

ALASKA PUBLIC OFFICES COMMISSION

STAND FOR ALASKA –)
VOTE NO ON ONE,)

Complainant,)

v.)

YES FOR SALMON – VOTE YES)
ON ONE, THE ALASKA)
CENTER and STAND FOR SALMON,)

Respondents.)

APOC Case No. _____

COMPLAINT

I. SUMMARY OF VIOLATIONS

This is a complaint against Yes For Salmon – Vote Yes on 1 (“Y4S”), The Alaska Center (“Center”), and Stand For Salmon (“S4S”) (collectively “Respondents”), for violation of Alaska’s campaign disclosure laws. This complaint details Respondents actively coordinating by using the same office space, soliciting campaign funds for each other, and having the same leadership, while at the same time filing separate financial disclosures, and failing to report the source of hundreds of thousands of dollars in campaign contributions. Respondents have also failed to report the true source of the dark money they have received from Lower 48 non-profit entities that are used to launder large Outside donations into Respondents’ campaign in support of Ballot Measure 1. Respondents have also failed to include the “paid for by” disclosures in many of their paid advertisements and campaign materials, thereby depriving Alaskan voters of information about the source of these campaign ads. Finally, Respondents failed to properly name their group to include

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reference to Ballot Measure 1, for almost the entire campaign season. In total, each of these violations independently constitute punishable conduct, but taken together reveal a campaigning structure that is a shell game. Respondents appear to be purposefully concealing the true source of their campaigning in support of Ballot Measure 1 (formerly known as Initiative Petition 17FHS2) and are trying to confuse Alaska voters into thinking that Ballot Measure 1 is largely being funded by Alaskans and Alaska-based companies, when the opposite is true.

Complainant Stand For Alaska – No on 1 (“Stand for Alaska”) details the following violations of Alaska campaign disclosure laws in this Complaint:

- The Center has violated AS 15.13.050 by failing to register as a group.
- The Center has violated AS 15.13.040(d) by failing to disclose the contributors of \$234,111.00 it has expended in support of Ballot Measure 1.
- The Center has violated AS 15.13.040(b) by failing to report all of the contributions it has received, including the “true source” of the funds.
- S4S violated AS 15.13.090 by failing to include the words “paid for by” in its advertisements.
- S4S violated AS 15.13.040(b) by failing to disclose the source of hundreds of thousands of dollars of contributions.
- Y4S, the Center, and S4S violated AS 15.13.050 by actively coordinating but failing to register as a group.
- Y4S violated AS 15.13.050(c) by failing to include reference to Ballot Measure 1 in its name until August 15, 2018.

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II. RESPONDENTS

Respondents have engaged in a coordinated effort to convince Alaska voters to pass sweeping changes to Alaska’s statutes governing permits for development. Respondent entities favor passage of Ballot Measure 1. Ballot Measure 1 is a citizen initiative that would “amend, repeal, and reenact” provisions of Title 16, Chapter 5 of the Alaska Statutes, to drastically extend activities requiring permits from Alaska’s Department of Fish and Game before a person “may use, divert, obstruct, pollute, disturb or otherwise alter anadromous fish habitat.”¹ Each of the Respondents has been heavily involved in the political effort to convince Alaskan voters to approve Ballot Measure 1.

Respondent Yes For Salmon – Yes on 1 is an unincorporated organization that has registered with APOC as the official ballot proposition group of Ballot Measure 1.² Y4S was formed “[t]o promote the passage of updates to salmon habitat regulations” in the upcoming State General Election.³ Y4S’s APOC registration form lists Gayla Hoseth as its Co-Chair, and Ryan Schryver as its Deputy Treasurer.⁴ Y4S’s mailing address is 645 G Street, Suite 100-625.⁵ But, upon information and belief, Y4S is actually operating and managing its campaign at 921 West Sixth Avenue, in the Alaska Center’s headquarters.

¹ *Mallot v. Stand For Salmon*, ___ P.3d ___, ___, 2018 WL 3751013, *1 (Aug. 8, 2018).

² Y4S’s APOC Group Registration Form (Aug. 15, 2018) (<https://aws.state.ak.us/ApocReports/Registration/GroupRegistration/View.aspx?ID=4181>).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Respondent Stand For Salmon is an unincorporated organization that has registered with APOC as an entity that makes independent expenditures.⁶ S4S's stated purpose is: "a diverse group of Alaska-based individuals, businesses, and organizations who support responsible development and a thriving economy in Alaska. We are united in taking immediate steps to ensure that Alaska laws ensure protection of vital salmon habitat."⁷ Gayla Hoseth is listed as S4S's Director and Vice President, Michael Wood its Chair, and Ryan Schryver is listed as its Co-Treasurer.⁸ S4S's mailing address is 645 G Street, Suite 10-625.⁹ But, upon information and belief, Y4S is actually operating and managing its campaign at 921 West Sixth Avenue, in the Alaska Center's headquarters.

Respondent the Alaska Center is an incorporated nonprofit organization wholly owned by the nonprofit corporation Alaska Conservation Voters. The Center has registered with the Alaska Public Offices Commission ("APOC") as an entity formed for the purpose of "[e]lecting Alaskans to stand up for our clean air and water, healthy communities, and a strong democracy."¹⁰ The Center is not registered as a group with APOC. Meghan Cavanaugh is listed as the Political Director of the Center.¹¹ The Alaska Center, which

⁶ S4S's APOC Entity Registration Form (April 13, 2018) (<https://aws.state.ak.us/ApocReports/Registration/EntityRegistration/View.aspx?ID=1287>).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ The Center's APOC Entity Registration Form (Jan. 29, 2018) (<https://aws.state.ak.us/ApocReports/Registration/EntityRegistration/View.aspx?ID=1268>).

¹¹ *Id.*

advocates and lobbies on environmental issues, is headquartered at 921 West 6th Avenue, Suite 200, Anchorage, AK 99501.¹²

III. RESPONDENTS' CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE TO PROMOTE PASSAGE OF BALLOT MEASURE 1

Y4S's APOC independent disclosure forms show that it has received \$1,302,490.20¹³ in contributions and made \$1,020,509.78¹⁴ in expenditures, to promote passage of Ballot Measure 1. Y4S received \$502,003.85 of its income from a single donor: the Center. In other words, the Center accounts for 38.5% of all contributions to Y4S.

The Center has reported to APOC that it has contributed \$502,003.85 to Y4S.¹⁵ But the Center has only disclosed the source of \$234,111.00 of those monies.¹⁶ The Center has not revealed the source of \$267,892.85 in contributions it made to Y4S.

