

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

STAND FOR SALMON)	
)	
Complainant,)	
)	
vs.)	
)	
STAND FOR ALASKA – VOTE NO ON ONE,)	APOC Case No. 18-03-CD
)	
Respondent.)	

RESPONDENT’S RESPONSE TO COMPLAINT

Respondent Stand for Alaska – Vote No on One (“Respondent” or “SFA - Vote No on One”) denies that it has violated the campaign finance statutes governing the naming of a ballot measure group. See AS 15.13.050(c) and discussion below. The Alaska Public Offices Commission (“APOC” or the “Commission”) should dismiss Complainant’s complaint against SFA – Vote No on One because there has been no violation of law.

SFA – Vote No on One has fully complied with APOC laws regarding the naming of ballot measure groups. When an initiative is going to appear “on the ballot,”¹ the name of a group opposing the ballot measure must denote its opposition to the measure:

(c) If a group intends to make more than 50 percent of its contributions or expenditures in support of or in opposition to a single initiative on the ballot, the title or common name of the initiative must be a part of the name of the group. If the group intends to make more than 50 percent of its contributions or expenditures in opposition to a single initiative on the ballot, the group’s name must clearly state that the group opposes that initiative by using a word such as “opposes,” “opposing,” “in opposition to,” or “against” in the group’s name.

¹ The Division of Elections determines whether an initiative has met the statutory requirements and is going to appear on the ballot. See AS 15.45.010 *et seq.*

REEVES AMODIO LLC
500 L STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

AS 15.13.050(c).² In this instance, Respondent plainly satisfies this requirement: shortly after the measure was approved for the ballot and was designated Ballot Measure (“BM”) 1 for the November ballot, SFA – Vote No on One amended its APOC registration to show that it was a group opposing BM 1.

Respondent has used its name since it registered with APOC. Before the measure was designated BM 1, Respondent simply used “Stand for Alaska.” After the initiative was approved and become BM 1, Respondent amended its name accordingly, to its current name: SFA – Vote No on One. Thus, Respondent has fully complied with the statutory mandate that, for “a single initiative on the ballot,” its name “must clearly state that the group opposes the initiative....” AS 15.13.050(c). Here, the measure was not identified as BM 1 until approximately June 4th or 5th, when the Division of Elections first notified Respondent that the measure had been so named. Soon afterward, Respondent amended its name so that the name clearly reflected its opposition to the (now certified) ballot measure: “Vote No on One” became part of its name.

Although SFA – Vote No on One began using its new name shortly after learning that the initiative had become BM 1, some of Respondent’s campaign material was produced prior to the date that BM 1 was approved and received its ballot designation. We understand from APOC training sessions that a group is not required to go back and redo its former ads and communications with a new Paid For By (“PFB”) (which would include a new name).³ Rather,

² It is worth noting that the name of Complainant’s sister organization, Yes for Salmon, does not meet the statutory requirements for a ballot group supporting a ballot measure. *See* AS 15.13.050(c). It does not contain a reference to the common name of the ballot measure, or to its numerical designation on the ballot.

³ Respondent attended APOC training sessions on December 12, 2017 and June 28, 2018 where attendees were told this.

it is simply required to update its communications and other material *prospectively*—which Respondent has been doing, and will continue to do. Complainant’s own evidence shows beyond doubt that the ads about which it complains were produced *before* SFA – Vote No on One changed its name. *See, e.g.*, Affidavit of Lori Brownlee. Thus, the ads contain the proper PFB and comply with APOC laws. Furthermore, to require a group to go back and update all of its campaign material would be excessive and onerous, and would interfere with a lawful group’s ability to focus on its *raison d’etre*—the campaign and election. Thus, as a matter of sound policy, the current rule is also the correct one, that is, that a group need not update past materials, only prospective ones.

In this instance, Respondent updated its homepage (and website) to reflect its new name shortly after it amended its registration: it plainly states “Stand for Alaska – Vote No on One.” *See* Exhibit A, attached. This is significant because Respondent’s electronic communications contain a link or reference to Respondent’s homepage, which contains the current name. In addition, Respondent has updated its Facebook, You Tube, and Twitter pages to reflect its current name. *See* Exhibits B, C and D. Thus a voter visiting these pages need not even click on the link to Respondent’s homepage to view its name. Clearly, SFA – Vote No on One is in full compliance with the law.

