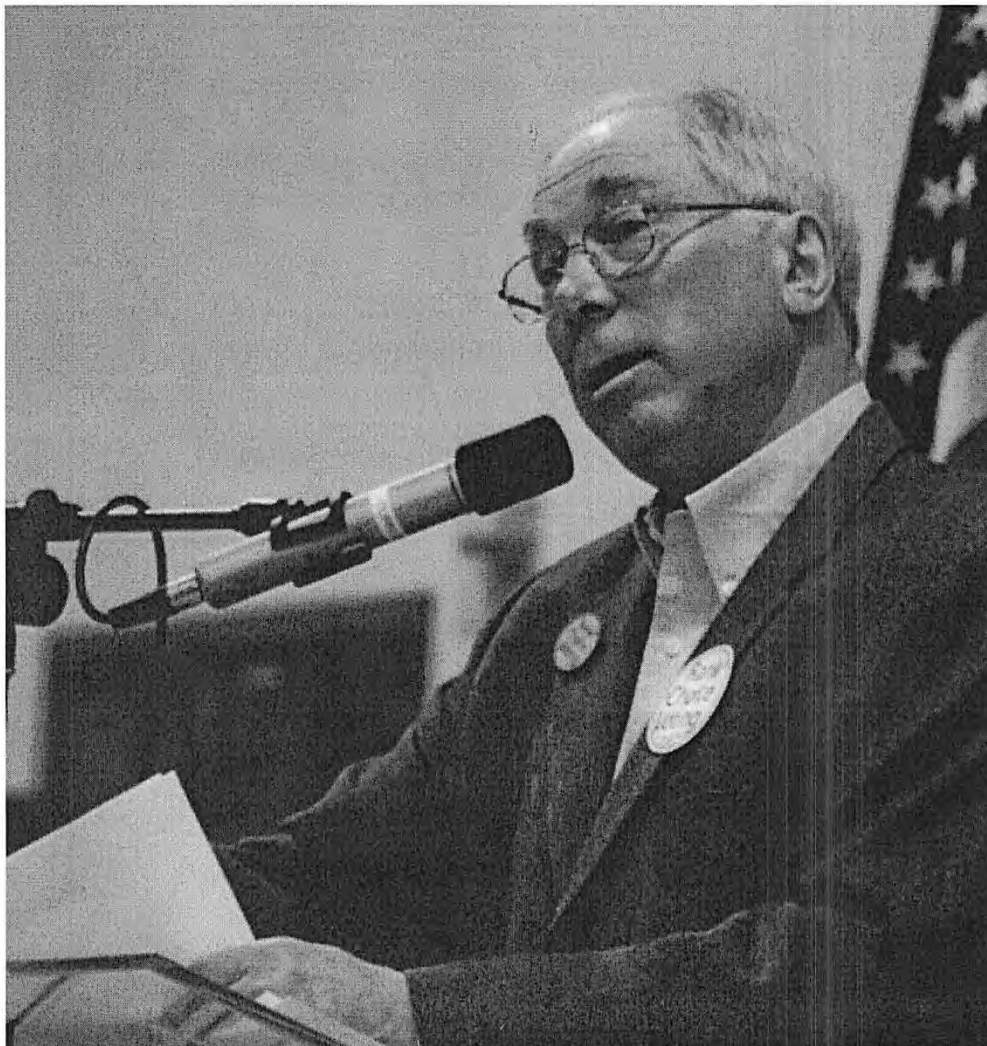



Notary Public in and for Alaska
My Commission Expires: 9/17/25



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 ranked choice voting to four candidates.

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

"Literally, seriously at risk," he said. "If we don't replace rank choice voting, we will never see 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

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, including transgender people.

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

Other speakers included Republican fundraiser Michael Alfaro, a North Carolinian who has made four presidential runs. Alfaro had said former Gov. Sarah Palin was to be the keynote speaker. Advisor 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 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.



TO: APOC Commissioners
DATE: September 9, 2023
FROM: Thomas R. Lucas, Campaign Disclosure Coordinator
SUBJECT: Staff Report, 23-01-CD, *Alaskans for Better Elections v. Alaskans for Honest Elections, Alaskans for Honest Government, Wellspring Ministries, Wellspring Fellowship, Ranked Choice Education Association, Art Mathias and Phillip Izon.*

On July 11, 2023, APOC staff accepted a complaint filed by Alaskans for Better Elections (Complainant) against Respondents Alaskans for Honest Elections (AHE), Alaskans for Honest Government (AHG), Wellspring Ministries (WM), Ranked Choice Education Association (RCEA), Art Mathias, and Phillip Izon.¹

The complaint alleges that Respondents violated AS 15.13 in connection with the 22AKHE Initiative by failing to file timely reports and registrations; and obscuring the true source of contributions to AHE.

On July 12, 2023, Complainant filed its First Supplement in support of its complaint.² On July 25, 2023, Complainant filed its Second Supplement in support of its complaint contending that Wellsprings Fellowship (WF) should be a party to the complaint.³

On July 26, 2023, Respondents AHE, AHG, RCEA WM WF, Art Mathias and Phillip Izon filed an Answer to the complaint.⁴

On August 1, 2023, Complainant filed a Response to Respondents' Answer.⁵

¹ Exhibit 1, Complaint.
² Exhibit 2, First Supplement.
³ Exhibit 3, Second Supplement.
⁴ Exhibit 4, Answer to Complaint.
⁵ Exhibit 5, Response to Answer.

On August 3, 2023, Respondents filed their First Amended Answer to the Complaint.⁶

On August 8, 2023 Complainant filed a Third Supplement to its Complaint.⁷

On August 14, 2023, Respondents filed a Reply to Complainant’s Response to Answer and Third Supplement to the Complaint.⁸

FACTS

1. Initiative Petition 22AKHE

On November 23, 2022, primary sponsors Phillip Izon, Art Mathias, and Jamie R. Donley proposed an initiative by filing an application with the Lieutenant Governor for an initiative entitled “An Act Restoring Political Party Primaries and Single-Choice General Elections.” The Lieutenant Governor certified the sponsors’ petition application, identified as 22AKHE, on January 20, 2023, and the Division of Elections issued petition booklets to the sponsors on February 8, 2023.⁹

2. Alaskans for Honest Government

Alaskans for Honest Government (AHG) registered as an entity with APOC on November 1, 2022, with the stated purpose to “help Alaskans with data, information, and research. Provide polling and other election resources to voters.”¹⁰ Phillip Izon was listed as the entity’s Record Keeper/Agent and Diamond Metzger is listed as its Treasurer – no other officers or directors were listed.¹¹

According to Mr. Izon, AHG was formed with the intent of making independent expenditures related to Alaska’s federal congressional and U.S. Senate races.¹² AHG’s

⁶ Exhibit 6, First Amended Answer.

⁷ Exhibit 7, Third Supplement.

⁸ Exhibit 8 Reply to Response.

⁹ Exhibits 9, 10, and 11, Application Certificate, Application Acceptance, and Excerpt from Alaska Division of Elections Petition List, respectively.

¹⁰ Exhibit 12, AHG Entity Registration.

¹¹ *Id.*

¹² Exhibit 13, First Affidavit of Izon at Paragraph 4.

belief is that its registration was made by mistake (presumably because it believed that it would only be engaged in federal election activity).¹³

AHG purchased a web domain on October 15, 2022.¹⁴ Despite the stated intent of AHG’s creation, as of November 18, 2022, the AHG website landing page contained a link to “Alaskans for Honest Elections’ Ballot Initiative”, a graphic showing the process for bringing the initiative to the voters, and appeared to be devoted solely to ranked choice voting in general and Alaskans for Honest Elections’ efforts, in particular.¹⁵ As of April 26, 2023, AHG’s website contained multiple links, including a page where visitors could sign up to receive a petition booklet for 22AKHE, a link to AHE’s website; a link to a page with the same link and graphic that existed on AHG’s web domain on November 18, 2022; and additional language directing visitors to “Click Here To sign The Initiative Today,” which if clicked took the user to the AHE’s website.¹⁶ As of July 5, 2023, AHG’s website landing page continued to contain a link to sign the petition and a link to “Alaskans for Honest Elections Ballot Initiative”.¹⁷

As of July 6, 2023, the AHG website landing page no longer contained the signing links or the link to AHE at the top of the page,¹⁸ but had transitioned to adding a pop-up that requested help in getting rid of ranked choice voting¹⁹ that itself transitioned to a second pop-up showing the AHE process for bringing the initiative to the voters graphic as was used in November and April.²⁰

AHG has the following identifier on its website: “paid for by Alaskans for Honest Government. Not authorized by any candidate or candidate’s committee.” This is the sole paid-for-by identifier that has appeared on AHG’s website since its inception.

¹³ *Id.*

¹⁴ Exhibit 14 Whois Report for Alaskansforhonestgovernment.org.

¹⁵ Exhibit 15, November 18, 2022, Landing

Page: <https://web.archive.org/web/20221118175919/https://alaskansforhonestgovernment.org/>.

¹⁶ Exhibit 16, April 26, 2023, Click Here Page (attached as Exhibit Q to the Complaint).

¹⁷ Exhibit 17 AHG July 5, 2023, Landing Page.

¹⁸ Exhibit 18, July 6, 2023, Landing Page.

¹⁹ Exhibit 19, July 26, 2023, Pop-up Page 1.

²⁰ Exhibit 20, July 26, 2023, Pop-up Page 2.

3. Alaskans for Honest Elections

Alaskans for Honest Elections (AHE) is an Alaska nonprofit corporation created on January 23, 2023.²¹ AHE registered as a group with APOC on March 20, 2023, with the stated purpose of: “Any lawful election matters.”²² Phillip Izon is designated as the Chairman of the group and a Director of the corporation; Diamond Metzger is designated Treasurer of the group and a Director of the corporation; and Art Mathias is listed as a Director of the corporation.²³

It appears that AHE may have registered as a group sooner due to mistaken advice received from APOC Campaign Disclosure Coordinator Tom Lucas on November 18, 2022, and reiterated on November 21, 2022.²⁴ Mr. Lucas’ mistaken advice was corrected by the Commission’s director on February 23, 2023, and reiterated on February 24, 2023.²⁵

AHE timely filed its First Quarter Report on April 10, 2023.²⁶ This report included expenditures beginning on January 20, 2023, for which independent expenditure reports should have been filed but were not.²⁷ This resulted in APOC staff issuing one Notice of Violation and two Notices of Penalty for the late reported expenditures that should have been reported within 10 days.²⁸

AHE’s First Quarter Report included a nonmonetary contribution of \$200,000 from Mr. Izon for “Management Costs/Time.”²⁹ Mr. Izon explains that this was intended as an estimate of the total value of the services he would render to AHE through the end of the campaign.³⁰ As Mr. Izon further explained in response to APOC staff’s request for information,

²¹ Exhibit 21, AHE Articles of Incorporation.

²² Exhibit 22, AHE Group Registration.

²³ Exhibits 21 and 22.

²⁴ Exhibit 23, Email Chain Lucas/Izon (mistakenly informing Mr. Izon that he was contemplating a referendum which would not require immediate registration with APOC).

²⁵ Exhibit 24, Email Chain Hebdon/Izon (informing Mr. Izon that, he should register an initiative application group).

²⁶ Exhibit 25, First Quarter Report.

²⁷ *Id.*

²⁸ Exhibits 26, 27, and 28, Notices of Violation and Penalty (Because AHE has not appealed or paid the assessed civil penalties, Notices of Referral to the Commission were issued to AHE on August 29, 2023).

²⁹ Ex. 25.

³⁰ Ex. 13, paragraph 2.

When I was approached to lead the initiative campaign. I was asked how much I would charge to do it, I quoted \$200,000. I have a decade of experience as a commercial banker and loan officer. I am currently self employed in artificial intelligence, I do not manage large projects like this often. Though I have done various political and commercial work for various companies in the cannabis industry here in Alaska. I also owned multiple cannabis companies.³¹

AHE's First Quarter Report also included contributions from Ranked Choice Education Association (RCEA) – two checks totaling \$76,000, one cash contribution of \$2,358,³² and one nonmonetary contribution of printing services valued at \$1,382.³³ AHE's Second Quarter Report, filed six days late³⁴ included one contribution from RCEA in the amount of \$10,260.³⁵

RCEA reported contributions to AHE in the amount of \$79,740 on its May 9, 2023, Statement of Contributions Report.³⁶ Confusingly, the RCEA \$1,382 nonmonetary contribution of printing services reported on AHE's First Quarter Report is reported by RCEA as a monetary contribution of \$1,382 via check number 103.³⁷

RCEA reported a single contribution to AHE in the amount of \$10,260 on its June 11, 2023, Statement of Contributions Report.³⁸ The total annual contribution from RCEA is reported on this report as \$90,000 with Art Mathias named as the sole true source of the contribution.³⁹ Of note, Art Mathias is reported to have stated that he had donated \$100,000 to the effort to repeal ranked choice voting at the launch of the 22AKHE petition booklet signature gathering drive.⁴⁰

³¹ Exhibit 29, Request and Response.

³² This contribution was returned, and a check issued for the same amount as of July 25, 2023 (see Ex. 30, Second Affidavit of Izon).

³³ Ex. 25.

³⁴ Exhibit 31, Notice of Penalty for Second Quarter Report.

³⁵ Exhibit 32 Second Quarter Report.

³⁶ Exhibit 33, May 9, 2023, Statement of contributions Report.

³⁷ *Id.*

³⁸ Exhibit 34, June 11, 2023, Statement of Contributions Report.

³⁹ *Id.*

⁴⁰ Exhibit 35, Excerpt of Ruskin Article (full article at <https://alaskapublic.org/2023/02/17/launch-of-campaign-to-repeal-ranked-choice-voting-draws-a-crowd-in-anchorage/>)

AHE promoted and held a 22AKHE petition booklet signing event on Wellspring Ministries’ premises at 2511 Sentry Drive in Anchorage, AK, on February 16, 2023.⁴¹ As it turns out, Wellspring Ministries leases its gymnasium to another entity, Wellspring Fellowship, which in-turn allows the Greater Alaska Chapter of the Association of Mature American Citizens to use gymnasium to for its monthly meetings.⁴²

On February 16, 2023, AMAC hosted AHE’s February 16, 2023, petition booklet signing event at Wellspring Ministries’ gymnasium.⁴³ AMAC has hosted other persons at its monthly meeting time and does not charge a fee for the hosting.⁴⁴ AHE has not reported any contribution from AMAC.

AHE purchased a web domain on November 11, 2022.⁴⁵ As of November 19, 2022, and through April 6, 2023, the paid-for-by identifier on AHE’S website stated only “Paid for by Alaskans for Honest Elections, 2521 E. Mtn Village Drive #904 Wasilla, Ak 99654 Not Authorized by any candidate or candidate’s committee”.⁴⁶ But, by at least April 21, 2023, the website had been amended to add the following paid for by identifier:

This Communication Was Paid For By Alaskans For Honest Elections, 2521 E. Mtn Village Dr. #904 Wasilla, Ak 99654 Phillip Izon, Director Approved This Message. The Top 3 Contributors Are Phillip Izon, Wasilla, AK, Ranked Choice Education Association, Anchorage, AK And Carolyn Overstreet, Anchorage, AK.⁴⁷

AHE posted 17 videos on its YouTube page.⁴⁸ The first two videos (from left to right on the exhibit) present first a pro-ranked choice speaker; and second, an anti-ranked choice speaker. The remaining 15 videos all urge the listener to reject ranked choice voting for various reasons and to sign the 22AKHE petition booklets.⁴⁹ The paid-for-by identifiers

⁴¹ Exhibit 36, Signing Invitation.

⁴² Exhibit 37, August 2, 2023, Response to Information Request.

⁴³ *Id.*

⁴⁴ Exhibit 38, AMAC Email Response to Staff Question.

⁴⁵ Exhibit 39, AHE Whois Report.

⁴⁶ Exhibit 40, November 19, 2022, Internet Archive of Website; Exhibit 41 April 6, 2023, Internet Archive of Website.

⁴⁷ Exhibit 42, April 21 Internet Archive of Website.

⁴⁸ Exhibit 43, YouTube Videos Captured June 30, 2023 (Exhibit N to complaint); Exhibit 44 Affidavit of Gottstein,

paragraph 5. <https://www.youtube.com/@907honest/videos>.

⁴⁹ <https://www.youtube.com/@907honest/videos>.

on the videos state only: “Paid for by Alaskans for Honest Elections. Not authorized by any candidate or candidate’s committee.”⁵⁰ Two of the fifteen videos had been posted three months prior to June 30, 2023; ten were posted four months prior to June 30, 2023; and three were posted 5 months prior to June 30, 2023.⁵¹

4. Ranked Choice Education Association

RCEA is a State of Washington corporation created on December 16, 2022.⁵² Art Mathias is RCEA’s President; Phillip Izon and Patricia Mathias are Directors.⁵³ RCEA purchased its first web domain on December 22, 2022, one month after Phillip Izon, Art Mathias, and Jamie R. Donley filed their application for initiation 22AKHE with the Lieutenant Governor.⁵⁴ This was RCEA’s website until it purchased a new web domain on May 23, 2023.⁵⁵

RCEA’s first domain landing page was devoted to promoting the efforts of AHE.⁵⁶ Under a heading entitled “Alaska’s Efforts to Repeal Ranked Choice,” AHE’s signature gathering efforts are promoted by presenting information on 22AKHE and a QR code that links directly to AHE’s website. AHE’s website, among other things, lists various locations where 22AKHE petition booklets can be signed.⁵⁷ This first domain of RCEA contained no paid for by identifier.⁵⁸

The information provided on RCEA’s new domain is clearly different from what was presented on its first domain in that it emphasizes a more general purpose of explaining and arguing why RCEA believes ranked choice voting is a very bad thing but without

⁵⁰ *Id.* See also examples given in Exhibit L to the Complaint.

⁵¹ Ex. 43, YouTube Videos.

⁵² Exhibit 45, RCEA Articles of Incorporation.

⁵³ *Id.*

⁵⁴ Exhibit 46, Whois report for rankedchoiceducationassociation.org.

⁵⁵ Exhibit 47, rankedchoicedu.org. Whois Report.

⁵⁶ Exhibit 48 (Exhibit X from Complaint); Ex. 44, Affidavit of Gottstein, par. 11.

⁵⁷ *Id.* at p. 2.

⁵⁸ Ex. 48.

mentioning the 22AKHE initiative. Further, this new domain provides no links to AHE materials or any other materials supporting the signing of 22AKHE petition booklets.⁵⁹

RCEA’s new domain is consistent with RCEA activities as described in its answer to the complaint; and in Mr. Izon’s Second Affidavit.⁶⁰ In its answer, RCEA argues that its website, by its words, focuses on acquainting the American public with the dire effects adoption of ranked choice voting would have on American democracy in all jurisdictions.⁶¹ Further, RCEA argues that Mr. Mathias and Mr. Izon, on behalf of RCEA, have traveled to approximately eight states in the lower-48 to speak and consult with community members about ranked choice voting; and that more of this activity is scheduled to take place.⁶² In their Second Affidavits, both Mr. Mathias and Mr. Izon detail their efforts to acquaint individuals in other states with what they argue are flaws and negative aspects of ranked choice voting.⁶³ However, on July 3, 2023, RCEA published a Tweet from its Twitter account stating it hopes to get 22AKHE on the ballot so that it can be removed from “our state.”⁶⁴ Additionally, on July 5, 2023, RCEA announced by Tweet that it is the group behind the repeal of ranked choice voting in Alaska.⁶⁵

RCEA has reported a total of \$90,000 in contributions to AHE – the entire amount attributed by RCEA on its June 11, 2023, Statement of Contributions report as being donated by Art Mathias on December 22, 2022:

\$1,000 February 6, 2023, Check # 101

\$75,000 February 8, 2023, Check # 102

\$2,358 February 22, 2023, Cash

\$1,382 February 23, 2023 Check # 103

⁵⁹ Exhibit 49, New RCEA Landing Page <https://rankedchoiceedu.org/>.

⁶⁰ Exhibit 50, Second Affidavit of Izon.

⁶¹ Ex. 1, at pp 18-19.

⁶² *Id.*

⁶³ Exhibit 51, Second Affidavit of Mathias; Ex.50, respectively.

⁶⁴ Exhibit 52, July 3, 2023, RCEA Retweet of its own Tweet (Exhibit UU to Complainant’s First Supplement); Exhibit 53, July 12, 2023 Affidavit of Gottstein.

⁶⁵ Exhibit 54, July 5, 2023 RCEA Tweet (Exhibit VV to Complainant’s First Supplement); Ex. 53.

\$10,260 June 11, 2023 Check # 2010.⁶⁶

Staff's investigation, however, revealed a slightly different picture:

- The \$1,000 check is actually dated January 9, 2023, and the accurate check number is #1007;
- The \$75,000 contribution was actually made by cashier's check, not check #107. This cashier's check was issued on February 3, 2023 – as opposed to the reported date of February 8, 2023;
- The February 22, 2023 cash contribution of \$2,358 was refunded to AHE,⁶⁷ but another check in amount of \$2,258 was contributed to AHE on August 1, 2023 using check #2021; and
- The actual check number for the \$1,382 contribution made on February 23, 2023, is 2004, not #103.

Additionally, the investigation revealed no evidence of the existence of a check in the amount of \$10,260, but Staff was able to identify an unreported contribution of \$11,000 made by check number 2010 and dated May 22, 2023.⁶⁸

5. Wellspring Ministries

Wellspring Ministries is an Alaska nonprofit corporation formed on July 1, 1999.⁶⁹ Art Mathias is its President and Treasurer, Patricia Mathias is its Vice President, Monica Mosier is its Secretary and a Director; and Janice Coulter and Patrick Hadley are Directors.⁷⁰ Wellspring Ministries' premises are located at 2511 Sentry Drive in Anchorage, AK. Wellspring Ministries has a gymnasium at this location that also serves as an auditorium.⁷¹

⁶⁶ Exhibit 55, May 9, 2023 and June 11, 2023 Statement of Contributions Reports.

⁶⁷ Exhibit 13, at paragraph 7.

⁶⁸ Exhibit 56, RCEA Checks to AHE.

⁶⁹ Exhibit 57, Alaska Department of commerce Entity Details Page.

⁷⁰ *Id.*

⁷¹ Ex. 37.

Wellspring Ministries leases its gymnasium, office space, and a conference room to Wellspring Fellowship.⁷²

6. Wellspring Fellowship

Wellspring Fellowship nonprofit corporation incorporated in the State of Washington and on December 8, 2022.⁷³ Art Mathias, Patrick Hadley, Gayle Hadley, and Monica Mosier are its Directors.⁷⁴

Wellspring Fellowship allows RCEA to receive mail and to use the conference room leased from Wellspring Ministries for its meetings, which typically last sixty to ninety minutes every two to three months.⁷⁵

Wellspring Fellowship also allows the Greater Alaska Chapter of the Association of Mature American Citizens to use the gymnasium leased from Wellspring Ministries and charges \$1 for this monthly meeting.⁷⁶ According to Wellspring Ministries, it charges Wellspring Fellowship only the costs associated with its operation and maintenance of the leased space because, as a nonprofit organization, it is not allowed to profit from the lease.⁷⁷ For one of its monthly meetings in Wellspring Ministries' gymnasium, the Greater Alaska Chapter of the Association of Mature American Citizens hosted AHE's petition booklet signing event for approximately one hour on February 16, 2023.⁷⁸ The gymnasium/auditorium has a maximum capacity of 800.⁷⁹

7. Art Mathias

Mr. Mathias is one of the three sponsors of 22AKHE along with Phillip Izon and Jamie R. Donley.⁸⁰

⁷² Exhibit 37, at p.5.

⁷³ Exhibit 58, WF Articles of Incorporation.

⁷⁴ *Id.*

⁷⁵ Ex. 37, at pp. 2-3.

⁷⁶ Ex. 37, at p. 2.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Exhibit 59, August 3, 2023, Response to Information Requests.

⁸⁰ Ex. 9, Application Certificate.

On December 22, 2022, Mr. Mathias contributed \$90,000 to RCEA.⁸¹ On its June 11, 2023, Statement of Contributions Report RCEA reported that its current total annual contribution to AHC was \$90,000 with Art Mathias as the single true source of the funds.⁸² At the launch of the 22AKHE petition booklet signature gathering drive Mr. Mathias is alleged to have “told supporters that ranked choice voting puts the entire country at risk. Literally, seriously at risk.”⁸³ Mathias is further alleged to state “[i]f we don’t replace rank choice voting, we will never elect another conservative, and we will only have outside corporations coming up and buying our candidates and buying our elections.”⁸⁴ And, Mathias “said he’s donated \$100,000 to the effort, and the campaign has raised \$400,000 from out of state.”⁸⁵

Mr. Mathias argues, however, that by “effort” he meant the overall effort that both AHE and RCEA were involved in, with AHE working to repeal ranked choice voting in Alaska, and RCEA working to educate Americans in other states against the concept of ranked choice voting.⁸⁶

LAW AND ANALYSIS

1. Registration

Complainant alleges that respondents AHG and RCEA made one or more expenditures in support of an initiative application filed with the Lieutenant Governor that triggered registration and reporting requirements. As described above, it is clear from their websites that AHG and RCEA are decidedly against ranked choice voting in general; and that both utilized their websites to showcase AHE materials clearly supporting the 22AKHE petition booklet signature gathering effort.

⁸¹ Exhibit 60, Art Mathias check for \$90,000.

⁸² Ex.34.

⁸³ Ex. 35.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Ex.49.

Alaska law requires each person, other than an individual, to 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.⁸⁷

An expenditure is defined 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... influencing the outcome of a ballot proposition or question.”⁸⁸ The definition of expenditure also “includes an express communication and an electioneering communication, but does not include an issues communication.”⁸⁹

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.”⁹⁰

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.⁹¹

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.⁹²

Although the communication definitions are specific to communications regarding candidates, the distinctions also are appropriate for ballot proposition and initiative campaigns.⁹³

⁸⁷ AS 15.13.050(a).

⁸⁸ AS 15.13.400(7)(a)(iv).

⁸⁹ AS 15.13.400(7)(C).

⁹⁰ AS 15.13.400(8).

⁹¹ AS 15.13.400(6).

⁹² AS 15.13.400(13).

⁹³ 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, where a communication that would ordinarily be an issues communication is disseminated contemporaneously with 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 that triggers APOC’s registration and reporting requirements. Several such cases are discussed below.

In AO 08-02-CD the Commission approved staff’s advice addressing a similar issue as 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.⁹⁴ 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.⁹⁵

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.⁹⁶ 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.⁹⁷

⁹⁴ Exhibit 61, AO 08-02-CD, *Renewable Resources Coalition*.

⁹⁵ *Id.* at p. 9.

⁹⁶ *Id.* at p. 10.

⁹⁷ *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.”⁹⁸

In AO 14-04-CD, *Renewable Resources Foundation*, 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”⁹⁹

In AO 19-04-CD, *Bags for Change*, 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 that [Bags for

⁹⁸ Ex. 61.

⁹⁹ Ex. 62, AO 14-04-CD, *Renewable Resources Foundation*.

Change] has engaged in educational efforts for three years before the [i]nitiative, rather than a group that was created around the [i]nitiative.”¹⁰⁰

More recently, in *Yes on 2 for Better elections v. Alaska Public Policy Forum, et. al.*¹⁰¹ 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.¹⁰²

A. Alaskans for Honest Government

Alaskans for Honest Government (AHG) purchased a web domain on October 15, 2022, and registered as an entity with APOC on November 1, 2022. Phillip Izon is named as the Record Keeper/Agent and Diamond Metzger is the named Treasurer on AHG’s registration.

As of November 18, 2022, AHG’s website was primarily devoted to the topic of ranked choice voting in general and AHE’s efforts (including a link to the AHE website) in particular. On November 23, 2022, Phillip Izon, Art Mathias, and Jaime R. Donley filed an application to propose an initiative with the Lieutenant Governor. After certification of the sponsors’ application by the Lieutenant Governor, the Division of Elections identified the sponsors’ petition as “22AKHE.” As of April 26, 2023, AHG’s website contained links to sign up to receive a 22AKHE petition booklet and to AHE’s website. As of July 6, 2023, AHG’s website no longer contained the links to AHE, but had transitioned to pop-ups requesting the public’s help in eliminating ranked choice voting and displaying AHE’s graphic showing the steps to an initiative election on ranked choice voting. On these facts, staff concludes that AHG’s website was an express communication because under all the circumstances it was susceptible of no other reasonable interpretation but as an exhortation

¹⁰⁰ *Id.* at p. 5.

¹⁰¹ Complaint 20-05-CD

¹⁰² *Id.*

to support 22AKHE, an initiative petition for a ballot proposition to eliminate ranked choice voting in Alaska.

Staff’s conclusion is consistent with the Commission’s decisions in *Bags for Change and Renewable Resources* because here, unlike those cases, AHG has no lengthy history of opposing the subject of the initiative, but instead began its opposition to ranked choice voting within days of filing its application to propose initiative 22AKHE.

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.*¹⁰³ In that case, the Commission determined that Alaska Public Policy Forum’s communications were express communications even where the ballot measure at issue was not identified by name because 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.¹⁰⁴

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

Complainant contends that AHG should have registered as a group. Staff disagrees. A group is defined in relevant part as “any combination of two or more individuals acting jointly who organize for the principal purpose of filing an initiative proposal application...or who file an initiative proposal application” with the Lieutenant Governor.¹⁰⁵ Clearly, AHG does not satisfy the principal purpose test of the definition because they did not organize for the principal purpose of filing an initiative proposal application; ofr file an initiative proposal application. Instead, AHG 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.

B. Ranked Choice Education Association

¹⁰³ Complaint 20-05-CD

¹⁰⁴ *Id.*

¹⁰⁵ AS 15.13.400(9).

RCEA purchased its first domain on December 22, 2022, one month after Phillip Izon, Art Mathias, and Jamie R. Donley filed their application to propose the initiative, ultimately identified as 22AKHE, with the Lieutenant Governor.

RCEA’s first domain landing page was devoted to promoting the efforts of AHE. Under a heading entitled “Alaska’s Efforts to Repeal Ranked Choice,” AHE’s signature gathering efforts are promoted by presenting AHE, information about initiative 22AKHE, and a QR code that links directly to AHE’s website which, among other things, lists various locations where 22AKHE petition booklets can be signed. Further, RCEA has openly stated on its Twitter account that it is the group behind the 22AKHE effort.

On these facts, staff concludes that RCEA’s website was an express communication because under all the circumstances it was susceptible of no other reasonable interpretation but as an exhortation to support 22AKHE, an initiative proposed to eliminate ranked choice voting in Alaska.

Staff’s conclusion is consistent with the Commission’s decisions in *Bags for Change and Renewable Resources* because here, unlike the parties in those cases, RCEA has no lengthy history of opposing ranked choice voting, the subject of the initiative, but instead began its opposition to ranked choice voting contemporaneously with Izon, Mathias, and Donley’s filing of an application to propose the initiative that ultimately became 22AKHE.

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.*¹⁰⁶ In that case, the Commission determined that Alaska Public Policy Forum’s communications were express communications even where the ballot measure at issue was not identified by name and 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.¹⁰⁷

¹⁰⁶ Complaint 20-05-CD

¹⁰⁷ *Id.*

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

Complainant contends that RCEA should have registered as a group. For the same reasons stated above in paragraph A, “Alaskans for Honest Government,” Staff disagrees. Like AHG, RCEA does not satisfy the principal purpose test of the definition of group. Instead, RCEA has made independent expenditures opposing an initiative proposal and therefore should have registered as an entity.

C. Alaskans for Honest Elections

A person is required to register with APOC “*before* making an expenditure in support of or in opposition ...to an initiative proposal application filed with the lieutenant governor.”¹⁰⁸ AHE registered with APOC on March 20, 2023, but actually made its first expenditure two months before that on January 20, 2023. Thus, by not registering with APOC until two month *after* making its first expenditure, AHE violated AS 15.13.050(a).

2. Reporting

A. Alaskans for Honest Government

As a person making independent expenditures opposing an initiative application, AHG was required to file independent expenditure reports.¹⁰⁹ These reports should have been filed within 10 days of making each expenditure.¹¹⁰

As a person opposing an initiative application, AHG was also required to file quarterly reports if it received contributions exceeding \$500 or made expenditures exceeding \$500 within a calendar year.¹¹¹

Here, AHG violated AS 15.13.040 by failing to file independent expenditure reports; and AS 15.13.110(g) by failing to file a First Quarter Report.

B. Alaskans for Honest Elections

¹⁰⁸ AS 15.13.050(a) (emphasis added).

¹⁰⁹ AS 15.13.040(d).

¹¹⁰ AS 15.13.110(h).

¹¹¹ AS 15.13.110(g).

AHE violated AS 15.13.110(h) by failing to file three independent expenditure reports, and instead reporting the expenditures late on its First Quarter Report. Further AHE violated AS 15.13.110(g) by filing inaccurate First and Second Quarter Reports and by filing its Second Quarter Report six days late. As noted above, Staff has issued civil penalty assessments for all three independent expenditure violations and the late Second Quarter violation and AHE has been notified that the assessments are being referred to the Commission because they have not been appealed or paid. Accordingly, Staff recommends that those allegations be dismissed without prejudice as they are being addressed under the ordinary civil penalty procedure for late-filed reports consistent with 2 AAC 50.855 and 2 AAC 50.895.

Complainant also alleges that AHE violated AS 15.13.040(b), AS 15.13.074(b), and AS 15.13.110(k) by failing to accurately report the source of the contributions it received.¹¹² Specifically, Complainant contends that AHE reports showing RCEA as the contributor are inaccurate because, as alleged by Complainant, RCEA appears to have been specifically created as a pass-through for the dual purposes of unlawfully obtaining a tax deduction for donors and obscuring the actual source of the donations.¹¹³

A person may not contribute anonymously, using a fictitious name, or using the name of another.¹¹⁴ A contribution must be made in the name of the true source of the money or thing of value – a person may not contribute using the name of another; or use a third-party conduit.¹¹⁵ A person making independent expenditures is required to report contributions made to the person on its independent expenditure reports.¹¹⁶ For purposes of the AS 15.13.040(e) requirement to report contributors, the term “contribution” means the true source of the contribution.¹¹⁷

¹¹² Ex. 1 at p. 7.

¹¹³ *Id.*

¹¹⁴ AS 15.13.074(b).

