ALASKANS FOR BETTER ELECTIONS, Complainant V. REPEAL NOW, AURORA ACTION NETWORK, & ADVANCING ALASKA ACTION, INC. Respondents	))))))))))))	Case No. 26-06-CD Case No. 26-08-CD (Consolidated)

FINAL ORDER

On August 26, 2026, the Alaska Public Offices Commission considered two separate complaints lodged by Alaskans for Better Elections ("ABE") against respondents Repeal Now, Aurora Action Network ("AAN"), and Advancing Alaska Action, Inc. ("AAA"). The Commission previously consolidated the two actions.[1] For the reasons that follow, the Commission adopts staff's analysis and recommendations with some minor modifications.

These complaints arise out of the fight to repeal ranked-choice voting in Alaska. Ballot Measure No. 2, 24ESEG, which will be on the general election ballot in November, is "[a]n Act to repeal a nonpartisan and open top four primary election system and ranked-choice general election system, and to reestablish a partisan political primary and change necessary and related appointment procedures; reestablish special runoff

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1 Order Consolidating 26-08-CD and 26-08-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27837.

elections, and repeal and amend independent expenditure (IE) group requirements."[2] The Alaska Division of Elections certified the original initiative proposal application for the November 2026 ballot on February 14, 2026.

Repeal Now is an APOC registered ballot proposition group whose purpose is to repeal ranked-choice voting.[3] Prior to 24ESEG's certification for the ballot, Repeal Now was registered as an initiative proposal application group, with the same listed purpose.[4] Aurora Action Network ("AAN") is registered with the Federal Election Commission ("FEC") as an independent-expenditure-only political action committee ("PAC"). AAN is not registered with APOC but has contributed to Repeal Now. Advancing Alaska Action, Inc. ("AAA")[5] is not registered with APOC but has contributed to AAN.

ABE filed its first complaint on May 28, 2026,[6] against respondents Repeal Now, AAN, and AAA, alleging violations of Alaska's campaign disclosure laws. All

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2 Alaska Division of Elections, Petitions and Ballot Measures, 24ESEG-Bill.pdf, https://www.elections.alaska.gov/petitions/24ESEG/24ESEG-Bill.pdf.

3 Repeal Now ballot proposition group registration, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6775&ViewType=GR.

4 Repeal Now initiative proposal application group registration, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6567&ViewType=GR.

5 "Advancing Alaska Action" and "Advancing Alaska Action, Inc." both appear in the State of Alaska business license database. Advancing Alaska Action, Inc., respondent in this matter, is entity #10298676, a nonprofit political organization corporation formed January 23, 2025 with the mailing and physical address at 721 Depot Dr, Anchorage AK, 99501.

6 Complaint 26-06-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27937.

respondents filed Answers on June 22, 2026.[7] On July 7, 2026, ABE filed a second, expedited complaint,[8] alleging further violations against respondents Repeal Now and AAN.[9] Respondents to the second complaint filed Answers on July 29, 2026.[10]

ABE alleges numerous violations against the respondents in these consolidated cases that can be summarized as follows:

26-06-CD

Allegations Against Repeal Now

- In its paid-for-by disclaimers, Repeal Now falsely listed AAN's "principal place of business" as an Anchorage address instead of AAN's originally listed Wisconsin address. It did so to obscure the fact that most of AAN's funds came from non-Alaskans.
- Repeal Now inaccurately described the ballot measure it supports.
- Repeal Now failed to file a required quarterly report.
- Repeal Now failed to report the true source of a contribution received from AAA

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7 Answer AAN 26-06-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27810; Answer Repeal Now 26-06-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27925; Answer Advancing Alaska Action 26-06-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27809.

8 The Commission heard ABE's request for expedited consideration of its second complaint on July 9, 2026. The request was denied. Order Denying Expedited Consideration, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27838.

9 Complaint 26-08-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27828.

10 Answer Repeal Now 26-08-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27893; Answer AAN 26-08-CD, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27892.

- Repeal Now's reporting of contributions received from AAN contained date and amount discrepancies.

Allegations Against AAN

- Similar or corresponding date and amount reporting discrepancies related to funds AAN contributed to Repeal Now.
- AAN untruthfully changed its principal place of business to facilitate Repeal Now's deception that its communications were paid for by Alaskans.
- AAN inaccurately reported true sources concerning a contribution received from AAA.

Allegations Against AAA

- AAA made a $5,000 contribution to Repeal Now using AAN as an intermediary but failed to report the true sources of the contribution because AAA failed to file any statement of contributions form.

26-08-CD[11]

Allegations Against Repeal Now

- Repeal Now has continued to misidentify AAN's principal place of business on its disclaimers.
- Repeal Now has posted two videos on its YouTube channel that lack paid-for-by disclaimers.
- Repeal Now misrepresented the identity of its third largest contributor, LOT, Inc.

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11 In 26-08-CD, ABE did not make any new or renewed allegations against AAA.

Allegations Against AAN

- AAN is continuing to use a misleading Anchorage mailing address and may be complicit in Repeal Now's use of this misleading address.

Staff investigated both complaints and issued a report and findings on August 14, 2026.[12] All respondents have filed answers to each complaint and each respondent has submitted pre-hearing filings in the form of briefs.[13] Neither the complainant nor the respondents chose to present any witness testimony at the August 26, 2026 hearing. Instead, the parties relied on their previously noted submissions and presented argument before the Commissioners. Staff provided testimony through its representative, Kim Stone, who summarized the findings from her report.[14]

Staff made the following findings and recommendations:

1. To determine its three largest contributors for its paid-for-by disclaimer, Repeal Now should consider its top three contributors according to the amount Repeal

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12 Staff Report. https//aws.state.ak.us/ApocReportsPpaper/Download.aspx?ID=27920.