Since its inception, well before the measure was identified as BM 1, Respondent made it clear, on all of its ads and other communications, that it opposed the proposed ballot measure that Complainant supports, that the measure would cause damage to Alaska, and that people should vote against it. Persons from around Alaska who favor allowing all of Alaska’s resources

to be responsibly developed – be they minerals, fish, tourism-related, or other resources – have supported and continue to support SFA - Vote No on One and its mission.

Controlling Alaska case law further bolsters the conclusion that no violation has occurred here. *See Alaska Public Offices Commission v. Stevens*, 205 P.3d 321, 325-26 (Alaska 2009). According to the Alaska Supreme Court, any “imprecise, indefinite, or ambiguous statutory or regulatory requirements must be strictly construed in favor” of the respondent, in this case SFA – Vote No on One. *See id.* In this case, SFA – Vote No on One adhered to what it understood from APOC staff to be the legal requirements governing PFB’s. To the extent that there is any area of ambiguity, it must be construed in favor of Respondent. *See APOC v. Stevens*, 205 P.3d at 325-26. Further, a respondent is entitled to know what the law requires so that it can meet those requirements. *See id.* Thus, even should APOC conclude that the rule should be changed, governing case law mandates that the rule be applied prospectively only, and not retroactively.

To the extent that Stand for Salmon complains about some alleged confusion because of the similarity of its name and Respondent’s, that is outside of APOC’s jurisdiction. Once a group has complied with AS 15.13.050(c), its name satisfies the requirement of campaign finance laws, which is APOC’s domain. Thus, this portion of Complainant’s complaint should be dismissed for lack of jurisdiction over it.

For the foregoing reasons, the Commission should dismiss Stand for Salmon’s complaint against SFA – Vote No on One.

RESPECTFULLY SUBMITTED this 31st day of July 2018.

REEVES AMODIO LLC
Attorneys for Respondent

By: 

