

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKANS FOR BETTER
ELECTIONS,

Complainant,

vs.

REPEAL NOW, AURORA ACTION
NETWORK, and ADVANCING
ALASKA ACTION,

Respondents.



Case No. 26-06-CD
26-08-CD
(Consolidated)

ALASKANS FOR BETTER ELECTIONS' PRE-HEARING BRIEF

Alaskans for Better Elections, Inc. ("ABE"), by and through counsel, provides this pre-hearing brief to assist the Commission with APOC Complaint 26-06-CD / 26-08-CD (consolidated) by presenting written arguments in advance of the hearing scheduled for August 26, 2026.

I. Introduction

At the outset, ABE appreciates the Commission's previous order setting the hearing on these consolidated complaints for August 26, along with APOC Staff's efforts to prepare a Staff Report in advance of that hearing.¹ But perhaps due to these time constraints, ABE disagrees with several recommended findings and conclusions contained in the Staff Report.

¹ See generally Staff Report Consolidated Complaints (Aug. 14, 2026).

The main issue for the Commission to decide is whether Respondent Aurora Action Network's "principal place of business" changed to a residential Anchorage address in April 2026 (and whether it was properly reported), or whether its principal place of business is instead (and should be listed as) Hudson, Wisconsin. As discussed below, ABE asks the Commission to adopt a bright-line rule: a contributing entity's "principal place of business" for purposes of AS 15.13.090 should be the entity's business address as reported to APOC on statement of contribution forms. The Commission has broad discretion to establish that bright-line rule, as well as impose appropriate remedies under the specific circumstances presented here.

The other errors in the Staff Report primarily concern calculated maximum civil penalties for Respondents' violations of Alaska's statutory disclaimer and disclosure requirements. The Commission certainly has broad discretion in deciding the level of civil penalties to impose. But the Commission should first find, based on the evidence provided in the complaints, that numerous campaign finance violations did occur.

ABE respectfully requests that the Commission find that all three Respondents (Repeal Now, Aurora Action Network, and Advancing Alaska Action) committed campaign finance violations, order Respondents to correct those violations, and then impose civil penalties commensurate with the severity of the violations.

II. The Commission Should Conclude That Respondent Aurora Action Network's Principal Place Of Business Is In Hudson, Wisconsin, Rather Than Anchorage, Alaska.

ABE appreciates the Staff Report's recognition that the Commission's decision on Aurora Action Network's "principal place of business" is a factual question, and that the Commission will need to adopt a standard for similar entities going forward.² However, ABE disagrees with the Staff Report's recommendation that the Commission find that Aurora Action Network's "principal place of business" became Anchorage, Alaska in April, because *every single* contemporaneous contribution report that Aurora Action Network filed (until yesterday) listed its business address in Hudson, Wisconsin.³

It is curious, and the Commission should not ignore, that initial supporters and key personnel for Repeal Now — namely, Bethany Marcum and Bob Griffin — are also the apparent decisionmakers for Aurora Action Network. This appears to be a post-hoc explanation,⁴ done to obscure the fact that the three largest true sources for Repeal Now are Elon Musk, Jeff Yass, and Timothy Mellon.⁵ It is one thing for the Commission to allow Repeal Now to not list these extremely wealthy individuals as its three largest

² See Staff Report at 4-14.

³ See Exhibits 5A-5L.

⁴ Compare Repeal Now's Response to APOC Complaint 26-06-CD (June 22, 2026), and Aurora Action Network's Response to APOC Complaint 26-06-CD (June 22, 2026), with Repeal Now's Answer to APOC Complaint 26-08-CD (July 29, 2026), and Aurora Action Network's Response to APOC Complaint 26-08-CD (July 29, 2026).

⁵ See Staff Report at 9 ("Repeal Now's top three contributors, as of the date of this staff report, would likely be Elon Musk of Austin, Texas, Jeff Yass of Bala Cynwyd, Pennsylvania, and Timothy Mellon of Saratoga, Wyoming.").

contributors on disclaimers. But it is another to not only allow Aurora Action Network to be listed in their stead, but to also permit Aurora Action Network to change their “principal place of business” mid-cycle with the apparent goal of deceiving Alaskans about where the support for Repeal Now is truly coming from.

ABE appreciates that the Commission’s “principal place of business” determination is a matter of first impression. Consequently, ABE believes that the Commission should use this opportunity to establish a bright-line rule for this case and in the future: a contributing entity’s “principal place of business” is the business entity address listed on a statement of contribution form filed with APOC. This is because the contributing entity will always be in the best position to know where they are principally located, and that entity will also be held responsible if its “principal place of business” is inaccurately reported. The alternative — where an intermediary changes its mailing address in the middle of an election cycle to the residential address of a supporter of the receiving entity — would make a mockery of Alaska’s requirement to list the “three largest contributors” on campaign disclaimers.⁶ Rather than providing voters with useful information, disclaimers would become a vehicle for misinformation.