¹¹⁵ 2 AAC 50.258(a).

¹¹⁶ AS 15.13.040(e).

¹¹⁷ AS 15.13.040(q).

Here, as discussed below, staff has concluded that the weight of the evidence establishes that Mr. Mathias, the President of RCEA and a Director of AHE, contributed \$90,000 to RCEA knowing that the contribution would be repurposed to support AHE through contributions as needed. Further, on its June 11, 2023, Statement of Contributions filed by Phillip Izon, Chair of AHE, Art Mathias is reported as the sole true source of the funds RCEA had, up to that point, contributed to AHE. On these facts, staff concludes that AHE violated AS 15.13.110(g) and AS 15.13.074(b) by filing inaccurate First and Second Quarter reports and for failing to report Mr. Mathias' contributions.

Complainant further alleges that AHE violated AS 15.13.040(b)-(c) when it reported a \$200,000 nonmonetary contribution from Phillip Izon.¹¹⁸ But, Complainant's assertion is based on the false assumption that the reported contribution was for Mr. Izon's efforts covering no longer than a calendar quarter.¹¹⁹ As Mr. Izon explained, the \$200,000 amount was an estimate of the value of his services through the end of AHE's campaign – a campaign only barely begun and still in the signature gathering stage – and was based on what he would have quoted if paid to do it. On these facts, staff concludes that there is insufficient evidence to find an AS 15.13 violation based on AHE's reporting of a \$200,000 nonmonetary contribution from Mr. Izon.

Complainant also alleges that AHE violated AS 15.13.040(j)-(k) by failing to notify its contributors who contributed \$500 or more of their obligation to file a statement of contributions report within 30 days. But, neither AS 15.13, the regulations adopted thereunder, or prior Commission decisions establish such a requirement. The statutory provisions cited by Complainant relate solely to the obligations of the person receiving the contribution; and do not include an obligation to inform contributors of their own, separate obligations under the statute. Accordingly, this allegation should be dismissed.

Finally, the investigation revealed that the Greater Alaska Chapter of the Association of Mature American Citizens hosted AHE's February 16, 2023, petition

¹¹⁸ Ex. 1 at p. 6.

¹¹⁹ *Id.*

signing event. Complainant contends that AHE violated AS 15.13 by not reporting a nonmonetary contribution from the Greater Alaska Chapter of the Association of Mature American Citizens, namely the Association’s act of providing the gymnasium space for AHE’s event.

The permission of the owner of real or personal property to post political signs; or to use space for an event is not considered a contribution unless the owner customarily charges a fee for that activity.¹²⁰ In AO 12-16-CD the Commission was asked whether a candidate was required to seek permission of the owner of the property when posting a sign on that property when it is occupied by another who has given permission to post the sign.¹²¹ The Commission found that APOC does not regulate who can or cannot grant permission to place signs on real or personal property, but, that in general a candidate must ensure that contributions or expenditures are reported when political signs are posted in areas for which a charge is ordinarily made.¹²²

Here, the Greater Alaska Chapter of the Association of Mature American Citizens, the lessee of space within a building, provided use of that space to AHE at no cost just as it has done for other persons. Nevertheless, because the gymnasium’s owner, Wellspring Ministries, customarily charges an at-cost fee for use of the gymnasium, Staff concludes that AHE violated AS 15.13.110(g) by failing to include a nonmonetary contribution from Wellspring Ministries on its First Quarter Report.¹²³

C. Ranked Choice Education Association

As a person making independent expenditures opposing an initiative application, RCEA was required to file independent expenditure reports.¹²⁴ These reports should have been filed within 10 days of making each expenditure.¹²⁵

¹²⁰ AS 15.13.040(i).

¹²¹ Exhibit 63, AO 12-16-CD, *Max Gruenberg*.

¹²² Ex. 63, at p. 3.

¹²³ Staff notes that under 2 AAC 50.250(B)(1)(a) the amount of the contribution would not be the de minimis amount WM charges WF for the use of the space that WF granted to AMAC, but rather should be the normal market charge for a similar space.

¹²⁴ AS 15.13.040(d).

¹²⁵ AS 15.13.110(h).

As a person opposing an initiative application, RCEA was also required to file quarterly reports no later than 10 days after the end of the quarter if it received contributions exceeding \$500 or made expenditures exceeding \$500 within a calendar year.¹²⁶

Here, RCEA violated AS 15.13.040(d) and AS 15.13.110(h) by failing to timely file independent expenditure reports; and AS 15.13.110(g) by failing to timely file a 2022 Fourth Quarter Report.

Complainant contends that RCEA violated AS 15.13 by making a cash contribution of \$2,358 to AHE. A person may not make a cash contribution that exceeds \$100.¹²⁷ RCEA concedes that it made the cash contribution in violation AS 15.13.074(e).

Complainant further contends that RCEA violated AS 15.13.074(b) by making contributions in the name of another.¹²⁸ Specifically, Complainant contends that RCEA was created for the purpose of laundering donations to AHE.¹²⁹ Staff does not agree. As discussed above, it is abundantly clear that RCEA has been involved in substantial activities in the lower-48 to further its mission of warning Americans about what it perceives to be the flaws and negative aspects of ranked choice voting.

Complainant appears to be primarily concerned with the \$90,000 donation Mr. Mathias made to RCEA at the beginning of its existence. A person may not contribute anonymously, using a fictitious name, or using the name of another.¹³⁰ A contribution must be made in the name of the true source of the money or thing of value – a person may not contribute using the name of another; or use a third-party conduit.¹³¹ A person making independent expenditures is required to report contributions made to the person on its independent expenditure reports.¹³² For purposes of the AS 15.13.040(e) requirement to report contributors, the term “contribution” means the true source of the contribution.¹³³

¹²⁶ AS 15.13.110(g).

¹²⁷ AS 15.13.074(e)

¹²⁸ Ex. 1, at p. 19.

¹²⁹ *Id.*

¹³⁰ AS 15.13.074(b).

¹³¹ 2 AAC 50.258(a).

¹³² AS 15.13.040(e).

¹³³ AS 15.13.040(q).

Here, RCEA has filed only two statement of contributions reports – the first one on May 9, 2023, identifying four contributions in excess of \$500 all made in February, 2023, that did not identify Mr. Mathias as the true source and a June 11, 2023 report showing one additional contribution in excess of \$500, but reporting Mr. Mathias as the true source of all previous contributions to AHE.¹³⁴ Accordingly, staff concludes that RCEA’s May 9, 2023, statement of contribution report violated AS 15.13.074(b); and that the allegation should be dismissed with respect to the June 11, 2023, statement of contributions report.

Wellspring Ministries/Wellspring Fellowship

A person who contributes \$500 or more to a group organized for the principal purpose of filing an initiative proposal application with the Lieutenant Governor or that has filed an initiative proposal application with the Lieutenant Governor, is required to report that contribution no later than 30 days after the contribution is made.¹³⁵

Wellspring Ministries leases office space and a gymnasium/auditorium to Wellspring Fellowship. Wellspring Fellowship allows RCEA to receive to use its leased conference room for meetings typically taking an hour to an hour and a half once every two to three months.

Complainant alleges that Wellspring Fellowship violated AS 15.13.040(k) by failing to report its contribution of access to its leased premises to RCEA.¹³⁶ But, that section of AS 15.13 only applies to contributions made to groups organized for the principal purpose of influencing a ballot proposition; or groups organized for the principal purpose of filing an initiative application or that has filed an initiative application.¹³⁷ RCEA is not such a group because it did not file an application to propose the initiative 22AKHE. Accordingly, Staff recommends that this allegation be dismissed.

3. Identification of Political Communications

¹³⁴ RCEA has filed no other reports although required to do so.

¹³⁵ AS 15.13.040(k)

¹³⁶ Ex. 1, at p. 22.

¹³⁷ AS 15.13.040(k).

Alaska’s campaign disclosure law requires all communications to be identified using the words “paid for by” followed by the name and address of the person paying for the communication.¹³⁸ For a person other than an individual or candidate, the identifier must include the name and title of the person’s principal officer; and a statement from the principal officer approving the communication; and, unless the person is a political party, the name, city and state of each of the person’s top 3 contributors, if any.¹³⁹

A “communication” is defined as “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).”¹⁴⁰

A political communication is further defined to include press releases and material on an internet website.¹⁴¹ For a communication containing a video component by broadcast, cable, satellite, internet or other digital communication, the paid for by identifier must remain on the screen throughout the entirety of the communication.¹⁴²

A. Alaskans for Honest Government

AHG’s website identifier has, at all times relevant, stated only that it was paid for by AHG and that it is not authorized by any candidate or candidate’s committee.

Here, because AHG’s internet website failed to identify its principal officer, provide a statement from its principal officer approving the communication and name its top three contributors, staff concludes that AHG violated AS 15.13.090(a).

B. Alaskans for Honest Elections

AHE purchased a web domain on November 11, 2022. Between November 19, 2022, and April 6, 2023, the paid for by identifier on AHE’S website did not name its

¹³⁸ AS 15.13.090(a).
¹³⁹ AS 15.13.090(a)(2).
¹⁴⁰ AS 15.13.400(3).
¹⁴¹ 2 AAC 50.306(e)(2)(A) and (B).
¹⁴² AS 15.13.090(c).

principal officer, did not include a statement from the principal officer approving the communication and did not name AHE’S top three contributors. But, by at least April 21, 2023, the website had been amended to add all the information required by AS 15.13.090(a). Accordingly, staff concludes that AHE violated AS 15.13.090(a) for failing to have a complete paid-for-by identifier on its website between November 19, 2022, and April 6, 2023.

AHE posted 15 videos that urge the viewer to reject ranked choice voting for various reasons and to sign the 22AKHE petition booklets. The written portion of the paid-for-by identifiers do not comply with AS 15.13.090(a) and what was present did not remain on the screen throughout the entirety of the video as required. Accordingly, staff concludes that AHE’s videos did not comply with the identification requirements set out AS 15.13.090(a) and (c).

C. Ranked Choice Education Association

RCEA’s first domain was an express communication requiring a paid-for-by identifier. Because the first domain did not have a paid for by identifier, staff concludes that RCEA violated AS 15.13.090(a).

4. Art Mathias

A person may not contribute using the name of another.¹⁴³ A contribution must be made in the name of the true source of the money or thing of value – a person may not contribute using the name of another; or use a third-party conduit.¹⁴⁴

Mr. Mathias was one of the three sponsors of the application to propose initiative 22AKHE along with Phillip Izon and Jamie R. Donley.

On December 22, 2022, Mr. Mathias contributed \$90,000 to RCEA. Mr. Mathias is the President of RCEA. On its June 11, 2023, Statement of Contributions Report, RCEA reported that its current total annual contribution to AHE was \$90,000 with Art Mathias as the single true source of the funds. At the launch of the 22AKHE initiative signature

¹⁴³ AS 15.13.074(b).

¹⁴⁴ 2 AAC 50.258(a).

gathering drive the following was attributed to Mr. Mathias: “Mathias said he’s donated \$100,000 to the effort, and the campaign has raised \$400,000 from out of state.”¹⁴⁵

Mr. Mathias contends that by “the effort” he meant the overall effort that *both AHE and RCEA* were involved in¹⁴⁶, with AHE working to repeal ranked choice voting in Alaska, and RCEA working to educate Americans against the concept of ranked choice voting.¹⁴⁷

On these facts, staff concludes that the weight of the evidence establishes that Mr. Mathias contributed his funds to RCEA knowing that they would be repurposed to support AHE through contributions as needed and thereby violated AS 15.13.074(b) and 2 AAC 50.258(a).

In reaching its conclusion concerning Mr. Mathias’ contributions, staff has not considered Complainant’s assertions concerning unlawful tax deductions because that is an IRS issue, clearly outside of APOC’s jurisdiction.

Every person contributing \$500 or more to an initiative application group is required to report that contribution on a form prescribed by the Commission not later than 30 days after making the contribution.¹⁴⁸ Here, staff concludes that Mr. Mathias contributed \$90,000 AHE using RCEA as a third party conduit. Because Mr. Mathias failed to file a statement of contributions report, staff concludes that he violated AS 15.13.040(k); and AS 15.13.074(b) by using RCEA as a third party conduit.

5. Phillip Izon

Complainant appears to allege that Mr. Izon should be held personally responsible for any violations that may have been committed by any of the Respondents under his direction.¹⁴⁹ Staff can find nothing in AS 15.13, the regulations adopted thereunder, or decisions of the Commission that would support assessing personal liability against an

¹⁴⁵ Ex. 35.

¹⁴⁶ Emphasis added.

¹⁴⁷ Ex. 51, at paragraph 4.

¹⁴⁸ AS 15.13.040(k).

¹⁴⁹ Exhibit 1 at p. 11.

individual that directs the activities of a person subject to AS 15.13. Accordingly, Staff recommends that this allegation be dismissed.

CONCLUSION

1. Alaskans for Honest Government

Staff recommends that the Commission find that AHG violated AS 15.13.110(h) for failing to file an independent expenditure report in connection with its purchase of a web domain; AS 15.13.110(g) for its failure to file a 2022 Fourth Quarter Report; and AS 15.13.090 for failure to place a compliant paid for by identifier on its website.

2. Ranked Choice Education Association

Staff recommends that the Commission find that RCEA violated AS 15.13.050 by failing to register before making expenditures; AS 15.13.110(h) for failing to file an independent expenditure report in connection with its purchase of a web domain; AS 15.13.110(g) for its failure to file a 2022 Fourth Quarter Report; AS 15.13.074(e) for making a cash contribution in excess of \$100; and AS 15.13.090 for failure to place a compliant paid for by identifier on its website.

Staff recommends that the Commission find that RCEA violated AS 15.13.074(b) by reporting that it was the contributor to AHE, when Mr. Mathias was the true source of the contributions.

3. Alaskans for Honest Elections

Staff recommends that the Commission find that AHE violated AS 15.13.050 by failing to timely register; AS 15.13.110(g) and AS 15.13.074(b) by failing to file accurate Quarterly Reports and by naming RCEA as a contributor; and AS 15.13.090 for failure to place compliant paid for by identifiers on its website and YouTube videos.

Staff recommends that the allegations concerning the alleged fraudulent contribution of Mr. Izon: and the failure to notify contributors of a duty to file statement of contribution reports be dismissed.

Staff recommends that the allegations concerning late-filed reports be dismissed without prejudice as they are being addressed under the ordinary civil penalty procedure

for late-filed reports consistent with 2 AAC 50.855 and 2 AAC 50.895 and the assessed civil penalties were paid.¹⁵⁰

4. Art Mathias

Staff recommends that the Commission find that Art Mathias violated AS 15.13.074(b) and 2 AAC 50.258(a) by contributing funds to AHE in the name of another.

5. Wellspring Ministries/Wellspring Fellowship

Staff recommends that the allegation concerning failure to report a contribution of access to its leased premises to RCEA be dismissed.

6. Phillip Izon

Staff recommends that the Commission dismiss the allegation that Mr. Izon is personally responsible for violations committed by persons under his control.

MAXIMUM CIVIL PENALTIES

1. Registration Violations

The maximum civil penalty for failure to timely register is \$50 per day for each day the violation continues.¹⁵¹

Here, AHE was required to register no later than January 20, 2023, but did not do so until March 20, 2023 a period of 59 days resulting in a maximum civil penalty of \$2,950.

RCEA was required to register as of December 22, 2022, when it acquired its First Domain: a period of 196 days¹⁵² resulting in a maximum civil penalty of \$9,850.

2. Reporting Violations

A person making an independent expenditure must file an independent expenditure report not less than 10 days after the expenditure has been made;¹⁵³ and a person required to file a quarterly report must file it within 10 days of the end of the quarter.¹⁵⁴ The

¹⁵⁰ Exhibit 64, September 8, 2023 Payment Receipt.

¹⁵¹ AS 15.13.390(a).

¹⁵² Staff tolled the running of all civil penalties as of July 5, 2023, the date the complaint was filed.

¹⁵³ AS 15.13.110(h).

¹⁵⁴ AS 15.13.110(g)

maximum civil penalty for failing to timely file a 10-day independent expenditure report and a quarterly report are both \$50 per day for each day the violation continues.¹⁵⁵

Here, RCEA was required to file an independent expenditure report in connection with the purchase of its web domain on December 22, 2022: a period of 186 days resulting in a maximum civil penalty of \$9,300.

RCEA was also required to file a 2022 Fourth Quarter report no later than January 10, 2023: a period of 177 days resulting in a maximum civil penalty of \$8,850.

RCEA misreported by failing to disclose Art Mathias as the true source of its contribution to AHE on its May 9, 2023 statement of contribution report. The maximum civil penalty for misreporting or failing to disclose the true source of a contribution in violation of AS 15.13.074(b) is not more than the amount of the contribution that was misreported or not disclosed.¹⁵⁶ RCEA misreported that it was the contributor to AHE on its May 9, 2023 statement of contributions report which totaled \$79,740 resulting in a maximum civil penalty of \$79,740.

AHG was required to file an independent expenditure report 10 days after the application to propose initiative 22AKHE was filed on November 23, 2022, and AHG continued to promote AHE's efforts in connection with 22AKHE: a period of 215 days resulting in a maximum civil penalty of \$10,750.

AHG was also required to file a 2022 Fourth Quarter Report no later than January 10, 2023: a period of 177 days resulting in a maximum civil penalty of \$8,850.

Art Mathias was required to file a statement of contributions report within 30 days of making his \$90,000 contribution to AHE (through RCEA) on December 22, 2022: a period of 166 days resulting in a maximum civil penalty of \$8,300.

Art Mathias violated AS 15.13.074(b) and 2 AAC 50.258(a) by using RCEA as a third party conduit for his contribution to AHE. The maximum civil penalty for a violation of AS 15.13.074(b) is the amount of the contribution that is the subject of misreporting or

¹⁵⁵ AS 15.13.390(a).

failure to disclose.¹⁵⁷ Here, the amount undisclosed is \$90,000 resulting in a maximum civil penalty of no more than \$90,000.

Paid-for-By Identifier Violations

The maximum civil penalty for failing to provide a required paid-for-by identifier is \$50 per day for each day the violation continues.¹⁵⁸

AHG’s website failed to provide a compliant paid for by identifier from November 23, 2022, the date the sponsors’ application to propose initiative 22AKHE was filed with the Lieutenant Governor: a period of 225 days resulting in a maximum civil penalty of \$11,250.

RCEA’s website failed to provide a compliant paid-for-by identifier from December 22, 2022, through May 23, 2023, when it purchased a new web domain: a period of 153 days resulting in a maximum civil penalty of \$7,650.

AHE’s website failed to provide a compliant paid-for-by identifier from November 23, 2022, the date sponsors’ application to propose initiative 22AKHE was filed with the Lieutenant Governor through April 6, 2023: a period of 135 days resulting in a maximum civil penalty of \$6,750.

AHE’s YouTube videos failed to provide compliant paid-for-by identifiers for various amounts of time depending on when each video was posted. The combined amount of time that the videos were posted without a compliant paid-for-by identifier is 61 months or 1,830 days resulting in a maximum civil penalty of \$91,500.

MITIGATION AND RECOMMENDATION

A civil penalty may be reduced by up to 50% if the person required to file is an inexperienced filer.¹⁵⁹ An inexperienced filer is one that has been subject to a reporting requirement for less than 365 days. All of Respondents have been subject to a reporting requirement for less than 365 days.

¹⁵⁷ AS 15.13.390(a)(3).

¹⁵⁸ AS 15.13.390(a).

¹⁵⁹ 2 AAC 50.865(a)(1)(B).

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.¹⁶⁰

Here, staff recommends that the maximum civil penalties for all violations except for the AS 15.13.074(b) violations be reduced by 90% because the maximum civil penalties are significantly out of proportion to the degree of harm suffered by the public; the Respondents are all inexperienced filers; inaccurate advice from APOC staff contributed to Respondent's failed attempts to comply with AS 15.13 until February 23, 2023, when the Commission's director corrected the inaccurate advice; and because the harm caused by the paid for by identifier violations was mitigated to some extent by the less compliant, but nevertheless, identifying information that was provided on the websites and videos. Under these circumstances staff believes a substantial reduction of the maximum civil penalties is warranted. Accordingly, staff recommends a civil penalty of \$3,085 for AHG's violations; \$3,565 for RCEA's violations; and \$10,120 for AHE's violations.

Staff recommends that the AS 15.390(a)(3) maximum civil penalties with respect to Mr. Mathias and RCEA in connection with contributing in the name of another be reduced by 75% to \$22,500 and \$19,935 respectively because both are inexperienced filers and because RCEA ultimately reported that Mr. Mathias was the true source of its contributions to AHE on its June 11, 2023 statement of contributions report. Staff does not recommend further reduction because, given the size of the contribution, staff believes that the harm suffered by the public was substantial.

¹⁶⁰ 2 AAC 50.865(b)(5).

Respondent	Violation	Statute	Staff Report Max Civil Penalty	Respondents' Concessions	ABE Recommended Max Penalty
AHE	Failure to Register	AS 15.13.050	\$ 2,950.00	\$ 2,950.00	\$ 1,250.00
AHE	Failure to Include Top Three Contributors Disclaimer on Website	AS 15.13.090(a)	\$ 6,750.00	\$ 6,750.00	\$ 6,750.00
AHE	Failure to Include Paid For By for YouTube Videos	AS 15.13.090(a), (c)	\$ 91,500.00	\$ 91,500.00	\$ 91,500.00
AHE Total			\$ 101,200.00	\$ 101,200.00	\$ 99,500.00
Respondent	Violation	Statute	Staff Report Max Civil Penalty	Respondents' Concessions	ABE Recommended Max Penalty
AHG	Failure to Register	AS 15.13.050	\$ -	\$ -	\$ 11,250.00
AHG	Failure to File 10-Day Report on 12/4/2022	AS 15.13.110(h)	\$ 10,750.00	\$ 10,750.00	\$ 10,750.00
AHG	Failure to File Fourth Quarterly Report	AS 15.13.110(g)	\$ 8,850.00	\$ 8,850.00	\$ 8,850.00
AHG	Failure to File First Quarterly Report	AS 15.13.110(g)	\$ -	\$ -	\$ 4,300.00
AHG	Failure to Include Top Three Contributors Disclaimer on Website	AS 15.13.090(a)	\$ 11,250.00	\$ 11,250.00	\$ 11,250.00
AHG Total			\$ 30,850.00	\$ 30,850.00	\$ 46,400.00
Respondent	Violation	Statute	Staff Report Max Civil Penalty	Respondents' Concessions	ABE Recommended Max Penalty
Art Mathias	Failure to File a Statement of Contribution	AS 15.13.040(k)	\$ 8,300.00	\$ -	\$ 8,300.00
Art Mathias	Failure to Disclose or Misreporting	AS 15.13.074(b)	\$ 90,000.00	\$ -	\$ 270,000.00
Art Mathias Total			\$ 98,300.00	\$ -	\$ 278,300.00
Respondent	Violation	Statute	Staff Report Max Civil Penalty	Respondents' Concessions	ABE Recommended Max Penalty
RCEA	Failure to Register	AS 15.13.050	\$ 9,850.00	\$ 9,850.00	\$ 9,850.00
RCEA	Failure to File 10-Day Report on 1/1/2023	AS 15.13.110(h)	\$ 9,300.00	\$ 9,300.00	\$ 9,300.00
RCEA	Failure to File Fourth Quarterly Report	AS 15.13.110(h)	\$ 8,850.00	\$ 8,850.00	\$ 8,850.00
RCEA	Failure to File First Quarterly Report	AS 15.13.110(g)	\$ -	\$ -	\$ 4,300.00
RCEA	Failure to Disclose or Misreporting	AS 15.13.074(b)	\$ 79,740.00	\$ -	\$ 272,220.00
RCEA	Failure to Include Paid For By on Website	AS 15.13.090(a)	\$ 7,650.00	\$ 7,650.00	\$ 7,650.00
RCEA Total			\$ 115,390.00	\$ 35,650.00	\$ 312,170.00

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

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

ORDER RE: FINAL ORDER TIMING

This complaint matter was heard along with two others at a special meeting of the Alaska Public Offices Commission on November 16, 2023. Normally the Commission issues orders within ten days after a meeting.¹ However, unusual circumstances require more time for the matters heard at that meeting, and all three orders will issue on or before January 5, 2024.

The primary reason for this extension is the large volume of material and the complexity of the matters heard at the meeting. Secondary reasons include intervening holidays and office closures due to weather and resulting building damage at the Department of Law. Because of office closure, this order will be served only by email.

Dated: November 27, 2023.

¹ AS 15.13.380(e); 2 AAC 50.891.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²

Certificate of Service: I hereby certify that on this date, I served, by email ONLY a true and correct copy of the foregoing in this proceeding on the following:	
Kevin Clarkson Law Offices of Kevin Clarkson 2223 Latona Dr. NE Keizer, OR 97303 kckarkson@gci.net Sam Gottstein Cashion Gilmore & Lindemuth 510 L Street, Suite 601 Anchorage, AK 99501 sam@cashiongilmore.com scott@cashiongilmore.com	and by email to: Heather Hebdon Executive Director Public Offices Commission heather.hebdon@alaska.gov

Paralegal

Date

² Order approved by Commissioners Richard Stillie, Dan LaSota, Lanette Blodgett, and Suzanne Hancock. Commissioner Eric Feige did not participate in the November 16 special meeting.

To: Alaska Public Offices Commission

From: **RESPONDENTS:**
Alaskans for Honest Elections
Ranked Choice Education Association
Alaskans for Honest Government
Wellspring Ministries
Art Matthias
Phillip Izon

Re: **Answer to Complaint filed by Alaskans for Better Elections**

The Respondents, Alaskans for Honest Elections (“AHE”); Ranked Choice Education Association (“RCEA”); Alaskans for Honest Government (“AHG”); Wellspring Ministries (“WM”); Wellspring Fellowship (“WF”); Art Matthias; and Phillip Izon, answer the July 5, 2023, complaint and the July 25, 2023, Second Supplement filed by Alaskans for Better Elections (“ABE”) as follows:

I. SUMMARY OF ANSWER

ABE’s allegations are overwrought, largely half-baked, and attempt to make much ado about very little. AHE asks that ABE’s complaint, and its supplements, be dismissed. AHE commits itself to compliance with Alaska’s campaign finance laws and commits to working with APOC staff to ensure future compliance.

In late 2022, Art Matthias, Phillip Izon and other like-minded Alaskans (hereafter “Alaskans”), dissatisfied with ranked choice voting (“RCV”) in Alaska, began efforts to undo most or all of 19AKBE, also known as Ballot Measure 2, which had put RCV in place in Alaska in November 2020. In that vein Alaskans formed Alaskans for Honest Elections (“AHE”) as a

ABE's complaint reflects its misunderstanding of RCEA's business form, tax-exempt status, and activities. RCEA is a non-profit, tax-exempt organization, but was not formed under IRC §501(c)(3). RCEA is organizationally related to Wellspring Fellowship ("WF"), a Washington non-profit corporation and church that is tax-exempt under IRC §508(c)(1)(A). As an integrated auxiliary of WF, RCEA is also tax-exempt under IRC §508(c)(1)(A). RCEA acts to educate Americans in the lower-48 regarding the flaws and negative aspects of RCV. Despite ABE's unsupported allegations to the contrary, RCEA is not involved in the effort to introduce or promote 22AKHE.

WM, which is a separate entity than WF, is an IRC §501(c)(3) tax-exempt Faith Based Organization ("FBO") that operates a Christian ministry from Anchorage, Alaska. ABE has confused WM with WF. Other than having some of the same individuals in leadership positions within the organizations, WM and WF are not related. ABE latches onto the innocuous fact that WM owns the building and real property located at 2511 Sentry Dr. in Anchorage, Alaska and therein rents a mail depository and a modicum of office space to WF's integrated auxiliary, RCEA, to reach the erroneous conclusion that WM is involved in, or making contributions to, the efforts to introduce and promote 22AKHE. WM is not involved with introducing or promoting 22AKHE. Incidentally, WM also rents its gymnasium to WF for use as a worship hall for WF's Sunday church services, but this is plainly not within APOC's jurisdiction.

ABE likewise misunderstands AHG. AHG was formed as a Political Action Committee ("PAC") prior to Alaska's November 2022 general election to conduct independent expenditure activities related to Alaska's federal Congressional and U.S. Senate races. It is for this reason that AHG registered with the Federal Election Commission ("FEC"). Why ABE is mystified by AHG's FEC registration is unclear. Izon registered AHG with APOC in early November 2022 in

RCEA has no relationship to WM. RCEA is a “Church Integrated Auxiliary”³⁰ of another Washington non-profit corporation and §508(c)(1)(A) entity, Wellspring Fellowship, which is a church. Despite at one point in its complaint quoting RCEA’s Articles of Incorporation correctly,³¹ ABE confuses WF with WM.³² ABE corrected its misstatements and added allegations against WF in its July 24, 2023, Second Supplement, but its allegations about WF are baseless.

As an integrated auxiliary of WF, RCEA functions as an educational organization that consistent with its purposes seeks to “[t]rain, develop, and support leaders in our community and nation as called for in our beliefs,” and “to engage in activities for the accomplishment of the purposes.”³³ In states and jurisdictions in the lower-48 where RCV is being considered, RCEA distributes and presents educational material and sends its representatives to speak at educational/informative events. RCEA’s materials and speaking presentations are designed to educate Americans on the flaws and negative aspects of RCV. RCEA’s materials and speaking presentations make no reference to 22AKHE.

Matthias and Izon have travelled to approximately eight states in the lower-48 to speak and consult with community members and leaders regarding efforts to adopt or ban RCV in those states. RCEA has scheduled more trips and speaking/consulting engagements for Matthias and Izon in additional states through September 2023.³⁴ None of this activity relates to promoting

³⁰ See Ex. B, p. 1.

³¹ Complaint p. 14 (“RCEA ‘is an Integrated Auxiliary of the Founding Church, Wellspring Fellowship of Alaska.’”).

³² ABE originally wrongly confused WF with WM, calling WF “another Respondent in this Complaint.” Complaint p. 14. WF was not an originally named Respondent in the complaint. Only WM was named as a Respondent in ABE’s original complaint. Complaint p. 1.

³³ See Ex. B, p. 1.

³⁴ Izon Aff. ¶ 6.

22AKHE—the simple fact that RCEA focusses on RCV as a general concept and uses Alaska as an example of RCV’s flaws and negative effects on elections, voter turnout, and candidate speech, does not mean that RCEA is working to advance 22AKHE. If ABE’s idea was law, then other organizations opposing RCV in the lower-48 would have reporting obligations to APOC despite their complete unawareness of and lack of involvement with 22AKHE. And ABE’s notion regarding Alaska’s registration and reporting requirements would violate the First Amendment.

Other than making donations to AHE that were reported to APOC, RCEA is not involved in the efforts to introduce and/or promote 22AKHE in Alaska. RCEA is not a “group” as defined in AS 15.13.400(9)(B) because it is not organized “for the principal purpose of influencing the outcome of one or more elections” nor does it “take action the major purpose of which is to influence the outcome of an election.”

Likewise, WF is not involved in the efforts to introduce and/or promote 22AKHE in Alaska. WF is also not a “group” as defined in AS 15.13.400(9)(B) because it is not organized “for the principal purpose of influencing the outcome of one or more elections” nor does it “take action the major purpose of which is to influence the outcome of an election.” Regardless of its Supplement filed July 24, 2023, ABE has stated no basis for its allegations against WF.

RCEA does not advocate for 22AKHE, and ABE has presented no facts to support its claim to the contrary. ABE admits that 22AKHE is not mentioned on RCEA’s web page (Complaint p. 15), and ABE has presented no other facts to support its allegations than the fact that Matthias and Izon are involved in RCEA and that RCEA focusses upon RCV and at one time mentioned “Alaska” on its web page in reference to who it is that is pushing RCV on America and Alaska. Matthias and Izon are perfectly entitled to engage in constitutionally

protected educational speech activity for RCEA regarding the flaws and faults of RCV as a general concept. And RCEA is constitutionally entitled to mention Alaska to those it seeks to educate in the lower-48 as a prime example of RCV’s flaws and negative effects. RCEA is also entitled to inform Americans who it is that seeks to push RCV on Americans—including Alaska as a prime example.

The fact that RCEA rents a mail depository and some small semblance of office space from WM is wholly insignificant to APOC. With all due respect to APOC, RCEA’s rental relationship with WM is not within APOC’s jurisdiction.

1. Alleged Violations by RCEA

a. Unlawful Cash Contribution

RCEA’s contributions to AHE were perfectly legal. ABE’s salacious allegations about “laundering” or giving in the name of another, are unsuitable as related to RCEA and Matthias. RCEA was entitled to make donations to AHE. ABE’s references to the limitations placed on IRC §501(c)(3) organizations are out of place with respect to RCEA.

RCEA and Matthias made no effort to hide the fact that Matthias gave the initial contribution to RCEA. See Ex. A. And although not required, RCEA, in an effort to be candid with the Alaska public, reported to APOC that Matthias made contributions to RCEA. Currently, RCEA has other donors than Matthias and funds its educational activities outside Alaska with those contributions. RCEA and its donors are not within APOC’s jurisdiction, and they have constitutionally protected rights to free speech, association, and associational privacy that ABE’s complaint urges APOC to infringe. APOC should not take ABE’s bait.

b. Donations Made in the Name of Another

See response above.

c. Failure to Register as a Ballot Group Prior to Undertaking Campaign Activity

See response above.

d. Failure to File any Quarterly Reports

See response above.

e. Failure to File any 10-day Independent Expenditure Reports

See response above.

f. Failure to Report Top Three Donors

See response above.

g. Other Violations Not Pleaded

See response above.

E. Wellspring Ministries

ABE originally confused WM with WF. WM has no political involvement in any matters, let alone 22AKHE. WM is a non-profit tax-exempt IRC §501(c)(3) entity that focusses on its Christian ministry. The fact that WM owns property and rents a mail depository and some small modicum of office space to RCEA is irrelevant to APOC.

1. Alleged Violations by Wellspring

a. Failure to Report In-kind Contributions to RCEA

See responses above.

b. Other Violations Not Pleaded

This allegation states nothing of substance that requires a response.