In 2018 S4S expended \$423,290.07¹⁷ in support of Ballot Measure 1, but has only reported \$180,897.96¹⁸ in contributions it has received. S4S has not disclosed the source of the difference - \$242,392.11 in contributions.

¹² <https://akcenter.org/about/contact-us/>.

¹³ Y4S's Independent Expenditure Report (Sept. 15, 2018) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/View.aspx?ID=3276>).

¹⁴ Y4S's total expenditures in 2018 were calculated by looking at individual amount Y4S reported in independent expenditure forms to APOC.

¹⁵ The Center's Statement of Contributions Form 15-5 (Sept. 10, 2018) (available at: <https://aws.state.ak.us/ApocReports/StatementContributions/View.aspx?ID=3265>).

¹⁶ See the Center's Independent Expenditure Reports (Jan. 31 – Sept. 14) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/IEForms.aspx>).

¹⁷ See S4S's Independent Expenditure Report (Sept. 14, 2018) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/View.aspx?ID=3273>).

¹⁸ *Id.*

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The Respondent groups are actively coordinating with each other. Y4S, S4S, and the Center all operate out of the same building: 921 West Sixth Avenue. The Center has donated hundreds of thousands of dollars in its staff's time to campaign in support of Ballot Measure 1. The Center has solicited contributions for S4S, using a S4S solicitation that lists Y4S's "paid for by" information. On July 13, 2018, the Center sent a fundraising email to its email list urging recipients to donate to S4S to bolster its number of Alaskan voters to 1,000 Alaskans. The email included a picture of people holding a "Stand For Salmon" banner, and concluded with a "Stand For Salmon" donation link and a description of who paid for the communication. Yet the "paid for by" disclosure at the bottom of the fundraising email states it is "**Paid for by Yes for Salmon.**"¹⁹



Paid for by Yes for Salmon, Anchorage, AK.

Michael Wood, Chair, approved this message. The Top 3 contributors are The Alaska Center, Anchorage, AK; New Venture Fund, Washington, DC; John Childs, Vero Beach, FL

The Alaska Center
921 W 6th Avenue
Suite 200

Anchorage AK 99501 United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#)

It is no wonder that the Center could not keep Y4S and S4S separate, given the significant overlap in leadership between S4S and Y4S. Michael Wood serves as S4S's President and

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¹⁹ See Email from Courtney Owen at The Alaska Center (July 13, 2018) (emphasis added), attached as **Exhibit A**.

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Y4S's Chair. Gayla Hoseth serves as S4S's Vice President and is Y4S's Co-Chair. Ryan Schryver serves as S4S's Co-Treasurer and Y4S's Deputy Treasurer.

S4S has published a myriad of campaign materials from postal mailers, video and audio media, and handouts. These communications contain S4S's name and urge the recipients to defend salmon habitat, urge Alaskans to support a change to Alaska law to protect fish habitat, and list the website www.standforsalmon.org. That website urges visitors to "Vote Yes For Salmon" and explains Ballot Measure 1, also known as ballot initiative 17FSH2. Yet some of these communications do not disclose who they are paid for by and do not list the group's top three contributors, as required by Alaska law.

IV. VIOLATIONS OF LAW

Respondents are flouting Alaska's campaign finance laws. Y4S, S4S, and the Center are operating as a group and must register as one so that Alaskans can review the financial disclosures without having to comb through three separate group's disclosures. Further S4S has registered as a group making independent expenditures in support of Ballot Measure 1, yet has failed to include the "paid for by" disclosure on many of its campaign materials. Further, while the Center has provided the lion's share of Y4S's campaign resources, it has failed to disclose to Alaskan voters the source of hundreds of thousands of dollars of those contributions. And much of the Center's donations to Y4S come from dark money donors, which conceals the true source of Y4S's funding. S4S cannot be an independent expenditure group not coordinating with the ballot campaign when its leadership is also Y4S's leadership.

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Respondents' failure to abide by these disclosure laws is detrimental to Alaskan voters, who are entitled to know who is paying for the political advocacy to making sweeping changes to Alaska law. APOC should discipline Respondents for their numerous violations.

A. The Center Has Failed to Register with APOC as a Group Even Though It has Contributed Hundreds of Thousands of Dollars To Y4S in In-Kind Campaign-staffing Donations, Solicited Donations for S4S, and Worked Jointly With Both Groups to Staff and Operate a Campaign in Favor of Ballot Measure 1 Passage.

The Center has provided over \$500,000 to Y4S and has solicited money on behalf of S4S, yet has not registered as a "group" with APOC. Registering as a group triggers reporting requirements, including the report of any contribution to the group in excess of \$100, which allows Alaskan voters to understand who is funding campaigns to influence elections.

Alaska law purposefully defines "group" broadly to include "any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election."²⁰ Here, the Center is made up of two or more individuals and has purposefully organized hundreds of thousands of in-kind and monetary contributions to Y4S for the principal purpose of influencing the outcome of Ballot Measure 1. The Center is a "group" that must register with APOC.

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²⁰ AS 15.13.400(8)(B).

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The Center is more than just another entity making donations to Y4S. Rather, it is working hand in hand with Y4S and S4S to promote Ballot Measure 1. For example, in June 2018, the Center put a call for volunteers for S4S to “Join The Salmon Team.”²¹ The Center is part of that “salmon team,” with Y4S and S4S, and the call to action listed seven different jobs, from “Community Connector,” to “Data Director,” and “Online Oracle, Digital Wizard.” Also, the Center’s employees have engaged in door knocking campaigns and handed to residents S4S literature and media. The Center is a group of people that are jointly acting for the principal purpose to support Ballot Measure 1. Yet the Center did not register with APOC as a group.

Pursuant to 2 AAC 50.352(c), the Center was required to register as a group and identify its contributors under AS 15.13.040(b) unless “(1) all contributions and expenditures to influence the outcome of a ballot measure election are made from the organization’s general day-to-day operating account; and (2) the organization does not assess, collect, pool, or solicit money or anything of value for purpose of influencing a ballot measure election.” Both of these prongs must be met to excuse the Center from disclosing its contributions. The Center can meet neither.

