

**TO:** APOC Commissioners

**DATE:** September 2nd, 2025

**FROM:** Joel Borgquist, Keep It Alaska Chairman

**SUBJECT:** Memorandum and Motion to Dismiss, Complaint 25-03-CD, *David Long v. Keep it Alaska IE Group / Joel Borgquist*

I am writing in response to the claims made against Keep It Alaska's volunteer-run IE group and me, personally, as I will not be able to attend the hearing due to a previous out-of-state work engagement that was scheduled long in advance and runs at the exact same time as the hearing.

**NOTE:**

- I did not respond to the original complaint because it was not delivered to me in the prescribed time or manner before the response deadline had passed. This in no way reflected my desire to respond to the complaint, which I was not afforded.
- As previously stated to APOC staff (but not noted in APOC's staff report) the original complaint was delivered to the wrong email address and not received at the mailing address (as required).
- Before the complaint had been brought, I had specifically stated to APOC which email address to use for all communications regarding Keep It Alaska when they had used the wrong email address. APOC staff said that they would correct this error in their system. Since then, APOC emails have been received at the correct email address prior to and after the complaint was filed - but the complaint was not received at my correct email address.
- The mailing address has been consistent and other APOC communications have been received at the mailing address (including the notice of this hearing), but I did not receive a physical copy of the complaint in the prescribed timeframe or before the complaint was accepted by APOC.
- The above points bring into question the validity of the complaint and the appropriateness of this hearing, as confirmed delivery to the respondent is a requirement of filing a complaint and I should have been afforded the appropriate time to respond to the complaint. I made this case to APOC staff, but APOC staff decided to accept the complaint despite the required steps not being followed (and other complaints being denied for this reason), and instead launched an investigation.

In response to the claims, I outline below that Keep It Alaska has not violated any Alaska statute and has been operating in good faith. The complaint was brought forth by

a political opponent who has made a myriad of unfounded allegations against Keep It Alaska and me, personally, as an attempt to harm us in political retribution.

However, the APOC staff report relies upon and highlights cherry-picked information, where key context and other available facts are missing that would contradict or mitigate the arguments against us, including key pieces in the timeline that are absent or misleading. I endeavor to correct these factual inaccuracies, while presenting my argument, but also must protest that the APOC staff report appears to be a “fishing expedition” and more prejudiced against us than the frivolous complaint made by Mr. Long. In fact, the APOC staff report goes far beyond the complaint in what it attempts to prove through overstatements, omissions, one-sided telling of events, and manipulations of the information. While we want to think that APOC staff acted in good faith, it is hard to believe when considering the evidence.

### **Group Name: Keep It Alaska**

Responding to APOC’s Analysis:

- **Stated IE Group Intent:** The intent of the Keep It Alaska IE group, then and now, is to support many candidates and initiatives in the State of Alaska, representing a clear message, directed by the group’s own name “Keep It Alaska.” We have stayed true and consistent to this intent. Keep It Alaska IE Group shares the same name and political messaging as the Federal Super PAC, as part of a greater vision and political message.
- **Definition of “intent”:** *Intent* (adjective), as defined by Merriam-Webster’s dictionary: **1.** directed with strained or eager attention. **2.** having the mind, attention, or will concentrated on something or some end or purpose. Under both of these uses of *intent*, Keep It Alaska at no time had the intent that one third or greater of contributions would be used toward Bronson’s campaign, either during the short term or the long term. Keep It Alaska had (and still has) an intent to support other campaigns at equal or greater expenditure levels than Bronson. Our intended “end or purpose,” as quoted from the definition, expands far beyond one election cycle.
- **Political groups do not control events:**
  - Keep It Alaska does not have control over which candidates run for office (whom the group would support based upon value alignment), nor does Keep It Alaska have control over donor behavior.
  - The APOC staff report implies that since funds may come through the Keep It Alaska Federal Super PAC as an intermediary that fundraising is more accessible and knowable to the IE Group. This is not true. The same

lack of control of events applies equally on a state and federal level. We have put effort into fundraising and we have hoped that the right candidates will run, but our desires have not been fully fulfilled at this point in time - as is common with groups across the country. There are ebbs and flows that follow the political climate at the time. There are also practical realities that impact every group - especially new groups.