F. Art Matthias

Matthias is a director of AHE. Matthias is also a director for RCEA. He also holds positions with WM and WF. Matthias' holding these various positions with multiple organizations is perfectly legal. Matthias was perfectly entitled to donate to RCEA, and he

III. CONCLUSION

Respondents ask that ABE's complaint be dismissed. The minor reporting mistakes AHE has made with respect to the timing and correctness of reporting have either already been addressed by APOC or have been subsequently corrected or can be easily corrected.

Dated this 26th day of July, 2023.

Law Offices of Kevin G. Clarkson

Kevin G. Clarkson

By _____
Kevin G. Clarkson

Law Offices of Kevin G. Clarkson
2223 Latona Dr. NE
Keizer, OR 97303
kclarkson@gci.net
(907) 748-4788

To: Alaska Public Offices Commission
From: RESPONDENTS:
Alaskans for Honest Elections
Ranked Choice Education Association
Alaskans for Honest Government
Wellspring Ministries
Art Matthias
Phillip Izon

Case No. 23-01-CD

Re: Reply to Response to Answer to Complaint filed by Alaskans for Better Elections and Third Supplement to Complaint

The Respondents, Alaskans for Honest Elections (“AHE”); Ranked Choice Education Association (“RCEA”); Alaskans for Honest Government (“AHG”); Wellspring Ministries (“WM”); Wellspring Fellowship (“WF”); Art Matthias; and Phillip Izon, reply to (1) the Response to Answer filed August 1, 2023, and (2) the Third Supplement in Support of Complaint filed August 8, 2023, each filed by Alaskans for Better Elections (“ABE”) as follows:

SUMMARY

ABE’s complaint and subsequent filings are filled with political hyperbole designed to draw media and press attention. Making bombastic allegations, often without the slightest factual foundation, confusing Respondent entities—at first carelessly but later intentionally—and in some cases contradicting itself, ABE tries to conjure up bogeymen that it, and its friends, can slay. ABE’s allegations continue to be overwrought, largely half-baked, and attempt to make much ado about very little.

Misstating and Mischaracterizing Respondents' positions while also misreading and misunderstanding case law, ABE derides WF's and RCEA's IRC §508(c)(1)(A) tax-exempt status and asserts that IRC §501(c)(3) prohibits them from addressing what ABE calls the political issue of rank choice voting ("RCV"). Hypocritically, ABE does this while maintaining its own educational foundation, Alaskans for Better Elections Foundation ("ABEF"), as an IRC §501(c)(3) "charity" to which their donors may make tax deductible contributions.

Notwithstanding all of that, WF and RCEA's tax-exempt status is outside APOC's jurisdiction and is irrelevant to the issues here—namely, whether WM, WF, and RCEA are acting as ballot groups or otherwise disregarding Alaska's campaign finance laws—which they are not.

Izon and Dr. Matthias,¹ newcomers to campaigns, have made good faith efforts to guide AHE, the true ballot group for 22AKHE, through compliance with Alaska's campaign contribution and reporting rules. AHG was a group that focused on Alaska's November 2022 federal congressional election and nothing more. At most, ABE has pointed to how AHG, by trying to avoid public confusion, for a short time directed people away from its web page and to AHE and thereby perhaps gave AHE an in-kind donation. When AHG decided that it no longer served a purpose and innocently closed its web page to avoid any further of ABE's allegations, true to form, ABE filed its overwrought Third Supplement hysterically asserting that a coverup was afoot. The only thing that is afoot is ABE's overexcited reaction to AHG's closing its web page.

Izon and Dr. Matthias started their effort to repeal Ballot Measure 2 by consulting APOC for guidance. After initially getting some incorrect advice from APOC staff that they were not

¹ Art Matthias holds a PhD in counseling. Matthias Aff. ¶ 1.

“churches may somehow participate in campaigns, while at the same time being immune from regulation and disclosure requirements.”⁶

But in truth Respondents have never taken these positions or agreed that WM, WF, or RCEA were or are engaged in political activity or campaigning. Respondents position is that WM, WF, and RCEA were **not** and are **not** acting to promote or campaign for 22AKHE. Respondents position is that because WM, WF, and RCEA are not engaged in campaign activity related to 22AKHE, and because they are IRC §508(c)(1)(A) faith-based organizations that are engaged in pure First Amendment activity, their **non-campaign** free speech activity cannot be regulated by APOC.

Respondents certainly agree that if WM, WF, or RCEA were a ballot group—which they are not—then they would be subject to APOC’s jurisdiction in that respect. Further, RCEA fully agrees that it has submitted itself to APOC’s jurisdiction with respect to—and only with respect to—the donations it made to AHE. This is why RCEA filed its Form 15-5 with APOC.⁷ RCEA and Dr. Matthias went even further than they were lawfully required and disclosed to APOC and the public that Dr. Matthias made a sizeable donation to RCEA in December 2022.⁸

Alaska’s so-called “true source” and “dark money” disclosure requirements contained in AS 15.13.040(b) and AS 15.13.400(19), to the extent they apply to a ballot measure, violate the First and Fourteenth Amendments as applied to RCEA, a religious non-profit corporation. RCEA and its contributors have First Amendment rights to free speech, association, and

⁶ See Response, p. 4.

⁷ See Ex. V. Citations to lettered exhibits are to the exhibits that ABE filed with its complaint and subsequent supplements. Citations to numbered exhibits are to the exhibits Respondents have submitted with its answer and subsequent filings, including this pleading.

⁸ Ex. A, p. 2; Ex. 5; Matthias Aff. ¶ 4.

associational privacy that ABE’s suggested interpretation of Alaska law, namely AS 15.13.040(b) and AS 15.13.400(19), unconstitutionally infringes. *See, Americans for Prosperity v. Bonta*, 594 U.S. ___, 141 S. Ct. 2373 (2021) (“[i]t is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute as effective a restraint on freedom of association as [other] forms of governmental action”); *NAACP v. Alabama*, 357 U.S. 449, 462 (1958). The only disclosure that RCEA has objected to is the disclosure of its donors, those other than Dr. Matthias. Conditioning RCEA’s exercise of its First Amendment free speech and association rights—in the form of making donations to AHE—upon RCEA’s and its donors’ waiving their rights to free association and associational privacy, would be unconstitutional. *Bonta*, 594 U.S. ___, 141 S. Ct. 2373; *NAACP*, 357 U.S. at 462.

No matter how many times ABE repeats its empty allegations, WM is not engaged in campaigning for 22AKHE. WM is simply a faith-based organization with a religious mission that owns a building located at 2511 Sentry Dr., Anchorage, Alaska, wherein it leases a gymnasium to WF, a church, for its Sabbath services, along with a small amount of office space.⁹ WM has no direct interaction with RCEA or AHE.¹⁰ WM has not and is not acting to promote or campaign for 22AKHE and ABE has presented no evidence to show otherwise.¹¹

Once again, no matter how many times ABE repeats its empty allegations, WF is not campaigning for 22AKHE. WF is simply a church, with a congregation, that meets weekly in the gymnasium and operates from the office space it leases from WM.¹² WF then in turn sub-

⁹ In addition to WF, WM also leases space in its building to other churches and a private school. Matthias Aff. ¶ 5.

¹⁰ Matthias Aff. ¶ 5.

¹¹ Matthias Aff. ¶ 5.

¹² Matthias Aff. ¶ 6.

rents to its integrated auxiliary, RCEA (1) the right to have mail delivered to the space it leases from WM, and (2) the right to use its conference room—the conference room it leases from WM—for about 1 to 1 ½ hours every 2-3 months. WF has no direct interaction with AHE.¹³ WF has not and is not acting to promote or campaign for 22AKHE,¹⁴ and ABE has presented no evidence to the contrary, but instead only empty allegations.

RCEA is not engaged in campaigning for 22AKHE and is not a group under Alaska law. RCEA is an integrated auxiliary of the WF church.¹⁵ It is a non-profit corporation and an IRC § 508(c)(1)(A) tax-exempt organization.¹⁶ RCEA is an educational entity with a mission to educate Americans regarding the flaws and faults of ranked choice voting (“RCV”) as a general concept.¹⁷ RCEA rents a mail depository and some small semblance of office space from WF within its leased office space at 2511 Sentry Dr., Anchorage, Alaska—RCEA rents the use of the WF conference room for about 1 to 1 ½ hours every 2-3 months for an average of 4-6 hours per year.¹⁸ No matter how ABE tries to confuse and blend together WM and WF, they are separate and distinct legal entities.¹⁹

RCEA’s only direct involvement in the effort to repeal Ballot Measure 2 and promote 22AKHE is its contributions to AHE, the ballot group promoting the initiative.²⁰ RCEA made initial monetary contributions to AHE.²¹ Despite admitting that “RCEA’s website does not

¹³ Matthias Aff. ¶ 6.

¹⁴ Matthias Aff. ¶ 6.

¹⁵ Matthias Aff. ¶ 3, 7; Ex. B; IRC §508(c)(1)(A).

¹⁶ Matthias Aff. ¶ 7.

¹⁷ Matthias Aff. ¶ 7.

¹⁸ Matthias Aff. ¶ 7.

¹⁹ See Ex. B (“the Founding Church, WLLSPRING FELLOWSHIP OF ALASKA”) (emphasis added); Ex. F; Ex. 4; Matthias Aff. ¶ 2.

²⁰ Matthias Aff. ¶ 8; Ex. G, pp. 3, 9; Ex. V; Ex. 3.

²¹ Ex. G, pp. 3, 9; Ex. V; Ex. 3.

B. ABE Incorrectly Claims that Respondents “Concede” WM Has Provided In-Kind Office Space Contributions to Someone or Some Entity, and Has Numerous Financial Ties to RCEA and WF”

ABE claims that Respondents have admitted WM made some sort of reportable “in-kind” donations that are governed by APOC. Respondents have admitted no such thing. In truth Respondents have explained repeatedly that WM, which does nothing to support 22AKHE, merely leases a gymnasium and office space to a church, WF, which also does nothing to support 22AKHE.²⁹ WF then sub-rents to RCEA, its integrated auxiliary, the right to (1) have mail delivered to its leased space at 2511 Sentry Dr.; and (2) use its conference room within its leased space for about 1 to 1 ½ hours every 2-3 months (an average of 4-6 hours annually). RCEA, like WM and WF, is not a ballot group, and is not working to promote 22AKHE.³⁰

II. ABE’s Assertion That RCEA is Subject to IRC §501(c)(3) Restrictions is Both Irrelevant to APOC’s Inquiry, and Incorrect

Whatever WF’s and RCEA’s IRC §508(c)(1)(A) status means, it is wholly irrelevant to APOC’s inquiry in this case. With all due respect to APOC, the meaning and implications of WF’s and RCEA’s IRC §508(c)(1)(A) tax-exempt status is a matter of federal law subject to IRS jurisdiction. The IRS has not and is not questioning WF or RCEA’s tax-exempt status.³¹ Nor

²⁹ Answer, p. 3, 20; First Amended Answer, pp. 3 (“WM rents its gymnasium to WF for use as a worship hall for WF’s Sunday church services, along with a small amount of office space, but this is plainly not within APOC’s jurisdiction. WF in turn provides its integrated auxiliary, RCEA, the right to have mail delivered to the address and the periodic use of a conference room (approximately 1 to 1 ½ hours every 2-3 months for about 4-6 hours annually”); p. 20 (“The fact that RCEA rents a mail depository and some small semblance of office space from WF is wholly insignificant to APOC. With all due respect to APOC, WM’s rental relationship with WF and WF’s rental relationship with RCEA is not within APOC’s jurisdiction”); p. 21 (“The fact that RCEA rents a mail depository and some small semblance of office space from WF is wholly insignificant to APOC. With all due respect to APOC, WM’s rental relationship with WF and WF’s rental relationship with RCEA is not within APOC’s jurisdiction.”).

³⁰ Matthias Aff. ¶ 8.

³¹ Matthias Aff. ¶ 8.

addressing the taxpayer’s lack of proof is exactly what the Tax Court proceeded to do following its dicta.⁴³

ABE demonstrates its misunderstanding of IRC §501(c)(3) status further, literally making the unlearned suggestion that churches cannot participate in political free speech or campaign activity.⁴⁴ In truth, every IRC §501(c)(3) or IRC §508(c)(1)(A) entity has a First Amendment right to engage in political speech or campaign activity—the only arguable consequence to one of these entities for engaging in free political speech or campaign activity (subject to constitutional challenges of course), is the loss of advance determination of tax deductibility for contributors.⁴⁵ Contributors to entities lacking a IRC §501(c)(3) predetermination must, *if audited*, bear the burden to prove that the entity qualifies for tax deductible donations.

Viewed apart from ABE’s mischaracterizations, Respondents simple points were and are that (1) WM, WF, and RCEA are not ballot groups subject to APOC’s jurisdiction; and (2) WM, WF, and RCEA’s *non-campaign related speech and association activity* are both constitutionally protected and outside APOC’s jurisdiction. Despite ABE’s failed attempt at derision, there is nothing controversial about Respondents’ position.⁴⁶

⁴³ *Id.* at * 7.

⁴⁴ Response, p. 4 (“does not permit a 508(c)(1)(A) organization to engage in campaign activities.... For APOC to conclude that churches may somehow participate in campaigns....”).

⁴⁵ *Rossotti*, 211 F.3d at 142-43 (“Because of the unique treatment churches receive under the Internal Revenue Code, the impact of the revocation is likely to be more symbolic than substantial. As the IRS confirmed at oral argument, if the Church does not intervene in future political campaigns, it may hold itself out as a 26 U.S.C. § 501(c)(3) organization and receive all the benefits of that status. All that will have been lost, in that event, is the advance assurance of deductibility in the event a donor should be audited. See 26 U.S.C. § 508(c)(1)(A); Rev. Proc. 82-39 § 2.03. Contributions will remain tax deductible as long as donors are able to establish that the Church meets the requirements of section 26 U.S.C. § 501(c)(3)”).

⁴⁶ ABE’s citation to 26 U.S.C. § 4911(a)(2) [ABE miscites the statute as § 4911(c)(2)], is pointless. WM, WF, and RCEA are not engaged in any campaigning activity. And, once again, federal tax is irrelevant to this case and outside APOC’s jurisdiction.

As an aside, in fact and for what it is worth, there are no court decisions squarely addressing the full meaning and application of IRC §508(c)(1)(A)—a fact that exhibits the IRS’s failure and disinclination to challenge the tax-exempt status of churches formed under IRC §508(c)(1)(A).

III. Dr. Matthias’ Involvement with WM, WF, RCEA, and AHE Does Not Make the Latter Ballot Groups

ABE makes much ado about nothing by referencing Dr. Matthias’ and involvement with each of the Respondent entities.⁴⁷ Dr. Matthias’ relationship with these entities, in and of itself, demonstrates nothing. Dr. Matthias has every right to engage with multiple entities of various types and forms pursuing a multiplicity of issues. The pertinent question for APOC is whether WM, WF, and RCEA have organized “for the principal purpose of influencing the outcome of one or more elections” and “take[s] action the major purpose of which is to influence the outcome of an election.”⁴⁸ This ABE has failed to, and cannot, demonstrate.

With respect to WM and WF, ABE’s allegations are aimless. ABE has done nothing but confuse WM and WF and then mischaracterize how RCEA occupies space in the 2511 Sentry Dr. building. WM owns the building, which has nothing to do with 22AKHE. WF leases a gym and office space in the 2511 Sentry Dr. building from WM for its church to operate and its congregation to meet.⁴⁹ WF’s church meetings and operations have nothing to do with 22AKHE.⁵⁰ It is beyond unreasonable for ABE to continue to repeat its false allegations that “Wellspring Ministries, Wellspring Fellowship ... have decided to contribute to AHE and support its activities.”⁵¹ ABE should have simply tucked its tail and admitted its error on this score. But

⁴⁷ Response, pp. 4-5.

⁴⁸ AS 15.13.400(9)(B) (emphasis added).

⁴⁹ Matthias Aff. ¶ 9.

⁵⁰ Matthias Aff. ¶ 9.

⁵¹ Response, p. 5.

instead, ABE continues to plow forward on its misdirected course. In the end, ABE has produced no evidence to support its made-up allegation.

None of WM, WF or RCEA hosted the February 16, 2023, event for AHE.⁵² WF, which leases the gymnasium at 2511 Sentry Dr. from WM, provides the right to hold a monthly meeting in the gymnasium to an independent third-party, the Greater Alaska Chapter of the Association of Mature American Citizens (“AMAC”)—this is the AMAC chapter for the Mat-Su Valley and Anchorage.⁵³ AMAC is a national organization for retirement age individuals that serves as an alternative to the AARP.⁵⁴ WF has an agreement with AMAC by which it charges AMAC a modest amount for this *regular monthly meeting* in the gymnasium.⁵⁵

AMAC hosted the February 16, 2023, petition signing event with former Governor Palin in attendance. The meeting was hosted by AMAC on an evening when AMAC would have otherwise occupied the gymnasium for its regular monthly meeting. The only donation that was made to AHE regarding the February 16, 2023, event, was an in-kind donation *by AMAC*. WM did nothing other than lease its gymnasium to a church, WF. WF did nothing other than provide the use of the gymnasium to AMAC for its regular monthly meetings.⁵⁶

The recording that ABE has submitted as Ex. JJJ is not of Dr. Matthias, and is not related to WM, WF, or RCEA. Dr. Matthias did not attend the event where the recording was made, nor did any representative of WM, WF, RCEA or AHE attend the event. Dr. Matthias specifically instructed RCEA and AHE leadership to not attend Kelly Tshibaka events to avoid confusion of

⁵² Matthias Aff. ¶ 10.

⁵³ Matthias Aff. ¶ 10.

⁵⁴ See <https://amac.us/>

⁵⁵ Matthias Aff. ¶ 10.

⁵⁶ Matthias Aff. ¶ 10.

the separate entities' activities.⁵⁷ Whoever the gentleman is speaking on the recording—and Respondents do not know who the gentleman is—he plainly was simply referencing to the physical location of the February 16 event. The location at 2511 Sentry Dr. is commonly known as the WM building.⁵⁸ To the extent that the gentleman was stating that WM was hosting the AHE event—which it seems he was not—he was mistaken. It was AMAC that hosted the event for AHE.⁵⁹

IV. RCEA is Not Acting as a Ballot Group

RCEA is an educational foundation that seeks to educate Americans, including Alaskans, about the faults and flaws of RCV.⁶⁰ RCEA has not and does not have a principal or major purpose to promote 22AKHE, and thus is not a group or more specifically a ballot group as that term is defined in Alaska law under AS 15.13.400(9)(B).

In support of its claim that RCEA should have to register as a group, ABE has pointed to nothing more than that (1) Izon and Matthias are both involved with leadership in AHE and RCEA;⁶¹ (2) Matthias allegedly used RCEA as a pass through to “obscure” his contribution to AHE;⁶² (3) RCEA is AHE’s largest monetary contributor;⁶³ (4) RCEA was allegedly created only to be a pass through for money to AHE;⁶⁴ (5) RCEA was allegedly created only “nominally” as a

⁵⁷ Matthias Aff. ¶ 10.

⁵⁸ Matthias Aff. ¶ 10.

⁵⁹ Matthias Aff. ¶ 10. At most, assuming the value of the use of the gymnasium for about one hour one evening was more than \$500—a doubtful proposition—then AHE should have reported an in-kind donation *from AMAC*.

⁶⁰ Matthias Aff. ¶ 7.

⁶¹ Complaint, p. 3; Response, pp. 4-5.

⁶² Complaint, p. 4.

⁶³ Complaint, p. 13 and n. 47.

⁶⁴ Complaint, p. 14.

E. RCEA Allegedly Being Created Only “Nominally” as a Religious Non-Profit

ABE has presented no evidence regarding what the founders of RCEA’s intentions were when they created it as an integrated auxiliary of WF. Nor have they presented the slightest authority for the proposition that a religious entity cannot take a general concern about educating people regarding election integrity or the faults and flaws of RCV. Perhaps ABE believes that ABEF was only “nominally” converted into a “charity.”

F. RCEA Was Allegedly Founded or Embedded Within WM to Take Advantage of WM’s IRC §501(c)(3) Status

This allegation is just wrong. RCEA is not embedded within WM. RCEA is an integrated auxiliary of WF. WF is not an IRC §501(c)(3) entity. Both WF and RCEA are IRC §508(c)(1)(A) entities. And the tax-exempt status of WF and RCEA is irrelevant to APOC’s inquiries in this case. Or perhaps ABE thinks that ABEF’s IRC §501(c)(3) status and conversion into a “charity” is problematic and was done solely to enable ABE’s and ABEF’s founders to take advantage of IRC §501(c)(3) status.

G. RCEA is Sharing Offices or is Physically Housed in WM

Once again, this allegation is just wrong. RCEA does not share office space with WM. RCEA rents a mail drop and the occasional use of a conference room from WF. WF a church leases space from WM.

H. RCEA’s Activities are Allegedly All Political and it Acts as a “Partisan” Political Entity

The information set out above regarding RCEA’s educational activity rebuts ABE’s baseless claim. Moreover, RCEA’s consultation with Virginia Democrat Party leaders rebuts ABE’s claim that RCEA is acting in a “partisan” manner. In any event, there is no legal requirement for

disregard ABE’s mischaracterizations of Respondents’ positions along with its baseless speculation, and review the evidence—to the extent ABE has submitted pertinent evidence—and then rationally evaluate Respondents’ true positions and actual conduct in total context. Respondents, newcomers to the campaign world, have certainly made some mistakes along the way, but their actions are not worthy of the scorn ABE has flung about.

Dated this 14th day of August 2023.

Law Offices of Kevin G. Clarkson

Kevin G. Clarkson

By _____
Kevin G. Clarkson

Law Offices of Kevin G. Clarkson
2223 Latona Dr. NE
Keizer, OR 97303
kclarkson@gci.net
(907) 748-4788

KEVIN G. CLARKSON

ATTORNEY AT LAW

2223 LATONA DR., NE
KEIZER, OREGON 97303
TELEPHONE: (907) 748-4788
kclarkson@gci.net

August 2, 2023

VIA E-MAIL

Thomas R. Lucas
Campaign Disclosure Coordinator
Alaska Public Offices Commission
Department of Administration
State of Alaska
2221 E. Northern Lights Blvd., Rm. 128
Anchorage, Alaska 99508

Re: Document and Information Requests to Art Mathias,
Wellspring Ministries; Ranked Choice Education Association
and Alaskans for Better Elections

Dear Tom,

I have reviewed with my clients your July 27, 31, 2023, and August 1, 2023, emails and the questions that you pose therein regarding Alaskans for Honest Government (“AHG”) and its internet and other activity, Wellspring Ministries (“WM”) an its building located at 2511 Sentry Dr., Anchorage, Alaska, Alaskans for Honest Elections (“AHE”), Ranked Choice Education Association (“RCEA”) and Wellspring Fellowship (“WF”).¹ I will set out my clients’ answers below following each of your questions.

JULY 27, 2023, EMAIL

I am requesting a copy of any written agreements RCEA has with WM for the provision of space, resources, materials, supplies, equipment, or services.

As a lead-in to your request, you write: “I understand the argument contained in your clients’ Answer to complaint 23-01-CD that the rental agreement between WM and

¹ Your questions do not directly mention WF, but they relate to WF in that you are incorrectly associating WM with what are in truth WF’s affairs.

RCEA is not within APOC's jurisdiction. But that argument is based on the premise that RCEA will not be found to be a group under APOC statutes and regulations – a premise that has not yet been established through complete investigation.” Notwithstanding WM, WF, and RCEA's prior objections, which they continue to maintain, let me try to correct some of the misunderstandings that you continue to operate under due to the unjustified allegations of Alaskans for Better Elections (“ABE”).

WM, an Alaska non-profit corporation and IRC §501(c)(3) tax-exempt faith-based organization, owns the property located at 2511 Sentry Dr, Anchorage, Alaska. WM leases the use of space within that building to other non-profit organizations including a church, WF, which is a Washington non-profit corporation and IRC §508(c)(1)(A) tax-exempt organization. The space that WM leases to WF includes a gymnasium that WF uses for its Sunday worship services, a small amount of office space for church operation, and a conference room. WF owns its own office equipment located within its leased space.

Because WM is a *non-profit* corporation with tax-exempt status, it leases space in its building only to other non-profit organizations and charges those non-profit tenants only the cost associated with operating and maintaining the leased space that the tenant occupies. WM charges its tenants only the cost of operating and maintaining the tenant's leased space because WM is not allowed, in accordance with its *non-profit* status, to earn profit from the use of its building. Charging “fair market value” for the use of building space is antithetical to non-profit status.

The threat of taxation is not simply a figment of WM's imagination. Over a decade ago the Municipality of Anchorage, under the then Begich administration, saw WM's building with multiple tenants and incorrectly assumed that WM was generating profit and attempted to assess property tax on WM's building and land. WM prevailed in that legal skirmish with the MOA because of its “non-profit” status and non-profit operation described above. WM has operated without further challenge from the MOA ever since.

Accordingly, WM charges WF only the cost of operation and maintenance associated with WF's leased space. WF rents to its integrated auxiliary, RCEA, a Washington non-profit corporation and IRC §508(c)(1)(A) tax-exempt FBO, (a) the right to have mail delivered to 2511 Sentry Dr., and (b) the right to periodically use the conference room for meetings—in this context, periodically means for approximately 1 to 1 ½ hours, once every 2-3 months. WF, like WM, is a non-profit corporation and does not operate to earn profit. For that reason, and because RCEA is WF's integrated auxiliary, WF does not charge RCEA for this modicum of use of WF's leased space—the use being the simple receipt of mail at the address and the 1 to 1 ½ hours use of a conference room

every 2-3 months (that is an *average* of perhaps ½ hour per month and on an annual basis at most about 4-6 hours per year).

In short, there is no written agreement between WM and RCEA regarding the property located at 2511 Sentry Dr., Anchorage, Alaska.

If there are no written agreements, I am requesting the substance of any oral agreements RCEA has with WM for the provision of space, resources, materials, supplies, equipment, or services.

As you can see from the above explanation, there is no “oral understanding” between WM and RCEA regarding the building and property located at 2511 Sentry Dr., Anchorage, Alaska. There is, however, an “oral understanding” between the church, WF, and its integrated auxiliary, RCEA regarding (a) mail delivery to the address, and (b) the use of a conference room for 1 to ½ hours approximately once every quarter year. WF, like WM, is not permitted, according to its non-profit status, to earn profit.

I ask because, if RCEA is found to have acted as a group, the provision of space, resources, materials, supplies, equipment, or services at less than fair market value would be a nonmonetary contribution to RCEA which should have been reported by RCEA in any event, and by WM if the value of same exceeded \$500 in a calendar year. On the other hand, if it can be established that RCEA paid fair market value for those items, that particular issue is off the table.

Your request incorrectly assumes that a non-profit and tax-exempt entity can be required to either (a) charge “fair market value” to another non-profit and tax-exempt entity, and thereby (b) forfeit its non-profit and tax-exempt status, simply because the non-profit tenant engages in constitutionally protected First Amendment free political speech and association. Neither WF nor RCEA are IRC §501(c)(3) entities, they are IRC §508(c)(1)(A) entities that have full First Amendment rights to free speech and association, and that are not subject to IRC restrictions that are placed on IRC §501(c)(3) entities. The “cost” only rental charges between WF and RCEA—what you refer to as less than fair market rentals—are not a reflection of a donation from WF to RCEA, but rather a reflection of WF’s non-profit status.

Your assumption, if it were the law, would violate the First Amendment by forcing WF into a *Hobson’s Choice* between discarding its non-profit tax-exempt status and limiting its integrated auxiliary’s free speech and association. Your request also incorrectly assumes that RCEA has a reporting obligation to APOC. And lastly, your question

assumes that WM provided something to RCEA, which it did not. It is WF, the church to which RCEA is an integrated auxiliary, that provides RCEA with a mail drop and the periodic use of a conference room, the value of which is less than \$500.

JULY 31, 2023, EMAIL

1. As of November 18, 2022, AHG stated on its website that it provides polling information for Alaskans (See November 8 middle of page attached). This statement appears to have continued on the website through July 6, 2023 (see, July 6 polling attached) and to date. Please identify any polling information provided to Alaskans by AHG; the date it was provided; and how AHG obtained the information.

The statement regarding polling was first placed on the AHG web page when the web site was first created in November 2022. Mr. Izon originally had the thought that AHG would provide objective polling information to Alaskans related to the November 2022 federal election. But the idea of providing polling data never came to fruition.

AHG never produced or obtained polling data to provide to the public and thus it never published polling data. The statement regarding polling remained on the AHG web page through July 6, 2023, and perhaps until the end of July, in error because Mr. Izon had forgotten about it and was no longer paying attention to the AHG web page. AHG had no social media presence, and nothing was being done to advertise its web page. AHG was neither receiving contributions nor making expenditures after the conclusion of the November 2022 election. AHG filed a final FEC report on July 31, 2023, to close out its reporting to the FEC related to the federal election.

Because the AHG web page no longer serves any purpose and has not served a purpose for quite some time, Mr. Izon took the web page down on July 31, 2023.

2. As of July 6, 2023, [t]here was a pop-up that came on the screen of AHG's website (see July 6 pop up page 1 attached). This pop-up transitioned to a second page (see July 6 pop up page 2 attached). Please state when this pop-up was added to AHG's website and when it was removed.

The popups you attach to your email were placed on AHG's web page in about January 2023, around the time that AHE was created. At that time Mr. Izon was still under the impression, based upon your advice, that the effort to repeal Ranked Choice Voting in Alaska was a referendum that carried with it (at that time) no campaign finance restrictions or reporting requirements.

The popups remained on the web page in error following when Mr. Izon received APOC's corrected advice that the repeal effort was pursuing an initiative. Mr. Izon wanted to redirect those

Thomas R. Lucas
APOC
August 2, 2023
Page 5 of 6

who mistakenly thought that AHG was the ballot group pursuing the repeal of RCV, to the true group AHE. The popups remained after February 2023 out of error and again because Mr. Izon forgot about them. From mid-November 2022 to July 2023, AHG was receiving no contributions, was making no expenditures, and was engaged in no activity—even though the web page remained live on the internet. AHG was doing nothing to advertise or promote the AHG web page. As soon as Mr. Izon realized that the AHG web page still contained the popups and that they appeared as potential support for 22AKHE or potential contributions (in kind) to AHE, he took them down (this realization occurred in early July 2023). As of July 31, 2023, Mr. Izon took the entire AHG web page down to avoid any further issues.

AUGUST 1, 2023, EMAIL

1. It appears that Alaska for Honest Elections petition signing events (see attachments) have been hosted at Wellspring Ministries. Please identify by date held, each petition signing event hosted on the premises of Wellspring Ministries.

Once again, your request is founded on incorrect information. WF, which leases the gymnasium at 2511 Sentry Dr. from WM, provides the right to hold a monthly meeting in the gymnasium to the Greater Alaska Chapter of the Association of Mature American Citizens (“AMAC”)—this is the AMAC chapter for the Mat-Su Valley and Anchorage. AMAC is a national organization for retirement age individuals that serves as an alternative to the AARP. WF has an agreement with AMAC by which it charges AMAC only \$1.00 for this monthly meeting in the gymnasium.

It was AMAC that hosted the February 16, 2023, AHE “petition signing event” with former Governor Palin in attendance. The meeting was hosted by AMAC on an evening when AMAC would have otherwise occupied the gymnasium for its regular monthly meeting. The only donation that was made to AHE regarding the February 16, 2023, event, was an in-kind donation by AMAC of some portion of its \$1.00 use fee that it pays to WF. WM did nothing other than lease its gymnasium to a church, WF. WF did nothing other than provide the use of the gymnasium to AMAC for a single evening.

Your question uses the plural word “events,” but the attachments you sent with your email (and that ABE attached to its complaint) refer to only one event on February 16, 2023. We are not aware of other events related to 22AKHE that were held at the gymnasium at 2511 Sentry Dr.

2. For each event identified in response to request number 1, please state whether a fee was paid to Wellspring for use of its facilities to host the event.

Again, we are aware of only one such AMAC sponsored event on February 16, 2023. No fee was paid to WM for the use of the gymnasium on February 16, 2023, other than the normal

Thomas R. Lucas
APOC
August 2, 2023
Page 6 of 6

monthly rent payment it receives from WF. No rent payment was paid to WF by AHE for the use of the gymnasium on February 16, 2023. WF received only the normal \$1.00 use fee that AMAC pays to it for its monthly use of the gymnasium. AMAC hosted the petition signing event on February 16, 2023. AHE paid no fee to AMAC for the use of the gymnasium on February 16, 2023. Any contribution that was made to AHE for the use of the gymnasium on February 16, 2023, was an in-kind contribution by AMAC of less than \$500 in value.

3. For each event identified in response to request number 1, please provide a copy of any written agreement to pay a fee to Wellspring for hosting the event.

There are no such written agreements. WM and WF did not host the referenced event for AHE. AMAC hosted the event for AHE and the in-kind donation of some part of AMAC's \$1.00 use fee, was less than \$500.

4. If there are no written agreements, for each event identified in response to request number 1, I am requesting the substance of any oral agreements to pay a fee to Wellspring for use of its facilities to host the event (please include the amount agreed to be paid and by whom).

See the answers above. There are no oral or written agreements to pay a fee to WM or WF related to the February 16, 2023, event, because they did not host the event. AMAC hosted the event for AHE, pursuant to AMAC's long standing arrangement with WF for the right to use the gymnasium for its regularly scheduled monthly meetings. AHE did not pay a fee to AMAC for the use of the gymnasium on February 16, 2023. Any donation made to AHE regarding the February 16, 2023, event, was an in-kind donation from AMAC to AHE of some portion of its \$1.00 use fee. The in-kind donation from AMAC to AHE was less than \$500.

Hopefully these answers are helpful to you. If you have any other questions, please feel free to contact me.

