

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE
FILED IN ANCHORAGE
State of Alaska Third District

LA QUEN NÁAY ELIZABETH
MEDICINE CROW, AMBER LEE, and
KEVIN MCGEE,

Plaintiffs,

vs.

DIRECTOR CAROL BEECHER, in her
official capacity, LT. GOVERNOR
NANCY DAHLSTROM, in her official
capacity, and the STATE OF ALASKA,
DIVISION OF ELECTIONS,

Defendants,

vs.

DR. ARTHUR MATHIAS, PHILLIP
IZON, and JAMIE R. DONLEY,

Intervenors.

09 2024
Clerk of the Trial Courts
By Deputy

**PLAINTIFFS' PROPOSED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Case No.: 3AN-24-05615CI

TABLE OF CONTENTS

I.	INTRODUCTION.....	4
II.	FINDINGS OF FACT.....	4
A.	Preliminary Findings.....	4
B.	Trial.....	5
1.	Brooke Reinsch's Testimony.....	7
2.	Derek Applin's Testimony.....	8
3.	Valerie Kenny's Testimony.....	10
4.	Angela Chiappetta's Testimony.....	12

5.	<i>Dawn Dunbar's Testimony</i>	16
6.	<i>Gregory Lee's Testimony</i>	18
7.	<i>Alexander Susky's Testimony</i>	23
8.	<i>Marcie Wilson's Testimony</i>	29
9.	<i>John "Jay" Costa's Testimony</i>	31
10.	<i>Michaela Thompson's Testimony</i>	45
11.	<i>Linn McCabe's Testimony</i>	47
12.	<i>Linda Berg Smith's Testimony</i>	54
13.	<i>Robert Coulter's Testimony</i>	59
14.	<i>John Whisamore's Testimony</i>	69
15.	<i>William Quantick's Testimony</i>	71
16.	<i>Mikaela Emswiler's Testimony</i>	75
17.	<i>Kathryn McCollum's Testimony</i>	86
18.	<i>Phillip Izon's Testimony</i>	93
19.	<i>Theodorus Ransum's Testimony</i>	106
20.	<i>Dr. Arthur Mathias's Testimony</i>	112
21.	<i>Brad Campbell's Testimony</i>	115
22.	<i>Eric Hughes's Testimony</i>	118
23.	<i>Trevor Jepsen's Testimony</i>	122
24.	<i>Natalie Martin's Testimony</i>	126
25.	<i>Colleen Sherman's Testimony</i>	130
26.	<i>Sylvia Stewart's Testimony</i>	133
27.	<i>James Stocker's Testimony</i>	135
28.	<i>Sharon Wessels's Testimony</i>	137
29.	<i>Jesse Baise's Testimony</i>	139
30.	<i>Richard Eide's Testimony</i>	141
31.	<i>John Miller's Testimony</i>	143
32.	<i>Barbara Tyndall's Testimony</i>	145
III.	CONCLUSIONS OF LAW	147

A. Applicable Law	147
1. Signatures must be made in a circulator's "actual presence" and petition booklets cannot be "shared" among multiple circulators.....	147
2. Plaintiffs are entitled to a negative factual inference from witnesses who invoke the Fifth Amendment in response to questions regarding petition circulation.....	148
3. This Court can invalidate individual signatures based on circulator misconduct.	148
4. This Court can invalidate entire booklets based on circulator misconduct.	149
5. This Court can invalidate all booklets by specific circulators determined to have fraudulently certified petition booklets.....	149
6. This Court can invalidate the entirety of the 22AKHE petition based on pervasive and endemic defective signature gathering practices.	150
B. The Court Concludes That 22AKHE Must Be Disqualified Because of Pervasive Problems With Their Petition Campaign As A Whole.....	151
C. The Court Concludes That 22AKHE Must Be Disqualified Because A Dispositive Number Of Signatures Were Improperly Gathered In Violation Of AS 15.45.130.	152

I. INTRODUCTION

Plaintiffs La Quen Náay Elizabeth Medicine Crow, Amber Lee, and Kevin McGee (collectively “Plaintiffs”), by and through counsel Cashion Gilmore & Lindemuth, hereby provide the Court with their proposed findings of fact and conclusions of law.

II. FINDINGS OF FACT

A. Preliminary Findings

1. Intervenors Dr. Arthur Mathias, Phillip Izon II, and Jamie R. Donley (collectively “the Sponsors”) filed an initiative application for what would later become 22AKHE on November 23, 2022.
2. Defendants Director Carol Beecher, Lieutenant Governor Nancy Dahlstrom, and the State of Alaska, Division of Elections (collectively “the Division”) certified the application on January 20, 2023.
3. The Sponsors received training on lawful petition circulation and 22AKHE petition booklets from Division staff on February 8, 2023.
4. The Sponsors filed 655 22AKHE petition booklets with the Division on January 12, 2024. 640 of those booklets were accepted by the Division.
5. On March 8, 2024, the Division notified the Sponsors that 22AKHE qualified for the 2024 general election ballot.
6. Plaintiffs timely filed a Complaint in the above-captioned matter on April 2, 2024.
7. The Sponsors intervened without objection in April 2024.

8. The parties stipulated, and the Court granted, an expedited briefing, trial, and decision schedule.
9. The Court issued its first order on summary judgment on June 7, 2024.
10. The Court issued its second order on summary judgment on June 21, 2024.
11. The Court conducted a trial to resolve the parties' remaining disputed factual issues.
12. One disputed factual issue concerned the validity of two specific signatures that were counted by the Division.
13. The second disputed factual issue concerned whether specific 22AKHE petition booklets were properly circulated in accordance with Alaska law, and whether there were enough improprieties to disqualify 22AKHE.

B. Trial

14. The Court conducted a trial on June 24-26 and July 2-3, 2024; additional trial days and times were made available to the parties, but the Sponsors declined to present testimony on those days.
15. The Court watched the following twenty-one (21) designated and counter-designated videotaped depositions: (1) Brad Campbell; (2) Robert Coulter; (3) Mikaela Emswiler; (4) Eric Hughes; (5) Phillip Izon, II; (6) Trevor Jepsen; (7) Kathryn McCollum; (8) Natalie Martin; (9) Dr. Arthur Mathias; (10) William Quantick; (11) Theodorus Ransum; (12) Colleen Sherman; (13) Linda Berg Smith; (14) Syliva Stewart; (15) James Stocker; (16) Sharon

Wessels; (17) Jesse Baise; (18) Richard Eide; (19) John Miller; (20) Barbara Tyndall; and (21) John "Jay" Costa. The parties agreed prior to trial that the Court could watch all of the designated and counter-designated videotaped deposition testimony on its own time rather than in open court.

16. At trial, the Court heard live testimony from the following eighteen (18) witnesses: (1) Brooke Reinsch; (2) Derek Applin; (3) Valerie Kenny; (4) Angela Chiappetta; (5) Dawn Dunbar; (6) Gregory Lee; (7) Michaela Thompson; (8) Linn McCabe; (9) Alexander Susky; (10) Marcie Wilson; (11) Linda Berg Smith; (12) Robert Coulter; (13) John Whisamore; (14) John "Jay" Costa; (15) William Quantick; (16) Mikaela Emswiler; (17) Kathryn McCollum; and (18) Philip Izon.

17. Combined, the Court heard testimony from thirty-two (32) individuals.

18. The Court admitted the following exhibits: 1001A, 1003C, 1003E, 1009, 1011, 1012, 1013, 1014, 1016A-J, 1017A-J (exhibits 1017G and 1017H were admitted in part), 1018A-K, 1019A-D, 1020A-E (exhibit 1020B was admitted in part), 1021A-W (exhibits 1021K, 1021V, and 1021W were admitted in part), 1022A-C (exhibit 1022C was admitted in part), 1024A-B, 1026-1029, 1032-1038, 1041A-W, 1045, 1047D, 1053, 1055 (only the tables and charts at pages 8-19, 21, 24-26 were admitted), 1055A, 1055E, 1056, 1056A-B, 2001-2641, 3001, 3002A-G, 3002I, 3004A-H, 3005A-E, 3008A-ZA, 3009, and 3011.

1. Brooke Reinsch's Testimony

i. Testimony and Evidence

19. Ms. Reinsch testified via telephone to authenticate photos of a 22AKHE petition booklet that she took on July 25, 2023.

20. Ms. Reinsch testified that she observed the petition booklet unmonitored and unattended at Duane's Antique Market ("Duane's") on July 25, 2023.

21. Ms. Reinsch testified that no one asked for her signature or if she was a registered voter when she walked into Duane's on July 25, 2023.

22. Ms. Reinsch authenticated exhibits 1024A and 1024B, which are photographs of petition booklet 0835 (exhibit 2484, p. 25), accompanied by a pen, that was left unmonitored and unattended at Duane's on July 25, 2023.

ii. Findings

23. The Court finds Ms. Reinsch's testimony to be credible.

24. The Court finds that it is more likely than not that petition booklet 0835 (exhibit 2484), was not properly circulated because it was left unattended at Duane's, and that all of the signatures contained within that petition booklet must be disqualified.

25. The Court finds that Ms. Reinsch's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

26. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

2. Derek Applin's Testimony

i. Testimony and Evidence

27. Mr. Applin testified via telephone to authenticate photos and videos of 22AKHE petition booklets that he took in August 2023.

28. Mr. Applin testified that he observed petition booklet 0835 (exhibit 2484) unmonitored and unattended at Duane's Antique Market ("Duane's") on August 4, 2023.

29. Mr. Applin testified that two people were present at Duane's on August 4, 2023: one man at the front desk who appeared to be an employee, and another carrying things in and out of the store who appeared to be an employee or a delivery man. Mr. Applin testified that only the employee at the front desk appeared to have any concern over the booklet, and that he had a conversation with that employee.

30. Mr. Applin authenticated exhibits 1020A and 1020B, which are videos he took of petition booklet 0835 (exhibit 2484) at Duane's on August 4, 2023. Mr. Applin also authenticated exhibits 1020C and 1020D, which are photographs he took of petition booklet 0835 (exhibit 2484) at Duane's on August 4, 2023. In exhibit 1020B, the employee of Duane's told Mr. Applin

that he did not know what the petition was about or what it was for.

31. Mr. Applin further testified that he observed petition booklet 0950 (exhibit 2549) at the Mat-Su Republican Women's Club ("the Club") "booth" at the Alaska State Fair on August 19, 2023.

32. Mr. Applin testified that he observed people walk up and sign petition booklet 0950 (exhibit 2549) at the Club "booth" at the State Fair on August 19, 2023.

33. Mr. Applin authenticated exhibit 1020E, which is a video he took of petition booklet 0950 (exhibit 2549) and his interaction with the woman circulating that booklet at the Club "booth" at the Alaska State Fair on August 19, 2023.

34. The woman circulating petition booklet 0950 (exhibit 2549) was later identified by Linda Berg Smith as Linda Berg Smith.

35. Exhibit 1020E also shows another woman, later identified as "Donna" by Ms. Smith, circulating another petition booklet at the Club "booth" at the Alaska State Fair on August 19, 2023.

ii. Findings

36. The Court finds Mr. Applin's testimony to be credible.

37. The Court finds that it is more likely than not that petition booklet 0835 (exhibit 2484) was not properly circulated because it was left unmonitored and unattended at Duane's, and that all of the signatures contained within that petition booklet must be disqualified.

38. The Court finds that it is more likely than not that petition booklet 0950 (exhibit 2549) was not properly circulated because Linda Berg Smith gathered signatures in that booklet, and that booklet is certified as being circulated only by Eric Hughes, and that all signatures contained within petition booklet 0950 (exhibit 2549) must be disqualified.

39. The Court finds that Mr. Applin's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

40. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

41. The Court further finds that Mr. Applin's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

3. Valerie Kenny's Testimony

i. Testimony and Evidence

42. Ms. Kenny testified via telephone about two 22AKHE petition booklets that she observed were left unmonitored and unattended at Tudor Bingo in October 2023 for at least one week if not longer.

43. Ms. Kenny testified that she observed two unmonitored and unattended booklets at Tudor Bingo on October 23, 2023. The two petition booklets were later identified during Dawn Dunbar's testimony as petition booklets 0967 (exhibit 2560) and 0968 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets).

44. Ms. Kenny testified that no one was standing next to the booklets, no one asked for her signature, and no one asked if she was a registered voter.

45. Ms. Kenny testified that she observed writing in one of the unmonitored and unattended booklets that stood out to her because it said something in favor of ranked-choice voting. Writing consistent with Ms. Kenny's testimony can be seen on page 25 of exhibit 2560.

46. Ms. Kenny testified that she returned to Tudor Bingo in the weeks after October 23, 2023, and that the booklets remained there unmonitored and unattended for at least one week, if not longer. Ms. Kenny testified that she never observed anyone monitoring the booklets during that time.

ii. Findings

47. The Court finds Ms. Kenny's testimony to be credible.

48. The Court finds that it is more likely than not that petition booklet 0967 (exhibit 2560) was not properly circulated because it was left unmonitored and unattended at Tudor Bingo on October 23, 2023, and remained unmonitored and unattended for at least a week if not longer, and that all the signatures

contained within that petition booklet must be disqualified.

49. The Court finds that Ms. Kenny's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

50. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

4. Angela Chiappetta's Testimony

i. Testimony and Evidence

51. Ms. Chiappetta testified via telephone to authenticate photos and videos of 22AKHE petition booklets that she observed in several locations in August and September 2023.

52. Ms. Chiappetta testified that she observed petition booklet 0835 (exhibit 2484) unmonitored and unattended at Duane's Antique Market ("Duane's") on August 16, 2023.

53. Ms. Chiappetta testified that when she walked into Duane's on August 16, 2023, no one was standing near petition booklet 0835 (exhibit 2484), that a man who identified himself as "Duane" left the store completely at one point, and that another employee of the store was in a different room entirely.

54. Ms. Chiappetta authenticated exhibit 1018A, which is a video she took of the

unmonitored and unattended petition booklet 0835 (exhibit 2484) accompanied by a pen at Duane's on August 16, 2023. The video depicts the individual Ms. Chiappetta identified as "Duane" leaving the store. Ms. Chiappetta also authenticated exhibits 1018B and 1018C, which are photos she took of the unmonitored and unattended booklet 0835 (exhibit 2484), and 1018D, which is a photo she took of the other employee she observed in a separate room at Duane's on August 16, 2023.

55. Ms. Chiappetta further testified that she observed petition booklet 0608 (exhibit 2364) left unmonitored and unattended on the front counter at GF Sherman Signs on August 25, 2023.

56. Ms. Chiappetta authenticated exhibits 1018E, 1018F, and 1018G, which are photos she took of petition booklet 0608 (exhibit 2364), accompanied by pens, that she observed had been left unmonitored and unattended at GF Sherman Signs on August 25, 2023.

57. Ms. Chiappetta further testified that she observed petition booklet 0694 (exhibit 2419) at the Mat-Su Republican Women's Club ("the Club") "booth" at the Alaska State Fair on September 1, 2023, and interacted with the women circulating that booklet.

58. Ms. Chiappetta testified that petition booklet 0694 (exhibit 2419) had the name "Natalie" written on it, but none of the women circulating that booklet said their name was Natalie when Ms. Chiappetta asked.

59. Petition booklet 0694 (exhibit 2419) has the name "Natalie Martin" written on the top right corner of the first page.

60. Ms. Chiappetta authenticated exhibit 1018H, which is a video she took of petition booklet 0694 (exhibit 2419) and the interaction she had with the women at the Club "booth" at the Alaska State Fair on September 1, 2023, where none of the women identified themselves as "Natalie." Kathryn McCollum later confirmed that none of the women in the video are the booklet's certifying circulator, Natalie Martin.

61. Ms. Chiappetta testified that she returned to the Alaska State Fair on September 2, 2023, and observed petition booklet 0696 (exhibit 2421) at the Club "booth" and interacted with the woman circulating that booklet who identified herself as "Nan." Nan was later identified as Nan Potts by both Linn McCabe and Ms. McCollum.

62. Ms. Chiappetta authenticated exhibit 1018I, which is a video she took of Ms. Potts circulating petition booklet 0696 at the Club "booth" at the Alaska State Fair on September 2, 2023. Ms. Chiappetta also authenticated exhibits 1018J and 1018K, which are photos she took of booklet 0696 (exhibit 2421) at the same location and on the same date.

63. Petition booklet 0696 (exhibit 2421) was certified by Ms. McCabe.

64. No 22AKHE petition booklets were certified as being circulated by Nan Potts (exhibits 2001-2640).

ii. Findings

65. The Court finds Ms. Chiappetta's testimony to be credible.

66. The Court finds that it is more likely than not that petition booklet 0835 (exhibit 2484), was not properly circulated because it was left unmonitored and unattended at Duane's, and that all of the signatures contained within that petition booklet must be disqualified.

67. The Court finds that it is more likely than not that petition booklet 0608 (exhibit 2364), was not properly circulated because it was left unmonitored and unattended at GF Sherman's Signs, and that all the signatures contained within that petition booklet must be disqualified.

68. The Court finds that it is more likely than not that petition booklet 0694 (exhibit 2419) was not properly circulated because other individuals gathered signatures in the booklet that is certified as being circulated only by Natalie Martin, and that all the signatures contained within that petition booklet must be disqualified.

69. The Court finds that it is more likely than not that petition booklet 0696 (exhibit 2421), was not properly circulated because Nan Potts gathered signatures in the booklet that is certified as being circulated only by Linn McCabe, and that all the signatures contained within that petition booklet must be disqualified.

70. The Court finds that Ms. Chiappetta's testimony provides support for the

Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

71. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

72. The Court further finds that Ms. Chiappetta's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

5. Dawn Dunbar's Testimony

i. Testimony and Evidence

73. Ms. Dunbar testified via telephone to authenticate photos of 22AKHE petition booklets that she took at Tudor Bingo on October 23, 2023.

74. Ms. Dunbar testified that she was with her friend, Valerie Kenny, when she observed petition booklets 0967 (exhibit 2560) and 0968 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets) left unmonitored and unattended at Tudor Bingo on October 23, 2023.

75. Ms. Dunbar further testified that petition booklets 0967 (exhibit 2560) and 0968 remained unmonitored and unattended at Tudor Bingo for several weeks

after October 23, 2023, that she never saw anyone monitoring the booklets during that time, that no one ever asked her to sign the booklets or if she was a registered voter, and that she observed people picking up and writing on the booklets.

76. Ms. Dunbar authenticated exhibits 1019A, 1019B, and 1019C, which are photos that she took of the unmonitored and unattended petition booklets 0967 (exhibit 2560) and 0968, accompanied by pens, at Tudor Bingo on October 23, 2023.

77. Ms. Dunbar testified that she called the Division and told them about the unmonitored and unattended petition booklets at Tudor Bingo.

78. Exhibit 1027 is a note from a Division employee with information consistent with Ms. Dunbar's testimony.

79. Exhibit 1012 (and exhibit 1056B) is an email from Michaela Thompson to Phillip Izon and Carol Beecher consistent with Ms. Dunbar's testimony.

ii. Findings

80. The Court finds Ms. Dunbar's testimony to be credible.

81. The Court finds that it is more likely than not that petition booklet 0967 (exhibit 2560) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was left unattended at Tudor Bingo.

82. The Court finds that Ms. Dunbar's testimony provides support for the Court's

finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

83. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

6. Gregory Lee's Testimony

i. Testimony and Evidence

84. Mr. Lee testified via telephone to authenticate an audio recording that he made of a phone call he had with Mikaela Emswiler on November 14, 2023, as well as photos and videos of 22AKHE petition booklets he observed in several locations in October and November 2023.

85. Mr. Lee testified that he was employed by the Mobilization Center in the fall of 2023, and that was instructed by his employer to gather evidence about the 22AKHE signature gathering campaign, including by engaging with the campaign organizers as a prospective signature gatherer.

86. Mr. Lee authenticated exhibit 1003A, which is an audio recording he made of a phone call he had with Mikaela Emswiler on November 14, 2023. During the call, Ms. Emswiler gives Mr. Lee permission to leave booklets at businesses, confirming her knowledge that it was a practice of the 22AKHE campaign to leave booklets with businesses, and that the campaign has done so at "bingo

places.”

87. Mr. Lee also testified to meeting with Ms. Emswiler at Wellspring Ministries to discuss the campaign and that he picked up booklets there from Kit Rittgers. Mr. Lee authenticated exhibit 1003E, which is a printout of the “Ministry Staff” at Wellspring Ministries and includes a photo of Kit Rittgers, who is listed as the “Office Administrator.”

88. Mr. Lee further testified to observing unmonitored and unattended 22AKHE petition booklets at Tudor Bingo on October 21, 2023.

89. Mr. Lee authenticated exhibits 1021A, 1021B, 1021C, 1021D, and 1021E, which are photos he took of petition booklets 0967 (exhibit 2560) and 0968 (this booklet is neither part of Intervenor’s exhibits of unsubmitted booklets nor part of Defendants’ exhibits of submitted booklets). These booklets were accompanied by pens and left unmonitored and unattended at Tudor Bingo on October 21, 2023.

90. Mr. Lee further testified that he went to Big Valley Bingo on October 30, 2023, where he observed a large sign in front of the business telling people to sign petition books there, along with unmonitored and unattended booklets inside the establishment.

91. Mr. Lee authenticated exhibits 1021F, 1021G, 1021H, and 1021I, which are photos Mr. Lee took of petition booklet 0140 (exhibit 3008G) and a second petition booklet missing its front page (identified by Intervenor’s counsel on

cross-examination of Mr. Lee and during Alexander Susky's testimony as booklet 0357 (exhibit 3008K)). These booklets were accompanied by pens and left unmonitored and unattended at Big Valley Bingo on October 30, 2023. Mr. Lee also authenticated exhibits 1021J, 1021K, 1021L, and 1021M, which are videos he took on the same date at the same location. The Big Valley Bingo employees depicted in 1021K and 1021L informed Mr. Lee that they do not know anything about the petition booklets.

92. Mr. Lee testified that he returned to Big Valley Bingo on November 14, 2023, and again observed the large sign telling people to sign petition books; petition booklets 0140 (exhibit 3008G) and 0357 (exhibit 3008K) were left unmonitored and unattended inside.

93. Mr. Lee authenticated exhibits 1021N and 1021O, which are photos he took on November 14, 2023, of the large light-up sign outside of Big Valley Bingo featuring the 22AKHE logo and advertising to the public for people to sign petition books there. Mr. Lee also authenticated exhibits 1021P, 1021Q, 1021R, and 1021S, which are photos he took of petition booklets 0140 (exhibit 3008G) and 0357 (exhibit 3008K) that were left unmonitored and unattended inside Big Valley Bingo on the same date. Mr. Lee also authenticated exhibit 1021T, which is a video he took of the same booklets with no one monitoring them on the same date at the same location.

94. Mr. Lee further testified that he returned to Big Valley Bingo again on

November 27, 2023, where he again observed petition booklet 0140 (exhibit 3008G) and 0357 (exhibit 3008K) left unmonitored and unattended.

