



2023<sup>1</sup>,” and “the impending deadline for AHE to submit gathered signatures for 22AKHE to the lieutenant governor.”<sup>2</sup>

Twisting current facts into falsehoods and repeating past allegations, most of which simply regurgitate claims already made, already investigated, and already litigated in a hearing before APOC, and that are already awaiting a decision by the Commission, ABE now brazenly attempts to ask the Commission to enjoin Respondents from continuing their constitutionally protected right to complete the initiative process related to 22AKHE. ABE literally imagines that it can cajole the Commission into interfering with and stopping all the many Alaskans who want to see 22AKHE appear on the 2024 ballot from completing their effort in that regard. The timing of this complaint in early December as the signature gathering effort approaches completion is extremely telling.

At the core of ABE’s false allegations at this time is the following simple and PERFECTLY LEGAL set of facts: (1) AHE contracted with a service providing third-party company, Top—owned and operated by Emswiler, to gather signatures in support of 22AKHE, (2) Top then rented a small amount of office space from a property owner, WM, in which to operate out of as it collected and organized signatures, and (3) Top retained employees/contractors to act as circulators and/or as office staff to complete the work gathering signatures and then organizing petition booklets. It is perfectly legal for a ballot group to contract with a third-party service provider to collect signatures in support of a ballot initiative proposal. The reason that ABE knows of this activity is because AHE reported to APOC the expense of paying Top. It is perfectly legal—and does not trigger reporting—for a third-party signature gathering service

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<sup>1</sup> See Motion for Emergency/Expedited Hearing, p. 2.

<sup>2</sup> See Motion for Emergency/Expedited Hearing, p. 3.

provider to rent office space from a landlord. Nor are any reporting requirements triggered when the third-party service provider hires or contracts with employees or contractors. The only reportable event was AHE's hiring of, and payment to, Top—and that was reported. The fact that Top rented space from WM is no more significant than if it had rented office space from Carr Gottstein or any other landlord/property owner. From these simple facts, ABE outrageously claims that WM and Top—not to mention WF—are directly involved in the 22AKHE campaign—running shadow campaigns of all the outrageous notions, somehow requiring them to register and report to APOC.<sup>3</sup>

In addition, ABE repeats charges that it made long ago and that it understands full well are contested and awaiting decision from the Commission. ABE understands that Dr. Matthias is a minority donor to the non-profit RCEA, and that in its prior complaint and once again now, it has produced no evidence (zip, zero, nada) to show that Dr. Matthias' money (as opposed to someone else's money) went through RCEA to AHE. The repetition of allegations without evidence is beyond frivolous—it is outrageous.

It is especially outrageous given that Complainant, ABE, is itself the recipient of a \$20,000 donation from its affiliated non-profit, Alaskans for Better Elections Foundation (“ABEF”) (an IRC § 501(c)(3) non-profit, tax exempt “Charity”),<sup>4</sup> and despite the fact that ABEF receives all of its funds by contribution from its separate donors,<sup>5</sup> none of whom have been disclosed to APOC by either ABE or ABEF.<sup>6</sup> ABE does not even attempt to abide by the ridiculous

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<sup>3</sup> One wonders, if Top had rented office space from Carr Gottstein or some other landlord, would ABE have claimed that Carr Gottstein or that other landlord was involved in running a shadow campaign in support of 22AKHE.

<sup>4</sup> See Ex. 13 p. 6 and 20 to Complaint in Case No. 23-04-CD.

<sup>5</sup> See Ex. 19 p. 17 to Complaint in Case No. 23—04-CD.

<sup>6</sup> ABEF's donors, whose money was repurposed by ABEF in the \$20,000 donation to ABE, include Unite America in Denver, CO. giving \$1,035,000; Bessemer Trust in New York,

standards it espouses regarding donation sources that it repeatedly spews at Respondents in its allegations herein and as well as in its earlier complaint in Case No. 23-01-CD. And enlarging its hypocrisy, ABE continues to list its non-profit affiliate, ABEF, and not ABEF's separate donors, as being one of ABE's top-three contributors<sup>7</sup>—just as AHE lists RCEA as one of its top-three contributors.

WM is not involved in the 22AKHE campaign. WM is simply a property owner that rented office space to Top, which is a separate third-party service provider to AHE. One individual who works for WM, Kit Ritgers, who on rare occasion hands an empty petition booklet to someone who comes to Top's office location—in this instance ABE's mole, is paid for that effort by Top—this is an extremely rare occurrence. Although slandering WF once again, ABE has not produced the slightest evidence to substantiate claims against WF. Neither WM, WF, or anyone affiliated with them, has committed perjury and ABE's assertion that they have is outrageous.

There is no justification for an emergency expedited hearing. Nothing that ABE has falsely alleged implicates the “outcome of an election or other impending event.” Respondents are involved in varying ways in the signature gathering stage of 22AKHE—AHE as the ballot group, Top as a contracted third-party service provider, and WM as an uninvolved property owner that is simply renting space to the third-party service provider. Only if sufficient

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NY giving \$250,000; Institute for Political Innovation in Chicago, IL giving \$30,000; New Venture Fund in Washington DC giving \$100,000; Unite and Renew Educational Fdn. in Washington DC giving \$225,000; and ABEI giving \$70,000. *See* Ex. 19 p. 17 to Complaint in Case No. 23-04-CD.

<sup>7</sup> ABE and ABEF's joint web page states as follows: “Paid for by Alaskans for Better Elections, 721 Depot Dr, Anchorage AK 99501. Bruce Botelho, Chair, approved this message. The top three contributors are Alaskans for Better Elections, Inc, Anchorage, AK; Alaskans for Better Elections Foundation, Anchorage, AK; and Article Four, Arlington, VA.

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signatures are gathered and certified will there ever be an election regarding 22AKHE in 2024. There is no legitimacy to the allegations made in this latest complaint related to AHE's contracting with Top or Top renting office space from WM, therefore, there is no threat of irreparable harm to anyone.

### CONCLUSION

For all the reasons stated above, Respondents ask the Commission to deny ABE's request for an emergency expedited hearing.

Dated this 5<sup>th</sup> day of December 2023.

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