13 AAA Prehearing filing. https//aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27997.

ABE Prehearing filing.

https//aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27998.

AAN Prehearing filing.

https//aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=27999.

Repeal Now Prehearing filing.

https//aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=28000.

14 The Commission incorporates Staff's factual findings and adopts them as neither ABE nor respondents challenged any of those facts via testimony.

Now received from the contributing organization (AAN), rather than naming the contributor's true sources.

2. A preponderance of the evidence does not show AAN or Repeal Now violated AS 15.13.090 by listing Anchorage as AAN's principal place of business and APOC staff recommends the Commission dismiss the allegation.

3. Repeal Now's independent expenditure report of August 9, 2025 was erroneous and that the Commission order Repeal Now to correct the report within 10-days of the order in this matter.

4. ABE provided some evidence of reporting deficiencies relating to the contributions of Damien Stella but staff was unable to determine whether violations have occurred. APOC staff recommended that the Commission continue this allegation in the complaint to give ABE the option to clarify its allegation and thereafter allow AAN and Repeal Now to amend its responses, if needed.

5. Two of Repeal Now's IE reports identified the date it received contributions from AAN as prior to the date AAN received the funds from its own donors. APOC staff recommended that the Commission find Repeal Now's reports for these dates were erroneous and order it to correct the reports within 10-days of its order in this matter, with staff working with AAN as needed to ensure their organizations' reports are consistent.

6. APOC staff did not find by a preponderance of evidence that a $5,000 discrepancy exists between Repeal Now's and AAN's reporting relating to an October 20, 2025 contribution and recommends the Commission dismiss the allegation.

7. APOC staff could not find a disclosure from Repeal Now of an October 20, 2025 contribution of $15,000 on an IE report following Repeal Now's receipt of the contribution, and found the allegation was supported by a preponderance of the evidence and recommended the Commission order Repeal Now to amend its reporting.

8. AAA had no duty to file a 15-5 statement of contributions for its $5,000 contribution to AAN, which AAN thereafter contributed to Repeal Now, and APOC staff recommends no finding of violation against AAA.

9. Alaska campaign disclosure law required both Repeal Now and AAN to correctly identify the true sources of AAA's $5,000 contribution. As both organizations failed to identify or erroneously identified the true source contributor(s), APOC staff recommended the Commission find both organizations in violation of campaign disclosure law and order both organizations to report the true source(s) of any contribution(s) received from AAA within 10 days of the Commission order in this matter.

10. AAN misidentified the home state of contributor Timothy Mellon on its IE report, but APOC staff does not recommend a finding of violation.

11. By including a link to its paid-for-by disclaimer on its YouTube channel homepage, Repeal Now met AS 15.13.090 requirements and APOC staff recommends the Commission dismiss ABE's allegation of missing communication disclaimers.

12. APOC staff found Repeal Now, on an IE report, identified a contribution from the business LOT, Inc. as from Jim Lot Turner, the business owner, but recommends the Commission find this error does not rise to the level of a campaign

disclosure violation. APOC staff recommends the Commission order Repeal Now to correct the report within 10 days of the order in this matter.

13. APOC staff did not recommend a penalty against Repeal Now for failing to file its first 2026 quarterly report but did recommend Repeal Now be required to file quarterly reports going forward until its 30-day general election report is due.

14. APOC staff determined Repeal Now's reports misidentified the initiative proposal until Repeal Now amended its reports when this complaint was filed, but recommended the Commission find the error did not rise to the level of a campaign disclosure violation, as 24ESEG was at all relevant times the only ballot measure concerning repeal efforts, and the misidentification was unlikely to have mislead the public.

I. AAN and Repeal Now's use of an Anchorage Address for AAN

ABE asserts that the most significant issue before the Commission is determining the correct principal place of business for AAN. ABE alleges that Repeal Now originally, and for most of the group's existence, identified AAN treasurer Thomas Datwyler's Hudson, Wisconsin address as AAN's principal place of business. Repeal Now thus used the Wisconsin address as the address of its top contributor in its paid-for-by disclaimers. ABE alleges that in April 2026, Repeal Now instead began fraudulently identifying an Anchorage address as AAN's principal place of business to obscure the fact that more than 75% of AAN's contributions come from donors outside Alaska.[15]

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15 Jeff Yass of Pennsylvania was first noted as AAN's highest donor and recently Elon Musk made a $1,500,000 contribution to AAN.

Staff correctly determined that identifying AAN's principal place of business is unnecessary unless it is first determined that AAN, rather than any of its true sources, is the "contributor" to be considered under AS 15.13.090(a)(2)(C)'s largest contributor analysis. We agree with staff that AAN's Anchorage address was appropriate for its filings as well as for Repeal Now's filings. First, we address the use of the Anchorage address and then move to the analysis of contributors under AS 15.13.090(a)(2)(C).

Staff set forth the following facts as pertinent to its principal place of business analysis. On March 20, 2025, Repeal Now registered with APOC as an initiative proposal group, naming Alaska resident Bethany Marcum ("Marcum") as Treasurer.[16] Repeal Now's first and second contributions came from Marcum and Alaska resident Bob Griffin ("Griffin").[17]

On June 6, 2025, AAN registered with the FEC as a Super PAC.[18] AAN has since identified Marcum and Griffin as those involved in the formation, coordination, control, and decision-making of AAN.[19] AAN further identifies Marcum as AAN's Executive Director and Griffin as AAN's Chairman.[20] AAN also describes its Wisconsin-based

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16 Repeal Now initiative proposal application group registration, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6567&ViewType=GR.

17 Repeal Now First Quarterly Report, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=47520&ViewType=CD. The parties refer to Mr. Griffin by the first name Bob and Robert and this report assumes the references are to the same person.