The Center was required to register as a group pursuant to AS 15.13.040(b) because its involvement in advocating for passage of Ballot Measure 1 has not been limited to making contributions drawn from its “general day-to-day operating account.” 2 AAC 50.352(c)(1). To the contrary, the Center has given Y4S hundreds of thousands of dollars

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²¹ Join the Salmon Team, attached as **Exhibit B**.

of in-kind contributions and has its staff actively campaigning with Y4S. As Y4S's campaign disclosure forms and the Center's contribution reports make clear, the Center's contributions were not monetary contributions withdrawn from the Center's general operating account but rather its staff's active involvement in the campaign. The Center's staff is working hand in hand with Y4S and has engaged in general campaign tasks with Y4S. The Center cannot be actively involved in the campaign and yet not disclose its contributors to Alaskan voters.

Neither can the Center meet the second prong of the exemption to reporting because the Center has solicited money "for the purpose of influencing a ballot measure." Specifically, in July 2018, the Center sent to its mailing list a direct solicitation of funds on behalf of S4S:

Now, in order to reach our goal of 1,000 new donors, we're asking just 200 more Alaskans across the state to donate by this Sunday the 15th. [Be it \\$1 or \\$1000, your donation helps to ensure that salmon has a fundamental role in the future of Alaska.](#)²²

The underlined sentence is an internet hyperlink that sends the reader to S4S's donation page, which advises "Your dollars will be put to good use. Your donation supports employing organizers and legal advisors, running ads to reach Alaskans around the state and educating voters."²³ Given the Center's solicitation in support of S4S, the Center is a group that must disclose its contributors in excess of \$100 pursuant to AS 15.13.040(b).

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²² **Exhibit A.**

²³ Stand For Salmon, Donate to Stand For Salmon Today! (<https://aepp.bsd.net/page/contribute/help-us-reach-1000-new-donors-by-july-15-AKCenter>).

APOC has consistently told groups that they must register before making an expenditure (anything of value, including utilizing the entity's email list and staff time) to influence the outcome of an election.²⁴ Yet the Center did not register as a group and did not disclose its contributors prior to making an expenditure to solicit funds in support of S4S. The Center's email list is certainly something of value, as it gave S4S access to voters and donors sympathetic to environmental causes. Alaska law required the Center to register as a group prior to making this expenditure to raise money in support of S4S and passage of Ballot Measure 1. It did not, and still has not.

B. The Center, Even if Considered and Independent Expenditure Group, Has Failed to Report All of Its Contributors

The Center has and continues to violate AS 15.13.040(d) by failing to disclose all of its contributors even though it has made \$502,003.85 in direct contributions to Y4S. Pursuant to AS 15.13.040(d), any group making expenditures in support of a ballot proposition group "shall make a full report of expenditures made and contributions received" to APOC. The Center has acknowledge that it is making expenditures in support of Ballot Measure 1 by registering and reporting some of its independent expenditures, but it has failed to report the source of nearly \$300,000 of its money spent in support of Ballot Measure 1.

²⁴ See e.g. AO 12-09-CD at 5 (May 24, 2012) (<http://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=4781>) ("The requirement under AS 15.13.050 is that a group registers *before* making an expenditure to influence the outcome of an election."); see also AS 15.13.050 (requiring registration with APOC *before* making an expenditure).

In AO-10-18-CD, APOC confirmed that “[p]roponents and opponents of ballot measure groups have identical disclaimer and disclosure reporting requirements.” AS 15.13.040(d) requires that “every person” making an expenditure to effect the outcome of a ballot measure must report “expenditures made and contributions received” to APOC.

The Center’s 2018 disclosures do not reveal the source of hundreds of thousands of contributions it has received and put to use supporting Y4S’s efforts to pass Ballot Measure 1. The Center expended its resources in soliciting funds in support of S4S. In 2018, the Center has made \$502,003.85 in contributions to Y4S, and used its staff time and computer resources to solicit money for S4S. Yet despite making these expenditures the Center has only revealed the source of \$234,111.00 of its expenditures, and has not revealed the source of \$267,892.85 in expenditures it made to Y4S.

The source of the Center’s funds is far more than an academic exercise. The Center is bankrolling over a third of Y4S’s campaign. Indeed, the Center has donated more than 38.5% of all contributions received by Y4S. The Center’s failure to disclose its contributors as required by Alaska law leaves voters without the proper information to weigh whether the source of the Center’s funds – which appears to be largely funded by out-of-state donors and entities – have Alaska’s best interests in mind. Transparency is supposed to be a cornerstone of Alaska’s campaign finance laws, but the Center is keeping its contributors in the dark.

The Center is violating AS 15.13.040(d) by failing to disclose the source of hundreds of thousands of dollars of its contributors.

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C. Y4S, S4S and The Center Have Failed to Register as a Group, Even Though They Are Actively Coordinating Their Expenditures.

Alaska law requires legally separate entities to register as a “group” for campaign finance purposes when they are actively coordinating their political advocacy so that Alaskan voters and state regulators can scrutinize their activities without having to comb through separate reports from numerous different entities.²⁵ The Center, Y4S, and S4S, are actively coordinating their political advocacy in support of Ballot Measure 1, but have not registered as a group. This violation has improperly left Alaskans and state regulators having to scrutinize three separate entities’ disclosures, when they should all be one place for scrutiny.

The Center, Y4S, and S4S, are actively coordinating as a group. Alaska law defines a “group” as “any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election.”²⁶ The Center, Y4S, and S4S, are all being managed and operated out of the Alaska Center’s headquarters at 921 West 6th Avenue, Anchorage, Alaska 99501.²⁷

²⁵ AS 15.13.040(b).

²⁶ AS 15.13.400(8)(B).

²⁷ See <https://akcenter.org/about/contact-us/> (listing The Alaska Center’s address as 921 West 6th Avenue, Suite 200); see Stand for Salmon’s APOC Entity Registration Form (available at: <https://aws.state.ak.us/ApocReports/Registration/EntityRegistration/View.aspx?ID=1287>) (listing the Co-Treasurer’s address as 921 West 6th Avenue, Suite 100).

In addition to this, the Center has contributed hundreds of thousands of dollars of in-kind contributions to Y4S in the form of its staff actively campaigning with Y4S, and has solicited funds for S4S in email communications to its email list.

Moreover, APOC reports show that S4S and Y4S have overlapping leadership. At S4S, Gayla Hoseth is a director and vice president, and Michael Wood is the chairman and president. Samuel Snyder and Ryan Schryver are co-treasurers of S4S. At Y4S, Michael Wood is the chairman, Gayla Hoseth is identifies as a “co-chair,” Paula DeLaiarro is the treasurer, and Ryan Schryver is the deputy treasurer. In other words, Wood, Hoseth and Schryver are managing both S4S and Y4S.