- All of the Federal Super PAC's reports are public and easily accessible and show that the majority of the funding abruptly ended. During the course of the Anchorage Primary, a professional fundraiser assisted the Federal Super PAC in its fundraising efforts. Without prior notice or planning, the fundraiser discontinued efforts following Bronson's race, due to other projects. This left the Keep It Alaska Federal Super PAC without its primary source of revenue generation - which it had anticipated was going to expand (not retract).
- **No scope of "intent" provided by APOC:** APOC staff, even now, have been unable to provide clarity on the scope of "intent;" how to prove intent and in what timeframe it must be proven. An APOC staff member admitted on the phone that the wording is both unclear and up to interpretation. APOC staff could not respond to the scenarios I presented as to whether the group would be in standing with their interpretation of the statute. While the APOC staff report alludes to these conversations, the report fails to provide those critical details. It is *now* clear that a timeframe was arbitrarily chosen for this case alone, to the detriment of Keep It Alaska, and without prior advisement to Keep It Alaska of this timeframe. Keep It Alaska maintains that enforcement must be based on a set and consistent standard that citizens can understand and readily comply with. We cannot abide by what we do not know. Given the lack of clarity and ambiguity regarding the scope of "intent," it is necessary that APOC establish a set and posted standard, which all citizens can expect to be enforced. This would include dates, timeframes, and dollar figures. Without this standard, Keep It Alaska and other groups are subjected to a prejudiced system that arbitrarily decides when they are in violation.
- **Stated Intent Form accidentally filed:** The APOC staff report references the form included in my filing that was in support of Bronson – and its later deletion. What the report does not state is that this was the first filing that I had ever completed with APOC and I accidentally completed this form in my filing, not fully understanding it or its implications, which I explained at length to APOC staff. After speaking over the phone - and under APOC staff advice and instruction - I deleted the filing. These key details were absent from the APOC staff report.
- **APOC staff have not given an alternative "intent":** While APOC staff have made the unfounded accusation that I have been "disingenuous, at best," they

have not provided an alternative “intent” that supports this defamatory claim. The only evidence that APOC staff have given is that Keep It Alaska did not support other candidates at greater levels of expenditures in the arbitrary timeframe that APOC staff have chosen to enforce on Keep It Alaska. That is not a statement of “intent,” that is merely a summary of expenditures. However, throughout the APOC staff report, APOC staff allude to some level of nefarious activity on my part. This disturbing notion seems to guide the report, but without any evidence. It is a brushstroke that biases each piece of evidence against us. This calls into question the reason for the investigation and the report’s reliability - and it leaves wide open the possibility that APOC staff presupposed Keep It Alaska and myself as bad actors and then began searching for the fault in a targeted effort against Keep It Alaska and myself. It is also important to note that the fault given by APOC staff only exists within arbitrary enforcement, but not as any form of standard. Therefore, it is completely reasonable to suggest that APOC staff sought a fault and created a fault in order to make up charges against us.

- **The government cannot force political affiliation:** Keep it Alaska has no affiliation with Dave Bronson or his previous re-election campaign for mayor, nor does the group wish to have any affiliation, nor is the group authorized to have any affiliation with Dave Bronson, nor do other candidates that the group has or will likely support have any affiliation with Dave Bronson. Association, therefore, would be against the wishes of all parties and would violate the First Amendment Rights of all parties (as it relates to both Freedom of Association and compelled political speech), let alone be misleading to voters. The name “Keep It Alaska” was chosen to reflect the values of the group and it is our First Amendment Right to do so, without any interference by forced affiliations. In my research, there is not a single instance where compelled political speech or compelled political association has been upheld by the US Supreme Court. Both issues, as applied in this case, appear to violate the First Amendment, US Supreme Court rulings, and US legal precedent.
- **Government actions are subject to the US Constitution:** I am not a lawyer and I cannot give legal advice, but a plain reading of the US Constitution and Supreme Court Rulings seems to clearly indicate that APOC staff’s suggested manner of enforcement is a violation of our Constitutional Rights under the First Amendment. Additionally, it specifically contradicts multiple US Supreme Court rulings, some of which I provided to APOC previously (although those references were absent from the APOC staff report - but I will attach the reference to this document that I previously sent via email to APOC staff). At the time when I spoke to APOC on the phone regarding this matter, APOC staff responded that it is not the responsibility of APOC to consider the US Constitution or US Supreme Court rulings, but only state statutes and APOC policies. This seems to directly

contradict the US Constitution and US Supreme Court rulings. All laws and actions of government employees, including state and local, are subject to the US Constitution and US Supreme Court rulings. It is important to note that while the APOC staff report does contain a reference to me stating that the statute could be enforced in a manner that violates “freedom of association,” the report fails to express any consideration of my statement (or even reference the other statements). Lack of consideration for the First Amendment is unacceptable by any government agency, especially an agency with enforcement mechanisms. Furthermore, my reference of this Constitutional Right to APOC staff appears to be used as evidence against me in the report, which is baffling coming from a government entity boldly named the “Alaska Public Offices Commission.”