95. Mr. Lee authenticated exhibits 1021U and 1021V, which are videos he took during his visit to Big Valley Bingo on November 27, 2023. In video exhibit 1021V, a Big Valley Bingo employee behind the counter responds that she cannot tell Mr. Lee anything about the booklets.

96. Mr. Lee further testified to observing two unmonitored and unattended 22AKHE petition booklets at Duane's Antique Market ("Duane's") on November 17, 2023, and interacting with one of the employees.

97. Mr. Lee authenticated exhibit 1021W, which is a video he took of the unmonitored and unattended booklets accompanied by a pen, and his interaction with employees of Duane's on November 17, 2023. The video reveals that one of the unmonitored and unattended booklets is booklet 0836 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets).

98. Mr. Lee further testified that he has worked on a number of signature campaigns in numerous states, and that any booklets left unattended at businesses should not be submitted to the Division.

ii. Findings

99. The Court finds Mr. Lee's testimony to be credible.

100. The Court finds that it is more likely than not that Mikaela Emswiler gave

a prospective signature gatherer for the 22AKHE campaign permission to leave booklets at businesses as a viable method of gathering signatures.

101. The Court finds it more likely than not that Ms. Emswiler was aware of the practice of the 22AKHE campaign leaving booklets at businesses, including the “bingo places.”

102. The Court finds it more likely than not that Mr. Izon was aware of the practice of the 22AKHE campaign leaving booklets at businesses.

103. The Court finds that it is more likely than not that petition booklet 0967 (exhibit 2560) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was left unattended at Tudor Bingo.

104. The Court finds that Mr. Lee’s testimony provides support for the Court’s finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

105. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

106. The Court further finds that Mr. Lee’s testimony provides support for the Court’s finding and conclusion that some 22AKHE petition booklets were

certified by individuals other than those who actually circulated the petition booklets.

7. Alexander Susky's Testimony

i. Testimony and Evidence

107. Mr. Susky testified via telephone to authenticate photos and videos of 22AKHE petition booklets taken by him and his coworker Alec "Allison" Dill at several locations between October and December 2023

108. Mr. Susky testified that he and Ms. Dill went to Big Valley Bingo on October 19, 2023, and observed two 22AKHE booklets left unmonitored and unattended.

109. Mr. Susky authenticated exhibits 1017A and 1017B, which are videos he took of unmonitored and unattended booklets 0140 (exhibit 3008G) and 0357 (exhibit 3008K), accompanied by pens, at Big Valley Bingo on October 19, 2023. Mr. Susky also authenticated exhibit 1016A, which is a photo of booklet 0357 (exhibit 3008K) taken by Ms. Dill on the same day and at the same location.

110. Mr. Susky further testified that he returned to Big Valley Bingo with Ms. Dill on November 17, 2023, and observed the same booklets still left unattended without anyone monitoring them. Mr. Susky testified that the booklets were left out on the table with a pen.

111. Mr. Susky authenticated exhibit 1017C, which is a video he took of the

unmonitored and unattended booklets accompanied by pens at Big Valley Bingo on November 17, 2023. He also authenticated exhibits 1016B and 1016C, which are photos taken by Ms. Dill of the same booklets on the same day at the same location.

112. Mr. Susky further testified to going to Sylvia's Quilt Depot with Ms. Dill on October 19, 2023. Mr. Susky testified that he asked an employee for a booklet and the employee provided him with 22AKHE booklet 0502 (exhibit 2323). Mr. Susky testified that he and Ms. Dill returned to Sylvia's Quilt Depot on December 6, 2023, and observed the same booklet 0502 (exhibit 2323) on display at the counter without anyone monitoring it.

113. Mr. Susky authenticated exhibits 1016D, 1016E, and 1016F, which are photos Ms. Dill took of unmonitored and unattended booklet 0502 (exhibit 2323) at Sylvia's Quilt Depot on December 6, 2023.

114. Mr. Susky further testified that he and Ms. Dill went to Tudor Bingo on October 27, 2023, where he observed a 22AKHE booklet left unmonitored and unattended on a table in the establishment.

115. Mr. Susky authenticated exhibit 1017D, which is a video he took of booklet 0968 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets), and a second unidentified booklet accompanied by pens and left unmonitored and unattended at Tudor Bingo on October 27, 2023.

116. Mr. Susky further testified that he and Ms. Dill returned to Tudor Bingo on November 11, 2023, and observed the same booklets left unmonitored and unattended on the same table.

117. Mr. Susky authenticated exhibit 1017E, which is a video he took of the same two unmonitored and unattended booklets accompanied by pens at Tudor Bingo on November 11, 2023. Mr. Susky testified that none of the individuals present in the video asked him to sign the booklets or asked if he was a registered voter. Mr. Susky also authenticated exhibits 1016G and 1016H, which are photos Ms. Dill took of the same booklets on the same date at the same location. These photos identify the unmonitored and unattended booklets as booklets 0967 (exhibit 2560) and 0968.

118. Mr. Susky further testified to going to Duane's Antique Market ("Duane's") with Ms. Dill on October 27, 2023, and observing several petition booklets left unmonitored and unattended on a table near the entrance. Mr. Susky testified that no one was monitoring the booklets or asking for his signature, but that an employee made "chitchat" with him.

119. Mr. Susky authenticated exhibits 1017F and 1017G, which are videos he took of the unmonitored and unattended booklets accompanied by pens at Duane's on October 27, 2023. Video exhibit 1017F reveals the booklets to be booklets 0679 (exhibit 2409), 0836 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted

booklets), and 1401 (this booklet is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets). Video exhibit 1017G reveals a female near the booklets who says she does not work at the store and a male employee behind a counter far from the booklets who indicated he is not the one circulating the booklets, and those people are "normally [] in the area." Mr. Susky also authenticated exhibit 1016I, which is a photo taken by Ms. Dill of the same booklets at the same location on the same date.

120. Mr. Susky further testified that he returned to Duane's with Ms. Dill on November 11, 2023, and observed 22AKHE booklets left unmonitored and unattended at the front table. Mr. Susky testified that no one was asking for his signature and that he recalled a sign on the front door of the store with the 22AKHE logo that said the petition could be signed at that location.

121. Mr. Susky authenticated exhibit 1017H, which is a video he took of the unmonitored and unattended booklets at Duane's on November 11, 2023. Video exhibit 1017H shows booklet 0836 and a second booklet on the front table accompanied by pens, two older gentlemen in chairs near the booklets who were not present on October 27, 2023, and a sign on the door to the store with the 22AKHE logo that advises people the petition can be signed at that location. Mr. Susky also authenticated exhibit 1016J, which is a photo taken by Ms. Dill of booklet 0836 at the same location on the same date.

122. Mr. Susky further testified that he returned to Duane's with Ms. Dill on December 2, 2023, and again observed petition booklets unmonitored and unattended on the front table.

123. Mr. Susky authenticated exhibit 1017I, which is a video he took of booklets 0836 and 1401, accompanied by pens, at Duane's on December 2, 2023. Video exhibit 1017I shows a woman in glasses asking if Mr. Susky wants to sign the booklets. This woman was not present in video exhibits 1017F or 1017G on October 27, 2023, or exhibit 1017H on November 11, 2023.

124. Mr. Susky further testified that he returned to Duane's with Ms. Dill on December 16, 2023, and again observed petition booklets unmonitored and unattended on the front table.

125. Mr. Susky authenticated exhibit 1017J, which is a video he took of booklets 0836 and 1401 left unmonitored and unattended, and accompanied by pens, at Duane's on December 16, 2023. Video exhibit 1017J shows no one near the booklets, no one paying any attention to the booklets from afar, and no one monitoring anyone walking through the door and approaching the booklets.

ii. Findings

126. The Court finds Mr. Susky's testimony to be credible.

127. The Court finds that it is more likely than not that petition booklet 0502 (exhibit 2323) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was left unattended

at Sylvia's Quilt Depot.

128. The Court finds that it is more likely than not that petition booklet 0967 (exhibit 2560) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was left unattended at Tudor Bingo.

129. The Court finds that it is more likely than not that petition booklet 0679 (exhibit 2409) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was left unattended at Duane's.

130. The Court finds that Mr. Susky's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

131. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

132. The Court further finds that Mr. Susky's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

8. Marcie Wilson's Testimony

i. Testimony and Evidence

133. Ms. Wilson testified via telephone to authenticate videos of 22AKHE petition booklets that she took at the Alaska State Fair in August 2023.
134. Ms. Wilson testified that she went to the Alaska State Fair on August 19, 2023, and observed petition booklets on a table at the Mat-Su Republican Women's Club ("the Club") "booth." Ms. Wilson testified that no one was sitting at the table with the petitions to see who was signing them.
135. Ms. Wilson authenticated exhibit 1022A, which is a video she took of two petition booklets at the Club "booth" at the Alaska State Fair on August 19, 2023. One booklet is visible as booklet 0630 (exhibit 2379, certified by Theodorus Ransom). Video exhibit 1022A shows a woman in black signing a petition booklet while a woman in a red jacket is selling raffle tickets and not paying attention to the signing or asking anyone whether they are a registered voter.
136. Ms. Wilson further testified to returning to the Alaska State Fair on August 21, 2023, and seeing petition booklets at a different booth.
137. Ms. Wilson authenticated exhibit 1022B, which is a video she took of booklet 0616 (exhibit 2369) at the Alaska Outdoor Access Alliance booth at the Alaska State Fair on August 21, 2023.
138. Ms. Wilson further testified to going back to the Club "booth" at the Alaska

State Fair on August 21, 2023.

139. Ms. Wilson authenticated exhibit 1022C, which is a video she took of a male circulating booklet 0690 (exhibit 2416) at the Club “booth” at the Alaska State Fair on August 21, 2023. In video exhibit 1022C, the male — later identified by Ms. McCollum as Mokie Tew — who is circulating the booklet says that he did not gather all of the signatures in the booklet, but that he is “trying” to.

140. Petition booklet 0690 (exhibit 2416) was certified by Ms. McCollum.

141. No 22AKHE petition booklets were certified as being circulated by Mokie Tew (exhibits 2001-2640).

ii. Findings

142. The Court finds Ms. Wilson’s testimony to be credible.

143. The Court finds that that it is more likely than not that petition booklet 0630 (exhibit 2379) was not properly circulated, and that all the signatures contained within that petition booklet must be disqualified, because it was unattended and unmonitored at the Alaska State Fair. Additionally, the woman standing next to the booklets shown in exhibit 1022A was not properly monitoring either booklet or gathering the signatures, and booklet 0630 was certified as being circulated only by Mr. Ransom.

144. The Court finds that that it is more likely than not that petition booklet 0690 (exhibit 2416) was not properly circulated, and that all the signatures contained

within that petition booklet must be disqualified, because a male (Mr. Tew) was gathering signatures in the booklet even though it was certified as being circulated only by Ms. McCollum.

145. The Court further finds that Ms. Wilson's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

9. John "Jay" Costa's Testimony

i. Testimony and Evidence

146. In addition to testifying live and in-person at trial, the Court also reviewed the designated portions of Mr. Costa's videotaped deposition.

147. Mr. Costa testified that he graduated from Harvard in 2009.

148. Mr. Costa testified that he has prior experience gathering signatures as a circulator.

149. Mr. Costa testified that he founded and has worked for eQual Public Benefit Corporation ("eQual") for approximately four years, and that he started doing work with respect to signature gathering in 2016.

150. Mr. Costa testified that eQual is a public benefit company that evaluates signatures for petitions.

151. Mr. Costa testified that eQual has worked in fifteen (15) states (including Alaska), and that he and eQual have analyzed millions of signatures.

152. Mr. Costa testified that he and eQual have evaluated signatures for approximately three dozen signature gathering campaigns.
153. Mr. Costa testified that he personally has likely reviewed over 100,000 signatures through his work with eQual.
154. Mr. Costa testified that eQual's work is generally the same whether it is to confirm that an active signature gathering campaign has a sufficient number of signatures to qualify prior to filing, or to evaluate whether a filed petition submitted a sufficient number of qualified signatures.
155. Mr. Costa testified that, before the beginning of every project, he would train eQual employees on what to look out for on a signature-by-signature basis.
156. Mr. Costa testified that he was retained by the Plaintiffs to review the signatures submitted by 22AKHE.
157. Mr. Costa testified that he was paid \$1 per signature for his initial review and the drafting of his expert report, and that he would be paid at the hourly rate of \$250 for any additional work after the writing of his expert report.
158. Mr. Costa was qualified as an expert in petition signature gathering, and in signature and petition booklet verification.
159. Mr. Costa testified that, in this case, he had approximately two dozen eQual employees reviewing the scans of 22AKHE petition booklets, and that it took them over two weeks to review those signatures.

160. Mr. Costa testified that these eQual employees did not know the reason why they were evaluating the signatures in the petition, and that they did not review Plaintiffs' complaint prior to or during their initial review work.
161. Mr. Costa testified that eQual's employees were given a random set of petition booklets to review, and that their information was input into a database.
162. Mr. Costa testified that eQual reviewed and input data for all 41,349 signatures that were submitted by 22AKHE.
163. Mr. Costa testified that eQual spent over 1,000 person-hours reviewing each signature line of the 22AKHE petition booklets, and authoring the expert report. This meant that he and eQual were paid approximately \$40 per hour for this work.
164. Mr. Costa testified that certain signatures in petition booklets were flagged for being facially deficient after reviewing the data.
165. Mr. Costa testified that he had reviewed a stipulation by the parties regarding those facially deficient signatures, which identified only two remaining signatures in dispute (located at exhibit 2641).
166. Mr. Costa testified that the two challenged signatures contained in exhibit 2641 are "pretty illegible," and should not be counted.
167. Mr. Costa testified that, in addition to these facial deficiencies, he also analyzed whether there were patterns of suspicious signature gathering behavior that were suggested by the data. Mr. Costa testified that this was a

higher order analysis that could only be done once all of the data from each of the signature lines had been input into eQual's database.

168. Mr. Costa testified that there were four subcategories of suspicious patterns that he was able to detect in the data: (1) circulators who had three or more booklets with signatures containing overlapping dates ("3+ simultaneous start"); (2) abnormally large signature totals in a single day ("high single day"); (3) handwriting aberrations that were apparent on the circulator affidavits ("handwriting aberrations"); and (4) booklets containing a large (more than 3) number of signatures after the date listed on the circulator affidavit ("post-dated signatures").

169. Mr. Costa testified that these four patterns of suspicious signature gathering behavior were based on his objective review of the data, and were not based on any outside evidence or information.

170. Mr. Costa testified that, based on the data alone, he was able to detect a large scale of suspicious activity in 22AKHE's signature gathering campaign, and that this suspicious activity was endemic to the campaign.

171. Mr. Costa identified over 11,000 signatures in petition booklets that were suspicious and warranted further inquiry in his expert opinion. Mr. Costa testified that this suspicious circulator activity that showed up in the data required further inquiry, since it ordinarily evinces risk of fraud.

172. Mr. Costa testified that if no adequate explanation is provided about the

circulators that he flagged as being suspicious, in his opinion, petition booklets from those circulators should not be counted or relied upon.

173. Mr. Costa testified that the petition booklets that he identified in the data alone, if not counted towards qualifying 22AKHE, would be enough to disqualify 22AKHE on the basis of both the total number of signatures required and the 30 out of 40 house district threshold.

174. Mr. Costa testified that, after authoring his report, he was provided with transcripts of deposition and trial testimony.

175. Mr. Costa testified that the transcripts of deposition and trial testimony were largely consistent with the conclusions contained within his expert report, and that this testimony underscored his level of concern regarding 22AKHE's signature gathering campaign.

176. Mr. Costa testified that, in his experience, he would elevate this suspicious activity to any campaign he was advising, and that he similarly would recommend that the campaign not rely on or submit signatures from individuals who exhibited suspicious activity in the data without further explanation.

177. Mr. Costa testified that Mr. Izon's name showing up in the data created a particularly concerning situation and a conundrum with respect to how he would ordinarily proceed if he had been retained to advise 22AKHE. This is because Mr. Izon was in charge of the campaign, and yet the data shows that Mr. Izon was the circulator with — by far — the most suspicious circulation

activity. Mr. Costa testified that he would ordinarily bring his concerns to Mr. Izon, but in this situation, Mr. Costa testified that he would elevate his concerns to everyone within the 22AKHE leadership, e.g., the other Sponsors of the initiative.

178. Mr. Costa testified that if he had been advising the 22AKHE campaign, he would have told the campaign that it does not have enough valid signatures to qualify for the ballot.

179. Mr. Costa further testified that, if the Court were to disqualify all of the petition booklets listed in Plaintiffs' Trial Brief, 22AKHE would be disqualified by not having a sufficient number of qualified signatures (7%) in 30 out of 40 house districts.

180. With respect to the 3+ simultaneous start, Mr. Costa explained that, in his opinion, there was no good reason for a circulator be gathering signatures in more than three petition booklets at once in Alaska. This is because of Alaska's single circulator requirement, the large number of lines for signatures in each petition booklet (150), and the number of signatures that both paid and volunteer circulators are generally able to collect in in a single day. Stated differently, Mr. Costa testified that having three or more petition booklets circulating at once makes it less plausible that a circulator was interacting with voters in accordance with Alaska law, in terms of signatures being made in his or her actual presence and in terms of a petition booklet only being circulated

by a single individual.

181. Mr. Costa testified that his understanding of what is required to lawfully circulate a petition requires a circulator to be "directly involved" with a voter's signing of a petition. Mr. Costa testified that this understanding is based on his experience with signature gathering, and derived from requirements (3), (4), and (5) listed for each circulator affidavit.

182. Mr. Costa testified that there were twenty-eight (28) circulators who had three or more petition booklets with overlapping signature dates. Mr. Costa's table is located at pages 8-9 of exhibit 1055.

183. Mr. Costa testified that sixteen (16) circulators had three or more petition booklets with a simultaneous start, i.e., that a circulator began gathering additional signatures in a third (or greater number) petition booklet, even though they were still gathering signatures in two other petition booklets. Mr. Costa testified that these 3+ simultaneous starts were suspicious, and merited further inquiry to determine whether those circulators were properly circulating their petition booklets. Mr. Costa further testified that this narrowing of flagged individuals to only those with a 3+ simultaneous start was a more conservative, but reasonable, way to quantify suspicious circulator activity based on data alone.

184. Mr. Costa testified that, in general, there is no good explanation for why a circulator would show up on his 3+ simultaneous start list, located at page 10

of exhibit 1055. A table showing the overlapping signatures in multiple booklets on a booklet-by-booklet basis is located at pages 11-18 of exhibit 1055.

185. Mr. Costa testified that the individual circulators that he flagged for showing suspicious activity in the data from the 3+ simultaneous start made up a disproportionate portion — approximately 20% — of the total signatures that were gathered for 22AKHE.

186. Mr. Costa testified that the sixteen (16) circulators that he identified through his 3+ simultaneous start analysis — which comprised approximately 20% of the total signatures gathered for 22AKHE — was a particularly high instance of suspicious activity in his experience.

187. Mr. Costa testified that he also flagged six (6) individuals for gathering an atypically large number of signatures in a particular day. Mr. Costa flagged any individual who had purported to gather 150 signatures in a single day.

188. Mr. Costa testified that he identified any time a circulator purported to have gathered over 150 signatures in a single day because it gave him high confidence (99%+) that it was outside of the norm, and each petition booklet in Alaska contains 150 signature lines.

189. Mr. Costa testified that, according to his company's database of millions of signatures, on average, a paid signature gatherer is able to gather 31 signatures in a single day.

190. Mr. Costa testified that, according to his company's database of millions of signatures, on average, a volunteer signature gatherer is able to gather 8 signatures in a single day.

191. Mr. Costa testified that, according to his company's database of millions of signatures, 99.75% of the time, a paid signature gatherer will collect fewer than 150 signatures in a single day.

192. Mr. Costa testified that, according to his company's database of millions of signatures, 99.94% of the time, a volunteer signature gatherer will collect fewer than 150 signatures in a single day.

193. All of the signature gatherers who were flagged by Mr. Costa were "volunteer" signature gatherers; none of them were paid to collect signatures.

194. Mr. Costa testified that all of the six people who were identified for the high single day totals were in the top .06% of volunteer signature gatherers based on his review of millions of signatures in eQual's database.

195. Mr. Costa testified that each of the six people who were identified for the high single day totals were suspicious. These individual circulators are identified at the table located on page 19 of exhibit 1055.

196. Mr. Costa testified that, if he were advising a campaign, he would recommend that they not rely on or turn in booklets from circulators who were flagged for having such high single day totals.

197. Mr. Costa testified that two individuals — Mr. Izon and Ms. McCollum —

showed up on both the 3+ simultaneous start and high single day tables. Mr. Costa characterized their activities and booklets in particular as being highly suspicious according to the data alone.

198. Mr. Costa testified that three individuals — Mr. Coulter, Ms. Smith, and Carmen Durham — all exhibited aberrant handwriting on their circulator affidavits.

199. Mr. Costa testified that his flagging of Mr. Coulter appeared to have been correct, since Mr. Coulter testified that another individual (Catherine “Kit” Rittgers) had filled out some portions of his circulator affidavits.

200. Mr. Costa testified that Ms. Smith’s aberrant handwriting remained suspicious and was the most suspicious to him in this category. Mr. Costa maintained his opinion after seeing exhibit 3011, which was Ms. Smith’s handwriting samples that were provided to the Court during her live and in-person testimony.

201. Mr. Costa testified that, if he were advising a campaign, he would advise them not to count any of Ms. Smith’s petition booklets.

202. Mr. Costa testified that having more than 3 post-dated signatures in a petition booklet — i.e., signatures that were dated after the date of the signed certification statement — was suspicious.

203. Mr. Costa testified that he considered large numbers of post-dated signatures in petition booklets to be suspicious, because it should not be

happening.

204. Mr. Costa testified that post-dated signatures also call into question the veracity of the sworn circulator statements for the petition booklets.

205. Mr. Costa testified that, if he were advising a campaign, he would advise that they not count any of the signatures in booklets with such high numbers of post-dated signatures. Mr. Costa further testified that, in general, those petition booklets would be sequestered and not submitted, and that he would advise a campaign to end their work with that particular circulator.

206. Mr. Costa testified that high numbers of circulators with post-dated signatures was evidence of additional non-compliance with the rules for circulation.

207. Mr. Costa then testified about how his review of deposition and trial testimony for the following individuals strengthened his opinion that their petition booklets should not be counted: (1) Robert Coulter; (2) James Stocker; (3) Kathryn McCollum; (4) Linn McCabe; (5) Colleen Sherman; (6) Kelly Nash; (7) Trevor Jepsen; (8) Sharon Wessels; (9) Theodorus Ransum; (10) Natalie Martin; (11) Eric Hughes; (12) Linda Berg Smith; and (13) Phillip Izon.¹

¹ Mr. Costa's expert opinion regarding these individuals, with the exception of Kelly Nash, are included in their respective subsections in Plaintiffs' proposed findings of fact and conclusions of law.

208. Mr. Costa testified that he reviewed the deposition transcript from when Ms. Nash did not appear for her scheduled deposition.

