

ADVISORY OPINION REQUEST

Number: AO 10-04-CD

Requested By: Joelle Hall (on behalf of Stop the Gag Law)

Prepared By: Jason Brandeis, Associate Attorney

Date Issued: June 10, 2010

Subject: Request for an advisory opinion regarding the ability of a ballot group treasurer to reimburse a ballot group deputy treasurer for expenditures made on behalf of the ballot group.

Commission Decision: **On June 10, 2010, the Alaska Public Offices Commission heard and approved this advisory opinion request by a vote of 5 to 0 with minor editorial changes that did not affect the result.**

QUESTION PRESENTED

May a ballot group's deputy treasurer purchase items on behalf of the ballot group and be reimbursed by an expenditure from the group's treasurer?

SHORT ANSWER

Yes, a ballot group's deputy treasurer may purchase items on behalf of the ballot group and be reimbursed by an expenditure from the group's treasurer.

FACTS

Stop The Gag Law ("STGL") is a registered group formed to "defeat the ballot proposition dealing with anti-corruption" in the 2010 State Primary Election. As a group organized in opposition to a ballot measure, STGL is considered a "ballot group" under 2 AAC 50.294.

In requesting this advisory opinion the group states that it has been advised that treasurers are the only allowed "spender" of funds for their group and that "it would be nearly impossible for a statewide group to function with only one authorized person allowed to make purchases." Accordingly, the group is requesting an advisory opinion on whether deputy treasurers may purchase items and be reimbursed with an expenditure by the treasurer.

ANALYSIS

In the context of a ballot initiative campaign, an expenditure is a "purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of influencing the outcome of a ballot proposition or question." AS 15.13.400(6)(A)(iv). There are no statutes or regulations that directly prohibit the type of activity in which STGL seeks to engage. That is, our statutes do not specifically address the question of whether a deputy treasurer for a ballot group may make

expenditures on behalf of the group and then be reimbursed for those expenditures by the group's treasurer.

APOC statutes do, however, provide clear guidance for expenditures made on behalf of a candidate's campaign and those made on behalf of groups who organize in support of or in opposition to a candidate (as opposed to a group like STGL that opposes a ballot question). For candidate campaigns, the candidate, the candidate's campaign treasurer, and the candidate's campaign deputy are authorized to make expenditures. See AS 15.13.086(1)(A), (B). For groups organized to support or oppose a candidate ("candidate groups" or in some cases "controlled groups"), only the campaign treasurer is so authorized. See AS 15.13.086(2). The relevant statute, AS 15.13.086, is limited in scope and does not refer to ballot initiatives at all. It refers only to expenditures made in a candidate elections: Section .086(1) refers to expenditures authorized by candidates, and section .086(2) refers to expenditures authorized by AS 15.13.067(3), which in turn refers only to "an expenditure in an election for candidates for elective office." See AS 15.13.067. There is no parallel statute for a ballot initiative election.

AS 15.13.060(a) establishes that each candidate and group must appoint a treasurer who is "responsible for receiving, holding, and disbursing all contributions and expenditures." But this does not mean that only a campaign treasurer may perform those duties. Indeed, the same statute, in section .060(e), allows all campaigns to appoint deputy treasurers. The duties of a deputy treasurer are identified in various statutes and regulations. For example, AS 15.13.086(B) permits a candidate campaign's deputy treasurer to make expenditures on behalf of a candidate and AS 15.13.076(2) states that contributions may be received by a group's deputy treasurer.

Deputy treasurers for groups function in largely the same capacity as deputy treasurers for candidate campaigns. But as explained above, APOC statutes distinguish between candidate campaign deputy treasurers and candidate group deputy treasurers by precluding candidate group deputy treasurers from making expenditures. The question that must be addressed then is whether the restrictions placed on candidate groups also apply to ballot groups.

The expenditure restrictions placed on candidate group deputy treasurers do not extend to ballot group deputy treasurers. There are no statutes or regulations that require a contrary finding. Though our statutes expressly prohibit candidate group deputy treasurers from making expenditures, there is no corresponding restriction on ballot groups. The legislature specifically limited the scope of candidate group deputy treasurers but took no similar action for ballot group deputy treasurers. This is telling, and absent legislative history to the contrary, is determinative of this question.