- **Speech in support or opposition of candidates is protected:** There are various reasons why any person may seek to support or oppose a given candidate - all of which are protected by the First Amendment of the US Constitution without any government interference. Citizens’ support or opposition of any candidate in no way implies affiliation with the candidate or their opponent, nor does it lay grounds for any compelled speech in support of or in opposition of the candidate at a future point in time, as asserted by the APOC staff report. Americans, in particular, have a long and proud history of associating with whom they wish to associate and being unassociated with whom they wish to be unassociated.
- **Factual note on registration changes:** The APOC staff report states that with “a few simple keystrokes,” we could have amended our registration. However, in order to complete a registration change, the entity must know that they need to complete a change and have decided what change they need to make. This cannot be accomplished as easily as suggested, as I have painstakingly explained in the many paragraphs describing our thought process on this very issue. I must point out that APOC staff uses hypotheticals, which can never be used in an enforcement context because it is a hypothesis, not a fact-based argument. When there is a lack of evidence, a hypothesis is nothing more than a gimmick to prove a point without actually proving it. For instance, anyone can, theoretically, in a hypothetical, do anything with “a few simple keystrokes.” The APOC staff report, for example, could have included all of the relevant information related to our case with “a few simple keystrokes” - but it did not.
- **Factual note on “Paid-For-By Identifiers”:** The APOC staff report states that paid-for-by identifiers take “little effort” to change. This is a very subjective and largely inaccurate statement, speaking to a lack of knowledge of the production of physical and digital materials, as well as advertiser requirements for digital and social media advertisements. Although not applicable in this case, the statement is also untrue for digital and traditional radio and print materials. My role is a

voluntary chair position, but I am a respected marketing professional. It is both very time consuming and expensive to edit materials – especially currently running advertisements, which would have been our case. In fact, the ads that we were running in support of Bronson cannot be edited. In any circumstance with that type of ad, they have to be pulled, re-created as ads, and re-approved, losing critical ad time and the momentum of the ad (which is a critical point on social media). However, if it is at the end of an election cycle, there is a final deadline for approvals by social media entities. Any ad that is pulled after that date is pulled forever. APOC staff should know this. Loosely making uninformed claims is a cause of major concern regarding APOC staff. It both discredits their report and seems to indicate that APOC staff are either very uninformed or have a clear prejudice against us.

## Report Filing

- **All Contributions & Expenditures are accounted for:** The information that is being used to state that we have not filed is from the filings that we have filed. The irony of this contradiction speaks to overregulation and overenforcement, not the intent or wording of the statutes.
- **All Statutory Required Filings have been completed:** No contribution or expense regarding Keep It Alaska has been absent from filing in the time required, as outlined by statute. While the APOC staff report lists additional filings that staff believe should have been completed in duplicate, statute does not require duplication of filings. Duplicate filings are a choice of APOC, not the statutes. Deliberate (or better) organization on the part of APOC could avoid duplicate filings.
- **All Statutory Required Filings have been timely:** No contribution or expenditure has been filed late, as required by statute. As with the paragraph above, duplicate filings are not required by statute in order for a filing to be timely.
- **Purpose of the statute:** When these statutes became law, their clearly stated purpose was to eliminate “dark money” and to provide more timely filings. Since all funds and their sources were both reported on state and federal forms in the required timeframes under both state and federal regulations (as relevant), it is clear that absolutely no “dark money” exists in these transactions and extensive filing was undertaken to report all contributions and expenditures in a timely manner.
- **No intent to disregard reporting requirements:** There was no intent at any point to disregard a filing requirement made by APOC, regardless of its enforceability under statute. Our treasurer is a professional accountant and had

to read the APOC staff report multiple times to understand what APOC staff is accusing us of. This points to how confusing the process is when multiple reports are required for the same information, within the same time periods. We did not understand that we needed to file again, if that was the case. Any reasonable person would have the same confusion.

