



**TO:** APOC Commissioners  
**DATE:** October 30, 2020  
**FROM:** Thomas R. Lucas, Campaign Disclosure Coordinator  
**SUBJECT:** Staff Report, 20-07-CD  
*OneAlaska – Vote No on One v. Vote Yes for Alaska’s Fair Share*

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### **SUMMARY OF COMPLAINT**

On September 29, 2020, OneAlaska – Vote No on One (Vote No) filed a complaint against Vote Yes for Alaska’s Fair Share (Vote Yes) alleging it violated AS 15.13.090 by failing to provide complete paid-for-by identifiers on seven Facebook posts supporting Ballot Measure 1.<sup>1</sup>

### **SUMMARY OF ANSWERS TO COMPLAINT**

Vote Yes contends that under all the circumstances, its paid-for-by identifiers on the seven posts comply with the law and that the complaint should be dismissed.<sup>2</sup>

### **FACTS**

#### **A. Ballot Measure 1**

Alaska’s Fair Share Act Initiative was filed on August 16, 2019, and was ultimately accepted with petition booklets issued on October 23, 2019.<sup>3</sup> The initiative is on the 2020 state general election ballot as Ballot Measure 1 and if enacted would change oil and gas production taxes for certain areas of the North Slope.<sup>4</sup>

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<sup>1</sup> Ex. 1, Complaint.

<sup>2</sup> Ex. 2, Answer to Complaint.

<sup>3</sup> Ex. 3, Division of Elections Petition Summary 19OGTX.

<sup>4</sup> Ex. 4, Division of Elections Letter to Primary Sponsor.

## **B. Vote Yes**

Vote Yes is a registered ballot proposition group that is campaigning in support of Ballot Measure 1.<sup>5</sup> As part of its campaign, Vote Yes established a Facebook page and a website.<sup>6</sup> The paid-for-by identifier on both the website and the Facebook page stated that it was “Paid for by Vote Yes for Alaska’s Fair share, 921 West 6<sup>th</sup> Ave. Anchorage AK 99501, Robin Brena, Chair. Top contributors: Robin Brena (Anchorage), Dave Carter (Anchorage), RSD Properties (Anchorage).”<sup>7</sup>

Since October 7, 2020, the paid-for-by identifier on Vote Yes’ Facebook page and website has been changed to add that the chair of Vote Yes approves the communication and that Alaska is the state of residence or principal place of business of its top 3 contributors.<sup>8</sup>

## **C. Facebook Posts**

Vote No contends that seven specific videos posted by Vote Yes fail to provide lawful paid-for-by identifiers. Each of the seven posts at issue link back to respondent’s Facebook page. Five of the posts are videos that contain both an audio and visual component. These include:

- Video posted on August 27, 2020, which states that big oil is spending millions to stop Alaskans from getting a fair share for our oil and questions their plan on how to solve the budget deficit, noting that eliminating the PFD, cutting jobs and education, and increased taxes would be needed in order to add up to Ballot Measure 1.<sup>9</sup> The video goes on to state “vote yes for jobs, vote yes for PFD, vote yes on 1”.<sup>10</sup>
- Video posted on August 29, 2020, which tells the viewer that “Alaska’s broke” and legislators are proposing ideas such as an income tax or ceasing the dividend while

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<sup>5</sup> Ex. 5, Group Registration.

<sup>6</sup> Ex. 2.

<sup>7</sup> Ex. 6, Vote Yes Response to Questions.

<sup>8</sup> *Id.*; Ex. 7, Facebook Update; Ex. 2.

<sup>9</sup> Ex. 8, “What’s your plan?” video.

<sup>10</sup> *Id.*

Alaska has “paid the big oil companies more than they’ve paid us,” and asks the question “why would we give away our oil and then tax ourselves?” The video continues, exhorting the viewer to “vote yes on 1 for Alaska’s fair share.”<sup>11</sup>

- Video posted on August 31, 2020, which tells the viewer they have a choice to vote yes on Ballot Measure 1 or lose the PFD, further budget cuts to schools, lose thousands of jobs, and increase taxes. The video further states that the ballot measure would save the PFD, education, and jobs, and exhorts the viewer to “vote yes on one for Alaska’s fair share.”<sup>12</sup>
- Video posted on September 26, 2020, which tells the viewer that legislators voted to provide oil companies more money which led to large budget cuts to UAF and exhorts the viewer to “vote yes on Ballot Measure 1.”<sup>13</sup>
- Video posted on September 27, 2020, which tells the viewer the current oil revenue system is “killing Fairbanks jobs” and the UAF university system is “getting gutted” because the state is not receiving a fair share for its oil. The video exhorts the viewer to “vote yes for UAF and vote yes on 1 for Alaska’s fair share” to save UAF and Fairbanks jobs.<sup>14</sup>

These videos include a visual identifier showing “Paid for by Vote Yes for Alaska’s Fair Share. 821 W. 6<sup>th</sup> Ave Ste 100. Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage” and an audio identifier provides it was “[p]aid for by Vote Yes for Alaska’s Fair Share. Top contributors Robin Brena, RSD Properties, and David Carter.”<sup>15</sup>

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<sup>11</sup> Ex. 9, “Alaska’s Broke” video.

<sup>12</sup> Ex. 10, “Choices” video.

<sup>13</sup> Ex. 11, “Angry Fairbanks” video.

<sup>14</sup> Ex. 12, “UAF Jobs” video.

<sup>15</sup> Exs. 8-12.

The following two videos did not include any paid-for-by identifier:

- Video posted on August 18, 2020, which includes an animated “YES ON 1” and an image of an “I Voted Today to save Alaska PFD” sticker.<sup>16</sup>
- Video posted on September 5, 2020, which also includes an animated “YES ON 1” and “#EndTheGiveaway.”<sup>17</sup>

## **LAW AND ANALYSIS**

### **A. Communications**

Alaska’s campaign disclosure law broadly defines a communication as an “announcement or advertisement disseminated through print or broadcast media...the internet, or...mass mailing” that directly or indirectly identifies a candidate or proposition.<sup>18</sup> The law also defines three distinct types of communications, one of which is an express communication.<sup>19</sup>

An express communication is defined as “a communication 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.”<sup>20</sup> Although the definition is specific to communications regarding candidates, the definition also applies to a ballot proposition campaign.<sup>21</sup>

Here, because each post at issue directly identifies a ballot proposition each post is a communication. Moreover, because each post contains an exhortation to vote yes on Ballot Measure 1, they thus cannot be susceptible to any other reasonable interpretation

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<sup>16</sup> Ex. 13, “Vote Yes on 1 to save the PFD” video animation.

<sup>17</sup> Ex. 14, “#EndTheGiveaway” video animation.

<sup>18</sup> AS 15.13.400(3).

<sup>19</sup> See generally, AS 15.13.400.

<sup>20</sup> AS 15.13.400(7).

<sup>21</sup> 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)).

but exhortations to vote for the measure. As such, each post is considered an express communication.

### **B. Identification of Communications**

Alaska’s campaign disclosure laws require all communications to be identified using the words “paid for by” followed by the name and address of the person paying for the communication.<sup>22</sup>

For a person other than an individual or candidate, the identifier must include the name and title of the person’s principal officer, a statement from the principal officer approving the communication, and, unless the person is a political party, the name, city, and state of residence or principal place of business of each of the person’s three largest contributors.<sup>23</sup>

Under AS 15.13.090, communications that include an audio component must include a recorded statement identifying the name of the person who paid for the communication and the name of the persons’ three largest contributors under AS 15.13.090(a)(2)(C).<sup>24</sup>

“A political communication by electronic media, including a 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 the full and complete paid for by identifier required by AS 15.13.090.<sup>25</sup>

### **C. Respondent Failed to Provide Full and Complete Disclosures**

Although the audio paid-for-by identifiers on the five posts containing an audio component were complete, none of the visual identifiers on the seven videos identified in the complaint were complete because they failed to disclose the state of residence or

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<sup>22</sup> AS 15.13.090(a).

<sup>23</sup> AS 15.13.090.

<sup>24</sup> AS 15.13.090(d).

<sup>25</sup> 2 AAC 50.50.306(d).

principal place of business of Vote Yes’ top three contributors. Further, the identifiers did not provide a statement from Vote Yes’ principal officer approving the communication’s message. Although each video linked back to the Vote Yes Facebook page, the paid-for-by identifier page was also incomplete because approval from respondent’s principal officer and state of each of the top three contributors was not indicated.

Vote Yes argues that the complete audio paid-for-by identifier on the five posts containing an audio component insulates it from the need to provide the principal officer approval and state residence language.<sup>26</sup> Vote Yes makes this argument relying on the provisions of AS 15.13.090(d), which provides:

Notwithstanding the requirements of (a) of this section, in a communication transmitted through radio or other audio media and in a communication that includes an audio component, the following statements must be read in a manner that is easily heard; the second statement is not required if the person paying for the communication has no contributors or is a political party:

This communication was paid for by (persons name). The top contributors of (persons name) are (the name of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

However, Vote Yes ignores AS 15.13.090(c), which requires that communications containing video components provide a statement identifying the name, city, and state of principal place of business of the person who paid for the communication. Vote Yes also ignores AS 15.13.090(a)(2)(B), which requires a statement from the person’s principal officer approving the communication.

Thus, Vote Yes argues that a person making a communication containing both audio and visual components may ignore the remainder of AS 15.13.090 because the legislature provided a shortened requirement for one of the two components of the communication.

Staff disagrees. Instead, interpretation of AS 15.13.090 should include consideration of the legislature’s intent, which suggests that the legislature intended to

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<sup>26</sup> Ex. 1.

require both written and an audio paid-for-by identifiers on communications containing both audio and visual components.

SB 284, the bill that added the identifier provisions at issue here, was introduced in the second session of the 26<sup>th</sup> legislature.<sup>27</sup> The legislative history of SB 284 clearly supports construing the statute to require both written and audio identifiers on a communication containing both audio and visual components. The version of the bill before the House Finance Committee on April 17, 2010, indicated that audio disclaimers were solely required on radio ads.<sup>28</sup> Indeed, during the debate over the bill, Representative Doogan offered an amendment that would require the audio identifier to be played on any communication that included an audio component.<sup>29</sup> There, Doogan explained that his proposed amendment would reinstate language requiring audio as well as visual disclaimer information on television ads.<sup>30</sup> However, the proposed amendment failed.<sup>31</sup>

At the House floor vote on the bill, the amendment sought by Representative Doogan was again offered as an amendment.<sup>32</sup> That time, the amendment passed and on April 18, 2010, the Senate concurred with the House version of SB 284.<sup>33</sup>

As such, AS 15.13.090(d) requires an audio disclaimer on any communication containing an audio component, not solely radio ads. This is because the legislature sought to have communications with both audio and visual components to comply with both the audio requirements and the visual requirements instead of just one or the other as argued by Vote Yes.

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<sup>27</sup> Ex. 15, SB 284 Bill History.

<sup>28</sup> Ex. 16, April 17, 2010 version of House Committee Substitute.

<sup>29</sup> Ex. 17, Excerpt of April 17, 2010 House Finance Committee Minutes.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Ex. 18, House Floor Vote.

<sup>33</sup> Ex. 19, Senate Concurrence.

## **CONCLUSION**

Vote Yes violated AS 15.13.090 by failing to include the principal officer approval and state of residence on the video portions of the seven communications at issue.<sup>34</sup>

## **MAXIMUM CIVIL PENALTIES**

The maximum civil penalty for an improper paid-for-by identifier is \$50 per day for each day the violation continues.<sup>35</sup> The following chart provides a breakdown of staff’s calculation of total days each video post was in violation:

<b>Video Post</b>	<b>Date Posted</b>	<b>Days of PFB Violation</b>	<b>Maximum Civil Penalty</b>
<b>1</b>	08/18/2020	50	\$2,500
<b>2</b>	08/27/2020	41	\$2,050
<b>3</b>	08/29/2020	39	\$1,950
<b>4</b>	08/31/2020	37	\$1,850
<b>5</b>	09/05/2020	32	\$1,600
<b>6</b>	09/26/2020	11	\$550
<b>7</b>	09/27/2020	10	\$500
<b>TOTAL:</b>			<b>\$11,000</b>

Based on the foregoing, the maximum civil penalty for the improper identifiers is \$11,000.