Further support for this position is found in the different contribution limits that apply to ballot initiative elections and candidate elections. Campaign members or employees who make purchases on behalf of a candidate are essentially making extensions of credit that are contributions to the candidate's campaign. These expenditures will stand as contributions until such time as a reimbursement is received from the candidate.¹ This impacts the contribution limits that apply to candidate campaigns and explains why groups that support candidates or are

¹ 2 AAC 50.250(a)(3)(I) carves out an exception from this contribution problem for treasurers and deputy treasurers: a contribution does not include an extension of credit if the amount is less than \$500 and is repaid by the end of the reporting cycle.

controlled by candidates are included in that limitation. However, those same concerns are not apparent with respect to ballot groups because there are no limits to the contributions that ballot groups may receive.

CONCLUSION

A ballot group's deputy treasurer may purchase items on behalf of the ballot group and be reimbursed by an expenditure from the group's treasurer. This conclusion does not minimize the responsibilities of a ballot group's treasurer "who is responsible for receiving, holding, and disbursing, all contributions and expenditures, and for filing all reports and statements required by law." AS 15.13.060(a). To ensure accurate reporting, all eligible reimbursements made to a deputy treasurer must be repaid before the end of each reporting cycle and if the expenditure made by the treasurer to the deputy treasurer is actually a reimbursement for a purchase made on behalf of the ballot group, the reportable expenditure is the ultimate source of the transaction. For example, if a deputy treasurer purchases \$500 worth of printed flyers from a printer and is reimbursed by the treasurer for that expense, the reportable expenditure to APOC would be to the printer, not to the deputy treasurer.

COMMISSION DECISION

On June 10, 2010, the Alaska Public Offices Commission heard and approved this advisory opinion request by a vote of 5 to 0 with minor editorial changes that did not affect the result.

APPLICABLE LAW

Sec. 15.13.060. Campaign treasurers. (a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under [AS 15.13.050](#).

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing the declaration of candidacy or the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation, or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file the successor's name and address with the commission within 48 hours of the appointment. The candidate is disqualified if found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of the campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if the candidate knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am §§ 16 –19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977; am § 35 ch 59 SLA 1982)

NOTES TO DECISIONS

- I. General Consideration.
- II. Subsection (C).

I. GENERAL CONSIDERATION.

Cited in State, Alaska Pub. Offices Comm'n v. Marshall, 633 P.2d 227 (Alaska 1981); Black v State, 76 P. 3d 417 (Alaska Ct. App. 2003).

II. SUBSECTION (C).

Annotator's notes. –Silides v. Thomas, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977), cited in the notes below, was decided under subsection (c) as it existed before the 1977 amendment. Prior to that amendment, subsection (c) read: "Each candidate shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. The name of the candidate may be placed on the ballot by the lieutenant governor or municipal clerk only if the candidate has complied with this subsection."

This section is not unconstitutional in that it sets up "invalid class legislation." Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

The two groups classified by virtue of this section are those candidates who have complied with the law and those who have not; the failure to adhere to this section is the dividing line. Therefore, under any possible equal protection test this section passes constitutional muster. Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

Statutory requirement that a candidate's designation of treasurer be filed by a specified due date is not constitutionally unreasonable. Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

Subsection (c) should be strictly enforced. – Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

Effect of unequal enforcement of AS 39.50.020 on enforcement of subsection (c). – Unequal enforcement of AS 39.50.020, which requires candidates to file a financial disclosure statement, did not require the conclusion that a candidate had in fact substantially complied with the filing requirements of subsection (c) where the record did not show any intentional or purposeful discrimination against the candidate. Silides v. Thomas, 559 P.2d 80 (Alaska 1977). **Subsection (c) requires candidates to "file" campaign treasurer statements** within a specified time limit. Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

The definition of "file" is well established in the law. It has been consistently held that a document is filed only when the proper officer has received it, and that it is not considered filed when it is deposited in the mails. Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

Telephone conversation not appropriate filing. – Given the text of subsection (c), the legal meaning of the term "file" and the supreme court's adoption of the doctrine that statutory election deadlines are to be strictly enforced, a telephone conversation between the candidate's treasurer and the Alaska Public Offices Commission seven days after the declaration of candidacy was filed cannot be deemed an appropriate filing within the intentment of subsection (c). Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

No regulations were necessary to implement the mandatory provisions for filing an appointment of campaign treasurer established by subsection (c) of this section. Silides v. Thomas, 559 P.2d 80 (Alaska 1977).