209. Mr. Costa testified that Ms. Nash had been identified through his 3+ simultaneous start analysis, that she had a relatively high number of 3+ simultaneous start booklets, and that his suspicion of Ms. Nash's behavior had deepened after reviewing the deposition transcript.

ii. Findings

210. The Court finds Mr. Costa's testimony to be credible.

211. The Court finds that Mr. Costa provided un rebutted expert opinion testimony.

212. The Court finds Mr. Costa's testimony regarding the two signatures contained in exhibit 2641 to be credible.

213. The Court finds that the two challenged signatures contained within exhibit 2641 should not be counted towards the qualification of 22AKHE.

214. The Court finds Mr. Costa's testimony regarding his identification of suspicious circulator behavior within the data to be particularly credible and helpful to the Court.

215. The Court finds that Mr. Costa's underlying assumptions regarding the sixteen circulators identified in his 3+ simultaneous start table (page 10 of exhibit 1055) to be reasonable. Specifically, the Court finds that — absent a compelling and logical explanation — there is no good, lawful reason for a

circulator to start a third petition booklet before finishing gathering signatures in two other petition booklets.

216. The Court finds that Mr. Costa's underlying assumptions regarding the six circulators identified in his large single day table (page 19 of exhibit 1055) to be particularly compelling and reasonable. Specifically, the Court finds that — absent a particularly compelling explanation — it is highly improbable (.06%) that a volunteer circulator could lawfully gather 150 or more signatures in a single day.

217. The Court finds that Mr. Costa's identification of three circulator affidavits with aberrant handwriting to have been reasonable.

218. The Court finds that Mr. Costa's underlying assumption regarding the circulators who had a large number of post-dated signatures (page 21 of exhibit 1055) to be reasonable. Specifically, the Court finds that — absent a compelling explanation — a large number of post-dated signatures suggests that the other signatures contained within that circulator's petition booklets were gathered in a non-compliant manner.

219. As explained in greater detail below, the Court finds that whenever Mr. Costa identified a circulator for exhibiting suspicious activity when gathering signatures — and there is other evidence of that circulator not complying with circulator requirements — all of the signatures contained within that non-compliant circulators' petition booklets should be disqualified.

220. The Court finds that Mr. Costa's identification of suspicious or potentially suspicious circulator activity, coupled with additional evidence of non-complaint circulator behavior, makes it more likely than not that the circulator did not lawfully gather signatures, and all of the signatures in their circulated petition booklets must be disqualified.

221. The Court finds, based on Mr. Costa's testimony alone, that it is more likely than not that Mr. Izon did not lawfully circulate his petition booklets, and that all of the signatures contained within Mr. Izon's circulated booklets must be disqualified.

222. The Court finds, based on Mr. Costa's testimony, that it is more likely than not that Ms. Nash did not lawfully circulate her petition booklets, and that all of the signatures contained within Ms. Nash's circulated booklets must be disqualified (0251, 0252, 0253, 0254, 0366; exhibits 2151, 2152, 2153, 2154, 2231).

223. The Court finds that it is more likely than not that the individual circulators identified by Mr. Costa did not comply with Alaska law when they were gathering signatures for 22AKHE, and all of the signatures contained within their petition booklets must be disqualified.

224. The Court finds that, based on Mr. Costa's un rebutted expert opinion testimony that problems were endemic to the 22AKHE signature gathering campaign, it is more likely than not that the signature gathering campaign for

22AKHE did not comply with Alaska's signature gathering requirements as a whole, and must be disqualified in total.

10. Michaela Thompson's Testimony

i. Testimony and Evidence

225. Ms. Thompson testified out-of-order as the Division's rebuttal witness to better accommodate her schedule.

226. Ms. Thompson testified that she is the Division Operations Manager for the Division of Elections, that she has worked for the Division for approximately seven years, and that she has overseen the Division's review of filed petitions.

227. Ms. Thompson testified that she oversaw the review of the filing of 22AKHE.

228. Ms. Thompson testified why the Division counted two signatures that were not resolved through a stipulation of the parties. The two signatures are located at: (1) petition booklet 0470, page 5, line 2; and (2) petition booklet 0902, page 4, line 8. These two pages of petition booklets were authenticated and admitted in exhibit 2641.

229. Ms. Thompson testified that the Division counted the signature at booklet 0470, page 5, line 2 because it appeared to her that the voter provided the month and the date that they signed. Although the month and date were provided on a different line than the voter's signature, Ms. Thompson testified that it is the Division's practice to count signatures with dates that do not

include the year.

230. Ms. Thompson testified that the Division counted the signature at booklet 0902, page 4, line 8, because it had what appeared to her to be ditto marks for the date, indicating that the voter signed the petition on the same date that was listed above. Ms. Thompson testified that it is the Division's practice to count signatures with ditto marks in the date.

231. Ms. Thompson testified that some of 22AKHE's petition booklets were returned to the Sponsors when they filed on January 12, 2024, because they were facially deficient. Ms. Thompson agreed that fifteen (15) facially-defective 22AKHE petition booklets were returned to the custody of the Sponsors on that day.

232. Ms. Thompson testified that the Division did not record which 22AKHE petition booklet numbers were returned to the Sponsors on January 12, 2024.

ii. Findings

233. The Court finds Ms. Thompson's testimony to be credible.

234. The Court finds that the Division improperly counted the signature located at petition booklet 0470, page 5, line 2, because no legible date was provided on the same signature line as the voter's information.

235. The Court finds that the Division improperly counted the signature located at petition booklet 0902, page 4, line 8, because it is not sufficiently clear that the voter intended to place ditto marks in the place of a date.

236. The Court finds that the Division returned fifteen (15) facially defective 22AKHE petition booklets to the Sponsors on January 12, 2024.

237. Relatedly, the Court finds that the Division's returning of petition booklets to the Sponsors weighs against Mr. Izon's credibility, because he previously testified that he had withheld certain booklets because of their patent defects and had not filed them with the Division, and Mr. Izon could not identify which petition booklets (if any) that comprise exhibit 3008A-ZA were initially filed with the Division on January 12, 2024, but rejected and returned to his custody.

11. Linn McCabe's Testimony

i. Testimony and Evidence

238. Ms. McCabe testified live and in-person as one of the Plaintiffs' subpoenaed witnesses.

239. Ms. McCabe testified about how she gathered signatures and signed circulator affidavits for multiple 22AKHE petition booklets (0183, 0184, 0311, 0696; exhibits 2122, 2123, 2195, 2421).

240. Ms. McCabe testified that she spoke with the Sponsors' attorney prior to testifying.

241. Ms. McCabe testified that she is the vice president of programs for the Mat-Su Republican Women's Club ("the Club"), and that she is the one who schedules speakers for the Club.

242. Ms. McCabe testified that Mr. Izon first spoke at the Club after the petition

application for 22AKHE had been filed with the lieutenant governor, but before they had received any 22AKHE petition booklets.

243. Ms. McCabe testified that she had never had prior experience gathering signatures before gathering signatures for 22AKHE.

244. Ms. McCabe testified that she was Mr. Izon's point of contact for circulators of 22AKHE petitions for the Club. This meant that she would contact Mr. Izon to obtain additional petition booklets for circulators, and would gather filled petition booklets and turn them in to Mr. Izon. Ms. McCabe initially testified that she would only turn petition booklets in to Mr. Izon, and that she would only turn in booklets after the back of those booklets had been certified by the circulator.

245. Ms. McCabe testified that she first got petition booklets in the mail, and that she did not get them at an event at the Club.

246. Ms. McCabe testified that she gathered signatures at the Mat-Su Outdoorsman Show on March 25, 2023.

247. Mr. Costa had identified Ms. McCabe as a circulator who was suspicious to him because of gathering a large number of signatures in a single day. Specifically, Mr. Costa testified that Ms. McCabe had certified gathering 307 signatures on March 25, 2023, which was the second highest single-day total that Mr. Costa identified among all of the circulators for 22AKHE.

248. Mr. Costa testified that the number of signatures Ms. McCabe purported to

gather in a single day was "quite striking," and that he had "grave concern[s]" about whether Ms. McCabe gathered signatures in compliance with the law.

249. Mr. Costa further testified that, if he were advising a campaign, he would advise that the campaign not count on or submit any of the signatures gathered in booklets that were certified by Ms. McCabe.

250. Ms. McCabe testified that she gathered 307 signatures at the Mat-Su Outdoorsman Show event on March 25, 2023, in a four- to five-hour period. Ms. McCabe testified that she knew that she gathered that many signatures because she saw a screenshot from a news article (Must Read Alaska) which indicated how many signatures she gathered that day.

251. Ms. McCabe testified that she was not the only person gathering signatures during her shift at the Club booth. She testified that there were maybe four people with separate books collecting signatures during her shift.

252. Ms. McCabe testified that Mr. Izon dropped off additional booklets to members of the Club on March 25, 2023.

253. Ms. McCabe testified that she collected additional signatures at the Alaska State Fair on multiple days.

254. Ms. McCabe testified that she does not remember receiving any training or watching any videos about how to gather signatures for 22AKHE.

255. Ms. McCabe testified that nobody else had permission to carry any of the booklets that she certified.

256. Ms. McCabe testified that she does not have any written communications with Dr. Mathias, Ms. Emswiler, or Mr. Izon. This is, in part, because she testified that she deletes text messages, even though she had previously texted with Mr. Izon.

257. Ms. McCabe testified that she signed the circulator affidavits for exhibits 2122 (booklet 0183), 2123 (booklet 0184), 2195 (booklet 0311), and 2421 (booklet 0696).

258. Ms. McCabe testified that she did not try to find a notary for any of her booklets, but that the timing and locations for when she wanted to certify her booklets made it so that it would have been difficult to find a notary at those specific times.

259. Ms. McCabe was shown the front of booklet 0184 (exhibit 2123). Ms. McCabe then testified that she did not write what is on the top right of that booklet. Ms. McCabe then recalled that she met up with Mr. Coulter to turn in one of her petition booklets. Ms. McCabe further testified that she recalls meeting up with Mr. Coulter to “cur[e]” that booklet by self-certifying the back of it after she had previously turned in the booklet to him.

260. Ms. McCabe was shown exhibit 1018, which had previously been admitted. Ms. McCabe identified the woman in the video as Nan Potts, and could not identify herself in the video.

261. Ms. McCabe testified that she did not give Ms. Potts one of her petition

booklets to circulate, and that she never intended to have Ms. Potts gather signatures in one of her booklets.

262. There are no 22AKHE petition booklets where a circulator affidavit was certified by Nan Potts (see exhibits 2001-2640), even though Ms. Potts is seen circulating a petition (booklet 0696, exhibit 2421) in exhibit 1018I, and Ms. Chiappetta testified that she observed voters adding signatures to a petition booklet where Ms. Potts was gathering signatures.

263. Ms. McCabe was then shown the previously admitted exhibits 1018J and 1018K. Ms. McCabe initially denied that the petition booklet in those photos was one of the same petition booklets (0696, exhibit 2421) that she had certified.

264. Ms. McCabe could not explain how Ms. Potts came to be gathering signatures in one of the petition booklets that she certified.

265. Despite reviewing these photographs and video, Ms. McCabe somehow stood by her certification for petition booklet 0696 (exhibit 2421).

266. Exhibit 1038 is the Sponsors' Master Petition spreadsheet of who is assigned to specific petition booklets ("Master Spreadsheet").

267. The Master Spreadsheet shows that Ms. McCabe's petition booklet 0183 (exhibit 2122) is assigned to both Ms. McCabe and Elise Buchholz.

268. The Master Spreadsheet shows that Ms. McCabe's petition booklet 0184 (exhibit 2123) is assigned to both Ms. McCabe and Mr. Izon.

269. The Master Spreadsheet shows that Ms. McCabe's petition booklet 0311 (exhibit 2195) is assigned to both Ms. McCabe and Angel Knapp.

270. The Master Spreadsheet shows that Ms. McCabe's petition booklet 0696 (exhibit 2421) is assigned to the Club.

ii. Findings

271. The Court, in general, does not find Ms. McCabe's testimony to be credible.

272. The Court does not find Ms. McCabe's testimony about to who she turned in completed 22AKHE petition booklets to be credible.

273. The Court finds that Ms. McCabe's testimony about when she first received petition booklets is not credible, because it contradicts the testimony of both Ms. McCollum and Ms. Martin. Ms. McCollum and Ms. Martin testified that they received their first petition booklets from Mr. Izon at a Club meeting, while Ms. McCabe testified that she first received petition booklets from Mr. Izon through the mail.

274. The Court does not find Ms. McCabe's testimony credible that she personally gathered 307 signatures on March 25, 2023. Rather, the Court finds that it is more likely than not that at least some of the 307 signatures in petition booklets that Ms. McCabe certified were actually gathered by another person. The Court makes this finding because of evidence that at least one other booklet from Ms. McCabe was circulated by another individual (Ms. Potts; booklet 0696, exhibit 2421), Mr. Costa's testimony regarding how unlikely and

“striking” it would be for Ms. McCabe to have lawfully gathered 307 signatures in a single day, and how improbable it would be for Ms. McCabe to have gathered so many signatures in a four- to five-hour period alongside multiple other signature gatherers at a booth.

275. The Court finds that Ms. McCabe’s testimony regarding the reasons why she self-certified her petition booklets to be credible. The Court finds that a notary was reasonably unavailable during all of the times that Ms. McCabe self-certified her petition booklets, and does not disqualify any of the signatures in Ms. McCabe’s certified petition booklets on this basis.

276. The Court finds that, out of the 640 certified petition booklets that were filed with the Division, none of them were certified by Nan Potts.

277. The Court finds that Ms. Potts was circulating petition booklet 0696 (exhibit 2421) at the Alaska State Fair in September 2023.

278. The Court finds that petition booklet 0696 must be disqualified because Ms. McCabe falsely certified that she was the only person who circulated that petition booklet. This is based, in part, on Ms. Chiappetta’s testimony that she personally witnessed people signing the petition booklet (0696) that Ms. Potts was circulating at the time. This finding is also based on exhibits 1018I-K.

279. The Court finds that all of Ms. McCabe’s petition booklets are identified in the Master Spreadsheet (exhibit 1038) as being associated with individuals or entities that do not necessarily include Ms. McCabe herself. The Court finds

that this is further evidence that Ms. McCabe certified petition booklets in a non-compliant manner.

280. Because the Court finds that Ms. McCabe did not properly circulate petition booklets that she certified, both because of the large single-day total on March 25, 2023, and the fact that Ms. Potts was actually circulating one of Ms. McCabe's petition booklets, the Court finds that all of the signatures in Ms. McCabe's petition booklets (0183, 0184, 0311, and 0696) are disqualified. The Court makes this finding because Ms. McCabe's testimony was not credible on those two points, and she therefore falsely signed circulator affidavits.

281. The Court further finds that Ms. McCabe's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

12. Linda Berg Smith's Testimony

i. Testimony and Evidence

282. Ms. Smith testified live and in-person out-of-order as one of the Sponsors' witnesses.

283. The Court also reviewed the designated portions of Ms. Smith's videotaped deposition.

284. Ms. Smith testified that she collected a lot of signatures for 22AKHE. In

fact, she repeatedly testified, during both her deposition and at trial, that she believes that she collected more signatures than the amount that she certified for petition booklets.

285. Ms. Smith testified that, among other places that she collected signatures, she also collected signatures at the Alaska State Fair for one day.

286. Ms. Smith testified that on the day that she collected signatures at the Alaska State Fair, she did so for about six or seven hours, and that there was frequently a line of people wanting to sign. Ms. Smith further testified that she only collected signatures in one 22AKHE petition booklet when she gathered signatures at the State Fair. During that six- to seven-hour period, Ms. Smith was able to collect approximately eighty-two (82) signatures.

287. Ms. Smith testified that the signatures in booklets that she certified (1315, 1318, 1334, 1349, 1383; exhibits 3005A-E, 2592, 2596, 2607, 2616, 2630) were done in her own handwriting. She further testified that sometimes her signature looks different, and that she does not take great care in ensuring that her signatures are identical.

288. Petition booklet 1315 (exhibit 2592) has contact information crossed out on its first page.

289. Ms. Smith signed and printed different versions of her name on a piece of paper, which was admitted as exhibit 3011.

290. Mr. Costa testified that the signatures on Ms. Smith's circulator affidavits

contained "very aberrant handwriting."

291. Mr. Costa testified that, if he were advising a campaign, he would recommend that the campaign not accept any of the petition booklets certified by Ms. Smith.

292. Ms. Smith testified that she remembers gathering signatures at the Alaska State Fair at the Mat-Su Republican Women's Club ("the Club").

293. Ms. Smith testified that she remembers seeing a video during her deposition of video showing her collecting signatures in petition booklet 0950 (exhibit 2549). She testified that booklet 0950 was ultimately certified by Eric Hughes.

294. Ms. Smith testified that she does not know Mr. Hughes and does not know how a booklet that she collected signatures in was ultimately certified by somebody other than herself.

295. Mr. Costa testified that Ms. Smith's testimony regarding booklet 0950 (exhibit 2549) shows that Ms. Smith did not follow the law when gathering signatures.

296. Ms. Smith testified that she would only gather signatures in one booklet at a time.

297. Ms. Smith watched exhibit 1020E, and identified herself and the other person she was with that day as Donna. Ms. Smith did not know Donna's last name during her deposition or live testimony.

298. In all of the petition booklets produced by the Division there are two

circulators whose first name is Donna. Petition booklets that were certified by either "Donna" are petition booklets 0479, 0848, 1348, and 1384 (exhibits 2307, 2489, 2615, 2631).

299. There are no signatures dated August 19, 2023, in any petition booklet certified by either circulator whose first name is "Donna."

300. Ms. Smith testified that she collected all of the signatures in petition booklet 0950 (exhibit 2549) on August 19, 2023.

301. Ms. Smith testified that she only gathered signatures at the State Fair on one day, which would have been August 19, 2023.

302. Ms. Smith testified that she could not remember gathering signatures on the following day (August 20, 2023).

303. The Master Spreadsheet shows that Ms. Smith's petition booklet 1315 (exhibit 2592) is actually assigned to the Wellspring Office.

304. The Master Spreadsheet does not list Ms. Smith's petition booklet 1318 (exhibit 2596) at all.

305. The Master Spreadsheet shows that Ms. Smith's petition booklet 1334 (exhibit 2607) is assigned to her.

306. The Master Spreadsheet shows that Ms. Smith's petition booklet 1349 (exhibit 2616) is actually assigned to Sarah Hedgman.

307. The Master Spreadsheet shows that Ms. Smith's petition booklet 1383 (exhibit 2630) is assigned to her.

308. Ms. Smith testified that she was paid to gather signatures by Top Fundraising Solutions (“TFS”) later in the signature gathering campaign.

ii. Findings

309. The Court generally finds Ms. Smith’s testimony to be credible.

310. The Court finds that Ms. Smith collected 82 signatures in petition booklet 0950 (exhibit 2549) on August 19, 2023, during a six- or seven-hour period at the Alaska State Fair.

311. The Court finds that Ms. Smith collected signatures in petition booklets other than the six (booklets 1315, 1318, 1334, 1349, 1383; exhibits 2592, 2596, 2607, 2616, 2630) that she ultimately certified.

312. The Court finds that although there are two circulators with the first name “Donna,” neither of those circulators certified 22AKHE petition booklets with signatures from August 19, 2023. The Court further finds that it is more likely than not that Donna, like Ms. Smith, collected signatures in petition booklets that ultimately were not certified by her.

313. The Court finds that Ms. Smith’s testimony, coupled with the names of other individuals who were assigned to her petition booklets, provides support for the Court’s finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets. The Court finds that this calls into question the overall validity of the signatures gathered for 22AKHE.

314. The Court finds that Ms. Smith's testimony provides support for the Court's finding and conclusion — consistent with Mr. Costa's expert opinion — that circulators could not lawfully gather more than 150 signatures in a day. This is because Ms. Smith was able to gather eighty-two (82) signatures in a six- to seven-hour period at the Alaska State Fair.

315. The Court further finds that petition booklet 0950 (exhibit 2549) must be disqualified, because Mr. Hughes falsely signed the circulator affidavit for that booklet.

316. Because Ms. Smith did not lawfully collect signatures for 22AKHE, and the Master Spreadsheet primarily does not align with Ms. Smith's testimony that she gathered signatures in petition booklets that she certified, the Court finds that it is more likely than not that Ms. Smith did not circulate the petition booklets that she certified in compliance with the law.

317. The Court finds it is more likely than not that all of the signatures contained within Ms. Smith's petition booklets (1315, 1318, 1334, 1349, 1383; exhibits 2592, 2596, 2607, 2616, 2630) must be disqualified.

13. Robert Coulter's Testimony

i. Testimony and Evidence

318. Mr. Coulter testified out-of-order as one of the Sponsors' witnesses.

319. The Court also reviewed the designated portions of Mr. Coulter's videotaped deposition.

320. Mr. Coulter testified that he had never had any prior experience gathering signatures before this.²

321. Mr. Coulter testified that, in general, he would only gather signatures in one petition booklet at a time, but that he would sometimes carry two petition booklets with him. This testimony was consistent with what he stated during his deposition.³

322. Mr. Coulter repeatedly testified that he would "occasionally" leave petition booklets that he certified unattended.

323. Mr. Coulter also testified that he gave a petition booklet to a friend of his, who then collected additional signatures in that booklet from his wife and kids. Mr. Coulter did not say who his friend was, but testified that his last name was "Rogers," and that the booklet that he gave Mr. Rogers should contain four signatures that were all signed together (Mr. Rogers, his wife, and two children).

324. No petition booklet, including those certified by Mr. Coulter, contains four signatures with the last name "Rogers" in succession, making identification of this specific booklet impossible.

325. Mr. Coulter testified that all of the signatures in booklets that he circulated

² Tr. 15.

³ Tr. 14.

(0010, 0011, 0021, 0031, 0055, 0472, 0476, 0794; exhibits 3004A-H, 2007, 2008, 2016, 2025, 2041, 2301, 2305, 2466) were his own. He further testified that, sometimes, some of the information was filled out by Catherine "Kit" Rittgers, but that he signed (and later self-certified) each of those petition booklets.

326. Mr. Coulter's testimony regarding how Ms. Rittgers filled out a portion of many of his circulator affidavits is consistent with Mr. Costa's expert report and testimony. Mr. Costa had flagged Mr. Coulter's circulator affidavits as appearing to contain more than one handwriting.

327. Mr. Coulter testified in court that he would not leave his booklets to go run errands.

328. However, during his deposition, Mr. Coulter testified differently: Mr. Coulter testified that he would sometimes leave his petition booklets unattended to "go run that errand or do whatever, and then during that time it may be the case that signatures were entered without me seeing it."⁴

329. During his in-person testimony, Mr. Coulter stated that leaving his petition booklets unattended did not help him gather more signatures.

330. Mr. Coulter was unable to identify which of his petition booklets he left unattended.

⁴ Tr. 18.

331. Mr. Coulter testified that him self-certifying his petition booklets was not a "solemn ceremony"⁵ or a "solemn process."⁶

332. Mr. Coulter further testified that a notary may have been available when he self-certified his petition booklets, and that he just signed them without making any attempt to find a notary.