## **MITIGATION AND RECOMMENDATION**

A civil penalty may be reduced by up to 50% if the person is an inexperienced filer. An inexperienced filer is a person that “has been subject to a registration or reporting requirement for less than 365 days, or a person engaged in their first election cycle.”<sup>36</sup>

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<sup>34</sup> Although not alleged in the complaint, the investigation revealed the possibility of up to 75 additional violations concerning Facebook ads. The possible additional violations will be investigated by staff and may become the subject of a future complaint filed by staff.

<sup>35</sup> AS 15.13.390(a).

<sup>36</sup> 2 AAC 50.865(a)(1)(B).

Here, respondent is engaged in its first election cycle. Accordingly, staff recommends that the maximum civil penalty be reduced by 50% to \$5,500.

Staff spent approximately 10 hours investigating this complaint. Thus, the costs of investigation are \$475. Based on Respondent’s full and complete cooperation in the investigation, staff does not recommend that the costs of investigation be imposed.

I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered as indicated to the following:	
One Alaska – Vote No on One Attn: Matt Singer & Lee Baxter 420 L. Street, Suite 400 Anchorage, Alaska 99501 <a href="mailto:msinger@schwabe.com">msinger@schwabe.com</a> <a href="mailto:lbaxter@schwabe.com">lbaxter@schwabe.com</a> <a href="mailto:info@onealaska.com">info@onealaska.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail
Vote Yes for Alaska’s Fair Share Attn: Robin Brena, Chair 921 W. 6 <sup>th</sup> Avenue, Suite 100 Anchorage, Alaska 99501 <a href="mailto:rbrena@brenalaw.com">rbrena@brenalaw.com</a>	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> U.S. Mail

 10/30/2020  
\_\_\_\_\_  
Signature Date

<b>FILING A COMPLAINT</b> <i>To be accepted, complaint must include</i>	<b>APOC LAWS ALLEGEDLY VIOLATED</b> <i>Specify section of law or regulation</i>		<i>APOC case name/number/date</i>
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 and all supporting documents were served on respondent	Campaign Disclosure Law	<input checked="" type="checkbox"/> AS 15.13 <input type="checkbox"/> 2 AAC 50.250-405	20-07-CD
Public Official Financial Disclosure	<input type="checkbox"/> AS 39.50 <input type="checkbox"/> 2 AAC 50.680-799		
Legislative Financial Disclosure	<input type="checkbox"/> AS 24.60 <input type="checkbox"/> 2 AAC 50.680-799		
Lobbying Regulation	<input type="checkbox"/> AS 24.45 <input type="checkbox"/> 2 AAC 50.550-590		

If complaint meets requirements for acceptance, APOC will investigate the allegations and notify the respondent of the right to respond. APOC will notify Complainant and Respondent when APOC accepts or rejects a complaint.

<input type="checkbox"/> APOC <input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	<b>COMPLAINANT</b>	<b>RESPONDENT</b> <i>Person or group allegedly violating law</i>
	OneAlaska – Vote No on One	<input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group Vote Yes for Alaska's Fair Share Robin Brena, Chair
Address	PO Box 90635 Anchorage, Alaska 99509	921 West 6th Ave., Suite 100 Anchorage, AK 99501
City / Zip	Anchorage, Alaska 99509	Anchorage, AK 99501
Phone/Fax	907.306.4829	907.278.8000
E-mail	<a href="mailto:info@onealaska.com">info@onealaska.com</a>	<a href="mailto:rbrena@brenalaw.com">rbrena@brenalaw.com</a>

**COMPLAINANT'S REPRESENTATIVE****RESPONDENT'S REPRESENTATIVE**

If complainant or respondent is political party or group, list contact person. If complainant or respondent is represented by attorney, list name + contact info

Name/Title	Matt Singer & Lee Baxter, Attorneys Schwabe, Williamson & Wyatt, P.C.	
Address	420 L Street, Suite 400, Anchorage, AK 99501	
Phone/Fax	907.339.7129	
E-mail	<a href="mailto:msinger@schwabe.com">msinger@schwabe.com</a> ; <a href="mailto:lbaxter@schwabe.com">lbaxter@schwabe.com</a>	

**DESCRIPTION or SUMMARY of ALLEGED VIOLATION**

Violation of the communication disclaimer and disclosure requirements contained in AS 15.13.090 in social media advertisements. See attached.

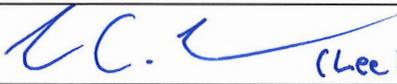
Use  
extra  
pages if  
needed

 **SUPPORTING DOCUMENTS – DESCRIBE:**

See written complaint & exhibits attached

**PROOF of SERVICE ATTACHED:**  Fax – receipt confirmation  Certified mail – signed receipt  
 Process server – return of service  E-mail – delivery/read receipt  Other:

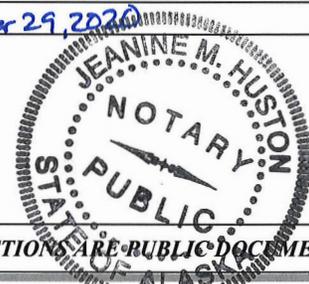
**COMPLAINANT'S SWORN STATEMENT: To the best of my knowledge and belief, these statements are true**

Signature  (Lee Baxter) Title **Attorney** Date **9/29/20**

Subscribed and sworn to or affirmed by me at **Anchorage, AK** on **September 29, 2020**

Signature  Title **Notary Public**

Jeanine M. Huston, Notary Public in and for Alaska  
My Commission Expires: January 31, 2024



**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: AS15.13.380(c)	
WEB: <a href="http://doa.alaska.gov/apoc/">http://doa.alaska.gov/apoc/</a>	APOC FORMS: <a href="http://doa.alaska.gov/apoc/forms_all.html">http://doa.alaska.gov/apoc/forms_all.html</a>	APOC LAWS: <a href="http://doa.alaska.gov/apoc/apoclaws.html">http://doa.alaska.gov/apoc/apoclaws.html</a>	

**ONEALASKA – VOTE NO ON 1’S COMPLAINT  
AGAINST VOTE YES FOR ALASKA’S FAIR SHARE**

**I. Introduction**

OneAlaska – Vote No on 1 brings this complaint against Vote Yes for Alaska’s Fair Share (“Fair Share”) for its repeated and serial violations of the Alaska’s political campaign rules regarding required disclaimers and disclosures in campaign communications. Because Vote Yes for Alaska’s Fair Share is a repeat violator of APOC rules, the Commission should punish the misconduct identified in this complaint with the maximum allowable penalty.

**II. Summary of the Law**

Alaska law includes disclaimer requirements for paid advertising intended to influence the outcome of a ballot initiative campaign. Under AS 15.13.090(a), all communications must include certain information, including the name and either address or principal place of business for the person or entity paying for the communication. *See* AS 15.13.090(a)(1). The same statute also requires that the principal officer of an entity be identified and include a statement approving the communication. *See* AS 15.13.090(a)(2)(A) & (B). APOC regulations make clear that these requirements apply to social media advertisements. 2 AAC 50.306(d).

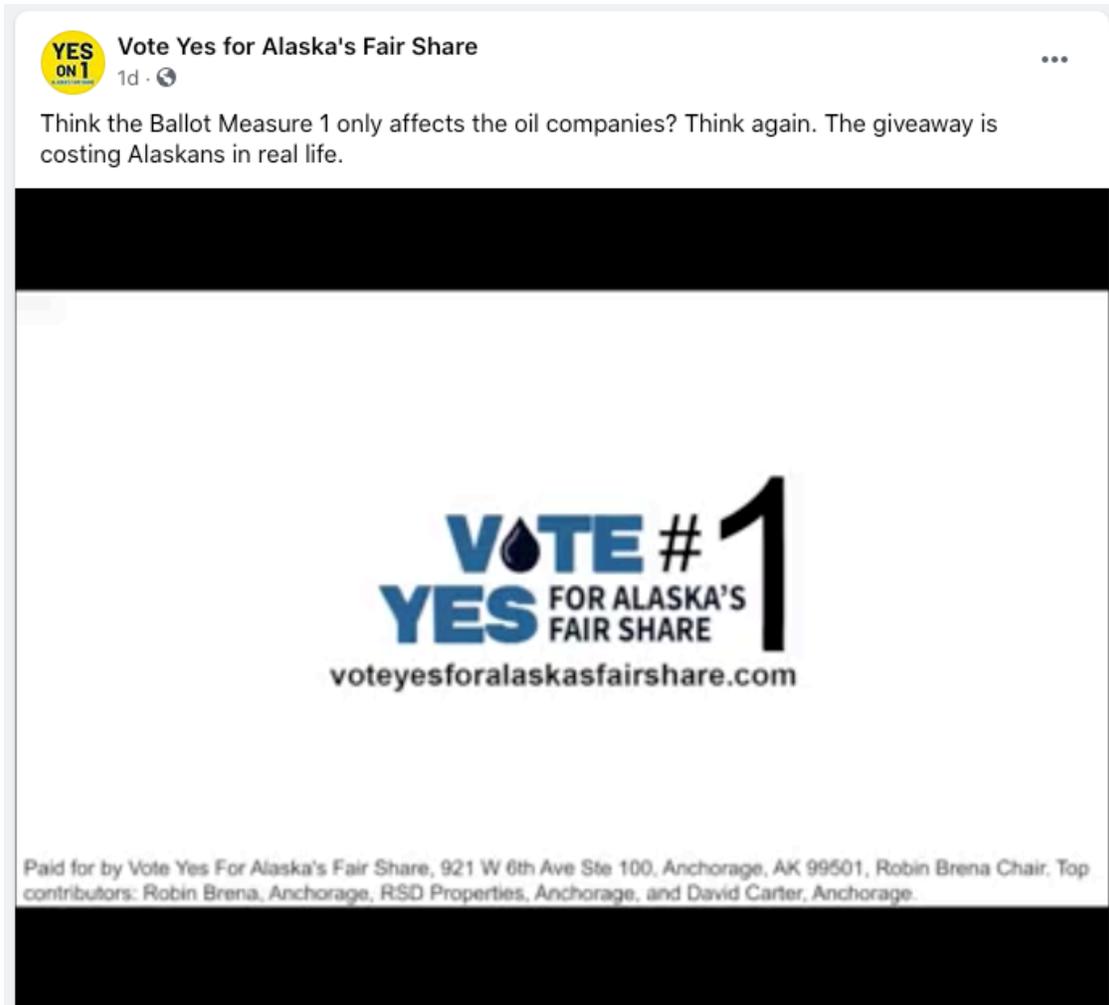
**III. Violations by Vote Yes for Alaska’s Fair Share**

Fair Share is violating the statutory disclosure requirements with video advertising that it is posting to social media. It appears that each of the advertisements it has posted to its Facebook page violate the requirements of AS 15.13.090. For

example, in its “Angry Guy” video posted to its Facebook page on September 26, 2020, at Exhibit 1:

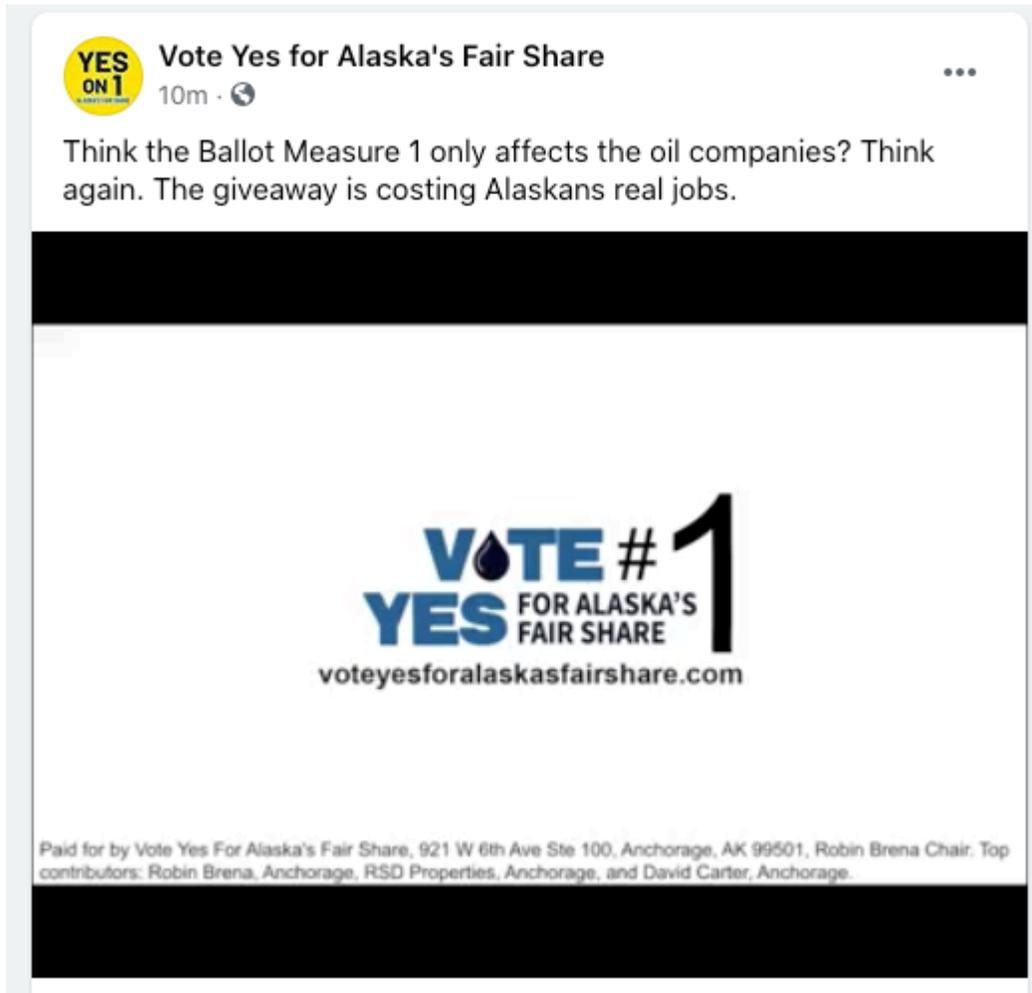
<https://www.facebook.com/voteyesforalaskasfairshare/posts/354297609263927>, Fair

Share included the disclaimer shown at the bottom of this screenshot:



The above disclaimer violates AS 15.13.090 and 2 AAC 50.306(d) because it fails to include a message from the principal officer approving the message, and it fails to provide the “city and state of residence or principal place of business, as applicable, of each of the person’s three largest contributors.” *See* AS 15.13.090(a)(2)(B) & (C).

Fair Share committed the same violation in a second video Facebook posting on September 26 regarding jobs at the University of Alaska, at Exhibit 2: <https://www.facebook.com/voteyesforalaskasfairshare/posts/354298919263796>:



Again, the disclaimer for this Facebook advertisement fails to include approval by the principal officer and the state of residence for the top three contributors.

The campaign Facebook page also contains a short, animated video with no disclaimer at all. See Exhibit 3:

<https://www.facebook.com/109268243766866/videos/2662335654080235>:



The Fair Share Page also has a “Choices” video, with the same disclaimer issue as the others discussed above. See Exhibit 4:

[https://www.facebook.com/watch/?v=2514133572211666:](https://www.facebook.com/watch/?v=2514133572211666)

**YES ON 1** **Vote Yes for Alaska's Fair Share**  
August 31 at 12:07 AM · 🌐

**Choices**  
#YesOn1 #AlaskasFairShare #EndTheGiveaway

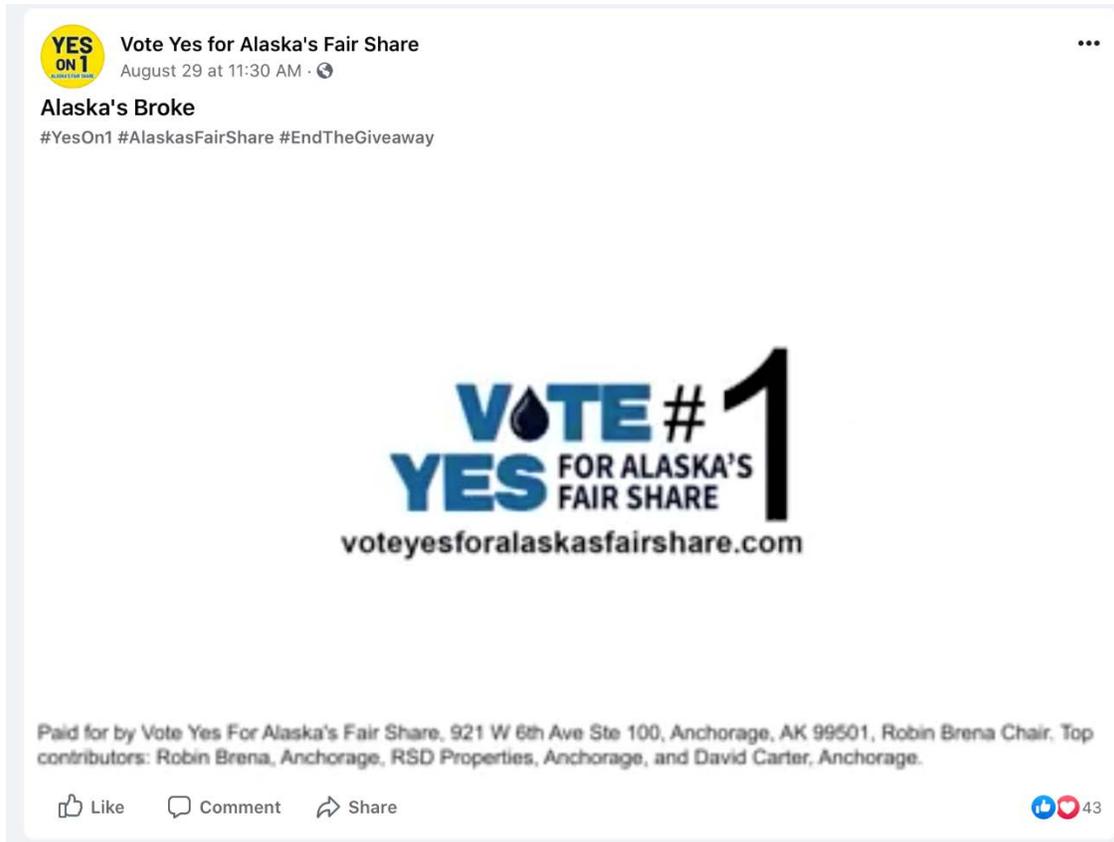
**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

👍 Like    💬 Comment    ➦ Share    👍 13

The same is true for the campaign posting of “Alaska’s Broke” video that also lacks an acknowledgement by the principal officer and fails to identify the state where the top contributors reside. See Exhibit 5:

<https://www.facebook.com/109268243766866/videos/1059212831190571>:



And again, in a video titled “What’s Your Plan,” the Fair Share group again failed to include approval by the chair or the state of residence for contributors. See Exhibit 6: <https://www.facebook.com/109268243766866/videos/1002028333585873>:

**YES ON 1** Vote Yes for Alaska's Fair Share  
August 27 · 🌐

**What's your plan?**  
Big Oil is spending millions to stop Alaskans from getting a fair share for our oil. ... See More

**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

👍 Like    💬 Comment    ➦ Share    15

In an animation video about the Permanent Fund, the Fair Share group provided no disclaimer whatsoever. See Exhibit 7:

<https://www.facebook.com/109268243766866/videos/306758340439285>:



All of the above show the Fair Share group is simply ignoring the legal requirements for political communications with regard to its social media campaign.

#### IV. Conclusion

APOC should order Fair Share to pull its social media advertising until it can provide the disclosures required by law. And APOC should assess the maximum civil penalty for each advertisement, and each day, that Fair Share continues to flout the basic requirements of Alaska law.

## Index to Exhibits to APOC Complaint

Exhibit 1 – Vote Yes Facebook ad ‘Angry Guy’ at:

<https://www.facebook.com/voteyesforalaskasfairshare/posts/354297609263927>

Exhibit 2 – Vote Yes Facebook ad ‘University of Alaska jobs’ at:

<https://www.facebook.com/voteyesforalaskasfairshare/posts/354298919263796>

Exhibit 3 – Vote Yes short animated video at:

<https://www.facebook.com/109268243766866/videos/2662335654080235>

Exhibit 4 – Vote Yes “Choices” video at:

<https://www.facebook.com/watch/?v=2514133572211666>

Exhibit 5 – Vote Yes “Alaska’s Broke” video at:

<https://www.facebook.com/109268243766866/videos/1059212831190571>

Exhibit 6 – Vote Yes “What’s Your Plan” video at:

<https://www.facebook.com/109268243766866/videos/1002028333585873>

Exhibit 7 – Vote Yes Permanent Fund animation at:

<https://www.facebook.com/109268243766866/videos/306758340439285>

Exhibit 1

<https://www.facebook.com/voteyesforalaskasfairshare/posts/354297609263927>

**YES ON 1** Vote Yes for Alaska's Fair Share  
1d · 🌐

Think the Ballot Measure 1 only affects the oil companies? Think again. The giveaway is costing Alaskans in real life.

**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

Exhibit 2

[https://www.facebook.com/voteyesforalaskasfairshare/posts/354298919263796:](https://www.facebook.com/voteyesforalaskasfairshare/posts/354298919263796)

**YES ON 1** **Vote Yes for Alaska's Fair Share** 10m · 🌐

Think the Ballot Measure 1 only affects the oil companies? Think again. The giveaway is costing Alaskans real jobs.

**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

Exhibit 3

<https://www.facebook.com/109268243766866/videos/2662335654080235/>

 Vote Yes for Alaska's Fair Share  
September 5 at 8:10 PM · 🌐

Under SB21 how much are we paying in credits? <https://alaskasfairshare.com/faq-items/under-sb21-how-much-are-we-paying-in-credits/>



0:01 / 0:05

#EndTheGiveaway

YES ON 1

Exhibit 4

[https://www.facebook.com/watch/?v=2514133572211666:](https://www.facebook.com/watch/?v=2514133572211666)

**YES ON 1** **Vote Yes for Alaska's Fair Share** August 31 at 12:07 AM · 🌐

**Choices**  
#YesOn1 #AlaskasFairShare #EndTheGiveaway

**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

👍 Like    💬 Comment    ➦ Share    👍 13

Exhibit 5

<https://www.facebook.com/109268243766866/videos/1059212831190571>:

**YES ON 1** Vote Yes for Alaska's Fair Share  
August 29 at 11:30 AM · 🌐

**Alaska's Broke**  
#YesOn1 #AlaskasFairShare #EndTheGiveaway

**VOTE #1**  
FOR ALASKA'S FAIR SHARE  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

Like Comment Share 43

Exhibit 6

<https://www.facebook.com/109268243766866/videos/1002028333585873>:

**YES ON 1** Vote Yes for Alaska's Fair Share August 27 · 🌐

**What's your plan?**  
Big Oil is spending millions to stop Alaskans from getting a fair share for our oil. ... See More

**VOTE #1**  
**YES FOR ALASKA'S FAIR SHARE**  
voteyesforalaskasfairshare.com

Paid for by Vote Yes For Alaska's Fair Share, 921 W 6th Ave Ste 100, Anchorage, AK 99501, Robin Brena Chair. Top contributors: Robin Brena, Anchorage, RSD Properties, Anchorage, and David Carter, Anchorage.

👍 Like    💬 Comment    ➦ Share    15

Exhibit 7

<https://www.facebook.com/109268243766866/videos/306758340439285>:

The video player shows a campaign advertisement for 'YES ON 1' in Alaska. The background is a scenic landscape with mountains, a lake, and purple flowers. The text on the screen includes: 'YES ON 1 #AlaskasFairShare' with a blue plus sign, 'I Voted Today!' in a blue circle with stars, and 'TO SAVE:' in red. A large yellow coin graphic features the word 'ALASKA' at the top, a map of the state in the center, and 'PFD' at the bottom. The video player interface includes a 'Like' button, 'Comment' button, 'Share' button, and a notification that says '23 · 1 Comment'.

