

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

In re)
)
Staff Memorandum on)
24-Hour Contribution Reporting)
for Persons Filing Independent)
Expenditure Reports)
_____)

**ORDER REGARDING COMPLIANCE WITH 24-HOUR REPORT RULE
FOR INDEPENDENT EXPENDITURE FILERS**

After considering the staff recommendation, the Alaska Public Offices Commission orders that independent expenditure filers who report within 24 hours contributions in excess of \$250 received within nine days of an election and who provide the details about the contributions required by AS 15.13.040(e)(5) are in compliance with AS 15.13.110(b).

Independent expenditure filers must make a “full report of expenditures made and contributions received.”¹ For contributions, the report must include (1) the date and amount; (2) the name and address of the contributor; (3) the name, address, principal occupation and employer of the contributor if the contributor is a natural person who has made contributions in excess of \$50 in the aggregate during a calendar year; and (4) the name and address of each officer and director of the contributor if the contributor is not a natural person.² Finally, contributions *and* expenditure in excess of \$250 received or made within nine days of an election must be reported within 24 hours.³

¹ AS 15.13.040(d).

² AS 15.13.040(e)(5). *See* AS 15.13.400(11) (providing that “individual” means a “natural person”).

³ AS 15.13.110(b), (h).

The 24-hour contribution reporting rule applies to more types of filers—candidates, other types of groups, and nongroup entities—than solely independent expenditure filers.⁴ But this rule does not require as much information about contributions as the rule for independent expenditure reports. All 24-hour reports list the contributions “by date, amount, and contributor” but independent expenditure filers also must report a contributor’s employer or officers and directors under certain circumstances.⁵

This means that independent expenditure filers may report 24-hour contributions on independent expenditure reports, campaign disclosure reports, or both. Staff explained that searching the reports online provides full transparency to the public, even if a contribution is reported only on an independent expenditure report. If the contribution information is on a timely 24-hour independent expenditure report, the public has timely access to the information—and more details about the contribution than what may be included on a 24-hour campaign disclosure report.⁶

For these reasons, the Commission orders that filers who report 24-hour contributions on independent expenditure reports are in compliance with AS 15.13.040 and AS 15.13.110(b), even if they do not also report the contribution on a 24-hour campaign disclosure report. Staff should not assess civil penalties against independent expenditure

⁴ AS 15.13.110(b). *See* AS 15.13.400(8) (definition of “group”).

⁵ *Compare* AS 15.13.110(b) *with* AS 15.13.040(e)(5). Other types of filers also may have to provide more information than what .110(b) specifies. AS 15.13.040(a) (listing required content in candidates’ reports); AS 15.13.040(b) (listing required content in groups’ reports); AS 15.13.040(j) (listing required content in nongroup entities’ reports).

⁶ *Compare* AS 15.13.110(b) *with* AS 15.13.040(e)(5).

filers in such circumstances.⁷ But if a contribution is reported only on a 24-hour campaign disclosure report, the independent expenditure filer would fail to comply with the more detailed requirements of AS 15.13.040(e)(5).

Dated: September 27, 2019

BY ORDER OF THE ALASKA PUBLIC OFFICES COMMISSION⁸

⁷ See AS 15.13.090(a) (providing for civil penalties for late disclosures).

⁸ Commissioners Anne Helzer, Robert Clift, Suzanne Hancock, Van Lawrence, and Richard Stillie participated in this matter. The decision was made on a 5-0 vote.