Sincerely,

Kevin G. Clarkson

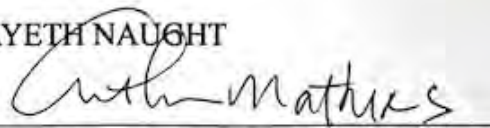
Kevin G. Clarkson

- space it leases from WM, and (2) the right to use its conference room—the conference room it leases from WM—for about 1 to 1 ½ hours every 2-3 months. WF has no direct interaction with AHE. WF has not and is not acting to promote or campaign for 22AKHE.
7. RCEA is not engaged in campaigning for 22AKHE and is not a group under Alaska law. RCEA is an integrated auxiliary of the WF church. It is a non-profit corporation and an IRC § 508(c)(1)(A) tax-exempt organization. RCEA is an educational entity with a mission to educate Americans regarding the flaws and faults of ranked choice voting (“RCV”) as a general concept. RCEA rents a mail depository and some small semblance of office space from WF within its leased office space at 2511 Sentry Dr., Anchorage, Alaska—RCEA rents the use of the WF conference room for about 1 to 1 ½ hours every 2-3 months for an average of 4-6 hours per year.
 8. RCEA’s only direct involvement in the effort to repeal Ballot Measure 2 and promote 22AKHE is its contributions to AHE, the ballot group promoting the initiative. RCEA, like WM and WF, is not a ballot group, and is not working to promote 22AKHE. The IRS has not and is not questioning WF or RCEA’s tax-exempt status.
 9. WM owns the building and land located at 2511 Sentry Dr., Anchorage, Alaska, which has nothing to do with 22AKHE. WF leases a gym and office space in the 2511 Sentry Dr. building from WM for its church to operate and its congregation to meet on Sundays. WF’s church meetings and operations have nothing to do with 22AKHE.
 10. None of WM, WF or RCEA hosted the February 16, 2023, event for AHE. WF, which leases the gymnasium at 2511 Sentry Dr. from WM, provides the right to hold a monthly meeting in the gymnasium to the Greater Alaska Chapter of the Association of Mature American Citizens (“AMAC”)—this is the AMAC chapter for the Mat-Su Valley and Anchorage. AMAC is a national organization for retirement age individuals that serves as an alternative to the AARP. WF has an agreement with AMAC by which it charges AMAC a modest amount for this regular monthly meeting in the gymnasium. It was AMAC that hosted the February 16, 2023, AHE petition signing event with former Governor Palin in attendance. The meeting was hosted by AMAC on an evening when AMAC would have otherwise occupied the gymnasium for its regular monthly meeting. The only donation that was made to AHE regarding the February 16, 2023, event, was an in-kind donation by

AMAC. WM did nothing other than lease its gymnasium to a church, WF. WF did nothing other than provide the use of the gymnasium to AMAC for its regular monthly meetings. I never attended an event for Preserve Democracy or Kelly Tshibaka. The recording that ABE has attached to its Second Supplement as Ex. JJJ, is not a recording of me speaking. I was not at that event, nor was anyone else from AHE or RCEA. I specifically instructed RCEA and AHE leadership to not attend Preserve Democracy or Tshibaka events to avoid confusion of the separate entities' activities. Whoever the gentleman is speaking on the recording—and I do not know who the gentleman is—he plainly was simply referencing to physical location of the event. The location at 2511 Sentry Dr. is commonly known as the Wellspring Ministries building.

11. In March 2023 I conducted telephone conference calls with state legislators and others in Montana and Idaho regarding their effort to pass legislation banning RCV. I also had discussions with legislators in Montana regarding their efforts to oppose an initiative effort by pro-RCV individuals in their state. None of this related to Alaska or 22AKHE. Any discussions about Alaska merely used Alaska's experience as a backdrop of how RCV is flawed and what its impacts are upon elections. I also travelled to Washington D.C. to attend CPAC and discuss RCV with individuals from Lower-48 states.
12. In May 2023 I travelled to Arizona to appear and speak at a meeting with Kari Lake and Arizona state legislators to discuss the flaws and faults of RCV which was being proposed in their state. None of this related to 22AKHE and any discussions about Alaska merely used Alaska's experience as a backdrop of how RCV is flawed and what its impacts are upon elections.
13. In June 2023 I travelled to Montana to meet and consult with state legislators regarding RCV. I was in Montana multiple days.

FURTHER AFFIANT SAYETH NAUGHT



Arthur Matthias

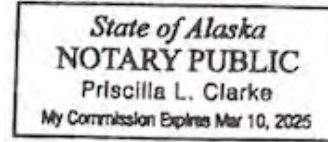
SUBSCRIBED AND SWORN to before me this 14 day of

August 2023, at Anchorage, Alaska.



Notary Public in and for Alaska
My Commission Expires:

2



BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Alaskans for Better Elections, Inc.)	
)	
Complainant,)	
)	
vs.)	Case No. 23-01-CD
)	
Alaskans for Honest Elections, Alaskans for)	
Honest Government, Wellspring Ministries,)	
Wellspring Fellowship, Ranked Choice)	
Education Association, Art Matthias, and)	
Phillip Izon)	
)	
Respondents.)	

RESPONDENTS’ CORRECTED RESPONSE TO APOC STAFF REPORT

The Respondents, Alaskans for Honest Elections (“AHE”); Ranked Choice Education Association (“RCEA”); Alaskans for Honest Government (“AHG”); Wellspring Ministries (“WM”); Wellspring Fellowship (“WF”); Art Matthias (“Matthias”); and Phillip Izon (“Izon”), reply to APOC Staff’s September 9, 2023, Report as set forth below. Respondents will set forth their response to the Staff’s report below, separating their responses by individual respondent.

SUMMARY

In its September 9, 2023, report, APOC Staff (hereafter “Staff”), provides an example of hit and miss. In some respects, Staff reaches correct conclusions, albeit while making some factual errors along the way. In other major respects, however, Staff reaches incorrect conclusions that (1) misapply the underlying Alaska campaign finance statutes, and worse (2) apply those same statutes in ways that are unconstitutional, violating the First Amendment’s protections of free speech and association. As a result, some of the violations that Staff alleges for some Respondents involved inoffensive conduct that did not violate any provision of the

Mitigated total: \$3,085.

Respondents take no issue with Staff's recommendation in this regard and will accept the penalty against AHG as reduced.

V. WELLSRING MINISTRIES AND WELLSRING FELOWSHIP

WM is a non-profit corporation and tax-exempt religious organization whose only connection to this entire affair is that it owns the property and building located at 2511 Sentry Dr. and as a landlord leases a gymnasium and office space to WF.⁸² WF, a church, is a non-profit corporation formed in Washington state and a tax-exempt entity under IRC §508(c)(1)(A).⁸³ WF's only relationship to this matter is that it (1) permits RCEA, its integrated auxiliary, to receive mail at its offices and to make use of its conference room for about 1 to 1.5 hours every 2-3 months; and (2) rents at a nominal cost the use of its gym for one hour every month to the Alaska Chapter of the Association of Mature Americans ("AMAC") for AMAC to hold its regular monthly meetings.⁸⁴

WM has never been involved in matters related to 22AKHE. Nonetheless, because AMAC—WF's subtenant—invited AHE to hold a petition signing event on February 16, 2023, during one of its regular monthly meetings at the gym that it rents from WF, Staff concluded that AHE had received a donation, not from AMAC, not from WF, but from WM.⁸⁵ Staff reaches this unfounded conclusion by ignoring the lack of contractual privity between WM and AMAC, not to mention AHE. WM is simply the landowner and landlord to WF. It is WF that rents use

⁸² Rpt. 9.

⁸³ Rpt. 10.

⁸⁴ Rpt. P. 10.

⁸⁵ Rpt. 20-21.

of the gym to AMAC. And it was AMAC, not WM or WF, that invited AHE to hold a petition signing event at the gym. So long as WF was compliant with its lease, WM had no right as a landlord to determine whether WF could or could not rent the gym to AMAC as subtenant or whether AMAC as the subtenant could invite AHE to its gym to speak and sign petition booklets for an hour one evening during AMAC's regularly scheduled meeting.

Staff has correctly not recommended a penalty against anyone based upon its incorrect analysis of who gave a contribution (in-kind) to AHE for the February 16, 2023, petition singing event. But WM certainly takes issue with Staff's incorrect factual analysis of who if anyone gave a donation in-kind to AHE regarding the February 16, 2023, petition signing event.

VI. IZON

Staff has recommended no violation findings or penalties against Izon. Respondents agree with this recommendation.

CONCLUSION

Respondents disagree for the reasons stated above with the assessment of any penalty against Matthias. The recommended mitigated penalty against Matthias of \$22,500 should be rejected because it is legally unfounded and unjust. Even if the Commission decides that Matthias violated AS 15.13.074(b), which he did not, the penalty should be eliminated or substantially further reduced because the public was not harmed. Matthias could have donated his \$90,000 to AHE directly. Even if one could trace Matthias's donation through RCEA to AHE, which is not possible, the donation to RCEA and then the subsequent RCEA donations to AHE circumvented no contribution limit or prohibition—Matthias could have legally donated the \$90,000 directly to AHE. Matthias, despite not being legally obligated, announced to the

Dated this 2nd day of October 2023.

Law Offices of Kevin G. Clarkson

Kevin G. Clarkson

By _____
Kevin G. Clarkson

Law Offices of Kevin G. Clarkson
2223 Latona Dr. NE
Keizer, OR 97303
kclarkson@gci.net
(907) 748-4788

PLACEHOLDER FOR
ATTACHED ELECTRONIC FILE

Exhibit J – Exhibit J.m4a

Available at:

<https://www.dropbox.com/scl/fo/vnrnee6x1yhs93ba62c0k/h?rlkey=9e56q2yzmjobgn5m6h5gojws&dl=0>

PLACEHOLDER FOR
ATTACHED ELECTRONIC FILE

Exhibit K – Exhibit K.m4a

Available at:

<https://www.dropbox.com/scl/fo/vnrnee6x1yhs93ba62c0k/h?rlkey=9e56q2yzmjobgn5m6h5gojws&dl=0>

In the Matter Of:
RECORDED TELEPHONE CONVERSATION

Between Mikaela Emswiler and Gregory Lee

November 14, 2023

PACIFIC RIM REPORTING

STENOGRAPHIC COURT REPORTERS

711 M STREET, SUITE 4

ANCHORAGE, ALASKA 99501

907-272-4383

www.courtreportersalaska.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**CERTIFIED
TRANSCRIPT**

TRANSCRIPT OF RECORDED TELEPHONE CONVERSATION
BETWEEN MIKAELA EMSWILER AND GREGORY LEE

Pages 1 - 12, inclusive
Tuesday, November 14, 2023

Page 2

1 P-R-O-C-E-E-D-I-N-G-S
2 -o0o-
3 MIKAELA EMSWILER: Hi, Greg. This is
4 Mikaela returning your phone call.
5 GREGORY LEE: Oh, awesome.
6 MIKAELA EMSWILER: How are you?
7 GREGORY LEE: Hi, Mikaela. How've you been
8 doing?
9 MIKAELA EMSWILER: Great. Yeah. It's kind
10 of -- I finally dug myself out of all of the snow.
11 GREGORY LEE: I know. My driveway -- like,
12 that first snowfall, like, my snowblower wouldn't even
13 work. Like, I had to just use -- use -- use my
14 shovel. And, yeah, my back's killing me.
15 MIKAELA EMSWILER: Oh, my gosh.
16 GREGORY LEE: Oh, my gosh.
17 MIKAELA EMSWILER: Well, I got your message,
18 and, yes, I would love to chat with you about the
19 signature gathering process.
20 We are paying people \$4 a signature at this
21 point. So from now until -- well, ideally, we'd like
22 to get this whole thing wrapped up right before
23 Christmas --
24 GREGORY LEE: Right before Christmas.
25 MIKAELA EMSWILER: -- you know?

Page 3

1 GREGORY LEE: Okay.
2 MIKAELA EMSWILER: In December, ideally.
3 Our hard and fast deadline that we have to get the
4 books into the Division of Elections is January 15th.
5 But, you know, now that I'm doing the -- inputting the
6 data with the books that have been returned, I'm
7 seeing where there's holes here in Anchorage. So
8 that's very, very helpful.
9 And all -- we need to up our numbers all
10 over the city. And, granted, this is only with maybe
11 120 books reporting. We still have some other books
12 out on the streets.
13 But most of the districts, I would say on
14 average, were right at 70 percent, so --
15 GREGORY LEE: Most are different -- and that
16 goes into a couple of questions I've got. So --
17 because I know you said that you have more signatures
18 in certain areas over others. So are there certain
19 areas in town that you would like for me to target?
20 MIKAELA EMSWILER: Yes. There's --
21 there's -- well, right now it's all-hands-on-deck.
22 So, I mean, we need to up our numbers everywhere,
23 because I would like to see 110 percent, at least,
24 just to give us a little bit of wiggle room, or 120.
25 Eagle River, Chugiak is locked in. I would

Page 4

1 say the western side of the city, so like Jewel Lake,
2 all the way up to International, the air- -- like, you
3 know, Spenard, Northern Lights, that whole area,
4 those -- those two districts are right around
5 50 percent.
6 GREGORY LEE: Okay.
7 MIKAELA EMSWILER: And then up north, like
8 downtown Tikahtnu, Mountain View area, that's also
9 50 percent.
10 But, you know, we can keep going. I think
11 district -- South -- excuse me -- South Anchorage has
12 about, you know, 75 percent. So we -- I mean, we can
13 up our numbers anywhere across the city right now.
14 GREGORY LEE: Okay. All right. Sounds
15 good. And I know --
16 MIKAELA EMSWILER: I have a --
17 GREGORY LEE: Go ahead.
18 MIKAELA EMSWILER: I was going to say,
19 there's a team that goes out door-knocking in targeted
20 districts every evening starting at 4:30 that -- I can
21 link you up with those folks just to, you know, have
22 on your radar if you wanted to go out as a group,
23 do --
24 GREGORY LEE: Okay.
25 MIKAELA EMSWILER: -- door-knocking. Or,

Page 5

1 you know, what we've been doing -- I've been doing is
2 just going to the local Carrs, or standing outside of
3 REI and doing signatures that way.
4 That's almost -- I'm getting about --
5 roughly 20 signatures an hour, which is about 80 bucks
6 an hour.
7 GREGORY LEE: That's good. Yeah. That's --
8 20 signatures an hour, that's --
9 MIKAELA EMSWILER: That's --
10 GREGORY LEE: -- really good.
11 MIKAELA EMSWILER: -- really good.
12 GREGORY LEE: Yeah.
13 MIKAELA EMSWILER: Mm-hmm. So that's
14 encouraging. I would say about a third of the people
15 love it; a third hate it; then the other third, you
16 know, they're just focused on darting into the store.
17 GREGORY LEE: Okay.
18 MIKAELA EMSWILER: So -- but overall, it's
19 been pretty good. I've -- I've gone to the western
20 side. I've gone to southern Anchorage, and I would
21 say the response is about the same across the board,
22 pretty good response.
23 GREGORY LEE: Excellent. And I know when --
24 MIKAELA EMSWILER: So --
25 GREGORY LEE: -- I was at Bell's Nursery,

RECORDED TELEPHONE CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/14/2023

Page 6

1 you guys talked about travel. Are there any travel
2 opportunities still? If so, where, and how would that
3 look like?
4 MIKAELA EMSWILER: We don't have anything on
5 the books right now. We deployed a team to
6 Dillingham, and they were able to pretty much lock
7 that district in. And then we've just been doing
8 grassroots, you know, with local foot up in Nome and
9 Kotzebue and other areas.
10 GREGORY LEE: Okay.
11 MIKAELA EMSWILER: So --
12 GREGORY LEE: Sounds good. And I've just
13 learned from my experience, because I've worked on so
14 many different political campaigns and collecting
15 signatures -- would it be possible if they did a
16 contract or anything, e-mail it to me? I'd just like
17 to get something in writing before I get started about
18 the pay and whatnot.
19 MIKAELA EMSWILER: I don't -- I'm not aware
20 of any contracts. Yeah. I -- I'm not aware of that.
21 I believe they're just -- we're just paying people as
22 they turn their books in.
23 GREGORY LEE: Okay. The reason I'm asking
24 is just because -- I mean, you guys seem very honest
25 and trustworthy and you guys seem, you know, like you

Page 7

1 know what you're doing, but I'm just -- in the past
2 I've gone out collecting signatures, I never get paid,
3 and I've just learned it's best to get something in
4 writing. Is there -- is there any way that you could
5 e-mail me something saying that I'll --
6 MIKAELA EMSWILER: Yeah.
7 GREGORY LEE: -- get paid the \$4 a
8 signature, or...
9 MIKAELA EMSWILER: Yeah. I can do that.
10 Yes.
11 GREGORY LEE: That would be great.
12 MIKAELA EMSWILER: So I -- my role is --
13 I've got my own business.
14 GREGORY LEE: Okay.
15 MIKAELA EMSWILER: I've been fundraising all
16 year long, so I would be paying you from my business.
17 So I can -- if you send me your e-mail, I can -- I can
18 shoot you a little something in writing.
19 GREGORY LEE: That would make me feel a lot
20 more comfortable and just confident, because it's not
21 easy getting signatures, and I just want to make sure
22 I get paid, like -- so -- so -- yeah.
23 MIKAELA EMSWILER: Yeah.
24 GREGORY LEE: My -- my e-mail --
25 MIKAELA EMSWILER: Oh, yeah.

Page 8

1 GREGORY LEE: -- is --
2 MIKAELA EMSWILER: Absolutely.
3 GREGORY LEE: Yeah. My e-mail is akgreg,
4 g-r-e-g, 11. So akgreg11@outlook.com.
5 MIKAELA EMSWILER: Okay. Can you also text
6 that to me? I'm just driving.
7 GREGORY LEE: Oh, yeah. No worries.
8 MIKAELA EMSWILER: That would be a little
9 easier.
10 GREGORY LEE: Okay. So -- oh, that -- so
11 you'd be actually -- like, your business paying me,
12 then?
13 MIKAELA EMSWILER: Yes.
14 GREGORY LEE: Okay.
15 MIKAELA EMSWILER: Yes.
16 GREGORY LEE: All right. And so door to
17 door, so we could do that, too. You have a team
18 that -- and if I do go door to door, like, I'll
19 probably just go out by myself. But, yeah, feel
20 free --
21 MIKAELA EMSWILER: Okay.
22 GREGORY LEE: -- to send me information,
23 because sometimes, yeah, it is good to be in a team
24 just for camaraderie and helping each other and
25 safety, so...

Page 9

1 MIKAELA EMSWILER: Okay. Yeah. Yeah.
2 Well, you know, at this point it's
3 all-hands-on-deck --
4 GREGORY LEE: Yeah.
5 MIKAELA EMSWILER: -- so we really
6 appreciate all of the help. And we're kind of in that
7 final crunch.
8 GREGORY LEE: And I also have a friend in
9 Emmonak, I told her about this, and she knows everyone
10 in that --
11 MIKAELA EMSWILER: Yeah.
12 GREGORY LEE: -- village, and she's like,
13 "Really? \$4 a signature?" So it might be -- maybe
14 y'all will send her --
15 MIKAELA EMSWILER: Oh.
16 GREGORY LEE: -- a book.
17 MIKAELA EMSWILER: Absolutely. If she's
18 interested and wants to do this, I would gladly send
19 her a book.
20 GREGORY LEE: Yeah. She has three kids, so
21 she's always looking for other ways to make money.
22 And she knows everyone in that --
23 MIKAELA EMSWILER: (Indiscernible).
24 GREGORY LEE: -- village.
25 MIKAELA EMSWILER: Yes. Yes. If she's

RECORDED TELEPHONE CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/14/2023

Page 10

1 interested, send me her address and I can get
2 something out tomorrow.
3 GREGORY LEE: Okay. And what else? So --
4 now, I noticed that -- like, I saw a bingo place.
5 They had a book there. Am I allowed to leave booklets
6 at places or with family or friends, or do I have
7 to...
8 MIKAELA EMSWILER: The only thing is you
9 just kind of have -- well, I would give you extra
10 books, and then if -- in order to keep track of them,
11 I just need a name and location, address of where to
12 keep track of it.
13 The bingo places -- we've got a couple of
14 places around town that have welcomed books into their
15 businesses. So just as long as we keep track of
16 everything, that would be great.
17 GREGORY LEE: Okay. So if I left a book
18 somewhere, I just need to let you know where I left
19 them?
20 MIKAELA EMSWILER: Mm-hmm. Yep.
21 GREGORY LEE: Okay.
22 MIKAELA EMSWILER: We -- we need e-mail --
23 yeah, e-mail, phone number, a point of contact, and
24 address.
25 GREGORY LEE: Okay. And --

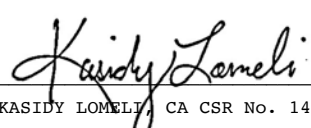
Page 11

1 MIKAELA EMSWILER: And then I -- I just put
2 that into my -- my master spreadsheet, just so I keep
3 track of all of the books.
4 GREGORY LEE: Sounds good. So where can we
5 meet up to get this all squared away? Do you have an
6 office in town, or should we meet out?
7 MIKAELA EMSWILER: Yep. I'm -- I'm here at
8 Wellspring most days, 1:00 to -- well, I've got my
9 children, so I'm -- you know, I -- I go pick them up
10 from school, but there's people here that would be
11 able to hand out books.
12 And I can send you the address. So when you
13 come to the office, there's a lady named Kit (ph) who
14 has a side office, and she's got all of the bling. I
15 gave her the box of blank books, and you would just
16 take -- think of how many books you would like, and
17 then just put your name down on that spreadsheet
18 that's on top of the books, and then that would be it.
19 GREGORY LEE: Excellent. All right. Sounds
20 good.
21 MIKAELA EMSWILER: And then we've been in
22 the back -- we're -- we're kind of hunkered down in
23 the back conference room doing the data entries, so
24 all of the books that have been turned in. We're
25 trying to, you know, get more of an accurate number of

Page 12

1 where we sit in each district so we can make sure we
2 lock it all in.
3 GREGORY LEE: Excellent. All right. Sounds
4 good. Thank you so much for the prompt call back.
5 I'll e-mail -- I'll send you -- I'll text you my
6 e-mail address, and then if you can send me, yeah,
7 that thing of how I'll get paid, and then I'll go pick
8 up books at the address that you send me.
9 MIKAELA EMSWILER: Perfect. Yeah. Thank
10 you so much.
11 GREGORY LEE: Excellent.
12 MIKAELA EMSWILER: I really appreciate it.
13 GREGORY LEE: All right. Thanks a lot --
14 MIKAELA EMSWILER: Bye.
15 GREGORY LEE: -- Mikaela.
16 MIKAELA EMSWILER: You're welcome.
17 GREGORY LEE: Bye-bye.
18 MIKAELA EMSWILER: Bye-bye.
19 (Off record.)
20 -o0o-
21
22
23
24
25

Page 13

1 TRANSCRIBER'S CERTIFICATE
2
3 I, Kasidy Lomeli, hereby certify that the
4 foregoing pages numbered 1 through 12 are a true,
5 accurate, and complete transcript of the proceedings
6 transcribed by me from a copy of the electronic sound
7 recording to the best of my knowledge and ability.
8 I further certify that I am a disinterested
9 party to said action.
10
11
12 November 28, 2023 
13 KASIDY LOMELI, CA CSR No. 14046
14 My Commission Expires 8/25/2024
15
16
17
18
19
20
21
22
23
24
25

<hr/> <p style="text-align: center;">\$</p> <hr/> <p>\$4 2:20 7:7 9:13</p> <hr/> <p style="text-align: center;">-</p> <hr/> <p>-o0o- 2:2 12:20</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>11 8:4</p> <p>110 3:23</p> <p>120 3:11,24</p> <p>15th 3:4</p> <p>1:00 11:8</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>20 5:5,8</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4:30 4:20</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>50 4:5,9</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>70 3:14</p> <p>75 4:12</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>80 5:5</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>Absolutely 8:2 9:17</p> <p>accurate 11:25</p> <p>address 10:1,11,24 11:12 12:6,8</p> <p>ahead 4:17</p> <p>air- 4:2</p>	<p>akgreg 8:3</p> <p>akgreg11@outlook.com. 8:4</p> <p>all-hands-on-deck 3:21 9:3</p> <p>allowed 10:5</p> <p>Anchorage 3:7 4:11 5:20</p> <p>area 4:3,8</p> <p>areas 3:18,19 6:9</p> <p>average 3:14</p> <p>aware 6:19,20</p> <p>awesome 2:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 11:22,23 12:4</p> <p>back's 2:14</p> <p>Bell's 5:25</p> <p>bingo 10:4,13</p> <p>bit 3:24</p> <p>blank 11:15</p> <p>bling 11:14</p> <p>board 5:21</p> <p>book 9:16,19 10:5,17</p> <p>booklets 10:5</p> <p>books 3:4,6,11 6:5,22 10:10,14 11:3, 11,15,16,18,24 12:8</p> <p>box 11:15</p> <p>bucks 5:5</p> <p>business 7:13,16 8:11</p> <p>businesses 10:15</p> <p>Bye 12:14</p> <p>Bye-bye 12:17,18</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 2:4 12:4</p> <p>camaraderie 8:24</p> <p>campaigns 6:14</p> <p>Carrs 5:2</p> <p>chat 2:18</p>	<p>children 11:9</p> <p>Christmas 2:23,24</p> <p>Chugiak 3:25</p> <p>city 3:10 4:1,13</p> <p>collecting 6:14 7:2</p> <p>comfortable 7:20</p> <p>conference 11:23</p> <p>confident 7:20</p> <p>contact 10:23</p> <p>contract 6:16</p> <p>contracts 6:20</p> <p>couple 3:16 10:13</p> <p>crunch 9:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>darting 5:16</p> <p>data 3:6 11:23</p> <p>days 11:8</p> <p>deadline 3:3</p> <p>December 3:2</p> <p>deployed 6:5</p> <p>Dillingham 6:6</p> <p>district 4:11 6:7 12:1</p> <p>districts 3:13 4:4,20</p> <p>Division 3:4</p> <p>door 8:16,17,18</p> <p>door-knocking 4:19,25</p> <p>downtown 4:8</p> <p>driveway 2:11</p> <p>driving 8:6</p> <p>dug 2:10</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail 6:16 7:5,17,24 8:3 10:22,23 12:5,6</p> <p>Eagle 3:25</p> <p>easier 8:9</p>
--	---	--

easy 7:21	gosh 2:15,16	
Elections 3:4	granted 3:10	<hr/> K <hr/>
Emmonak 9:9	grassroots 6:8	kids 9:20
EMSWILER 2:3,6,9,15,17,25 3:2,20 4:7,16,18,25 5:9,11,13,18,24 6:4,11, 19 7:6,9,12,15,23,25 8:2,5,8,13,15,21 9:1,5,11,15,17,23,25 10:8,20,22 11:1, 7,21 12:9,12,14,16,18	great 2:9 7:11 10:16	killing 2:14
encouraging 5:14	Greg 2:3	kind 2:9 9:6 10:9 11:22
entries 11:23	GREGORY 2:5,7,11,16,24 3:1,15 4:6, 14,17,24 5:7,10,12,17,23,25 6:10,12, 23 7:7,11,14,19,24 8:1,3,7,10,14,16, 22 9:4,8,12,16,20,24 10:3,17,21,25 11:4,19 12:3,11,13,15,17	Kit 11:13
evening 4:20	group 4:22	Kotzebue 6:9
Excellent 5:23 11:19 12:3,11	guys 6:1,24,25	<hr/> L <hr/>
excuse 4:11		lady 11:13
experience 6:13	<hr/> H <hr/>	Lake 4:1
extra 10:9	hand 11:11	learned 6:13 7:3
<hr/> F <hr/>	hard 3:3	leave 10:5
family 10:6	hate 5:15	LEE 2:5,7,11,16,24 3:1,15 4:6,14,17, 24 5:7,10,12,17,23,25 6:10,12,23 7:7, 11,14,19,24 8:1,3,7,10,14,16,22 9:4,8, 12,16,20,24 10:3,17,21,25 11:4,19 12:3,11,13,15,17
fast 3:3	helpful 3:8	left 10:17,18
feel 7:19 8:19	helping 8:24	Lights 4:3
final 9:7	holes 3:7	link 4:21
finally 2:10	honest 6:24	local 5:2 6:8
focused 5:16	hour 5:5,6,8	location 10:11
folks 4:21	How've 2:7	lock 6:6 12:2
foot 6:8	hunkered 11:22	locked 3:25
free 8:20	<hr/> I <hr/>	long 7:16 10:15
friend 9:8	ideally 2:21 3:2	lot 7:19 12:13
friends 10:6	Indiscernible 9:23	love 2:18 5:15
fundraising 7:15	information 8:22	<hr/> M <hr/>
<hr/> G <hr/>	inputting 3:5	make 7:19,21 9:21 12:1
g-r-e-g 8:4	interested 9:18 10:1	master 11:2
gathering 2:19	International 4:2	meet 11:5,6
gave 11:15	<hr/> J <hr/>	message 2:17
give 3:24 10:9	January 3:4	Mikaela 2:3,4,6,7,9,15,17,25 3:2,20 4:7,16,18,25 5:9,11,13,18,24 6:4,11, 19 7:6,9,12,15,23,25 8:2,5,8,13,15,21 9:1,5,11,15,17,23,25 10:8,20,22 11:1, 7,21 12:9,12,14,15,16,18
gladly 9:18	Jewel 4:1	
good 4:15 5:7,10,11,19,22 6:12 8:23 11:4,20 12:4		

Mm-hmm 5:13 10:20	process 2:19	southern 5:20
money 9:21	prompt 12:4	Spenard 4:3
Mountain 4:8	put 11:1,17	spreadsheet 11:2,17
<hr/>	<hr/>	<hr/>
N	Q	squared 11:5
<hr/>	<hr/>	standing 5:2
named 11:13	questions 3:16	started 6:17
Nome 6:8	<hr/>	starting 4:20
north 4:7	R	store 5:16
Northern 4:3	<hr/>	streets 3:12
noticed 10:4	radar 4:22	<hr/>
number 10:23 11:25	reason 6:23	T
numbers 3:9,22 4:13	record 12:19	<hr/>
Nursery 5:25	REI 5:3	talked 6:1
<hr/>	reporting 3:11	target 3:19
O	response 5:21,22	targeted 4:19
<hr/>	returned 3:6	team 4:19 6:5 8:17,23
office 11:6,13,14	returning 2:4	text 8:5 12:5
opportunities 6:2	River 3:25	thing 2:22 10:8 12:7
order 10:10	role 7:12	Tikahtnu 4:8
<hr/>	room 3:24 11:23	told 9:9
P	roughly 5:5	tomorrow 10:2
<hr/>	<hr/>	top 11:18
P-R-O-C-E-E-D-I-N-G-S 2:1	S	town 3:19 10:14 11:6
paid 7:2,7,22 12:7	<hr/>	track 10:10,12,15 11:3
past 7:1	safety 8:25	travel 6:1
pay 6:18	school 11:10	trustworthy 6:25
paying 2:20 6:21 7:16 8:11	send 7:17 8:22 9:14,18 10:1 11:12 12:5,6,8	turn 6:22
people 2:20 5:14 6:21 11:10	shoot 7:18	turned 11:24
percent 3:14,23 4:5,9,12	shovel 2:14	<hr/>
Perfect 12:9	side 4:1 5:20 11:14	V
ph 11:13	signature 2:19,20 7:8 9:13	<hr/>
phone 2:4 10:23	signatures 3:17 5:3,5,8 6:15 7:2,21	View 4:8
pick 11:9 12:7	sit 12:1	village 9:12,24
place 10:4	snow 2:10	<hr/>
places 10:6,13,14	snowblower 2:12	W
point 2:21 9:2 10:23	snowfall 2:12	<hr/>
political 6:14	Sounds 4:14 6:12 11:4,19 12:3	wanted 4:22
pretty 5:19,22 6:6	South 4:11	ways 9:21
		welcomed 10:14

Wellspring 11:8
western 4:1 5:19
whatnot 6:18
wiggle 3:24
work 2:13
worked 6:13
worries 8:7
wrapped 2:22
writing 6:17 7:4,18

Y

y'all 9:14
year 7:16

In the Matter Of:
RECORDED CONVERSATION

Between Mikaela Emswiler and Gregory Lee

November 22, 2023

PACIFIC RIM REPORTING

STENOGRAPHIC COURT REPORTERS

711 M STREET, SUITE 4

ANCHORAGE, ALASKA 99501

907-272-4383

www.courtreportersalaska.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**CERTIFIED
TRANSCRIPT**

TRANSCRIPT OF RECORDED CONVERSATION
BETWEEN MIKAELA EMSWILER AND GREGORY LEE

Pages 1 - 40, inclusive
Wednesday, November 22, 2023

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 2

1 P-R-O-C-E-E-D-I-N-G-S
2 -o0o-
3 GREGORY LEE: All right. This is Gregory Lee.
4 Today is November 22nd, Wednesday, at about 2:00 p.m.,
5 and I'm about to go talk to Mikaela right now.
6 Wellspring Ministries office.
7 Hello. I was here to speak with Mikaela.
8 UNIDENTIFIED SPEAKER: Mikaela. Yeah. If
9 you go down the hallway, you'll see a classroom at the
10 very end of the hallway with the door open.
11 GREGORY LEE: Thank you.
12 UNIDENTIFIED SPEAKER: Hello.
13 GREGORY LEE: Hey.
14 MIKAELA EMSWILER: Hi.
15 GREGORY LEE: How are you doing?
16 MIKAELA EMSWILER: Welcome.
17 GREGORY LEE: I made it.
18 MIKAELA EMSWILER: How's it going?
19 GREGORY LEE: It's going good.
20 MIKAELA EMSWILER: Good to see you.
21 GREGORY LEE: Good to see you again.
22 All right. I am ready to collect, finally,
23 so...
24 MIKAELA EMSWILER: Great. Signatures?
25 GREGORY LEE: Yep.

Page 3

1 MIKAELA EMSWILER: Okay. Yeah. I've got
2 books over at the front --
3 GREGORY LEE: Okay.
4 MIKAELA EMSWILER: -- that I will help you
5 with, but I'll show you what I'm doing. I'm just --
6 GREGORY LEE: I like that.
7 MIKAELA EMSWILER: Yeah.
8 GREGORY LEE: Mm-hmm.
9 MIKAELA EMSWILER: I figured if we just tape
10 them to the back of our boards --
11 GREGORY LEE: Yeah.
12 MIKAELA EMSWILER: I'll show you what I'm
13 doing.
14 GREGORY LEE: That's what I've done in the
15 past, especially with people, like, walking towards
16 you, just put it on the back of the board, and, boom,
17 perfect.
18 MIKAELA EMSWILER: Yeah.
19 GREGORY LEE: I like it.
20 MIKAELA EMSWILER: I just like it really
21 clear, kind of -- so people kind of know what
22 you're --
23 GREGORY LEE: Yeah. I love it.
24 MIKAELA EMSWILER: You know?
25 GREGORY LEE: Okay.