18 Exhibit 1, FEC Statement of Organization AAN.

19 Exhibit 2, AAN Response to APOC Request for Information, *see also* Answer AAN 26-08-CD, p. 4.

20 *Id.*

treasurer Thomas Datwyler ("Datwyler") and Utah-based fundraising consultant Rachel Critchell as involved in the organization's formation and decision making.[21] AAN's attorney is Derek Ross of Irvine, California.[22] In its original Statement of Organization, AAN listed Datwyler's Hudson, Wisconsin address as its own address and listed a local bank as its FEC depository.[23] AAN has used the Wisconsin address in all of its AS 15.13.040(k) Statements of Contributions filings.[24]

According to FEC records, AAN made its first contribution of $27,000 to Repeal Now on June 23, 2025, approximately two weeks after AAN's organization as a Federal

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21 Exhibit 2, AAN Response to APOC Request for Information, *see also* AAN Response 26-08, p. 4.

Rachel Critchell appears to be the manager of the Ullr Group, LLC, Exhibit 3, State of Utah, Department of Commerce, Division of Corporations and Commercial Code search, *see also* Utah Business Registration. FEC disbursement records show AAN has paid The Ullr Group LLC $82,500 since June 23, 2025. Exhibit 4, FEC disbursements AAN.

22 AAN's counsel Ross is not a member of the Alaska Bar Association but "appears in this administrative proceeding as counsel for Respondent [AAN] pursuant to Alaska RPC 5.5, as this matter arises out of and is reasonably related to his practice in the jurisdictions in which he is admitted." *See* Answer AAN 26-08-CD, p. 8.

23 Exhibit 1, FEC Statement of Organization AAN. First Resource Bank has locations Eastern Minnesota and Western Wisconsin. Locations & Hours - First Resource Bank

24 AAN Statement of Contributions $27,000 and AAN Statement of Contributions $5,000 filed July 7, 2025, AAN Statement of Contributions $25,000, AAN Statement of Contribution $64,000, AAN Statement of Contribution $15,000, AAN Statement of Contributions $30,000, and AAN Statement of Contributions $19,500, all filed November 10, 2025, AAN Statement of Contribution $50,000 filed February 3, 2026, AAN Statement of Contributions $517,250 filed February 12, 2026, AAN Statement of Contributions $250,000 filed April 10, 2026, AAN Statement of Contributions $100,000 filed April 28, 2026, AAN Statement of Contributions $250,000 filed May 14, 2026, and AAN Statement of Contributions $250,000 filed June 19, 2026.

PAC,[25] and followed with 11 more contributions to Repeal Now through June 30, 2026, totaling approximately $845,000.[26] FEC records reflect that Repeal Now is the only entity to whom AAN has donated.[27] For purposes relevant to this matter, AAN is Repeal Now's largest contributor.

At some point after February 2026, Robert Griffin ("Griffin") became involved as an officer with AAN. In response to APOC's request to describe the events leading to AAN's address change to Griffin's personal residence, Repeal Now and AAN offered verbatim accounts that "(d)uring the first week of April 2026, Marcum facilitated an introduction" between Datwyler and Griffin,[28] and shortly thereafter Griffin authorized the use of his personal residential address for AAN's change to Alaska.[29] AAN reports it has received mail, including contribution checks, at Griffin's address.[30]

On April 7, 2026, AAN changed its address of record with the FEC to Griffin's residential address. At some point thereafter, Repeal Now began identifying Anchorage, Alaska as the principal place of business of its largest contributor—AAN—in its communication disclaimers.

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25 Exhibit 1, FEC Statement of Organization AAN, and Exhibit 4, FEC disbursements AAN.

26 Exhibit 4, AAN's FEC disbursements, pp. 3-5.

27 *Id.*

28 Exhibit 2, AAN Response to APOC Request for Information, p. 3, Exhibit 5, Repeal Now Response to APOC Request for Information, p.3 and Affidavit of Robert Griffin.

29 *Id.*

30 Exhibit 2, AAN Response to APOC Request for Information, p. 3.

Neither APOC staff, ABE or the respondents were able to point to Commission authority or legislative history providing guidance on how to interpret or apply the principal place of business standard under AS 15.13.090.[31] ABE and the respondents did suggest utilizing the "nerve center" test set forth by the U.S. Supreme Court when analyzing principal place of business for federal diversity jurisdictional purposes for corporations.[32] Staff declined to adopt that standard, as do we. Although the nerve center test may be useful in the context of determining diversity jurisdiction in federal court, it does not fit squarely with the realities of modern campaigns as aptly demonstrated by the parties' filings. In terms of campaign disclosure laws, the Commission is not always dealing with corporations. More importantly, given the modern age of the internet and the use of remote meetings, many organizations simply lack a physical location where officers, members or boards meet to discuss business and make decisions.

Instead, the Commission will look to the totality of all circumstances in deciding where an organization's principal place of business is located.[33] Although akin to the nerve center test, less emphasis will be placed on physical locations like corporate

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31 Complainant ABE, in response to APOC staff's invitation to submit legal authority, stated it was unable to locate Commission advisory opinions or APOC orders on the issue. AAN, Repeal Now, and Advancing Alaska Action did not provide authority.

32 *See Hertz Corp. v. Friend*, 559 U.S. 77, 130 S. Ct. 1181, 175 L.Ed. 1029 (2010).

33 *See Norris v. Norris*, 345 P.2d 924, 929 (Alaska 2015) (courts look to totality of circumstances when determining a child's home state in child custody matters). ABE also requested the Commission adopt a bright line rule to determine principal place of business. ABE suggests that the address listed on the entity's contribution forms be required for use as the entity's principal place of business. We likewise reject this invitation to impose a bright line rule.

headquarters, and more focus will be placed on facts surrounding who makes decisions, where decisions are made, and the location of campaign activity. Factors to be considered include location of officers, directors, staff, campaigns contributed to, location of advertisements and other relevant factors.

