

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

RESOURCE DEVELOPMENT COUNCIL)
FOR ALASKA, INC.; ALASKA TRUCKING)
ASSOCIATION, INC.; ALASKA MINERS)
ASSOCIATION, INC.; ASSOCIATED)
GENERAL CONTRACTORS OF ALASKA;)
ALASKA CHAMBER; and ALASKA)
SUPPORT INDUSTRY ALLIANCE,)

Plaintiffs,)

v.)

KEVIN MEYER, in his official capacity)
as Lt. Governor of the State of Alaska;)
GAIL FENUMIAI, in her capacity as Director)
of the Alaska Division of Elections; the)
STATE OF ALASKA, DIVISION OF)
ELECTIONS; and VOTE YES FOR)
ALASKA'S FAIR SHARE,)

Defendants.)

COPY
Original Received

APR 10 2020

Clerk of the Trial Courts

Case No. 3AN-20- 5901 CI

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

PARTIES

1. Plaintiff Resource Development Council For Alaska, Inc. ("RDC") is an Alaska nonprofit corporation that is a statewide business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism and fisheries industries. RDC's membership includes Alaska Native Corporations, local Alaska communities, organized labor, and industry support firms. RDC's purpose is to

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of Alaska's natural resources.

2. Plaintiff Alaska Trucking Association, Inc. is an Alaska nonprofit corporation comprised of members of Alaska's trucking community, as well as companies that support, produce, manufacture or supply services to the trucking industry. The Alaska Trucking Association has advocated for the interests of active, for hire, private, and specialized trucking companies in the Alaska transportation industry, as well as companies that support the trucking industry for over 60 years.

3. Plaintiff Alaska Miners Association, Inc. is an Alaska nonprofit corporation comprised of entities and individuals involved in mineral production in the State of Alaska. Alaska Miners Association, Inc. encourages and supports responsible mineral production in Alaska through, among other things, monitoring and participating in the political process to ensure that lands remain available for responsible mineral exploration and development and that mineral production remains a viable industry in Alaska.

4. Plaintiff Associated General Contractors of Alaska is an Alaska nonprofit corporation comprised of members that are actively involved in residential, institutional and commercial building, industrial, infrastructure and heavy construction in Alaska, as well as those that support the Alaska construction industry. Among other things, Associated General Contractors of Alaska advocates on behalf of its members and the Alaska construction industry for responsible public policy that promotes construction in Alaska.

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

5. Plaintiff Alaska Chamber is an Alaskan member-based group that has been the voice of the Alaska business community since its founding in 1953. The Alaska Chamber's membership includes, among others, individual Alaskans, Alaska Native Corporations, oil and gas companies, trucking companies, banks, mining entities, and tourism companies.

6. Plaintiff Alaska Support Industry Alliance is an Alaska nonprofit corporation comprised of members of individuals and entities that support safe, environmentally responsible development of Alaska's oil, gas and mineral resources for the benefit of all Alaskans. Alaska Support Industry Alliance advocates on behalf of its members for public policy that supports the responsible development of Alaska's natural resources and the jobs that come with responsible development.

7. Defendant Kevin Meyer is the lieutenant governor of the State of Alaska and is sued solely in his official capacity with regard to the discharge of his duties under Article XI of the Alaska Constitution and Title 15, Chapter 45 of the Alaska Statutes.

8. Defendant Gail Fenumiai ("Director Fenumiai") is the Director of the Division of Elections and is sued solely in her official capacity with regard to the discharge of her duties under Article XI of the Alaska Constitution and Title 15, Chapter 45 of the Alaska Statutes.

9. Defendant State of Alaska, Division of Elections (the "Division") is the agency charged with, in conjunction with the Lieutenant Governor, administering Alaska ballot initiatives.

10. Defendant Vote Yes For Alaska’s Fair Share is the official ballot group for the state-wide initiative entitled “An Act changing the oil and gas production tax for certain fields, units, and nonunitized reservoirs on the North Slope.” Hereinafter this initiative is referred to as “19OGTX.”

FACTS

11. Alaska law prohibits payment in excess of \$1 per signature gatherer. The same statute requires that signature gatherers must be Alaska citizens. These reasonable requirements were intended to protect Alaska’s ballot initiative process from the corrupting influence of outside interests and to assure that ballot initiatives have the support of Alaskans.

12. On or about October 23, 2019, the Division of Elections issued printed petition booklets to the sponsors of the 19OGTX initiative.

13. On or before October 31, 2019, Vote Yes for Alaska’s Fair Share hired Texas Petition Strategies of Buda, Texas, to collect the requisite number of signatures from Alaska voters to put 19OGTX on the state-wide ballot.

14. On or before January 16, 2020, Vote Yes for Alaska’s Fair Share hired the Dallas, Texas office of a national professional signature gathering company based in Las Vegas, Nevada, Advanced Micro Targeting, Inc. (“Advanced Micro Targeting”), to collect the requisite number of signatures from Alaska voters to put 19OGTX on the state-wide ballot.

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

15. The Division of Elections received in total 786 signed petition booklets for signatures gathered in support of putting 19OGTX on the ballot.

16. Of the total 786 petition booklets, zero (0) of them were submitted by individuals stating they were paid by Texas Petition Strategies to collect signatures.

17. Of the total 786 petition booklets, 544 of them were submitted by circulators stating they were paid by Advanced Micro Targeting to collect signatures.

18. As required by Alaska law, each of these circulators submitted a “Certification Affidavit” along with each petition booklet.