Page 4

1 MIKAELA EMSWILER: (Indiscernible) a choice.
2 GREGORY LEE: I like your colors, too.
3 Yeah, it stands out. Awesome.
4 MIKAELA EMSWILER: So you can take that one
5 with you.
6 GREGORY LEE: Okay.
7 MIKAELA EMSWILER: And then do you have a
8 book? I can't remember. Or you need more books?
9 GREGORY LEE: Can I get two more?
10 MIKAELA EMSWILER: Yes.
11 GREGORY LEE: Start with two. Okay.
12 MIKAELA EMSWILER: And we just -- we just
13 tallied up the numbers of where we are currently
14 sitting, so I can show you which districts.
15 GREGORY LEE: Yeah. Let's see.
16 MIKAELA EMSWILER: So these are all -- this
17 is the Valley. Those are all locked in. But this --
18 GREGORY LEE: Okay.
19 MIKAELA EMSWILER: This shaded area is just
20 Anchorage. So I'll do the math.
21 GREGORY LEE: That's one question I had is,
22 like, if I was going to go door knocking, which areas
23 would you recommend for me to go in that are good
24 where you need signatures?
25 MIKAELA EMSWILER: Honestly, right now,

Page 5

1 we're having more success at grocery stores.
2 GREGORY LEE: Oh, really? Okay.
3 MIKAELA EMSWILER: Oh, yeah. Especially
4 right now because it's the holidays.
5 GREGORY LEE: Yeah.
6 MIKAELA EMSWILER: Thanksgiving.
7 GREGORY LEE: Was anybody --
8 MIKAELA EMSWILER: (Indiscernible).
9 GREGORY LEE: -- at the -- at the shootout?
10 I should have been there.
11 MIKAELA EMSWILER: No. At Walmart?
12 GREGORY LEE: The -- the -- the great --
13 UNIDENTIFIED SPEAKER: Oh.
14 GREGORY LEE: -- Alaska shootout. That was
15 huge. (Descriptive sound).
16 UNIDENTIFIED SPEAKER: (Indiscernible).
17 GREGORY LEE: Yeah. Yeah.
18 MIKAELA EMSWILER: Oh, oh, yeah.
19 GREGORY LEE: So you guys are having more --
20 more luck just at grocery stores?
21 MIKAELA EMSWILER: Grocery stores, REI.
22 What was some of the other ones?
23 UNIDENTIFIED SPEAKER: (Indiscernible), so
24 Carrs, Fred Meyer, REI.
25 MIKAELA EMSWILER: Fred Meyer.

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 6

1 UNIDENTIFIED SPEAKER: Bass Pro Shops and --
2 MIKAELA EMSWILER: Cabela's.
3 UNIDENTIFIED SPEAKER: -- Cabela's.
4 GREGORY LEE: Okay.
5 UNIDENTIFIED SPEAKER: (Indiscernible).
6 MIKAELA EMSWILER: Yeah. Grocery stores
7 are, like...
8 GREGORY LEE: Good right now?
9 MIKAELA EMSWILER: Oh, yeah.
10 GREGORY LEE: Now, how has -- has your team
11 been at Fred Meyer's? Because in the past they've
12 been kind of not into it, like...
13 MIKAELA EMSWILER: I think we've mainly been
14 going to Carrs. We've got some people -- because I
15 think Walmart, Costco, and Fred Meyer --
16 GREGORY LEE: Fred Meyer's.
17 MIKAELA EMSWILER: -- those are the three
18 that are more resistant.
19 GREGORY LEE: Yeah.
20 MIKAELA EMSWILER: So with Fred Meyer, we've
21 had a couple of our volunteers, you know, like, their
22 brother is the manager --
23 GREGORY LEE: Okay.
24 MIKAELA EMSWILER: -- so they've gotten
25 permission.

Page 7

1 GREGORY LEE: And, really, my --
2 MIKAELA EMSWILER: Because Carrs isn't --
3 GREGORY LEE: -- experience is it depends on
4 the manager, on who's working.
5 MIKAELA EMSWILER: Exactly.
6 UNIDENTIFIED SPEAKER: I don't know if you
7 can see this, but --
8 GREGORY LEE: Okay.
9 UNIDENTIFIED SPEAKER: -- **this is pretty**
10 **much the latest members.** (Indiscernible) suggested
11 (indiscernible) that you could go to.
12 GREGORY LEE: Oh.
13 MIKAELA EMSWILER: **Do you want to text that?**
14 **Can you --**
15 GREGORY LEE: Okay. Yeah. Can you --
16 MIKAELA EMSWILER: -- text that?
17 GREGORY LEE: -- **text that to me?**
18 UNIDENTIFIED SPEAKER: **Yeah.**
19 GREGORY LEE: **Awesome.**
20 UNIDENTIFIED SPEAKER: As long as the
21 district that they correlate with.
22 GREGORY LEE: Okay. Because I know -- a
23 funny story. I know the Midtown Carrs, that one,
24 like, the last time I petitioned, there was one
25 manager that never cared. But there was the other

Page 8

1 manager, as soon as he saw me, then I had to start
2 running. I lit- -- literally, I had to start running.
3 MIKAELA EMSWILER: That's so --
4 GREGORY LEE: It's area code 619-922-1777.
5 I used to live in San Diego.
6 UNIDENTIFIED SPEAKER: Oh, okay.
7 MIKAELA EMSWILER: Oh, really? What part?
8 GREGORY LEE: Right by San Diego, Ocean
9 Beach. I loved it there. I'm --
10 MIKAELA EMSWILER: No kidding.
11 GREGORY LEE: -- trying to get back.
12 MIKAELA EMSWILER: I lived in
13 Fallbrook-Temecula area.
14 GREGORY LEE: Oh, really?
15 MIKAELA EMSWILER: Yeah. Back --
16 GREGORY LEE: Okay.
17 MIKAELA EMSWILER: -- in the day.
18 GREGORY LEE: You kept your tan.
19 MIKAELA EMSWILER: Well, bronzer does the
20 trick now.
21 Okay.
22 GREGORY LEE: Okay.
23 MIKAELA EMSWILER: So this is where we're --
24 where we're currently sitting. Like, these districts
25 are probably, like, 84 percent, 90 percent,

Page 9

1 87 percent. So --
2 GREGORY LEE: Okay.
3 MIKAELA EMSWILER: -- we're really --
4 GREGORY LEE: Really good --
5 MIKAELA EMSWILER: -- (indiscernible) --
6 GREGORY LEE: -- right there.
7 MIKAELA EMSWILER: So there's a Carrs down
8 on Huffman. There's a Carrs here.
9 GREGORY LEE: Uh-huh.
10 MIKAELA EMSWILER: 12, we've locked in. And
11 22, we've locked in.
12 GREGORY LEE: Okay.
13 MIKAELA EMSWILER: I think -- so if it
14 works --
15 GREGORY LEE: So these two, you've got
16 enough signatures?
17 MIKAELA EMSWILER: Right. These two.
18 GREGORY LEE: 12 F, and --
19 MIKAELA EMSWILER: 12 and 22. And we'll --
20 you'll see that on the text that Theo sends you.
21 I think our biggest -- we're, like,
22 50 percent here. So basically, like, the whole city,
23 we need to up our numbers.
24 GREGORY LEE: Okay.
25 MIKAELA EMSWILER: But we're -- we're

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 10

1 getting really close. So, like, 80, 90 percent.
2 Here, we're -- is it 6- -- this is about 70 -- 14 --
3 so 14 -- 14, 15, 16, 17.
4 This whole area, we're really lacking.
5 GREGORY LEE: Downtown?
6 MIKAELA EMSWILER: Big time.
7 GREGORY LEE: Okay.
8 MIKAELA EMSWILER: Oh, yeah. This is, like,
9 downtown. Where are we at Mountain View? 19. Yeah,
10 we're at 75 percent here.
11 GREGORY LEE: Okay.
12 MIKAELA EMSWILER: So, yeah. So about,
13 like, 80, 70 percent, and then, like, 50, 60 percent
14 in this area.
15 GREGORY LEE: Okay.
16 MIKAELA EMSWILER: Honestly, you know,
17 anywhere where we can up our numbers right now is so
18 helpful, because, you know, the more districts we can
19 lock in --
20 GREGORY LEE: Mm-hmm.
21 MIKAELA EMSWILER: Again, people aren't
22 crisscrossing --
23 GREGORY LEE: And that's the beauty of --
24 MIKAELA EMSWILER: -- town hall --
25 GREGORY LEE: -- Anchorage. People are all

Page 11

1 over. Yeah.
2 MIKAELA EMSWILER: So even if you're at,
3 like --
4 GREGORY LEE: So --
5 MIKAELA EMSWILER: I was at REI the other
6 day, and it was packed --
7 GREGORY LEE: Yeah.
8 MIKAELA EMSWILER: -- out, because they're
9 running all their sales now.
10 GREGORY LEE: Mm-hmm.
11 MIKAELA EMSWILER: They're -- they're not
12 open Black Friday.
13 GREGORY LEE: Uh-huh.
14 MIKAELA EMSWILER: But a lot of the other
15 stores are going to be open on Black Friday. So right
16 now --
17 GREGORY LEE: Okay.
18 MIKAELA EMSWILER: -- there's, like, a huge
19 run to the grocery stores for Thanksgiving --
20 GREGORY LEE: Mm-hmm.
21 MIKAELA EMSWILER: -- and then after
22 Thanksgiving.
23 GREGORY LEE: Yeah. I want to do that,
24 because right after --
25 MIKAELA EMSWILER: They'll be shopping.

Page 12

1 GREGORY LEE: -- Thanksgiving, boom.
2 MIKAELA EMSWILER: Right. So your -- like,
3 your Cabela's, your Bass Pro.
4 GREGORY LEE: Okay.
5 MIKAELA EMSWILER: All of those places will
6 be really good.
7 GREGORY LEE: Awesome.
8 MIKAELA EMSWILER: There's the Thursday
9 night fights every Thursday.
10 GREGORY LEE: Oh, I forgot about that.
11 MIKAELA EMSWILER: Jim Patterson has
12 welcomed us to come and collect signatures at the
13 door, and then --
14 GREGORY LEE: Okay.
15 MIKAELA EMSWILER: -- inside there's a table
16 up by the bar area, so --
17 GREGORY LEE: Okay.
18 MIKAELA EMSWILER: -- you can actually stay
19 and watch the fights.
20 GREGORY LEE: Oh, really? Okay.
21 MIKAELA EMSWILER: And then --
22 UNIDENTIFIED SPEAKER: Do you have to pay
23 for that?
24 MIKAELA EMSWILER: -- kind of set up your
25 little table.

Page 13

1 What's that?
2 UNIDENTIFIED SPEAKER: Do you have to pay
3 for it?
4 MIKAELA EMSWILER: Nope.
5 UNIDENTIFIED SPEAKER: Really?
6 GREGORY LEE: Awesome.
7 UNIDENTIFIED SPEAKER: I didn't know that.
8 Shoot, I'll go.
9 MIKAELA EMSWILER: Yeah.
10 GREGORY LEE: Thursday night are the fights.
11 Yeah. I mean -- yeah.
12 MIKAELA EMSWILER: Wait. Because Kevin was
13 there the other week.
14 UNIDENTIFIED SPEAKER: Kevin?
15 MIKAELA EMSWILER: Mm-hmm. And then -- he
16 was one of the signature gatherers. He went there.
17 They set the little table for him back by the bar.
18 UNIDENTIFIED SPEAKER: And so he didn't have
19 to -- he didn't have to pay to get in?
20 MIKAELA EMSWILER: I don't think so.
21 UNIDENTIFIED SPEAKER: Hmm, okay.
22 GREGORY LEE: Any place --
23 MIKAELA EMSWILER: (Indiscernible).
24 GREGORY LEE: -- that's warm, too.
25 UNIDENTIFIED SPEAKER: Yeah.

Page 14

1 GREGORY LEE: Where you can be inside.
2 MIKAELA EMSWILER: Exactly.
3 GREGORY LEE: Lots of heat.
4 MIKAELA EMSWILER: Exactly. So...
5 GREGORY LEE: Okay.
6 UNIDENTIFIED SPEAKER: (Indiscernible).
7 Maybe I'll connect with him and --
8 MIKAELA EMSWILER: Oh, yeah.
9 GREGORY LEE: I totally forgot about that.
10 MIKAELA EMSWILER: And then, of course,
11 Wednesday night, I don't think anyone's gone to the
12 big bowling leagues, like Center Bowl, but --
13 GREGORY LEE: Okay.
14 MIKAELA EMSWILER: -- from what I've
15 heard -- so many people have suggested that. They
16 said, you know, there's, like, so many leagues there
17 and it's just popping. So maybe, you know, as people
18 are coming in --
19 GREGORY LEE: Yeah.
20 MIKAELA EMSWILER: -- through the doors.
21 That might be very lucrative.
22 GREGORY LEE: Yeah. Then other states --
23 like, I worked in some states where it's like -- oh,
24 there's one in Arkansas. It was 110 degrees.
25 MIKAELA EMSWILER: Uh-huh.

Page 15

1 GREGORY LEE: We're just walking right into
2 places because it was so hot. We were walking right
3 through into Walmart until they find us.
4 MIKAELA EMSWILER: Yeah.
5 GREGORY LEE: Okay. But, anyway, so here's
6 some other questions I've got. So --
7 MIKAELA EMSWILER: Okay.
8 GREGORY LEE: -- if I went door knocking on
9 my own -- I kind of already know the answer to this --
10 but if I went door knocking on my own, and if I had
11 one or two friends that I was going to work with --
12 MIKAELA EMSWILER: Mm-hmm.
13 GREGORY LEE: -- could I turn those all in
14 under my name, or would you want them to come here and
15 get their own books?
16 MIKAELA EMSWILER: Oh, no. If they're your
17 books, that's fine. Yeah.
18 GREGORY LEE: So I can go out, and can I
19 train, like, one or two people?
20 MIKAELA EMSWILER: However you want to set
21 it up.
22 GREGORY LEE: I could -- I could show them
23 how to properly get signatures, and I can turn them
24 all in?
25 MIKAELA EMSWILER: Mm-hmm.

Page 16

1 GREGORY LEE: Okay. Cool.
2 MIKAELA EMSWILER: No. Wait. No. The
3 books have to be assigned to them; right, Theo?
4 THEO: (Indiscernible).
5 MIKAELA EMSWILER: Yeah.
6 GREGORY LEE: That's what I was --
7 MIKAELA EMSWILER: As -- yeah. They have to
8 be under --
9 GREGORY LEE: Okay.
10 MIKAELA EMSWILER: -- under their name.
11 GREGORY LEE: And for -- if I was going to
12 try door knocking, is there any neighbors or condos or
13 anything you would recommend?
14 MIKAELA EMSWILER: Trevor -- there's -- so
15 the former chair of the Young Republicans --
16 GREGORY LEE: Uh-huh.
17 MIKAELA EMSWILER: -- his name is Trevor
18 Jepsen --
19 GREGORY LEE: Okay.
20 MIKAELA EMSWILER: -- and they've been --
21 I'm going to send you his contact right now.
22 GREGORY LEE: Okay.
23 MIKAELA EMSWILER: But he's been organizing
24 some door to door every evening starting at 4:30 in
25 targeted areas.

Page 17

1 GREGORY LEE: Okay.
2 MIKAELA EMSWILER: You can do it by -- you
3 know, on your own --
4 GREGORY LEE: Uh-huh.
5 MIKAELA EMSWILER: -- or you can link up
6 with him.
7 GREGORY LEE: Okay.
8 MIKAELA EMSWILER: But I'll send you his
9 number just in case.
10 GREGORY LEE: And for door knocking, are
11 they just blindly knocking, or is there an app or a
12 voting list that --
13 MIKAELA EMSWILER: I think they're going off
14 of a voting list. He would --
15 GREGORY LEE: Okay.
16 MIKAELA EMSWILER: -- know a little bit
17 more.
18 GREGORY LEE: Trevor would know about that?
19 MIKAELA EMSWILER: Yeah.
20 GREGORY LEE: Okay.
21 MIKAELA EMSWILER: Yep. Yeah. I think --
22 UNIDENTIFIED SPEAKER: Is he using the --
23 MIKAELA EMSWILER: -- they're more -- a
24 little bit more strategic.
25 UNIDENTIFIED SPEAKER: Is he using the --

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 18

1 MIKAELA EMSWILER: Now, Carolyn --
2 UNIDENTIFIED SPEAKER: -- I-360? Is Trevor
3 using the I-360?
4 MIKAELA EMSWILER: I don't know what he's --
5 he -- they might be using the I-360.
6 UNIDENTIFIED SPEAKER: Yeah. Because he
7 (indiscernible).
8 MIKAELA EMSWILER: Mm-hmm.
9 UNIDENTIFIED SPEAKER: Oh, really? Great.
10 MIKAELA EMSWILER: It might just -- maybe
11 they're linked up with Americans for Prosperity doing
12 door-to-door stuff --
13 UNIDENTIFIED SPEAKER: (Indiscernible).
14 MIKAELA EMSWILER: -- for Tom McKay, some
15 of --
16 UNIDENTIFIED SPEAKER: Yeah.
17 MIKAELA EMSWILER: So they're working.
18 UNIDENTIFIED SPEAKER: Yeah.
19 MIKAELA EMSWILER: That's what they're
20 doing.
21 UNIDENTIFIED SPEAKER: Okay.
22 MIKAELA EMSWILER: I know Carolyn Overstreet
23 went door to door in her -- in District 13 with
24 Heather, and they said it was a little slow going, you
25 know, (indiscernible) --

Page 19

1 GREGORY LEE: Yeah.
2 MIKAELA EMSWILER: -- you know, came to the
3 door, but...
4 UNIDENTIFIED SPEAKER: There were -- she was
5 campaigning; right? Heather was campaigning, but were
6 they soliciting for signatures, too?
7 MIKAELA EMSWILER: No. They went
8 specifically -- well --
9 UNIDENTIFIED SPEAKER: (Indiscernible).
10 MIKAELA EMSWILER: -- I think both.
11 UNIDENTIFIED SPEAKER: Oh, okay. Oh,
12 really? I didn't know that. Okay.
13 GREGORY LEE: The one thing I've done, like,
14 in the past is, like, to mix it up, too, because it
15 can kind of get monotonous, is doing a store earlier
16 and they know when people are at home.
17 MIKAELA EMSWILER: Yeah.
18 GREGORY LEE: Just do, like, doors for an
19 hour or two, just to change it up --
20 MIKAELA EMSWILER: Yeah.
21 GREGORY LEE: -- you know?
22 MIKAELA EMSWILER: Right. Yeah. You've --
23 you've done this before.
24 GREGORY LEE: Yeah.
25 MIKAELA EMSWILER: I mean, I've noticed,

Page 20

1 like, if I go out at 4:30 to the grocery store, you
2 get a lot of those parents that are, you know, picking
3 up their kids from sports --
4 GREGORY LEE: Yeah.
5 MIKAELA EMSWILER: -- and swinging home and
6 grabbing up their ingredients.
7 GREGORY LEE: They're really in a rush.
8 MIKAELA EMSWILER: Yeah.
9 GREGORY LEE: Yeah. So there's that. So
10 are -- so you've answered this question. Most people
11 are doing it at grocery stores. There's not really --
12 MIKAELA EMSWILER: Yeah.
13 GREGORY LEE: -- a lot of people --
14 MIKAELA EMSWILER: Yeah. In front of --
15 GREGORY LEE: -- door knocking? Okay.
16 MIKAELA EMSWILER: -- stores, grocery
17 stores. The Post Office, there's people who have
18 been --
19 GREGORY LEE: Post Office.
20 MIKAELA EMSWILER: -- going to the Post
21 Office right now, too, because the lines are going out
22 the door with people sending --
23 UNIDENTIFIED SPEAKER: Oh, that's true.
24 MIKAELA EMSWILER: -- packages.
25 GREGORY LEE: That's true. Post Office.

Page 21

1 MIKAELA EMSWILER: Mm-hmm.
2 GREGORY LEE: Then, well, Walmart and Fred
3 Meyer's, hit-or-miss managers.
4 Now, when people are -- I'm just trying to
5 learn as much as I can. So when I'm talking to people
6 and people are on the edge or skeptical, what are you
7 telling people? Is there anything that you're telling
8 people? Is there anything that you're telling people
9 to get them to sign it that are like, (descriptive
10 sound)?
11 MIKAELA EMSWILER: Yeah. So I -- I just --
12 everyone who -- well, I'll ask them if they voted in
13 the last election.
14 GREGORY LEE: Mm-hmm.
15 MIKAELA EMSWILER: Some people are like,
16 "Well, what is ranked choice voting?"
17 GREGORY LEE: Yeah.
18 MIKAELA EMSWILER: You know, and I'll say,
19 "Well, did you vote in the last election?" Because
20 you had 48 -- it was a jungle primary. You have 48
21 people, and there's no vetting process. I mean, the
22 burden was on us.
23 GREGORY LEE: Mm-hmm.
24 MIKAELA EMSWILER: So it was a very
25 confusing, complicated system.

Page 22

1 GREGORY LEE: Mm-hmm.
2 MIKAELA EMSWILER: And I -- I always bring
3 up this point, that our director at the Division of
4 Elections told us -- he said, "There is no human
5 insight into the algorithms of the machines" --
6 GREGORY LEE: Mm-hmm.
7 MIKAELA EMSWILER: -- which raises a whole
8 bunch of questions.
9 And so for me, that's -- people are like,
10 "Oh, wow. I didn't realize that." So you can go the
11 direction of the election integrity.
12 GREGORY LEE: Mm-hmm.
13 MIKAELA EMSWILER: I talked to a lady that
14 said, "Well, I laughed at Bernie Sanders," and, you
15 know, "I think this is a great system."
16 And I said, "Well, did you know that in" --
17 like, the governor of California, Gavin Newsom, I
18 said, "He's completely against the system."
19 GREGORY LEE: Against ranked choice?
20 MIKAELA EMSWILER: Oh, yeah.
21 GREGORY LEE: Yeah.
22 MIKAELA EMSWILER: Because --
23 GREGORY LEE: Okay.
24 MIKAELA EMSWILER: -- it works the other way
25 around in blue states.

Page 23

1 GREGORY LEE: Mm-hmm.
2 MIKAELA EMSWILER: You know, the marginal
3 candidate will get elected, so that means a Republican
4 would have a better chance than a Democrat.
5 GREGORY LEE: Mm-hmm.
6 MIKAELA EMSWILER: So I said, you know,
7 "It's really a bipartisan issue. It can go" --
8 GREGORY LEE: Either way.
9 MIKAELA EMSWILER: Yeah. But the main thing
10 is, like, you want your vote to count --
11 GREGORY LEE: Yeah.
12 MIKAELA EMSWILER: -- and just be a clear
13 system.
14 GREGORY LEE: Clear and simple.
15 MIKAELA EMSWILER: Clear and simple. I
16 think here in Alaska, they exhausted or threw out --
17 it was over 11,000 ballots because they didn't rank
18 all of the candidates.
19 GREGORY LEE: Wow. That's big. So --
20 MIKAELA EMSWILER: That's huge.
21 GREGORY LEE: They threw out 11,000 votes?
22 MIKAELA EMSWILER: Mm-hmm.
23 GREGORY LEE: People that went to vote, they
24 threw them out because they didn't --
25 MIKAELA EMSWILER: They --

Page 24

1 GREGORY LEE: -- do it correctly?
2 MIKAELA EMSWILER: Yeah.
3 GREGORY LEE: Okay.
4 MIKAELA EMSWILER: Yeah.
5 GREGORY LEE: That's a lot.
6 MIKAELA EMSWILER: That is insane.
7 UNIDENTIFIED SPEAKER: (Indiscernible).
8 MIKAELA EMSWILER: What?
9 UNIDENTIFIED SPEAKER: Were they
10 (indiscernible) votes? They never --
11 MIKAELA EMSWILER: They just didn't rank --
12 yeah. They didn't -- maybe they didn't --
13 UNIDENTIFIED SPEAKER: They only got --
14 MIKAELA EMSWILER: -- rank the red --
15 UNIDENTIFIED SPEAKER: Yeah.
16 MIKAELA EMSWILER: -- but they ended up
17 throwing them out and exhausting them.
18 UNIDENTIFIED SPEAKER: They -- yeah. They
19 only ranked (indiscernible), and then --
20 MIKAELA EMSWILER: Well, I don't know --
21 UNIDENTIFIED SPEAKER: -- that ex- -- that
22 exhausted them, (indiscernible).
23 MIKAELA EMSWILER: Yeah.
24 GREGORY LEE: Yeah. Because I got -- I'm a
25 member of --

Page 25

1 MIKAELA EMSWILER: New York City had ranked
2 choice in the mayor's race a couple -- like, two years
3 ago --
4 GREGORY LEE: Mm-hmm.
5 MIKAELA EMSWILER: -- and they had ten
6 candidates on the ballot.
7 GREGORY LEE: Mm-hmm.
8 MIKAELA EMSWILER: And they (indiscernible)
9 by round eight because people didn't rank all ten.
10 There was over 140,000 ballots that were discarded
11 because --
12 GREGORY LEE: Oh, wow.
13 MIKAELA EMSWILER: -- it didn't rank all
14 ten.
15 GREGORY LEE: Wow. Yeah. That's crazy.
16 MIKAELA EMSWILER: Yeah.
17 UNIDENTIFIED SPEAKER: That's -- that's what
18 makes, you know, the counting system prolonged as
19 well.
20 MIKAELA EMSWILER: Right.
21 UNIDENTIFIED SPEAKER: If you have, like,
22 ten -- or even more like here in Alaska. We had how
23 many during the -- the special election that we had?
24 MIKAELA EMSWILER: We had 48.
25 UNIDENTIFIED SPEAKER: Was there -- was

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 26

1 there 48 candidates?
2 MIKAELA EMSWILER: There was 48 candidates.
3 UNIDENTIFIED SPEAKER: Yeah. It was that --
4 it was that errant choice? I can't remember.
5 MIKAELA EMSWILER: Mm-hmm.
6 UNIDENTIFIED SPEAKER: So can you imagine
7 how many they have to, like --
8 MIKAELA EMSWILER: Yeah.
9 UNIDENTIFIED SPEAKER: -- cycle out?
10 MIKAELA EMSWILER: The burden --
11 UNIDENTIFIED SPEAKER: You know?
12 MIKAELA EMSWILER: Yeah. Exactly. The
13 burden -- and then the burden is on us.
14 There was a lady from California who ran in
15 the congressional race. She threw her hand into the
16 rank, and that --
17 GREGORY LEE: Mm-hmm.
18 MIKAELA EMSWILER: -- no one caught that
19 until after the primary. So it just opens a whole can
20 of worms.
21 GREGORY LEE: Yeah.
22 MIKAELA EMSWILER: You know, the parties --
23 GREGORY LEE: That's what we were saying.
24 MIKAELA EMSWILER: -- can't vet their
25 candidates and come out with a frontrunner --

Page 27

1 GREGORY LEE: Mm-hmm.
2 MIKAELA EMSWILER: -- you know, it's just --
3 UNIDENTIFIED SPEAKER: That's another reason
4 why they keep loading the ballot up with so many
5 names, because it prolongs the count.
6 MIKAELA EMSWILER: Yeah.
7 UNIDENTIFIED SPEAKER: You know what I mean?
8 MIKAELA EMSWILER: Yeah. It takes longer.
9 UNIDENTIFIED SPEAKER: Because they -- they
10 keep on --
11 MIKAELA EMSWILER: It's more expensive.
12 UNIDENTIFIED SPEAKER: -- exhausting --
13 MIKAELA EMSWILER: Mm-hmm.
14 UNIDENTIFIED SPEAKER: -- exhausting one
15 round, exhausting the second round, exhausting -- you
16 know what I mean?
17 MIKAELA EMSWILER: That's exactly right.
18 GREGORY LEE: What you're talking about is
19 why it can take months after the election --
20 UNIDENTIFIED SPEAKER: Yeah.
21 GREGORY LEE: -- to have the result? Yeah.
22 UNIDENTIFIED SPEAKER: Yeah.
23 MIKAELA EMSWILER: And then --
24 GREGORY LEE: Yeah.
25 MIKAELA EMSWILER: -- the Division of

Page 28

1 Elections said, you know, there was (indiscernible)
2 count, because, like, it would be impossible to do it
3 on a human level.
4 GREGORY LEE: Mm-hmm.
5 MIKAELA EMSWILER: Like, it has to go
6 through the machines.
7 GREGORY LEE: Okay.
8 MIKAELA EMSWILER: And -- which has no human
9 insight into the --
10 UNIDENTIFIED SPEAKER: Yeah.
11 MIKAELA EMSWILER: -- algorithms.
12 UNIDENTIFIED SPEAKER: I'm sure it's all --
13 it's all -- it's a science, and they --
14 MIKAELA EMSWILER: Isn't that crazy?
15 UNIDENTIFIED SPEAKER: -- figured it out.
16 MIKAELA EMSWILER: So I'm just, like, it
17 raises so many more questions than --
18 GREGORY LEE: Mm-hmm.
19 MIKAELA EMSWILER: -- gives us answers for,
20 so we just want to keep it simple, and we want
21 everyone's voice to count.
22 GREGORY LEE: Okay. I like it.
23 MIKAELA EMSWILER: Yeah.
24 GREGORY LEE: Okay. And then for --
25 UNIDENTIFIED SPEAKER: I always say, just

Page 29

1 one person, one row.
2 GREGORY LEE: One person, one row.
3 UNIDENTIFIED SPEAKER: One person, one row.
4 MIKAELA EMSWILER: Mm-hmm.
5 GREGORY LEE: So that's pretty much your
6 pitch, is you're showing this, and then --
7 MIKAELA EMSWILER: Well --
8 GREGORY LEE: -- sign here?
9 MIKAELA EMSWILER: -- (indiscernible), but,
10 essentially, yeah, I've been going more to the grocery
11 stores.
12 GREGORY LEE: Okay.
13 MIKAELA EMSWILER: I'm just like, "Hey, do
14 you want to help us get rid of ranked choice?"
15 Most people know exactly what it is, and --
16 GREGORY LEE: That's all you're saying?
17 MIKAELA EMSWILER: -- they're like, "Yes."
18 GREGORY LEE: Okay.
19 UNIDENTIFIED SPEAKER: (Indiscernible).
20 MIKAELA EMSWILER: I would say a third --
21 UNIDENTIFIED SPEAKER: You don't even have
22 to explain it.
23 MIKAELA EMSWILER: Yeah. A third of people
24 are like, "Yes." Like, "I've been looking for a
25 petition."

Page 30

1 Then another third are like, "We love ranked
2 choice voting."
3 GREGORY LEE: Yeah.
4 MIKAELA EMSWILER: And then another third is
5 probably just -- you know, they're just wanting to
6 dart in and dart out. "I don't have" --
7 UNIDENTIFIED SPEAKER: Yeah.
8 MIKAELA EMSWILER: -- "time."
9 But --
10 UNIDENTIFIED SPEAKER: (Indiscernible).
11 MIKAELA EMSWILER: -- it's a steady stream.
12 UNIDENTIFIED SPEAKER: Yeah.
13 GREGORY LEE: Mm-hmm.
14 MIKAELA EMSWILER: Probably -- I mean,
15 before Thanksgiving, I was averaging, like, maybe two
16 pages, like a page and a half, two pages per hour.
17 GREGORY LEE: 20 an hour. That's good.
18 MIKAELA EMSWILER: Mm-hmm.
19 GREGORY LEE: Mm-hmm.
20 UNIDENTIFIED SPEAKER: My opening line, I
21 just say -- you know, I just say, "Hey, would you help
22 us repeal or get rid of ranked choice voting?"
23 (Indiscernible) say it and I say it slow,
24 because, you know, it's the same thing with
25 (indiscernible) when you say it slow, and they're

Page 31

1 like, "Oh, yeah. Heck yeah."
2 MIKAELA EMSWILER: Yeah.
3 UNIDENTIFIED SPEAKER: "Let me do this.
4 Yeah."
5 GREGORY LEE: Okay.
6 UNIDENTIFIED SPEAKER: Yeah. So, you know,
7 I just hold up the sign, "Would you help us repeal
8 ranked choice voting?"
9 GREGORY LEE: Mm-hmm.
10 MIKAELA EMSWILER: Yes.
11 UNIDENTIFIED SPEAKER: And I say it -- like
12 I said, I say it slow.
13 GREGORY LEE: Yeah. Perfect.
14 MIKAELA EMSWILER: And then we want these
15 back before Christmas. So we're saying Friday,
16 December 15th would be great. And we can give you
17 another batch of books. So even if they're halfway
18 filled --
19 GREGORY LEE: Mm-hmm.
20 MIKAELA EMSWILER: -- you know, that way we
21 can figure out where our numbers are.
22 Our hard-and-fast deadline to get them into
23 Division of Elections is January 15th --
24 GREGORY LEE: Okay. So -- but you said --
25 MIKAELA EMSWILER: -- so we'll have more.

Page 32

1 GREGORY LEE: -- December 15th, that's the
2 goal where you want these books here?
3 MIKAELA EMSWILER: So we can --
4 GREGORY LEE: Okay.
5 MIKAELA EMSWILER: -- like, you know, kind
6 of up our numbers a --
7 GREGORY LEE: Mm-hmm.
8 MIKAELA EMSWILER: -- little bit. And then
9 we'll turn around and reissue a new book to you guys.
10 GREGORY LEE: Okay.
11 MIKAELA EMSWILER: Because Christmas is --
12 (indiscernible) --
13 GREGORY LEE: Yeah.
14 MIKAELA EMSWILER: -- signatures --
15 GREGORY LEE: Yeah.
16 MIKAELA EMSWILER: -- Christmastime, too.
17 GREGORY LEE: And this is -- Wellspring,
18 this is your office? This is where I turn them in?
19 MIKAELA EMSWILER: Yeah. We've been working
20 out of here.
21 GREGORY LEE: Okay.
22 MIKAELA EMSWILER: You'll have to get the
23 book notarized.
24 GREGORY LEE: Okay.
25 MIKAELA EMSWILER: Theo's a notary. We've

Page 33

1 got a notary that works here --
2 GREGORY LEE: Okay.
3 MIKAELA EMSWILER: -- as well. Or just call
4 me --
5 GREGORY LEE: Okay.
6 MIKAELA EMSWILER: -- and we can coordinate.
7 GREGORY LEE: And what else? Like, my
8 mind --
9 MIKAELA EMSWILER: Yeah.
10 GREGORY LEE: I have all of these ideas.
11 So, friends, if I -- if they want to go out
12 on their own, and even if I could help train them but
13 then they go out on their own, if they hit a certain
14 amount of signatures, could I get a bon- -- a referral
15 bonus or anything?
16 MIKAELA EMSWILER: If they what?
17 GREGORY LEE: If they, like, turned in a
18 book or two.
19 MIKAELA EMSWILER: Yeah.
20 GREGORY LEE: Like, are you doing, like, a
21 referral bonus or anything?
22 MIKAELA EMSWILER: No. We're not --
23 GREGORY LEE: No.
24 MIKAELA EMSWILER: -- doing --
25 GREGORY LEE: Okay.