AFFIDAVIT – RETURN OF SERVICE

ARRIVED  
SEP 29 2020  
APOC - ANCH  
PM HC FAX ELE

OneAlaska Vote No on One,

Complainant,

v.

Vote Yes for Alaska's Fair Share,

Respondent.

\_\_\_\_\_ /

I, Jeanine M. Huston, state that I am over 18 years of age and a resident of the State of Alaska. I certify that on September 29, 2020, I served the following documents:

APOC Complaint

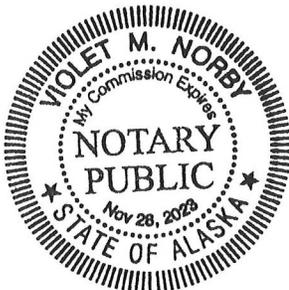
on the therein named VOTE YES FOR ALASKA'S FAIR SHARE, at Anchorage, Alaska, by handing and leaving a true and correct copy thereof at the offices of Vote Yes for Alaska's Fair Share, Robert Brena, Chair, 921 West 6th Avenue, Suite 100, Anchorage, AK 99501 and by emailing an electronic copy to [rbrena@brenalaw.com](mailto:rbrena@brenalaw.com). A copy of the delivery receipt is attached hereto.

9/29/20 11:05am  
Date and Time of Service

Jeanine M. Huston  
Signature

Jeanine M. Huston Legal Assistant  
Printed Name and Title

SUBSCRIBED AND SWORN to before me at Anchorage, Alaska, this 29<sup>th</sup> day of September, 2020.



Violet M. Norby  
Notary Public in and for the State of Alaska  
My Commission Expires: 11/28/2023

**Huston, Jeanine**

---

**From:** Microsoft Outlook  
**To:** 'Robin Brena'  
**Sent:** Tuesday, September 29, 2020 11:00 AM  
**Subject:** Relayed: OneAlaska-Vote No on One APOC Complaint [IWOV-pdx.FID4541580]

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

['Robin Brena' \(rbrena@brenalaw.com\)](mailto:rbrena@brenalaw.com)

Subject: OneAlaska-Vote No on One APOC Complaint [IWOV-pdx.FID4541580]

## Huston, Jeanine

---

**From:** Melody A. Nardin <mnardin@brenalaw.com> on behalf of Robin O. Brena <rbrena@brenalaw.com>  
**To:** Huston, Jeanine  
**Sent:** Tuesday, September 29, 2020 11:39 AM  
**Subject:** Read: OneAlaska-Vote No on One APOC Complaint [IWOV-pdx.FID4541580]

Your message

To:  
Subject: OneAlaska-Vote No on One APOC Complaint [IWOV-pdx.FID4541580]  
Sent: Tuesday, September 29, 2020 12:39:44 PM (UTC-08:00) Pacific Time (US & Canada)

was read on Tuesday, September 29, 2020 12:39:03 PM (UTC-08:00) Pacific Time (US & Canada).



# Alaska Public Offices Commission

## RESPONSE TO COMPLAINT



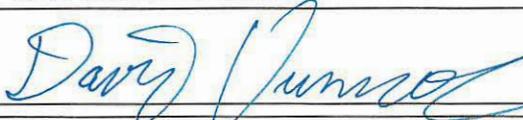
<b>RESPONDENT – ANSWERING A COMPLAINT</b>		<i>APOC use / Date received</i>
APOC case number	20-07-CD	<b>ARRIVED</b> OCT 15 2020 APOC - ANCH PM HC FAX ELE
<ul style="list-style-type: none"> <li>• Submit this signed form as a cover sheet for your response to a complaint</li> <li>• You have 15 days to answer a complaint after APOC notifies you that it has accepted a complaint for investigation of the allegations.</li> <li>• Include your contact info + contact info for your representative or attorney (if applicable)</li> <li>• Your response to the complaint may state any defenses to the allegations</li> <li>• Include all relevant documentation with your response</li> <li>• Provide proof that response + supporting documents were provided to complainant</li> </ul>		
<input type="checkbox"/> Request expedited Review. Reason:		

RESPONDENT		RESPONDENT'S REPRESENTATIVE	
<i>If the respondent is a political party or group, list a contact person. If respondent is represented by an attorney, list name and contact info</i>			
<input type="checkbox"/> Person <input type="checkbox"/> Party <input checked="" type="checkbox"/> Group	Vote Yes for Alaska's Fair Share	Name Title	David A. Dunsmore Campaign Manager
Address City / Zip	921 West 6th Ave., Suite 100 Anchorage, AK 99501		921 West 6th Ave., Suite 100 Anchorage, AK 99501
Phone/Fax	907-278-8000		907-278-8000
E-mail	info@voteyesforalaskasfairshare.com		david@alaskasfairshare.com

<b>DESCRIPTION or SUMMARY of RESPONSE</b>	<i>Use extra pages if needed for detailed response Include back-up docs</i>	<input type="checkbox"/> <b>SUPPORTING DOCUMENTS – DESCRIBE</b>
Answer of Vote Yes for Alaska's Fair Share (Vote Yes) to the Complaint filed by OneAlaska – Vote No on One (Complainant) - attached.		

**PROOF of SERVICE ATTACHED:**  Fax – receipt confirmation     Certified mail – signed receipt  
 Process server – return of service     E-mail – delivery/read receipt     Other: completed certified mail return receipt card

**RESPONDENT'S SIGNATURE:** To the best of my knowledge and belief, these statements are true

Signature  Title Campaign Manager Date 10/15/2020

**APOC COMPLAINTS, RESPONSES, INVESTIGATION REPORTS & COMMISSION ACTIONS ARE PUBLIC DOCUMENTS**

APOC ANCHORAGE	APOC JUNEAU	APOC COMPLAINT PROCESS	
2221 E. NORTHERN LIGHTS #128 ANCHORAGE, AK 99508 907-276-4176 / FAX 907-276-7018 TOLL-FREE 800-478-4176 WEB: <a href="http://WWW.APOC.ALASKA.GOV">WWW.APOC.ALASKA.GOV</a>	240 MAIN STREET #500 P.O. BOX 110222 JUNEAU, AK 99811 465-4864 / FAX 465-4832 APOC FORMS: <a href="http://www.apoc.alaska.gov/forms_all.shtml">www.apoc.alaska.gov/forms_all.shtml</a>	FILING COMPLAINTS: 2AAC 50.450	ANSWERING COMPLAINTS: 2AAC 50.458 APOC CRITERIA for ACCEPTING COMPLAINTS: 2 AAC 50.452 INVESTIGATIONS & HEARINGS: 2 AAC 50.460 – 470 RULES for REQUESTING EXPEDITED CONSIDERATION: AS15.13.380(c) APOC LAWS: <a href="http://www.apoc.alaska.gov/apoclaws.shtml">www.apoc.alaska.gov/apoclaws.shtml</a>

October 15, 2020

Alaska Public Offices Commission  
2221 E. Northern Lights Blvd., #128  
Anchorage, AK 99508

Re: OneAlaska Complaint 20-07-CD to APOC dated September 29, 2020.

APOC Commissioners:

This letter constitutes the answer of Vote Yes for Alaska's Fair Share (Vote Yes) to the above-referenced Complaint filed by OneAlaska – Vote No on One (Complainant).

Generally, the Complaint alleges that Vote Yes has failed to make the disclosures required under AS 15.13.090(a) in seven (7) Facebook-related communications disseminated by Vote Yes, depicted in Exhibits 1 through 7 of the Complaint. Vote Yes recognizes Exhibits 1, 2, 4, 5, and 6 to the Complaint as depictions of Vote Yes advertisements appearing on Facebook, each of which contain an audio component. Further, that Exhibits 3 and 7 to the Complaint depict Vote Yes Facebook posts that do not have an audio component.

**A. The disclosure requirements of AS 15.13.090(d) are applicable to communications with an audio component.**

While AS 15.13.090(a) does contain a list of information required to be fulfilled in addition to the “paid for by” disclosure requirements, it also indicates that AS 15.13.090(d) sets forth an exception to the subpart (a) requirements in certain circumstances.<sup>1</sup> The subpart (d) exception is applicable to “a communication that includes an audio component,”<sup>2</sup> and requires an audio disclosure as set forth in that subpart, as follows:

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<sup>1</sup> AS 15.13.090(a) begins as follows: “All communications shall be clearly identified by the words “paid for by” followed by the name and address of the person paying for the communication. In addition, except as provided by (d) of this section, a person shall clearly. . .” This clause is followed by a list of disclosure requirements that are applicable only if the clearly stated exception does not apply. Further, AS 15.13.090(d) begins with the following “Notwithstanding the requirements of (a) of this section, . . .” The initial clause of subsection (d) confirms that it contains an explicit exception to many of the subsection (a) disclosure requirements.

<sup>2</sup> AS 15.13.090(d).

[T]he following statements must be read in a manner that is easily heard; the second statement is not required if the person paying for the communication has no contributors or is a political party:

This communication was paid for by (person's name).

The top contributors of (person's name) are (the name of the largest contributors to the person under AS 15.13.090(a)(2)(C)).

The Vote Yes advertisements depicted in Exhibits 1, 2, 4, 5, and 6 to the OneAlaska Complaint include "audio components" as contemplated in the AS 15.13.090(d) exception such that the AS 15.13.090(a) disclosure requirements do not apply. Furthermore, the Exhibit 1, 2, 4, 5, and 6 Facebook ads fully comply with the audio component requirements of AS 15.13.090(d). Specifically, the audio component of each of these advertisements audibly states that the communication was paid for by Vote Yes and identifies the names of the three largest Vote Yes contributors. Therefore, Vote Yes denies that its Facebook ads as depicted in Exhibits 1, 2, 4, 5, and 6 of the OneAlaska Complaint fail to comply with the disclosure requirements in AS 15.13.090.

In addition to meeting the audio disclosure requirements of AS 15.13.090(d), the Facebook ads depicted in Exhibits 1, 2, 4, 5, and 6 contain written disclosures indicating, among other things, (a) the communication was paid for Vote Yes, followed by Vote Yes' street address in "Anchorage, AK;" (b) the chair of Vote Yes is Robin Brena; and (c) the names of its top contributors and that they reside or have their principal place of business in "Anchorage." Although not required, these written disclosures have been made in addition to the audio disclosures requirements.

**B. Disclosures may be provided by link from a communication to a web-based page.**

As mentioned above, the Facebook posts depicted in Exhibits 3 and 7 of the Complaint do not have video components and therefore, to the extent that they are determined to be communications, AS 15.13.090(a) disclosure requirements would be applicable. Under 2 AAC 50.306(d) the "paid for by" disclosures required under AS 15.13.090 can be made, and the obligation thereunder discharged by creating a link in each Facebook or Twitter post that, if clicked, directs the recipient of the communication to a webpage containing the required "paid for by" information. This practice has been confirmed in at least two APOC advisory opinions.<sup>3</sup>

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<sup>3</sup> AO-10-19-CD (Revised), July 12, 2010; AO 12-19-CD (Amended)- Beck, Sept. 13, 2012.

Each of the seven Facebook advertisements and posts depicted in Exhibits 1 through 7 of the Complaint contain a link to the Vote Yes Facebook Page, and the Vote Yes Facebook page has a link to the Vote Yes webpage.<sup>4</sup> Both of these linked web-based pages contain explicit disclosures required by AS 15.13.090(a) reflecting, among other things, that (a) the communication was paid for Vote Yes, followed by Vote Yes' street address in "Anchorage, AK;" (b) the chair of Vote Yes is Robin Brena; and (c) the names of its top contributors and their residence or principal place of business is "Anchorage." Until recently, these disclosures did not set forth a statement from Vote Yes' principal officer that the message is approved or an indication of the state of residence or principal place of business of its top contributors (i.e., AK). Vote Yes has recently revised its Facebook page and its webpage to reflect this additional information, indicating that the Chair of Vote Yes "approves this communication" and that Alaska is the state of residence or principal place of business of its top three contributors.