ABE respectfully requests that the Commission conclude that: (1) an entity’s principal place of business for purposes of AS 15.13.090 is based on APOC reports filed by that entity’s statement of contribution reports; (2) Aurora Action Network’s principal

⁶ See AS 15.13.090.

place of business is in Hudson, Wisconsin, consistent with each and every one of its statement of contribution reports when the complaints were filed; and (3) Repeal Now therefore violated AS 15.13.090 by failing to correctly list Aurora Action Network's principal place of business. (Alternatively, if the Commission accepts Aurora Action Network's statements that their principal place of business became Anchorage, Alaska, the Commission should find that Aurora Action Network violated AS 15.13.040(k) by inaccurately reporting a different address on its statement of contribution forms.)

After making these findings, the Commission should then order Repeal Now to correct its misleading and inaccurate disclaimers on its campaign communications within seven (7) days. (Alternatively, the Commission should order Aurora Action Network to correct any inaccurate statement of contribution reports within three (3) days.) And in either scenario, the Commission may exercise its discretion with respect to civil penalties. Given Repeal Now's substantial sources of funding, promptly correcting the disclaimers is far more crucial than what civil penalties are ultimately imposed.

III. The Commission Should Conclude That Respondents Committed Campaign Finance Violations, And Only Then Decide Whether Civil Penalties Should Be Mitigated.

There are a number of instances where the Staff Report effectively found that Respondents *had* violated Alaska's statutory disclaimer and disclosure requirements, but then suggested that the Commission should nevertheless ignore these violations. The Staff Report's suggestion misapplies AS 15.13.390, and should be rejected. On each of

the points described below, the Commission should *first* conclude that violations occurred, and *then* decide what civil penalties to impose within its broad discretion.

A. ABE Withdraws Its Claim Related To Damien Stella.

The Staff Report gave ABE an opportunity to provide additional information and clarification regarding the inaccurate reporting of Damien Stella’s contribution to Repeal Now through Aurora Action Network.⁷ ABE respectfully requests that the Commission consider the claim withdrawn or conclude that there was no violation.

B. Repeal Now Inaccurately Listed Jim Lot Turner As The True Source Of A \$10,000.00 Contribution.

The Staff Report, consistent with a concession by Repeal Now, recognizes that Repeal Now did not accurately report “LOT, Inc.” as the true source of a \$10,000.00 contribution in April 2026.⁸ Yet the Staff Report suggests that the Commission should not consider it “a campaign disclosure violation.”⁹ This suggested resolution not satisfy AS 15.13.390.

There is no dispute that Repeal Now failed to properly reported LOT, Inc. as the true source of a significant contribution. Repeal Now had not amended its report by the time the Staff Report was issued.¹⁰ This is a violation with a maximum civil penalty of

⁷ See Staff Report at 14-16.

⁸ See *id.* at 22-23.

⁹ See *id.* at 23.

¹⁰ See *id.*

\$3,400.¹¹ The Commission should conclude that this was a campaign finance violation, and impose a civil penalty in its discretion. Repeal Now will then have the ability to request mitigation.

C. Repeal Now Failed To File First Quarterly Report.

Similarly, the Staff Report recognized that Repeal Now has failed to file quarterly reports with APOC for 2026.¹² And again, even though the Staff Report suggests otherwise,¹³ the plain language of AS 15.13.390 means that the Commission must find that violations occurred here. The Commission should then impose civil penalties, perhaps mitigated in its discretion, to account for Repeal Now's failure to file a quarterly report.¹⁴

D. Repeal Now Inaccurately Identified 22AKHE In APOC Reports For A Significant Length Of Time.

Finally, the Staff Report suggests that Repeal Now's failure to properly identify 24ESEG in its APOC reports — even though there was a brief period where Repeal Now *correctly* identified 24ESEG — should not even be considered a campaign finance

¹¹ There are 68 days, at \$50 a day, between April 30, 2026, and July 7, 2026, which was when ABE filed 26-08-CD. Alternatively, because ABE raised this issue in its first complaint as well, 28 days at \$50 a day would be \$1,400. *See* APOC Complaint 26-06-CD at 17-18 n.98.

¹² *See* Staff Report at 23-24.

¹³ *See id.* at 24.