19. As required by Alaska law, each individual working for Advanced Micro Targeting swore that he or she had not “entered into an agreement with a person or organization in violation of AS 15.45.110(c).”

20. AS 15.45.110(c) provides in full: “A circulator may not receive payment or agree to receive payment that is greater than \$1 a signature, and a person or an organization may not pay or agree to pay an amount that is greater than \$1 a signature, for the collection of signatures on a petition.”

21. According to public filings, Vote Yes For Alaska’s Fair Share paid \$130,000 to Texas Petition Strategies and \$72,500 to Advanced Micro Targeting.

22. Advanced Micro Targeting offered to pay an amount that is greater than \$1 per signature for the collection of signatures on a petition by advertising that it would pay signature gatherers \$3,500 - \$4,000 per month plus bonus, and that it expected 80-100 signatures per day, six days per week in return for such compensation.

23. On information and belief, Advanced Micro Targeting and/or Texas Petition Strategies paid to fly nonresident professional signature gatherers to Alaska, and also provided meals and lodging as additional compensation.

24. Upon information and belief, signature gatherers hired by Texas Petition Strategies to gather signatures on the 19OGTX petitions were subsequently hired and paid by Advanced Micro Targeting for the collection of signatures on the 19OGTX petitions. Upon information and belief, Texas Petition Strategies and/or Advanced Micro Targeting paid individuals in excess of \$1 a signature for the collection of signatures on the 19OGTX petitions.

25. Many of the circulators who stated they were paid by Advanced Micro Targeting who submitted the 19OGTX booklets falsely swore compliance with AS 15.45.110(c), as they were paid in excess of \$1 a signature for the collection of signatures on the 19OGTX petitions.

COUNT I: DECLARATORY JUDGMENT
(Violation of AS 15.45.110(c) and AS 15.45.130)

26. Paragraphs 1-25 are herein incorporated.

27. AS 15.45.110(c) prohibits anyone from paying petition circulators in excess of \$1 a signature for the collection of signatures on petition booklets.

28. AS 15.45.130 requires each person who personally circulated a petition booklet to certify by affidavit swearing that the circulator, among other things, did not enter into an agreement that violated AS 15.45.110(c) or receive payment in excess of \$1 per signature.

**HOLLAND &
KNIGHT LLP**
420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

29. Pursuant to AS 15.45.130, each petition booklet must be certified by an affidavit of the circulator and “the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted.”

30. A petition booklet supported by a circulator’s false affidavit is not “properly certified” under AS 15.45.130.

31. Many of the circulator affidavits submitted with the 19OGTX petition booklets by the individuals who stated they were paid by Advanced Micro Targeting are false, and the petitions supported by those affidavits are not properly certified, because these individuals were paid in excess of \$1 per signature for the collection of signatures on the 19OGTX petitions.

32. Plaintiffs are entitled to a declaration that the 19OGTX petition booklets that are supported by false circulator affidavits have not been properly certified under AS 15.45.130 and that the signatures in those booklets may not be counted.

COUNT II: INJUNCTIVE RELIEF
(Invalidation of Offending Petition Booklets)

33. Paragraphs 1-32 are herein incorporated.

34. AS 15.45.130 provides, in relevant part, that in “determining the sufficiency of the petition, the lieutenant governor may not count subscriptions on petitions not properly certified at the time of filing or corrected before the subscriptions are counted.”

35. Many of the affidavits accompanying the 544 petition booklets by the individuals working for Advanced Micro Targeting to circulate petitions in support of

**HOLLAND &
KNIGHT LLP**
420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

19OGTX are false, and therefore not properly certified, because these individuals were paid in excess of \$1 per signature for the collection of signatures on the 19OGTX petitions.

36. The Court must enter an order that Lt. Governor Meyer must invalidate those petition booklets and all subscriptions contained within those booklets as not properly certified.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief as follows:

1. For a declaration from the Court that Alaska law requires the invalidation of all signatures contained in petition booklets submitted by the individuals paid in excess of \$1 per signature to collect signatures in support of 19OGTX because those petitions were submitted with false petition circulator affidavits.

2. For a declaration that the Lieutenant Governor and the Division of Elections may not count signatures contained in the petition booklets submitted by the individuals paid in excess of \$1 per signature to collect signatures in support of 19OGTX because those petitions were submitted with false petition circulator affidavits.

3. For a declaration that, in accordance with AS 15.45.130, the Lieutenant Governor may not count the signatures contained in the petition booklets that were falsely sworn to and not properly certified.

4. For a declaration that Vote Yes For Alaska's Fair Share violated AS 15.45.110(c) by effectively paying or agreeing to pay an amount that is greater than \$1

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345

per signature for the collection of signatures and that it otherwise failed to file a petition meeting the requirements of AS 15.45.140.

5. For entry of an injunction requiring the Lieutenant Governor and the Division of Elections to invalidate 19OGTX petition booklets not properly certified because they were submitted with false petition circulator affidavits and prohibiting the Lieutenant Governor and the Division of Elections from counting the signatures contained in those petition booklets.

6. For other and further relief as the court deems just and equitable.

DATED at Anchorage, Alaska this 10th day of April, 2020.

HOLLAND & KNIGHT LLP
Attorneys for Plaintiffs

By: 

for Matthew Singer
Alaska Bar No. 9911072

By: 

Lee C. Baxter
Alaska Bar No. 1510085

**HOLLAND &
KNIGHT LLP**

420 L Street, Suite 400
Anchorage, AK 99501
Phone: (907) 263-6300
Fax: (907) 263-6345