To the extent that AS 15.13.090(a) is applicable (i.e., Exhibits 3 and 7 of the Complaint, the inclusion of the street address of Vote Yes in "Anchorage, AK" coupled with only the city (and not the state) of residence or principal place of business of its top contributors constitutes substantial compliance with the AS 15.13.090(a) disclosure requirements. That is, no one receiving these communications is misled by the absence of "AK" from the statement of "Anchorage" residence or principal place of business of Vote Yes' top contributors.

Finally, on the topic of AS 15.13.090's required disclosure of the city and state of residence or principal place of business of a top contributor, it is ironic that the communications of OneAlaska's top contributors indicate that they have principal places of business in Anchorage, Alaska, when, in fact, none of its top contributors have principal places of business in Alaska. All of OneAlaska's top contributors have principal places of business outside of Alaska (i.e., Houston, Texas), yet OneAlaska's communications erroneously state otherwise. Thus, while by its Complaint, OneAlaska has claimed foul when Vote Yes states only the city (Anchorage) and not the state (Alaska) in its top contributor disclosure, OneAlaska applies a different standard to itself by erroneously disclosing Anchorage, Alaska as the principal place of business of its top contributors.

### **C. Summary & Conclusion.**

All of Vote Yes' Facebook advertisements (depicted in Exhibits 1, 2, 4, 5, and 6 of the Complaint) have audio components making the disclosure requirements of AS 15.13.090(d) applicable. Vote Yes has fully complied with AS 15.13.090(d)'s disclosure requirements. Additionally, Vote Yes has exceeded its disclosure obligations with regard to the subject advertisements by making printed "paid for by" disclosures

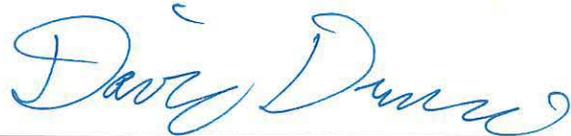
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<sup>4</sup> [www.alaskasfairshare.com](http://www.alaskasfairshare.com)

(a) on the face of these advertisements; (b) on its Facebook page that is available through a link from the advertisement; and (c) on its webpage that is available by link from the advertisement to its Facebook page to the webpage.

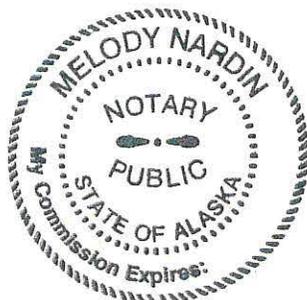
The Vote Yes Facebook posts (depicted in Exhibits 3 and 7) make all of the disclosures required by AS 15.13.090(a) through links to its Facebook page and from there to its webpage, with the exception of a statement from its principal officer that the message is approved and an indication of the state of residence or principal place of business of its top contributors (i.e., AK). This deficiency has been rectified with recent revisions to Vote Yes' Facebook and webpages. The disclosures made with regard to the subject Facebook posts constitute substantial compliance with the subject disclosure requirements, have not resulted in misleading any recipient of the subject communications, and do not justify the imposition of a penalty.

To the best of my knowledge and belief, the statements set forth herein are true.



David Dunsmore  
Campaign Manager for Vote Yes for  
Alaska's Fair Share  
921 W. 6th Avenue, Suite 100  
Anchorage, AK 99501  
Phone: (907) 278-8000  
E-mail: [david@alaskasfairshare.com](mailto:david@alaskasfairshare.com)

Subscribed and sworn to or affirmed by me this 15<sup>th</sup> day of October, 2020, at Anchorage, AK.



Notary in and for the State of Alaska  
My commission expires: 3/18/2020

October 15, 2020

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document was served by facsimile to 503-796-2900, certified, return receipt mail, and e-mail upon the following this 15th day of October 2020.

**Attorneys for OneAlaska – Vote No on One**

Lee C. Baxter, Esq.

Matthew Singer, Esq.

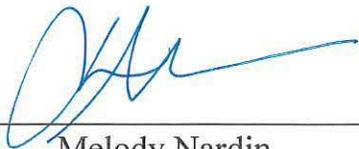
Schwabe Williamson & Wyatt

420 L Street, Suite 400

Anchorage, Alaska 99501

E-mail: [msinger@schwabe.com](mailto:msinger@schwabe.com)

[lbaxter@schwabe.com](mailto:lbaxter@schwabe.com)



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Melody Nardin

<b>Petition ID:</b>	<b>19OGTX</b>
<b>Petition Status:</b>	Petition Properly Filed
<b>Petition Application Title:</b>	An Act relating to the oil and gas production tax, tax payments, and tax credits
<b>Primary Sponsors:</b>	Robin Brena, Jane R Angvik and R Merrick Peirce
<b>Contact Sponsor:</b>	Robin Brena – 810 N St Ste. 100, Anchorage AK 99501
<b>Petition Application Filed:</b>	August 16, 2019
<b>Sponsors Proposed Bill Language:</b>	<a href="#">An Act relating to the oil and gas production tax, tax payments, and tax credits.</a>
<b>Petition Application Review Deadline:</b>	October 15, 2019
<b>Petition Application:</b>	<a href="#">Application Certified - October 15,2019</a> <a href="#">Application Certification Letter</a> <a href="#">Application Signature Review</a> <a href="#">Attorney General Opinion: AGO No.</a> <a href="#">Statement of Costs</a>
<b>Petition Booklets Issued:</b>	October 23, 2019
<b>Petition Booklets Filing Deadline:</b>	October 21, 2020
<b>Petition Filed With Elections:</b>	January 17, 2020
<b>Petition Notice of Proper or Improper Filing:</b>	<a href="#">Letter To Primary Sponsor</a> <a href="#">Final Petition Summary Report</a>
<b>Proposed Ballot Title and Summary:</b>	<a href="#">Proposed Ballot Summary and Title</a>



Lieutenant Governor Kevin Meyer  
STATE OF ALASKA

March 17, 2020

Robin O. Brena  
810 N Street, Suite 100  
Anchorage, AK 99501

Re: 19OGTX – Fair Share Initiative

Mr. Brena:

I have reviewed your petition for the initiative entitled "An Act changing the oil and gas production tax for certain fields, units, and nonunitized reservoirs on the North Slope" and have determined that the petition was properly filed. My notice of proper filing is enclosed. Specifically, the petition was signed by qualified voters from all 40 house districts equal in number to at least 10 percent of those who voted in the preceding general election; with signatures from at least 30 house districts matching or exceeding seven percent of those who voted in the preceding general election in the house district. The Division of Elections verified 39,174 voter signatures, which exceeds the 28,501 signature requirement based on the 2018 general election. A copy of the Petition Statistics Report prepared by the Division of Elections is enclosed.

With the assistance of the attorney general, I have prepared the following ballot title and proposition that meets the requirements of AS 15.45.180:

***An Act changing the oil and gas production tax for certain fields, units, and nonunitized reservoirs on the North Slope***

This act would change the oil and gas production tax for areas of the North Slope where a company produced more than 40,000 barrels of oil per day in the prior year and more than 400 million barrels total. The new areas would be divided up based on "fields, units, and nonunitized reservoirs" that meet the production threshold. The act does not define these terms. For any areas that meet the production threshold, the tax would be the greater of one of two new taxes.

(1) One tax would be a tax on the gross value at the point of production of the oil at a rate of 10% when oil is less than \$50 per-barrel. This tax would increase to a maximum of 15% when oil is \$70 per-barrel or higher. No deductions could take the tax below the 10% to 15% floor.

(2) The other tax, termed an "additional tax," would be based on a calculation of a production tax value for the oil that would allow lease expenditure and transportation cost deductions. This tax on production tax value would be calculated based on the difference between the production tax value of the oil and \$50. The difference between the two would be multiplied by the volume of oil, and then that amount would be multiplied by 15%. The existing per-taxable-barrel credit would not apply. The act uses the term "additional tax" but it does not specify what the new tax is in addition to.

*Robin O. Brena*  
*March 17, 2020*  
*Page 2*

The tax would be calculated for each field, unit, or nonunitized reservoir on a monthly basis. Taxes are currently calculated on an annual basis, with monthly estimated payments. Since these new taxes would only apply to certain areas, a taxpayer would still have to submit annual taxes for the areas where the new taxes do not apply.

The act would also make all filings and supporting information relating to the calculation and payment of the new taxes “a matter of public record.” This would mean the normal Public Records Act process would apply.

Should this initiative become law?

This ballot proposition will appear on the election ballot of the first statewide general, special, or primary election that is held after (1) the petition has been filed; (2) a legislative session has convened and adjourned; and (3) a period of 120 days has expired since the adjournment of the legislative session. Barring an unforeseen special election or adjournment of the current legislative session occurring on or before April 19, 2020, this proposition will be scheduled to appear on the general election ballot on the November 3, 2020 general election. If a majority of the votes cast on the initiative proposition favor its adoption, I shall so certify and the proposed law will be enacted. The act becomes effective 90 days after certification.

Please be advised that under AS 15.45.210, this petition will be void if I, with the formal concurrence of the attorney general, determine that an act of the legislature that is substantially the same as the proposed law was enacted after the petition has been filed and before the date of the election. I will advise you in writing of my determination in this matter.

Please be advised that under AS 15.45.240, any person aggrieved by my determination set out in this letter may bring an action in the superior court to have the determination reversed within 30 days of the date on which notice of the determination was given.

If you have questions or comments about the ongoing initiative process, please contact my staff, April Simpson, at (907) 465-4081.

Sincerely,



Kevin Meyer  
Lieutenant Governor

Enclosures

cc: Kevin G. Clarkson, Attorney General  
Gail Fenumiai, Director of Elections



Lieutenant Governor Kevin Meyer  
STATE OF ALASKA

## NOTICE OF PROPER FILING

I, KEVIN MEYER, LIEUTENANT GOVERNOR FOR THE STATE OF ALASKA, under the provisions of Article XI of the Constitution of the State of Alaska and under the provisions of AS 15.45, hereby provide notice that the initiative petition for "An Act changing the oil and gas production tax for certain fields, units, and nonunitized reservoirs on the North Slope" which was received on August 16, 2019, and known as 19OGTX, was properly filed.

I have determined that the initiative sponsors have timely filed the petition and that the petition is signed by qualified voters (1) equal in number to 10 percent of those who voted in the preceding general election; (2) resident in at least three-fourths of the house districts in the state; and (3) who, in each of the house districts, are equal in number to at least seven percent of those who voted in the preceding general election in the house district.

In accordance with AS 15.45.190, the Director of the Division of Elections shall place the ballot title and proposition on the election ballot of the first statewide general, special, or primary election that is held after a period of 120 days has expired since the adjournment of the legislative session. Barring any unforeseen special election or adjournment of the current legislative session on or before April 19, 2020, this proposition is scheduled to appear on the general election ballot on the November 3, 2020 general election.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the Seal of the State of Alaska, at Juneau, Alaska,

This 17th day of March, 2020.

A handwritten signature in blue ink that reads "Kevin Meyer".