333. During his deposition, Mr. Coulter at first repeatedly testified that no other circulators ever turned petition booklets in to him.⁷

334. When he was first shown the front of petition booklet 0476 (exhibit 2305) during his deposition, Mr. Coulter first testified that the word "Eric" may have been written by Mr. Coulter so that he could "appear as though I remembered names."⁸ Specifically, Mr. Coulter testified that he thought the name "Eric" had been written on the front on that petition booklet so that he could remember "the son of the fellow I was going to meet" at a "gun show."⁹ Mr. Coulter also originally testified that he did not know Eric Hughes.¹⁰

335. After further questioning during his deposition, Mr. Coulter admitted to

⁵ Tr. 40.

⁶ Tr. 25.

⁷ Tr. 14, 31.

⁸ Tr. 31.

⁹ Tr. 31.

¹⁰ Tr. 32.

receiving one petition booklet from Mr. Hughes.¹¹ Even then, Mr. Coulter first testified that Mr. Hughes "had a signed book, and then . . . he gave it to me."¹²

336. After further questioning, Mr. Coulter then admitted during his deposition that he "signed that book instead of Eric [Hughes]."¹³ Mr. Coulter admitted that the "rule was broken at that point" for booklet 0476 (exhibit 2305).

337. Mr. Coulter then testified during his deposition, and at trial, that he only received one un-certified petition booklet from Mr. Hughes, and that he only improperly certified that one.¹⁴

338. Mr. Coulter agreed that he did not follow the rules for petition booklet 0476 (exhibit 2305).

339. Mr. Coulter then testified that this was the only petition booklet that he received from any circulator that had not been certified.

340. But then, after additional questioning, Mr. Coulter stated that Linn McCabe had given him an un-certified petition booklet, and then he arranged to meet up with her so that she could certify it.

341. Mr. Coulter testified that he had written on the top right of petition booklet 0184 (exhibit 2123), which was a petition booklet that was certified by

¹¹ Tr. 34-35.

¹² Tr. 35.

¹³ Tr. 35.

¹⁴ Tr. 36.

Ms. McCabe.

342. Mr. Coulter then testified that, in fact, Ms. McCabe had given him petition booklets, which contradicted his earlier testimony.

343. Mr. Coulter then was adamant in court that besides those two times (one booklet from Mr. Hughes, one booklet from Ms. McCabe), he had never received any other petition booklets from circulators that were not certified.

344. Mr. Hughes testified that he handed two of those largely-filled 22AKHE petition booklets to Mr. Coulter, and that when he did, Mr. Hughes did not sign the certifications on the backs of either of those petition booklets.¹⁵

345. Mr. Coulter testified that he was unaware that Mr. Hughes testified during his deposition that he had actually given Mr. Coulter two uncertified petition booklets.

346. On redirect, Mr. Coulter stated that he would sometimes keep unfinished petition booklets in his car or in his home, and that he would just pick up any booklet that had space in them before gathering signatures.

347. Mr. Costa had identified Mr. Coulter as being suspicious because of the 3+ simultaneous start. Specifically, Mr. Costa testified that Mr. Coulter had seven booklets going at once within a two-day period. This is inconsistent with Mr. Coulter's testimony that he would only have one or two booklets at once.

¹⁵ Tr. 25.

348. Mr. Costa testified that, if he were advising a campaign, he would recommend that they not submit or rely on any of the booklets that Mr. Coulter circulated. This is, in part, because Mr. Coulter admitted to not properly circulating at least one of the booklets where he signed the sworn circulator affidavit.

349. The Master Spreadsheet shows that Mr. Coulter's petition booklets 0010, 0011, and 0021 (exhibits 2007, 2008, 2016) are assigned to himself.

350. The Master Spreadsheet shows that Mr. Coulter's petition booklet 0031 (exhibit 2025) is actually assigned to Dr. Mathias.

351. The Master Spreadsheet shows that Mr. Coulter's petition booklet 0055 (exhibit 2041) is actually assigned to Kristen Myers.

352. The Master Spreadsheet shows that Mr. Coulter's petition booklet 0472 (exhibit 2301) is actually assigned to Kit Rittgers.

353. The Master Spreadsheet shows that Mr. Coulter's petition booklet 0476 (exhibit 2305) is actually assigned to both Mr. Coulter and Linda Page.

354. The Master Spreadsheet shows that Mr. Coulter's petition booklet 0794 (exhibit 2466) is actually assigned to Joanne Hardesty.

ii. Findings

355. The Court, in general, does not find Mr. Coulter's testimony to be credible.

356. The Court does find it credible that Mr. Coulter would only have one or two petition booklets with him at a time.

357. The Court finds that Mr. Coulter signed circulator affidavits for two petition booklets that were started on February 16, 2023 (booklets 0031 and 0476; exhibits 2025 and 2305).

358. The Court finds that Mr. Coulter signed circulator affidavits for five additional petition booklets that were started two days later on February 18, 2023 (booklets 0010, 0011, 0021, 0055, and 0472; exhibits 2007, 2008, 2016, 2041, 2301).

359. The Court finds that it is more likely than not that Mr. Coulter did not lawfully circulate all of his petition booklets, because he had multiple overlapping booklets going at the same time, including multiple booklets that were started on dates close in time to each other.

360. The Court finds that all of Mr. Coulter's petition booklets (0010, 0011, 0021, 0031, 0055, 0472, 0476, 0794; exhibits 2007, 2008, 2016, 2025, 2041, 2301, 2305, 2466) are disqualified for this reason alone, because Mr. Coulter did not offer an adequate explanation for why he would be gathering signatures in seven (7) petition booklets at once. The Court finds that it is more likely than not that Mr. Coulter did not lawfully circulate these petition booklets.

361. Furthermore, the Court finds that all of Mr. Coulter's petition booklets should be disqualified because he would sometimes leave them unattended, and Mr. Coulter could not identify which of his petition booklets he left unattended.

362. The Court further finds that Mr. Coulter gave one of his petition booklets to a friend (last name Rogers), and that it is not clear which petition booklet that was because there is no petition booklet certified by Mr. Coulter that includes four "Rogers" signatures next to each other in any petition booklet that he certified (0010, 0011, 0021, 0031, 0055, 0472, 0476, 0794; exhibits 2007, 2008, 2016, 2025, 2041, 2301, 2305, 2466).

363. The Court finds that Mr. Coulter's testimony about not receiving unsigned petition booklets from other circulators was not credible, in part because he repeatedly denied that it happened at first, and then testified in a manner to try and minimize the number of times that this occurred, even though his testimony contradicted the testimony of others.

364. The Court finds that it is more likely than not that Mr. Coulter improperly certified two petition booklets that had actually been circulated by Mr. Hughes, based on Mr. Hughes's testimony.

365. The Court finds that Mr. Coulter's initial and subsequent explanations for why he failed to follow the rules with respect to petition booklet 0476 (exhibit 2305) were not credible.

366. The Court finds that petition booklet 0476 (exhibit 2305) is disqualified, because Mr. Coulter falsely signed the circulator affidavit for that booklet.

367. The Court finds that Mr. Coulter's testimony that he signed each of the circulator affidavits and self-certifications is credible. The Court does not

disqualify any of Mr. Coulter's petition booklets on this basis, because the Court does not find that anybody other than Mr. Coulter signed the sworn circulator affidavit for his petition booklets.

368. The Court further finds that Mr. Costa correctly flagged Mr. Coulter's circulator affidavits as containing multiple handwritings.

369. The Court finds that Mr. Coulter's explanation for why he self-certified his petition booklets to "cure" them does not satisfy the requirement for a notary being unavailable, because Mr. Coulter did not try to find a notary. The Court disqualifies all of Mr. Coulter's petition booklets (0010, 0011, 0021, 0031, 0055, 0472, 0476, 0794; exhibits 2007, 2008, 2016, 2025, 2041, 2301, 2305, 2466) where he self-certified his certification statements after he was given an opportunity to cure his petition booklets by the Division.

370. The Court finds that it is more likely than not that Mr. Coulter did not lawfully circulate all of his petition booklets, in part because he falsely signed a sworn circulator affidavit.

371. The Court finds that Mr. Coulter's testimony provides further support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

14. John Whisamore's Testimony

i. Testimony and Evidence

372. Mr. Whisamore testified out-of-order as one of the Sponsors' witnesses.
373. Although Mr. Whisamore's videotaped deposition had been previously designated by the Sponsors, because the Sponsors did not provide the Court with a copy of that deposition before the close of evidence, the Court relied only on Mr. Whisamore's in-person testimony.
374. Mr. Whisamore testified that he had never had any prior experience gathering signatures before this.
375. Mr. Whisamore testified that he helped Mr. Izon gather signatures at events at the Palmer Train Depot on occasion.
376. Mr. Whisamore testified that Mr. Izon was in charge of many petition booklets spanning across multiple tables at the Palmer Train Depot, including booklets on tables down a hallway, and other booklets on a separate round table or tables.
377. Mr. Whisamore testified that he followed the instructions in the petition booklets when gathering signatures.
378. Mr. Whisamore testified that the instructions in the petition booklets were simple, easy to understand, and important to follow.
379. Mr. Whisamore testified that he only had two booklets out at once at the most when he was gathering signatures, even though he may have gathered

signatures in five petition booklets before they were all filled out and certified.

380. Mr. Costa had originally flagged Mr. Whisamore as a circulator who had multiple post-dated signatures. However, Mr. Costa only flagged Mr. Whisamore because he had four post-dated signatures, and Mr. Costa further testified that the greater the number of post-dated signatures, the more likely it is that the circulator's booklets were circulated in a non-compliant manner.

ii. Findings

381. The Court generally finds Mr. Whisamore's testimony to be credible.

382. The Court finds that all of the petition booklets that Mr. Whisamore certified were properly certified, and that all of the signatures contained therein that were qualified by the Division were done so properly (0103, 0104, 0442, 0496, 0763, 0765, 0766; exhibits 2077, 2078, 2282, 2320, 2447, 2448, 2449).

383. The Court does not find that it is more likely than not that Mr. Whisamore improperly circulated his petition booklets because of four post-dated signatures, and does not disqualify his booklets or the signatures contained therein on that basis.

384. The Court finds that Mr. Whisamore's testimony about the layout of the Palmer Train Depot and how Mr. Izon was gathering signatures on February 21, 2023, to be credible.

385. The Court further finds that Mr. Izon's deposition testimony about the

layout of the Palmer Train Depot to not be credible — i.e., that Mr. Izon's petition booklets were only on one table, and that they were very close to him — since it contradicts Mr. Whisamore's testimony and the Sponsors' own exhibit (exhibit 3001). This makes it more likely than not that Mr. Izon did not lawfully collect 580 signatures in his actual presence at the Palmer Train Depot event on February 21, 2023.

386. The Court further finds that Mr. Izon's in-person testimony that he would only have 4 to 5 petition booklets out at any one time to not be credible, since it is generally inconsistent with Mr. Whisamore's testimony about the Palmer Train Depot and how Mr. Izon's petition booklets were laid out.

15. William Quantick's Testimony

i. *Testimony and Evidence*

387. Mr. Quantick testified as one of the Sponsors' witnesses.

388. The Court also reviewed Mr. Quantick's testimony through designated videotaped deposition testimony.

389. Mr. Quantick testified that he did not have prior experience gathering signatures, and that he did not receive any training or instructions about how to gather signatures.¹⁶

390. Mr. Quantick testified during his deposition that he got his first petition

¹⁶ Tr. 19, 26-27.

booklet from Mr. Izon at an event at the Palmer Train Depot where Mr. Quantick himself had signed one of Mr. Izon's petition booklets.¹⁷

391. Mr. Quantick was the first one to sign one of the petition booklets that he circulated (booklet 0450; exhibit 2287). Mr. Quantick's signature is from March 6, 2023, which is the same day that he certified that petition booklet.

392. Mr. Quantick testified that he signed his sworn certification statement on the same day that he started gathering signatures in each of his petition booklets (0450, 0616, 0684; exhibits 2287, 2369, 2413).

393. Mr. Quantick could not recall whether he signed his circulator statements at the end of the day when he first started gathering signatures, or at the beginning of the day before he started gathering any signatures.

394. Mr. Quantick testified that he was never told that he needed to sign his sworn circulator affidavit after he finished gathering signatures, and he did not read the sworn circulator statement in its entirety when he signed the self certification.

395. Mr. Quantick testified during his videotaped deposition that he then began gathering signatures in that one booklet, primarily at the Matanuska-Susitna Sportsman Show.¹⁸

¹⁷ Tr. 12-14.

¹⁸ Tr. 14-15.

396. Mr. Quantick testified that after he returned his booklet to Mr. Izon, he acquired two new petition booklets.¹⁹

397. Mr. Quantick initially testified during his in-person testimony that he obtained three booklets from Mr. Izon. He later testified, for the first time, that he got a second booklet from another the Mat-Su Republican Women's Club.

398. Mr. Quantick testified that he also gathered signatures at the Alaska State Fair, that he turned in the booklets after the conclusion of the State Fair, and that he did not gather any additional signatures after the State Fair.²⁰

399. Mr. Quantick testified that he "didn't go to" a notary, and therefore signed the self-certification.²¹ Mr. Quantick further testified that he could have gone and gotten his certification notarized if he had the time.²²

400. Mr. Quantick testified during his deposition that he did not get any additional signatures in petition booklet 0450 (exhibit 2287) after March 6, 2023, because "that was that Sportsman Show," and he "didn't collect any more signatures after that."

401. Mr. Quantick testified during his deposition that he had only partially filled out his three booklets.

¹⁹ Tr. 15-16.

²⁰ Tr. 18-19.

²¹ Tr. 22.

²² Tr. 22-23.

402. Petition booklet 0450 (exhibit 2287), which Mr. Quantick certified, was completely filled out, and did not have any signature lines missing.
403. The Master Spreadsheet shows that Mr. Quantick's petition booklet 0450 (exhibit 2287) is actually assigned to Bobby Jenks.
404. The Master Spreadsheet shows that Mr. Quantick's petition booklet 0616 (exhibit 2369) is actually assigned to Leroy Harrison Sr.
405. The Master Spreadsheet shows that Mr. Quantick's petition booklet 0684 (exhibit 2413) is actually assigned to Kathy McCollum and the Mat-Su Republican Women's Club.
406. Mr. Costa testified that circulators with large numbers of post-dated signatures should not have their petition booklets qualified, because they are indicative of a circulator failing to obtain signatures in a compliant manner.
407. Mr. Costa identified Mr. Quantick as the circulator with the greatest number of post-dated signatures out of any circulator for 22AKHE (table at page 21 of exhibit 1055).
408. Mr. Costa also testified that, if Mr. Quantick signed his circulator affidavit before gathering any signatures, then none of the signatures in the booklets — even those on the same date of his affidavit — should be counted.

ii. Findings

409. The Court, in general, does not find Mr. Quantick's testimony to be credible.

410. The Court finds that Mr. Quantick did not have a good memory or consistent explanation for the manner in which he gathered signatures for 22AKHE.

411. The Court finds that the vast majority of the signatures in Mr. Quantick's certified petition booklets were gathered after he self-certified the booklets, which indicates that even the few qualified signatures within those booklets were (more likely than not) improperly gathered.

412. The Court finds that the signatures in petition booklets that Mr. Quantick self-certified (0450, 0616, 0684; exhibits 2287, 2369, 2413) are disqualified, because it is more likely than not that Mr. Quantick falsely signed the sworn self-certification prior to gathering any signatures, and because he testified that he could have had his certification notarized, but he chose not to, and Mr. Quantick testified that he could not recall whether he signed the self-certification before or after he began gathering signatures.

413. The Court finds that Mr. Quantick's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were not properly circulated, in part due to a lack of appropriate training, including by Mr. Izon, who was the person in charge of gathering signatures for 22AKHE.

16. Mikaela Emswiler's Testimony

i. Testimony and Evidence

414. In addition to testifying live and in-person at trial, the Court also reviewed

the designated portions of Ms. Emswiler's videotaped depositions.

415. Ms. Emswiler testified that she is the sole owner of Top Fundraising Solutions, LLC ("TFS"), and that TFS is her company.

416. Ms. Emswiler testified that, initially, she was a volunteer for the 22AKHE signature gathering campaign.

417. Ms. Emswiler testified that she first got a petition booklet at an event at the Wellspring building.

418. Ms. Emswiler testified that, when she first got her petition booklet, she did not receive any additional instructions about how to gather signatures.²³

419. Ms. Emswiler testified that sometime in the summer or fall of 2023, she (through TFS) entered into an oral contract to help organize a paid signature drive and manage signature gathering in Anchorage.²⁴

420. Ms. Emswiler testified that she had never had prior experience gathering signatures or working on a signature gathering campaign.

421. Ms. Emswiler testified that TFS's paid signature gathering work was on behalf of Alaskans for Honest Elections ("AHE") and the signature gathering campaign for 22AKHE.²⁵

422. Ms. Emswiler testified that her paid work for AHE could generally be

²³ Tr. 15-16.

²⁴ Tr. 14, 17, 21.

²⁵ Tr. 29.

described in two phases. All of this work was through TFS.

423. Ms. Emswiler testified that the first phase of her work was to manage sending signature gatherers to Dillingham. Ms. Emswiler testified that she was paid a little over \$3,000 for this work, and that it was in the form of a reimbursement for travel expenses for the signature gatherers who went to Dillingham.

424. Ms. Emswiler testified that the second phase of her work concerned paid signature gathering in Anchorage. For this second phase of work, Ms. Emswiler testified that TFS was paid \$15,000 by AHE.

425. Ms. Emswiler testified that she started her work managing the signature gathering process in Anchorage in the summer of 2023, and that this initial work entailed getting a sense of who had volunteered to gather signatures and how many signatures had been gathered in the Anchorage area.

426. As part of this process, Ms. Emswiler testified that she had access to the Master Spreadsheet that Mr. Izon had been using and relying on.²⁶

427. Eventually, Ms. Emswiler testified that she created her own spreadsheet of just the Anchorage volunteers and booklets, in part because she believed that the Master Spreadsheet was full of errors. The spreadsheet of Anchorage volunteers ("Anchorage Spreadsheet") is exhibit 1053.

²⁶ Tr. 20.

428. Ms. Emswiler testified that she relied on the Anchorage Spreadsheet, and not the Master Spreadsheet, at the end of the signature gathering campaign.

429. Ms. Emswiler testified that, for the paid signature gathering, circulators would be paid \$4 per signature.

430. Ms. Emswiler testified that it was a joint decision to pay circulators \$4 a signature.²⁷ Although Ms. Emswiler initially could not remember who came up with the idea to pay \$4 a signature during her videotaped deposition, and simply said that it was a joint decision between herself, Mr. Izon, and Dr. Mathias,²⁸ her in-person testimony was that it was a decision made by Mr. Izon and Dr. Mathias.

431. Ms. Emswiler testified that when she was in charge of signature gathering in Anchorage, she would give circulators petition booklets.

432. Ms. Emswiler testified that she would pick up booklets from Dr. Mathias as needed, because Dr. Mathias was the point person to get petition booklets in Anchorage.²⁹

433. Ms. Emswiler testified that when she was giving circulators petition booklets, there were plenty of petition booklets available, and so there was no

²⁷ Tr. 33.

²⁸ See Tr. 33-34.

²⁹ Tr. 16, 18-19, 21.

need to re-assign any petition booklets.³⁰

434. Ms. Emswiler testified that she never gave circulators any written instructions about how to gather signatures in compliance with the law.

435. Ms. Emswiler initially testified that she never gave petition booklets with signatures already in them to circulators.³¹

436. Ms. Emswiler later testified that one circulator came to her saying that they were given a petition booklet that already had signatures in them.³²

437. Ms. Emswiler testified that circulators would bring petition booklets to her, and then TFS would pay them \$4 a signature for the signatures in the booklets.

438. Ms. Emswiler testified that if she was unable to track down who had submitted a petition booklet with an unsigned certification, it was on Mr. Izon to track the person down and get them to sign the circulator affidavit.³³

439. Ms. Emswiler testified that she would keep the petition booklets that she received locked in the Wellspring building.³⁴

440. During trial, Ms. Emswiler agreed that she had signed an affidavit in January 2024 stating that she only rented a room from Wellspring for five days

³⁰ Tr. 22.

³¹ Tr. 21-22.

³² Tr. 73-74.

³³ Tr. 23-24.

³⁴ Tr. 22.

a week in October and November 2023.

441. A few of Ms. Emswiler's petition booklets had the word "Fair" written at the top. Ms. Emswiler did not have a good explanation for why the word "Fair" had been written on those booklets by one of her volunteer team captains.³⁵

442. Ms. Emswiler testified that she self-certified her petition booklets after being given an opportunity to cure her circulator affidavit. Ms. Emswiler initially testified that she was told by the Division or Kit Rittgers that they could self-certify the booklets.³⁶ Ms. Emswiler later testified that she was not told that this was the case by any Division employee, and that she believes she was told that she could self-certify by either Dr. Mathias or Mr. Izon.³⁷

443. Ms. Emswiler testified that she did not try to find a notary before she self-certified her petition booklets.³⁸

444. Ms. Emswiler testified that although she checked a box indicating that she had not been paid to gather signatures for one of her booklets (1333; exhibit 2606), she should have checked the "yes" box because she was paid to gather signatures and manage signature gathering in Anchorage.³⁹

³⁵ Tr. 41-42, 44-45.

³⁶ Tr. 49-50.

³⁷ Tr. 86-87.

³⁸ Tr. 50.

³⁹ Tr. 52, 54.

445. Ms. Emswiler testified that she spoke with Mr. Ransum, Mr. Hughes, and Ms. Smith both before and after their depositions.

446. Ms. Emswiler testified that she was surprised to learn that Mr. Ransum had certified a petition booklet that had been left at Tudor Bingo, and that she had no explanation for why that happened.⁴⁰

447. Ms. Emswiler testified that she was surprised to learn that Mr. Hughes had certified a petition booklet (0950; exhibit 2549) that had signatures in them from when he was traveling outside of Alaska, and that she had no explanation for why that happened.⁴¹

448. Booklet 0950 (exhibit 2549) is assigned to Ms. Emswiler in the Master Spreadsheet (exhibit 1038) and is not listed in the Anchorage Spreadsheet at all (exhibit 1053).

449. Booklet 0476 (exhibit 2305) is assigned to Mr. Hughes in the Anchorage Spreadsheet (exhibit 1053) but is assigned to Mr. Coulter and Linda Page in the Master Spreadsheet (exhibit 1038), and was ultimately certified by Mr. Coulter.

450. Ms. Emswiler testified that she had not heard that Ms. Smith had been gathering signatures in a booklet that Mr. Hughes ultimately certified, and that

⁴⁰ Tr. 64.

⁴¹ Tr. 64-66.

she had no explanation for how that could have happened.⁴²

451. Ms. Emswiler testified that she knew that petition booklets were available at Duane's Antique Market and Tudor Bingo in Anchorage.⁴³

452. Ms. Emswiler testified that she had not been notified of, and was not aware of, any problems or complaints about those locations that came from the Division.⁴⁴

453. Ms. Emswiler testified that TFS had hired Ms. Rittgers to perform minimal services, including to maintain a spreadsheet of which circulators had petition booklets.