Applying this test to the present case, Anchorage is AAN's principal place of business rather than Wisconsin. Once again, we reiterate that staff's factual findings have not been challenged here. The facts demonstrate that AAN's FEC filings provide little or no information relevant to our analysis. The sole individual named is Thomas Datwyler; while AAN identifies Datwyler as one person involved in the formation, coordination, control and decision-making of AAN, it also describes Datwyler as nothing more than a "treasurer-for-hire" and a "hired compliance vendor" who "keeps AAN's books and files its reports."[34] Both AAN and Repeal Now assert that AAN's "major decisions are made in Anchorage."[35] We also can understand why an entity would list its treasurer's address on reporting forms since that individual is the one charged with filing. Issues with the filings can then be directed directly to the individual charged with compliance for the entity.

AAN describes its purpose as "political activity in Alaska," states that its disbursements are directed "toward Alaska political campaigns and causes," and affirms that its decisions focus on Alaska politics and electorate.[36] FEC records reflect that

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34 Answer AAN 26-08-CD.

35 Answer Repeal Now 26-08-CD, p.5

36 Answer AAN 26-06-CD.

Repeal Now is the only organization to which AAN has contributed since AAN organized. AAN identifies its leadership as Alaska residents Marcum and Griffin and indicates they direct AAN's financial operations, oversee FEC compliance reporting, manage its vendor relationships, control the timing and amount of wire transfers, and make decisions concerning AAN's activities.[37] The change of principal place of business occurred when the second Alaska resident Griffin became an officer.[38] As noted above, all campaign activity is ongoing in Alaska on Ballot Measure 2 and the evidence indicates that campaign activity is concentrated in Alaska. The only connection to Wisconsin is that Datwyler and some bank accounts were located there. For these reasons, the totality of the circumstances supports the finding that Anchorage is AAN's principal place of business. AAN did not violate AS 15.13.090 by utilizing Mr. Griffin's Anchorage address. Nor did Repeal Now.

II. Repeal Now's Largest Contributor for its Paid-for-By Communication Disclaimers

The Commission concurs with staff's analysis on this issue and incorporates it by reference.[39] The purpose of AS 15.13.090(q) is to enable Alaskans to track the source of funds by a particular group. A rigid interpretation of the true source rule can thwart that

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37 Answer AAN 26-06-CD, p. 4. Given the ubiquity of electronic banking, the physical location of an organization's bank is not considered a substantial factor in the analysis.

38 Complaint 26-06-CD; Exhibit 2, AAN Response to APOC Request for Information.

39 Staff Report, P. 6-9.

purpose. Simply put, it is easier for Alaskans to see who a group's top contributors are and then trace how that group is funded, instead of requiring groups to list the true sources of its top contributors in disclaimers. For instance, assume the top three contributors to IE groups like the Sierra Club or the NRA are Jane, John and Bob Doe who are virtual unknowns. That IE group then contributes to another group, and that group has to list the Does as the three top contributors. No one would know that it was the Sierra Club or the NRA that made the contribution. Further, the Does would not understand why their names appear on communication disclaimers in Alaska.

Staff's recommendation is logical and provides the easiest path for Alaskans to track contributions and determine where money actually came from—thus fulfilling the true intent of the disclosure law. Moreover, a search of the Does would provide almost no information on the widely-recognized source of the funding—the NRA or the Sierra Club. Accordingly, Repeal Now should identify its top three contributors on its paid- for-by disclaimers, rather than the top three contributors to AAN.

III. Repeal Now, AAN and AAA Reporting Discrepancies

ABE has alleged reporting discrepancies in various Repeal Now, AAN and AAA reports. We discuss each separately.

a. Repeal Now August 9, 2025 IE Report $500 discrepancy.

Repeal Now acknowledges this discrepancy between a reported $45,000.00 contribution from AAN that was actually $44,500.00. Although this appears to be a simple clerical error, Repeal Now indicated it had taken care of the discrepancy in its answer to the complaint but the discrepancy was not in fact corrected.[40] It has conceded this error. Repeal Now has since filed an amended report on August 18, 2026 correcting the amount of AAN's contribution to $44,500.00.[41] Staff calculated the maximum penalty for this violation at $14,600.00 based on $50.00 per day for 292 days.[42]

b. Damien Stella Contribution

ABE has withdrawn the allegation concerning this contribution. This allegation is dismissed and no violation is found.[43]

c. Repeal Now's August 9, 2025 and September 13, 2025 IE Reports with listed contributions from AAN on dates when AAN had not yet received the true source funds

Repeal Now filed an IE report on August 9, 2025,[44] reflecting an AAN contribution of $45,000 that Repeal Now received on July 31, 2025. But AAN itself did not receive the true source contributions until after that date. In a second IE report filed on September 13, 2025, Repeal Now listed an AAN contribution made to Repeal Now of $30,000 on August 29, 2025. But again, AAN itself did not receive the true source contributions until after Repeal Now reported receiving the funds.

This allegation is substantiated by a preponderance of the evidence and the Commission finds Repeal Now's reports for these dates were erroneous. The

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40 Repeal Now Answer, 26-06-CD.