KEVIN MEYER, LIEUTENANT GOVERNOR

## GROUP REGISTRATION FORM

## AMENDMENT

Amendment Description: add deputy treasurers

## COMPLETED

Submission Date: **07/31/2020**  
 Filer First Name: **ELIZABETH**  
 Filer Middle Name (Optional): **R**  
 Filer Last Name: **DIAMENT**  
 Filer's Title with Group: **Deputy Treasurer**

## GROUP INFORMATION

Previously Registered: **Yes**  
 Election Year: **2020**  
 Group Name: **Vote Yes for Alaska's Fair Share**  
 Abbreviation:  
 Purpose: **To support Alaska getting a fair share from the sale of its oil through the passage of The Fair Share Act initiative.**  
 Group Type: **Ballot Proposition**  
 Group Mailing Address: **921 W. Sixth Avenue, Suite 100**  
 City, State Zip: **Anchorage, Alaska 99501**  
 Additional Email Addresses to Notify: **rbrena@brenalaw.com;merrick@gci.net;janeangvik@gmail.com;kaybrown@alaska.net;htcrawford@acsalaska.net;ccroft@alaskan.com;rthompson@rsd-properties.com;lizdiament@yahoo.com**

## CHAIR

Name: **Robin O. Brena**  
 Address: **810 N Street, Suite 100**  
 City, State Zip: **Anchorage, AK, Alaska 99501**  
 Phone: **(907) 258-2000**  
 E-mail: **rbrena@brenalaw.com**  
 Fax (Optional): **Did Not Report**

## TREASURER

Name: **Ross Thompson**  
 Address: **2501 Brandy Circle**  
 City, State Zip: **Anchorage, Alaska 99516**  
 Phone: **(907) 2422445**  
 E-mail: **rthompson@rsd-properties.com**  
 Fax (Optional): **Did Not Report**

## DEPUTY TREASURERS / CO-CHAIRS

Name	Address	Title
Bill Wielechowski	1300 Farrow Circle Anchorage, Alaska 99504	Deputy Treasurer
Joe Paskvan	3299 Riverview Drive Fairbanks, Alaska 99709	Deputy Treasurer
Les Gara	1242 W. 10th Avenue Anchorage, Alaska 99501	Deputy Treasurer
Robin O. Brena	810 N Street, Suite 100 Anchorage, Alaska 99501	Deputy Treasurer
Melody Nardin	810 N Street, Suite 100 Anchorage, Alaska 99501	Deputy Treasurer

Name	Address	Title
Nate Graham	5565 Chilkoot Ct. Anchorage, Alaska 99504	Deputy Treasurer
David Dunsmore	533 N. Lane Street., Apt. 1 Anchorage, Alaska 99508	Deputy Treasurer
Nick Moe	904 Clay Court Anchorage, Alaska 99503	Deputy Treasurer
Alice Myers	9700 Tundra Loop Dr. Anchorage, Alaska 99507	Deputy Treasurer
Jane Angvik	2245 Radiant Circle Anchorage, Alaska 99501	Deputy Treasurer
Harry Crawford	4350 Butte Circle Anchorage, Alaska 99504	Deputy Treasurer
Chancy Croft	738 H Street Anchorage, Alaska 99501	Deputy Treasurer
Eric Croft	738 H Street Anchorage, Alaska 99501	Deputy Treasurer
Dave Carter	1920 Shore Drive Anchorage, Alaska 99515	Deputy Treasurer
Ken Alper	120 2nd Street Juneau, Alaska 99801	Deputy Treasurer
Paul K. Seaton	58395 Bruce Avenue Homer, Alaska 99603	Deputy Treasurer
Patrice Lee	676 Hillcrest Dr. Fairbanks, Alaska 99712	Deputy Treasurer
Mindy Seay	3321 Dora Avenue Anchorage, Alaska 99516	Deputy Treasurer
William Jodwalis	8620 Witherspoon Circle Anchorage, Alaska 99504	Deputy Treasurer
James R. Phillips	8223 E. 5th Avenue, Apt. A Anchorage, Alaska 99504	Deputy Treasurer
J. Tod Butler	1924 S. Salem Drive Anchorage, Alaska 99508	Deputy Treasurer
Elizabeth Diamant	PO Box 15074 Fritz Creek, Alaska 99603	Deputy Treasurer
Jennifer Mueller	PO Box 70197 Washington, District of Columbia 20024	Deputy Treasurer
JoMarie Thomson	11300 Willene Drive Anchorage, Alaska 99516	Deputy Treasurer
Sean McGuire	159 Kniffen Rd Fairbanks, Alaska 99712	Deputy Treasurer
Cindy Spanyers	15360 Glacier Hwy Juneau, Alaska 99801	Deputy Treasurer

#### TYPE OF GROUP

##### **BALLOT PROPOSITION GROUP**

Single Issue Group: **Yes**

Position: **Support**

Title: **An Act changing the oil and gas production tax for certain fields, units, and nonunitized reservoirs**

Subject: **Alaska's Fair Share of Oil Revenue**

#### CAMPAIGN PLANS

<b>Election Type</b>	<b>Election</b>	<b>Municipality</b>
State General	2020 - State General Election	

**BANK ACCOUNT / CAMPAIGN DEPOSITORY**Name of Bank: **First National Bank of Alaska**Bank Address: **646 W. 4th Avenue**City, State Zip: **Anchorage, Alaska 99501**

**From:** [Melody A. Nardin](#) on behalf of [Robin O. Brena](#)  
**To:** [Odena, Jacqueline S \(DOA\)](#); [Robin O. Brena](#)  
**Cc:** [Lucas, Tom R \(DOA\)](#); [Anthony S. Guerriero](#)  
**Subject:** RE: Request for Information: 20-07-CD OneAlaska - Vote No on One v. Vote Yes for Alaska's Fair Share  
**Date:** Wednesday, October 28, 2020 4:45:45 PM

---

Ms. Odena:

- According to Vote Yes for Alaska's Fair Share's Response to Complaint, the group revised the paid for by disclosures on both it's Facebook and website. What date did the group make these revisions?

According to my records the changes were made on October 7 or October 8, 2020.

- What was the paid for by disclosure on the Facebook page and website before it was revised?  
"Paid for by Vote Yes for Alaskas Fair Share, [921 West 6th Ave., Anchorage, AK 99501](#), Robin Brena, Chair. Top contributors: Robin Brena (Anchorage), Dave Carter (Anchorage), RSD Properties (Anchorage)"

Also, please direct all future communications to Anthony Guerriero at [aguerrero@brenalaw.com](mailto:aguerrero@brenalaw.com) or our office number 907-258-2000.

Thank you,

**Melody Nardin**  
**Legal Assistant**



810 N Street, Suite 100  
Anchorage, AK 99501  
Tel: [\(907\) 258-2000](tel:(907)258-2000)  
Fax: [\(907\) 258-2001](tel:(907)258-2001)

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---

**From:** Odena, Jacqueline S (DOA) <[jacqueline.odena@alaska.gov](mailto:jacqueline.odena@alaska.gov)>  
**Sent:** Wednesday, October 28, 2020 1:05 PM  
**To:** Robin O. Brena <[rbrena@brenalaw.com](mailto:rbrena@brenalaw.com)>  
**Cc:** Lucas, Tom R (DOA) <[tom.lucas@alaska.gov](mailto:tom.lucas@alaska.gov)>  
**Subject:** Request for Information: 20-07-CD OneAlaska - Vote No on One v. Vote Yes for Alaska's Fair Share  
**Importance:** High

Good afternoon Mr. Brena,

I am requesting the following information in connection with the above-referenced case:

- According to Vote Yes for Alaska's Fair Share's Response to Complaint, the group revised the paid for by disclosures on both it's Facebook and website. What date did the group make these revisions?
- What was the paid for by disclosure on the Facebook page and website before it was revised?

Thank you for your assistance. If you have any questions, please do not hesitate to contact me.

Jacqueline Odena  
Paralegal I  
Alaska Public Offices Commission  
2221 E. Northern Lights Blvd STE 128  
Anchorage, AK 99508  
Phone: (907) 276-4176  
Toll-Free: 1-800-478-4176  
Fax: (907) 276-7018

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**From:** [Jomarie Thomson](#)  
**To:** [Lucas, Tom R \(DOA\)](#); [Anthony S. Guerriero](#); [Melody Nardin](#)  
**Subject:** APOC case number 20-07-CD OneAlaska - Vote No on One v. Vote Yes for Alaska's Fair Share.  
**Date:** Thursday, October 29, 2020 2:04:42 PM

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Date of update: October 7, 2020

--

**JoMarie Thomson**



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Alaska's Broke

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Choices

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## BILL HISTORY/ACTION FOR LEGISLATURE

BILL	SB 284	BILL	HCS CSSB 284(FIN) AM H
CURRENT STATUS	CHAPTER 36 SLA 10	VERSION	
STATUS DATE	06/01/2010	SHORT TITLE	CAMPAIGN EXPENDITURES

SPONSOR(S) SENATE JUDICIARY

**TITLE** Relating to state election campaigns, the duties of the Alaska Public Offices Commission, the reporting and disclosure of expenditures and independent expenditures, the filing of reports, and the identification of certain communications in state election campaigns; prohibiting expenditures and contributions by foreign nationals in state elections; and providing for an effective date.

Bill Number: [Search Bill](#)[Next Bill](#)[Actions](#)[Full Text](#)[Fiscal Notes](#)[Amendments](#)[Minutes and Audio](#)[Documents](#)

## HOUSE AND SENATE MINUTES/RECORDINGS

BILL : SB 284

Meeting Date	Start Time	Title	Meeting Details	
4/17/2010	5:22 PM	HOUSE FIN	<a href="#">Minutes</a>	<a href="#">Audio</a>
4/12/2010	1:00 PM	HOUSE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
4/11/2010	9:00 AM	HOUSE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
4/10/2010	10:00 AM	HOUSE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
4/9/2010	1:00 PM	HOUSE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
4/7/2010	1:00 PM	HOUSE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/29/2010	9:00 AM	SENATE FINANCE	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/23/2010	1:30 PM	SENATE FINANCE	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/17/2010	1:30 PM	SENATE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/15/2010	1:30 PM	SENATE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/12/2010	1:30 PM	SENATE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/8/2010	1:30 PM	SENATE JUDICIARY	<a href="#">Minutes</a>	<a href="#">Audio</a>
3/2/2010	9:00 AM	SENATE STATE AFFAIRS	<a href="#">Minutes</a>	<a href="#">Audio</a>

**HOUSE CS FOR CS FOR SENATE BILL NO. 284(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/17/10

Referred: Rules

Sponsor(s): SENATE JUDICIARY COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to state election campaigns, the duties of the Alaska Public Offices  
2 Commission, the reporting and disclosure of expenditures and independent  
3 expenditures, the filing of reports, and the identification of certain communications in  
4 state election campaigns; prohibiting expenditures and contributions by foreign  
5 nationals in state elections; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* **Section 1.** AS 15.13.010(b) is amended to read:

8 (b) Except as otherwise provided, this chapter applies to contributions,  
9 expenditures, and communications made [BY A CANDIDATE, GROUP,  
10 NONGROUP ENTITY, MUNICIPALITY OR INDIVIDUAL] for the purpose of  
11 influencing the outcome of a ballot proposition or question as well as those made to  
12 influence the nomination or election of a candidate.

13 \* **Sec. 2.** AS 15.13.030 is amended to read:

1                   **Sec. 15.13.030. Duties of the commission.** The commission shall

2                   (1) develop and provide all forms for the reports and statements  
3 required to be made under this chapter, AS 24.45, and AS 39.50;

4                   (2) prepare and publish a manual setting out uniform methods of  
5 bookkeeping and reporting for use by persons required to make reports and statements  
6 under this chapter and otherwise assist **all persons** [CANDIDATES, GROUPS, AND  
7 INDIVIDUALS] in complying with the requirements of this chapter;

8                   (3) receive and hold open for public inspection reports and statements  
9 required to be made under this chapter and, upon request, furnish copies at cost to  
10 interested persons;

11                  (4) compile and maintain a current list of all filed reports and  
12 statements;

13                  (5) prepare a summary of each report filed under AS 15.13.110 and  
14 make copies of this summary available to interested persons at their actual cost;

15                  (6) notify, by registered or certified mail, all persons who are  
16 delinquent in filing reports and statements required to be made under this chapter;

17                  (7) examine, investigate, and compare all reports, statements, and  
18 actions required by this chapter, AS 24.45, and AS 39.50;

19                  (8) prepare and publish a biennial report concerning the activities of  
20 the commission, the effectiveness of this chapter, its enforcement by the attorney  
21 general's office, and recommendations and proposals for change; the commission shall  
22 notify the legislature that the report is available;

23                  (9) adopt regulations necessary to implement and clarify the provisions  
24 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62  
25 (Administrative Procedure Act); and

26                  (10) consider a written request for an advisory opinion concerning the  
27 application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

28 \* **Sec. 3.** AS 15.13.040(d) is amended to read:

29                  (d) Every [INDIVIDUAL,] person [, NONGROUP ENTITY, OR GROUP]  
30 making an **independent** expenditure shall make a full report of expenditures **made**  
31 **and contributions received**, upon a form prescribed by the commission, unless

1 exempt from reporting.

