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**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

FILED  
IN THE DISTRICT  
2018 SEP 18 PM 3:36  
CLERK TRIAL COURTS  
BY: \_\_\_\_\_  
DEPUTY CLERK

AMERICAN CIVIL LIBERTIES UNION )  
OF ALASKA, DUNLEAVY FOR )  
ALASKA, AND ERIC SIEBELS, )

Plaintiffs, )

v. )

STATE OF ALASKA, and the STATE OF )  
ALASKA DEPARTMENT OF )  
TRANSPORTATION & PUBLIC )  
FACILITIES, )

Defendants. )

Case No. 3AN-18-08845 CI

**STATE OF ALASKA'S NOTICE OF COMPLIANCE RE: PUBLICIZING ORDER**

The State of Alaska and the State of Alaska Department of Transportation & Public Facilities ("State") provides the Court with this notice that the State has complied with the Court's September 10, 2018, Temporary Restraining Order as it pertains to communications with political campaigns and the public.

On Tuesday, September 11, 2018, DOT&PF distributed a press release discussing the Court's order and providing clarification regarding the ability of the public to post campaign signs on private property outside of State highway rights-of-way. A copy of the press release is shown in the email attached as Exhibit A. The email in Exhibit A also confirms DOT&PF's distribution of the press release to 4607 subscribed recipients, including both email and text message recipients. The press release was also

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ANCHORAGE BRANCH  
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*Wendy*

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contemporaneously posted to DOT&PF's website "newsroom" at  
[http://dot.alaska.gov/comm/pressbox/arch\\_2018/PR18-1040.shtml](http://dot.alaska.gov/comm/pressbox/arch_2018/PR18-1040.shtml).

On Thursday, September 13, 2018, the notice and updated guidance attached as Exhibit B was distributed by email to candidates and campaigns currently registered with the Alaska Public Offices Commission. Also on September 13, 2018, the State updated its campaign signs webpage to reflect the Court's order. The webpage can be found here:  
<http://dot.alaska.gov/stwddes/dcsrow/campaignsigns.shtml>. The State also edited the Central Region DOT&PF right-of-way information page to direct people to the statewide DOT&PF right-of-way webpages; that webpage can be found here:  
<http://alaskarow.org/faq/>.

DATED September 18, 2018.

JAHNA LINDEMUTH  
ATTORNEY GENERAL

By:



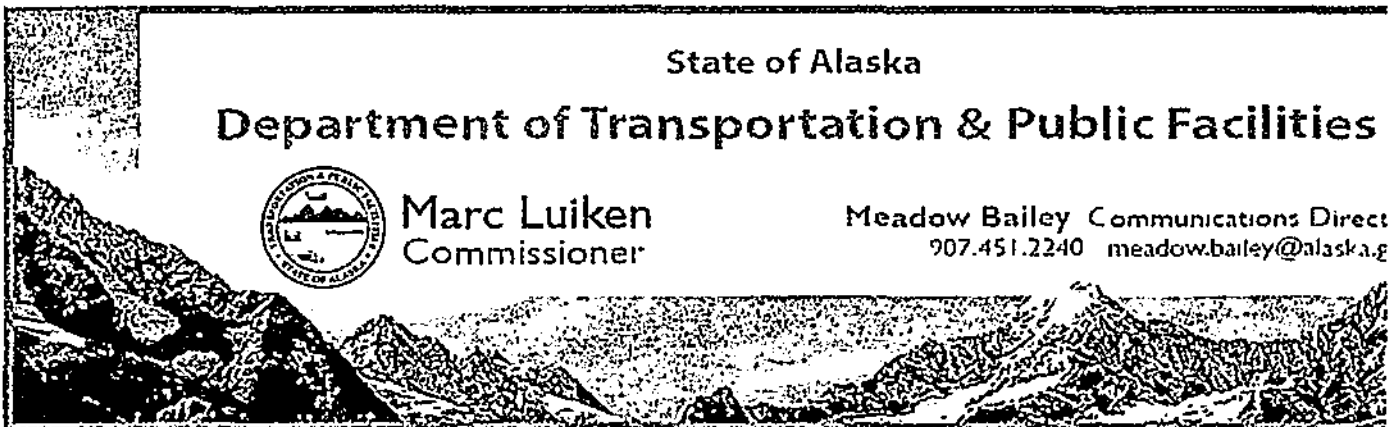
Michael S. Schechter  
Alaska Bar No. 1405044  
Mary Lynn Macsalka  
Alaska Bar No. 1410078  
Max Garner  
Alaska Bar No. 9011096  
Assistant Attorneys General