454. Ms. Emswiler testified that she remembered Gregory Lee.

455. Ms. Emswiler testified that she remembers speaking with Mr. Lee on the phone on November 14, 2023. The recorded telephone conversation between Mr. Lee and Ms. Emswiler is exhibit 1003A.

456. Ms. Emswiler is heard on exhibit 1003A stating that petition booklets can be left at businesses, so long as she is provided with contact information.

457. Ms. Emswiler testified that Mr. Lee obtained two petition booklets from Ms. Rittgers at Wellspring on November 22, 2023.

458. Ms. Emswiler and Mr. Lee testified that Mr. Lee provided his contact

⁴² Tr. 68.

⁴³ Tr. 71.

⁴⁴ Tr. 71-72, 90.

information to Ms. Rittgers on a piece of paper.

459. Mr. Lee's contact information and booklet assignments exist on the Master Spreadsheet (exhibit 1038), but do not exist on the Anchorage Spreadsheet (exhibit 1053).

460. Ms. Emswiler testified that she had removed Mr. Lee from her Anchorage Spreadsheet.

461. Ms. Emswiler testified that the Anchorage Spreadsheet has highlights for when booklets are turned in, grey shading for when the booklet remains in circulator, and red when a booklet has been lost.

462. Ms. Emswiler testified that she "relied pretty heavily on the team captains."⁴⁵

463. Mr. Ransum is listed as the team captain for three house districts (12, 18, 19) in the Anchorage Spreadsheet (exhibit 1053).

464. The Master Spreadsheet shows that Ms. Emswiler's petition booklets 0023, 0936, 0949, 1333 (exhibits 2017, 2540, 2548, 2606) are assigned to herself.

465. The Master Spreadsheet shows that Ms. Emswiler's petition booklet 0925 (exhibit 2534) is actually assigned to Will Barron.

466. The Master Spreadsheet shows that Ms. Emswiler's petition booklet 1323 (exhibit 2600) is actually assigned to Emily Deabreu.

⁴⁵ Tr. 110.

467. The Master Spreadsheet shows that Ms. Emswiler's petition booklet 1326 (exhibit 2601) is not assigned to anyone.

468. The Master Spreadsheet shows that Ms. Emswiler's petition booklet 1402 (exhibit 2640) is actually assigned to Kit Holstrom.

ii. Findings

469. The Court generally finds Mr. Emswiler's testimony to be credible

470. The Court finds that it is more likely than not that Ms. Emswiler would, at times, distribute booklets to circulators that already had signatures in them. This is based on the incentive of circulators to not inform Ms. Emswiler that they were given petition booklets with signatures already in them, and the fact that Ms. Emswiler could not explain why multiple of her circulators (Mr. Ransum, Mr. Hughes, and Ms. Smith) gathered signatures in a non-compliant manner.

471. The Court finds that the signatures in petition booklets that Ms. Emswiler self-certified (0936, 1323, 1326, 1333, 1402; exhibits 2540, 2600, 2601, 2606, 2640) are disqualified, because it is more likely than not that Ms. Emswiler could have had her certification notarized, but she did not attempt to find a notary.

472. The Court finds that it is more likely than not that Ms. Emswiler falsely signed her certification for booklet 1333 (exhibit 2606) by indicating that she was not paid for gathering signatures. The Court therefore disqualifies the

signatures in petition booklet 1333 (exhibit 2606), along with Ms. Emswiler's other petition booklets (0023, 0925, 0936, 0949, 1323, 1326, 1402; exhibits 2017, 2534, 2540, 2548, 2600, 2601, 2606), because she falsely certified booklet 1333 (exhibit 2606).

473. The Court finds that it is more likely than not that Ms. Emswiler continued to rely on the Master Spreadsheet through at least November 22, 2023.

474. The Court finds that it is more likely than not that Ms. Emswiler told Mr. Lee, who was acting as a prospective paid signature gatherer, that he could leave petition booklets at businesses in a non-compliant manner (exhibit 1003A).

475. The Court finds that it is more likely than not that Ms. Emswiler was never notified by Mr. Izon about how the Division had contacted Mr. Izon about improper circulation of petition booklets at Duane's Antique Market and Tudor Bingo.

476. The Court finds that Ms. Emswiler's testimony, including her authentication of exhibit 1003A, provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

477. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be

disqualified.

478. The Court finds that Ms. Emswiler's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were widely certified by individuals other than those who actually circulated the petition booklets.

17. Kathryn McCollum's Testimony

i. *Testimony and Evidence*

479. In addition to testifying live and in-person at trial, the Court also reviewed the designated portions of Ms. McCollum's videotaped deposition.

480. Ms. McCollum testified that she is the President of the Mat-Su Republican Women's Club ("the Club").

481. Ms. McCollum testified that she learned about 22AKHE after Mr. Izon gave a presentation to the Club and distributed petition booklets at that time.

482. Ms. McCollum testified that she first got a petition booklet from Mr. Izon at a Club meeting in early 2023.

483. Ms. McCollum testified that she did not receive any materials or training about how to gather signatures.

484. Ms. McCollum testified that she did not have any prior experience gathering signatures before this.⁴⁶

⁴⁶ Tr. 29.

485. Ms. McCollum testified that Ms. McCabe was generally in charge of collected circulated petition booklets from members of the Club.

486. Ms. McCollum testified that she would turn in completed petition booklets to Ms. McCabe.

487. Ms. McCollum testified that she first started gathering signatures at the Alaska Outdoorsman Show at the end of March 2023.

488. Ms. McCollum testified that there would almost always be two different people with their booklets setting at the Club booth at the Alaska Outdoorsman Show.⁴⁷

489. Ms. McCollum testified that volunteer shifts at the Club were for between three and four hours.

490. Ms. McCollum testified that she filled up her booklet at the Alaska Outdoorsman Show, and that additional booklets were brought to Club members by Mr. Izon after Ms. McCabe called him.

491. Ms. McCollum testified that she would only gather signatures at the Alaska Outdoorsman Show one booklet at a time, and that she would only get another booklet after one had been filled up.

492. There are four petition booklets (0618, 0681, 0682, 0683; exhibits 2371, 2410, 2411, 2412) with signatures from March 26, 2023, when Ms. McCollum

⁴⁷ Tr. 20.

testified that she gathered signatures at the Alaska Outdoorsman Show.

493. Ms. McCollum testified that she did not swap booklets with anybody else, and that nobody else collected signatures in any of her booklets.

494. Petition booklet 0681 (exhibit 2410) has another person's name crossed off on the front page.

495. Ms. McCollum testified, both during her deposition and in-person, that she did not try to find a notary before self-certifying her petition booklets.⁴⁸

496. Ms. McCollum testified that, in addition to the Alaska Outdoorsman Show, she also collected signatures at the Alaska State Fair.

497. Ms. McCollum was shown a number of photos and videos from the Alaska State Fair during both her videotaped deposition and in-person testimony.

498. Ms. McCollum was shown exhibit 1022E. Ms. McCollum could not identify either of the women in that video who were collecting signatures at the Club trailer at the State Fair on August 19, 2023.

499. Ms. McCollum was shown exhibit 1018H. Ms. McCollum testified that Ms. Martin was not visible in that video, even though her name was printed on the front of a petition booklet (0694; exhibit 2419) that Ms. Martin ultimately certified.

500. Ms. McCollum was shown exhibit 1022C. Ms. McCollum testified that the

⁴⁸ See Tr. 38.

person in that video, who appeared to be collecting signatures in petition booklet 0690 (exhibit 2416), was Mokie Tew.

501. Ms. McCollum testified that she did not give Mr. Tew permission to gather signatures in petition booklet 0690 (exhibit 2416).

502. Mr. Tew did not certify any petition booklets (exhibits 2001-2640).

503. Despite seeing video evidence (exhibit 1022C) of Mr. Tew gathering signatures in one of the petition booklets (0690; exhibit 2416) that Ms. McCollum certified, Ms. McCollum stood by her certification of that petition booklet.

504. Ms. McCollum was shown exhibit 1018I. Ms. McCollum testified that the person in that video is Nan Potts.

505. Ms. McCollum testified that Ms. Potts was gathering signatures in her own petition booklet or booklets.

506. Ms. McCollum testified that it would surprise her if Ms. Potts did not certify any petition booklets, because she was gathering signatures in at least one booklet.

507. Ms. Potts did not certify any petition booklets (exhibits 2001-2640).

508. Mr. Costa had identified Ms. McCollum as exhibiting suspicious circulator behavior in the data because of 3+ simultaneous starts and multiple large single day gathering amounts.

509. Mr. Costa testified that, after reviewing Ms. McCollum's testimony and

other testimony from trial, he has "grave concerns" about whether Ms. McCollum gathered signatures in compliance with the law.

510. Mr. Costa testified that it appeared that one of Ms. McCollum's booklets was being circulated by somebody else at the State Fair.

511. Mr. Costa testified that, if he were advising a campaign, he would advise that none of Ms. McCollum's booklets should be submitted or relied upon.

512. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0618 (exhibit 2371) is assigned to both herself and Garret Slaughter.

513. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0681 (exhibit 2410) is assigned to both herself and Mr. Quantick.

514. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0682 (exhibit 2411) is assigned to Ken DesRosiers.

515. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0683 (exhibit 2412) is assigned to both herself and the Club.

516. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0688 (exhibit 2414) is assigned to herself, the Club, and Amanda Concillo.

517. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0690 (exhibit 2416) is assigned to both herself and the Club.

518. The Master Spreadsheet shows that Ms. McCollum's petition booklet 0695 (exhibit 2420) is assigned to both herself and the Club.

ii. Findings

519. The Court, in general, does not find Ms. McCollum's testimony credible.

520. The Court finds that it is more likely than not that Ms. McCollum did not lawfully circulate petition booklet 0690 (exhibit 2416). This is because of exhibit 1022C, and the fact that Ms. McCollum continued to stand by her sworn circulator statement even after reviewing that video evidence.

521. The Court finds that it is more likely than not that Ms. McCollum did not lawfully circulate her petition booklets at the Alaska Outdoorsman Show, and therefore disqualifies all of her petition booklets. This is based, in part, on Mr. Costa's testimony on how unlikely it is for Ms. McCollum to have gathered that many signatures in a single day, and because she was able to gather signatures in multiple petition booklets which contradicts her testimony that she only had one booklet out at a time, and that she would only get a new booklet after she had completely filled out her petition booklet.

522. The Court finds that many of Ms. McCollum's petition booklets are identified in the Master Spreadsheet (exhibit 1038) as being associated with individuals or entities that do not necessarily include Ms. McCollum herself. The Court finds that this is further evidence that Ms. McCollum certified petition booklets in a non-compliant manner.

523. The Court finds that Ms. Potts was circulating petition booklet 0696 (exhibit 2421) at the Alaska State Fair in September 2023, and that Ms. Potts

never certified any petition booklet (exhibits 2001-2640).

524. The Court finds that the signatures in petition booklets that Ms. McCollum self-certified (0618, 0681, 0682, 0683, 0688, 0690, 0695; exhibits 2371, 2410, 2411, 2412, 2414, 2416, 2420) are disqualified, because it is more likely than not that Ms. McCollum could have had her certification notarized, but she never attempted to find a notary.

525. The Court does not find Ms. McCollum's testimony credible that she personally gathered large numbers of signatures on March 26, August 18, and August 21, 2023. Rather, the Court finds that it is more likely than not that some of the signatures in petition booklets that Ms. McCollum certified were actually gathered by another person or persons. The Court makes this finding because of evidence that at least one other booklet from Ms. McCollum was circulated by another individual (Mr. Tew; booklet 0690, exhibit 2416), and because of Mr. Costa's testimony regarding how unlikely it would be for Ms. McCollum to have lawfully gathered more than 150 signatures on three separate days.

526. The Court finds that it is more likely than not that Ms. McCollum did not circulate her petition booklets in compliance with the law. The Court therefore disqualifies all of the signatures contained within Ms. McCollum's petition booklets (0618, 0681, 0682, 0683, 0688, 0690, 0695; exhibits 2371, 2410, 2411, 2412, 2414, 2416, 2420).

527. The Court further finds that Ms. McCollum's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

18. Phillip Izon's Testimony

i. Testimony and Evidence

528. In addition to testifying live and in-person at trial, the Court also reviewed the designated portions of Mr. Izon's videotaped deposition.

529. Mr. Izon testified that he did not have any prior experience running a signature gathering campaign, or gathering signatures, before 22AKHE.

530. Mr. Izon testified that he wrote the language for what was later designated as 22AKHE.

531. Mr. Izon testified that, previously, he worked as a banker.

532. Mr. Izon testified that he, along with Dr. Mathias and Ms. Donley, is one of the three Sponsors for 22AKHE.

533. Mr. Izon testified that he was in charge of gathering signatures throughout the State of Alaska through approximately August 2023.

534. Mr. Izon testified that, after around August or September 2023, Ms. Emswiler became in charge of gathering signatures in Anchorage.

535. Mr. Izon testified that Dr. Mathias had a limited role in the signature gathering campaign, and that he (Mr. Izon) made the decisions on most

things.⁴⁹

536. Mr. Izon repeatedly testified that after Ms. Emswiler became in charge of signature gathering in Anchorage, he had very little to do with what happened in Anchorage, and he did not know what, exactly, was going on in Anchorage.

537. Mr. Izon testified that in addition to himself, Dr. Mathias, and Ms. Emswiler, Jamie Donley and Al Smay also comprised an informal "board" of advisors for the campaign.⁵⁰

538. Mr. Izon testified that, even though his wife's company (Leading Light Advisors) was paid for doing some work on behalf of the campaign, and he used an email address from that company, he was never personally paid or compensated for his work gathering signatures for 22AKHE.

539. Mr. Izon testified that he himself gathered signatures for 22AKHE, along with managing and overseeing the signature gathering campaign as a whole.

540. Mr. Izon testified that he made videos and prepared materials to inform signature gathers about how to properly gather signatures.

541. Mr. Izon testified that he created these videos and materials from the Division, and that the language he used was "verbatim."⁵¹

542. Exhibits 1009, 1013, 1028, and 1029 are Division materials that include

⁴⁹ Tr. 25.

⁵⁰ Tr. 26.

⁵¹ Tr. 43-45.

information about circulator requirements. They all include information about how signatures must be added in a circulator's actual presence.

543. Exhibit 1032 is a one-page sheet of instructions that Mr. Izon testified he gave to circulators.

544. Exhibit 1037 contains language of instructions that Mr. Izon testified were provided to every circulator.

545. Exhibit 1045 is a script from one of the videos that Mr. Izon created, and Exhibit 1047D is a version of that video.

546. None of the materials that Mr. Izon provided, either in the form of instructions, or in any written communications, include any information about how all signatures must be added to petition booklets in the circulators' actual presence.

547. Mr. Izon repeatedly testified that the original kick-off event at Wellspring on February 16, 2023 was "chaotic."

548. Mr. Izon testified that the event was "chaotic" because there were so many people there, there was not a good system to track who had taken what petition booklets, and the organization did not have an effective structure to manage the campaign at that time.⁵²

549. Mr. Izon testified that he was one of the speakers at that kick-off event, but

⁵² See Tr. 34-36.

claimed that he was not too busy that night.

550. Mr. Izon originally testified that he gathered signatures in no more than three booklets during the February 16, 2023, event.⁵³

551. Mr. Izon ultimately certified seven (7) petition booklets (0016, 0017, 0018, 0019, 0029, 0030, 0125; exhibits 2012, 2013, 2014, 2015, 2023, 2024, 2086) that had signatures from February 16, 2023.

552. Mr. Izon testified that he circulated multiple petition booklets on multiple tables during that kick-off event, but claimed that he would make sure that he would pick up each booklet and bring them with him when he left a table.

553. Mr. Costa testified that Mr. Izon was the "most suspicious" circulator according to his review of the data.

554. Mr. Costa identified Mr. Izon for having the highest number of 3+ simultaneous start booklets (20), and for having the highest single day gathering total (580).

555. Mr. Costa testified that Mr. Izon would have needed to gather approximately one signature a minute for ten hours in order to have actually gathered 580 signatures in a single day on February 21, 2023.

556. Mr. Izon gathered signatures at the Palmer Train Depot on February 21, 2023.

⁵³ Tr. 164.

557. Mr. Izon testified in-person that he was at the Palmer Train Depot for approximately 6 to 8 hours gathering signatures that day.

558. Mr. Izon testified that he took a lunch break in the middle of that day.⁵⁴

559. Mr. Izon testified that February 21, 2023 “was another really crazy day.”⁵⁵

560. Mr. Izon testified in-person that he would have 4-5 petition booklets out at any one time, and that they were all within arm’s length.

561. Mr. Izon did not have a good explanation for why he started additional petition booklets on February 21 after already starting seven (7) petition booklets on February 16, 2023.

562. Mr. Izon had ten (10) active petition booklets as of February 21, 2023 (see pages 12-16 of exhibit 1055 for Mr. Izon’s 3+ simultaneous start booklets).

563. Mr. Costa testified that “it strains the limits of credulity” that Mr. Izon lawfully gathered 580 signatures in a single day, and that he could not “really see how it is possible.” This is because, according to Mr. Costa’s expert testimony, there is a natural limit if a circulator is directly involved in the signature-gathering process.

564. Mr. Izon testified that he’s “just really good” at collecting signatures.

565. Mr. Izon repeatedly testified that he was “standing in front of” any signers

⁵⁴ Tr. 178.

⁵⁵ Tr. 172.

of his petition booklets.⁵⁶ Mr. Izon suggested that in order for a signature to have been made in his actual presence, it would need to have been within approximately 6 feet of him.⁵⁷ Mr. Izon also testified that he never allowed anybody to sign more than 20 feet away from him.⁵⁸

566. Mr. Izon testified during his deposition that he only had petition booklets on one table at the Palmer Train Depot on February 21, 2023.

567. Exhibit 3001 shows multiple tables at the Palmer Train Depot, including at least one round table that is not connected to a row of multiple tables.

568. Mr. Whisamore testified that there were several tables with petition booklets on them at the Palmer Train Depot event, including some "down the hallway."

569. Mr. Izon testified, both during his deposition and in-person that he had originally tried to segregate his petition booklets by house district.

570. Mr. Izon testified that he abandoned this practice of attempting to segregate signatures by house district around the middle of the signature gathering campaign.

571. Mr. Costa testified that he had analyzed Mr. Izon's petition booklets, and that they did not exhibit any pattern showing that the booklets were segregated

⁵⁶ Tr. 70.

⁵⁷ Tr. 72-73.

⁵⁸ Tr. 74.

by house district.

572. Mr. Izon testified that he relied on the Master Spreadsheet (exhibit 1038) to locate and assign petition booklets to circulators, and that this was the purpose of having the Master Spreadsheet.⁵⁹

573. Mr. Izon testified that he first created the Master Spreadsheet by importing information from a database that he created on the Alaskans for Honest Elections' ("AHE") website.

574. Mr. Izon testified that he received communications from the Division about how petition booklets were left unattended at Duane's Antique Market ("Duane's") in July 2023.

575. Mr. Izon testified that he called and spoke with somebody at Duane's to make sure that they were properly circulating the petition booklets.

576. Mr. Izon testified during his deposition that he spoke with an employee at Duane's about the improper circulation of petition booklets; Mr. Izon's in-person testimony was that he spoke with the owner (Duane) himself.

577. Mr. Izon also testified that he forwarded the information about Duane's to Anchorage.

578. Neither Ms. Emswiler nor Dr. Mathias testified that they knew about any problems with Duane's once the Division notified Mr. Izon about improper

⁵⁹ See Tr. 94.

circulation.

579. Mr. Izon continued to promote Duane's as a place that individuals could sign the petition until at least December 8, 2023 (exhibit 1041V).

580. Mr. Izon testified that he received communications from the Division about how petition booklets were left unattended at Tudor Bingo in October 2023.

581. Mr. Izon testified that he was not in charge of Anchorage at that point, but that he forwarded the information along to Ms. Emswiler.

582. Ms. Emswiler testified that she was never told by Mr. Izon about any problems with petition booklet circulation at Tudor Bingo.

583. Mr. Izon originally testified that he stopped promoting Tudor Bingo after he received correspondence from the Division about improper circulation at that location.

584. Mr. Izon nevertheless continued to promote Tudor Bingo as a signing location through December 16, 2023 (exhibit 1041W).

585. Mr. Izon testified that he intercepted two petition booklets that were improperly circulated at Big Valley Bingo (0140, 0357; exhibits 3008G, 3008K).

586. Mr. Izon testified that although Sylvia's Quilt Depot was approximately 10 minutes away from his house, he never went to that business to confirm that petition booklets were being properly circulated at that location.

587. Mr. Izon traveled extensively both outside and within Alaska during the

signature gathering campaign.

588. Mr. Izon testified that he recalls getting one signature from a voter while at CPAC in Washington D.C., but otherwise did not collect any signatures from any voter unless it was a travel day (i.e., he was flying that day).

589. Mr. Izon testified that he traveled to Southeast Alaska from April 22 to 27, 2023, and gathered signatures in multiple petition booklets.

590. Petition booklet 0181 (exhibit 2120) contains a non-Southeast Alaska signature from April 23, 2023. Mr. Izon testified that he has no memory about that particular signature.

591. Petition booklet 0181 (exhibit 2120) also contains a signature from May 9, 2023. Mr. Izon was in Florida on that day.⁶⁰

592. Mr. Izon testified that he had multiple Palmer Train Depot events in June and July 2023, and that he gathered signatures during those events.⁶¹

593. None of the petition booklets that Mr. Izon certified (0016, 0017, 0018, 0019, 0029, 0030, 0054, 0057, 0059, 0107, 0125, 0128, 0181, 0429, 0444, 0626, 0628, 0629, 0743, 0924, 1112, 1113; exhibits 2012, 2013, 2014, 2015, 2023, 2024, 2040, 2042, 2044, 2080, 2086, 2087, 2120, 2273, 2283, 2376, 2377, 2378, 2440, 2533, 2576, 2577) contain signatures from days that the

⁶⁰ Tr. 186; *see also* Tr. 113.

⁶¹ Tr. 127-129.

Palmer Train Depot events occurred in June and July of 2023.

594. Eight (8) of Mr. Izon's petition booklets are not assigned to him on the Master Spreadsheet (exhibit 1038); fourteen (14) of Mr. Izon's booklets are assigned to him in some fashion.

595. Mr. Izon testified that he did not always keep the Master Spreadsheet up to date with respect to which signature booklets he maintained custody and control of, because he was in charge of the signature gathering campaign.

596. When asked about petition booklet 0181 (exhibit 2120), Mr. Izon testified that he did not know the person assigned to that booklet in the Master Spreadsheet (Laurie Vandenberg). Mr. Izon instead testified that it was likely a booklet that he had re-assigned to himself after attempting to contact that circulator.

597. The first signature in petition booklet 0181 (exhibit 2120) is dated February 26, 2023.

598. Mr. Izon testified that he did not submit numerous booklets to the Division because of improper circulator affidavits.