Management of S4S and Y4S by the same people makes it impossible for these groups not to coordinate their efforts and expenditures in support of Ballot Measure 1. The limitations of the human mind prevent Wood, Schryver and Hoseth from walling off Y4S’s strategy, expenditures, and advocacy from S4S’s strategy, expenditures, and advocacy.²⁸ Indeed, S4S’s solicitation materials show that the two groups have trouble distinguishing between themselves. On July 12, 2018, Schryver published an op-ed in *The Delta Discovery*, a popular newspaper among residents of the Yukon-Kuskokwim Delta.²⁹ In that publication Schryver identifies himself as a director of S4S, and explains that S4S “set the ambitious goal to get 1,000 Alaskans to donate to Stand for Salmon before July 15th.”³⁰

²⁸ See e.g. *Vermont Right to Life Committee, Inc. v. Sorrell*, 758 F.3d 118, 142 (D. Vt. 2014).

²⁹ See Stand For Salmon, *The Delta Discovery* (July 12, 2018) (available at: <https://deltadiscovery.com/proposed-donlin-mine/>).

³⁰ *Id.*

The next day, July 13, the Center sent a note to its email list notifying the recipients that “we made an ambitious ask of 1,000 Alaskans to donate to Stand for Salmon.”³¹ At the bottom of that email, there was a “Donate – Stand For Salmon” graphic that linked the reader to Stand For Salmon’s donation page. But below this graphic was a disclosure that the communication was “Paid for by Yes for Salmon,” and a listing of Yes For Salmon’s top three contributors, which are different from S4S’s top three contributors. It is not surprising that S4S confused itself with which entity was soliciting contributions given the active coordination between S4S and Y4S, including utilizing the same managers.

Because Respondent entities are acting jointly through active coordination, Alaska law requires them to register as a single group so that Alaskans can scrutinize their contributions and expenditures of their coordinated effort. Respondents violated AS 15.13.040(b) and AS 15.13.050 by failing to register as a group.

D. Stand For Salmon Failed to Include “Paid For By” in Many of Its Communications

S4S violated AS 15.13.090(a) and (d) by failing to include necessary “paid for by” disclosures in their communications to Alaska voters. Pursuant to AS 15.13.090(a) and (d) and 2 AAC 50.306, all printed media, emails, and radio, television, and internet advertisements that cost more than \$500 and that “directly or indirectly identify” a ballot proposition, “shall be clearly identified by the words ‘paid for by’ followed by the name and address of the person paying for the communication.”³² In addition to disclosing the

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³¹ **Exhibit A.**

³² AS 15.13.090(a) (requiring “paid for by”) and AS 15.13.400(3) (definition of “communication”).

sponsor of the advertisement, AS 15.13.090(a) requires disclosure of the sponsor's "three largest contributors."³³ Stand For Salmon has failed to include this information on a myriad of its communications to Alaska voters.

Examples of S4S's communications that lack the "paid for by" disclosures accompany this Complaint. S4S has published an audio-visual advertisement ("Imagine Alaska Communication") on the internet music service Pandora, on the 247 Sports website (www.247sports.com) owned by CBS Sports, and Hulu that asks the listener/viewer to "imagine Alaska" without wild salmon, 30,000 fishing jobs, and the \$2 billion in economic activity that salmon contribute to Alaska.³⁴ The advertisement urges that "wild salmon in Alaska are disappearing because protections for our fisheries are outdated and no longer working, providing no accountability when foreign mining companies hurt Alaska." The advertisement ends with a call to action to voters: "To save our wild salmon, it's time to defend their habitat. Because Alaska's economy and way of life are on the line." The final screen of the advertisement shows a large "Stand For Salmon" logo in the center of the screen, but there is no audio or visual "paid for by" disclosure or disclosure of its top three contributors. S4S's Imagine Alaska Communication violates AS 15.13.090(a) and (d).

S4S has also published a myriad of print media communications with the "Stand For Salmon" logo affixed to each, but many do not contain the required "paid for by"

³³ The term ballot proposition encompasses both initiative proposals submitted to the Lt. Governor and certified ballot proposals that will be on the ballot. AS 15.13.065(c).

³⁴ See Pandora Radio Advertisement "Imagine Alaska" (July 9, 2018), attached on compact disc as **Exhibit C**; see also 247.com Online Advertisement "Imagine Alaska" (July 8, 2018), attached on compact disc as **Exhibit D**.

disclosures. S4S has published a handout entitled “here are the facts” (“Here are the Facts Communication”), which provides a discussion of five different reasons why voters should support the “Stand for Salmon initiative.”³⁵ Because S4S’s Here are the Facts Communication contains no “paid for by” disclosures, it violates AS 15.13.090(a).

S4S has published a handout entitled “Stand for Salmon Alaska Sportfishing” (“Alaska Sportfishing Communication”).³⁶ This communication points out economic and aesthetic benefits of salmon, argues that current Alaska law is inadequate to protect fish and game, and asserts that the ballot initiative is the solution: “Stand for Salmon updates Alaska’s law so responsible projects can move forward.”³⁷ S4S’s Alaska Sportfishing Communication contains no “paid for by” disclosures and violates AS 15.13.090(a).

S4S has published another print communication entitled “Standing For Salmon: Understanding The Wild Salmon Legacy Act” (“Understanding The Wild Salmon Legacy Act Communication”).³⁸ This communication tells the reader that “Alaska’s law for protecting salmon habitat hasn’t been updated since it was written a half century ago, and it’s putting our salmon at risk. Alaska has the opportunity and responsibility to protect our wild salmon by updating our fish habitat law.” On the reverse side of the communication it provides “four key ways to clarify this law,” which are the highlights of the 17FSH2

³⁵ S4S’s Here Are The Facts Communication, attached as **Exhibit E**.

³⁶ S4S’s Alaska Sportfishing Communication, attached as **Exhibit F**.

³⁷ *Id.*

³⁸ S4S’s Standing For Salmon: Understanding The Wild Salmon Legacy Act, attached as **Exhibit G**.

ballot initiative. S4S's Understanding Wild Salmon Legacy Act Communication contains no "paid for by" disclosures and violates AS 15.13.090(a).

S4S published a print communication entitled "Have You Heard" ("Have You Heard Communication").³⁹ This communication provides a June 14, 2018 headline from the Anchorage Daily News that states: "Dismal Copper River salmon run prompts 'unprecedented' shutdown at Chitina" and informs readers that Stand For Salmon "will be in your neighborhood to talk to you about salmon habitat protection – we look forward to meeting you." Because S4S's Have You Heard Communication fails to disclose who paid for the communication and its top three contributors, it violates AS 15.13.090(a).