¹⁴ Repeal Now's First Quarterly Report for 2026 should have been filed by no later than April 16, 2026. There are 42 days, at \$50 a day, between April 16, 2026, and May 28, 2026, which was when ABE filed 26-06-CD. This means that the maximum civil penalty for this violation is \$2,100.

violation.¹⁵ ABE disagrees. Repeal Now *did* violate the law by improperly listing either 22AKHE or other inaccurate references for months.¹⁶ The Commission should easily conclude that violations occurred.¹⁷

ABE recognizes that the maximum civil penalty for this violation is substantial.¹⁸ ABE therefore fully recognizes that the Commission would be well within its discretion to significantly mitigate any civil penalty.¹⁹ After all, as the Staff Report recognized, the public was unlikely to have been particularly harmed by this violation.²⁰ But APOC cannot simply pretend a violation did not occur, and there should nevertheless be *some* civil penalty for this violation; otherwise, there would be no incentive for entities like Repeal Now to accurately and correctly identify what ballot initiative they are supporting or opposing in the future.

IV. ABE's Suggested Calculations For Civil Penalties.

In some situations, the Staff Report failed to include simple calculations for known violations and civil penalties. For example, the Staff Report failed to calculate the

¹⁵ See Staff Report at 25.

¹⁶ See APOC Complaint 26-06-CD at 18-21.

¹⁷ See AS 15.13.390.

¹⁸ According to the Complaint, which neither the Staff Report nor Repeal Now dispute, there are a total of 29 separate independent expenditure reports with violations. See APOC Complaint 26-06-CD at 18-21. The total numbers of days where Repeal Now was in violation was 5,503. See *id.* At \$50 per day, that is a maximum civil penalty of \$275,150.

¹⁹ At a 90% reduction, that would be a civil penalty of \$27,515.

²⁰ See Staff Report at 25.

maximum civil penalties for the serious violations of Repeal Now reporting multiple post-dated true source contributions.²¹ The Staff Report also recommended regulatory mitigators to be applied by Respondent, rather than considering whether a mitigator should apply for a specific violation.²² The Commission should correct both of these and other calculation errors in its final order as described below.

A. Repeal Now.

1. Principal Place Of Business.

As described above, Repeal Now listed Aurora Action Network’s “principal place of business” as Anchorage, Alaska, even though *every single* one of Aurora Action Network’s contribution reports were filed listing Hudson, Wisconsin as its business address.²³ This means that Repeal Now filed false reports,²⁴ and used false disclaimers on its campaign communications.²⁵ Combined, this leads to a maximum civil penalty of \$58,650.²⁶ And although the Commission may exercise its discretion to reduce the civil

²¹ See *id.* at 16-17.

²² See *id.* at 28-29.

²³ See Exhibits 5A-5L.

²⁴ Repeal Now started falsely reporting Aurora Action Network’s principal place of business in reports on April 9, 2026. According to the complaint, that occurred for a total of 170 days, at \$50 per day, which is \$8,500. See APOC Complaint 26-06-CD at 20-21.

²⁵ Looking at the dates for the communications in Exhibits 6B, 7A, 8A-8Y, and 9A-9L, there are a total of 1,003 days of violation between then and the filing of 26-06-CD on May 28, 2026. At \$50 per day, that is \$50,150.

²⁶ As described in the two footnotes above, this is calculated by 1,173 total days of violations, at \$50 per day.

penalties here, they should not be reduced too much, since this faulty disclaimer has misled and deceived Alaskans in every campaign communication as to where Repeal Now's funding has come from.

2. \$500 Reporting Error.

The Staff Report notes that Repeal Now has conceded that it failed to properly file a report with APOC, to the tune of \$500.²⁷ Based on when this error was made, the Staff Report calculated the maximum civil penalty to be \$14,600.²⁸ The Commission should significantly mitigate this civil penalty to be more aligned with the amount at issue for this error (\$500). ABE therefore suggests that any civil penalty for this conceded error should be no more than the \$500 at issue.²⁹

3. \$15,000 Reporting Error.

The Staff Report also notes a more substantial \$15,000 reporting error.³⁰ Given the length of time that this income was unreported, the Staff Report calculates the maximum civil penalty to be \$4,000.³¹ Because this error is more substantial, the Commission should not provide as significant of a mitigation than the prior \$500 error.

²⁷ See Staff Report at 14.

²⁸ See *id.* at 27-28.

²⁹ For example, a 99% mitigation would result in a \$146 civil penalty.

³⁰ See Staff Report at 26.

³¹ See *id.* at 28.

And in no circumstance should the Commission mitigate this civil penalty by more than 75% given the scope of the error.