599. Mr. Izon testified that he did not know what happened to the fifteen (15) petition booklets that the Division returned to him on January 12, 2024 for facially deficient circulator affidavits.

600. Mr. Izon testified that he had tweeted nearly 20,000 times from AHE's Twitter account.

601. Mr. Izon tweeted six times during the breaks of his videotaped deposition.

602. Mr. Izon testified that he believes what he heard from his volunteer circulators over the photographic and video evidence that has been admitted in this case.

603. Mr. Izon testified that he believed, without support, that the Plaintiffs' photo and video exhibits had been manipulated.

ii. Findings

604. The Court does not find Mr. Izon's testimony to be credible.

605. The Court finds that Mr. Izon was in charge of and generally responsible for the 22AKHE signature gathering campaign.

606. The Court finds that Mr. Izon did not provide adequate or proper training to circulators of petition booklets.

607. The Court finds that it is more likely than not that Mr. Izon did not circulate his petition booklets in accordance with the law. Accordingly, the Court disqualifies all of the signatures in all of Mr. Izon's petition booklets (0016, 0017, 0018, 0019, 0029, 0030, 0054, 0057, 0059, 0107, 0125, 0128, 0181, 0429, 0444, 0626, 0628, 0629, 0743, 0924, 1112, 1113; exhibits 2012, 2013, 2014, 2015, 2023, 2024, 2040, 2042, 2044, 2080, 2086, 2087, 2120, 2273, 2283, 2376, 2377, 2378, 2440, 2533, 2576, 2577).

608. The Court finds that it is more likely than not that Mr. Izon did not lawfully gather 580 signatures on February 21, 2023. The Court makes this finding

because of Mr. Costa's credible expert testimony about the natural limits for how many signatures a circulator can lawfully gather in a day, along with Mr. Izon's inconsistent testimony about how he purportedly gathered signatures at the Palmer Train Depot on that day. Accordingly, the Court disqualifies all of the signatures in all of Mr. Izon's petition booklets (0016, 0017, 0018, 0019, 0029, 0030, 0054, 0057, 0059, 0107, 0125, 0128, 0181, 0429, 0444, 0626, 0628, 0629, 0743, 0924, 1112, 1113; exhibits 2012, 2013, 2014, 2015, 2023, 2024, 2040, 2042, 2044, 2080, 2086, 2087, 2120, 2273, 2283, 2376, 2377, 2378, 2440, 2533, 2576, 2577), because of his false circulator affidavits.

609. The Court finds that it is more likely than not that Mr. Izon was not lawfully circulating more than twenty (20) petition booklets simultaneously. Rather, the Court finds that it is more likely than not that Mr. Izon ultimately certified petition booklets that were either improperly circulated or that were circulated by individuals other than himself. The Court makes this finding based on Mr. Costa's expert opinion testimony, and Mr. Izon's inconsistent explanations for why he was gathering signatures in multiple petition booklets simultaneously. In particular, Mr. Izon's explanation for so many simultaneous booklets being due to his plan to segregate signatures in separate booklets by house district appears to have been a fabrication.

610. The Court finds that it is more likely than not that Mr. Izon falsely signed

the sworn certification statement for petition booklet 0181 (exhibit 2120), because multiple signatures were added to that booklet when he was traveling outside Alaska and in Southeast Alaska.

611. The Court finds that it is more likely than not that Mr. Izon did not properly oversee and manage the signature gathering campaign for 22AKHE, and that it led to widespread and endemic non-compliant signature gathering.

612. The Court does not find Mr. Izon's explanations as to why the Master Spreadsheet was inaccurate to be credible. Rather, the Court finds that it is more likely than not that some of the individuals who are assigned to booklets that Mr. Izon ultimately certified did, in fact, gather some signatures in those petition booklets.

613. The Court finds that Mr. Izon's lack of credibility requires disqualification of all of the signatures in his petition booklets (0016, 0017, 0018, 0019, 0029, 0030, 0054, 0057, 0059, 0107, 0125, 0128, 0181, 0429, 0444, 0626, 0628, 0629, 0743, 0924, 1112, 1113; exhibits 2012, 2013, 2014, 2015, 2023, 2024, 2040, 2042, 2044, 2080, 2086, 2087, 2120, 2273, 2283, 2376, 2377, 2378, 2440, 2533, 2576, 2577).

614. The Court finds that Mr. Izon's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

615. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

616. The Court finds that Mr. Izon's testimony provides further support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

19. Theodorus Ransum's Testimony

i. Testimony and Evidence

617. The Court reviewed Mr. Ransum's testimony through designated videotaped deposition testimony.

618. Mr. Ransum brought notes with him to his deposition which indicated which booklets he certified, which booklets he gave out to other individuals as a volunteer team captain in Anchorage, and which petition booklets he notarized as a notary.

619. Mr. Ransum testified based on review of his own notes that he notarized eight (8) petition booklets.

620. Mr. Ransum actually notarized fifteen (15) petition booklets (0043, 0045, 0094, 0481, 0484, 0780, 0906, 0956, 0957, 1308, 1309, 1320, 1327, 1328, 1330; exhibits 2032, 2034, 2069, 2308, 2311, 2458, 2519, 2553, 2554, 2588,

2589, 2597, 2602, 2603, 2605).

621. Prior to his deposition, Mr. Ransum testified that he had objected to providing subpoenaed materials to the deposition pursuant to Alaska Civil Rule 45(D) after he had studied the rule himself.⁶² Mr. Ransum also testified that he told Mr. Coulter about it.

622. Mr. Jepsen testified that he had told Mr. Ransum that they could object to providing subpoenaed materials pursuant to Rule 45(D).

623. Mr. Ransum was the team captain for three house districts in Anchorage (exhibit 1053).

624. Mr. Ransum testified that he assigned out eight (8) petition booklets to other individuals.⁶³ Those were petition booklets 0953-0960 (exhibits 2550-2556; booklet 0960 is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants' exhibits of submitted booklets).

625. Mr. Ransum testified that many of the booklets were assigned out to individuals who kept them at their businesses. This included a Car Care Center, a gas station owner, a hair styling salon, and a chiropractic office.⁶⁴ Mr. Ransum testified that he never went to any of those businesses to confirm that those booklets were being properly circulated.

⁶² Tr. 12.

⁶³ Tr. 21.

⁶⁴ Tr. 23-24.

626. Mr. Izon later testified that it "was a bad plan" to have booklets left at businesses, and that he was "not surprised" the campaign got complaints about improper circulation of petition booklets that were left at businesses.

627. Mr. Ransum testified that he would get petition booklets from either Dr. Mathias or Mr. Izon.

628. Mr. Ransum made "an honest confession" during his deposition and testified that he falsely signed a sworn circulator affidavit for a booklet that had been circulated by Maureen.⁶⁵ The booklet number is 0958 (exhibit 2555), and Mr. Ransum did not have any explanation for why he falsely signed that petition booklet.⁶⁶

629. Mr. Ransum testified that he gathered signatures at the Alaska State Fair for one day, and that he gathered signatures at the Mat-Su Republican Women's Club trailer.

630. Mr. Ransum testified that he would leave his petition booklet unattended, sometimes for 20 minutes at a time, when it was out for signature collection at the Alaska State Fair. Mr. Ransum left his booklet unattended so that he could talk to friends and grab a bite to eat.⁶⁷

631. Mr. Ransum, after reviewing exhibit 1022A, acknowledged that he did not

⁶⁵ Tr. 24.

⁶⁶ Tr. 30, 45.

⁶⁷ Tr. 51-52.

follow the rules with respect to petition booklet 0630 (exhibit 2379).

632. Mr. Ransum testified that he had photos taken with a friend on the day that he gathered signatures from the State Fair,⁶⁸ but the only photos that he had access to were from a different day.⁶⁹

633. Mr. Ransum testified that he never gathered signatures at Tudor Bingo.⁷⁰

634. Mr. Ransum nevertheless signed petition booklet 0967 (exhibit 2560), which had been left at Tudor Bingo for weeks according to the trial testimony and numerous authenticated photographs and videos from Ms. Kenny, Ms. Dunbar, Mr. Lee, and Mr. Susky.

635. Mr. Ransum did not have any explanation for how he came to certify petition booklet 0967 (exhibit 2560).

636. In fact, Mr. Izon later testified that whoever certified the booklet that was left at Tudor Bingo (i.e., Mr. Ransum) "is at fault."

637. In total, Mr. Ransum conceded during his deposition to have not properly certified three petition booklets (0630, 0958, 0967; exhibits 2379, 2555, 2560). Mr. Ransum only signed certification statements for five petition booklets (0540, 0630, 0923, 0958, 0967; exhibits 2334, 2379, 2532, 2555, 2560).

638. Mr. Ransum testified that he was instrumental in doing data entry of petition

⁶⁸ Tr. 50-51.

⁶⁹ Tr. 60.

⁷⁰ Tr. 30-31.

booklets, and therefore had access to numerous petition booklets before they were filed with the Division.

639. Mr. Ransum self-certified four of his five petition booklets (0540, 0923, 0958, 0967; exhibits 2334, 2532, 2555, 2560) while he was at Mountain City Church in Anchorage. He testified that he was told by Ms. Emswiler to self-certify the petition booklets, and he did not believe that a notary was there at the time that he was asked to self-certify the petition booklets.

640. Mr. Costa testified that he had identified Mr. Ransum as part of his list of circulators with a 3+ simultaneous start.

641. Mr. Costa testified that, if he were advising a campaign, he would advise that none of the booklets involving Mr. Ransum could "be trusted," in part because Mr. Ransum admitted to falsely signing circulator affidavits for "several" booklets.

ii. Findings

642. The Court, in general, does not find Mr. Ransum's testimony to be credible.

643. The Court finds that it is more likely than not that Mr. Ransum falsely signed sworn circulator affidavits for petition booklets 0630, 0958, and 0967 (exhibits 2379, 2555, 2560), and therefore disqualifies all of the signatures contained within those booklets. The Court also finds that it is more likely than not that Mr. Ransum was non-compliant when he gathered signatures for his other two petition booklets (0540 and 0923; exhibits 2334, 2532), and also

disqualifies all of those signatures.

644. The Court finds that it is more likely than not that Mr. Ransom did not actually notarize all fifteen of the petition booklets that he did, because he testified that he only notarized eight petition booklets. Because the Court cannot determine which booklets were purportedly notarized by Mr. Ransom, yet he had no memory or record of notarizing seven booklets, the Court disqualifies the signatures contained within all fifteen of the petition booklets that contain Mr. Ransom's notary stamp and signature (0043, 0045, 0094, 0481, 0484, 0780, 0906, 0956, 0957, 1308, 1309, 1320, 1327, 1328, 1330; exhibits 2032, 2034, 2069, 2308, 2311, 2458, 2519, 2553, 2554, 2588, 2589, 2597, 2602, 2603, 2605).

645. The Court finds that it is more likely than not that the eight petition booklets that Mr. Ransom was in charge of as a volunteer team captain were improperly circulated. This is because the majority of those booklets were kept at businesses, and Mr. Ransom never checked to confirm that those booklets were being properly circulated. Additionally, Mr. Izon himself testified that it "was a bad plan" to leave petition booklets at businesses, because they were generally non-complaint when gathering signatures. The Court therefore disqualifies the following seven (7) petition booklets 0953-0959 (exhibits 2550-2556) on this basis alone. The eighth booklet (960) is neither part of Intervenor's exhibits of unsubmitted booklets nor part of Defendants'

exhibits of submitted booklets

646. The Court finds that the signatures in petition booklets that Mr. Ransum self-certified (0540, 0923, 0958, 0967; exhibits 2334, 2532, 2555, 2560) are disqualified because it is more likely than not that Mr. Ransum testified that he was simply told that he could self-certify his circulator affidavit, and that he did not try to find a notary.

647. The Court finds that Mr. Ransum testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

648. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

649. The Court finds that Mr. Ransum's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

20. Dr. Arthur Mathias's Testimony

i. Testimony and Evidence

650. The Court reviewed Dr. Mathias's testimony through designated

videotaped deposition testimony.

651. Dr. Mathias testified that he is one of the Sponsors of the initiative.

652. Dr. Mathias testified that he spells his last name differently "depending on the situation."⁷¹

653. Dr. Mathias testified that he played a "very limited" role in gathering signatures for 22AKHE.

654. Dr. Mathias testified that Mr. Izon was initially in charge of signature gathering for the entire state, but then Ms. Emswiler — through Top Fundraising Solutions ("TFS") — was brought in to gather signatures in Anchorage.

655. Dr. Mathias testified that Ms. Emswiler began leading the charge to gather signatures in Anchorage in around the September or October timeframe.⁷²

656. Dr. Mathias testified that he assigned out three to four petition booklets, and that he wrote down who he assigned them to on a piece of paper, and that he gave that information to Mr. Izon to input into the Master Spreadsheet.

657. Dr. Mathias testified that he and Mr. Izon decided to put Ms. Emswiler in charge of signature gathering in Anchorage.

658. Dr. Mathias testified that he had not heard about how the Division told

⁷¹ Tr. 8.

⁷² Tr. 11-12.

Mr. Izon about unattended petition booklets at Duane's Antique Market and Tudor Bingo.

659. Dr. Mathias testified that he did eventually learn from Mr. Izon that certain petition booklets would not be filed with the Division, and that they may have included booklets from those locations, but that was not until January 2024.

660. Dr. Mathias that none of the primary individuals involved in decision making — including himself, Mr. Izon, and Ms. Emswiler — had ever run a signature gathering campaign before.

ii. Findings

661. The Court finds that Dr. Mathias's testimony is credible.

662. The Court finds that, contrary to Mr. Izon's testimony, Dr. Mathias was never told about unattended booklets at Duane's Antique Market or Tudor Bingo until January 2024 at the earliest. The Court also finds that this may have just been about Big Valley Bingo, where Mr. Izon likely withheld two petition booklets (0140 and 0357; exhibits 3008G, 3008K) that were left unattended at that location and were therefore improperly circulated.

663. The Court finds that Mr. Izon was in charge of signature gathering throughout Alaska until approximately September or October 2023, and then Ms. Emswiler, through TFS, was in charge of Anchorage.

21. Brad Campbell's Testimony

i. Testimony and Evidence

664. The Court reviewed Mr. Campbell's testimony through designated videotaped deposition testimony.

665. Mr. Campbell testified that he had received two 22AKHE petition booklets from his wife, Margaret Nelson.

666. Ms. Nelson certified one petition booklet (booklet 0027, exhibit 2024).

667. Mr. Campbell testified that he did not receive any instructions about how to gather signatures,⁷³ and that he had never gathered signatures before.⁷⁴

668. Mr. Campbell testified that there were already signatures in the two 22AKHE petition booklets that he received before he began gathering signatures in them.⁷⁵ Mr. Campbell testified that he does not know who gathered those signatures.⁷⁶

669. Mr. Campbell testified that he signed the certifications for the two petition booklets that he received. Those petition booklets were booklets 0679 and 0835 (exhibits 2409, 2484).

670. Exhibits 1018A-D, 1020A-D, and 1024A-B show that petition booklet 0835

⁷³ Tr. 11, 18.

⁷⁴ Tr. 14.

⁷⁵ Tr. 12.

⁷⁶ Tr. 22.

was left unattended at Duane's Antique Market.

671. Exhibits 1016I and 1017F-G show that petition booklet 0679 was left unattended at Duane's Antique Market.

672. When asked whether he witnessed every signature in both of his petition booklets, Mr. Campbell invoked the Fifth Amendment.⁷⁷

673. When asked whether he ever let somebody else carry or have custody of his petition booklets, Mr. Campbell invoked the Fifth Amendment.⁷⁸

674. When asked whether he ever left either of his petition booklets at a static location and/or unattended, Mr. Campbell invoked the Fifth Amendment.⁷⁹

675. When shown photographs of petition booklet 0835 (exhibit 2484), Mr. Campbell could not identify the location.⁸⁰

676. Mr. Campbell testified that he never worked at Duane's Antique Market before he retired in the summer of 2023.⁸¹

677. The Master Spreadsheet shows that Mr. Campbell's petition booklet 0679 (exhibit 2409) is assigned to Chase Griffith.

678. The Master Spreadsheet shows that Mr. Campbell's petition booklet 0835

⁷⁷ Tr. 16, 19.

⁷⁸ Tr. 17, 19-20.

⁷⁹ Tr. 17, 20.

⁸⁰ Tr. 20-21.

⁸¹ Tr. 8-9.

(exhibit 2484) is not assigned.

679. The Master Spreadsheet shows that Ms. Nelson's petition booklet 0027 (exhibit 2021) is assigned to herself.

ii. Findings

680. The Court finds Mr. Campbell's testimony to be credible.

681. The Court finds that the signatures in petition booklets 0679 and 0835 (exhibits 2409, 2484) are disqualified, because it is more likely than not that Mr. Campbell did not lawfully circulate those petition booklets. The Court makes this finding because Mr. Campbell testified that there were signatures in one or more of his petition booklets before he received them, that he does not know who gathered those signatures, and then he repeatedly invoked the Fifth Amendment when asked whether his certifications complied with the law. This finding is also consistent with admitted exhibits (exhibits 1016I, 1017F-G, 1018A-D, 1020A-D, 1024A-B) which showed that the petition booklets Mr. Campbell ultimately certified had been left unattended at Duane's Antique Market.

682. The Court finds that the signatures in Ms. Nelson's petition booklet (0027, exhibit 2021) are disqualified. This is because the Court finds that it is more likely than not that Ms. Nelson did not properly circulate that petition booklet, because she gave her husband (Mr. Campbell) two petition booklets that already had signatures in them for him to gather more signatures in and

eventually certify.

683. The Court finds that Mr. Campbell's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by those who purported to have circulated the booklets.

684. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

685. The Court finds that Mr. Campbell's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

22. Eric Hughes's Testimony

i. Testimony and Evidence

686. The Court reviewed Mr. Hughes's testimony through designated videotaped deposition testimony.

687. Mr. Hughes testified that he did not have prior experience gathering signatures before this,⁸² and that he does not recall receiving any instructions

⁸² Tr. 26.

about how to gather signatures.⁸³

688. Mr. Hughes testified that he first got two 22AKHE petition booklets at an event held at Wellspring in February 2023. He further testified that he gave his contact information on a sheet of paper.

689. Mr. Hughes testified that he gathered signatures in both of these petition booklets, in part by gathering signatures outside of the PFD office in Anchorage at the end of March 2023.

690. Mr. Hughes testified that he handed both of those largely-filled 22AKHE petition booklets to Robert Coulter,⁸⁴ and that when he did, Mr. Hughes did not sign the certifications on the backs of either of those petition booklets.⁸⁵

691. Mr. Hughes originally testified that he handed both of those petition booklets to Mr. Coulter before he left Alaska in August 2023, but then he later testified that he was not sure when he did, and that it might have been when he left Alaska again in November 2023.

692. Mr. Hughes testified that he left Alaska from August 11 to August 25, 2023.⁸⁶

693. Mr. Hughes testified that he went to the Alaska State Fair, but that it was

⁸³ Tr. 40.

⁸⁴ Tr. 19, 48-49.

⁸⁵ Tr. 25.

⁸⁶ Tr. 35.

after August 25, 2023, and that he did not collect signatures at the State Fair.⁸⁷

694. Mr. Hughes testified that he was later paid by Mikaela Emswiler to gather signatures for 22AKHE. He further testified that he was paid approximately \$600.00 or \$700.00 dollars.

695. Mr. Hughes watched exhibit 1020E, which is a video that was taken of petition booklet 0950 (exhibit 2549) at the Alaska State Fair on August 19, 2023.

696. Mr. Hughes could not identify any of the individuals in the video, and could not explain why they were gathering signatures in a booklet that he certified.⁸⁸

697. Mr. Hughes testified that he gathered all of the other signatures in petition booklet 0950 (exhibit 2549) after he returned to Alaska.⁸⁹

698. Mr. Costa had identified Mr. Hughes as certifying three or more booklets with overlapping signature dates, but Mr. Costa did not identify Mr. Hughes as one of the sixteen circulators who had a 3+ simultaneous start.

699. Mr. Costa testified that, if he were advising a campaign, he would advise that the campaign not rely on or trust any of the petition booklets (0938, 0950, 1316; exhibits 2542, 2549, 2593) that Mr. Hughes certified. This is because Mr. Hughes falsely certified a circulator affidavit that contained over a hundred

⁸⁷ Tr. 37.

⁸⁸ Tr. 45-46, 56, 58-60.

⁸⁹ Tr. 46.

signatures that he did not gather, and because he gave two uncertified petition booklets to Mr. Coulter.

ii. Findings

700. The Court generally finds Mr. Hughes's testimony to be credible.

701. The Court finds that the first 105 signatures in petition booklet 0950 (exhibit 2549), which are in a booklet certified by Mr. Hughes, were not collected by Mr. Hughes.

702. The Court finds that it is more likely than not that Mr. Hughes gave Mr. Coulter two uncertified petition booklets, and that it is more likely than not that Mr. Coulter unlawfully certified both of those petition booklets. Only one of those two booklets has been identified by Mr. Coulter (0476; exhibit 2305).

703. The Court finds that the signatures in petition booklet 0950 (exhibit 2549) are disqualified, because it is more likely than not that Mr. Hughes falsely signed a sworn circulator statement for that petition booklet.

704. The Court disqualifies the signatures in all of Mr. Hughes's petition booklets (0938, 0950, 1316; exhibits 2542, 2549, 2593), because it is more likely than not that some of the signatures gathered in Mr. Hughes's petition booklets were gathered by someone other than himself, and he admitted to falsely signing the circulator affidavit for petition booklet 0950 (exhibit 2549).

705. The Court finds that Mr. Hughes's testimony supports Mr. Costa's expert opinion testimony that he was conservative in identifying individuals as

exhibiting suspicious circulating behavior when reviewing the data alone.

706. The Court finds that Mr. Hughes's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

707. The Court finds that Mr. Hughes's testimony provides support for the Court's finding and conclusion that Mikaela Emswiler gave Mr. Hughes a petition booklet (0950, exhibit 2549) with an unsigned circulator affidavit, even though there were already 105 signatures in that petition booklet.

23. Trevor Jepsen's Testimony

i. Testimony and Evidence

708. The Court reviewed Mr. Jepsen's testimony through designated videotaped deposition testimony.

709. Mr. Jepsen testified that he did not have prior experience gathering signatures, and that he did not receive any training or instructions about how to gather signatures.⁹⁰

710. Mr. Jepsen testified that, in addition to gathering signatures at specific events, he also gathered signatures by going door-to-door.

711. Mr. Jepsen testified that it was his idea to gather signatures by going door-

⁹⁰ Tr. 21.

to-door, and he would provide a list of targeted doors for circulators to go to in order to gather signatures.

712. Mr. Jepsen testified that, when he finished gathering signatures in a petition booklet, he would turn them in to Mikaela Emswiler at her house.⁹¹

713. Mr. Jepsen testified that he gave one of the booklets that he had received to another person to gather signatures, Kelly Cusack.⁹²

714. Mr. Jepsen testified that he ultimately signed the circulator affidavit for Ms. Cusack's petition booklet, even though he did not gather the majority of the signatures in that petition booklet.⁹³

715. Mr. Jepsen testified that he was able to identify that booklet because he remembers that there were only 15 signatures in that booklet, and that he had signed the last line of that booklet as a subscriber.