RECORDED CONVERSATION
Between Mikaela Emswiler and Gregory Lee on 11/22/2023

Page 34

1 MIKAELA EMSWILER: -- referral bonuses.
2 GREGORY LEE: All right.
3 MIKAELA EMSWILER: Yeah.
4 GREGORY LEE: Some places do that.
5 Greg.
6 UNIDENTIFIED SPEAKER: Greg what?
7 GREGORY LEE: Yeah. Greg Lee.
8 UNIDENTIFIED SPEAKER: Okay.
9 MIKAELA EMSWILER: Yeah. It's just four --
10 so what I'll do is I'll assign the books to you, and
11 then I'll just let you be in charge of --
12 GREGORY LEE: Okay.
13 MIKAELA EMSWILER: -- however you want to
14 set it up.
15 GREGORY LEE: Okay.
16 MIKAELA EMSWILER: You can be the manager.
17 GREGORY LEE: And I've done that before.
18 MIKAELA EMSWILER: The captain.
19 GREGORY LEE: So -- okay.
20 MIKAELA EMSWILER: Yeah.
21 GREGORY LEE: So turn in -- friends, I can
22 train people.
23 MIKAELA EMSWILER: Mm-hmm.
24 GREGORY LEE: Oh, and I have another friend
25 and I told her about this, and she was like, "No. I'm

Page 35

1 not like you, Greg. I can't do that."
2 Do you need anyone else for, like, data
3 entry or phone calls or anything that you're --
4 MIKAELA EMSWILER: Oh, yeah. I mean --
5 GREGORY LEE: -- that you're hiring for?
6 MIKAELA EMSWILER: -- so we're -- we're not
7 hiring for -- I mean, we're almost through -- we're
8 pretty much all caught up with the books that have
9 been turned in so far.
10 GREGORY LEE: Mm-hmm.
11 MIKAELA EMSWILER: So, I mean, we've been
12 working really hard on that for the last -- there's
13 been, like, a team of about eight of us --
14 GREGORY LEE: Gotcha.
15 MIKAELA EMSWILER: -- that have been working
16 on -- so we're -- we're -- I think we only have, like,
17 maybe three books left.
18 GREGORY LEE: Oh, okay. So you're pretty
19 caught up?
20 MIKAELA EMSWILER: Mm-hmm.
21 GREGORY LEE: Okay. Are you guys doing any
22 phone calls or anything, or no?
23 MIKAELA EMSWILER: Yeah. There's -- so
24 there's a team out in the Valley.
25 GREGORY LEE: Mm-hmm.

Page 36

1 MIKAELA EMSWILER: They are focusing on the
2 phone calls, trying to get the rest -- the remaining
3 books back in.
4 GREGORY LEE: Gotcha. Okay.
5 MIKAELA EMSWILER: Yeah.
6 GREGORY LEE: Well, yeah, if you need anyone
7 part time, she works in an office. If -- if you're
8 looking to hire anyone, let me know.
9 MIKAELA EMSWILER: Okay. Yeah. That's --
10 GREGORY LEE: Because she does phone calls,
11 data entry, and she's good.
12 MIKAELA EMSWILER: Oh.
13 GREGORY LEE: Yeah. She does that thing
14 where, like, when judges talk --
15 UNIDENTIFIED SPEAKER: (Indiscernible).
16 MIKAELA EMSWILER: What's her --
17 GREGORY LEE: She's really fast.
18 UNIDENTIFIED SPEAKER: She's --
19 GREGORY LEE: Frederica.
20 UNIDENTIFIED SPEAKER: Yeah.
21 MIKAELA EMSWILER: Frederica.
22 UNIDENTIFIED SPEAKER: Oh, okay.
23 GREGORY LEE: She -- (descriptive sound).
24 She's really fast.
25 UNIDENTIFIED SPEAKER: A court reporter.

Page 37

1 GREGORY LEE: Yeah, a court reporter. Yeah,
2 she does that.
3 MIKAELA EMSWILER: That's amazing.
4 (Indiscernible) practice for me.
5 GREGORY LEE: Yeah, I bet.
6 All right. Cool. That's all of my
7 questions. Awesome.
8 MIKAELA EMSWILER: Do you need two more of
9 these?
10 GREGORY LEE: Yes.
11 MIKAELA EMSWILER: I don't have any extra
12 legal-size clipboards, but can pick them up at
13 OfficeMax.
14 GREGORY LEE: Yeah. I make my own out of
15 those light boards. I cut them --
16 MIKAELA EMSWILER: Yeah.
17 GREGORY LEE: -- and then put clips on the
18 end because --
19 MIKAELA EMSWILER: Oh, that works.
20 GREGORY LEE: -- they're light.
21 MIKAELA EMSWILER: Yeah. So here's two
22 more, and then I'll --
23 GREGORY LEE: I'll just get two.
24 MIKAELA EMSWILER: Do you want -- do you --
25 GREGORY LEE: Well, I mean, yeah.

Page 38

1 MIKAELA EMSWILER: Yeah. For two extra --
2 GREGORY LEE: Perfect.
3 MIKAELA EMSWILER: -- books, and then --
4 GREGORY LEE: Okay.
5 MIKAELA EMSWILER: -- I'll put that -- book
6 that with you.
7 GREGORY LEE: Hey, good to see you again.
8 UNIDENTIFIED SPEAKER: You too.
9 GREGORY LEE: Mm-hmm.
10 UNIDENTIFIED SPEAKER: Good seeing you.
11 Thank you.
12 GREGORY LEE: I'm so glad it's warming out
13 (as spoken). No more shoveling.
14 MIKAELA EMSWILER: We'll see -- we'll see
15 how long that -- this lasts us.
16 UNIDENTIFIED SPEAKER: Hey, there.
17 MIKAELA EMSWILER: Hi.
18 UNIDENTIFIED SPEAKER: Good to see you.
19 MIKAELA EMSWILER: Good to see you.
20 UNIDENTIFIED SPEAKER: Hello.
21 GREGORY LEE: Hey, how are you doing?
22 MIKAELA EMSWILER: (Indiscernible). This is
23 Kit. This is Greg.
24 GREGORY LEE: Hey, how are you doing?
25 KIT: Hi. Good. Nice to meet you.

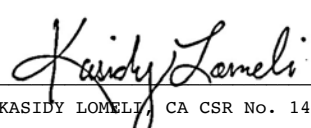
Page 39

1 GREGORY LEE: Nice to meet you. What's your
2 name?
3 KIT: Kit.
4 GREGORY LEE: Kit, Greg.
5 KIT: Greg. All right.
6 MIKAELA EMSWILER: What's today? 11-22.
7 That might be the best one. 13 -- Greg Lee.
8 And do -- do you mind filling out your
9 information?
10 GREGORY LEE: Yeah. Yeah. Definitely.
11 MIKAELA EMSWILER: So I'm going to put these
12 under your line, and then you can --
13 GREGORY LEE: Okay.
14 MIKAELA EMSWILER: -- latch them with
15 however you see fit.
16 GREGORY LEE: 99508.
17 MIKAELA EMSWILER: I can't imagine, like,
18 even Black Friday --
19 GREGORY LEE: Mm-hmm.
20 MIKAELA EMSWILER: -- on the weekend. It's
21 going to be really, really busy out and about.
22 GREGORY LEE: That was (indiscernible) Greg,
23 11.
24 MIKAELA EMSWILER: Okay. Perfect.
25 GREGORY LEE: Sweet.

Page 40

1 MIKAELA EMSWILER: Awesome.
2 GREGORY LEE: I finally made it here.
3 MIKAELA EMSWILER: Yeah.
4 GREGORY LEE: Thank you so much.
5 MIKAELA EMSWILER: Yeah. You're welcome.
6 GREGORY LEE: I'll let you know how it's
7 going and when I need more.
8 MIKAELA EMSWILER: Okay.
9 GREGORY LEE: Thank you.
10 MIKAELA EMSWILER: I have one lady that's
11 done a book a week.
12 GREGORY LEE: Yeah. Yeah. This is my
13 Christmas money.
14 Thank you.
15 MIKAELA EMSWILER: All right. Thank you so
16 much.
17 GREGORY LEE: Hey, how's it going?
18 UNIDENTIFIED SPEAKER: (Indiscernible).
19 (Off record.)
20 -o0o-
21
22
23
24
25

Page 41

1 TRANSCRIBER'S CERTIFICATE
2
3 I, Kasidy Lomeli, hereby certify that the
4 foregoing pages numbered 1 through 40 are a true,
5 accurate, and complete transcript of the proceedings
6 transcribed by me from a copy of the electronic sound
7 recording to the best of my knowledge and ability.
8 I further certify that I am a disinterested
9 party to said action.
10
11
12 November 28, 2023 
13 KASIDY LOMELI, CA CSR No. 14046
14 My Commission Expires 8/25/2024
15
16
17
18
19
20
21
22
23
24
25

-	7	ballots 23:17 25:10
-o0o- 2:2 40:20	70 10:2,13	bar 12:16 13:17
1	75 10:10	basically 9:22
11 39:23	8	Bass 6:1 12:3
11,000 23:17,21	80 10:1,13	batch 31:17
11-22 39:6	84 8:25	Beach 8:9
110 14:24	87 9:1	beauty 10:23
12 9:10,18,19	9	Bernie 22:14
13 18:23 39:7	90 8:25 10:1	bet 37:5
14 10:2,3	99508 39:16	big 10:6 14:12 23:19
140,000 25:10	A	biggest 9:21
15 10:3	Alaska 5:14 23:16 25:22	bipartisan 23:7
15th 31:16,23 32:1	algorithms 22:5 28:11	bit 17:16,24 32:8
16 10:3	amazing 37:3	Black 11:12,15 39:18
17 10:3	Americans 18:11	blindly 17:11
19 10:9	amount 33:14	blue 22:25
2	Anchorage 4:20 10:25	board 3:16
20 30:17	answers 28:19	boards 3:10 37:15
22 9:11,19	anyone's 14:11	bon- 33:14
22nd 2:4	app 17:11	bonus 33:15,21
2:00 2:4	area 4:19 8:4,13 10:4,14 12:16	bonuses 34:1
4	areas 4:22 16:25	book 4:8 32:9,23 33:18 38:5 40:11
48 21:20 25:24 26:1,2	Arkansas 14:24	books 3:2 4:8 15:15,17 16:3 31:17 32:2 34:10 35:8,17 36:3 38:3
4:30 16:24 20:1	assign 34:10	boom 3:16 12:1
5	assigned 16:3	Bowl 14:12
50 9:22 10:13	averaging 30:15	bowling 14:12
6	Awesome 4:3 7:19 12:7 13:6 37:7 40:1	bring 22:2
6- 10:2	B	bronzer 8:19
60 10:13	back 3:10,16 8:11,15 13:17 31:15 36:3	brother 6:22
619-922-1777 8:4	ballot 25:6 27:4	bunch 22:8
		burden 21:22 26:10,13
		busy 39:21
		C
		Cabela's 6:2,3 12:3
		California 22:17 26:14

call 33:3
calls 35:3,22 36:2,10
campaigning 19:5
candidate 23:3
candidates 23:18 25:6 26:1,2,25
captain 34:18
cared 7:25
Carolyn 18:1,22
Carrs 5:24 6:14 7:2,23 9:7,8
case 17:9
caught 26:18 35:8,19
Center 14:12
chair 16:15
chance 23:4
change 19:19
charge 34:11
choice 4:1 21:16 22:19 25:2 26:4
29:14 30:2,22 31:8
Christmas 31:15 32:11 40:13
Christmastime 32:16
city 9:22 25:1
classroom 2:9
clear 3:21 23:12,14,15
clipboards 37:12
clips 37:17
close 10:1
code 8:4
collect 2:22 12:12
colors 4:2
completely 22:18
complicated 21:25
condos 16:12
confusing 21:25
congressional 26:15
connect 14:7
contact 16:21
Cool 16:1 37:6

coordinate 33:6
correctly 24:1
correlate 7:21
Costco 6:15
count 23:10 27:5 28:2,21
counting 25:18
couple 6:21 25:2
court 36:25 37:1
crazy 25:15 28:14
crisscrossing 10:22
cut 37:15
cycle 26:9

D

dart 30:6
data 35:2 36:11
day 8:17 11:6
deadline 31:22
December 31:16 32:1
degrees 14:24
Democrat 23:4
depends 7:3
descriptive 5:15 21:9 36:23
Diego 8:5,8
direction 22:11
director 22:3
discarded 25:10
district 7:21 18:23
districts 4:14 8:24 10:18
Division 22:3 27:25 31:23
door 2:10 4:22 12:13 15:8,10 16:12,
24 17:10 18:23 19:3 20:15,22
door-to-door 18:12
doors 14:20 19:18
downtown 10:5,9

E

earlier 19:15
edge 21:6
elected 23:3
election 21:13,19 22:11 25:23 27:19
Elections 22:4 28:1 31:23
EMSWILER 2:14,16,18,20,24 3:1,4,7,
9,12,18,20,24 4:1,4,7,10,12,16,19,25
5:3,6,8,11,18,21,25 6:2,6,9,13,17,20,
24 7:2,5,13,16 8:3,7,10,12,15,17,19,
23 9:3,5,7,10,13,17,19,25 10:6,8,12,
16,21,24 11:2,5,8,11,14,18,21,25
12:2,5,8,11,15,18,21,24 13:4,9,12,15,
20,23 14:2,4,8,10,14,20,25 15:4,7,12,
16,20,25 16:2,5,7,10,14,17,20,23
17:2,5,8,13,16,19,21,23 18:1,4,8,10,
14,17,19,22 19:2,7,10,17,20,22,25
20:5,8,12,14,16,20,24 21:1,11,15,18,
24 22:2,7,13,20,22,24 23:2,6,9,12,15,
20,22,25 24:2,4,6,8,11,14,16,20,23
25:1,5,8,13,16,20,24 26:2,5,8,10,12,
18,22,24 27:2,6,8,11,13,17,23,25
28:5,8,11,14,16,19,23 29:4,7,9,13,17,
20,23 30:4,8,11,14,18 31:2,10,14,20,
25 32:3,5,8,11,14,16,19,22,25 33:3,6,
9,16,19,22,24 34:1,3,9,13,16,18,20,23
35:4,6,11,15,20,23 36:1,5,9,12,16,21
37:3,8,11,16,19,21,24 38:1,3,5,14,17,
19,22 39:6,11,14,17,20,24 40:1,3,5,8,
10,15
end 2:10 37:18
ended 24:16
entry 35:3 36:11
errant 26:4
essentially 29:10
evening 16:24
everyone's 28:21
ex- 24:21
exhausted 23:16 24:22
exhausting 24:17 27:12,14,15
expensive 27:11
experience 7:3
explain 29:22

extra 37:11 38:1	Greg 34:5,6,7 35:1 38:23 39:4,5,7,22	hit-or-miss 21:3
<hr/>	Gregory 2:3,11,13,15,17,19,21,25	Hmm 13:21
F	3:3,6,8,11,14,19,23,25 4:2,6,9,11,15,	hold 31:7
<hr/>	18,21 5:2,5,7,9,12,14,17,19 6:4,8,10,	holidays 5:4
Fallbrook-temecula 8:13	16,19,23 7:1,3,8,12,15,17,19,22 8:4,8,	home 19:16 20:5
fast 36:17,24	11,14,16,18,22 9:2,4,6,9,12,15,18,24	Honestly 4:25 10:16
fighths 12:9,19 13:10	10:5,7,11,15,20,23,25 11:4,7,10,13,	hot 15:2
figure 31:21	17,20,23 12:1,4,7,10,14,17,20 13:6,	hour 19:19 30:16,17
figured 3:9 28:15	10,22,24 14:1,3,5,9,13,19,22 15:1,5,8,	how's 2:18 40:17
filled 31:18	13,18,22 16:1,6,9,11,16,19,22 17:1,4,	Huffman 9:8
filling 39:8	7,10,15,18,20 19:1,13,18,21,24 20:4,	huge 5:15 11:18 23:20
finally 2:22 40:2	7,9,13,15,19,25 21:2,14,17,23 22:1,6,	human 22:4 28:3,8
find 15:3	12,19,21,23 23:1,5,8,11,14,19,21,23	<hr/>
fine 15:17	24:1,3,5,24 25:4,7,12,15 26:17,21,23	I
fit 39:15	27:1,18,21,24 28:4,7,18,22,24 29:2,5,	<hr/>
focusing 36:1	8,12,16,18 30:3,13,17,19 31:5,9,13,	I-360 18:2,3,5
forgot 12:10 14:9	19,24 32:1,4,7,10,13,15,17,21,24	ideas 33:10
Fred 5:24,25 6:11,15,16,20 21:2	33:2,5,7,10,17,20,23,25 34:2,4,7,12,	imagine 26:6 39:17
Frederica 36:19,21	15,17,19,21,24 35:5,10,14,18,21,25	impossible 28:2
Friday 11:12,15 31:15 39:18	36:4,6,10,13,17,19,23 37:1,5,10,14,	indiscernible 4:1 5:8,16,23 6:5 7:10,
friend 34:24	17,20,23,25 38:2,4,7,9,12,21,24 39:1,	11 9:5 13:23 14:6 16:4 18:7,13,25
friends 15:11 33:11 34:21	4,10,13,16,19,22,25 40:2,4,6,9,12,17	19:9 24:7,10,19,22 25:8 28:1 29:9,19
front 3:2 20:14	grocery 5:1,20,21 6:6 11:19 20:1,11,	30:10,23,25 32:12 36:15 37:4 38:22
frontrunner 26:25	16 29:10	39:22 40:18
funny 7:23	guys 5:19 32:9 35:21	information 39:9
<hr/>	<hr/>	ingredients 20:6
G	H	insane 24:6
<hr/>	<hr/>	inside 12:15 14:1
gatherers 13:16	half 30:16	insight 22:5 28:9
Gavin 22:17	halfway 31:17	integrity 22:11
give 31:16	hall 10:24	issue 23:7
glad 38:12	hallway 2:9,10	<hr/>
goal 32:2	hand 26:15	J
good 2:19,20,21 4:23 6:8 9:4 12:6	hard 35:12	<hr/>
30:17 36:11 38:7,10,18,19,25	hard-and-fast 31:22	January 31:23
Gotcha 35:14 36:4	heard 14:15	Jepsen 16:18
governor 22:17	heat 14:3	Jim 12:11
grabbing 20:6	Heather 18:24 19:5	judges 36:14
great 2:24 5:12 18:9 22:15 31:16	Heck 31:1	jungle 21:20
	helpful 10:18	
	Hey 2:13 29:13 30:21 38:7,16,21,24	
	40:17	
	hire 36:8	
	hiring 35:5,7	
	hit 33:13	

<hr/> <p style="text-align: center;">K</p> <hr/> <p>Kevin 13:12,14 kidding 8:10 kids 20:3 kind 3:21 6:12 12:24 15:9 19:15 32:5 Kit 38:23,25 39:3,4,5 knocking 4:22 15:8,10 16:12 17:10, 11 20:15</p> <hr/>	<p>lines 20:21 link 17:5 linked 18:11 list 17:12,14 lit- 8:2 literally 8:2 live 8:5 lived 8:12 loading 27:4 lock 10:19 locked 4:17 9:10,11 long 7:20 38:15 longer 27:8 lot 11:14 20:2,13 24:5 Lots 14:3 love 3:23 30:1 loved 8:9 luck 5:20 lucrative 14:21</p> <hr/>	<p>Meyer 5:24,25 6:15,20 Meyer's 6:11,16 21:3 Midtown 7:23 Mikaela 2:5,7,8,14,16,18,20,24 3:1,4, 7,9,12,18,20,24 4:1,4,7,10,12,16,19, 25 5:3,6,8,11,18,21,25 6:2,6,9,13,17, 20,24 7:2,5,13,16 8:3,7,10,12,15,17, 19,23 9:3,5,7,10,13,17,19,25 10:6,8, 12,16,21,24 11:2,5,8,11,14,18,21,25 12:2,5,8,11,15,18,21,24 13:4,9,12,15, 20,23 14:2,4,8,10,14,20,25 15:4,7,12, 16,20,25 16:2,5,7,10,14,17,20,23 17:2,5,8,13,16,19,21,23 18:1,4,8,10, 14,17,19,22 19:2,7,10,17,20,22,25 20:5,8,12,14,16,20,24 21:1,11,15,18, 24 22:2,7,13,20,22,24 23:2,6,9,12,15, 20,22,25 24:2,4,6,8,11,14,16,20,23 25:1,5,8,13,16,20,24 26:2,5,8,10,12, 18,22,24 27:2,6,8,11,13,17,23,25 28:5,8,11,14,16,19,23 29:4,7,9,13,17, 20,23 30:4,8,11,14,18 31:2,10,14,20, 25 32:3,5,8,11,14,16,19,22,25 33:3,6, 9,16,19,22,24 34:1,3,9,13,16,18,20,23 35:4,6,11,15,20,23 36:1,5,9,12,16,21 37:3,8,11,16,19,21,24 38:1,3,5,14,17, 19,22 39:6,11,14,17,20,24 40:1,3,5,8, 10,15</p> <hr/>
<hr/> <p style="text-align: center;">L</p> <hr/> <p>lacking 10:4 lady 22:13 26:14 40:10 lasts 38:15 latch 39:14 latest 7:10 laughed 22:14 leagues 14:12,16 learn 21:5 Lee 2:3,11,13,15,17,19,21,25 3:3,6,8, 11,14,19,23,25 4:2,6,9,11,15,18,21 5:2,5,7,9,12,14,17,19 6:4,8,10,16,19, 23 7:1,3,8,12,15,17,19,22 8:4,8,11,14, 16,18,22 9:2,4,6,9,12,15,18,24 10:5,7, 11,15,20,23,25 11:4,7,10,13,17,20,23 12:1,4,7,10,14,17,20 13:6,10,22,24 14:1,3,5,9,13,19,22 15:1,5,8,13,18,22 16:1,6,9,11,16,19,22 17:1,4,7,10,15, 18,20 19:1,13,18,21,24 20:4,7,9,13, 15,19,25 21:2,14,17,23 22:1,6,12,19, 21,23 23:1,5,8,11,14,19,21,23 24:1,3, 5,24 25:4,7,12,15 26:17,21,23 27:1, 18,21,24 28:4,7,18,22,24 29:2,5,8,12, 16,18 30:3,13,17,19 31:5,9,13,19,24 32:1,4,7,10,13,15,17,21,24 33:2,5,7, 10,17,20,23,25 34:2,4,7,12,15,17,19, 21,24 35:5,10,14,18,21,25 36:4,6,10, 13,17,19,23 37:1,5,10,14,17,20,23,25 38:2,4,7,9,12,21,24 39:1,4,7,10,13,16, 19,22,25 40:2,4,6,9,12,17 left 35:17 legal-size 37:12 level 28:3 light 37:15,20</p>	<hr/> <p style="text-align: center;">M</p> <hr/> <p>machines 22:5 28:6 made 2:17 40:2 main 23:9 make 37:14 makes 25:18 manager 6:22 7:4,25 8:1 34:16 managers 21:3 marginal 23:2 math 4:20 mayor's 25:2 Mckay 18:14 means 23:3 meet 38:25 39:1 member 24:25 members 7:10</p> <hr/>	<p>mind 33:8 39:8 Ministries 2:6 mix 19:14 Mm-hmm 3:8 10:20 11:10,20 13:15 15:12,25 18:8 21:1,14,23 22:1,6,12 23:1,5,22 25:4,7 26:5,17 27:1,13 28:4, 18 29:4 30:13,18,19 31:9,19 32:7 34:23 35:10,20,25 38:9 39:19 money 40:13 monotonous 19:15 months 27:19 Mountain 10:9</p> <hr/>
		<hr/> <p style="text-align: center;">N</p> <hr/> <p>names 27:5 neighbors 16:12 Newsom 22:17 Nice 38:25 39:1 night 12:9 13:10 14:11</p>

notarized 32:23
notary 32:25 33:1
noticed 19:25
November 2:4
number 17:9
numbers 4:13 9:23 10:17 31:21 32:6

O

Ocean 8:8
office 2:6 20:17,19,21,25 32:18 36:7
Officemax 37:13
open 2:10 11:12,15
opening 30:20
opens 26:19
organizing 16:23
Overstreet 18:22

P

P-R-O-C-E-E-D-I-N-G-S 2:1

p.m. 2:4
packages 20:24
packed 11:6
pages 30:16
parents 20:2
part 8:7 36:7
parties 26:22
past 3:15 6:11 19:14
Patterson 12:11
pay 12:22 13:2,19
people 3:15,21 6:14 10:21,25 14:15,
17 15:19 19:16 20:10,13,17,22 21:4,5,
6,7,8,15,21 22:9 23:23 25:9 29:15,23
34:22
percent 8:25 9:1,22 10:1,10,13
perfect 3:17 31:13 38:2 39:24
permission 6:25
person 29:1,2,3

petition 29:25
petitioned 7:24
phone 35:3,22 36:2,10
pick 37:12
picking 20:2
pitch 29:6

place 13:22
places 12:5 15:2 34:4
point 22:3
popping 14:17
Post 20:17,19,20,25
practice 37:4
pretty 7:9 29:5 35:8,18
primary 21:20 26:19

Pro 6:1 12:3
process 21:21
prolonged 25:18
prolongs 27:5
properly 15:23
Prosperity 18:11
put 3:16 37:17 38:5 39:11

Q

question 4:21 20:10
questions 15:6 22:8 28:17 37:7

R

race 25:2 26:15
raises 22:7 28:17
ran 26:14
rank 23:17 24:11,14 25:9,13 26:16
ranked 21:16 22:19 24:19 25:1 29:14
30:1,22 31:8
ready 2:22
realize 22:10
reason 27:3
recommend 4:23 16:13

record 40:19
red 24:14
referral 33:14,21 34:1
REI 5:21,24 11:5
reissue 32:9
remaining 36:2

remember 4:8 26:4
repeal 30:22 31:7
reporter 36:25 37:1
Republican 23:3
Republicans 16:15
resistant 6:18
rest 36:2
result 27:21

rid 29:14 30:22
round 25:9 27:15
row 29:1,2,3
run 11:19
running 8:2 11:9
rush 20:7

S

sales 11:9
San 8:5,8
Sanders 22:14
science 28:13
send 16:21 17:8
sending 20:22
sends 9:20
set 12:24 13:17 15:20 34:14
shaded 4:19
Shoot 13:8
shootout 5:9,14
shopping 11:25
Shops 6:1
shoveling 38:13

show 3:5,12 4:14 15:22	suggested 7:10 14:15	turn 15:13,23 32:9,18 34:21
showing 29:6	Sweet 39:25	turned 33:17 35:9
sign 21:9 29:8 31:7	swinging 20:5	
signature 13:16	system 21:25 22:15,18 23:13 25:18	<hr/> U <hr/>
signatures 2:24 4:24 9:16 12:12 15:23 19:6 32:14 33:14	<hr/> T <hr/>	Uh-huh 9:9 11:13 14:25 16:16 17:4
simple 23:14,15 28:20	table 12:15,25 13:17	UNIDENTIFIED 2:8,12 5:13,16,23 6:1,3,5 7:6,9,18,20 8:6 12:22 13:2,5,7, 14,18,21,25 14:6 17:22,25 18:2,6,9, 13,16,18,21 19:4,9,11 20:23 24:7,9, 13,15,18,21 25:17,21,25 26:3,6,9,11 27:3,7,9,12,14,20,22 28:10,12,15,25 29:3,19,21 30:7,10,12,20 31:3,6,11 34:6,8 36:15,18,20,22,25 38:8,10,16, 18,20 40:18
sitting 4:14 8:24	takes 27:8	<hr/> V <hr/>
skeptical 21:6	talk 2:5 36:14	Valley 4:17 35:24
slow 18:24 30:23,25 31:12	talked 22:13	vet 26:24
soliciting 19:6	talking 21:5 27:18	vetting 21:21
sound 5:15 21:10 36:23	tallied 4:13	View 10:9
speak 2:7	tan 8:18	voice 28:21
SPEAKER 2:8,12 5:13,16,23 6:1,3,5 7:6,9,18,20 8:6 12:22 13:2,5,7,14,18, 21,25 14:6 17:22,25 18:2,6,9,13,16, 18,21 19:4,9,11 20:23 24:7,9,13,15, 18,21 25:17,21,25 26:3,6,9,11 27:3,7, 9,12,14,20,22 28:10,12,15,25 29:3,19, 21 30:7,10,12,20 31:3,6,11 34:6,8 36:15,18,20,22,25 38:8,10,16,18,20 40:18	tape 3:9	volunteers 6:21
special 25:23	targeted 16:25	vote 21:19 23:10,23
specifically 19:8	team 6:10 35:13,24	voted 21:12
spoken 38:13	telling 21:7,8	votes 23:21 24:10
sports 20:3	ten 25:5,9,14,22	voting 17:12,14 21:16 30:2,22 31:8
stands 4:3	text 7:13,16,17 9:20	<hr/> W <hr/>
start 4:11 8:1,2	Thanksgiving 5:6 11:19,22 12:1 30:15	Wait 13:12 16:2
starting 16:24	Theo 9:20 16:3,4	walking 3:15 15:1,2
states 14:22,23 22:25	Theo's 32:25	Walmart 5:11 6:15 15:3 21:2
stay 12:18	thing 19:13 23:9 30:24 36:13	wanting 30:5
steady 30:11	threw 23:16,21,24 26:15	warm 13:24
store 19:15 20:1	throwing 24:17	warming 38:12
stores 5:1,20,21 6:6 11:15,19 20:11, 16,17 29:11	Thursday 12:8,9 13:10	watch 12:19
story 7:23	time 7:24 10:6 30:8 36:7	Wednesday 2:4 14:11
strategic 17:24	today 2:4 39:6	week 13:13 40:11
stream 30:11	told 22:4 34:25	weekend 39:20
stuff 18:12	Tom 18:14	welcomed 12:12
success 5:1	totally 14:9	
	town 10:24	
	train 15:19 33:12 34:22	
	Trevor 16:14,17 17:18 18:2	
	trick 8:20	
	true 20:23,25	

Wellspring 2:6 32:17

work 15:11

worked 14:23

working 7:4 18:17 32:19 35:12,15

works 9:14 22:24 33:1 36:7 37:19

worms 26:20

wow 22:10 23:19 25:12,15

Y

years 25:2

York 25:1

Young 16:15

Ministry Staff



Art Mathias
Founder/President

[Bio](#)

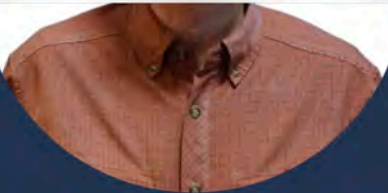


Patti Mathias
Vice President



Pastor Pat Hadley
Senior Pastor

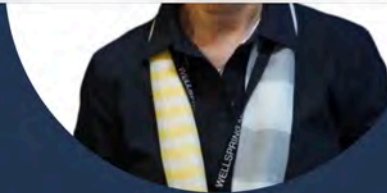
[Bio](#)



Art Mathias

Founder/President

Bio



Patti Mathias

Vice President



Pastor Pat Hadley

Senior Pastor

Bio



Monica Mosier

Office Manager

Bio



Kit Rittgers

Office Adimistrator



Janice Coulter

Prayer Counselor

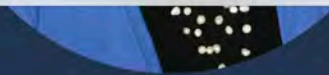




Monica Mosier

Office Manager

Bio



Kit Rittgers

Office Adimistrator



Janice Coulter

Prayer Counselor



Robert Coulter

Prayer Counselor



Kathi McReynolds

Prayer Counselor



Milan Galey

Prayer Counselor





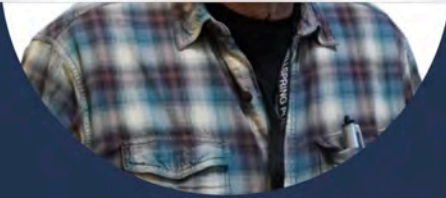
Robert Coulter

Prayer Counselor



Kathi McReynolds

Prayer Counselor



Milan Galey

Prayer Counselor



Cindy Koch

Prayer Counselor



Dave Koch

Prayer Counselor



Kynda Nokelby

Prayer Counselor





Cindy Koch

Prayer Counselor

Dave Koch

Prayer Counselor

Kynda Nokelby

Prayer Counselor



Evin Lucas

Media Assistant



[\(907\) 563-9033](tel:(907)563-9033)

[Contact Us](#)

Office Hours:

Tuesday - Friday

8:30 - 5:00

INDEPENDENT EXPENDITURES FORM 15-6

COMPLETEDSubmission Date: **11/25/2023**

FILER INFORMATION

Filer First Name: **Phil**

Filer Middle Name:

Filer Last Name: **Izon**Filer Full Address: **4201 Dimond Way, B
Wasilla, Alaska 99654**Filer Occupation: **Self Employed**Filer Employer: **SEALcam**Filer's Title with Other Entity: **Records Keeper**

REPORT INFORMATION

Report Year: **2023**Election Year: **-1**Report Type: **Ten Day**Filer Type: **Registered Group**

BUSINESS/OTHER ENTITY INFORMATION

Business/Other Entity Name: **Alaskans For Honest Elections**Type of Business or Organization: **Registered Group**Address: **2521 E Mtn Village Dr**City: **Wasilla**State: **Alaska****99654**Country: **United States**Business/Other Entity Contact Person: **Diamond Metzner**Contact E-mail: **admin@alaskansforhonestelections.com**Contact Phone: **907-802-8116**

ELECTION INFORMATION

Election: **Multiple Elections / Other**

Election Description: **Nothing to Report**

OFFICERS

Name	Full Address	Title
Phillip Izon	4201 E. Dimond Way Unit B Wasilla, Alaska 99654	Chair
Diamond Metzner	4201 Dimond Way Unit B Wasilla, Alaska 99654	Treasurer

EXPENDITURES

Date	Recipient	Payment Type	Candidate / Proposition	Amount
11/13/2023	Top Fundraising Solutions 7860 Spruce St Anchorage, Alaska 99507	Check Check Number: 62	SUPPORT: 22AKHE Election: Management Support	\$15,000.00

CONTRIBUTIONS

Contribution Date	Contributor	Details	Amount
No Contributions / Nothing to Report			

DEBTS

Date	Recipient	Candidate / Proposition	Amount
No Debts / Nothing to Report			

REPORT SUMMARY

Number of Expenditures Reported with this Report:	1
Total of paid Expenditures:	\$15,000.00
<hr/>	
Previous Contributions:	\$0.00
Number of Contributions Reported with this Report:	0
Total of Contributions Reported with this Report:	\$0.00
Cumulative Contribution Amounts:	\$0.00

Number of Officers: **2**

Number of Debts Reported with this Report: **0**

Total of Debts Incurred but not yet paid: **\$0.00**

Sections

Alaska News • Politics • Opinions • Talk to us Get our free newsletters

ADVERTISEMENT

Politics

ADVERTISEMENT

Alaska campaign finance watchdog delays decisions in group's effort to repeal ranked choice voting

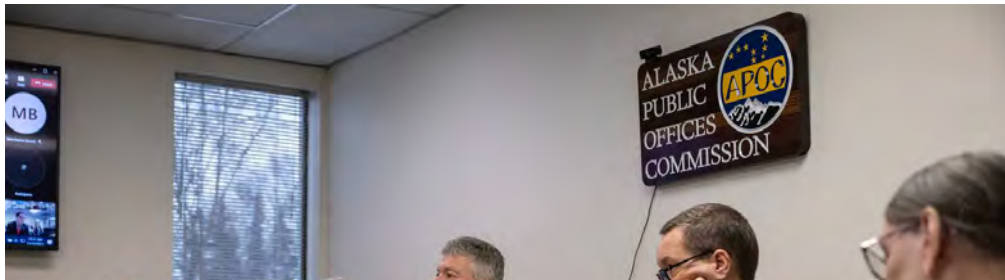
By Iris Samuels

Updated: 44 minutes ago

Published: 11 hours ago

ADVERTISEMENT

ADVERTISEMENT





Members of the Alaska Public Offices Commission hold a hearing in Anchorage on November 16, 2023. (Marc Lester / ADN)

The Alaska commission charged with overseeing campaign laws has delayed decisions that could impact the fate of an effort to repeal the state's ranked-choice voting system.

