

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

Recall Carrington,)	
)	
Complainant,)	
)	
v.)	Case No. 25-06-CD
)	
No Recall for Palmer MayorSteve.com,)	
)	
Respondent.)	
<hr/>		

FINAL ORDER

On June 25, 2025, the Alaska Public Offices Commission considered staff's investigation report on a complaint filed by the group, Recall Carrington, against the group, No Recall for Palmer MayorSteve.com. The Commission agrees with staff's recommendations that recall campaigns are subject to the campaign disclaimer law and that the respondent group failed to place compliant paid-for-by identifiers on its signs.¹ The Commission imposes a penalty of \$562.50 for the violation.

In April 2025, the No Recall group organized to oppose Palmer Mayor Steve Carrington's recall, which was the subject of a special election. Mayor Carrington registered the group, designating himself as the chair and Richard Best as the treasurer.² That same month, the group incurred a debt of \$600 for 50 yard signs opposing the recall.³ The day the debt was incurred, Mayor Carrington was the group's only

¹ AS 15.13.090.

² 2025 Group Registration Form for No Recall group (Apr. 21, 2025), <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6597&ViewType=GR>.

³ Seven-Day Report for No Recall group (May 12, 2025), <https://aws.state.ak.us/>

contributor.⁴ A few days later, the group placed the signs in various locations around Palmer. Recall opponents also waved the signs at passers-by on Election Day. The paid-for-by disclaimer on the signs read in full: “Paid for by: NO Recall for Palmer MayorSteve.com Po box 3333, Palmer AK 99645.”

Meanwhile, the Recall Carrington group’s chair, Jacquelyn Goforth, noticed that the signs’ disclaimers were incomplete because they did not list the No Recall group’s top three contributors. Ms. Goforth prepared and successfully completed service of an expedited complaint against the group in mid-May.⁵ The complaint alleged “[c]ampaign signs are missing required information of top three donor listings.”⁶

After service but before the Commission received the complaint, Mayor Carrington told the Commission’s staff that he was “working to print stickers now” to add compliant disclaimers to the signs. He asked about size requirements. Staff told him that there were no specific size requirements but that the disclaimers must be “easily discernible.”⁷ Mr. Best also called staff to ask whether the correction stickers should reflect the group’s top donors as of the date the signs were purchased or as of the date the stickers were produced, and staff promptly offered guidance on this question as well.

One day later, the Commission received and accepted the complaint.

ApocReports/Common/View.aspx?ID=47587&ViewType=CD.

⁴ *Id.*

⁵ Staff had rejected an early complaint for improper service.

⁶ The complaint correctly cited the applicable law, AS 15.13.090(a)(2)(C).

⁷ *See* AS 15.13.090(c).

The Commission heard the request to expedite four days after the complaint had been accepted. Coincidentally, this was also Election Day. Ms. Goforth provided testimony and argument in support of the complaint. Mayor Carrington testified on behalf of the No Recall group. He admitted that the group had not updated the disclaimers on the signs. Nevertheless, the Commission declined to expedite the complaint because it was too late to order corrections to the signs before the end of the election, it was uncertain whether recall election advocacy is a regulated communication, and a civil penalty would serve as an adequate remedy for a violation.⁸ The Commission asked staff to investigate the complaint on a non-expedited basis. Staff did so and prepared a report.

At the meeting on June 25, the Commission considered staff's investigation report and the attached exhibits. The Commission heard testimony from staff, Mayor Carrington, and Mr. Best. At the beginning of the hearing, Mr. Best asked whether materials the group received from the Recall Carrington group on June 18 were included in the record. Staff indicated that it was not relying on those materials as part of its case and recommendations. The Commission took the matter under advisement and now issues this written order. It has not reviewed or relied on the June 18 materials provided by the Recall Carrington group.

I. Advocacy about recall elections is a regulated communication.

Staff's investigation report first analyzed whether recall campaigns fit within the definition of a regulated "communication" that must have paid-for-by disclaimers.⁹ Staff

⁸ See AS 15.13.380(c) (providing standards for expediting a complaint).