716. Mr. Jepsen testified that, to his knowledge, he was the sole circulator for all of the other booklets that he certified.⁹⁴

717. Mr. Jepsen identified the booklet that he falsely certified as petition

⁹¹ Tr. 18.

⁹² Tr. 19-20.

⁹³ Tr. 20.

⁹⁴ Tr. 20.

booklet 1319 (exhibit 2597A).⁹⁵

718. Mr. Jepsen testified that booklet 1319 (exhibit 2597A) was circulated by somebody else, and that the signatures made in that booklet were not made in his actual presence, and so he did not follow the rules with respect to that petition booklet.⁹⁶

719. Mr. Jepsen testified that, in response to receiving the notice of deposition and subpoena, he researched whether he could object to providing the materials requested on his own.⁹⁷ Mr. Jepsen testified that he told Ms. Emswiler and Theodorus "Theo" Ransom about the ability to object.⁹⁸

720. Mr. Costa had identified Mr. Jepsen for a 3+ simultaneous start.

721. Mr. Costa testified that, if he were advising a campaign, he would advise that the campaign not rely on or trust any of the petition booklets (1319, 1320, 1327, 1328, 1330; exhibits 2597A, 2597B, 2602, 2603, 2605) that Mr. Jepsen certified. This is because Mr. Jepsen admitted to falsely certifying a circulator affidavit that had actually been circulated by another person, which calls into question the veracity of his other sworn circulator affidavits.

⁹⁵ There appear to be two petition booklets labeled exhibit 2597. For clarity, Plaintiffs refer to petition booklet 1319 as exhibit 2597A, and petition booklet 1320 as exhibit 2597B.

⁹⁶ Tr. 26-28.

⁹⁷ Tr. 33.

⁹⁸ Tr. 33-34.

ii. Findings

722. The Court, in general, does not find Mr. Jepsen's testimony to be credible.

723. The Court finds that petition booklet 1319 (exhibit 2597A) is disqualified, because it is more likely than not that Mr. Jepsen falsely signed the certification statement with respect to that booklet.

724. The Court finds that neither Mr. Jepsen nor Mr. Ransum credibly testified that they independently decided to object to providing documents in response to the subpoena for their depositions.

725. The Court finds that the remainder of Mr. Jepsen's petition booklets (1320, 1327, 1328, 1330; exhibits 2597B, 2602, 2603, 2605) are disqualified, because it is more likely than not that Mr. Jepsen falsely signed the certification statement with respect to those booklets, since he was willing to falsely sign one of his sworn certification statements, and he was not credible in stating that he determined on his own that he could object to providing documents in response to the subpoena.

726. The Court finds that Mr. Jepsen's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

24. Natalie Martin's Testimony

i. Testimony and Evidence

727. The Court reviewed Ms. Martin's testimony through designated videotaped deposition testimony.

728. Ms. Martin testified that she did not have prior experience gathering signatures, and that she did not receive any training or instructions about how to gather signatures.⁹⁹

729. Ms. Martin testified that Mr. Izon brought 22AKHE petition booklets to a Mat-Su Republican Women's Club ("the Club") meeting, and that is she and other members of the Club began gathering signatures.¹⁰⁰

730. Ms. Martin testified that she did not remember whether Mr. Izon told her anything about how to gather signatures,¹⁰¹ and that she did not receive any materials or training about how to gather signatures.¹⁰²

731. Ms. Martin testified that she took her first petition booklet from Mr. Izon at the Club meeting.¹⁰³

732. Ms. Martin testified that she remembered gathering signatures at the Alaska

⁹⁹ Tr. 20.

¹⁰⁰ Tr. 12.

¹⁰¹ Tr. 13-14.

¹⁰² Tr. 13-14, 20, 27.

¹⁰³ Tr. 14-15.

Outdoorsman show in March 2023.¹⁰⁴

733. Ms. Martin testified that once she filled out petition booklets, she would turn them in to Ms. McCabe.

734. Ms. Martin testified that she had received direct messages from Mr. Izon on Twitter about gathering signatures, and that it happened after the filing of the complaint in this case.¹⁰⁵

735. Ms. Martin testified that although she self-certified petition booklet 0652 (exhibit 2395), she did not attempt to find a notary first. Ms. Martin testified that she does not know why she did not “seek one,” and that she just signed it because that is how she “interpreted” the self-certification requirements.¹⁰⁶ Ms. Martin also self-certified her additional petition booklets (0617, 0691, 0692, 0694; exhibits 2370, 2417, 2418, 2419).

736. Ms. Martin was shown exhibit 1018H during her deposition, which has been admitted in its entirety.¹⁰⁷ Ms. Martin identified the three individuals in exhibit 1018H, and did not identify herself.¹⁰⁸ After being told that the video was taken on September 1, 2023, Ms. Martin was still unable to say where she

¹⁰⁴ Tr. 15-16.

¹⁰⁵ Tr. 25-27.

¹⁰⁶ Tr. 29.

¹⁰⁷ Tr. 36.

¹⁰⁸ Tr. 37.

was at the time the video was taken.¹⁰⁹

737. Despite being confronted with video evidence that she was not around one of her booklets at the Club booth at the Alaska State Fair, Ms. Martin stood by her certification of booklet 0694 (exhibit 2419).

738. Mr. Costa had identified Ms. Martin as certifying three or more booklets with overlapping signature dates, but Mr. Costa did not identify Ms. Martin as one of the sixteen circulators who had a 3+ simultaneous start.

739. Mr. Costa testified that, if he were advising a campaign, he would recommend that the campaign not rely on any of Ms. Martin's petition booklets, because of Ms. Martin's testimony in response to reviewing a video showing one of her booklets (0694; exhibit 2419) being circulated by individuals other than Ms. Martin.

ii. Findings

740. The Court, in general, does not find Ms. Martin's testimony to be credible.

741. The Court finds that petition booklet 0694 (exhibit 2419) is disqualified, because it is more likely than not that Ms. Martin falsely signed the certification statement with respect to that booklet. This is because exhibit 1018H does not show Ms. Martin near that booklet while it was being circulated at the Alaska State Fair, and Ms. Martin was unable to testify whether she even gathered any

¹⁰⁹ Tr. 37.

signatures at the State Fair.¹¹⁰

742. The Court finds that the remainder of Ms. Martin's petition booklets (0617, 0652, 0691, 0692; exhibits 2370, 2395, 2417, 2418) are disqualified, because it is more likely than not that Ms. Martin falsely signed the certification statements with respect to those booklets, since she claimed that she followed the certification rules in the face of video evidence to the contrary, even though one of her booklets was available for signatures without her being present.

743. The Court finds that the signatures in petition booklets that Ms. Martin self-certified (617, 652, 691, 692, 694; exhibits 2370, 2395, 2417, 2418, 2419) are disqualified, because it is more likely than not that Ms. Martin falsely signed the sworn self-certification, because she did not attempt to find a notary to witness her sworn certification.

744. The Court finds that Ms. Martin's testimony, and her response to an exhibit showing individuals other than herself circulating one of her booklets, supports Mr. Costa's expert opinion testimony that he was conservative in identifying individuals as exhibiting suspicious circulating behavior when reviewing the data alone.

745. The Court finds that Ms. Martin's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were

¹¹⁰ Tr. 16-17.

certified by individuals other than those who actually circulated the petition booklets, including but not limited to at the Alaska State Fair.

25. Colleen Sherman's Testimony

i. Testimony and Evidence

746. The Court reviewed Ms. Sherman's testimony through designated videotaped deposition testimony.

747. Ms. Sherman testified that she did not have prior experience gathering signatures, and that she did not receive any training or instructions about how to gather signatures.¹¹¹

748. Ms. Sherman testified that, in general, she would gather signatures at her business, GF Sherman Signs.

749. Ms. Sherman further testified that she would keep her petition booklets at the front of the store during the day, and that she would take them home every night.

750. When asked about whether every signature was made in her actual presence or she witnessed every signature, Ms. Sherman testified that she would occasionally leave her petition booklets at the front of the store while she went to lunch, and so they would remain on the front counter of her business.¹¹²

751. Ms. Sherman also testified that she let a gentlemen take a book home with

¹¹¹ Tr. 18-19.

¹¹² Tr. 22-24.

him one day, and then he brought it back.¹¹³ Ms. Sherman was unable to recall the gentleman's name, or which of her petition booklets he took.

752. Ms. Sherman repeatedly testified that she could not be sure whether she witnessed every signature in the booklet, because she did sometimes leave the petition booklets unattended at GF Sherman Signs, and she gave one of her booklets to another person to circulate.

753. After testifying to this effect, Ms. Sherman then testified that she did witness every signature in some of her booklets, which contradicted her prior testimony.¹¹⁴

754. Ms. Sherman was shown exhibits 1018E and 1018F, and she conceded that she was not visible in the photographs.¹¹⁵

755. Ms. Sherman later testified that she kept the petition booklets on the front counter, which is accessible by anyone who comes into the store.

756. Ms. Sherman testified that she signed the circulator certificates for the following seven (7) booklets: (0378, 0506, 0605, 0606, 0607, 0608, 0609; exhibits 2243, 2324, 2361, 2362, 2363, 2364, 2365).

757. Mr. Izon testified that it "was a bad plan" to have booklets left at businesses, and that he was "not surprised" the campaign got complaints about improper

¹¹³ Tr. 26-27.

¹¹⁴ Tr. 37-38.

¹¹⁵ Tr. 38-40.

circulation of petition booklets that were left at businesses.

758. Mr. Costa testified that Ms. Sherman's petition booklets were suspicious to him in the data because of a 3+ simultaneous start.

759. Mr. Costa testified that, if he were advising a campaign, he would recommend that the campaign not rely on or submit any of Ms. Sherman's petition booklets, because they "should not be trusted." This is because Ms. Sherman allowed another individual to collect signatures in one of Ms. Sherman's petition booklets.

ii. Findings

760. The Court, in general, finds Ms. Sherman's testimony to be credible.

761. The Court finds that it is more likely than not that Ms. Sherman did not properly circulate her petition booklets (0378, 0506, 0605, 0606, 0607, 0608, 0609; exhibits 2243, 2324, 2361, 2362, 2363, 2364, 2365), because not every signature was made in her actual presence. This is because Ms. Sherman testified that she would sometimes leave her petition booklets unattended, that she gave a petition booklet to another individual to gather at least one signature, and she was unable to identify which petition booklets were not properly circulated.

762. The Court therefore disqualifies the signatures in Ms. Sherman's booklets, since they were falsely certified.

763. The Court finds that Ms. Sherman's testimony provides support for the

Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by the person who purported to have circulated the booklets.

764. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

26. Sylvia Stewart's Testimony

i. Testimony and Evidence

765. The Court reviewed Ms. Stewart's testimony through designated videotaped deposition testimony.

766. Ms. Stewart testified that she did not have prior experience gathering signatures, and that she did not receive any training or instructions about how to gather signatures.¹¹⁶

767. Ms. Stewart testified that she collected petition booklets from Mr. Izon at an event at the Palmer Train Depot.¹¹⁷

768. Ms. Stewart testified that she kept the petition booklets that she got at her shop, Sylvia's Quilt Depot.¹¹⁸

¹¹⁶ Tr. 13.

¹¹⁷ Tr. 12.

¹¹⁸ Tr. 11-12.

769. When asked whether she witnessed every signature in her petition booklets, Ms. Stewart testified that she did not. In fact, Ms. Stewart indicated that the booklet was up at the front counter, and that she believed somebody in her shop witnessed the signatures, but that it was not always her.¹¹⁹

770. Ms. Stewart testified that although she certified petition booklets 0435 and 0502 (exhibits 2276, 2323), she did not stand by her sworn certifications, since she did not realize that she had to be the one who witnessed all of the signatures.

771. Exhibits 1016D-F showed petition booklet 0502 (exhibit 2323) at Sylvia's Quilt Depot.

772. Mr. Izon had testified that although Sylvia's Quilt Depot was approximately 10 minutes away from his house, he never checked on the business to make sure that the petition booklets were being properly circulated.¹²⁰

ii. Findings

773. The Court finds Ms. Stewart's testimony to be credible.

774. The Court finds that it is more likely than not that Ms. Stewart's two petition booklets (0435, 0502; exhibits 2276, 2323) were not properly circulated, because Ms. Stewart herself testified that she did not properly circulate them by having other individuals circulate and gather signatures for those booklets.

¹¹⁹ Tr. 16, 18.

¹²⁰ Tr. 152.

775. Accordingly, the Court finds that the signatures in petition booklets 0435 and 0502 (exhibits 2276, 2323) are disqualified.

776. The Court finds that Ms. Stewart's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were improperly monitored at businesses by the person who purported to have circulated the booklets.

777. The Court finds that it is more likely than not that any booklets left unmonitored and unattended at businesses were not properly circulated, and that all the signatures contained within such a petition booklet must be disqualified.

778. The Court further finds that Mr. Izon's failure to properly train and monitor the gathering of signatures at a business that was close to him provides support for the Court's finding and conclusion that the campaign to collect signatures for 22AKHE was improperly managed.

27. James Stocker's Testimony

i. Testimony and Evidence

779. The Court reviewed Mr. Stocker's testimony through designated videotaped deposition testimony.

780. Mr. Stocker originally purported to have circulated seven (7) petition booklets (0416, 0417, 0461, 0462, 0463, 0464; exhibits 2265, 2266, 2292, 2293, 2294, 2295).

781. Mr. Stocker testified that one of his signatures was his own.¹²¹

782. Other than that, whenever Mr. Stocker was asked any questions about 22AKHE, or whether he circulated petition booklet's, Mr. Stocker invoked his Fifth Amendment right against self-incrimination through his attorney.

783. Mr. Stocker's attorney invoked the Fifth Amendment on Mr. Stocker's behalf twenty-seven (27) times during his deposition.

784. Mr. Costa had identified Mr. Stocker for a 3+ simultaneous start, and testified that Mr. Stocker had a higher number of those suspiciously overlapping booklets.

785. Mr. Costa testified that, if he were advising a campaign, he would advise that the campaign not rely on or trust any of the petition booklets (0416, 0417, 0461, 0462, 0463, 0464; exhibits 2265, 2266, 2292, 2293, 2294, 2295) that Mr. Stocker certified.

ii. Findings

786. The Court finds Mr. Stocker's testimony to be credible.

787. The Court finds that the signatures in petition booklets 0416, 0417, 0461, 0462, 0463, 0464 (exhibits 2265, 2266, 2292, 2293, 2294, 2295) are disqualified, because it is more likely than not that Mr. Stocker did not lawfully circulate those petition booklets. The Court makes this finding because Mr.

¹²¹ Tr. 15.

Stocker, through his attorney, repeatedly invoked the Fifth Amendment when asked any questions concerning his circulating of petition booklets and whether his certifications complied with the law.

788. The Court finds that Mr. Stocker's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

28. Sharon Wessels's Testimony

i. Testimony and Evidence

789. The Court reviewed Ms. Wessels's testimony through designated videotaped deposition testimony.

790. Although Ms. Wessels herself was not videotaped during her deposition (because she refused to be), no objection was raised by any party as to the admissibility of her testimony.

791. Ms. Wessels testified that she did not have prior experience gathering signatures,¹²² and that she did not receive any training or instructions about how to gather signatures other than what was contained within the petition booklets.¹²³

792. Ms. Wessels repeatedly testified that she lawfully gathered signatures, and

¹²² Tr. 19

¹²³ Tr. 20.

that she did not do anything wrong or break the rules.¹²⁴

793. Ms. Wessels invoked the Fifth Amendment in response to a question about whether she has had any past experiences with court, lawsuits, and attorneys.¹²⁵

794. Ms. Wessels testified that she remembers obtaining her first petition booklets from Mr. Izon at the Palmer Train Depot in April 2023.

795. Ms. Wessels testified that she and her husband would circulate the three petition booklets (0392, 0636, 0637; exhibits 2253, 2385, 2386) that she certified.¹²⁶

796. Ms. Wessels testified that she and her husband would circulate her booklets on opposite ends of a parking lot and/or street, and that he took one of the booklets to the doctor's office at one point.

797. Ms. Wessels could not identify which petition booklets were circulated by both her and her husband.

798. When asked about similar-looking handwriting across multiple lines in her petition booklets (0392 at p.25, 0636 at p.25; exhibits 2253, 2385), Ms. Wessels denied that there were any problems or that the handwriting looked similar.

799. Mr. Costa had identified Ms. Wessels for a 3+ simultaneous start.

¹²⁴ Tr. 6, 11, 16, 19-20.

¹²⁵ Tr. 10-11.

¹²⁶ Tr. 16-17, 22-23, 30, 32-34.

800. Mr. Costa testified that, if he were advising a campaign, he would advise that the campaign not rely on or trust any of the petition booklets (0392, 0636, 0637; exhibits 2253, 2385, 2386) that Ms. Wessels certified, because her booklets were co-circulated with her husband.

ii. Findings

801. The Court, in general, does not find Ms. Wessels's testimony to be credible.

802. The Court does not find Ms. Wessels's testimony regarding similar-looking handwriting across multiple petition booklets to be credible.

803. The Court finds that the signatures in petition booklets 0392, 0636, 0637 (exhibits 2253, 2385, 2386) are disqualified, because Ms. Wessels did not properly circulate those petition booklets. Specifically, the Court finds that it is more likely than not that Ms. Wessels and her husband both improperly circulated all three of the booklets that she certified, and that the Court cannot determine which signatures could have been properly gathered.

804. The Court finds that Ms. Wessels's testimony provides support for the Court's finding and conclusion that some 22AKHE petition booklets were certified by individuals other than those who actually circulated the petition booklets.

29. Jesse Baise's Testimony

i. Testimony and Evidence

805. The Court reviewed Mr. Baise's testimony through designated videotaped

deposition testimony.

806. Mr. Baise testified that he did not have prior experience gathering signatures, and that he did not receive any training or instructions — or watch any videos — about how to gather signatures.¹²⁷

807. Mr. Baise testified that he first received two 22AKHE petition booklets through the mail from Mr. Izon on February 23, 2023.¹²⁸ Mr. Baise had first contacted Mr. Izon by signing up on a website to repeal ranked-choice voting.

808. Mr. Baise testified that he did not remember whether or not he received instructions on how to gather signatures along with the two booklets.¹²⁹

809. Mr. Baise testified that he would not carry more than two petition booklets with him at any one time.¹³⁰

810. Mr. Baise testified that he would gather between 20 and 30 signatures on his best day.¹³¹

811. Mr. Baise testified that he certified petition booklets 0072, 0275, 0321 (exhibits 2057, 2173, 2200).

812. Mr. Costa had identified Mr. Baise for gathering a large number of

¹²⁷ Tr. 17.

¹²⁸ Tr. 13.

¹²⁹ Tr. 13-14.

¹³⁰ Tr. 14-15.

¹³¹ Tr. 18.

signatures (156) in a single day (page 19 of exhibit 1055).

813. Mr. Baise testified that he had received numerous text messages from Mr. Izon, but most of them appeared to be non-personalized mass text messages.¹³²

ii. Findings

814. The Court, in general, does not find Mr. Baise's testimony to be credible.

815. The Court finds that it is more likely than not that Mr. Baise falsely certified his petition booklets (0072, 0275, 0321; exhibits 2057, 2173, 2200), because he testified that he would only gather between 20 and 30 signatures on his best day, but he actually certified booklets containing over 150 signatures from a single day.

30. Richard Eide's Testimony

i. Testimony and Evidence

816. The Court reviewed Mr. Eide's testimony through designated videotaped deposition testimony.

817. Mr. Eide testified that he had limited prior experience gathering signatures.¹³³

818. Mr. Eide testified that he received his petition booklets from Barabara Tyndall, and that he would get his booklets notarized and turned back into

¹³² Tr. 22.

¹³³ Tr. 14.

her.¹³⁴

819. Mr. Eide testified that he would typically carry two booklets with him when he was gathering signatures.¹³⁵

820. Mr. Eide testified that, on his best day, he would gather between 30 and 40 signatures.¹³⁶

821. Mr. Eide testified that he mistakenly checked a box on one of his booklets indicating that he was paid to gather signatures, because he was never paid to gather signatures.¹³⁷

822. Mr. Eide testified that anybody who signed his booklets would be standing in front of him when they signed.¹³⁸

823. Mr. Costa had identified Mr. Eide as certifying three or more booklets with overlapping signature dates, but Mr. Costa did not identify Mr. Eide as one of the sixteen circulators who had a 3+ simultaneous start.

ii. Findings

824. The Court finds Mr. Eide's testimony to be credible.

825. The Court finds that it is more likely than not that Mr. Eide properly

¹³⁴ Tr. 11-13.

¹³⁵ Tr. 13-14, 27.

¹³⁶ Tr. 14.

¹³⁷ Tr. 25-27.

¹³⁸ Tr. 31.

gathered all of the qualified signatures in his petition booklets (0151, 0584, 0588, 0670; exhibits 2098, 2347, 2349, 2405).

826. The Court finds that Mr. Eide's testimony provides support for Mr. Costa's expert opinion testimony that there is no apparent reason for a circulator to carry more than two booklets at once.

827. The Court finds that Mr. Eide's testimony provides support for Mr. Costa's expert opinion testimony that circulators are extremely unlikely to lawfully gather more than 150 signatures in a day.

31. John Miller's Testimony

i. Testimony and Evidence

828. The Court reviewed Mr. Miller's testimony through designated videotaped deposition testimony.

829. Mr. Miller testified that he did not have prior experience gathering signatures, and that he did not receive any training or instructions — or watch any videos — about how to gather signatures.¹³⁹

830. Mr. Miller testified that he got his first petition booklet at an event at Wellspring, and that he filled out paperwork to obtain it.¹⁴⁰ Mr. Miller testified that he got his subsequent petition booklets from Mr. Izon.¹⁴¹

¹³⁹ Tr. 20-22.

¹⁴⁰ Tr. 11-13.

¹⁴¹ Tr. 18.

831. Mr. Costa had identified Mr. Miller for a 3+ simultaneous start.

832. Mr. Miller testified that when he gathered signatures at events, he would take four petition booklets with him.¹⁴² Mr. Miller explained that this was to help minimize wait times for signers.¹⁴³

833. Mr. Miller testified that it was important to carefully watch individuals as they signed the petition booklets, since they would not always fill out the line correctly.¹⁴⁴

834. Mr. Miller testified that, on average, he would gather approximately 20 or 30 signatures in a day.¹⁴⁵

835. Mr. Miller testified that, for his best day, he would perhaps gather as many as 60 (or 80) signatures in a day while he was using four booklets.¹⁴⁶

ii. Findings

836. The Court finds Mr. Miller's testimony to be credible.

837. The Court finds that it is more likely than not that Mr. Miller properly gathered all of the qualified signatures in his petition booklets (0079, 0632, 0633, 0658, 0660; exhibits 2059, 2381, 2382, 2398, 2400).

¹⁴² Tr. 19.