The Alaska Public Offices Commission gave itself a six-week extension, allowing commissioners until Jan. 5 to issue decisions that were originally due Sunday, on whether several groups opposing ranked-choice voting had violated Alaska's campaign ethics laws.

Alaskans for Better Elections, a group that advocates in favor of ranked-choice voting, had originally filed two [complaints in July](#), alleging that opponents of Alaska's new voting system had flouted campaign ethics regulations, including by forming a church through which funding was funneled for a ballot initiative meant to repeal the state's ranked-choice voting and open primaries system.

ADVERTISEMENT

Most Read

- 1 After decades of sugary magic, Hotel Captain Cook pastry chef ices his final gingerbread village 
- 2 After 4 years, Thunderbird Falls murder case inches toward resolution 
- 3 Little Diomedes city building slides into school 
- 4 Wrangell landslide survivor says force of impact threw her around 'like a piece of weightless popcorn' 
- 5 Private guardian surrenders license, sending vulnerable Alaskans back to public agency near collapse 

ADVERTISEMENT

Around the Web



2-Minute Daily Your Tinnitus F
Wellnessguide101.cc



Bone on Bone? Knee Sleeves W

The complaints could carry hundreds of thousands of dollars in fines for the ballot group and its main funder, Anchorage minister Art Mathias, who has donated at least \$90,000 through the church. But a leader of the ballot group, Phillip Izon, said Tuesday that the group could finish gathering signatures for its ballot initiative by early January – before the commission reaches its decision.

State law requires the commissioners to reach their decision within 10 days of holding a hearing on a complaint. The hearings on the complaints were held Nov. 16. In orders issued Monday, the commission said “unusual circumstances require more time.”

The commission states that “the primary reason for this extension is the large volume of material and the complexity of the matters heard at the meeting. Secondary reasons include intervening holidays and office closures due to weather and resulting building damage at the Department of Law.”

Asked about the closure, Department of Law spokesperson Patty Sullivan said that a water line broke in the downtown Anchorage building that houses the department on Nov. 20. Since then, department “employees who are eligible can telework,” Sullivan said in an email.

ADVERTISEMENT

Scott Kendall, the Anchorage attorney who filed the original complaints on behalf of Alaskans for Better Elections, said he didn’t understand the delay.

“If I was a paranoid conspiracy theorist, I’d think to myself, ‘Oh, so (Attorney General) Treg Taylor wants to give these guys a break until they have to have their signatures in,’” said Kendall.

ADVERTISEMENT



Your Knees Bac

Compressa



Ringin In Your
"Unusual 7 Sec
It [Watch Now]

bulletproof-health
hacks.com



When Neuropat
Try This

WellnessGaze



Here Are 23+ H
2023

TrendingGifts



Urologist: 92%
Don't Know Ab

Healthier Lifestyle

ADVERTISEMENT



“It’s very strange. It violates their statutes, but also they’re the ones in charge of their statutes,” Kendall said.

By early January, Izon said his group plans to submit the necessary [26,000 signatures](#) to put the question on the 2024 ballot of returning to the state’s former voting system, including partisan primaries and pick-one general elections. The current voting system was narrowly adopted through a separate ballot initiative in 2020, and first used in 2022.

Izon has repeatedly asserted his efforts to overturn Alaska’s ranked-choice voting system are nonpartisan, though the effort’s supporters are primarily Republicans, who point to losses by conservative Republicans in the U.S. Senate and U.S. House race as reasons for opposing the system.

Izon said Tuesday that the group has already gathered over 30,000 signatures — primarily in the Mat-Su and Kenai regions — but is still gathering signatures in Anchorage and rural Alaska to meet the required thresholds for geographic distribution of signatories.

According to the most recent campaign finance report, the ballot group [had just \\$210](#) in the bank as of the end of September. But on Tuesday, Izon said the group — which had previously relied only on volunteers — had recently begun paying signature gatherers. The group also planned to launch an ad campaign in December to boost signature gathering, he said. Izon said the paid signature gathering and ad campaign were funded through an additional [payment of \\$30,000](#) from the anti-ranked choice church formed by Izon and Mathias.

Regardless of the commission’s decision on the complaint filed against Izon,

Latest



Data links Alaska’s sky-high maternal mortality rate to domestic violence



Alaska campaign finance watchdog delays decisions in group’s effort



After 4 years, Thunderbird Falls murder case inches toward



Wrangell landslide survivor says force of impact threw her around



Wrangell residents cut off by deadly landslide begin returning home

ADVERTISEMENT

Mathias and their organizations, Izon said they plan to shut down the ballot group "at the end of the year."

Izon said it "was always the plan" for the ballot group to shut down once enough signatures were gathered. At that point, he said another organization could form to continue advocating for the repeal effort ahead of the 2024 election.

Shutting down the organization could make it difficult to enforce fines imposed on it, Kendall said.

While the delay in the commission's decision on the complaint means the group can continue gathering signatures without the threat of imminent fines, Izon said he would have preferred for the complaint to "be resolved a long time ago."

"We could have appealed it if necessary," he said.



Do you have additional ideas for coverage on this topic? Do you have questions? Do you see an error? What's missing? Are you involved in the story or affected by it and have additional thoughts about it? Let us know here.

Do you have additional ideas for coverage on this topic? Do you have questions? Do you see an error? Are you involved in the story or affected by it and have additional thoughts about it? Let us know here.

0/1000

Your contact info:

Thank you for reaching out. A reporter may be in touch to talk with you about your experiences. We won't publish any information about you without checking with you first.

Name, Email address, Phone Number

- Yes, I want to sign up for the ADN's daily newsletter to get the latest updates on local news, politics, and other topics in Alaska.
Please don't publish my name
I am over 16 years old
I accept the Terms of Service

Submit

Powered by Hearken | Terms of Service | Privacy Policy

Iris Samuels



Pizza and Pa...
Thursday, November 3
Get Tickets

9th Annual S...
Saturday, December 2
Get Tickets

Comedian K...
Saturday, December 2
Get Tickets

More Events

ADVERTISEMENT

Iris Samuels is a reporter for the Anchorage Daily News focusing on state politics. She previously covered Montana for The AP and Report for America and wrote for the Kodiak Daily Mirror. Contact her at isamuels@adn.com.



ADVERTISEMENT

Around The Web



Suffering from Joint Pain? Do This Immediately (Watch)

[Healthy Living Reports](#)

Simple Morning Habit Turbocharges Fat Loss - It's Almost Like Cheating (Watch)

[Healthy Living Reports](#)

Ringling In Your Ears? Try This "Unusual 7 Second Ritual" To Fix It [Watch Now]

[bulletproof-health-hacks.com](#)

Neuropathy? Try This Tonight Before Bed

[WellnessCafe](#)

This "1" Knee Sleeve Has Knee Surgeons Speechless

[Compressa](#)

Have an Enlarged Prostate? Urologist Reveals: Do This Immediately (Watch)

[Healthy Nation](#)

[Download Our App](#)

[Newsletters](#)

[Get The Newspaper](#)

[Contact Us](#)

[Terms of Use](#) [Privacy Policy](#) [Archives](#) [Reprints](#) [Customer Service](#) [Contact Us](#) [Advertise](#) [Track Us](#)



Mikaela Emswiler

2.6K followers · 216 following



Message

Follow

Add friend



Posts

About

Reels

Photos

Videos

Groups

More



Intro

Lover of Jesus. Lover of people. Business Owner. Raising our tribe in the mountains of Alaska.

Profile · Digital creator

Studied Journalism and Government at Patrick Henry College

Lives in Anchorage, Alaska

Posts

Filters



Mikaela Emswiler

November 7 at 2:10 PM · 🌐

I am looking to hire Signature Gatherers to help with the petition drive to repeal Rank Choice Voting- we are in the home stretch! Please call or DM me for details.

👍❤️ 15

3 comments

👍 Like

💬 Comment

➦ Share



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 #: 10215570
Date Filed: 11/10/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-11/10/2023 12:37:15 PM

Domestic Limited Liability Company

2024 Biennial Report
For the period ending December 31, 2023

Due Date: This report along with its fees are due by January 2, 2024

Fees: If postmarked before February 2, 2024, the fee is \$100.00.
If postmarked on or after February 2, 2024 then this report is delinquent and the fee is \$137.50.

Entity Name: Top Fundraising Solutions LLC
Entity Number: 10215570
Home Country: UNITED STATES
Home State/Prov.: ALASKA
Physical Address: 7860 Spruce St., Anchorage, AK 99507
Mailing Address: 7860 SPRUCE ST., ANCHORAGE, AK 99507

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: Mikaela Emswiler
Physical Address: 7860 SPRUCE ST, ANCHORAGE, AK 99507
Mailing Address: 7860 SPRUCE ST, ANCHORAGE, AK 99507

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.
Mandatory Members: this entity must have at least one (1) Member. A Member must own a %. In addition, this entity must provide all Members who own 5% or more of the entity. A Member may be an individual or another entity.
Manager: If the entity is manager managed (per its articles or amendment) then there must be at least (1) Manager provided. A Manager may be a Member if the Manager also owns a % of the entity.

Table with 4 columns: Full Legal Name, Complete Mailing Address, % Owned, Member. Row 1: Mikaela Emswiler, 7860 SPRUCE ST., ANCHORAGE, AK 99507, 100.00, X

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

Purpose: Consulting

NAICS Code: 541618 - OTHER MANAGEMENT CONSULTING SERVICES

New NAICS Code (optional): [Empty box]

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: Mikaela Emswiler



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 #: 10215570
Date Filed: 12/06/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

Articles of Organization
Domestic Limited Liability Company

Web-12/6/2022 3:44:30 PM

1 - Entity Name

Legal Name: Top Fundraising Solutions LLC

2 - Purpose

Consulting

3 - NAICS Code

541618 - OTHER MANAGEMENT CONSULTING SERVICES

4 - Registered Agent

Name: Mikaela Emswiler

Mailing Address: 7860 Spruce St, Anchorage, AK 99507

Physical Address: 7860 Spruce St, Anchorage, AK 99507

5 - Entity Addresses

Mailing Address: 7860 Spruce St., Anchorage, AK 99507

Physical Address: 7860 Spruce St., Anchorage, AK 99507

6 - Management

The limited liability company is managed by its members.

7 - Officials

Table with 4 columns: Name, Address, % Owned, Titles. Row 1: Legalzoom.com, Inc., Organizer

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 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: Cheyenne Moseley



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

Articles of Incorporation
Domestic Nonprofit Corporation

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

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

Table with 4 columns: Name, Address, % Owned, Titles. Rows include Heather Gottshall, Simcha Weed, and Stuart Gates as Directors and Incorporators.

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



Search



Mikaela Emswiler · 3rd

Operations and Event Coordinator at Kelly Tshibaka for US Senate

Anchorage, Alaska, United States · [Contact info](#)

25 connections

[Connect](#)

[Message](#)

[More](#)



Kelly for Alaska

Activity

29 followers

Mikaela hasn't posted yet

Recent posts Mikaela shares will be displayed here.

[Show all activity →](#)

Experience



Operations and Event Coordinator

Kelly for Alaska · Full-time

Apr 2021 - Present · 2 yrs 8 mos

Anchorage, Alaska, United States



Director Of Communications/Legislative Assistant

National Right to Work Committee · Full-time

Mar 2005 - Apr 2010 · 5 yrs 2 mos

Springfield, VA

Traveled extensively conducting fundraising meetings with Fortune 500 companies, businesses and donors across the nation. Awarded Top-Dollar fundraiser for organization of over 200 employees. ... [...see more](#)



Alaskans For Honest Elections Bill 22AKHE 🗳️ @907Honest · Sep 3 ...
Go #TEAMALASKA

**We have handed out 1,000
petition books so far. We just
ordered another 400 at 150
signatures per petition book if
full, that is 210,000 signatures.
Not all books returned are
completely full, but We only
need 26,000!!!**



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 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	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

Erika Potter

4/24/2023

Law Office Assistant

Date

9171-9690-0935-0294-3929-87

⁷ 2 AAC 50.831(a).

⁸ 2 AAC 50.895.



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 [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 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	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
<i>Erika Potter</i>	4/24/2023

Law Office Assistant

Date

9171-9690-0935-0294-3929-94

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

July 28, 2023

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

Alaskans for Honest Elections

Attn: Philip Izon

4201 E. Dimond Way Unit B

Wasilla, Alaska 99654

admin@alaskansforhonestelections.com

nevesiltstudio@gmail.com

RE: Notice of Penalty Assessment – Second Quarterly Report

Mr. Izon:

According to our records you did not timely file your Second Quarterly Report that was due on July 10, 2023.¹ Instead, your report was filed on July 16, 2023 (6 days late). By law, a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could assess you is \$300.³

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.⁴ **Accordingly, the assessed penalty owed is \$150.**

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](#)⁵ 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 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.

¹ AS 15.13.110(g).

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(C)(i).

⁵ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.⁶ **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.⁷

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




Charles Stormont
Campaign Disclosure Associate

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: Philip Izon 4201 E. Dimond Way Unit B Wasilla, Alaska 99654 admin@alaskansforhonestelections.com nevesiltstudio@gmail.com	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

 7/28/2023
Law Office Assistant Date
9171-9690-0935-0298-1150-70

⁶ 2 AAC 50.831(a).

⁷ 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

November 3, 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

kclarkson@gci.net

RE: Notice of Penalty Assessment – Third Quarterly Report

Mr. Izon:

According to our records you did not timely file your Third Quarterly Report that was due on October 10, 2023.¹ Instead, your report was filed on October 30, 2023 (20 days late). By law, a maximum penalty of \$50 accrues each day the report is late.² The maximum penalty the Alaska Public Offices Commission could assess you is \$1,000.³

Staff is reducing the penalty to 50% of the maximum civil penalty that could have been assessed because this is your first election cycle.⁴ **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 [website](#)⁵ 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 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.

¹ AS 15.13.110(g).

² AS 15.13.390(a).

³ 2 AAC 50.855(a).

⁴ 2 AAC 50.855(b)(2)(C)(i).

⁵ <https://aws.state.ak.us/ApocReports/Paper/CommissionCivilPenalties.aspx>

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

- 2) Alternatively, you have the right to appeal staff's conclusion that a violation has occurred, or the reduced penalty amount assessed.⁶ **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.⁷

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 kclarkson@gci.net	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email
<i>Erika Potter</i>	11/03/2023
Law Office Assistant	Date

9171-9690-0935-0294-2018-38

⁶ 2 AAC 50.831(a).

⁷ 2 AAC 50.895.



November 8, 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

kclarkson@gci.net

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 October 12, 2023.² Instead, the information required to be reported was disclosed on October 30, 2023 (18 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 \$900.⁴

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 \$450.**

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**

¹ AS 15.13.110(h).

² For expenditure made on October 2, 2023 to Top Fundraising Solutions.

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.

made within thirty days of the date of this letter. If you are unable to pay the 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 kclarkson@gci.net	<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Email

Erika Potter 11/8/2023

Law Office Assistant Date

9171-9690-0935-0294-2018-52

⁷ 2 AAC 50.831(a).

⁸ 2 AAC 50.895.

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

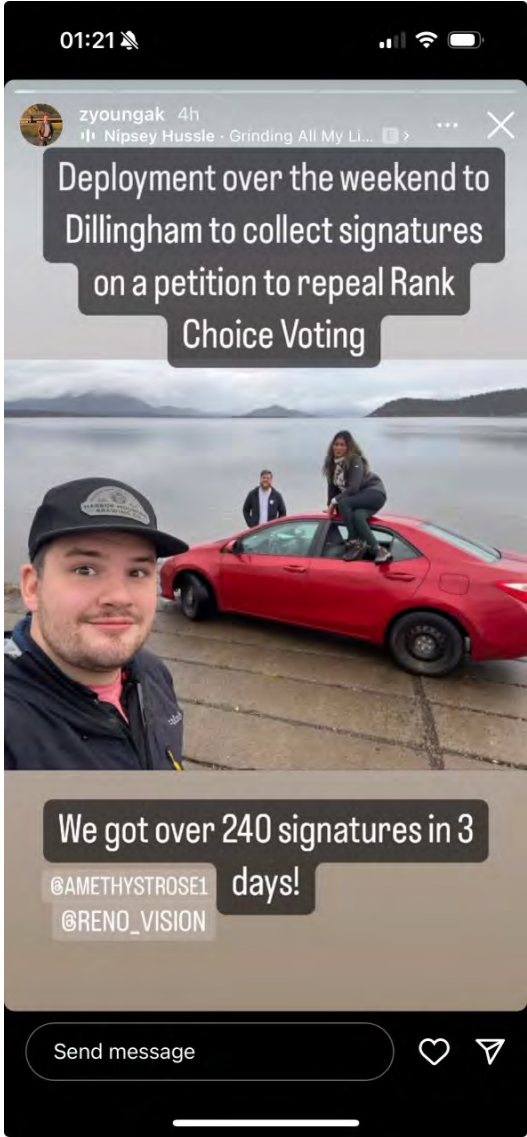
Subject: Repeal of Ranked Choice Voting

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





Our Mission is to Return Alaskan Elections to Alaskans

Alaska's Future is in Our Hands

This Communication Was Paid For By Alaskans For Honest Elections, 2521 E Mtn Village Dr #904 Wasilla, AK 99654 Phillip Izon, Director Approved This Message. The Top 3 Contributors Are Phillip Izon, Wasilla, AK, Ranked Choice Education Association, Anchorage, AK, ; And Carolyn Overstreet, Anchorage, AK

Contact Us Here



**Sign today
To Repeal
RCV**



**We are moving on to the GOTV
campaign**

**Please Make Sure to Have Your
Petition Returned By Dec. 15th**

**Make Sure to Return Your
Petition Book By Dec.
15th**

Email Address

Sign Up

Tudor Bingo

ing locations

+ petition book

unting... We hav

1 Books By December 15th Return 1



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 #: 67174D
Date Filed: 06/22/2023
State of Alaska, DCCED

FOR DIVISION USE ONLY

Domestic Nonprofit Corporation

2023 Biennial Report
For the period ending June 30, 2023

Web-6/22/2023 2:44:45 PM

Due Date: This report along with its fees are due by July 2, 2023

Fees: If postmarked before August 2, 2023, the fee is \$25.00.
If postmarked on or after August 2, 2023 then this report is delinquent and the fee is \$30.00.

Entity Name: WELLSPRING MINISTRIES OF ALASKA

Entity Number: 67174D

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 2511 SENTRY DRIVE, SUITE 200,
ANCHORAGE, AK 99507

Mailing Address: 2511 SENTRY DRIVE, SUITE 200,
ANCHORAGE, AK 99507

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: Art Mathias

Physical Address: 2511 Sentry Drive, Anchorage, AK 99507

Mailing Address: 2511 Sentry Drive, Anchorage, AK 99507

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
Janice Coulter	4201 S. SANTANA DR., WASILLA, AK 99654	N/A			X				
Monica Mosier	3501 SPINNAKER DRIVE, ANCHORAGE, AK 99516	N/A			X		X		
ART MATHIAS	11781 BARR RD, ANCHORAGE, AK 99516	N/A				X		X	
PATRICIA MATHIAS	11781 BARR RD, ANCHORAGE, AK 99516	N/A							X
Patrick Hadley	3706 COVENTRY DRIVE, ANCHORAGE, AK 99507	N/A			X				

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

Purpose: RELIGIOUS

NAICS Code: 813110 - RELIGIOUS ORGANIZATIONS

New NAICS Code (optional):

Mandatory Property Value: Estimated value of all real or personal property of the corporation:

Mandatory. Do not leave blank.

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: Monica Mosier

PARID: 01624454000
WELLSPRING MINISTRIES OF

2511 SENTRY DR

LUC: 612
TAX YEAR: 2023

Property Information

Property Location: 2511 SENTRY DR
Class: C - Commercial
Use Code (LUC): 612 - School
Condo/Unit #:
Tax District: 03
Zoning: R3SL
Plat #: 920098
HRA #:
Grid #: SW2433
Deeded Acres:
Square Feet: 758,214
Legal Description: INDEPENDENCE PARK
BLK 4 TR 5A

Economic Link: No

Show Parcel on Map

Owner

Owner: WELLSPRING MINISTRIES OF
Co-Owner: ALASKA
Care Of:
Address: 3900 ARCTIC BLVD STE 102
City / State / Zip: ANCHORAGE, AK 99503 5780
Deed Book/Page: 016/24

Make a Payment

Assessed Value

Tax Year	Roll Type	LUC	Class	Land	Building	Total Appraised
2023	RP	612	C	2,422,000	2,816,000	5,238,000

Taxable Value

Net Taxable Value 0

Exemption Status

Tax Year	Status
2023	A - APPROVED

Exemptions

Line #	Exemption Code	Building Exemption	Land Exemption
1	001 - RELIGIOUS ORG	2,816,000	
2	001L - RELIGIOUS ORG - LAND		2,422,000

FILED
Secretary of State
State of Washington
Date Filed: 12/16/2022
Effective Date: 12/16/2022
UBI No: 605 003 865

**ARTICLES OF INCORPORATION
RANKED CHOICE EDUCATION ASSOCIATION**

**ARTICLE I
NAME**

The name of the Nonprofit Religious Corporation is RANKED CHOICE EDUCATION ASSOCIATION. Its existence shall be perpetual.

**ARTICLE II
EFFECTIVE DATE**

The effective date of incorporation shall be: upon filing by the Secretary of State.

**ARTICLE III
TYPE OF NONPROFIT CORPORATION**

The corporation is a Church Integrated Auxiliary, a Nonprofit Religious Corporation. The Nonprofit Corporation is a Charitable Nonprofit as defined by RCW 24.03A.010(5). The Nonprofit Corporation's Gross Revenue did not exceed \$500,000 in the most recent fiscal year, RCW 24.03A.960(2)(a)(b).

**ARTICLE IV
MEMBERS**

The nonprofit will not have members or members with voting rights.

**ARTICLE V
PURPOSE AND MISSION**

RANKED CHOICE EDUCATION ASSOCIATION is an Integrated Auxiliary of the Founding Church, WELLSRING FELLOWSHIP OF ALASKA. The purpose and mission of this ministry is; 1) to promote Christian doctrines; 2) to establish and oversee places of worship; 3) to evangelize worldwide; 4) support missionary activities, license and ordain ministers of the gospel; 5) the preservation of the truth; 6) Train, develop, and support leaders in our community and nation as called for in our beliefs, and 7) to engage in activities necessary for the accomplishment of the purpose.

**ARTICLE VI
GENERAL POWERS**

Section 1. All property held by the above named Religious Corporation, shall be held in trust for the use, purpose, benefit, and behoove of the incorporated Faith Based Organization herein named.

Section 2. The above-named Religious Corporation, shall, for the purpose of the organization, have the power to contract in the same manner and to the same extent as natural men and women, and may sue and be sued, and may defend in all courts and places. In all matters and proceedings whatever, the organization herein named shall have authority to borrow money and to give promissory notes therefore, and to secure the payment of the same by mortgage or other lien upon property, real and personal; to buy, sell, lease, mortgage and in every way deal in real and personal property in the same manner as a natural person may, and to appoint legal counsel, licensed and/or unlicensed, to the extent that any legal counsel employed shall be utilized in a capacity to protect the rights of the Religious Corporation and to address all courts in any and all litigious matters whether National or International.

Section 3. The Corporation shall have all authority granted in the Washington State Constitution Article One, Section 7 and 11 and the Washington State Nonprofit Corporation Act including, but not limited to RCW 24.03A as well as all rights guaranteed in Federal Law through the First Amendment, 26 U.S.C. (Internal Revenue Code) § 508(c)(1)(a), § 6033(a) (3), and the Religious Freedom Restoration Act 42 U.S.C Chapter 21B § 2000.

Section 4. The Board of Directors of the Founding Church, WELLSPRING FELLOWSHIP OF ALASKA, shall have authority and right to appoint or remove one director of the board of RANKED CHOICE EDUCATION ASSOCIATION consistent with the Bylaws of said ministry.

**ARTICLE VII
BOARD OF DIRECTORS**

Section 1. The management of the corporation shall be vested in a board of no fewer than two (2) directors. The number, qualifications, terms of office, manner of election, time and place of meeting, and powers and duties of the directors shall be fixed by the Bylaws of this corporation.

Section 2. The names and addresses of the Board of Directors who will manage the affairs of the corporation until their successors are selected as provided in the Bylaws are:

Dr. Arthur Mathias, President	2511 Sentry Dr., Ste.200, Anchorage, Alaska, 99507
Philip Izon, Director	2511 Sentry Dr., Ste.200, Anchorage, Alaska, 99507
Patricia Mathias, Director	2511 Sentry Dr., Ste.200, Anchorage, Alaska, 99507

ARTICLE VIII
INSTRUCTIONS FOR VACANCY

Section 1. The provisions of the Bylaws of the Corporation shall govern the manner in which the Directors of the Corporation shall be elected or appointed.

Section 2. Changes may be made to election or appointment of Directors through amendment to the Articles of Incorporation or stipulation in the Bylaws.

ARTICLE IX
LIMITATION OF DIRECTORS' LIABILITY

Section 1. A director shall have no liability to the corporation for monetary damages for conduct as a director, except for acts or omissions that involve intentional misconduct by the director, or a knowing violation of law by the director, or for any transaction from which the director will personally receive a benefit in money, property or services to which the director is not legally entitled.

Section 2. If the Washington Nonprofit Corporation Act is hereafter amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director shall be eliminated or limited to the full extent permitted by the Washington Nonprofit Corporation Act, as so amended.

Section 3. Any repeal or modification of this Article shall not adversely affect any right or protection of a director of the corporation existing at the time of such repeal or modification for or with respect to an act or omission of such director occurring prior to such repeal or modification.

ARTICLE X
INDEMNIFICATION

Section 1. Right to Indemnification of Directors and Officers. Each person who was, or is threatened to be made a party to or is otherwise involved (including, without limitation, as a witness) in any actual or threatened action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a director or officer of the corporation or, while a director or officer, he or she is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation or of a partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, whether the basis of such proceeding is alleged action in an official capacity as a director, trustee, officer, employee or agent or in any other capacity while serving as a director, trustee, officer, employee or agent, shall be indemnified and held harmless by the corporation, to

the full extent permitted by applicable law as then in effect, against all expense, liability and loss (including attorneys' fees, judgments, fines, ERISA excise taxes or penalties and amounts to be

paid in settlement) actually and reasonably incurred or suffered by such person in connection therewith, and such indemnification shall continue as to a person who has ceased to be a director, trustee, officer, employee or agent and shall inure to the benefit of his or her heirs, executors and administrators. The right to indemnification conferred in this Section 1 shall be a contract right and shall include the right to be paid by the corporation the expenses incurred in defending any such proceeding in advance of its final disposition.

Section 2. Non-exclusivity of Rights. The right to indemnification and the payment of expenses incurred in defending a proceeding in advance of its final disposition conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the Articles of Incorporation, Bylaws, agreement, or vote of disinterested directors or otherwise.

Section 3. Insurance, Contracts and Funding. The corporation may maintain insurance at its expense, to protect itself and any director, trustee, officer, employee or agent of the corporation or another corporation, partnership, joint venture, trust or other enterprise against any expense, liability or loss, whether or not the corporation would have the power to indemnify such person against such expense, liability or loss under RCW 24.03A.540 of the Washington Nonprofit Corporation Act, or any successor provisions, and RCW 23B.08.510 of the Washington Business Corporation Act, or any successor provisions. The corporation may enter into contracts with any director or officer of the corporation in furtherance of the provisions of this Article and may create a trust fund, grant a security interest or use other means (including, without limitation, a letter of credit) to ensure the payment of such amounts as may be necessary to effect indemnification as provided in this Article.

Section 4. Indemnification of Employees and Agents of the Corporation. The corporation may, by action of its Board of Directors from time to time, provide indemnification and pay expenses in advance of the final disposition of a proceeding to employees and agents of the corporation with the same scope and effect as the provisions of this Article with respect to the indemnification and advancement of expenses of directors and officers of the corporation or pursuant to rights granted pursuant to, or provided by, the Washington Business Corporation Act, as applied to nonprofit corporations, or otherwise.

ARTICLE XI BYLAWS

The authority to make, alter, amend, or repeal the Bylaws of this corporation is vested in the Board of Directors, and may be exercised in a manner set forth in the Bylaws of the corporation.

ARTICLE XII
DISTRIBUTION UPON DISSOLUTION

Upon the dissolution of the corporation, after paying or making provisions for the payment of all the legal liabilities of the corporation, all assets shall be distributed for one or more exempt purposes within the meaning of 26 U.S.C. § 508 (c)(1)(a) or § 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine which are organized and operated exclusively for such purposes.

ARTICLE XIII
AMENDMENTS

The authority to amend, alter, change, or repeal any provision contained in these Articles of Incorporation is vested solely in the Board of Directors, and may be exercised at any regular or special meeting of the board.

ARTICLE XIV
PUBLIC INSPECTION OF DOCUMENTS

The Bylaws and Articles of Incorporation shall be kept at the principal place of business or registered agent address. All other records of accounts and finances, minutes of the proceedings of its Boards and any minutes which may be maintained by committees of the Board; records of the names and post office addresses of its officers and Directors, and such other records as may be necessary or advisable are protected under The First Amendment, 26 U.S.C. § 508, 26 U.S.C. § 6033(a)(3), and 42 U.S.C Chapter 21B § 2000. All such records shall not be open for public inspection.

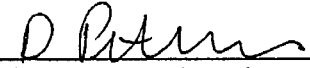
**ARTICLE XV
REGISTERED AGENT OFFICE AND CONSENT**

NORTHWEST CORPORATE SERVICES does hereby consent to serve as the initial Registered Agent in the State of Washington for RANKED CHOICE EDUCATION ASSOCIATION.

The name and street address of the initial registered office of the corporation is:

NORTHWEST CORPORATE SERVICES
3501 South 38th Street #109 Tacoma, WA 98409

I consent to serve as registered agent in the State of Washington for the above named corporation. I understand it will be my responsibility to accept Service of Process on behalf of the corporation; to forward mail to the corporation; and to immediately notify the Office of the Secretary of State if I resign or change the Registered Office Address.

 (Agent for NWCS)	Dan Peterson	12-15-2022
Signature of Registered Agent	Printed Name	Date

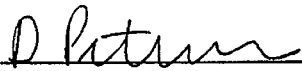
**ARTICLE XVI
PRINCIPAL PLACE OF BUSINESS**

The principal place of business is: 2511 Sentry Dr., Ste.200, Anchorage, Alaska, 99507

**ARTICLE XVII
INCORPORATOR**

The name and address of the Incorporator is:

Northwest Corporate Services
3501 S. 38th St. #109 Tacoma, WA 98409

	Date	12-15-2022
Dan Peterson, Incorporator agent for NWCS		

FILED
Secretary of State
State of Washington
Date Filed: 12/08/2022
Effective Date: 12/08/2022
UBI No: 604 999 351

ARTICLES OF INCORPORATION
WELLSPRING FELLOWSHIP OF ALASKA

ARTICLE I
NAME

The name of the Nonprofit Religious Corporation is WELLSPRING FELLOWSHIP OF ALASKA. Its existence shall be perpetual.

ARTICLE II
EFFECTIVE DATE

The effective date of incorporation shall be: upon filing by the Secretary of State.

ARTICLE III
TYPE OF NONPROFIT CORPORATION

The corporation is a church, a Nonprofit Religious Corporation. The Nonprofit Corporation is a Charitable Nonprofit as defined by RCW 24.03A.010(5). The Nonprofit Corporation's Gross Revenue did not exceed \$500,000 in the most recent fiscal year, RCW 24.03A.960(2)(a)(b).