Thomas P. Amodio
tom@reevesamodio.com
ABA No. 8511142

REEVES AMODIO LLC
500 L STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

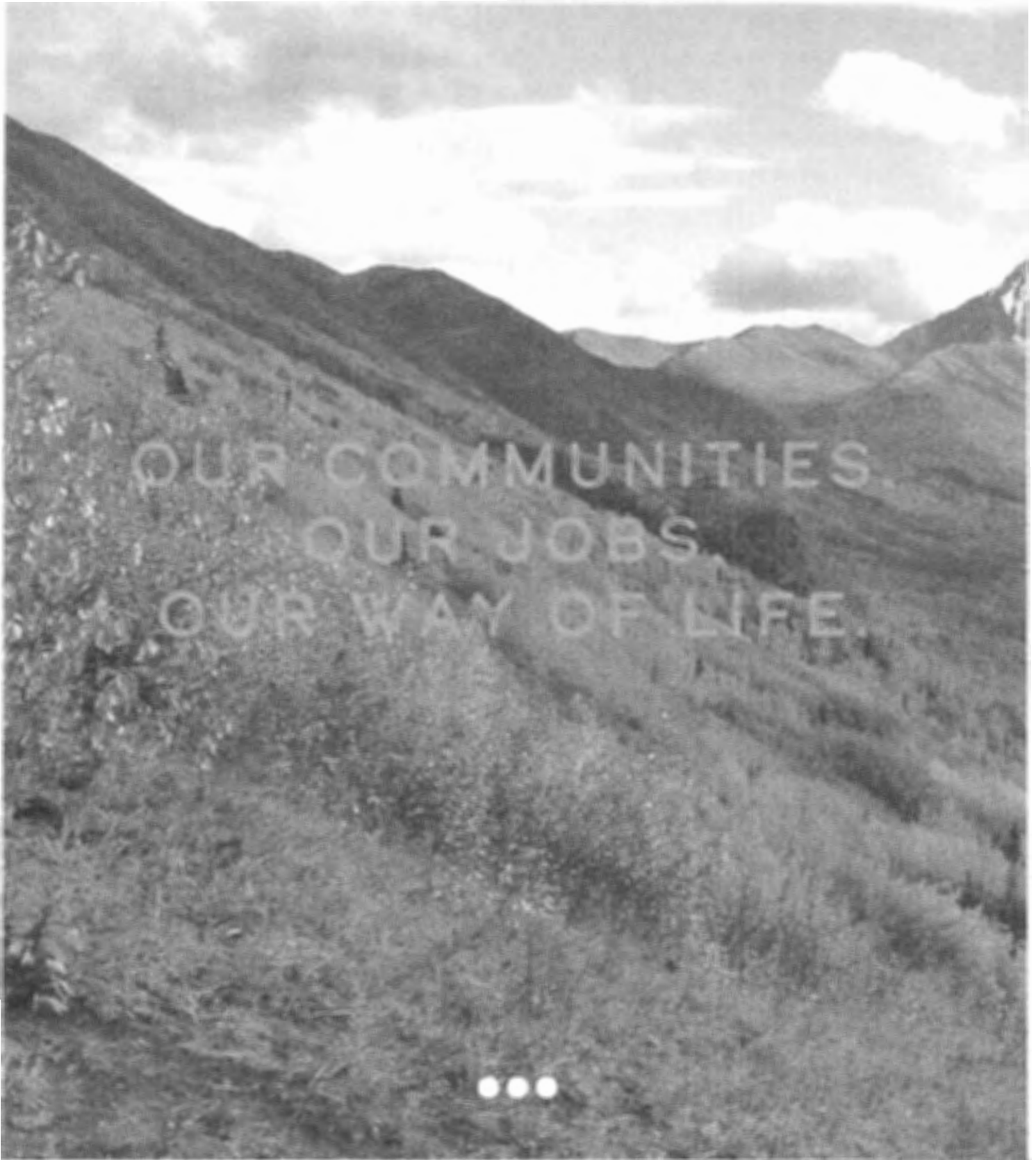
Certificate of Service

I certify that on this 31st day of July 2018,
a true copy of the foregoing was served by Mail /Fax/
E-mail on the following:

Holly C. Wells
Mara E. Michaletz
Birch Horton Bittner & Cherot
510 L Street, Suite 700
Anchorage, AK 99501
hwells@bhb.com
mmichaletz@bhb.com
(907) 2763680 Fax

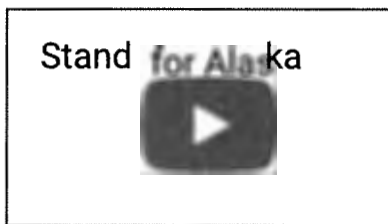


EXHIBIT A



STAND FOR ALASKA

SFA opposes Ballot Measure 1 which would overhaul regulations affecting virtually any type of project in Alaska. The measure poses a threat to Alaska’s communities, jobs and way of life. The fish habitat ballot measure is opposed by a broad coalition of Alaskan businesses, trade organizations, groups and Alaska Native corporations. It will go before Alaska voters this November.



LEARN MORE ABOUT BALLOT MEASURE 1

ABOUT THE ISSUE

Alaska agencies and individuals have worked

JOIN OUR COALITION

Show your support for Alaska by joining our

WHY I STAND

Read stories from real Alaskans who are

hard over the years to update and expand fish habitat policies.

coalition of businesses, groups and organizations.

taking a stand to oppose the unreasonable ballot measure.

[LEARN MORE](#)

[LEARN MORE](#)

[LEARN MORE](#)

[HOME](#) [DONATE](#) [CONTACT US](#)

1411 Birchwood Lane, Anchorage, Alaska 99503

1775 West 4th Avenue, Anchorage, Alaska 99501

1411 Birchwood Lane, Anchorage, Alaska 99503 | Phone: 907.562.8888 | Fax: 907.562.8889 | Email: info@standforak.com

1775 West 4th Avenue, Anchorage, Alaska 99501 | Phone: 907.562.8888 | Fax: 907.562.8889 | Email: info@standforak.com

© 2018 Stand for Alaska. All rights reserved. | [Privacy Policy](#) | [Terms of Service](#)