41 Repeal Now's Prehearing filing, Exhibit "A".

42 AS 15.13.390(a).

43 ABE Prehearing filing, P. 6.

44 ABE Exhibit 2J and 2L to Complaint 26-06-CD.

Commission orders Repeal Now to correct the reports within 10 days of its order in this matter and to work with AAN as needed to ensure the reports are consistent.[45]

d. October 20, 2025 Contribution Discrepancy

ABE alleges a $5,000.00 discrepancy between Repeal Now and AAN's reports. However, Repeal Now's fourth quarterly report filed January 10, 2026 shows a $15,000 contribution from AAN received by Repeal Now on October 20, 2025,[46] and AAN's FEC report also reflects a $15,000 contribution to Repeal Now made on October 20, 2025.[47] Finally, AAN's amended statement of contributions report submitted November 10, 2025 reported a $15,000 contribution to Repeal Now made on October 20, 2025 with true sources Albert Haynes and Leon Chandler.[48]

Contrary to ABE's allegation, the cited reports all reflect the same $15,000.00 contribution. Based on ABE's citations to these documents and minimal argument, the Commission does not find a $5,000 discrepancy and thus finds no reporting error. This claim is dismissed.[49]

ABE also alleges Repeal Now did not disclose the October 20, 2025 contribution on its next IE report (October 22, 2025). Staff recommended the Commission order

45 Repeal Now's prehearing filing at P. 3 states that these reports ware amended and corrected the discrepancy in dates. However, a review of the amended reports attached as Exhibits "A" and "B" to the prehearing filing still lists a receipt date of July 31, 2025 and August 29, 2025 respectively.

46 ABE Exhibit 3D to Complaint 26-06-CD.

47 ABE Exhibit 4E to Complaint 26-06-CD.

48 ABE Exhibit 5E to Complaint 26-06-CD.

49 ABE also failed to address this allegation in its Prehearing filing.

Repeal Now to file an amended report. Repeal Now filed an amended report on August 19, 2026. Thus, there is no need for further action on this issue.[50]

e. Repeal Now and AAN True Source Reporting

ABE alleges violations of true source disclosure requirements concerning a $5,000 contribution made by AAA to AAN, and AAN's subsequent contribution of the $5,000 to Repeal Alaska.[51] First, ABE highlights that AAA never filed a statement of contributions report relating to its $5,000 contribution to AAN. However, the reporting requirement of AS 15.13.040(k) is imposed on an organization contributing to a ballot measure group because it is serving as an intermediary; it is not imposed on the "true sources" (in this situation, AAA) but rather upon the organization transmitting the funds to a ballot measure group – AAN.[52] AAA had no duty to file a 15-5 statement of contributions and APOC staff recommends no finding of violation against it. Thus, the Commission does not find a violation against AAA.

The parties agree that Repeal Now refunded the $5,000 contribution to AAN.[53] The issue is now moot, but it does not resolve the penalty issue for failure to timely file. Staff assessed a penalty of $250 against Repeal Now.[54] Repeal Now has not challenged

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50 Disclosure Form View Amendment. Also see Repeal Now's Prehearing filing at Exhibit C.

51 AAN Statement of Contributions $517,250 filed February 12, 2026.

52 See AS 15.13.040(k), AO 24-04-CD 907 Initiative, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=26260.

53 Repeal Now's Prehearing filing, P. 4; ABE Prehearing filing, P. 11.

54 Staff Report, P. 28.

the total penalty assessed against it by Staff after mitigation,[55] nor has ABE claimed any error on the penalty.[56] Accordingly, the Commission will not disturb the assessed penalty on this issue.[57]

f. AAN reporting an incorrect address for contributor Timothy Mellon

ABE also alleges a true source reporting violation based upon AAN's listing of a Saratoga, "AK" address for a $50,000 contribution from "billionaire Timothy Mellon."[58] AAN concedes a typographical error in listing Alaska rather than the correct state of Wyoming and advises that it has corrected the report. APOC staff determined the error to be *de minimis* error and did not recommend a civil penalty, particularly given the error was likely obvious to anyone initially viewing the report and without question available through basic internet searching of the contributor by name. We concur with staff's analysis and recommendation, find the error was minor, and dismiss this claim.

g. Repeal Now misidentified the initiative proposal 24ESEG

ABE alleges that while Repeal Now supports 24ESEG, the group has inaccurately identified the initiative proposal and ballot measure throughout its APOC reporting by instead using the name of the previous election's ballot initiative (22AKHE) or by

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55 Repeal Now Prehearing filing, P. 6.

56 ABE Prehearing filing, P. 11.

57 Because the issue on AAN's $5,000 contribution was deemed moot due to the refund of the contribution, the Commission will leave for another day the question of the duty to report correct information in their APOC reporting on true sources.

58 ABE Complaint 26-06-CD, p. 11.

describing support for either ballot measure "2" or "3."[59] APOC staff reviewed Repeal Now's reporting and found the IE reports did incorrectly identify the ballot measure as alleged by ABE, but declined to find a violation or recommend a penalty.

Repeal Now concedes it incorrectly identified the ballot measure[60] and advises that it has since amended its reporting to correctly reflect its support for ballot measure 24ESEG. Although Repeal Now's reports misidentified the initiative proposal until the reports were corrected, the Commission find this error does not rise to the level of a campaign disclosure violation as 24ESEG was at all relevant times the only ballot measure set for the general election concerning ranked-choice voting repeal efforts and the misidentification was unlikely to have mislead the public.

h. Misidentified Contribution from the Business LOT, Inc. as from Individual, Jim Lot Turner

In 26-08-CD ABE alleges Repeal Now incorrectly lists "LOT, Inc." as its third largest contributor in its paid-for-by disclaimers but identifies the contributor as "Jim Lot Turner" in its APOC reporting.[61] In response, Repeal Now confirms the true source of the contribution was LOT, Inc., as correctly listed on its communication disclaimers, and concedes its IE report incorrectly identified the contributor.

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59 ABE Complaint 26-06-CD, p. 5.