From: Alaska DOT and PF [mailto:dotpf.announcement@service.govdelivery.com]  
Sent: Tuesday, September 11, 2018 4:00 PM  
To: Tessen, Danielle R (DOT) <danielle.tessen@alaska.gov>; Baluyot, Evangeline J (DOT) <evangeline.baluyot@alaska.gov>; Spear, Angela M (DOT) <angle.spear@alaska.gov>; Bailey, Meadow P (DOT) <meadow.bailey@alaska.gov>; Loud, Sam M (DOT) <sam.loud@alaska.gov>; Conway, Eland G (DOT) <eland.conway@alaska.gov>; McCarthy, Shannon K (DOT) <shannon.mccarthy@alaska.gov>; Doyle, Danielle J (DOT) <danielle.doyle@alaska.gov>; Bustamante, Linda (DOT) <linda.bustamante@alaska.gov>; brian.belcher@alaska.gov; Frye, Caitlin S (DOT) <caitlin.frye@alaska.gov>; Landau, Aurah (DOT) <aurah.landau@alaska.gov>; DOT FAI Dispatch <dot.fai.dispatch@alaska.gov>; lauren.hughes@alaska.gov  
Subject: Courtesy Copy: DOT&PF campaign sign laws clarified

This is a courtesy copy of an email bulletin sent by Meadow Bailey.

This bulletin was sent to the following groups of people:

Subscribers of Press Releases, Media Advisories and News Alerts (4607 recipients)



FOR IMMEDIATE RELEASE: Sept. 11, 2018

Contact:

- Shannon McCarthy, (907) 269-0448, [shannon.mccarthy@alaska.gov](mailto:shannon.mccarthy@alaska.gov)

- Meadow Bailey, (907) 451-2240, [meadow.bailey@alaska.gov](mailto:meadow.bailey@alaska.gov)

### DOT&PF campaign sign laws clarified

(JUNEAU, Alaska) – On Sept. 10, 2018, the Alaska Superior Court ordered the Alaska Department of Transportation & Public Facilities (DOT&PF) to clarify how laws restricting outdoor advertising will be applied during the current campaign season to political signs within and outside of state highway rights of way.

The Alaska Superior Court directs:

- Unauthorized signs within state highway rights of way, including both commercial and political signs, remain illegal under AS 19.25.75-180. DOT&PF will continue to enforce this ban; any sign placed within a state highway right of way may be removed by DOT&PF crews without prior notice.
- Small, temporary, political campaign signs no larger than 4' x 8' may be displayed on private property adjacent to state highway rights of way by the owners or occupants of that property, provided they have not been paid to display the signs.
- DOT&PF will continue its current practice of not removing small, temporary, political campaign signs from private property outside highway rights of way.
- All signs that pose a safety concern to roadway users will be subject to removal by DOT&PF regardless of the content of the signs or whether they are located on private property.

In 1998, Alaskans overwhelmingly voted to keep the state free from outdoor advertising, both within and along the state's public rights of way. Alaska statutes and regulations address unauthorized signs, including such signs displayed on parked vehicles and some signs on private property. Those statutes and regulations remain in full force and effect, except for small, temporary, political campaign signs permitted by the Court's order outside highway rights of way.

A copy of the order can be viewed [here](#).

The Alaska Department of Transportation and Public Facilities oversees 239 airports, 10 ferries serving 35 communities, more than 5,600 miles of highway and 731 public facilities throughout the state of Alaska. The mission of the department is to "Keep Alaska Moving through service and infrastructure."