S4S published a print communication entitled "Community Projects and The Stand for Salmon Initiative" ("Community Projects Communication").⁴⁰ This communication states that "the Stand For Salmon Initiative will not shut down these much needed infrastructure projects." It then walks through different types of infrastructure projects from wastewater treatment facilities, to fish processing plants, to roads, and argues that the ballot initiative will not stop these projects. S4S's Community Project Communication does not contain a legible "paid for by" disclosure and violates AS 15.13.090(a).

S4S's communications have violated the requirements of AS 15.13.090(a) and (d) by failing to disclose to the public who paid for these communications and their top three contributors. Beyond disclosing the payer and its top three contributors, the "paid for by"

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³⁹ S4S's Have You Heard? Communication, attached as **Exhibit H**.

⁴⁰ S4S's Community Projects Communication, attached as **Exhibit I**.

disclosures also let the recipient know that the communications are not neutral and objective statements and that an advocacy group is behind them. That key phrase in an advertisement is immediately recognizable to Alaskans as accompanying a political advocacy advertisement, and AS 15.13.090(a)'s required inclusion of these words and disclosure is an important aspect of Alaska's campaign finance laws.

E. Y4S Violated AS 15.13.050(c) By Failing to Include In Its Name Any Reference to Ballot Measure 1 Until August 15, 2018.

Y4S violated AS 15.13.050(c) by operating under the name "Yes For Salmon" until August 15, 2018, when it changed its name to "Yes For Salmon –Yes on 1." AS 15.13.050(c) requires that a group that intends to make more than "50 percent of its contributions and or expenditures in support or in opposition to a single initiative on the ballot" must include in its name the title or common name of the initiative.

Y4S's APOC filings show that Y4S did not include the title or common name of Ballot Measure 1, formerly known as 17FSH2, until August 15, 2018.⁴¹ Notably, Complainant Stand For Alaska – Vote No On 1 changed its name to include reference to Ballot Measure 1 on June 12, 2018, but was still fined. Here, Y4S's filings show that for more than two months after that date, Y4S still had not changed its name to comply with AS 15.13.050(c).

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⁴¹ Y4S's Group Registration Form available on APOC's website reveals that on August 15, 2018, Y4S changed its name to include "Yes on 1" to comply with 15.13.050(c). *See* <https://aws.state.ak.us/ApocReports/Registration/GroupRegistration/View.aspx?ID=4181>.

F. Respondent S4S Has Violated AS 15.13.040(b) By Failing to Disclose The Source of Its Contributions or AS 15.13.110 By Failing to File Accurate Reports with APOC.

S4S's independent expenditure reports reveal a large discrepancy between the expenditures it has made and the contributions it has received: S4S has not reported the source of contributions for \$240,976.84 in expenditures it has made.

AS 15.13.040(b) requires every group, including independent expenditure groups, to disclose all contributions in excess of \$100, including the name, address, principal occupation, and employer of the contributor. AS 15.13.040(d) also requires independent expenditure groups to disclose the expenditures made and contributions received on a 15-6 APOC form. AS 15.13.110 requires reporting to be accurate.

Here, S4S's disclosures show that it has expended \$423,240.07, but has disclosed the source of only \$180,897.96 of that money.⁴² S4S is failing to report \$242,392.11 in contributions. S4S cannot be spending hundreds of thousands of dollars which it cannot account for. S4S has not accurately reported its contributions, and, accordingly, violated AS 15.13.040(b) and (d) and AS 15.13.110.

G. Respondents Violated AS 15.13.040(b) (2) By Not Disclosing the "True Source" of Dark Money Contributions.

Alaska campaign disclosure laws require detailed disclosure of contributions to any group.⁴³ Indeed, groups must disclose the aggregate amount of all contributions made to it, and, for contributions exceeding \$100, "the name, address, principal occupation, and

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⁴² See S4S's Independent Expenditure Report (Sept. 14, 2018) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/View.aspx?ID=3273>).

⁴³ AS 15.13.040(b).

employer of the contributor[.]”⁴⁴ For purposes of this reporting the term “‘contributor’ means the true source of the funds, property or services being contributed[.]”⁴⁵ Upon information and belief, Respondents are using dark money contributions to reveal the true source of these contributions.

Respondent organizations are mostly funded by dark money from the Lower 48. For example, the Center’s independent expenditure reports show that it has received large contributions from nonprofit organizations that do not disclose the true source of the money. On July 19, 2018, the Center accepted \$50,000.00 from the “Tides Advocacy Fund” in San Francisco, California.⁴⁶ On September 14, 2018, the Center accepted \$20,000.00 from the League of Conservation Voters, in Washington, D.C.⁴⁷ The Center’s APOC filings show numerous other times it received tens of thousands of dollars in donations through dark money organizations in Virginia, Washington D.C., and California. Y4S’s and S4S’s APOC disclosures show the same thing. Upon information and belief, these dark money contributions hide the “true source” of these contributions and violates AS 15.13.040(b)(2).

⁴⁴ AS 15.13.040(b)(2).

⁴⁵ AS 15.13.040(b)(2).

⁴⁶ See The Center’s Independent Expenditure Report (July 19, 2018) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/View.aspx?ID=3042>).

⁴⁷ See The Center’s Independent Expenditure Report (Sept. 14, 2018) (available at: <https://aws.state.ak.us/ApocReports/IndependentExpenditures/View.aspx?ID=3274>).

IV. CONCLUSION

As demonstrated by this complaint and attached exhibits, Respondents have violated Alaska's campaign disclosures laws. Complainant respectfully requests that APOC investigate and prosecute this willful and unlawful conduct.

This complaint is based on information and belief, and on the documentary evidence attached herewith. The complaint is true and accurate to the best of the knowledge of the Complainant.

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COMPLAINT

STAND FOR ALASKA V. YES FOR SALMON, THE ALASKA CENTER AND STAND FOR SALMON

APOC CASE NO. _____

PAGE 22 OF 22

Subject: FW: [EXTERNAL]Fwd: Look what you've accomplished!
Date: Tuesday, July 17, 2018 at 11:28:51 AM Alaska Daylight Time
From: Willis Lyford

Begin forwarded message:

From: "Courtney Owen" <communications@akcenter.org>
Date: July 13, 2018 at 2:12:22 PM AKDT
To: "
Subject: Look what you've accomplished!
Reply-To: communications@akcenter.org



Dear ,

My name is Courtney Owen and I am the new Digital Organizer at The Alaska Center. I am so thrilled to be a part of this community working tirelessly for real, tangible change for Alaska. **Last week we made an ambitious ask of 1,000 Alaskans to donate to Stand for Salmon. In only a few short days we've already reached 800 Alaskan donors!** You are all AMAZING! Thank you.