⁹ AS 15.13.400(3); see AS 15.13.090(a) (requiring disclaimers on all

concluded that asking voters whether to recall an elected official is a “proposition, as that term is defined in AS 15.13.065(c),” thus satisfying the “communication” definition.¹⁰

Although the referenced statute does not explicitly include recall campaigns within its definition, it incorporates the definition of the term in the State Election Code.¹¹ And the Election Code definition includes an “initiative” or “referendum” within the meaning of “proposition.”¹² Staff determined that a recall election is a “referendum” based on legal dictionary definitions of the term, and that construing recall elections to be propositions squares with the framework and purposes of AS 15.13, and legislative history on the disclaimer law and communication definition. Thus, staff concluded that the disclaimer law applied to the No Recall group’s signs. The group did not dispute this.

The Commission agrees with staff’s thorough analysis of the issue and incorporates that analysis by reference in this order.¹³ The Commission thus concludes that a recall election is a type of referendum and as such, it meets the definition of

communications).

¹⁰ AS 15.13.400(3).

¹¹ AS 15.13.065(c).

¹² AS 15.80.010(31).

¹³ The Commission modifies staff’s analysis in only one respect. The Commission relies on the Palmer Municipal Code definition and the regulatory definition in 2 AAC 50.405(1) for persuasive authority that the meaning of “proposition” in the election law context often includes recall elections. But the Commission recognizes that neither the regulation nor a municipal code provision may justify a *state* statutory interpretation not warranted by the statute’s own language and legislative history. *See Sagoonick v. State*, 503 P.3d 777, 804 (Alaska 2022) (“A regulation is invalid if it ‘conflicts with other statutes.’” (citation omitted)); *Alaska Airlines, Inc. v. Darrow*, 403 P.3d 1116, 1131 (Alaska 2017) (“[A] regulation cannot ‘justify a statutory interpretation not warranted by the statute’s own language and legislative history.’” (citation omitted)).

“proposition,” for the purposes of applying AS 15.13.090 to recall election advocacy.

II. The No Recall group’s signs violated AS 15.13.090(a), and the Commission imposes a civil penalty of \$562.50 for the violation.

Staff’s report next considered whether a violation occurred. Staff found that the signs violated AS 15.13.090(a) because they did not list the group’s top three donors. The Commission agrees with staff’s findings. The Commission additionally finds that the signs violated the law by not including the name and title of the group’s principal officer and by not stating that the principal officer approved the message.¹⁴

At the hearing, Mayor Carrington and Mr. Best acknowledged a technical violation but argued that the signs came close to complying with the law. They explained that the mayor was the group’s only contributor at the time the signs were purchased and that the statement on the signs that they were paid for by the No Recall group implicitly identified Mayor Carrington as the purchaser because he was the subject of the recall. Mr. Best also argued that the group could not correct the disclaimer after the signs were printed because the top donors had changed: Correction stickers would misinform the voters because the stickers would identify the top donors either when the signs were printed or when the stickers were, not both. The group asked the Commission to waive imposition of a civil penalty for the violation based on minimal harm.

The Commission disagrees with the group that the informational harm to the public was slight or nonexistent. The signs did not state that they were paid for by Mayor

¹⁴ AS 15.13.090(a).

Carrington, rather they stated that they were paid for by the No Recall group.¹⁵ The signs did not list Mayor Carrington or anyone else as the top donors to the group, nor did they give the name and title of the principal and approving officer.¹⁶ The missing information meant that the signs gave voters only the opaque name of a newly formed group, which told the voters almost nothing about who was financially opposing the recall and supporting the message on the sign. Moreover, the group never corrected the signs despite reaching out to staff to get guidance on how to do so before the election and indicating the group was “working to print stickers” at the time of its contact with staff. Telling the voters who the top donors were at the point of sign or sticker creation would have been more informative than leaving the signs as they were with no top donor or principal officer information. The posting of the signs violated the law the entire time they were placed around Palmer. For these reasons, the Commission rejects the group’s request to impose no penalty for the violation.