2 \* **Sec. 4.** AS 15.13.040(e) is amended to read:

3 (e) **Each person** [THE REPORT] required **to report** under (d) of this section  
4 **shall file a full report in accordance with AS 15.13.110(g) on a form prescribed by**  
5 **the commission. The report** must contain

6 (1) the name, address, principal occupation, and employer of the  
7 individual filing the report;

8 (2) [, AND] an itemized list of **all expenditures made, incurred, or**  
9 **authorized by the person;**

10 (3) **the name of the candidate or the title of the ballot proposition**  
11 **or question supported or opposed by each expenditure and whether the**  
12 **expenditure is made to support or oppose the candidate or ballot proposition or**  
13 **question;**

14 (4) **the name and address of each officer and director, when**  
15 **applicable;**

16 (5) **the aggregate amount of all contributions made to the person,**  
17 **if any, for the purpose of influencing the outcome of an election; for all**  
18 **contributions, the date of the contribution and amount contributed by each**  
19 **contributor; and, for a contributor**

20 (A) **who is an individual, the name and address of the**  
21 **contributor and, for contributions in excess of \$50 in the aggregate during**  
22 **a calendar year, the name, address, principal occupation, and employer of**  
23 **the contributor; or**

24 (B) **that is not an individual, the name and address of the**  
25 **contributor and the name and address of each officer and director of the**  
26 **contributor** [EXPENDITURES. THE REPORT SHALL BE FILED WITH  
27 THE COMMISSION NO LATER THAN 10 DAYS AFTER THE  
28 EXPENDITURE IS MADE].

29 \* **Sec. 5.** AS 15.13.040(h) is amended to read:

30 (h) The provisions of (d) of this section do not apply to one or more  
31 expenditures made by an individual acting independently of any **other person**

1 [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF ANY OTHER  
2 INDIVIDUAL] if the expenditures

3 (1) cumulatively do not exceed \$500 during a calendar year; and

4 (2) are made only for billboards, signs, or printed material concerning  
5 a ballot proposition as that term is defined by AS 15.13.065(c).

6 \* **Sec. 6.** AS 15.13.040(p) is amended to read:

7 (p) For purposes of (b), (e), and (j) of this section, "contributor" means the  
8 true source of the funds, property, or services being contributed.

9 \* **Sec. 7.** AS 15.13.040 is amended by adding a new subsection to read:

10 (q) For purposes of (e) of this section,

11 (1) "director" means a member of the board of directors of a  
12 corporation or any person performing a similar function with respect to any  
13 organization;

14 (2) "officer" means a president, vice president, secretary, or treasurer,  
15 principal financial officer, or comptroller of a corporation, or any person routinely  
16 performing functions similar to those of a president, vice president, secretary, or  
17 treasurer, principal financial officer, or comptroller with respect to any organization.

18 \* **Sec. 8.** AS 15.13 is amended by adding a new section to read:

19 **Sec. 15.13.052. Independent expenditures; political activities accounts.** (a)

20 Before making an independent expenditure in support of or in opposition to a  
21 candidate or before making an independent expenditure in support of or in opposition  
22 to a ballot proposition or question, each person other than an individual, candidate, or  
23 nongroup entity with an annual operating budget of \$250 or less, shall establish a  
24 political activities account. The political activities account may be a separate account  
25 in the person's general treasury. The political activities account must be administered  
26 using generally accepted accounting principles. All funds used by the person to make  
27 independent expenditures must be drawn from the person's political activities account.

28 (b) Records necessary to substantiate that the requirements of (a) of this  
29 section have been met must be made available for inspection by the commission.

30 (c) Each person who has established a political activities account under this  
31 section shall preserve all records necessary to substantiate the person's compliance

1 with the requirements of this section for each of the six preceding years.

2 \* **Sec. 9.** AS 15.13.067 is amended to read:

3 **Sec. 15.13.067. Who may make expenditures.** Only the following may make  
4 an expenditure **that is not an independent expenditure** in an election for candidates  
5 for elective office:

- 6 (1) the candidate;
- 7 (2) an individual;
- 8 (3) a group that has registered under AS 15.13.050; and
- 9 (4) a nongroup entity that has registered under AS 15.13.050.

10 \* **Sec. 10.** AS 15.13 is amended by adding new sections to read:

11 **Sec. 15.13.068. Expenditures and contributions by foreign nationals.** (a) A  
12 foreign national may not, directly or indirectly, in connection with an election under  
13 this chapter, make a contribution or expenditure or make an express or implied  
14 promise to make a contribution or expenditure.

15 (b) In this section, "foreign national" includes

- 16 (1) an individual who is not a United States citizen or lawfully  
17 admitted for permanent residence under 8 U.S.C. 1101(a)(20);
- 18 (2) a foreign government, every political subdivision of a foreign  
19 government, every official, agent, or representative of a foreign government, and  
20 every agency, corporation, or instrumentality of the foreign government or of a  
21 political subdivision of a foreign government;
- 22 (3) a person outside of the United States, unless it is established that  
23 the person is an individual and a citizen of and domiciled in the United States, or that  
24 the person is not an individual and is organized under or created by the laws of the  
25 United States or of any state or other place subject to the jurisdiction of the United  
26 States and has its principal place of business in the United States; or
- 27 (4) a partnership, association, corporation, organization, or other  
28 combination of persons organized under the laws of or having its principal place of  
29 business in a foreign country.

30 (c) The provisions of this section prohibit a foreign national from making a  
31 contribution or expenditure in connection with a state election only to the extent

1 (1) that federal law prohibits a foreign national from making a  
2 contribution or expenditure in connection with a state election; and

3 (2) permitted by federal law.

4 **Sec. 15.13.069. Certain expenditures that comply with charitable gaming**  
5 **provisions permitted.** Notwithstanding another provision of this title, a charitable  
6 gaming permittee that is a qualified organization under AS 05.15.690 may use the net  
7 proceeds of a raffle or lottery to make expenditures for the purposes permitted under  
8 AS 05.15.150(a)(3).

9 \* **Sec. 11.** AS 15.13.082(b) is amended to read:

10 (b) A **person, other than an individual exempt from reporting under**  
11 **AS 15.13.040(h)**, [CANDIDATE, GROUP, OR NONGROUP ENTITY] may not  
12 make an expenditure unless the source of the expenditure has been disclosed as  
13 required by this chapter.

14 \* **Sec. 12.** AS 15.13.084 is amended to read:

15 **Sec. 15.13.084. Prohibited expenditures.** A person may not make an  
16 expenditure

17 (1) anonymously, unless the expenditure is

18 (A) paid for by an individual acting independently of any  
19 **person** [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF  
20 ANY OTHER INDIVIDUAL];

21 (B) made to influence the outcome of a ballot proposition as  
22 that term is defined by AS 15.13.065(c); and

23 (C) made for

24 (i) a billboard or sign; or

25 (ii) printed material, other than an advertisement made  
26 in a newspaper or other periodical;

27 (2) using a fictitious name or using the name of another.

28 \* **Sec. 13.** AS 15.13.090 is amended to read:

29 **Sec. 15.13.090. Identification of communication.** (a) All communications  
30 shall be clearly identified by the words "paid for by" followed by the name and  
31 address of the **person** [CANDIDATE, GROUP, NONGROUP ENTITY, OR

1 INDIVIDUAL] paying for the communication. In addition, **except as provided by (d)**  
 2 **of this section, a person shall clearly**

3 **(1) provide the person's address or the person's principal place of**  
 4 **business;**

5 **(2) for a person other than an individual or candidate, include**

6 **(A) the name and title of the person's principal officer;**

7 **(B) a statement from the principal officer approving the**  
 8 **communication; and**

9 **(C) identification of the name and city and state of**  
 10 **residence or principal place of business, as applicable, of each of the**  
 11 **person's three largest contributors under AS 15.13.040(e)(5), if any,**  
 12 **during the 12-month period before the date of the communication**

13 [CANDIDATES AND GROUPS MAY IDENTIFY THE NAME OF THEIR  
 14 CAMPAIGN CHAIRPERSON].

15 (b) The provisions of (a) of this section do not apply when the communication

16 (1) is paid for by an individual acting independently of any **other**  
 17 **person** [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF ANY  
 18 OTHER INDIVIDUAL];

19 (2) is made to influence the outcome of a ballot proposition as that  
 20 term is defined by AS 15.13.065(c); and

21 (3) is made for

22 (A) a billboard or sign; or

23 (B) printed material other than an advertisement made in a  
 24 newspaper or other periodical.

25 \* **Sec. 14.** AS 15.13.090 is amended by adding new subsections to read:

26 (c) To satisfy the requirements of (a)(1) of this section and, if applicable,  
 27 (a)(2)(C) of this section, a communication that includes a print or video component  
 28 must have the following statement or statements placed in the communication so as to  
 29 be easily discernable:

30 This communication was paid for by (person's name and city  
 31 and state of principal place of business).

1                   The top contributors of (person's name) are (the name and city  
2                   and state of residence or principal place of business, as applicable, of  
3                   the largest contributors to the person under AS 15.13.090(a)(2)(C)).

4                   (d) Notwithstanding the requirements of (a) of this section, in a  
5                   communication transmitted solely through radio or other audio media, the following  
6                   statements must be read in a manner that is easily heard; the second statement is not  
7                   required if the person paying for the communication has no contributors:

8                   This communication was paid for by (person's name).

9                   The top contributors of (person's name) are (the name of the largest  
10                  contributors to the person under AS 15.13.090(a)(2)(C)).

11                  (e) Contributors required to be identified under (a)(2)(C) of this section must  
12                  be listed in order of the amount of their contributions. If more than three of the largest  
13                  contributors to a person paying for a communication contribute equal amounts, the  
14                  person may select which of the contributors of equal amounts to identify under  
15                  (a)(2)(C) of this section. In no case shall a person be required to identify more than  
16                  three contributors under (a)(2)(C) of this section.

17                  (f) The provisions of this subsection apply to a person who makes an  
18                  independent expenditure for a communication described in (a) of this section. If the  
19                  person paying for the communication is not a natural person, the provisions also apply  
20                  to the responsible officer or officers of the corporation, company, partnership, firm,  
21                  association, organization, labor organization, business trust, or society who approves  
22                  the independent expenditure for the communication. A person who makes a  
23                  communication under this subsection may not, with actual malice, include within or as  
24                  a part of the communication a false statement of material fact about a candidate for  
25                  election to public office that constitutes defamation of the candidate. For purposes of  
26                  this subsection, a statement constitutes defamation of the candidate if the statement

27                               (1) exposes the candidate to strong disapproval, contempt, ridicule, or  
28                               reproach; or

29                               (2) tends to deprive the candidate of the benefit of public confidence.

30                  \* **Sec. 15.** AS 15.13.110 is amended by adding a new subsection to read:

31                               (g) An independent expenditure report required under AS 15.13.040(e) shall

1 be filed with the commission not later than 10 days after an independent expenditure  
 2 has been made. However, an independent expenditure that exceeds \$250 and that is  
 3 made within nine days of an election shall be reported to the commission not later than  
 4 24 hours after the expenditure is made.

5 \* **Sec. 16.** AS 15.13.111(a) is amended to read:

6 (a) Each [CANDIDATE, GROUP, NONGROUP ENTITY, OR] person  
 7 required to report under this chapter shall preserve all records necessary to substantiate  
 8 information required to be reported under this chapter for a period of six years from  
 9 the date of the election for which the information was required to be reported, unless  
 10 the records have been submitted to the commission under (c) of this section.

11 \* **Sec. 17.** AS 15.13.135 is amended to read:

12 **Sec. 15.13.135. Independent expenditures for or against candidates.** (a)  
 13 [ONLY AN INDIVIDUAL, GROUP, OR NONGROUP ENTITY MAY MAKE AN  
 14 INDEPENDENT EXPENDITURE SUPPORTING OR OPPOSING A CANDIDATE  
 15 FOR ELECTION TO PUBLIC OFFICE.] An independent expenditure supporting or  
 16 opposing a candidate for election to public office, except an independent expenditure  
 17 made by a nongroup entity with an annual operating budget of \$250 or less, shall be  
 18 reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other  
 19 requirements of this chapter.