Sec. 15.13.067. Who may make expenditures. Only the following may make an expenditure in an election for candidates for elective office:

(1) the candidate;

(2) an individual;

- (3) a group that has registered under [AS 15.13.050](#); and
- (4) a nongroup entity that has registered under [AS 15.13.050](#). (§ 9 ch 48 SLA 1996; am § 8 ch 1 SLA 2002)

Effect of amendments. – The 2002 amendment, effective April 16, 2002, added paragraph (4) and made related stylistic changes.

NOTES TO DECISIONS

Cited in Alaska Right to Life Comm. v. Miles. 441 F.3d 773 (9th Cir. 2006)

Sec. 15.13.076. Authorized recipients of contributions. A contribution to a

- (1) candidate may be received only by
 - (A) the candidate; or
 - (B) the candidate's campaign treasurer or a deputy campaign treasurer;
- (2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

Sec. 15.13.086. Authorized makers of expenditures. An expenditure

- (1) authorized by or in behalf of a candidate may be made only by
 - (A) the candidate; or
 - (B) the candidate's campaign treasurer or a deputy campaign treasurer;
- (2) authorized by [AS 15.13.067](#) (3) by or in behalf of a group may be made only by the group's campaign treasurer. (§ 14 ch 48 SLA 1996)

Sec. 15.13.400. Definitions. In this chapter,

- (1) "candidate"
 - (A) means an individual who files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional convention delegate, or who campaigns as a write-in candidate for any of these offices; and
 - (B) when used in a provision of this chapter that limits or prohibits the donation, solicitation, or acceptance of campaign contributions, or limits or prohibits an expenditure, includes
 - (i) a candidate's campaign treasurer and a deputy campaign treasurer;
 - (ii) a member of the candidate's immediate family;
 - (iii) a person acting as agent for the candidate;

(iv) the candidate's campaign committee; and

(v) a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of the candidate;

(2) "commission" means the Alaska Public Offices Commission;

(3) "communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and costing \$500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c);

(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or political party;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party;

(5) "electioneering communication" means a communication that

(A) directly or indirectly identifies a candidate;

(B) addresses an issue of national, state, or local political importance and attributes a position on that issue to the candidate identified; and

(C) occurs within the 30 days preceding a general or municipal election;

(6) "expenditure"

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

(7) "express communication" means a communication that, when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate;

(8) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of [AS 15.13.070](#), whether or not control of the group has been disclaimed by the candidate;

(9) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of an individual;

(10) "independent expenditure" means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate;

(11) "individual" means a natural person;

(12) "issues communication" means a communication that

(A) directly or indirectly identifies a candidate; and

(B) addresses an issue of national, state, or local political importance and does not support or oppose a candidate for election to public office.

(13) "nongroup entity" means a person, other than an individual, that takes action the major purpose of which is to influence the outcome of an election, and that

(A) cannot participate in business activities;

(B) does not have shareholders who have a claim on corporate earnings; and

(C) is independent from the influence of business corporations.

(14) "person" has the meaning given in [AS 01.10.060](#), and includes a labor union, nongroup entity, and a group;

(15) "political party" means any group that is a political party under [AS 15.60.010](#) and any subordinate unit of that group if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

(16) "publicly funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government, including a public corporation (§ 24 ch 48 SLA 1996; am § 39 ch 21 SLA 2000; am §§25, 26 ch 1 SLA 2002; am § 7 ch 3 SLA 2002; am §§ 8, 9 ch 1 TSSLA 2002; am §§ 18, 19 ch 108 SLA 2003; am § 2 ch 90 SLA 2006)

Revisor's notes – Paragraph (13) was enacted as (12) and paragraphs (3), (5), (7), and (12) were enacted as (13) – (16). Renumbered in 2002 to retain alphabetical order.

Effect of amendments. – The 2000 amendment, effective April 28, 2000, substituted "house district" for "election district" in subparagraph (10)(B).

The first 2002 amendment, effective April 16, 2002, added paragraph (13) and in paragraph (14) inserted ", nongroup entity."