ARTICLE IV
MEMBERS

The nonprofit will not have members or members with voting rights.

ARTICLE V
PURPOSE AND MISSION

The purpose and mission of WELLSPRING FELLOWSHIP OF ALASKA is 1) to promote Christian doctrines; 2) to establish and oversee places of worship; 3) to evangelize worldwide; 4) support missionary activities, license and ordain ministers of the gospel; 5) the preservation of the truth; 6) Train, develop, and support leaders in our community and nation as called for in our beliefs, and 7) to engage in activities necessary for the accomplishment of the purpose.

ARTICLE VI
GENERAL POWERS

Section 1. All property held by the above named Religious Corporation, shall be held in trust for the use, purpose, benefit, and behoove of the incorporated Faith Based Organization herein named.

Section 2. The above-named Religious Corporation, shall, for the purpose of the organization, have the power to contract in the same manner and to the same extent as natural men and women, and may sue and be sued, and may defend in all courts and places. In all matters and proceedings whatever, the organization herein named shall have authority to borrow money and to give promissory notes therefore, and to secure the payment of the same by mortgage or other lien upon property, real and personal; to buy, sell, lease, mortgage and in every way deal in real and personal property in the same manner as a natural person may, and to appoint legal counsel, licensed and/or unlicensed, to the extent that any legal counsel employed shall be utilized in a capacity to protect the rights of the Religious Corporation and to address all courts in any and all litigious matters whether National or International.

Section 3. The Corporation shall have all authority granted in the Washington State Constitution Article One, Section 7 and 11 and the Washington State Nonprofit Corporation Act including, but not limited to RCW 24.03A as well as all rights guaranteed in Federal Law through the First Amendment, 26 U.S.C. (Internal Revenue Code) § 508(c)(1)(a), § 6033(a) (3), and the Religious Freedom Restoration Act 42 U.S.C Chapter 21B § 2000.

ARTICLE VII
BOARD OF DIRECTORS

Section 1. The management of the corporation shall be vested in a board of no fewer than three (3) directors. The number, qualifications, terms of office, manner of election, time and place of meeting, and powers and duties of the directors shall be fixed by the Bylaws of this corporation.

Section 2. The names and addresses of the Board of Directors who will manage the affairs of the corporation until their successors are selected as provided in the Bylaws are:

Dr. Art Mathias, President	2511 Sentry Dr., Ste. 200, Anchorage, AK, 99507
Patrick Hadley, Director	2511 Sentry Dr., Ste. 200, Anchorage, AK, 99507
Gayle Hadley, Director	2511 Sentry Dr., Ste. 200, Anchorage, AK, 99507
Monica Mosier, Director	2511 Sentry Dr., Ste. 200, Anchorage, AK, 99507

ARTICLE VIII
INSTRUCTIONS FOR VACANCY

Section 1. The provisions of the Bylaws of the Corporation shall govern the manner in which the Directors of the Corporation shall be elected or appointed.

Section 2. Changes may be made to election or appointment of Directors through amendment to the Articles of Incorporation or stipulation in the Bylaws.

ARTICLE IX
LIMITATION OF DIRECTORS' LIABILITY

Section 1. A director shall have no liability to the corporation for monetary damages for conduct as a director, except for acts or omissions that involve intentional misconduct by the director, or a knowing violation of law by the director, or for any transaction from which the director will personally receive a benefit in money, property or services to which the director is not legally entitled.

Section 2. If the Washington Nonprofit Corporation Act is hereafter amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director shall be eliminated or limited to the full extent permitted by the Washington Nonprofit Corporation Act, as so amended.

Section 3. Any repeal or modification of this Article shall not adversely affect any right or protection of a director of the corporation existing at the time of such repeal or modification for or with respect to an act or omission of such director occurring prior to such repeal or modification.

ARTICLE X
INDEMNIFICATION

Section 1. Right to Indemnification of Directors and Officers. Each person who was, or is threatened to be made a party to or is otherwise involved (including, without limitation, as a witness) in any actual or threatened action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a director or officer of the corporation or, while a director or officer, he or she is or was serving at the request of the corporation as a director, trustee, officer, employee or agent of another corporation or of a partnership, joint venture, trust or other enterprise, including service with respect to employee benefit plans, whether the basis of such proceeding is alleged action in an official capacity as a director, trustee, officer, employee or agent or in any other capacity while serving as a director, trustee, officer, employee or agent, shall be indemnified and held harmless by the corporation, to

the full extent permitted by applicable law as then in effect, against all expense, liability and loss (including attorneys' fees, judgments, fines, ERISA excise taxes or penalties and amounts to be

paid in settlement) actually and reasonably incurred or suffered by such person in connection therewith, and such indemnification shall continue as to a person who has ceased to be a director, trustee, officer, employee or agent and shall inure to the benefit of his or her heirs, executors and administrators. The right to indemnification conferred in this Section 1 shall be a contract right and shall include the right to be paid by the corporation the expenses incurred in defending any such proceeding in advance of its final disposition.

Section 2. Non-exclusivity of Rights. The right to indemnification and the payment of expenses incurred in defending a proceeding in advance of its final disposition conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the Articles of Incorporation, Bylaws, agreement, or vote of disinterested directors or otherwise.

Section 3. Insurance, Contracts and Funding. The corporation may maintain insurance at its expense, to protect itself and any director, trustee, officer, employee or agent of the corporation or another corporation, partnership, joint venture, trust or other enterprise against any expense, liability or loss, whether or not the corporation would have the power to indemnify such person against such expense, liability or loss under RCW 24.03A.540 of the Washington Nonprofit Corporation Act, or any successor provisions, and RCW 23B.08.510 of the Washington Business Corporation Act, or any successor provisions. The corporation may enter into contracts with any director or officer of the corporation in furtherance of the provisions of this Article and may create a trust fund, grant a security interest or use other means (including, without limitation, a letter of credit) to ensure the payment of such amounts as may be necessary to effect indemnification as provided in this Article.

Section 4. Indemnification of Employees and Agents of the Corporation. The corporation may, by action of its Board of Directors from time to time, provide indemnification and pay expenses in advance of the final disposition of a proceeding to employees and agents of the corporation with the same scope and effect as the provisions of this Article with respect to the indemnification and advancement of expenses of directors and officers of the corporation or pursuant to rights granted pursuant to, or provided by, the Washington Business Corporation Act, as applied to nonprofit corporations, or otherwise.

ARTICLE XI
BYLAWS

The authority to make, alter, amend, or repeal the Bylaws of this corporation is vested in the Board of Directors, and may be exercised in a manner set forth in the Bylaws of the corporation.

ARTICLE XII
DISTRIBUTION UPON DISSOLUTION

Upon the dissolution of the corporation, after paying or making provisions for the payment of all the legal liabilities of the corporation, all assets shall be distributed for one or more exempt purposes within the meaning of 26 U.S.C. § 508 (c)(1)(a) or § 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine which are organized and operated exclusively for such purposes.

ARTICLE XIII
AMENDMENTS

The authority to amend, alter, change, or repeal any provision contained in these Articles of Incorporation is vested solely in the Board of Directors, and may be exercised at any regular or special meeting of the board.

ARTICLE XIV
PUBLIC INSPECTION OF DOCUMENTS

The Bylaws and Articles of Incorporation shall be kept at the principal place of business or registered agent address. All other records of accounts and finances, minutes of the proceedings of its Boards and any minutes which may be maintained by committees of the Board; records of the names and post office addresses of its officers and Directors, and such other records as may be necessary or advisable are protected under The First Amendment, 26 U.S.C. § 508, 26 U.S.C. § 6033(a)(3), and 42 U.S.C Chapter 21B § 2000. All such records shall not be open for public inspection.


ARTICLE XV
REGISTERED AGENT OFFICE AND CONSENT

NORTHWEST CORPORATE SERVICES does hereby consent to serve as the initial Registered Agent in the State of Washington for WELLSPRING FELLOWSHIP OF ALASKA.

The name and street address of the initial registered office of the corporation is:

NORTHWEST CORPORATE SERVICES
3501 South 38th Street #109 Tacoma, WA 98409

I consent to serve as registered agent in the State of Washington for the above named corporation. I understand it will be my responsibility to accept Service of Process on behalf of the corporation; to forward mail to the corporation; and to immediately notify the Office of the Secretary of State if I resign or change the Registered Office Address.

 (Agent for NWCS)	<u>Dan Peterson</u>	<u>12-8-2022</u>
Signature of Registered Agent	Printed Name	Date

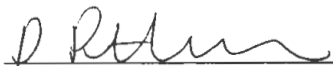
ARTICLE XVI
PRINCIPAL PLACE OF BUSINESS

The principal place of business is: 2511 Sentry Dr., Ste. 200, Anchorage, AK, 99507

ARTICLE XVII
INCORPORATOR

The name and address of the Incorporator is:

Northwest Corporate Services
3501 S. 38th St. #109 Tacoma, WA 98409

	Date <u>12-8-2022</u>
---	------------------------------

Dan Peterson, Incorporator agent for NWCS

Taylor v. Commissioner

United States Tax Court
January 18, 2000, Filed
No. 14021-98

Reporter

2000 Tax Ct. Memo LEXIS 17 *; T.C. Memo 2000-17; 79 T.C.M. (CCH) 1364

JACK LANE **TAYLOR**, Petitioner v. COMMISSIONER
OF INTERNAL REVENUE, Respondent

[170\(c\)\(2\)](#), and petitioner was not entitled to a charitable contribution deduction for his donations.

Disposition: [*1] Decision will be entered for respondent.

Outcome

Petitioner taxpayer was not entitled to a deduction for a charitable contribution because he failed to carry his burden of proving that the church qualified as a religious organization as defined by the Internal Revenue Code.

Core Terms

church, charitable contribution, deductible, exemption, organizations, donations, published opinion, burden of proof, taxable year, contributions, substantiate, Taxpayers, qualifies, religious, contends, relieves

LexisNexis® Headnotes

Case Summary

Procedural Posture

Petitioner taxpayer challenged respondent Commissioner of the Internal Revenue's determination of deficiencies, on grounds that petitioner claimed that he was entitled to a deduction for a charitable contribution under [I.R.C. § 170](#).

Overview

Petitioner taxpayer donated money to a church in 1996. Respondent Commissioner of Internal Revenue in 1995 had determined that the that church no longer qualified as an organization described in [I.R.C. § 170\(c\)\(2\)](#), and deleted that church from the list of organizations contributions to which were deductible under section [I.R.C. § 170](#). On his 1996 tax return, petitioner claimed a deduction for a charitable contribution. By notice of deficiency, respondent determined that petitioner was not entitled to any deduction for a charitable contribution because petitioner had failed to substantiate any such contribution, and further, that the church was not an organization described in [§ 170\(c\)\(2\)](#). The court held that petitioner failed to carry his burden of proving that the church qualified as a religious organization under [§](#)

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > Allowance of Deduction

Tax Law > Federal Income Tax
Computation > Nonbusiness Expenses > General Overview

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > General Overview

[HN1](#) Charitable Contributions, Allowance of Deduction

[I.R.C. § 170\(a\)](#) allows as a deduction any charitable contribution, as defined in [I.R.C. § 170\(c\)](#), that is made during the taxable year.

Estate, Gift & Trust Law > Gifts > Personal Gifts > General Overview

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

Tax Law > Federal Income Tax
Computation > Nonbusiness Expenses > General

Sam Gottstein

Overview

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > General Overview

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > Religious Organizations

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Charitable, Religious & Scientific Organizations

[HN2](#) **Gifts, Personal Gifts**

[I.R.C. § 170\(c\)](#) defines a charitable contribution as a contribution or gift to or for the use of a corporation, trust, or community chest, fund, or foundation which is organized and operated exclusively for religious purposes, provided that none of the net earnings inures to the benefit of any private individual. [I.R.C. § 170\(c\)\(2\)](#); [I.R.C. § 501\(c\)\(3\)](#).

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Charitable, Religious & Scientific Organizations

Tax Law > Federal Income Tax Computation > Nonbusiness Expenses > General Overview

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > General Overview

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

[HN3](#) **Exempt Organizations, Charitable, Religious & Scientific Organizations**

Qualified entities under [I.R.C. § 170](#) are essentially those organizations that qualify for an exemption from tax under [I.R.C. § 501\(c\)\(3\)](#).

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > General Overview

[HN4](#) **Exempt Organizations, Conditions & Restrictions**

Deductions are a matter of legislative grace and taxpayers must satisfy the specific requirements of the deductions they claim.

Tax Law > ... > Audits & Investigations > Burdens of Proof > Burden of Taxpayer

Tax Law > ... > Nonbusiness Expenses > Charitable Contributions > General Overview

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

[HN5](#) **Burdens of Proof, Burden of Taxpayer**

Taxpayers bear the burden of proving their entitlement to the deductions they claim. [Tax Ct. R. 142\(a\)](#).

Business & Corporate Compliance > ... > Exempt Organizations > Private Foundations > Imposition of Tax

Tax Law > ... > Exempt Organizations > Private Foundations > General Overview

[HN6](#) **Private Foundations, Imposition of Tax**

[I.R.C. § 508\(c\)\(1\)\(A\)](#) provides that churches, their integrated auxiliaries, and conventions or associations of churches are excepted from the general rule of [I.R.C. § 508\(a\)](#).

Business & Corporate Compliance > ... > Exempt Organizations > Private Foundations > Imposition of Tax

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Charitable, Religious & Scientific Organizations

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

Tax Law > ... > Exempt Organizations > Private Foundations > General Overview

[HN7](#) **Private Foundations, Imposition of Tax**

[I.R.C. § 508\(a\)](#) provides that organizations described in

Sam Gottstein

section [I.R.C. § 501\(c\)\(3\)](#) and organized after October 9, 1969, are required to apply formally for recognition of their tax-exempt status.

Business & Corporate Compliance > ... > Exempt Organizations > Private Foundations > Imposition of Tax

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Charitable, Religious & Scientific Organizations

Tax Law > Federal Taxpayer Groups > Exempt Organizations > Conditions & Restrictions

Tax Law > ... > Exempt Organizations > Private Foundations > General Overview

[HN8](#)] Private Foundations, Imposition of Tax

[I.R.C. § 508\(c\)\(1\)](#) simply relieves churches from applying for a favorable determination letter regarding their exempt status as required by section [I.R.C. § 508\(a\)](#). Nothing in [§ 508\(c\)\(1\)](#) relieves a church from having to meet the requirements of [I.R.C. § 501\(c\)\(3\)](#).

Counsel: Jack Lane [Taylor](#), pro se.

Russell D. Pinkerton, for respondent.

Judges: Armen, Robert N., Jr.

Opinion by: ARMEN

Opinion

[*2] MEMORANDUM FINDINGS OF FACT AND OPINION

ARMEN, SPECIAL TRIAL JUDGE: Respondent determined a deficiency in petitioner's Federal income tax for the taxable year 1996 in [*3] the amount of \$ 1,298. The issue for decision is whether petitioner is entitled to a deduction for a charitable contribution under [section 170](#).¹ We hold that he is not.

FINDINGS OF FACT

Some of the facts have been stipulated, and they are so found. Petitioner resided in Indianapolis, Indiana, at the time that his petition was filed with the Court.

During the year in issue, petitioner donated \$ 8,647 to the Indianapolis Baptist Temple (IBT).² In the previous year, on May 8, 1995, the Service had determined that IBT no longer qualified as an organization described in [section 170\(c\)\(2\)](#) and by [Announcement 95-35](#), 1995-19 *I.R.B.* 14, deleted IBT from the list of organizations contributions to which are deductible under [section 170](#).

[*4] On his joint 1996 Federal income tax return, petitioner claimed a deduction in the amount of \$ 8,647 for a charitable contribution. By notice of deficiency, respondent determined that petitioner was not entitled to any deduction for a charitable contribution because petitioner had failed to substantiate any such contribution, and further, that IBT was not an organization described in [section 170\(c\)\(2\)](#). At trial, respondent conceded the substantiation issue.

OPINION

[HN1](#)] [Section 170\(a\)](#) allows as a deduction any charitable contribution, as defined in [section 170\(c\)](#), that is made during the taxable year. As pertinent here, [HN2](#)] [section 170\(c\)](#) defines a charitable contribution as a contribution or gift to or for the use of a corporation, trust, or community chest, fund, or foundation which is organized and operated exclusively for religious purposes, provided that none of the net earnings inures to the benefit of any private individual. See [sec. 170\(c\)\(2\)](#); see also [sec. 501\(c\)\(3\)](#). [HN3](#)] Qualified entities under [section 170](#) are essentially those organizations that qualify for an exemption from tax under [section 501\(c\)\(3\)](#). See, e.g., [Dew v. Commissioner, 91 T.C. 615 623 \(1988\)](#); [*5] [Kessler v. Commissioner, 87 T.C. 1285, 1288 \(1986\)](#), *affd.* without published opinion 838 F.2d 1215 (6th Cir. 1988).

[HN4](#)] Deductions are a matter of legislative grace and taxpayers must satisfy the specific requirements of the deductions they claim. See [New Colonial Ice Co. v. Helvering, 292 U.S. 435, 78 L. Ed. 1348, 54 S. Ct. 788 \(1934\)](#). [HN5](#)] Taxpayers bear the burden of proving their entitlement to the deductions they claim. See [Rule 142\(a\)](#); [INDOPCO, Inc. v. Commissioner, 503 U.S. 79, 84, 117 L. Ed. 2d 226, 112 S. Ct. 1039 \(1992\)](#); [Welch v.](#)

¹ All section references are to the Internal Revenue Code, as amended, and all Rule references are to the Tax Court Rules of Practice and Procedure.

² Throughout this opinion we use the words "donation" and "donate" for convenience only and not to imply any legal conclusion.

Sam Gottstein

[Helvering, 290 U.S. 111, 78 L. Ed. 212, 54 S. Ct. 8 \(1933\)](#); [Davis v. Commissioner, 81 T.C. 806, 815 \(1983\)](#), affd. without published opinion 767 F.2d 931 (9th Cir. 1985).³ These rules apply with equal force to deductions claimed for charitable contributions. See [Davis v. Commissioner, supra](#).

[*6] Petitioner concedes that during the year in issue IBT was not an organization defined in [section 501\(c\)\(3\)](#) and, by implication, we understand him not to assert that IBT is an organization defined in [section 170\(c\)\(2\)](#). Rather, petitioner contends that his donations to IBT are deductible because IBT is not a "corporation", but a "church". As a church, petitioner contends, IBT is exempt from having to meet the requirements of [section 170\(c\)\(2\)](#). He relies on [section 508\(c\)\(1\)](#) for support for his position.

[HN6](#)] [Section 508\(c\)\(1\)\(A\)](#) provides that churches, their integrated auxiliaries, and conventions or associations of churches are excepted from the general rule of [section 508\(a\)](#). [HN7](#)] [Section 508\(a\)](#) provides that organizations described in [section 501\(c\)\(3\)](#) and organized after October 9, 1969, are required to apply formally for recognition of their tax-exempt status. Thus, [HN8](#)] [section 508\(c\)\(1\)](#) simply relieves churches from applying for a favorable determination letter regarding their exempt status as required by [section 508\(a\)](#). Nothing in [section 508\(c\)\(1\)](#) relieves a church from having to meet the requirements of [section 501\(c\)\(3\)](#). In fact, it is clear that when the Commissioner determines that an [*7] organization is not entitled to an exemption as a church, as is the case for IBT, its contributors must prove the church's right to an exemption under [section 501\(c\)\(3\)](#) in order to be entitled to a deduction for their contributions.⁴ See [Riemers v. Commissioner, T.C. Memo 1981-456](#); [Hall v. Commissioner, T.C. Memo 1980-576](#), affd. [676 F.2d 692 \(4th Cir. 1982\)](#); [Brown v. Commissioner, T.C. Memo 1980-553](#); [sec. 1.508-1\(a\)\(3\), \(4\), Income Tax Regs.](#)

Petitioner's position is based on the assertion that IBT was not required to meet the requirements of [sections](#)

³ Cf. sec. 7491, effective for court proceedings arising in connection with examinations commencing after July 22, 1998.

⁴ Cf. sec. 7428(c), which validates up to \$ 1,000 per contributor where the donee has instituted proceedings under sec. 7428 to contest the revocation of the donee's status. There is nothing in the record to suggest that this provision has any application in the present case.

Sam Gottstein

[170\(c\)\(2\)](#) and [501\(c\)\(3\)](#), and he did not introduce any evidence at trial to establish [*8] that IBT was an organization defined in those sections. Having failed to carry his burden of proving that IBT qualifies as a religious organization under [section 170\(c\)\(2\)](#), petitioner is not entitled to a charitable contribution deduction for his donations to IBT. Cf. [Hall v. Commissioner, supra](#).

To reflect our disposition of the disputed issue,

Decision will be entered for respondent.

End of Document

STATEMENT OF CONTRIBUTIONS FORM 15-5

COMPLETED

Submission Date: **11/25/2023**

REPORT TYPE

Filing Reason: **Contributions of \$500 or more**

Report Year: **2023**

Filed As: **Other**

FILING

Filer First Name: **Phil**

Filer Middle Name: **A**

Filer Last Name: **Izon**

Filer Phone: **9078028116**

Filer Email: **nevesiltstudio@gmail.com**

Filer's Title with Other Entity: **Records Keeper**

BUSINESS INFORMATION

Business Entity Name: **Ranked Choice Education Association**

Business Type: **Education Association**

Address: **2511 Sentry Dr. STE 2**

City: **Anchorage**

State: **Alaska**

99507

Country: **United States**

CONTACT PERSON INFORMATION

First Name: **Phil**

Last Name: **Izon**

Phone: **9088028116**

Email: **info@rankedchoiceeducationassociation.org**

CONTRIBUTIONS

--	--	--	--	--

Contribution Date	Recipient	Form of Contribution	Amount	Total Annual Contribution
11/25/2023	2023 - Alaskans For Honest Elections	Check Check Number: 2041	\$30,000.00	\$152,000.00

REPORT SUMMARY

<p style="text-align: right;"> Number of Contributions Reported with this Report: 1 Total of Contributions Reported with this Report: \$30,000.00 </p>

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

YES ON 2 FOR BETTER ELECTIONS,)
)
 Complainant,)
)
 v.) APOC Case No. **20-06-CD**
)
 DEFEND ALASKA ELECTIONS – VOTE)
 NO ON 2,)
)
 Respondent.)
 _____)

EMERGENCY ORDER

Yes on 2 for Better Elections filed a complaint against Defend Alaska Elections – Vote No on 2 (DAE), alleging in part that DAE has not accurately identified its top three contributors on various advertisements. DAE is campaigning to defeat Ballot Measure 2, the Better Elections Initiative, in the statewide general election on November 3. The Commission granted expedited consideration of the top contributor issue at Yes on 2’s request.¹ After an expedited hearing, the Commission concludes that DAE’s radio ads identifying John Sturgeon, Mark Begich, and Sean Parnell as DAE’s top three contributors violate AS 15.13.090(a)(2)(C) because these individuals were no longer the top three contributors when the radio ads first aired. The Commission orders DAE to correct the top contributor disclosure on the ads as soon as possible and in no event later than three business days after the issuance of this order, so that the disclosures accurately

¹ Order Granting Expedited Consideration (Oct. 6, 2020).

identify the top contributors as of DAE's September 17 independent expenditure report.² Alternatively, DAE may stop airing the ad with the inaccurate top contributor disclosure.

Alaska Statute 15.13.090(a)(2)(C) requires DAE to identify on its communications its "three largest contributors under AS 15.13.040(e)(5), if any, during the 12-month period before the date of the communication." A "communication" is statutorily defined, in relevant part, as "an announcement or advertisement *disseminated* through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing."³ To disseminate means "to spread (something, especially information) widely."⁴

The parties dispute when the "date of the communication" occurs for radio advertisements.⁵ DAE argues that it must identify its top three contributors as disclosed in campaign reports before the date the radio ads were produced and placed, and that it does not need to change already produced ads if they continue to air after a contribution in a later filed report results in displacing one or more of the previous top three contributors.

² Defend Alaska Elections – No on 2's Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4598&ViewType=IE> (filed Sept. 17, 2020). The Commission takes judicial notice of this report.

³ AS 15.13.400(3) (emphasis added).

⁴ Disseminate, Lexico.com, <https://www.lexico.com/en/definition/disseminate> (last visited Oct. 7, 2020). See AS 01.10.040 (construing statutory words "according to their common and approved usage," if they have not acquired a technical meaning through statutory definition or otherwise).

⁵ For the purposes of this order, the Commission focuses solely on the testimony and evidence addressing radio advertisements because, as explained later, the Commission concludes that expedited consideration of the other types of ads at issue in this complaint is not warranted.

Yes on 2 views the phrase “date of communication” as requiring DAE to expeditiously change the top three contributor disclosure on radio ads still airing whenever a newly filed disclosure report shows that one or more of the top three contributors has changed.

The Commission held an expedited hearing on October 7 to consider this issue. Attorney Sam Gottstein represented Yes on 2, and attorneys Matt Singer and Lee Baxter represented DAE. Three witnesses—both groups’ campaign managers and a Commission staff member—testified. Yes on 2’s campaign manager, Shea Siegert, testified that he changes the top-three identifier in radio ads that are already airing if Yes on 2’s top contributors change. He explained that changing the identification on radio ads could easily happen overnight and be done cheaply: he could splice a new disclosure on a pre-existing radio ad using an application on his computer or phone and send the revised ad to radio stations in no more than thirty minutes.

DAE’s campaign manager, Brett Huber, testified that DAE had not adjusted the contributor disclosure on its radio ads because the disclosure was accurate based on the date the ads were produced and placed. He testified that DAE correctly disclosed in its radio ads that Sturgeon, Begich, and Parnell were its top three contributors consistent with its September 7 report (as amended).⁶ Mr. Huber explained that, although the Alaska Republican Party, the Republican State Leadership Committee, and Americans For

⁶ Defend Alaska Elections – No on 2’s Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4663&ViewType=IE> (filed Sept. 7, 2020, as amended Oct. 3, 2020). The Commission takes judicial notice of this report.

Prosperity became DAE's top contributors, their contributions were not reported until after the radio ads were both produced and placed.⁷ Mr. Huber testified that he sent proposed radio copy and agreed to have Art Hackney of Hackney & Hackney produce the ads on September 14.⁸ Three days later—on September 17—production of the ads was complete, according to Mr. Huber, and Mr. Hackney billed DAE \$3,228 that same day.⁹ Mr. Huber testified that his agreement with a media buyer, Hellenthal and Associates, was final on September 17. An invoice reflects that DAE owed \$254,381 to Hellenthal and Associates for statewide radio ads that would run from September 23 to election day (November 3).¹⁰ Mr. Huber testified that after September 17, the agreements had not been modified, he did nothing further, and he expected the media buyer to handle the ad placement. Mr. Huber testified that DAE's September 17 independent expenditure report (as amended) was accurate; the report stated that DAE paid Hackney & Hackney on September 17 and incurred the debt for Hellenthal and Associates that same day.¹¹

Tom Lucas, the campaign disclosure coordinator for the Commission, testified that he discussed the contributor disclosure with Mr. Huber. He testified that the crucial event

⁷ Defend Alaska Elections – No on 2's Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4598&ViewType=IE> (filed Sept. 17, 2020).

⁸ See also Exhibit 1 (emails).

⁹ Exhibit 2 (emails).

¹⁰ Exhibit 3 (invoice).

¹¹ Defend Alaska Elections – No on 2's Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4634&ViewType=IE> (filed Sept. 17, 2020, as amended Sept. 27, 2020). The Commission takes judicial notice of this report.

was dissemination in his view: at the time of creation and dissemination, the group should look back over twelve months to determine who the top contributors were. He also explained that in the context of bulk ad buys, he had advised that the dissemination occurs on the date the ads were placed as long as the ads are on a set schedule, and there are no later changes to the schedule or to the substantive components of the ad itself.

The Commission decides that the top three contributors are those who contributed the most as reported on campaign disclosure reports during the 12-month period before the radio ads first aired. Alaska Statute 15.13.090(a)(2)(C) requires identification of the three largest contributors “under AS 15.3.040(e)(5), if any, during the 12-month period before the date of communication.” Because AS 15.30.040(e)(5) specifies what a *report* must contain to fully identify the source of a contribution, the Commission decides that the date a contribution was timely reported, rather than the date the contribution was received, controls for the purposes of determining when the 12-month look-back period ends. The applicable report that ends the 12-month period for a particular communication is the report timely filed closest to the “date of communication.”¹² And the “date of the communication” for a radio ad is the date that the ad will first air because, by statutory definition, a communication occurs when “disseminated.”¹³ The first date of airing a radio ad is when the information is first spread widely.¹⁴

¹² AS 15.13.090(a)(2)(C).

¹³ AS 15.13.400(3).

¹⁴ Disseminate, Lexico.com, <https://www.lexico.com/en/definition/disseminate> (last visited Oct. 7, 2020). See AS 01.10.040 (construing statutory words “according to their

This interpretation best conforms to the statutory language while not overly burdening or restraining the communications of campaigns. A group does not need to update its top three contributor disclosure on an already running radio ad every time the group receives a contribution that displaces a top contributor, but the group must ensure the disclosure is accurate on the date the ad first airs by looking at the contributions reported on its most recent timely filed report and reports filed in the previous 12 months. If a radio ad has been recorded or produced, but not yet disseminated, and the identification of the top three contributors in the ad is no longer accurate, the group must update the ad accordingly.

This interpretation also provides more accurate information to voters than DAE's or Mr. Lucas's suggestion. A top three disclosure may become inaccurate over time if the same ads continue to run for a long time, but the Commission's interpretation at least prevents campaigns from spreading inaccurate information to voters by using a top three disclosure that is already inaccurate—perhaps wildly, as was the case here—by the time the voters first hear the radio ads.

The Commission finds that DAE's most recent timely filed report before the radio ads first aired is the September 17 report. The radio ads could not have aired before September 17. Mr. Huber testified that he did not finalize the agreement with the media

common and approved usage," if they have not acquired a technical meaning through statutory definition or otherwise).

buyer to place the ads until September 17.¹⁵ Mr. Huber indicated that it was advisable for campaigns to lock in radio ad buys and placements early in a campaign to get the best rates and placements for ads that will actually air closer to election day. But in this case, the invoice reflects that the intended first air date was not until September 23—six days after the disclosure report was filed, thus making the ad incorrect at the time of even its *initial* airing.¹⁶

The Commission finds that DAE’s radio ads violate AS 15.13.090(a)(2)(C) because they do not accurately identify the top three contributors on DAE’s September 17 report. The contributions disclosed in this report displaced Sturgeon, Begich, and Parnell as the top three contributors; the new top three contributors were the Alaska Republican Party, the Republican State Leadership Committee, and either Americans For Prosperity or Northern Holding, Inc.¹⁷

¹⁵ See also Defend Alaska Elections – No on 2’s Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4598&ViewType=IE> (Sept. 17, 2020) (reporting that debt to media buyer was incurred on Sept. 17).

¹⁶ Exhibit 3.

¹⁷ Compare Defend Alaska Elections – No on 2’s Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4663&ViewType=IE> (filed Sept. 7, 2020, as amended Oct. 3, 2020) with Defend Alaska Elections – No on 2’s Independent Expenditure Report, <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4598&ViewType=IE> (Sept. 17, 2020). The Sept. 17 report discloses that Americans For Prosperity and Northern Holdings, Inc., both contributed \$45,000 and so were tied. DAE is not required to identify more than the top three contributors and could choose which of these two contributors to identify under AS 15.13.090(e).

The Commission concludes that this violation must be remedied before the election because the violation could materially affect the outcome of the election,¹⁸ particularly because DAE intends to run the ads until election day, and absentee ballots have already been mailed. The Commission finds credible Mr. Siegert's estimate of how quickly and easily the top-contributor identifier on radio ads may be altered. In addition, Mr. Huber testified that the ads in their entirety took only three days to produce once he provided the radio copy to Mr. Hackney, and only the last few seconds of the ad must be replaced. Under AS 15.13.380(d), the Commission consequently orders DAE to correct the top three contributor disclosure on the radio ads as soon as possible and in no event later than three business days after the issuance of this order, so that the disclosure accurately identifies the top contributors as of DAE's September 17 report. Alternatively, DAE may stop airing the ads with the inaccurate top contributor disclosure.

Under AS 15.13.380(d), the Commission remands to staff to fully investigate and consider on a regular basis whether, and how much, of a penalty should be assessed for this violation. The Commission also remands to staff for a full investigation and consideration on a regular basis the issue of whether DAE's top three contributors were properly disclosed in DAE's communications on two political blogs, Facebook, and its website.¹⁹ The Commission concludes that expedited consideration of these

¹⁸ See AS 15.13.380(c) (factors for granting expedited consideration).

¹⁹ The Commission previously referred additional allegations in Yes on 2's complaint to staff for investigation and consideration on a regular basis in its Order Granting Expedited Consideration (Oct. 6, 2020).

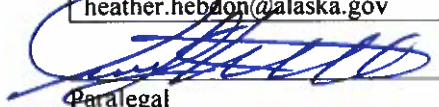
communications is not warranted because an inaccurate top-contributor disclosure on the non-radio ads, while a serious violation if it occurred, is less likely to materially affect the election than an inaccurate top-contributor disclosure announced in a radio ad.

This is a not a final Commission order for the purposes of an appeal to superior court because the Commission has not yet determined a penalty amount, if any, for the violation and has not decided all the issues raised in Yes on 2's complaint.

Dated: October 8, 2020.

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²⁰

<p>Certificate of Service: I hereby certify that on this date, I served, by certified mail and email a true and correct copy of the foregoing in this proceeding on the following:</p>	
<p>Samuel Gottstein Holmes Weddle & Barcott 701 W. 8th Avenue, Suite 700 Anchorage, AK 99501 sgottstein@hwb-law.com</p> <p>and by email to: Heather Hebdon Executive Director Public Offices Commission heather.hebdon@alaska.gov</p>	<p>Matthew Singer Lee Baxter Schwabe Williamson & Wyatt, PC 420 L Street, Suite 400 Anchorage, AK 99501 msinger@schawbe.com lbaxter@schawbe.com</p>

 10-8-20
Paralegal Date

²⁰ Commissioners Anne Helzer, Richard Stillie, Suzanne Hancock, Dan LaSota, and Van Lawrence participated in this decision. The decision was made on a 4-1 vote.