I was born and raised in Alaska to transplant parents who fell in love with our state, like many, in great part because of her immense natural beauty and the subsistence opportunities right outside of our front door. Like every Alaskan, salmon played an integral role in my upbringing. **My hope is that salmon will continue to play an important role in the upbringing of future Alaskans.**

Now, in order to reach our goal of 1,000 new donors, we're asking just 200 more Alaskans across the state to donate by this Sunday the 15th. [Be it \\$1 or \\$1000, your donation helps to ensure that salmon has a fundamental role in the future of Alaska >>](#)

Your support helps us to power a grassroots movement ensuring that salmon have a place in our lives for years to come.

Together we can win this thing.

Thank you,

Courtney Owen
Digital Organizer
The Alaska Center



Paid for by Yes for Salmon, Anchorage, AK.

Michael Wood, Chair, approved this message. The Top 3 contributors are The Alaska Center, Anchorage, AK;
New Venture Fund, Washington, DC; John Childs, Vero Beach, FL

The Alaska Center
921 W 6th Avenue
Suite 200

Anchorage AK 99501 United States

If you believe you received this message in error or wish to no longer receive email from us,
please [unsubscribe](#)





MENU

JOIN THE SALMON TEAM

We need your help to ensure Alaskans get a voice in the decisions around our resources. It will take every one of us to make it to victory November 6. If you have 5 minutes, 5 hours, or 5 days every minute of your time is valuable to us. LETS WIN THIS THING!

VOLUNTEER OPPORTUNITIES

COMMUNITY CONNECTOR: We need community leaders who understand that salmon is a fundamental part of what brings us together. Use your community connections to inspire others, raise awareness and share the importance of salmon far and wide. Step up and lead us to salmon victory by:

- Hosting house parties or outreach events (see salmon bbq). A house party can be with 5-10 of your friends or a neighborhood event, like a film screening or salmon bbq.
- Talking to voters by getting your team to go door to door, making phone calls, and street canvassing or tabling at community events
- Organizing action nights: Recruit, train, and inspire other volunteers to get involved and spread some salmon love.
- Step up and see what your leadership can inspire!

DATA DIRECTOR: Winning takes people power and effectively organizing takes the kind of brilliant minds that can see the beauty in the numbers. Become an information magician and help us turn those numbers into votes! Give a few hours of your time to:

- Enter signatures
- Handwrite thank yous
- Crunch those numbers!

WILD SALMON DAY PARTY PLANNER: It's the biggest salmon party of the year! Help us make it epic! We need party planners, grillers, banner makers, people handing out flyers, game captains, stage managers, parade leaders, party captains, and more! This is your chance to be a part of an unforgettable event and share our salmon spirit far and wide!

- organize volunteers day of
- help set up the event
- support our marketing team
- greet out guests...

TEAM LEADER, SALMON SAVANT: Build our team! Recruit volunteers to join by phone calls, peer to peer texting, facebook organizing, emails, etc.

- Train volunteers on how to talk about Stand for Salmon
- Lead AK Center Volunteer Info Nights

SALMON ROCK STARS: Love the limelight? Wanna strut your stuff and show the world how much you love salmon? This is the job for you! Help bring a little color and fun to your community while educating people about Stand for Salmon. There are tons of ways to be a salmon rock star, just get Stand for Salmon seen!

You can:

- Organize sign-waving events
- Dance around for Anchorage Pride Parade
- Twirl fire at Ak Wild Salmon Day Parade to the Ballot Box
- Make a jingle and sing it on a rooftop
- You get the idea...

ONLINE ORACLE, DIGITAL WIZARD: Now you have an excuse to be on your phone! Use your voice and your social media presence to get your friends, your community and those people you are facebook friends and not sure how to come on board for salmon. Help organize online groups, share salmon stories, make Stand for Salmon go viral! Just a few minutes a day can win this campaign!

Roles include:

- peer-to-peer texting
- Facebook organizing
- Social sharing

BUSINESS BOSS: Are you a small business owner or just a boss in life? Help spread the salmon love by bringing local businesses on board. We need the support of Alaskan small business leaders. Help get businesses in your area to do one of all of the following:

- endorse Yes for Salmon
- donate/support Wild Salmon Day
- support Wild Salmon Fund

GOT MORE SKILLS? WE CAN USE THEM! Coders, dreamers, singers, scientists, parents, care givers, cooks, dancers, mathematicians, photographers, printmakers, crafters, makers, salmon lovers... together we can win.

FILL OUT THE FORM BELOW TO GET STARTED



[Volunteer Form Download \(https://files.acrobat.com/a/preview/536c3774-613d-4149-933c-87f18ebc2ac5\)](https://files.acrobat.com/a/preview/536c3774-613d-4149-933c-87f18ebc2ac5)

PLACEHOLDER
EXHIBIT C to Complaint
Live audio recording
See CD

PLACEHOLDER

EXHIBIT D to Complaint

Live Audio Recording


See CD



STAND *for* SALMON
standforsalmon.org

We have the opportunity and responsibility to protect Alaska's wild salmon by updating existing law. Wild salmon are our legacy, and clearer protections are needed to keep our salmon runs strong for future generations.

WWW.STANDFORSALMON.ORG

#standforsalmon   



here are the facts



RESPONSIBLE DEVELOPMENT = HEALTHY ALASKA

The Stand for Salmon initiative supports responsible development of the state's resources, ensuring a prosperous and thriving economy for all Alaskans.



PROMOTE RESPONSIBLE ECONOMIC AND COMMUNITY DEVELOPMENT

The Stand for Salmon initiative creates a fair and balanced permitting system that encourages responsible development while protecting our wild salmon.

It simply sets up a permitting process to ensure that development projects that may impact fish habitat are built in a way that minimizes harm to Alaska's salmon fisheries.



CREATE CERTAINTY IN OUR PERMITTING PROCESS

The Stand for Salmon initiative creates science-based standards to help guide how projects will be permitted.

This creates certainty in the permitting process that currently does not exist, so every permit applicant will know what to expect.