The second 2002 amendment, effective April 16, 2002, in subparagraph (4)(b), in (I) inserted "political party, " and deleted ", but it does include professional services volunteered by individuals for which they ordinarily would be paid a fee or wage;" from the end; deleted former item (ii), which read "services provided by an accountant or other person to prepare reports and statements required by this chapter; redesignated former item (iii) as item (ii); added present items (iii) to (v); and made a stylistic change.

The third 2002 amendment, effective June 26, 2002, added subparagraph (6)(C) and paragraphs (3), (5), (7) and (12).

The 2003 amendment, effective September 14, 2003, rewrote paragraphs (7) and (15).

The 2006 amendment, effective October 11, 2006, added subparagraph (4)(B)(iv) and made related stylistic changes.

Opinions of attorney general. – The statutory limit under AS 15.13.070(a) is applicable to “control groups” under former AS 15.13.130. Exempting such groups from the contribution limit would seriously undermine the statute’s primary purpose of deterring the buying of elections and undue influence of large contributors. June 15, 1987, Op. Att’y Gen.

NOTES TO DECISION

Constitutionality. – Under the First Amendment, former AS 15.13.400(3)(B)(i) was unconstitutional to the extent that it limited the volunteering of professional services by individuals, but the statute was constitutional as to the ban on the provision of volunteer services by corporations. *Jacobus v. Alaska*, 338 F.3d 1095 (9th Cir. 2003).

Alaska’s campaign finance law, AS 15.13.030 et seq., does not violate pro-life association’s First Amendment rights because this section’s definition of “electioneering communication” is not unconstitutionally vague or over broad either facially or as applied, and the reporting and disclosure provisions are reasonable and serve a significant state interest. *Alaska Right to Life Comm.v. Miles*, 441 F3d 773 (9th Cir. 2006).

Applied in *Jacobus v. Alaska*, 182 F. Supp. 2d 893 (D. Alaska 2001).

Quoted in *State v. Alaska Civil Liberties Union*, 978 P.2d 597 (Alaska 1999), cert. denied, U.S., 120 S. Ct. 1156, 145 L. Ed. 2d 1069 (2000).

Cited in *Libertarian Party of Alaska, Inc. v. State*, 101 P.3d 616 (Alaska 2004).

REGULATIONS

2 AAC 50.250. CONTRIBUTIONS

(a) In AS 15.13 and this chapter, except as otherwise provided in this section, “contribution”

(1) has the meaning given in AS 15.13.400;

(2) includes a

(A) subscription, advance, transfer, forgiveness of all or part of a debt, relaxation of credit, or anything of value made or provided by a person, group, or nongroup entity for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and

(B) personal contribution as described in 2 AAC 50.254; and

(3) does not include

(A) costs incurred in covering or carrying a news story, editorial, or commentary by a broadcasting station, newspaper, or periodical of regular publication, unless the media organization is owned or controlled by a political party, group, or candidate; if the media organization is owned or controlled by a political party, group, or candidate, the cost of the news story is a contribution, unless the news story is a bona fide news account and is part of a general pattern of campaign-related news accounts that gives reasonably equal coverage to all opposing candidates in the circulation or listening area;

(B) a non-monetary contribution or in-kind donation of a single item with a normal cost of \$50 or less;

(C) a payment made by an individual for the individual’s own travel expenses, if the payment is voluntary and is made without an understanding that the payment will be directly or indirectly repaid;

(D) a payment made by a business, corporation, trade association, labor union, or other organization not organized primarily to influence elections to communicate directly with the organization’s members or employees, or their families, on any subject, if the communication is of the same format used by the organization when it has

communicated in the past on nonpolitical subjects, and does not solicit contributions or any action other than voting for or against a candidate or ballot proposition or question;

(E) a gift, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election;

(F) costs incurred to provide necessary administrative services associated with a payroll withholding plan; these costs may not include expenses associated with soliciting contributions;

(G) provision of a service or facility to a candidate, group, or nongroup entity, if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office;

(H) provision of an organization's membership or mailing list to the group or nongroup entity affiliated with the organization;

(I) the use of personal money or credit by a campaign treasurer or deputy treasurer for an expenditure allowable under AS 15.13.112, if the amount

(i) does not exceed \$500; and

(ii) is repaid before the end of the report cycle in which the expenditure was made; or

(J) the use of personal money or credit by a candidate for an authorized campaign expenditure, if the amount is repaid within three days after the date of the expenditure.