4. Post-Dated True Source Violations.

Repeal Now inaccurately listed seven true sources for contributions it received from Aurora Action Network that were post-dated to *after* the contribution was actually made.³² This is a serious violation, because Repeal Now's true source reports were *never* accurate. The Commission should therefore not exercise its discretion to mitigate this civil penalty as much as other violations. And because the reports were dated August 9, 2025,³³ and September 13, 2025,³⁴ respectively, the maximum civil penalty is \$27,150.³⁵

5. Mis-Reporting Advancing Alaska Action.

The Staff Report notes that there is a \$250 civil penalty for Repeal Now's failure to report the true source of Advancing Alaska Action's \$5,000 contribution, which was later refunded.³⁶ ABE has no issue with this \$250 maximum civil penalty calculation, and the Commission may (as always) exercise its discretion to reduce civil penalties.

³² See *id.* at 16-17.

³³ There are 292 days between August 9, 2025, and May 28, 2026.

³⁴ There are 251 days between September 13, 2025, and May 28, 2026.

³⁵ That is based on a combined 543 days at \$50 per day.

³⁶ See Staff Report at 28.

6. *Mis-Reporting LOT, Inc.*

The Staff Report notes that Repeal Now inaccurately reported the true source of a \$10,000 contribution from LOT, Inc.³⁷ Repeal Now concedes that this was an error. The Commission should therefore impose civil penalties based on a maximum civil penalty of \$1,400.³⁸

7. *First Quarterly Report.*

The Staff Report explains that Repeal Now failed to file its First Quarterly report for 2026.³⁹ The maximum civil penalty for this is 2,100.⁴⁰

8. *Improper References to 22AKHE.*

Finally, the Staff Report recognizes that Repeal Now inaccurately referred to 22AKHE, “2,” or “3” — instead of 24ESEG — in numerous reports.⁴¹ In fact, Repeal Now concedes that it erred. That inarguably constitutes a campaign finance violation, and results in a maximum civil penalty of \$275,150.⁴² Given that significant number, the Commission could certainly exercise its discretion to mitigate this civil penalty.

³⁷ See *id.* at 22-23.

³⁸ There are 28 days between April 30, 2026, and May 28, 2026, and the penalty is at a rate of \$50 per day.

³⁹ See Staff Report at 23-24.

⁴⁰ Repeal Now’s First Quarterly Report for 2026 should have been filed by no later than April 16, 2026. There are 42 days, at \$50 a day, between April 16, 2026, and May 28, 2026.

⁴¹ See Staff Report at 25.

⁴² Neither the Staff Report nor Repeal Now dispute ABE’s calculations in 26-06-CD, which note that there are a total of 29 separate independent expenditure reports with violations. See APOC Complaint 26-06-CD at 18-21. The total numbers of days where

B. Aurora Action Network.

The Staff Report recommends that the Commission assess a (mitigated) \$1,250 civil penalty against Aurora Action Network for failing to report the true source of Advancing Alaska Action's \$5,000 contribution. ABE does not object to this recommendation.

However, if Aurora Action Network continues to claim that its principal place of business is in Anchorage, Alaska, then additional civil penalties should be imposed against Aurora Action Network for failing to indicate that on a dozen statement of contribution reports.⁴³ Conservatively, only looking to the three statement of contribution reports on April 10, April 28, and May 14, 2026,⁴⁴ maximum civil penalty for these violations is \$4,600;⁴⁵ the Commission, in its discretion, may then apply mitigators to this amount. ABE suggests that the Commission apply only mitigate 50% of this civil penalty, because the public was misled and received conflicting information for months.⁴⁶

V. Conclusion

The Commission should conclude that Repeal Now and Aurora Action Network have committed numerous violations of Alaska's campaign finance laws and impose

Repeal Now was in violation was 5,503. *See id.* At \$50 per day, that is a maximum civil penalty of \$275,150.

⁴³ *See* Exhibits 5A-5L.

⁴⁴ *See* Exhibits 5I-5K.

⁴⁵ This is based on 92 total days of violations, at \$50 per day.

⁴⁶ *See* Exhibits 5A-5L.

meaningful civil penalties accordingly. And most importantly, the Commission should: (1) conclude that Aurora Action Network's principal place of business is in Hudson, Wisconsin; (2) order both Repeal Now and Aurora Action Network to correct their reports (and, where applicable, communications); and (3) impose significant civil penalties against both Respondents because they have improperly deceived Alaskans as to who, exactly, is contributing to their respective organizations.

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DATE: August 21, 2026

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via email on August 21, 2026, to the following:

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