

April 1, 2021

(via email)

Rep. Jonathan Kreiss-Tomkins, Chair
Rep. Matt Claman, Vice Chair
Alaska House of Representatives
State Affairs Committee
Alaska State Capitol, Room 120
Juneau, Alaska 99801

Re: Letter of Support Regarding House Bill 157

Representatives Kreiss-Tomkins and Claman:

I write to you today, solely in my personal capacity, in support of House Bill 157, sponsored by Representative Sara Rasmussen.

I understand that there might be resistance to this bill on both sides of the aisle due to the controversy surrounding pending recall efforts, including the effort to recall Governor Michael J. Dunleavy. However, because this bill treats all sides equally (pro- and con); because it has been drafted such that it will not disrupt or apply to any current effort; and because this bill remedies a major gap in Alaska's campaign finance laws, I urge its passage.

At first blush, I might seem to be an odd advocate for HB157.

I was one of the original authors of the recall application against Governor Dunleavy. I was also one of the attorneys who successfully challenged and overturned former Attorney General Clarkson's wrongful rejection of the recall application in the Superior Court and the Alaska Supreme Court. In addition, I am one of thousands of Alaskans that have personally donated funds to the recall effort. At the same time, I was one of the authors of the election reform-focused Ballot Measure 2, which passed last year. One of the primary pillars of Ballot Measure 2 was more timely and complete disclosure of spending in our elections. Accordingly, it is evident to me that the current void in the law with respect to the finances of recall elections harms the public by shielding political activities from disclosure and leads to needless controversy and speculation.

To be clear, the Recall Dunleavy organization is absolutely in compliance with current laws, which do not require disclosure until (and unless) a recall election is actually scheduled by the Division of Elections. This fact has been publicly confirmed by the Alaska Public Offices Commission.

What often gets overlooked by the media and public is that hundreds of thousands in donations *against* the recall of Governor Dunleavy have also been raised by at least two

official entities—“Stand Tall with Mike”¹ and “Keep Dunleavy.”² The public is entirely in the dark regarding those anti-recall entities’ income and spending. Not a single dollar has been reported to APOC, because such reports are not required under current law.

Alaska needs HB157 because when there is a lack of transparency regarding the spending in our elections, we lose the public’s trust. Worse still is the fact that a lack of disclosure increases the appearance of, and opportunity for, corruption of our public officials.

With respect to the pro-recall organization, Alaskans are rightly curious as to where this largely volunteer organization gets its funding and what motivations those funders might have.

With respect to the anti-recall groups, the stakes are much, much higher. Under current law, we have a sitting governor who is able to anonymously raise funds for a campaign to keep his office. Because this is a recall election (and not a re-election) he is able to request and receive funds in unlimited amounts from virtually any source. Media coverage has shown that Governor Dunleavy has in fact requested funds publicly during interviews given in his role as governor,³ and that he has likely requested contributions in private meetings and during his official travel as well.⁴ Some have even speculated that Governor Dunleavy used official meetings with federal officials to raise support and contributions for his anti-recall campaign.⁵ To be clear, under current law it is perfectly legal for a sitting Alaska governor to anonymously raise unlimited funds for his or her

¹ <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4599&ViewType=GR>

² <https://aws.state.ak.us/ApocReports/Common/View.aspx?ID=4842&ViewType=GR>

³For example, see <https://www.adn.com/politics/2019/10/24/dunleavy-takes-recall-defense-national-with-appearances-on-fox-breitbart-and-other-outlets/> ; <https://www.adn.com/politics/2019/10/17/even-before-certification-recall-campaign-and-defense-are-accelerating/> “I do have a website,” said Governor Dunleavy, “I may call upon you to help out with this recall effort.” <https://www.ktoo.org/2019/10/24/dunleavy-reaches-his-supporters-inside-and-outside-alaska-through-national-media-outlets/> Discussing Governor Dunleavy’s national media tour in opposition to the recall including the statement on “Breitbart News Sunday” in which he stated “**We** do have a website: It’s standtallwithmike.com.” (emphasis added).

⁴ For example, Governor Dunleavy attended and spoke at the Republican Governor’s Association meeting in Boca Raton, Florida on November 20, 2019 (<https://www.rga.org/americas-republican-governors-discuss-policy-priorities-at-2019-rga-annual-conference/>) and the RGA’s IRS filings showed that two days later, on November 22, 2019, the RGA donated \$125,000 to “Stand Tall with Mike” (<https://static1.squarespace.com/static/59f229bd2aeba5312c87df44/t/5e8d4dcb0f4ca16e7ac662b1/1586318803902/IRS+filing+STWM1.pdf>).

⁵ <https://mustreadalaska.com/trump-tweets-his-full-support-for-gov-dunleavy/?fbclid=IwAR0IRpr79rL9AbySoy0cw7yaXOvNgzABSQTQ77VQJ-a0Uy1I9t7A4A0CHSI>

own anti-recall campaign—and it is entirely possible that none of those activities will ever be disclosed.

Regardless of the individuals involved in a recall in the future—and regardless of their party or political views—the status quo is untenable. It presents a massive blind spot for the public and an unacceptably high risk of corruption and undue influence on our elected officials.

For all of these reasons, I urge all legislators to support Representative Rasmussen's HB157.

Sincerely,

Scott Kendall