(b) As used in the definition of "contribution" in AS 15.13.400, a loan or loan guarantee includes an endorsement and any other form of security. A loan may not exceed the contribution limitations of AS 15.13.070, whether or not it is repaid. A loan is a contribution at the time it is made. A loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered to have contributed that portion of the total amount for which the endorser or guarantor agreed to be liable in an oral or written agreement. If the agreement does not indicate the portion of the loan for which each endorser or guarantor is liable, the loan is considered a loan by each endorser or guarantor in the same proportion that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) The provision of goods or services without charge, or at a charge that is less than the normal charge for the goods and services in the market, is a contribution unless a lower rate is extended to all campaigns. If goods or services are provided at less than the normal charge in the market, the amount of the non-monetary contribution is the difference between the normal charge for the goods or services at the time of the contribution and the amount charged.

(d) The entire amount paid to attend or participate in a fund-raising activity or other political event and the entire amount paid as the purchase price for a fund-raising item sold by a group, nongroup entity, or candidate is a contribution.

(e) The payment by a person of compensation for the personal services of an individual to a group, nongroup entity, or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution unless the individual works voluntarily and on personal time.

(f) The extension of credit by a person to a candidate, group, or nongroup entity, for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt using the methods that the creditor ordinarily uses in a manner similar in intensity to that employed by the creditor in pursuit of a debt unrelated to a campaign.

(g) A contribution to a subordinate unit of a political party is a contribution to the political party.

(Eff. 1/1/2001, Register 156; am Eff. 2/20/2005, Register 173; am 2/20/2005, Register 173)

Authority: AS 15.13.030 AS 15.13.070 AS 15.13.400 AS 15.13.040 AS 15.13.078

Editor's note: The substance of 2 AAC 50.250 was formerly located at 2 AAC 50.313. The history note does not reflect the history of the earlier regulation.

2 AAC 50.294. REGISTRATION OF BALLOT GROUPS

(a) Before making an expenditure or accepting a contribution to support or oppose a ballot proposition or question, a group must register.

(b) To register, a group must disclose on a form provided by the commission the group's name, address, and purpose, the name and address of a chair and a treasurer, the elections in which the group intends to be active during the year, the type of group, and the name and city of the group's campaign depository if one is required by 2 AAC 50.298. The group chair and treasurer may be the same person.

(c) A registered group shall supplement its report if any of the information set out in (b) changes. Failure to notify the commission of changes may be considered by the commission when it assesses civil penalties for late or incomplete reports filed by the group.

(Eff. 1/1/2001, Register 156)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.076 AS 15.13.030 AS 15.13.050

Editor's note: The substance of 2 AAC 50.294 was formerly located at 2 AAC 50.342. The history note does not reflect the history of the earlier regulation.

2 AAC 50.905. ADVISORY OPINIONS.

(a) The commission staff shall review all requests for advisory opinions submitted under AS 15.13.374. If the commission staff determines that a request does not satisfy the requirements in AS 15.13.374, the commission staff shall reject the request and notify the person, group, or nongroup entity making the request of the deficiencies. A rejected request may be refiled.

(b) If the commission staff determines that the request satisfies the requirements in AS 15.13.374, the executive director or the executive director's designee shall prepare a recommended advisory opinion within seven days after receipt of the opinion request for the commission to consider at its next regular meeting.

(c) The commission will approve, disapprove, or modify the recommended advisory opinion.

(d) The commission may reconsider an advisory opinion at any time upon the motion of a member who voted with the majority that originally approved the opinion, and if the commission adopts the motion to reconsider by the affirmative vote of at least four members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Action by the requesting party in good faith reliance on the advisory opinion before the party has notice of reconsideration may not be the subject of an investigation under 2 AAC 50.460, 2 AAC 50.507, 2 AAC 50.810, or 2 AAC 50.815. (Eff. 1/4/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173)

Authority: AS 15.13.030 AS 24.45.021 AS 39.50.050
AS 15.13.374 AS 24.60.220