20 (b) **A person** [AN INDIVIDUAL, GROUP, OR NONGROUP ENTITY] who  
 21 makes independent expenditures for a mass mailing, for distribution of campaign  
 22 literature of any sort, for a television, radio, newspaper, or magazine advertisement, or  
 23 any other communication that supports or opposes a candidate for election to public  
 24 office

25 (1) shall comply with AS 15.13.090; and

26 (2) shall place the following statement in the mailing, literature,  
 27 advertisement, or other communication so that it is readily and easily discernible:

28 This NOTICE TO VOTERS is required by Alaska law. (I/we) certify  
 29 that this (mailing/literature/advertisement) is not authorized, paid for,  
 30 or approved by the candidate.

31 \* **Sec. 18.** AS 15.56.014(a) is amended to read:

1 (a) A person commits the crime of campaign misconduct in the second degree  
2 if the person

3 (1) knowingly circulates or has written, printed, or circulated a letter,  
4 circular, or publication relating to an election, to a candidate at an election, or an  
5 election proposition or question without the name and address of the author appearing  
6 on its face;

7 (2) except as provided by AS 15.13.090(b), knowingly prints or  
8 publishes an advertisement, billboard, placard, poster, handbill, paid-for television or  
9 radio announcement, or communication, as that term is defined in AS 15.13.400,  
10 intended to influence the election of a candidate or outcome of a ballot proposition or  
11 question without the words "paid for by" followed by the name and address of the  
12 **person** [CANDIDATE, GROUP, OR INDIVIDUAL] paying for the advertising or  
13 communication and, if a candidate or group, with the name of the campaign chair;

14 (3) knowingly makes a communication, as that term is defined in  
15 AS 15.13.400,

16 (A) containing false factual information relating to a candidate  
17 for an election;

18 (B) that the person knows to be false; and

19 (C) that would provoke a reasonable person under the  
20 circumstances to a breach of the peace or that a reasonable person would  
21 construe as damaging to the candidate's reputation for honesty or integrity, or  
22 to the candidate's qualifications to serve if elected to office.

23 \* **Sec. 19.** AS 15.13.140(a) is repealed.

24 \* **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).

[8:22:28 PM](#)

Co-Chair Hawker opened and closed public testimony.

Representative Doogan MOVED to ADOPT Conceptual Amendment 1:

DELETE: at page 8, line 5: after "communication transmitted" delete "solely"

INSERT: at page 8 line 5, after "or other audio media," insert: "and in a communication that includes an audio component,"

Co-Chair Stoltze OBJECTED.

Representative Doogan explained that the amendment would reinstate language requiring audio as well as visual disclaimer information on television ads. He used himself as an example of someone who does not see small print on television well. He believed that information about who is trying to influence his vote was important. The amendment would address people who do not read words on the screen because they are distracted by other activities. He stressed that viewers depend on audio as well as visual cues. He believed the intent of the legislation was full disclosure that included both.

Co-Chair Stoltze queried the sponsor's opinion of the amendment.

[8:27:30 PM](#)

Representative Fairclough discussed vocalization in television campaigns. Senator French acknowledged discussion about the issue.

Representative Fairclough asked Representative Doogan for more clarification about the amendment related to disclosure. Representative Doogan believed that the advertiser would lose the piece of time used to state who paid for the ad. The point was letting people know who was trying to influence them.

Representative Fairclough spoke in favor of the vocalization but wanted to discern the advantages and disadvantages to both the persons making the ads and those hearing them. She asked whether addresses would be required as well as the names. Senator French replied that only the names would be required. She thought 15 seconds was a long time for audio.

[8:31:13 PM](#)

Representative Gara directed attention to page 8. He read examples of disclosures to demonstrate that the time needed was short. He stressed the importance of disclosing the top three contributors especially in ads that attack a candidate or an issue. He argued that the core issue was truth in disclosure and that the public has the right to know exactly who is paying for the ad, not a "fake" name such as "People for Jobs." He spoke in support of the compromise version of the bill.

Co-Chair Stoltze acknowledged his lack of experience using ads, particularly for television. He maintained that he was in favor of full disclosure. He was opposed to an aspect of the bill that he feared would make it too expensive for some individuals or entities to buy ads.

[8:37:48 PM](#)

Representative Doogan thought the issue was a judgment call. He stated his intent to get the information to citizens about who is trying to influence them.

Representative Gara pointed out that no one could determine how much money went into campaigns and issues because of the U.S. Supreme Court ruling; however, hidden advertisers could be prevented from hiding. He argued that without the amendment, the information would only flash on the television screen, which would aid those who were hiding. He listed the people who would not catch the disclaimer. He stressed the importance of full disclosure.

Representative Gara reviewed that adopting the CS would result in the names being printed on the screen; adopting the amendment would result in hearing who paid for the ads.

Co-Chair Stoltze asked how the disclaimer would be displayed. Representative Gara answered that the disclaimer would include the group's name and the names of the contributors.

Co-Chair Stoltze asked whether the names would appear without the amendment. Representative Gara answered that the names would appear.

[8:42:05 PM](#)

Co-Chair Stoltze MAINTAINED his OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Salmon, Doogan, Foster, Gara, Joule  
 OPPOSED: Thomas, Austerman, Fairclough, Stoltze, Hawker, Kelly  
 The MOTION to adopt Conceptual Amendment 1 FAILED (6/5).

Representative Gara MOVED to ADOPT Conceptual Amendment 2:

DELETE: at page 8, line 5: after "communication transmitted" delete "solely"

INSERT: at page 8, line 5: after "or other audio media," insert: "and in a communication that includes an audio component,"

INSERT: at page 8, line 7: after "no contributors" insert "or, for any of the three largest contributors who have contributed less than \$2,000:"

Co-Chair Stoltze OBJECTED.

Representative Gara explained that the amendment was a compromise; it was the same as Amendment 1 except that it would only apply when there are very big contributors. The amendment would require audible reading of the names of the three biggest contributors to the extent that any of them donated more than \$2,000.

[8:44:49 PM](#)

Vice-Chair Thomas queried the amount. Senator French responded that the contributions are not candidate contributions but independent expenditures, for which there is no limit.

Vice-Chair Thomas assumed only corporations would be listed and not individuals. Senator French responded in the affirmative.

Representative Gara clarified that the corporation's name would be read if the donor is a corporation, person, or group; the amendment would apply to any entity that donated more than \$2,000.

Co-Chair Stoltze requested further information. Representative Gara directed attention to page 8, line 6 of the bill, which says that the second statement is not required if the person paying for the communications has no contributors, or for any of the three largest contributors who have contributed less than \$2,000. The audio would have

to be included if any of the three largest contributors contributed more than \$2,000.

Co-Chair Stoltze reiterated earlier concerns regarding the message. There was a discussion about an example.

Co-Chair Stoltze MAINTAINED his OBJECTION.

A roll call vote was taken on the motion.

IN FAVOR: Salmon, Doogan, Foster, Gara, Joule

OPPOSED: Thomas, Austerman, Fairclough, Kelly, Hawker, Stoltze

The MOTION to adopt Conceptual Amendment 2 FAILED (6/5).



Online

Legislature(2009 - 2010)

## 2010-04-18 HOUSE JOURNAL

[Full Journal](#)

**2010-04-18**

**House Journal**

**Page 2513**

**[SB 284](#)**

The following, which was moved to the bottom of the calendar (page 2504), was read the second time:

CS FOR SENATE BILL NO. 284(FIN)

"An Act relating to state election campaigns, the duties of the Alaska Public Offices Commission, the reporting and disclosure of expenditures and independent expenditures, the filing of reports, and the identification of certain communications in state election campaigns; prohibiting expenditures and contributions by foreign nationals in state elections; and providing for an effective date."

with the:

Journal Page

JUD RPT HCS(JUD) 2DP 4NR	219
FN1: ZERO(GOV)	219
FN2: (ADM)	219
FIN RPT HCS(FIN) 2DP 5NR 4AM	243
FN1: ZERO(GOV)	243
FN2: (ADM)	243

Representative Johansen moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 284(FIN)  
(same title)

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representatives Seaton, Lynn, Holmes, Gara, Gruenberg, and Kerttula:

**2010-04-18**

**House Journal**

**Page 2514**

Page 8, line 5:

Delete "solely"

Following "media":

Insert "and in a communication that includes an audio component"

Representative Gara moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Ramras objected.

Representative Johnson moved and asked unanimous consent that he be allowed to abstain from voting because of a conflict of interest. Objection was heard, and Representative Johnson was required to vote.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HCS [CSSB 284](#)(FIN)  
Second Reading  
Amendment No. 1

**YEAS: 23    NAYS: 17    EXCUSED: 0    ABSENT: 0**

Yeas: Buch, Cissna, Crawford, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gruenberg, Guttenberg, Harris, Herron, Holmes, Johansen, Joule, Kawasaki, Kerttula, Lynn, Petersen, Salmon, Seaton, Tuck

Nays: Austerman, Chenault, Dahlstrom, Gatto, Hawker, Johnson, Keller, Kelly, Millett, Munoz, Neuman, Olson, Ramras, Stoltze, Thomas, P.Wilson, T.Wilson

And so, Amendment No. 1 was adopted.

Representative Johansen moved and asked unanimous consent that HCS [CSSB 284](#)(FIN) am H be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HCS [CSSB 284](#)(FIN) am H was read the third time.

**2010-04-18**

**House Journal**

**Page 2515**

The question being: "Shall HCS [CSSB 284](#)(FIN) am H pass the House?" The roll was taken with the following result:

HCS [CSSB 284](#)(FIN) am H  
Third Reading  
Final Passage

**YEAS: 40    NAYS: 0    EXCUSED: 0    ABSENT: 0**

Yeas: Austerman, Buch, Chenault, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett,

Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

And so, HCS [CSSB 284](#)(FIN) am H passed the House.

Representative Johansen moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Engrossment of HCS [CSSB 284](#)(FIN) am H was waived (page 2471). It was signed by the Speaker and Chief Clerk and transmitted to the Senate with copies of certified amendments attached.

Legislature(2009 - 2010)

**2010-04-18 SENATE JOURNAL**[Full Journal](#)**2010-04-18****Senate Journal****Page 2525****[SB 284](#)**

Message dated April 18 was read stating the House passed and returned for consideration CS FOR SENATE BILL NO. 284(FIN)  
 "An Act relating to state election campaigns, the duties of the Alaska Public Offices Commission, the reporting and disclosure of expenditures and independent expenditures, the filing of reports, and the identification of certain communications in state election campaigns; prohibiting expenditures and contributions by foreign nationals in state elections; and providing for an effective date" with the following amendments:

HOUSE CS FOR CS FOR SENATE BILL  
 NO. 284(FIN) am H

Senator Ellis moved that the Senate concur in the House amendments.

The question being: "Shall the Senate concur in the House amendments?" The roll was taken with the following result:

HCS [CSSB 284](#)(FIN) am H

Shall the Senate Concur in the House  
 Amendments to [CSSB 284](#)(FIN)? Effective Date

**YEAS: 20 NAYS: 0 EXCUSED: 0 ABSENT: 0**

Yeas: Bunde, Coghill, Davis, Dyson, Egan, Ellis, French, Hoffman, Huggins, Kookesh, McGuire, Menard, Meyer, Olson, Paskvan, Stedman, Stevens, Thomas, Wagoner, Wielechowski

and so, the Senate concurred in the House amendments, thus adopting  
 HOUSE CS FOR CS FOR SENATE BILL NO. 284(FIN) am H "An Act  
 relating to state election campaigns, the [Online](#)  
 Offices Commission, the reporting and disclosure of  
 independent expenditures, the filing of reports, and the identification of  
 certain communications in state election campaigns; prohibiting  
 expenditures and contributions by foreign nationals in state elections; and  
 providing for an effective date."

**2010-04-18****Senate Journal****Page 2526**

Senator Ellis moved and asked unanimous consent that the vote on concurrence be considered the vote on the effective date clause.

Questions?  
 Chat with LIO  
 staff

Without objection, it was so ordered.

The Secretary was requested to notify the House.

The bill was referred to the Secretary for enrollment.