60 Repeal Now Answer to complaint 26-06-CD.

61 Complaint 26-08-CD, p. 12, citing Repeal Now's April 30, 2026 Independent Expenditure report filed April 30, 2026 and Mr. Turner's statement of contribution filed April 21, 2026.

Repeal Now has since provided as documentation a copy of the contribution check from LOT, Inc. and a contribution form identifying the corporate contribution from the business.[62] Accordingly, the IE report filed April 30, 2026 was erroneous. Repeal Now states in its Answer that it has corrected the contributor information; however, two amended versions filed June 17, 2026 both still reflect the inaccurate "Jim Lot Turner" as the contributor, instead of the business. Repeal Now has verified it did not correct the filing error in its amended versions.[63] However, Repeal Now asserts there is a filing glitch with APOC that it is trying to resolve with staff.[64]

The Commission agrees with staff that considering the closeness of the reported names, that the contributor is identified as a business owner of the same name, and the improbability that the information created confusion among the public as to the contributor, the Commission finds this error does not rise to the level of a campaign disclosure violation. However, the Commission does order Repeal Now to work with staff to correct the IE report within 10 days of the order in this matter.

i. Repeal Now's Failure to File its First 2026 Quarterly Report

ABE alleges Repeal Now failed to timely file its first quarterly report for 2026. On March 20, 2025, prior to the initiative proposal's certification for the ballot, Repeal Now registered as an initiative proposal group listing as its purpose to repeal ranked-choice

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62 Exhibit 10, Repeal Now check and contribution form from LOT, Inc.

63 Repeal Now Prehearing filing, P. 5.

64 *Id.*

voting law.[65] Prior to the certification for the ballot on December 31, 2025, Repeal Now filed quarterly reports under AS 15.13.110(g); its most recently filed quarterly report was for the 2025 Fourth Quarter, filed January 10, 2026.[66]

A ballot group is required to continue filing quarterly reports after certification "until reports are due under (a) and (b)" of AS 15.13.110.[67] APOC staff explained this requirement in a January 5, 2026 email to Repeal Now (attached by Repeal Now as an exhibit to its complaint response): "Until those reports become due, *you will still file quarterly reports*. [AS 15.13.110(g)]"[68] Repeal Now apparently understood this direction to mean it should "ceas[e] to file quarterly reports"[69] rather than to continue filing them until AS 15.13.110 reports became due.[70] However, because Repeal Now switched its

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65 Repeal Now initiative proposal application group registration, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=6567&ViewType=GR.

66 Repeal Now fourth quarterly report, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=48483&ViewType=CD.

67 AS 15.13.110(g) An initiative committee, person, group, or nongroup entity receiving contributions exceeding $500 or making expenditures exceeding $500 in a calendar year in support of or in opposition to an initiative on the ballot in a statewide election or an initiative proposal application filed with the lieutenant governor under AS 15.45.020 shall file a report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter **until reports are due under (a) and (b) of this section** (emphasis added). If the report is a first report, it must cover the period beginning on the day an initiative proposal application is filed under AS 15.45.020 and ending three days before the due date of the report.

68 Answer Repeal Now 26-06-CD, Attachment 2 (*emphasis added*).

69 Answer Repeal Now 26-06-CD, p. 3.

70 Repeal Now filed a 30-day report on July 20, 2026, corresponding to the state primary election, although the group's first AS 15.13.110(a) report is not due until October 5, 2026, corresponding to the state general election.

registration to that of a ballot proposal group, and selected both the primary and general elections in its campaign plans, APOC's online filing system generated corresponding AS 15.13.110 reporting requirements, and removed future quarterly "reporting expectations," which likely led to confusion. In its response to this complaint and in its Prehearing filing, Repeal Now indicated its willingness to comply with APOC direction concerning the reports.[71] Repeal Now must file quarterly reports until the time its 30-day report for the general election is due on October 5, 2026. In light of the above and additionally considering that all the information contained in the missing quarterly reports was available through Repeal Now's independent expenditure reports, the Commisision will not impose a penalty against Repeal Now for failing to file 2026 quarterly reports. Repeal Now shall file the missing quarterly reports, with assistance from staff on any technical glitches, within 10 days of the date of this Order.

j. Repeal Now's You Tube Channel Ads

In 26-08-CD, ABE alleges that Repeal Now failed to include paid-for-by disclaimers on two videos that were posted on Repeal Now's YouTube channel.[72] Specifically, ABE alleges "Repeal Now's most recent video ad does not include *any* required disclaimer *at all*."[73] Repeal Now does not refute that the videos were posted but

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71 Repeal Now Prehearing filing P.6.

72 Yes! End ranked choice voting in Alaska! - YouTube, last accessed August 4, 2026, *see also* Exhibit 9, screen shot of channel homepage.

73 ABE Complaint and Exhibits 26-08-CD, p. 13 (*emphasis in original*). While the body of the complaint references a video "ad" in the singular, its footnote references exhibits 17D and 17E, two separate videos.

asserts that it complied with prior Commission precedent on this issue. During the hearing on ABE's request for expedited consideration of 26-08-CD, Repeal Now agreed to take those video ads down until the Commission ruled on the merits of the issue.[74]

The videos were formerly associated with Repeal Now's YouTube channel homepage but could also be accessed through a shared link.[75] On the top middle of the channel homepage, directly adjacent to the logo and directly underneath the bolded slogan "Yes! End ranked choice voting in Alaska!," is text with a live "more" link, which, if clicked, brings up a pop-up message containing the paid-for-by disclaimer containing the top three contributors.[76]

The Commission has previously determined that a paid-for-by disclaimer on a Facebook profile page puts the viewer on notice that the page they are viewing contains political messages, and that having the disclaimer on the page obviates the need to have a separate paid-for-by identifier on each post.[77] Staff concluded "[it is reasonable to apply the same logic to a YouTube channel homepage; 2 AAC 50.306, relating to the identification of political communication, refers broadly to a group's "electronic social

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74 Download.aspx

75 Repeal Now agreed to temporarily remove the two videos in question until the Commission has reached the merits of this matter.