SAVE ALASKA MONEY

The Stand for Salmon initiative promotes government efficiency and creates cost savings for the state.

Since the majority of rivers, lakes and streams in Alaska support salmon, the initiative creates a presumption that these waters are salmon habitat and therefore are eligible for protection under the law.

This change eases the Department of Fish and Game's (ADF&G) current duty to research every mile of every river, lake and stream, saving the state millions of dollars. It also allows ADF&G to shift the cost of permitting large development projects from the state to the developer.



GIVE ALASKANS A VOICE

The Stand for Salmon initiative creates government transparency by requiring ADF&G to provide public notice for all permits issued.

For major projects that could harm our wild salmon fisheries, it also gives Alaskans the opportunity to participate in the process and to stand up for what is important to them.

www.standforsalmon.org

STAND *for* SALMON

ALASKA SPORTFISHING

RESOURCES



3,000 Rivers



3 Million Lakes



All 5
Salmon Species

ECONOMY



Employed

2,500



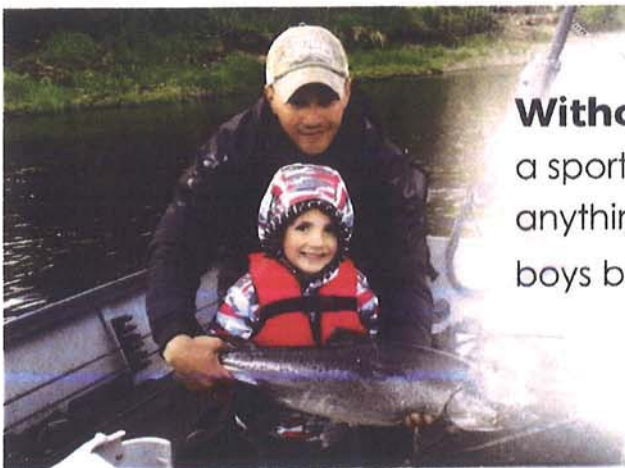
Economic Contribution

\$1.4 Billion



Visitors

500,000 / Year



Without Salmon, I wouldn't be able to make a living as a sport fishing guide in the great state of Alaska... More than anything though, I love seeing how jubilant my two young boys become when a wild salmon is brought to the boat.

-Chris Tobias
Alaskan Fishing Guide

SUPPORT SALMON



TELL YOUR FRIENDS

www.standforsalmon.org

Exhibit F - Page 1 of 2



THE PROBLEM

Currently there are no standards in Alaska law to determine if a planned project properly protects fish and game. Without an update to our laws, some of our most beloved waters could be destroyed.



Some of **Alaska's most popular and world-renowned sportfishing destinations are threatened** by projects that would be devastating to important fish and wildlife habitat. The proposed Pebble mine in Bristol Bay is just one such example.

Luckily the fix is simple

STAND FOR SALMON

Stand for Salmon updates Alaska's law so responsible projects can move forward

1

Greenlights Responsible Development

The update enables projects with minor or no impact to salmon habitat to move forward, while more closely scrutinizing projects that could have disastrous impacts.

2

Minimizes Fish Impacts

The update ensures development projects are built in a way that minimizes impact to fish and wildlife habitat by adding requirements that will maintain the quality of the rivers we love to fish.

3

Gives a Voice to Alaskans and Anglers

The update requires ADF&G to provide public notice and a public comment period for projects that would have a substantial impact on fish habitat.

SUPPORT SALMON



TELL YOUR FRIENDS

STAY INVOLVED:
TEXT SALMON TO 877-877

Exhibit F - Page 2 of 2



STANDING FOR SALMON

UNDERSTANDING THE WILD SALMON LEGACY ACT



photo: Pat Clayton

Alaska's law for protecting salmon habitat hasn't been updated since it was written a half century ago, and it's putting our salmon at risk. Alaska has the opportunity and responsibility to protect our wild salmon by updating our fish habitat law.



SALMON ARE A CRITICAL PART OF ALASKA'S ECONOMY & CULTURE. IT'S UP TO US TODAY TO PRESERVE OUR WILD SALMON LEGACY AND SUPPORT SUSTAINABLE DEVELOPMENT.

TEXT "SALMON" TO 877-877

By texting this number you consent to receive messages from our friends at SalmonState. Message and data rates apply. You may opt out at any time.



THE PROBLEM

Current law directs the Alaska Department of Fish and Game (ADF&G) to approve any resource extraction proposal on or near salmon streams unless the plans are, "insufficient for the proper protection of fish and game."

The problem is, there is no definition for what constitutes the "proper protection of fish and game." This language is too vague to guide decisions on projects that have the potential to irreparably harm our salmon, like the Pebble Mine.



photo: Pat Clayton



THE SOLUTION

By simply updating an old law we can limit damage to salmon habitat so that our wild salmon runs remain strong for future generations.

The task before our legislators today is to define what constitutes the "proper protection of fish and game."



photo: Pat Clayton



photo: Bob Waldrop

THERE ARE FOUR KEY WAYS TO CLARIFY THIS LAW. THE UPDATE SHOULD:



Define a healthy waterway: The first key update is to clarify the important habitat characteristics that need to be maintained to be able to support salmon runs. (Things like water quality, flow levels, fish passage, etc.)



Expand the list of waterways that receive protections for salmon: Currently, our fish protection law only applies to less than 50% of salmon-bearing waters. The second update is to expand the listing to include any waterway that produces salmon so we're not leaving important salmon waters unprotected.



Gives Alaskans a voice: The third update would require the ADF&G to notify the public and give Alaskans an opportunity to participate in important decisions that could harm our wild salmon.



Promotes responsible development: The update would create commonsense standards a developer must meet to protect wild salmon before the project can move forward. Finally, these standards would allow ADF&G to actually say "no" to a project that would cause too much harm to Alaska's salmon rivers and waterways.



@StandForSalmon



TEXT "SALMON" TO 877-877

or www.standforsalmon.org/action to help pass this vital law and receive updates about protecting salmon across Alaska

By texting this number you consent to receive messages from our friends at SalmonState. Message and data rates apply. You may opt out at any time.