###



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From: Fair\_Heather\_S (DOT)  
To: Fair\_Heather\_S (DOT)  
Subject: Notice of Updated Guidance Regarding Political Campaign Signs and Outdoor Advertising in and Along the State of Alaska's Highway Right of Ways  
Date: Thursday, September 13, 2018 1:06:13 PM  
Attachments: [image004.png](#)  
[image007.png](#)  
Importance: High

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**Notice of Updated Guidance Regarding Political Campaign Signs and Outdoor Advertising in and Along the State of Alaska's Highway Right of Ways**

Good morning,

The Alaska Department of Transportation & Public Facilities is providing you with a notice of updated guidance as of Sept. 13, 2018, regarding political campaign signs, as well as outdoor advertising generally and use of the public right of ways, especially along State roads and highways.

Please review the [Updated Guidance Regarding Political Campaign Signs](#) below, the [press release](#) issued on Sept. 11, 2018, and our updated webpage at <http://dot.alaska.gov/campaignsigns/>. This information supersedes prior courtesy notices from the Department. As a cost savings measure this message is sent via email wherever possible.

By [temporary order](#) of the Superior Court of Alaska on Sept. 10, 2018, you are receiving this notice because you are or have been a registered candidate, sponsor, or contact for a recent or upcoming election or related activity. This is not a notice of violation.

Thank you for your help in keeping Alaska's roads and highways safe and free of distractions and obstructions.

---

**Department of Transportation and  
Public Facilities**

STATEWIDE RIGHT OF WAY  
Design & Construction Standards Section  
Division of Design & Engineering Services  
3132 Channel Drive  
P.O. Box 112500  
Juneau, Alaska 99811-2500  
907.465.6954  
[dot.alaska.gov](http://dot.alaska.gov)

September 13, 2018

**Updated Guidance Regarding Political Campaign Signs**

The Alaska Department of Transportation & Public Facilities (DOT&PF) routinely informs and reminds campaign organizers of state and federal laws regarding outdoor advertising within and along state highway rights-of-way. On September 10, 2018, the Alaska Superior Court issued an order in a lawsuit filed by the Alaska Chapter of the American Civil Liberties Union against DOT&PF addressing the issue of small, temporary political campaign signs. The order requires DOT&PF to issue this updated guidance to all current candidates and campaigns regarding the display of signs within and outside of state highway rights-of-way.

In accordance with this recent order, DOT&PF issues the following guidance to candidates and campaigns, which supersedes the September 7, 2017, letter previously issued by DOT&PF:

- Small, temporary political campaign signs are allowed on private property: The order

specifically allows the display of small, temporary political campaign signs on private property outside state highway rights-of-way. Under the order, these signs cannot be larger than 4 feet x 8 feet in size. They must be located on private property by the owner or occupant, who may not be paid to display them. DOT&PF will continue its practice of not removing such signs. However, the order allows DOT&PF to make an exception if a sign poses a legitimate safety hazard.

- **Signs within state highway rights-of-way are prohibited:** The order requires DOT&PF to enforce the current prohibition on outdoor advertising equally on both unauthorized commercial signs and political campaign signs placed within state highway rights-of-way.
- **DOT&PF may continue to remove signs that pose a safety concern:** Any sign of any size that poses a safety concern may be removed by DOT&PF, regardless of what the sign says or where it is located.
- **Paid, off-premises outdoor advertising remains prohibited:** The court specifically stated that Alaska's prohibition on paid, off-premises outdoor advertising, such as billboards, remains intact.

The order otherwise leaves Alaska's Outdoor Advertising Law, AS 19.25.075-19.25.180, intact. Please thoroughly review the information available on our updated webpage, which includes a link to the court's order, at <http://dot.alaska.gov/campaignsigns/>. The lawsuit is still pending and additional information will be available on our website as the case progresses.

---

Heather Fair

Statewide Right-of-Way Chief

907.465.6954

Alaska Department of Transportation & Public Facilities

<http://tinyurl.com/AKDOTROW/>

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FACILITIES, )  
 )  
Defendants. )


Case No. 3AN-18-08845 CI

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2018, true and correct copies of the *State of Alaska's Notice of Compliance Re: Publicizing Order, Exhibit A, Exhibit B*, and this *Certificate of Service* were served via hand delivery on the following:

Matthew Singer  
Peter A. Scully  
HOLLAND & KNIGHT LLP  
420 L Street, Suite 400  
Anchorage, AK 99501

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1057 W. Fireweed Lane, Ste. 207  
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