The Commission also does not accept staff’s recommended civil penalty. The record does not support staff’s view of the group’s conduct as a deliberate failure to correct a known violation for nearly a month in the face of repeated reminders. And staff based its penalty calculation on an incorrect number of days in violation.

¹⁵ This was accurate. The mayor did not buy the signs; he was the only (and therefore the top) contributor to the group when it incurred the \$600 debt for the signs, but others contributed funds used to satisfy the debt. Seven-Day Report for No Recall group (May 12, 2025), <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=47587&ViewType=CD>; 105-Day Report for No Recall group (Jun. 24, 2025), <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=47637&ViewType=CD>.

¹⁶ See AS 15.13.090(a)(2).

First, the evidence does not support the finding that the group was on notice about the violation for nearly a month before the election or that it received repeated warnings. Staff claims that Ms. Goforth first tried to serve the mayor with the complaint at a regular city council meeting on April 22, but Ms. Goforth's first service attempt was at a special council meeting a week after that.¹⁷ Staff ultimately rejected the first complaint for improper service. Without proof of proper service, it is unknown whether the group received the complaint or otherwise understood what the allegations were at that time. Although staff explained that it copied the mayor on the notice rejecting the complaint for improper service, whether this notice informed the mayor of the alleged violations is similarly unclear. Thus, only when the complaint was properly served does the record support that the group knew the disclaimers were incomplete. This amounts to notice a week before the election, not multiple warnings nearly a month before the election.

Second, staff's recommended penalty was based on an inaccurate statutory maximum. The statutory maximum accrues at a rate of \$50 for each day a violation continues.¹⁸ Staff's determination that the violation lasted for 29 days was based on the incorrect assumption that Ms. Goforth first attempted service on April 22. The evidence of the earliest date that the signs were posted is the photo attached to the complaint taken by Ms. Goforth on April 27.¹⁹ This supports that the violation lasted 24 days.

¹⁷ Ms. Goforth testified at the hearing on the request to expedite that she first tried to serve the complaint at this special meeting and "that was not accepted."

¹⁸ AS 15.13.390(a)(1).

¹⁹ Ms. Goforth testified at the hearing on the request to expedite that she took the sign picture on that date.

For these reasons, the Commission calculates and imposes a different civil penalty than staff's recommendation for the violation. The maximum penalty is \$1,200 at \$50 per day for each of the 24 days of violation. The Commission reduces the maximum penalty by 75 percent to \$212.50 for the first 17 days of violation by applying mitigation criteria for inexperienced filers.²⁰ For the last seven days of violation—when the group knew that the disclaimers were incomplete and could have corrected them—the Commission imposes the maximum penalty of \$350. Although the group contacted staff seeking guidance on how to correct the signs, it ultimately took no action. Thus, the Commission orders the group to pay a total civil penalty of \$562.50 for violating AS 15.13.090(a).

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.²¹ A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.²²

²⁰ Applying 2 AAC 50.855(b)(2)(C)(i) cuts the penalty in half to \$425 and then applying 2 AAC 50.865(a)(1)(B) to the \$425 assessed penalty reduces it by half again to \$212.50.

²¹ AS 15.13.380(g); AS 44.62.560; Alaska R. App. P. 602.

²² 2 AAC 50.891(g); AS 44.62.540.

Dated: July 7, 2025

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION²³

Certificate of Service: I hereby certify that on this date, I served, by U.S. mail, certified mail, and email a true and correct copy of the foregoing in this proceeding on the following:	
Recall Steve Carrington Attn: Jacquelyn Goforth PO Box 2768 Palmer, AK 99645 Recallstevecarrington.com Jivie_58@hotmail.com No Recall for Palmer Mayor Steve Attn: Steven J. Carrington PO Box 3333 Palmer, AK 99645 Norecallforpalmermayorsteve.com Steve.carrington47@gmail.com	and by email to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov



Paralegal

Date

²³ Commissioners Richard Stillie, Dan LaSota, Lanette Blodgett, Eric Feige, and Walt Monegan participated in this matter. The decision was made on a 5–0 vote.