¹⁴³ Tr. 18-19.

¹⁴⁴ Tr. 16-17.

¹⁴⁵ Tr. 26-27.

¹⁴⁶ Tr. 27-28.

838. The Court finds that Mr. Miller's testimony provides support for Mr. Costa's expert opinion testimony that circulators are extremely unlikely to lawfully gather more than 150 signatures in a day.

32. Barbara Tyndall's Testimony

i. *Testimony and Evidence*

839. The Court reviewed Ms. Tyndall's testimony through designated videotaped deposition testimony.

840. Ms. Tyndall testified that she had limited prior experience gathering signatures.¹⁴⁷

841. Ms. Tyndall testified that she was the chair of the House District 33 Republicans ("District 33") in 2023.

842. Ms. Tyndall testified that Mr. Izon first called into a District 33 meeting to explain the petition, and then later came up to Fairbanks and North Pole to provide petition booklets.

843. Ms. Tyndall testified that she filled out a piece of paper when she acquired petition booklets from Mr. Izon indicating who would be assigned a particular booklet.¹⁴⁸

844. Ms. Tyndall testified that every petition booklet that she received also included a one-page sheet of instructions on how to properly circulate the

¹⁴⁷ Tr. 22-23.

¹⁴⁸ Tr. 15-16.

booklet.¹⁴⁹

845. Ms. Tyndall testified that she took many extra petition booklets from Mr. Izon, and that she would keep track of who she would assign new petition booklets too, and provide that information to Mr. Izon.¹⁵⁰

846. Ms. Tyndall said that she was not paid for gathering signatures, but that Mr. Izon or Alaskans for Honest Elections did make a \$100 donation or contribution to District 33.¹⁵¹

847. Ms. Tyndall testified that she would collect petition booklets and mail them to Mr. Izon as they were notarized and completed on a rolling or ongoing basis.¹⁵²

848. Ms. Tyndall testified that she would only ever have two petition booklets out at any one time for signatures, and certainly no more than three.¹⁵³

849. Mr. Costa had identified Ms. Tyndall for a 3+ simultaneous start.

850. Ms. Tyndall testified that she had received about twenty-five (25) mass emails from Mr. Izon regarding petition signature gathering.¹⁵⁴ The emails that Ms. Tyndall received from Mr. Izon, which she forwarded to counsel for the

¹⁴⁹ Tr. 16.
¹⁵⁰ Tr. 17-18.
¹⁵¹ Tr. 22, 38-39, 41.
¹⁵² Tr. 24-25.
¹⁵³ Tr. 29.
¹⁵⁴ Tr. 32-33.

Sponsors after he deposition, are exhibits 1041A-W.

ii. Findings

851. The Court finds Ms. Tyndall's testimony to be credible.

852. The Court finds that it is more likely than not that Ms. Tyndall properly gathered all of the qualified signatures in her petition booklets (0162, 0226, 0587, 0595, 0598; exhibits 2106, 2135, 2348, 2355, 2357).

III. CONCLUSIONS OF LAW

A. Applicable Law

1. Signatures must be made in a circulator's "actual presence" and petition booklets cannot be "shared" among multiple circulators.

1. Alaska Statute 15.45.130(c) requires circulators to affirm "that the signatures were made in the circulator's actual presence" and specifically prohibits sharing a single petition booklet among multiple circulators.¹⁵⁵ These requirements also appear on every petition booklet and require every circulator to attest that they have been met.

2. If these requirements are not followed, all impacted signatures should be invalidated.¹⁵⁶ If the circulator's fraudulent certification was intentional, or if it cannot be determined which signatures are impacted, all signatures within impacted petition booklets should be invalidated.¹⁵⁷

¹⁵⁵ See *Id.* at subsections 2 and 3.

¹⁵⁶ *North West Cruiseship Association*, 145 P.3d 573, 588 (Alaska 2006).

¹⁵⁷ *Zaiser*, 822 N.W.2d 472, 475 (N.D. 2012).

2. **Plaintiffs are entitled to a negative factual inference from witnesses who invoke the Fifth Amendment in response to questions regarding petition circulation.**
3. Multiple circulators invoked their Fifth Amendment right against self-incrimination in response to questions about whether they had lawfully circulated petition booklets that they had certified. Because this is a civil proceeding, Plaintiffs are entitled to have this Court consider this issue and obtain a negative inference resulting from these circulators' invocation of their Fifth Amendment rights.¹⁵⁸
3. **This Court can invalidate individual signatures based on circulator misconduct.**
4. The Alaska Supreme Court concluded in *North West Cruiseship Association of Alaska v. State*¹⁵⁹ that signatures can be invalidated by a circulator's failure to follow the law. In that case, some circulators failed to include the required "paid by" disclosure on certain pages of some petition booklets.¹⁶⁰ The Court upheld the Division's decision to disqualify all signatures on every page where

¹⁵⁸ See Alaska Evid. R. 512(d); *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976) (cited by *Nelson v. State*, 273 P.3d 608 (Alaska 2012) for the principle that "...the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them."). Other federal courts have extended this conclusion to non-parties to civil proceedings. See e.g. *LiButti v. U.S.*, 107 F.3d 110, 121-34 (2d Cir. 1997); *FDIC v. Fid. & Deposit Co. of Md.*, 45 F.3d 969, 978 (5th Cir. 1995); *RAD Servs., Inc. v. Aetna Cas. & Sur. Co.*, 808 F.2d 271, 275-76 (3d Cir. 1986).

¹⁵⁹ 145 P.3d 573 (Alaska 2006).

¹⁶⁰ *Id.* at 578 (citing the former requirement of AS 15.45.130(8)).

this omission occurred.¹⁶¹ Petition signers have no constitutional guarantee that their signatures will be counted, or even that the Sponsors will submit their signatures.

4. This Court can invalidate entire booklets based on circulator misconduct.

5. The Division “has a compelling state interest in ensuring the integrity of the election process and preventing fraud.”¹⁶² As explained in *Zaiser v. Jaeger*, an out-of-state case, certification affidavits are a critical, and mandatory, component of protecting that security interest.¹⁶³ Where a circulator falsely certifies that all signatures were made in their actual presence, all signatures in a booklet with a false certification must be invalidated.¹⁶⁴

5. This Court can invalidate all booklets by specific circulators determined to have fraudulently certified petition booklets.

6. When particular circulators, or a specific group of circulators have been determined to have engaged in fraudulent petition circulation activity, then all

¹⁶¹ *Id.*

¹⁶² *Res. Dev. Council for Alaska, Inc. v. Vote Yes for Alaska's Fair Share*, 494 P.3d 541, 553 (Alaska 2021).

¹⁶³ 822 N.W.2d 472, 481-82 (N.D. 2012) (“[I]f the circulator knew that... [a] was not written on the petition in his presence... yet, notwithstanding his knowledge, he willfully, corruptly, and intentionally makes a false and perjured affidavit to the contrary, then such affidavit is worthless, and the petition or part of a petition to which it is attached does not fill the requirement of the Constitution, and the genuine signatures thereon cannot be counted for the reason that part of the petition lacks the affidavit required by the Constitution.” (citation omitted)).

¹⁶⁴ *Id.* at 482-83.

signatures from those circulators, or groups of circulators, must be discarded.¹⁶⁵

Where "... improprieties... [have] permeated the petition circulation process..." a court can exclude all booklets from a group of circulators, and all signatures therein, to "preserve the integrity of the circulation process."¹⁶⁶

6. This Court can invalidate the entirety of the 22AKHE petition based on pervasive and endemic defective signature gathering practices.

7. If an entire petition campaign is rife with pervasive defects in its signature gathering activities, it becomes impossible to fully determine which signatures were legally gathered. When this occurs, it may be appropriate for a court to uphold the integrity of the petition process by invalidating an entire initiative petition campaign.¹⁶⁷ Falsely attesting to personally gathering signatures¹⁶⁸ or unlawful and knowing sharing of petition booklets among multiple circulators¹⁶⁹ are both practices which, if widespread, can demonstrate "wholesale disregard of the statutory requirement[s]" and invalidate an entire

¹⁶⁵ *Williams v. D.C. Board of Elections & Ethics*, 804 A.2d 317 (D.C. 2002), as corrected (August 14, 2002).

¹⁶⁶ *Citizens Committee for the D.C. Video Lottery Terminal Initiative v. D.C. Board of Elections & Ethics*, 860 A.2d 813, 816-19 (D.C. 2004).

¹⁶⁷ *See Montanans for Justice v. State*, 146 P.3d 759 (Mont. 2006); *Lebowitz v. Barnes*, 221 N.Y.S.2d 703 (Sup. Ct. 1961).

¹⁶⁸ *Montanans for Justice*, 146 P.3d at 769.

¹⁶⁹ *Lebowitz*, 221 N.Y.S.2d at 706.

petition campaign.¹⁷⁰

B. The Court Concludes That 22AKHE Must Be Disqualified Because of Pervasive Problems With Their Petition Campaign As A Whole.

8. The Plaintiffs presented the unrebutted testimony of their qualified expert in petition signature campaigns, John Costa. That testimony credibly raised serious suspicions regarding over 11,000 signatures gathered in support of 22AKHE.
9. The evidence presented confirmed or heightened many of Mr. Costa's suspicions and largely did not rebut the concerns raised in his testimony.
10. The evidence presented demonstrated that the prohibited practices of signing circulator affidavits for booklets an individual did not circulate, sharing booklets amongst multiple circulators (including some who never signed a sworn certification statement), and leaving petition booklets unmonitored were widespread and endemic to the 22AKHE campaign.
11. The evidence presented demonstrated that at least some of this behavior was intentional.
12. The evidence presented demonstrated that when alerted to these issues, the leadership for 22AKHE did not remedy the issues but instead ignored them, and even continued to promote signing locations that had been the subject of complaints regarding the practices.

¹⁷⁰ *Id.* at 707.

Given the pervasiveness of this conduct and the 22AKHE leadership's failure to remedy or halt it—and in fact their decision to continue promoting locations engaged in this conduct—that it is more likely than not that many more signatures and petition booklets were impacted by misconduct than just those demonstrated directly through evidence.

13. This Court finds that it is more likely than not that the signature drive in support of 22AKHE was done so improperly that there were not a sufficient number of qualified, and lawfully-gathered signatures, to qualify the measure.

14. Accordingly, the Division is directed to disqualify 22AKHE and enter a determination that it was not properly filed.

Alternatively, if this Court finds that 22AKHE should not be disqualified in its entirety because of pervasive improprieties, this Court should consider the following proposed alternative language in its conclusions of law.

C. The Court Concludes That 22AKHE Must Be Disqualified Because A Dispositive Number Of Signatures Were Improperly Gathered In Violation Of AS 15.45.130.

15. The Court finds that there was widespread misconduct of non-compliant signature gathering by circulators for 22AKHE. Some of that misconduct was intentional and some of it was the result of a lack of awareness of the law's requirements. All of this misconduct was exacerbated by the 22AKHE leadership's failure to properly train circulators.

16. Where it is proven that a circulator engaged in misconduct by certifying petition booklets unlawfully, that circulator has forfeited the presumption that their certifications are valid. Absent a compelling and logical explanation, this Court determines that all certifications by any such a circulator should be invalidated, and the petition booklets relying on those faulty certifications cannot be counted.

17. The Court finds that the signatures contained within the following booklets and/or signature lines are disqualified consistent with the table below.

18. Accordingly, the Division is directed to disqualify 22AKHE and enter a determination that it was not properly filed.

<u>Person</u>	<u>Booklet</u>	<u>Exhibit(s)</u>	<u>Reason(s)</u>
<u>Robert Coulter</u>	0010	2007; 3004A	3+ simultaneous start Left unattended Improper self-notarization
<u>Robert Coulter</u>	0011	2008; 3004B	3+ simultaneous start Left unattended Improper self-notarization
<u>Phillip Izon</u>	0016	2012	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony

<u>Phillip Izon</u>	0017	2013	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0018	2014	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0019	2015	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Robert Coulter</u>	0021	2016; 3004C	3+ simultaneous start Left unattended Improper self-notarization
<u>Mikaela Emswiler</u>	0023	2017	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Margaret Nelson</u>	0027	2021	Aided in improper circulation Implicated by circulator

			misconduct on other booklet(s)
<u>Phillip Izon</u>	0029	2023	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0030	2024	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Robert Coulter</u>	0031	2025; 3004D	3+ simultaneous start Left unattended Improper self-certification
<u>Jodie Gallamore</u>	0043	2032	Ransom faulty notarization
<u>Margaret Patrick</u>	0045	2034	Ransom faulty notarization
<u>Phillip Izon</u>	0054	2040	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Robert Coulter</u>	0055	2041; 3004E	3+ simultaneous start Left unattended Improper self-notarization

<u>Phillip Izon</u>	0057	2042	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0059	2044	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Jesse Baise</u>	0072	2057	150+ signatures single day Implicated by circulator misconduct on other booklet(s)
<u>Theresa Pisa</u>	0094	2069	Ransom faulty notarization
<u>Phillip Izon</u>	0107	2080	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0125	2086	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and

			inconsistent testimony
<u>Phillip Izon</u>	0128	2087	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0181	2120	3+ simultaneous start (20) 150+ signatures single day (580) Circulator misconduct for this and other booklet(s), lack of credibility, and inconsistent testimony
<u>Linn McCabe</u>	0183	2122	150+ signatures single day Implicated by circulator misconduct on other booklet(s)
<u>Linn McCabe</u>	0184	2123	150+ signatures single day Implicated by circulator misconduct on other booklet(s)
<u>Kelly Nash</u>	0251	2151	3+ simultaneous start Refused to explain circulation
<u>Kelly Nash</u>	0252	2152	3+ simultaneous start Refused to explain circulation
<u>Kelly Nash</u>	0253	2153	3+ simultaneous start Refused to explain circulation
<u>Kelly Nash</u>	0254	2154	3+ simultaneous start Refused to explain circulation

<u>Jesse Baise</u>	0275	2173	150+ signatures single day Circulator misconduct for this and other booklet(s)
<u>Linn McCabe</u>	0311	2195	150+ signatures single day Implicated by circulator misconduct on other booklet(s)
<u>Jesse Baise</u>	0321	2200	150+ signatures single day Circulator misconduct for this and other booklet(s)
<u>Kelly Nash</u>	0366	2231	3+ simultaneous start Refused to explain circulation
<u>Colleen Sherman</u>	0378	2243	3+ simultaneous start Left unattended Not sole circulator
<u>Sharon Wessels</u>	0392	2253	3+ simultaneous start Not sole circulator
<u>James Stocker</u>	0416	2265	3+ simultaneous start Invoked 5th Amendment
<u>James Stocker</u>	0417	2266	3+ simultaneous start Invoked 5th Amendment
<u>Phillip Izon</u>	0429	2273	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Sylvia Stewart</u>	0435	2276	Left unattended

			Admission to faulty certification
<u>Phillip Izon</u>	0444	2283	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>William Quantick</u>	0450	2287	Certified before circulated Improper self-notarization
<u>James Stocker</u>	0461	2292	3+ simultaneous start Invoked 5th Amendment
<u>James Stocker</u>	0462	2293	3+ simultaneous start Invoked 5th Amendment
<u>James Stocker</u>	0463	2294	3+ simultaneous start Invoked 5th Amendment
<u>James Stocker</u>	0464	2295	3+ simultaneous start Invoked 5th Amendment
<u>Sherry Coburn</u>	0470, pg. 5, ln. 2	2300; 2641	Illegible subscription
<u>Robert Coulter</u>	0472	2301; 3004F	3+ simultaneous start Left unattended Improper self-notarization
<u>Robert Coulter</u>	0476	2305; 3004G	3+ simultaneous start Not sole circulator Left unattended Improper self-notarization
<u>Donna Delevante</u>	0479	2307	Implicated by misconduct of

			circulator named "Donna"
<u>Kevin Harden</u>	0481	2308	Ransom faulty notarization
<u>Brenda Hastie</u>	0484	2311	Ransom faulty notarization
<u>Sylvia Stewart</u>	0502	2323	Left unattended Admission to false certification
<u>Colleen Sherman</u>	0506	2324	3+ simultaneous start Left unattended Not sole circulator
<u>Theodorus Ransom</u>	0540	2334	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Colleen Sherman</u>	0605	2361	3+ simultaneous start Left unattended Not sole circulator
<u>Colleen Sherman</u>	0606	2362	3+ simultaneous start Left unattended Not sole circulator
<u>Colleen Sherman</u>	0607	2363	3+ simultaneous start Left unattended Not sole circulator
<u>Colleen Sherman</u>	0608	2364	3+ simultaneous start Left unattended Not sole circulator
<u>Colleen Sherman</u>	0609	2365	3+ simultaneous start Left unattended Not sole circulator

<u>William Quantick</u>	0616	2369	Certified before circulated Improper self-notarization
<u>Natalie Martin</u>	0617	2370	Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Kathryn McCollum</u>	0618	2371	3+ simultaneous start 150+ signatures single day Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Phillip Izon</u>	0626	2376	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0628	2377	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	0629	2378	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and

			inconsistent testimony
<u>Theodorus Ransom</u>	0630	2379	3+ simultaneous start Left unattended Admission to false certification Implicated by circulator misconduct on other booklet(s)
<u>Sharon Wessels</u>	0636	2385	3+ simultaneous start Not sole circulator
<u>Sharon Wessels</u>	0637	2386	3+ simultaneous start Not sole circulator
<u>Natalie Martin</u>	0652	2395	Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Brad Campbell</u>	0679	2409	Left unattended Not sole circulator Invoked 5th Amendment
<u>Kathryn McCollum</u>	0681	2410	3+ simultaneous start 150+ signatures single day Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Kathryn McCollum</u>	0682	2411	3+ simultaneous start 150+ signatures single day Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Kathryn McCollum</u>	0683	2412	3+ simultaneous start

			150+ signatures single day Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>William Quantick</u>	0684	2413	Certified before circulated Improper self-notarization
<u>Kathryn McCollum</u>	0688	2414	3+ simultaneous start 150+ signatures single day Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Kathryn McCollum</u>	0690	2416	3+ simultaneous start 150+ signatures single day Not sole circulator Improper self-notarization
<u>Natalie Martin</u>	0691	2417	Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Natalie Martin</u>	0692	2418	Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Natalie Martin</u>	0694	2419	Not sole circulator Improper self-notarization
<u>Kathryn McCollum</u>	0695	2420	3+ simultaneous start 150+ signatures single day Improper self-notarization Implicated by circulator

			misconduct on other booklet(s)
<u>Linn McCabe</u>	0696	2421	150+ signatures single day Not sole circulator
<u>Phillip Izon</u>	0743	2440	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Leslie Carpenter</u>	0780	2458	Ransom faulty notarization
<u>Robert Coulter</u>	0794	2466; 3004H	3+ simultaneous start Left unattended Improper self-certification
<u>Brad Campbell</u>	0835	2484	Left unattended Not sole circulator Invoked 5th Amendment
<u>Donna Callistini</u>	0848	2489	Implicated by misconduct of circulator named "Donna"
<u>Arabel Ordaz</u>	0902, pg. 4, ln. 8	2517; 2641	Illegible date
<u>Jodie Gallamore</u>	0906	2519	Ransom faulty notarization
<u>Theodorus Ransom</u>	0923	2532	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Phillip Izon</u>	0924	2533	3+ simultaneous start (20) 150+ signatures single day (580)

			Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Mikaela Emswiler</u>	0925	2534	3+ simultaneous start Implicated by circulator misconduct on other booklet(s)
<u>Mikaela Emswiler</u>	0936	2540	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Eric Hughes</u>	0938	2542	Implicated by circulator misconduct on other booklet(s)
<u>Mikaela Emswiler</u>	0949	2548	3+ simultaneous start Implicated by circulator misconduct on other booklet(s)
<u>Eric Hughes</u>	0950	2549	Not sole circulator Admission to false certification
<u>Edith Grunwald</u>	0953	2550	Ransom oversight of improper circulation
<u>Roger Monson</u>	0954	2551	Ransom oversight of improper circulation
<u>Carol Kozieczkowski</u>	0955	2552	Ransom oversight of improper circulation
<u>Bradley Lamb</u>	0956	2553	Ransom faulty notarization and oversight of improper circulation
<u>Arlynda Hermann</u>	0957	2554	Ransom faulty notarization and

			oversight of improper circulation
<u>Theodorus Ransom</u>	0958	2555	3+ simultaneous start Not sole circulator Admission to false certification Improper self-notarization
<u>Sarah Hedman</u>	0959	2556	Ransom oversight of improper circulation
<u>Theodorus Ransom</u>	0967	2560	3+ simultaneous start Left unattended Not sole circulator Admission to false certification Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Phillip Izon</u>	1112	2576	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Phillip Izon</u>	1113	2577	3+ simultaneous start (20) 150+ signatures single day (580) Implicated by circulator misconduct on other booklet(s), lack of credibility, and inconsistent testimony
<u>Ingrid Kidd</u>	1308	2588	Ransom faulty notarization

<u>Patricia Baum</u>	1309	2589	Ransom faulty notarization
<u>Linda Berg Smith</u>	1315	2592; 3005A	Implicated by circulator misconduct on other booklet(s)
<u>Eric Hughes</u>	1316	2593	Implicated by circulator misconduct on other booklet(s)
<u>Linda Berg Smith</u>	1318	2596; 3005B	Implicated by circulator misconduct on other booklet(s)
<u>Trevor Jepsen</u>	1319	2597A	3+ simultaneous start Not sole circulator Admission to false certification
<u>Trevor Jepsen</u>	1320	2597B	3+ simultaneous start Ransom faulty notarization Implicated by circulator misconduct on other booklet(s)
<u>Mikaela Emswiler</u>	1323	2600	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Mikaela Emswiler</u>	1326	2601	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)
<u>Trevor Jepsen</u>	1327	2602	3+ simultaneous start Ransom faulty notarization Implicated by circulator misconduct on other booklet(s)
<u>Trevor Jepsen</u>	1328	2603	3+ simultaneous start

			Ransom faulty notarization Implicated by circulator misconduct on other booklet(s)
<u>Trevor Jepsen</u>	1330	2605	3+ simultaneous start Ransom faulty notarization Implicated by circulator misconduct on other booklet(s)
<u>Mikaela Emswiler</u>	1333	2606	3+ simultaneous start Improper self-notarization False certification re payment Implicated by circulator misconduct on other booklet(s)
<u>Linda Berg Smith</u>	1334	2507; 3005C	Implicated by circulator misconduct on other booklet(s)
<u>Donna Delevante</u>	1348	2615	Implicated by misconduct of circulator named "Donna"
<u>Linda Berg Smith</u>	1349	2616; 3005D	Implicated by circulator misconduct on other booklet(s)
<u>Linda Berg Smith</u>	1383	2630; 3005E	Implicated by circulator misconduct on other booklet(s)
<u>Donna Delevante</u>	1384	2631	Implicated by misconduct of circulator named "Donna"
<u>Mikaela Emswiler</u>	1402	2640	3+ simultaneous start Improper self-notarization Implicated by circulator misconduct on other booklet(s)

DATED this 9th day of July, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via email on July 9, 2024, on the following:

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