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Subject: 3AN-20-05901 CI: Answer of Vote Yes for Alaska's Fair Share  
Date: 5/4/2020 5:27:44 PM

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FILED in the TRIAL COURTS  
STATE OF ALASKA, THIRD DISTRICT

MAY 04 2020

Clerk of the Trial Courts

By \_\_\_\_\_ Deputy

Attorneys for Defendant Vote Yes for  
Alaska's Fair Share

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

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

Plaintiffs, )

v. )

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

Defendants. )

Case No. 3AN-20-05901CI

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ANSWER OF VOTE YES FOR ALASKA'S FAIR SHARE  
*RDC et al. v. Meyer, et al.*  
Case No. 3AN-20-05901 CI

May 4, 2020  
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## **ANSWER OF VOTE YES FOR ALASKA'S FAIR SHARE**

Vote Yes for Alaska's Fair Share ("Fair Share"), by and through its counsel, Brena, Bell & Walker, P.C., hereby answers Plaintiffs' Complaint as follows:

### **GENERAL ALLEGATIONS**

1. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint, and those allegations are therefore denied.

2. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 of the Complaint, and those allegations are therefore denied.

3. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 of the Complaint, and those allegations are therefore denied.

4. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint, and those allegations are therefore denied.

5. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint, and those allegations are therefore denied.

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6. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint, and those allegations are therefore denied.

7. Admitted.

8. Admitted.

9. Admitted.

10. Admitted.

11. Admitted that current Alaska law restricts the payment-per-signature method of compensating signature gatherers to \$1 per signature, otherwise denied.

12. Admitted.

13. Admitted that on or about October 29, 2019, Fair Share hired Texas Petition Strategies, LLC, of Buda, Texas, otherwise denied.

14. Denied.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted that the requirements of AS 15.45.130 speak for themselves, otherwise denied.

20. Admitted.

21. Denied.

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22. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint, and those allegations are therefore denied.

23. Fair Share lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint, and those allegations are therefore denied.

24. Admitted that signature gatherers were paid with a method of compensation other than payment-per-signature, otherwise denied.

25. Denied.

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

26. Nothing to admit or deny.

27. Admitted that AS 15.45.110(c) restricts the payment-per-signature method of compensating signature gatherers to \$1 per signature, otherwise denied.

28. Admitted that the text of AS 15.45.130 speaks for itself.

29. Admitted that the text of AS 15.45.130 speaks for itself.

30. Denied.

31. Denied.

32. Denied.

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**COUNT II – INJUNCTIVE RELIEF**  
**(Invalidation of Offending Petition Booklets)**

- 33. Nothing to admit or deny.
- 34. Admitted that the text of AS 15.45.130 speaks for itself.
- 35. Admitted that signature gatherers were paid with a method of compensation other than payment-per-signature, otherwise denied.
- 36. Denied.

**AFFIRMATIVE DEFENSES**

- 1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.
- 2. Plaintiffs lack standing to pursue the relief sought within their Complaint.
- 3. Plaintiffs' claims are barred by the appropriate statute of limitations.
- 4. Plaintiffs' claims are barred by estoppel.
- 5. Plaintiffs' claims are barred by laches.
- 6. Plaintiffs' claims are barred by waiver.
- 7. To the extent that AS 15.45.110(c) is interpreted to apply to methods of compensation other than payment-per-signature, the criminal penalty provided under AS 15.45.110(e) is the express and exclusive remedy for any alleged violation.
- 8. To the extent that AS 15.45.110(c) is interpreted to apply to methods of compensation other than payment-per-signature, the statute is unconstitutional under the federal and state constitutions.
- 9. Fair Share preserves each and every defense articulated within ARCP 8(c).

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10. Fair Share preserves each and every defense articulated within ARCP 12(b).

11. Fair Share preserves any and all additional defenses to be further defined after Fair Share has had the opportunity to obtain any necessary discovery to which it is entitled.

**PRAYER FOR RELIEF**

WHEREFORE, Fair Share prays for relief as follows:

- 1) That Plaintiffs' Complaint be dismissed, with prejudice;
- 2) That Fair Share be awarded its costs and attorney fees for having had to defend this action; and,
- 3) For other and further relief as this court finds just and equitable.

RESPECTFULLY SUBMITTED this 4th day of May, 2020.

BRENA, BELL & WALKER, P.C.  
Counsel for Defendant

By //s// Jon S. Wakeland  
Robin O. Brena, Alaska Bar No. 8410089  
Jon S. Wakeland, Alaska Bar No. 0911066

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**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing document was served by e-mail upon the following this 4<sup>th</sup> day of May 2020.

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//s// Melody Nardin  
Melody Nardin

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Attachments: image001.jpg, Answer.Fair Share.2020-05-04.Final.pdf

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- \* Melody Nardin, mnardin@brenalaw.com<mailto:mnardin@brenalaw.com>, 907-258-2000
- \* One PDF document attached
- \* Answer of Vote Yes for Alaska's Fair Share
- \* Total pages: 7

Thank you,

Melody Nardin

Legal Assistant

[cid:image001.jpg@01D4FC0A.CA18C340]

<[https://urldefense.com/v3/\\_\\_http://www.brenalaw.com/\\_\\_;!!LViD8WrmGQU!](https://urldefense.com/v3/__http://www.brenalaw.com/__;!!LViD8WrmGQU!COILVKumKsOu_3xU0ft67kaAd4yRYrjI4YMgy5T3x3rQYFOaRG_9LdXD6Vat0EWEEmFk$)

COILVKumKsOu\_3xU0ft67kaAd4yRYrjI4YMgy5T3x3rQYFOaRG\_9LdXD6Vat0EWEEmFk\$ > By \_\_\_\_\_

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**B·R·W** **BRENA, BELL**  
**& WALKER**

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