76 Yes! End ranked choice voting in Alaska! - YouTube, last accessed August 4, 2026, *see also* Exhibit 9, screen shot of channel homepage.

77 Final Order 18-04-CD Rivas v. Vasquez, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=15936, *citing* AO 10-09-CD, AO 10-09-CD Gara, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=4844, pp.

media" in its requirement that the paid-for-by be electronically linked, and APOC staff considers a YouTube channel to fall within this categorization."[78]

Although we find Repeal Now and staff's reliance on this precedent reasonable, the Commission concludes that given the technological advancements since its decision in Rivas v. Vasquez, the rule is no longer viable. In today's age there are many ways to access an ad. For instance, pop up ads are now prevalent not to mention the numerous ways an individual is steered to this type of content, including through a shared link. Supplying a link on a homepage will not always provide the user with a readily available means to identify the individual or entity responsible for the ad. After the effective date of this provision, all social media ads must contain a paid-for-by disclaimer in compliance with statutes and regulations. The Commission finds this requirement will alleviate the confusion surrounding the paid-for-by requirement and will better fulfill the purpose of the requirement in today's world.

Along the same lines, the Commission also cautions campaigns that it is hard to imagine a campaign ad with zero cost to the campaign. Repeal Now stressed that these ads were produced by volunteers on their cell phones, and that no outside consultants or media agencies were utilized. Repeal Now thus argued that no paid-for-by disclaimer was

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78 AS 2 AAC 50.306 Identification of political communication. (d) A political communication by electronic media, including a candidate's or group's website, electronic mail, electronic social media, or other electronic methods capable of transmitting a political communication, must include or be electronically linked to information required by AS 15.13.090(a) and (c). The cost of political communications by electronic media must be reported as a campaign expense under 2 AAC 50.321.

necessary.[79] There are several costs the Commission can think of that would trigger a paid-for-by disclaimer though: internet access by the campaign, host fees, costs to maintain the social media and the like. In the event any costs are incurred by the campaign in creating and posting these ads to their social media, the paid-for-by requirement must be met.[80]

Because Repeal Now complied with existing precedent, the Commission does not find a violation and dismisses this allegation. The Commission finds it would be unfair to Repeal Now to require them to meet the updated standard when a previous Commission order provided different guidance. The Commission's decision in Rivas v. Vasquez is overruled. The Commission further requests that Staff provide notice of this decision on its website within 5 days of the date of this Order and advise that the effective date of this portion of this decision will start at the next election cycle.

CIVIL PENALTIES

Staff calculated the following maximum civil penalties against each party:

AAN

- For failing to identify or erroneously identifying the true source(s) of a $5,000 contribution[81] from Advancing Alaska Action, the maximum civil penalty is assessed

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79 *Id.*

80 Commissioner Stillie, although joining in the decision, dissents in part on this issue. He would continue to apply past Commission precedent to the facts as presented by Repeal Now.

81 AAN Statement of Contributions, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=5543&ViewType=SC.

under AS 15.13.390(a)(3) and results in a penalty of "not more than the amount of the contribution that is the subject of the misreporting or failure to disclose": **$5,000**.

Repeal Now

- For the erroneous IE report filed August 9, 2025 and showing a $500 error, the maximum civil penalty is assessed at $50 per day under AS 15.13.390(a) and results in a penalty of **$14,600**, reflecting 292 days from the filing of the erroneous report until the complaint filing tolled the penalty accrual [August 9, 2025 to May 28, 2026].
- For the IE reports that erroneously showed Repeal Now received contributions before they were received by the intermediary AAN, any penalty will be assessed by staff after Repeal Now and AAN amend their reports as necessary to comport with the Commission order in this matter.
- For the erroneous IE report filed October 22, 2025 that failed to include a $15,000 contribution Repeal Now received October 20, 2025, the maximum civil penalty is assessed at $50 per day under AS 15.13.390(a) and results in a penalty of **$4,000**, reflecting 80 days from the filing of the erroneous report until Repeal Now disclosed the contribution on its fourth quarterly report on January 10, 2026 [October 22, 2025 to January 10, 2026].
- For failing to identify or erroneously identifying the true source(s) of a $5,000 contribution from AAA, received through intermediary AAN, the maximum civil penalty is assessed at $50 per day under AS 15.13.390(a)(1) and results in a penalty of **$250**,

reflecting 5 days from the filing of the erroneous report[82] until the complaint filing tolled the penalty accrual [May 23, 2026 to May 28, 2026].

The above noted maximum civil penalties against Repeal Now total **$18,850.**

Staff Application of Mitigation Criteria

Staff applied mitigating factors in 2 AAC 50.855 and 2 AAC 50.865 to arrive at the civil penalties to be imposed upon each party.

AAN

Staff applied a 50% reduction of the maximum under 2 AAC 50.855(b)(2)(C)(i) as this was AAN's first election cycle, which resulted in a staff assessed penalty of $2,500. Staff applied a second 50% reduction under 2 AAC 50.865(a)(1)(B) as it found AAN was an inexperienced filer since this was their first election cycle.[83] The mitigation resulted in a final penalty of **$1,250.**

Repeal Now

Staff reduced Repeal Now's violations by 50% of the maximum under 2 AAC 50.855(b)(2)(C)(i) as this was Repeal Now's first election cycle. This reduced the penalty to $9,425. Staff also applied a mitigating factor under 2 AAC 50.865(a)(1)(B) because Repeal Now was an inexperienced filer. Thus an additional 50% reduction was appropriate. This reduced the total penalty to $4,712.50.