In both cases, regardless of our keeping of the statutes, the fines suggested clearly violate the Eighth Amendment of the US Constitution regarding excessive fines. As stated before, I am not a lawyer and cannot give legal advice, but a clear reading of the amendment and US Supreme Court rulings suggest that the excessive fines proposed are in violation of the US Constitution. The unusual nature of the fines, in particular, are highlighted by the fact that I can find no comparison in any state or in federal statutes regarding elections.

In neither case does APOC suggest or require a remedy because no statute has been violated and no harm has been caused to the public. These appear to be clear cases of overregulation and overenforcement, beyond the purpose and wording of the statutes.

Additionally, the manner in which APOC staff suggest enforcement, without a set standard and with duplications of reports, would make engaging in the political process in Alaska overburdensome and restrictive in a manner that limits First Amendment Rights beyond the aforementioned violations of First Amendment Rights. No one can participate if it is too confusing and too onerous to do so.

In summary, the meritless and improperly filed complaint by an opponent was the instigation of what appears to be a flawed and prejudiced investigation by APOC staff that led to an error-filled report and misguided recommendations. I humbly ask that APOC amend its original staff report and reject all claims against Keep It Alaska and myself.

As stated in the Notice of Hearing, it is incumbent upon APOC to prove our guilt, not upon Keep It Alaska and myself to prove our innocence. The preponderance of the evidence clearly shows that we have not violated statute and have acted in good faith.

I hereby submit a MOTION TO DISMISS all claims against Keep It Alaska and myself.

Sincerely,

A handwritten signature in black ink, appearing to read "J B A". The signature is stylized with a large, sweeping "J" and a distinct "A" at the end.

**From:** joel borgquist.org joel@borgquist.org  
**Subject:** Re: Your call earlier to APOC (Keep it Alaska)  
**Date:** April 11, 2024 at 9:42 PM  
**To:** Whitlock, John G (DOA) john.whitlock@alaska.gov, joel@reddirtcampaigns.com  
**Cc:** Chung, Dyane (DOA) dyane.chung@alaska.gov, Hebdon, Heather R (DOA) heather.hebdon@alaska.gov, Sargent, Mike David (DOA) mike.sargent@alaska.gov



Hi John,

Thanks for getting back to me. I have a few follow up questions.

1. Which statute prohibits candidates from being present at IE Group fundraisers/events? I couldn't find anything specific that would cover that. (Also, see freedom of association below, which covers the freedom to gather and for individuals to attend such gatherings).
2. The statute regarding the 1/3 contributions was unclear about the timeframe. Is that in a given election cycle or a shorter or longer time period?
3. With no way of guaranteeing future donations, how does one meet the 1/3 statute if they spend in any race but then expected donations do not materialize as planned for other races that were anticipated to be greater OR if they anticipate the earlier races being 1/3 or more but then receive greater donations than expected that push later races above the threshold? Some clarity would be much appreciated.
4. How does the 1/3 group naming statute align with the freedom of association in the US Constitution, whereas no group or individual can be compelled to associate with another group or individual? The US Government provides some excellent resources regarding this issue, including Congress ([https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE\\_00013139/](https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/)). The first paragraph, fourth to last paragraph, and second to last paragraph are very clear that we do not have to associate with any person or group against our will, particularly as it relates to political expression. The citations in each paragraph take you to specific US Supreme Court cases and US Law. Whereas IE Groups are specifically legally established by the First Amendment, it seems clear that Supreme Court rulings regarding freedom of association under the First Amendment must be respected. Can you give me some more clarity?

Thanks, again!

- Joel

Joel Borgquist  
Chairman, Keep It Alaska

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**From:** Whitlock, John G (DOA) <john.whitlock@alaska.gov>  
**Sent:** Thursday, April 11, 2024 3:16 PM  
**To:** joel@reddirtcampaigns.com <joel@reddirtcampaigns.com>; joel borgquist.org <joel@borgquist.org>  
**Cc:** Chung, Dyane (DOA) <dyane.chung@alaska.gov>; Hebdon, Heather R (DOA) <heather.hebdon@alaska.gov>; Sargent, Mike David (DOA) <mike.sargent@alaska.gov>  
**Subject:** RE: Your call earlier to APOC (Keep it Alaska)