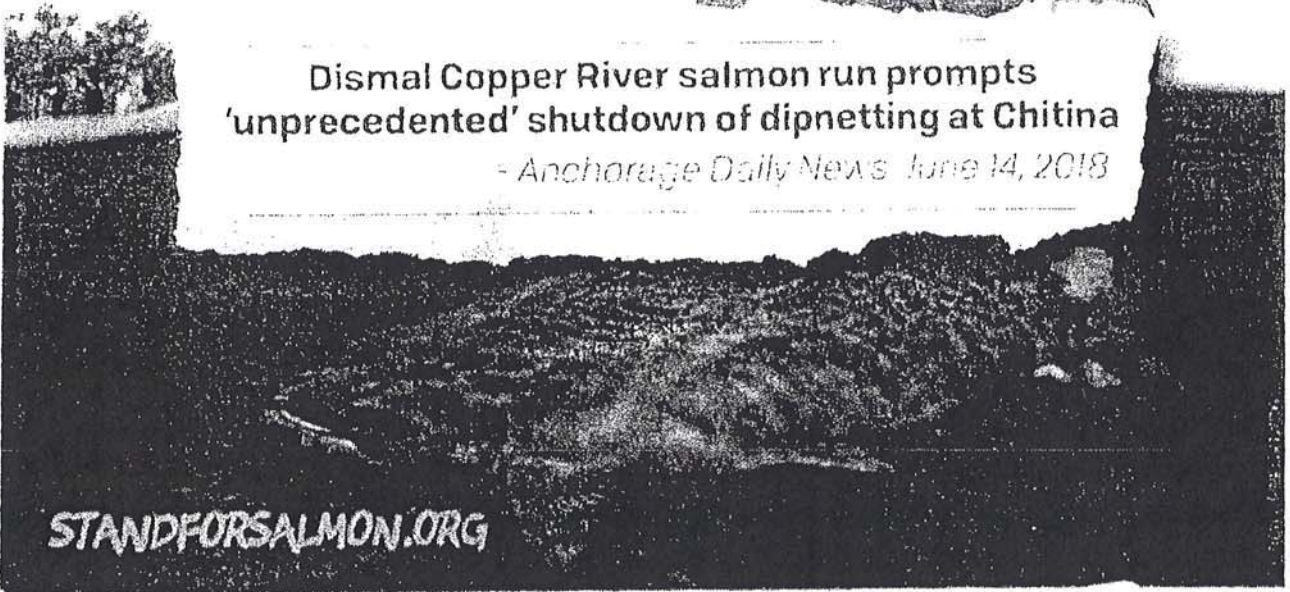


**STAND FOR
SALMON**

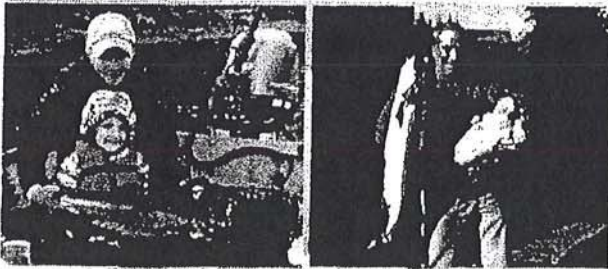
HAVE YOU HEARD?

**Dismal Copper River salmon run prompts
'unprecedented' shutdown of dipnetting at Chitina**

- Anchorage Daily News June 14, 2018



STANDFORSALMON.ORG



STAND FOR SALMON
645 G St STE 100-625
Anchorage, AK 99501-2029

PRSRT STD
US Postage
PAID
Anchorage, AK
Permit #537

**SALMON CLOSURES ARE
DIRECTLY AFFECTING
OUR FREEZERS.**

*"Have you heard about
Stand for Salmon? We will
be in your neighborhood to
talk to you about salmon
habitat protection - we look
forward to meeting you!"*

**THE FUTURE OF ALASKA'S
SALMON ECONOMY
IS AT STAKE**

6*2*****SCH 5-DIGIT 99664

Palmer AK 99645-9619





COMMUNITY PROJECTS and The Stand for Salmon Initiative

While all community projects require some kind of state authorization, the Stand for Salmon Initiative will not shut down these much needed infrastructure projects.

THE INITIATIVE

Right Now: Rules for habitat protection are not defined. This leaves many of our salmon streams vulnerable, as our king salmon runs decline.



The initiative ensures that Alaska salmon are adequately protected for future generations.



It defines clear rules for salmon habitat protection, to ensure responsible development.



It allows community projects to move forward while protecting salmon.

PERMITTING

The same activities and projects that require a permit under the current law would also require a permit under the new proposed law.

WASTEWATER TREATMENT FACILITIES

Department of Environmental Conservation (DEC) is the agency responsible for permitting wastewater discharge. The Stand for Salmon Initiative **DOES NOT** change DEC's protective salmon habitat rule or its ability to continue to authorize the development of wastewater treatment facilities in Alaska.

Wastewater treatment facilities often require the discharge of treated water to a nearby water body (i.e. river, stream or ocean). DEC is the agency that approves the discharge of the treated water to ensure that it meets Alaska's water quality standards.

DEC already has a rule that prohibits the discharge of any pollutant to salmon spawning areas which ADF&G identifies for DEC before any permit is issued. The Stand for Salmon initiative will not change that.

FISH PROCESSING PLANTS

DEC authorizes permits for fish processing operations. The Stand for Salmon Initiative **DOES NOT** prohibit DEC's ability to continue to authorize permits for fish processing operations. The Stand for Salmon Initiative will not impact the permits that the fish processors in Emmonak and Kaltag already have with DEC.

Fish processing plants require a permit from DEC to discharge fish waste into a water body. The majority of processing plants in Alaska discharge fish waste to the marine environment. For inland processors, such as those that are on the Yukon River in Emmonak and Kaltag, DEC generally requires that the discharge of fish waste be to a large

water body in deep, fast flowing water to disperse the waste and ensure that it doesn't wash back up on the banks. These permitting provisions will not change.

ROADS

The Stand for Salmon Initiative **WILL NOT** stop new road projects, but will help guarantee that roads are designed responsibly to protect Alaska's salmon fisheries.

Complex projects like the engineering and development of roads require a number of permits. If not carefully designed, road projects could block salmon from getting to their spawning habitat or create sediment runoff that would suffocate eggs in the gravel, affecting future salmon populations. Therefore, a fish habitat permit is required for any road project that is proposed to cross a river, lake, or stream to control adverse impacts to salmon and other anadromous species.

The Stand for Salmon initiative maintains ADF&G's existing ability to mandate fish passage with the installation of scientifically accepted and approved fish-friendly culverts and bridges. It also allows ADF&G to ensure that important habitat characteristics like floodplains, sloughs, and riparian areas are considered in the road design and that fish access to these important habitats is protected during the construction phase.

