

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

American Civil Liberties Union)
of Alaska; Dunleavy for Alaska;)
and Eric Siebels,)

Plaintiffs,)

v.)

State of Alaska; and State of Alaska)
Department of Transportation &)
Public Facilities,)

Defendants.)

Case No. 3AN-18-08845 CI

**ORDER EXTENDING TEMPORARY RESTRAINING ORDER ISSUED
SEPTEMBER 10, 2018 FOR AN ADDITIONAL TEN DAYS**

Pursuant to Alaska Rule of Civil Procedure 65(b), the court orders that the Temporary Restraining Order issued on September 10, 2018 is extended in its entirety for an additional ten days. Based on full consideration of the briefings filed with the court, and the oral argument, the court finds that it is appropriate to order this extension. The court anticipates supplanting the TRO with a preliminary injunction of indefinite duration pending final decision on the merits.

Pursuant to Civil Rule 65(d), the court reiterates the scope of the TRO here:¹

¹ The court notes that the State of Alaska and the State of Alaska Department of Transportation & Public Facilities have already complied with the notice and publication requirements, and need take no further action to comply with those sections of the TRO.

ORDER EXTENDING TEMPORARY RESTRAINING ORDER ISSUED SEPTEMBER 10, 2018 FOR AN
ADDITIONAL TEN DAYS

*American Civil Liberties Union of Alaska, Dunleavy for Alaska, and Eric Siebels v. State of Alaska, and State of
Alaska Department of Transportation & Public Facilities*

Case No. 3AN-18-08845CI

Page 1 of 3

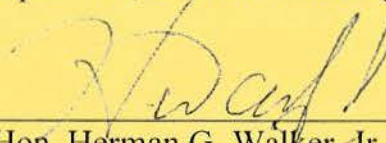
1. **Small, Temporary, Political Campaign Signs:** This order specifically addresses the issue of small, temporary, political campaign signs no larger than 4' X 8' displayed on private property by the owners or occupants of that property who have not been paid to display the signs.
2. **Signs that Pose a Safety Concern:** Nothing in this order shall be construed to prevent the State of Alaska and the Department of Transportation & Public Facilities from removing a sign of any size that poses a safety concern to the public, or dealing with unsafe signs in their usual manner, regardless of the content of the sign, or whether it is located on private property.
3. **Signs Outside of the State's Rights-of-Way:** The State of Alaska and the State of Alaska Department of Transportation & Public Facilities are ordered to allow the display of small, temporary, political campaign signs on private property, even those that are otherwise subject to Alaska's Outdoor Advertising Law's prohibition on advertising within 660 feet of the State's highway rights-of-way. These signs are limited to those described in ¶ 1 above.
4. **Signs Within the State's Rights-of-Way:** The State of Alaska and the State of Alaska Department of Transportation & Public Facilities are ordered to treat unauthorized commercial signs and political campaign signs equally. Enforcement of AS 19.25.105 within the state's rights-of-way shall be done without regard to the content of the sign. In other words, this order leaves AS

19.25.75-180 intact. The state is ordered to enforce its ban on outdoor advertising equally on both unauthorized commercial signs and political campaign signs located within the state's protected rights-of-way.

5. **Prohibition on Paid Off-Premises Outdoor Advertising:** The state of Alaska's prohibition on paid, off-premises, outdoor advertising remains intact. This order shall not be construed to allow paid, off-premises, outdoor advertising that violates AS 19.25.75-180.

6. **Signs on Private Property:** The State of Alaska and the State of Alaska Department of Transportation & Public Facilities shall continue their practice of not removing small, temporary, political campaign signs from private property in violation of the Constitution. An exception may be made if the sign in question poses a legitimate safety hazard.

ORDERED this 21st day of September, 2018 at Anchorage, Alaska.



Hon. Herman G. Walker, Jr.
Superior Court Judge

I certify that on 9-21-18
a copy of the above was emailed to each of
the following at their addresses of record:

Decker, J	Scully, P
Singer, M	Garner, M
Schechter, M	MacSalka, M



L. Greene, Judicial Assistant

ORDER EXTENDING TEMPORARY RESTRAINING ORDER ISSUED SEPTEMBER 10, 2018 FOR AN
ADDITIONAL TEN DAYS

*American Civil Liberties Union of Alaska, Dunleavy for Alaska, and Eric Siebels v. State of Alaska, and State of
Alaska Department of Transportation & Public Facilities*

Case No. 3AN-18-08845C1

Page 3 of 3