EXHIBIT B

Stand for Alaska

Home Home Create



Like Follow Share

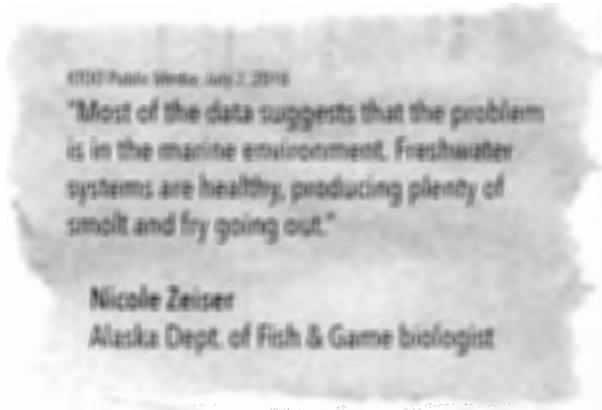
Learn More

Stand for Alaska @standforalaska

- Home
- About
- Photos
- Videos
- Posts
- Community
- Info and Ads

Create a Page

Photos



See All

Videos

It's gearing up for summer fun and you're invited! Jo ...

CONTACT PAGES SEE ALL



CONTACTS

- Cynthia Brandon Foote
- Lauren J
- Kaitlin Varla
- Eric Eisenberg
- Deborah Jones Kuscsik
- Kathy Brala Monteiro
- Marion Kelly
- Lucia Alborta
- Henry Clark
- Joanne Gill Plunkett
- Galen Hazelhofer
- Annette Sambito Day
- Diane Fiorey Menna
- Robin Bronson Ward
- Michael Morilla

GROUP CONVERSATIONS

Create New Group

Political Organization

Community

- Invite your friends to like this
- 8,740 people like this
- 8,868 people follow this

About

- Typically replies within a day Send Message
- StandforAK.com
- Political Organization
- Impressum
- Suggest Edits

Related Pages

- Channel 2 News, KT. TV Channel
- Hem Charters Transportation Service
- Chad and Alice Public Figure

Pages Liked by This Page



English (US) · Español · Português · Français (France) · Deutsch

Privacy · Terms · Advertising · Ad C Cookies · More Facebook © 2018

Stand for Alaska

Tom Home Create



Like Follow Share

Learn More

Stand for Alaska @standforalaska

- Home
- About
- Photos
- Videos
- Posts
- Community
- Info and Ads

About

Mission

Stand for Alaska opposes Ballot Measure 1 which would overhaul regulations affecting virtually any type of project in Alaska. The measure poses a threat to Alaska's communities, jobs and the Alaska way of life.

CONTACT INFO

- m.me/standforalaska
- http://StandforAK.com
- https://twitter.com/standforalaska
- www.youtube.com/c/standforalaska

MORE INFO

About

Read the ballot measure language here: http://www.elections.alaska.gov/petitions/17FSH2/17FHS2%20Bill.pdf

Impressum

Paid for by Stand for Alaska Vote No on 1, Anchorage, AK 99503. Marleanna Hall, chair, Aaron Schutt, Jaeleen Kookesh, Joey Merrick, and Sarah Lefebvre, co-chair... See More

General Information

While this is an open forum, it's also one where we ask everyone to be respectful. Because of that, we ask that you follow our posting guidelines below. if you ... See More

Political Organization

CONTACT PAGES SEE ALL



CONTACTS

- Cynthia Brandon Foote
- Lauren J
- Kaitlin Vadla
- Eric Eisenberg
- Deborah Jones Kuscsik
- Kathy Brala Monteiro
- Marion Kelly
- Lucia Alborta
- Henry Clark
- Joanne Gill Plunkett
- Galen Hazelhofer
- Annette Sambito Day
- Diane Fiorey Menna
- Robin Bronson Ward
- Michael Mortilla

GROUP CONVERSATIONS

Create New Group

About Create Ad Create Page Developers Careers Privacy Cookies Ad Choices Terms Help

Facebook © 2018

English (US) Español Français (France) العربية (مغرب) Português (Brasil) Italiano 한국어 Deutsch हिन्दी 日本語

Search

EXHIBIT C



Search



Home

Trending

Subscriptions

Visit Our Website

LIBRARY

History

Watch later

Liked videos



Stand for Alaska, Vote No on 1

SUBSCRIBE 105

105 subscribers

HOME

VIDEOS

PLAYLISTS

CHANNELS

DISCUSSI

SUBSCRIPTIONS

Popular on YouTu...