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82 Repeal Now IE report, https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=7546&ViewType=IE.

83 2 AAC 50.865(a)(1)(B).

APOC staff recommended a further reduction pursuant to 2 AAC 50.865(b)(5), which allows a civil penalty to be reduced by a percentage greater than 50 percent or waived entirely, as the largest portion ($14,600) of Repeal Now's maximum assessed penalty total ($18,850) relates to a $500 error and thus is significantly out of proportion to the degree of harm. APOC staff therefore recommended the $4,712.50 be reduced by 90% to a final penalty of **$471.25**.

Penalty Analysis

Prior to commenting on staff's penalty assessments, ABE took issue with how staff applied penalties in the consolidated matters. The Commission addresses this issue first. Specifically, ABE asserts that once staff determine that a violation occurred, it has an obligation to determine the maximum civil penalty and then apply mitigation as appropriate. ABE asserts that staff determined non-compliance with statute and regulations but never assessed the maximum penalty.[84] ABE further argues that mitigation must be applied on a violation basis rather than in the aggregate as staff did in this case.[85]

On ABE's first point we agree. Staff is required by regulation to assess civil penalties when a violation is noted. 2 AAC 50.855 mandates that staff assess a civil penalty. It mandates that staff assess a civil penalty if, no later than 30 days after the due date, a person responsible for filing a registration, statement, or report required under

84 ABE Prehearing filing, P. 8-9.

85 *Id.*

AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50 files a late or incorrect report. The language is mandatory, not discretionary and thus a penalty calculation is required. There were a few instances where staff found a violation but did not arrive at a penalty. Even if staff were to recommend waiver, a penalty calculation should have been made. The Commission instructs staff from this point forward that if it finds a violation, 2 AAC 50.855 requires staff to assess the penalty and then follow the procedure to apply mitigation.

The Commission does not find any support in statute or regulation to support ABE's second contention that mitigation must be applied on a violation-by-violation basis rather than in the aggregate. We also note that ABE did not point the Commission to any statute, regulation or case that supports their argument. The Commission finds neither it nor staff are required to apply mitigation on a violation-by-violation basis. It may be prudent to do so in certain cases, but there is no requirement to do so.

Although we find staff is required to assess a penalty when a violation is found, we approve staff's penalty assessments here.[86] Even though staff is required to assess a penalty for a violation under 2 AAC 50.855, there is no corresponding mandatory language in AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50 that requires the Commission to impose any penalty.[87] Rather, each of the above statutes merely states an

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86 Although we approve staff's penalty, we remind staff that under 2 AAC 50.865 we don't layer percentage reductions under (a) and (b) but rather apply one percentage reduction based upon all the factors enumerated in 2 AAC 50.865.

87 AS 15.13.390(a) (A person who (1) fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by AS 15.13.040, 15.13.060(b)--(d), 15.13.110(a)(1), (3), or (4), (e), or (f) **is**

individual is "subject to" a civil penalty. This is permissive rather than mandatory language.

As such, the Commission is not obligated to impose a penalty. The Commission agrees with staff's conclusions on the penalties assessed against AAN and Repeal Now and even if staff had calculated a penalty for each violation, the Commission would have waived those penalties. The Commission therefore imposes the following penalties against AAN and Repeal Now:

AAN - $1,250.00

Repeal Now - $471.25.

This is a final Commission order. It may be appealed to the superior court within 30 days from the date of this order.[88] A request for the Commission to reconsider this order must be filed within 15 days from the date this order is delivered or mailed.[89]

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subject to a civil penalty of not more than $50 a day for each day the delinquency continues as determined by the commission . . . .)(emphasis added).

AS 24.45.141 (A person who fails to register or to file a properly completed and certified report or statement, as applicable, within the time required by this chapter **is subject to** a civil penalty of not more than $10 a day for each day the delinquency continues as determined by the commission . . . .) (emphasis added).

AS 24.60.240 (A person required to file a disclosure statement under AS 24.60.200 who fails to file a properly completed report under AS 24.60.200 **is subject to** a civil penalty of not more than $10 a day for each day the delinquency continues as the Alaska Public Offices Commission determines . . . .) (emphasis ours).

AS 39.50.135 (A person who fails to file a properly completed and certified report within the time required by this chapter **is subject to** a civil penalty of not more than $10 a day for each day the delinquency continues as the commission determines . . . .) (emphasis added).

88 AS 44.62.560; Alaska R. App. P. 602; 2 AAC 50.860(e).

89 2 AAC 50.891(g); AS 44.62.540.

Dated: September 8, 2026

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION[90]

Certificate of Service:
I hereby certify that on this date, I served, by **certified mail, US mail,** and **email** a true and correct copy of the foregoing in this proceeding on the following:

Alaskans For Better Elections 510 L St., Ste 300 Anchorage, AK 99501 sam@cashiongilmore.com scott@cashiongilmore.com Repeal Now P.O. Box 240382 Anchorage, Alaska 99524 jnortoneledge@gmail.com cfrascaAK@gmail.com bethanymarcum@gmail.com crichards@pioneerlawllc.com jpack@pioneerlawllc.com	Aurora Action Network 502 6th Street Hudson, Wisconsin 54016 Compliance@ACAPTEAM.com derek@rosspoliticallaw.com tcdatwyler@gmail.com Advancing Alaska Action 721 Depot Drive Anchorage, Alaska 99501 tcdatwyler@gmail.com RMoses@BHB.com	and by **email** to: Heather Hebdon Executive Director Alaska Public Offices Commission heather.hebdon@alaska.gov

9-8-26

Paralegal Date

90 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 on the result with Commissioner Stillie dissenting in part.