Music

Sports

Gaming

Uploads PLAY ALL

MORE FROM YOUTUBE





Search



Home

Trending

Subscriptions

Visit Our Website

LIBRARY

History

Watch later

Liked videos



Stand for Alaska, Vote No on 1

SUBSCRIBE 105

105 subscribers

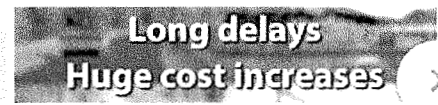
HOME

VIDEOS

PLAYLISTS

CHANNELS

DISCUSSIONS



SUBSCRIPTIONS

Popular on YouTube...

Music

Sports

Gaming

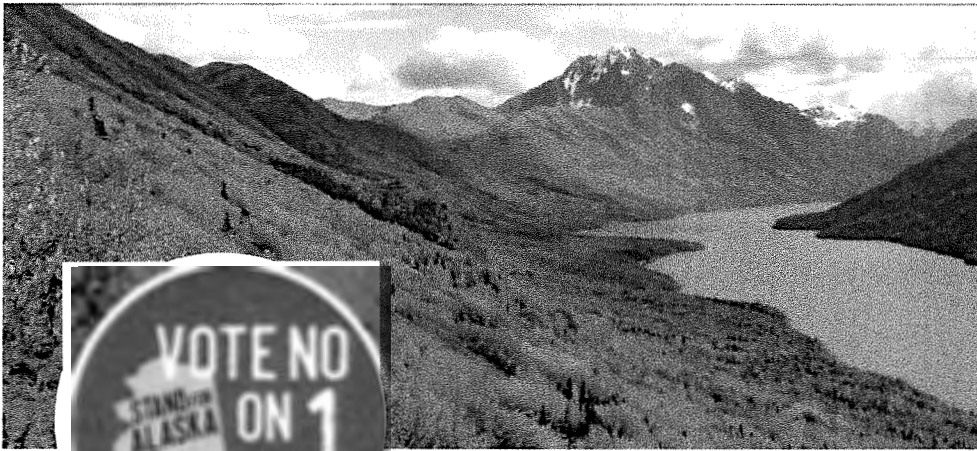
MORE FROM YOUTUBE

YouTube Premium

Movies & Shows

Settings

EXHIBIT D



Have an account?
 Phone, email, or username
 Password
 Remember me · [Forgot password?](#)
[Log in](#)

New to Twitter?

[Sign up](#)

[Follow](#)

Tweets **165** Following **63** Followers **2,120** Likes **32**

Stand for Alaska

@standforalaska

Paid for by Stand for Alaska Vote No on 1, 200 West 34th Avenue, PMB 1219, Anchorage, AK 99503.

Anchorage, AK

[StandForAK.com](#)

Joined October 2017

65 Photos and videos



Tweets Tweets & replies Media



Stand for Alaska @standforalaska · 5h

Want Stand for Alaska to speak to your organization? Contact us at info@standforak.com or click the link below to request a presentation. #GetTheFacts

Request a Presentation
standforak.com

1 3



Stand for Alaska @standforalaska · Jul 28

Hello, Soldotna! Let's get this party started! #ProgressDays



1 3 18



Stand for Alaska @standforalaska · Jul 27

We had a blast and a half at the Alaska Republican Party Picnic yesterday!

@akgop @akphotobooth



3 13



Stand for Alaska @standforalaska · Jul 26

Come see us at the Southeast Alaska State Fair! Our booth is located near the community gardens.

2 7



Stand for Alaska @standforalaska · Jul 25

Before permitting even started, Pogo Mine's dedicated environmental team began taking regular water samples throughout the site, including the nearby Goodpaster River. Pogo has maintained that water quality with continued, frequent monitoring for 12+ years. #GetTheFacts #BM1



2 16 24



Stand for Alaska @standforalaska · Jul 23

"Current rules require construction projects to mitigate any damage to fish habitat with work elsewhere. The ballot measure changes that to require onsite mitigation, something that would be difficult or impossible for some projects."

#AKleg @JuneauEmpire