

[TAB 8]

**Advisory Opinion 26-01-CD,
Richard Moses on behalf of
the Organization**

Presented By:

Kim Stone, Campaign Disclosure Coordinator

Number: AO 26-01-CD
Requested By: Richard R. Moses, Birch Horton Bittner & Cherot, on behalf of the Organization
Prepared By: Kim Stone, Campaign Disclosure Coordinator
Date Issued February 19, 2026
Subject: “True source” of funds received at fundraising events
Commission Decision:

I. BACKGROUND FACTS

The Organization is a nonprofit corporation registered in the State of Alaska.¹ It has applied for 401(c)(4) status with the Internal Revenue Service (IRS) but its application remains pending.² The organization’s State of Alaska articles of incorporation describe it as a political organization and its purpose is to:

(o)perate exclusively for charitable, scientific, literary, or educational purposes. Operational activities shall include, but [are] not limited to receiving, holding, and using contributions for the purposes of said corporation.

The Organization is not registered with the Alaska Public Offices Commission (APOC) or the Federal Election Commission (FEC). The Organization “would like to contribute funds to a registered independent expenditure group with the goal of influencing the upcoming 2026 General Election.” Funding for the Organization comes from donations and fundraising events for which it sells tickets and event sponsorships.³

II. QUESTIONS PRESENTED

1. May the Organization report itself as the true source of the funds generated by selling tickets and sponsorships to its fundraising events, rather than those who pay for the tickets and sponsorships?

¹ The organization asks “that its name and those of its officers and agents be kept confidential.” Under Alaska Statute 15.13.374(f), APOC redacts the name of the organization.

² Request for Advisory Opinion, p. 1.

³ Request for Advisory Opinion, p. 1. The Organization states it is a nonprofit corporation that funds itself in part “by selling event sponsorships and tickets to events.” From this description, APOC understands the “events” that are the subject of this request are fund-raising activities.

2. Is the Organization’s method of separate internal accounting records for event funds and other donations sufficient for segregation such that the Organization may report itself as the true source of funds raised from events?

III. SHORT ANSWERS

1. No. The Organization is not the true source of funds generated by selling tickets and sponsorships to the Organization’s fundraising events.

2. APOC does not address this question. The Organization is not the true source of funds generated by selling tickets and sponsorships to fundraisers, regardless of how it subsequently identifies and tracks the event funds and other donations.

IV. LAW AND ANALYSIS

The first question seeks guidance on whether the Organization may report itself, and not individuals or entities who purchase tickets and sponsorships to the Organization’s fundraising events, as the true source of the funds raised through such events. The Organization argues the purchasers receive something of value (attendance and recognition), making the transaction “indistinct from the sale of goods or services” that defines a true source under AS 15.13.400(19). The Organization also asserts that those who sponsor or purchase tickets for the Organization’s events do not do so with the intent to influence Alaska elections. “Thus, when the Organization contributes to an IE Group or Entity using Event Income, the Organization – not the event attendees or sponsors – is the true source of the contribution.”⁴

Campaign disclosure law requires every individual, person, nongroup entity, or group to report contributions of \$2,000 or more to an entity making independent expenditures in a candidate election.⁵ The reporting contributor must “report and certify the true sources of the contribution, and intermediaries, if any,” as defined by

⁴ Request for Advisory Opinion, p. 2.

⁵ AS 15.13.040(r).

AS 15.13.400(19).⁶ A true source is “the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services.”⁷ By contrast, “a person or legal entity who derived funds via contributions, donations, dues, or gifts is not the true source, but rather an intermediary for the true source.”⁸ “Dark money” is a contribution whose true sources have not been identified.⁹

As the Commission decided in *Unite America PAC*,¹⁰ true sources are not limited to those who gave “contributions” defined as funds provided for the purposes of influencing a candidate election in Alaska; rather, the true sources “may also derive from ‘donations, dues, or gifts’ that pass through an intermediary that does not segregate its accounts.”¹¹ Thus, the Organization must report its donors, contributors, sponsors, or ticket purchasers as the true source of funds that the Organization gives to influence an election, regardless of whether the donors, contributors, sponsors, or ticket purchasers originally gave the money for use in influencing elections. It may avoid disclosing all its event donors if it segregates funds received for the purpose of influencing elections from other funds, but it still must report some donors as the Organization is not itself the true source of the funds.

While the Organization argues its fundraising transactions are indistinct from revenue generated from the selling of goods or services,¹² this argument ignores the basic and undeniable truth that people who donate to a fundraising event invariably pay more than fair market value for whatever they receive in exchange for their donation – whether it is a \$20 box of popcorn from their local Scout troop that would otherwise cost \$5 or \$100,000 to sponsor a fundraising retreat – because they support the cause behind the transaction. The Organization is a nonprofit; it is not in the business of selling goods and

⁶ *Id.*

⁷ AS 15.13.400(19).

⁸ *Id.*

⁹ AS 15.13.400(5).

¹⁰ [In Re: Request for Advisory Opinion by Unite America PAC, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=24452](https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=24452), Final Order Modifying and Approving Advisory Opinion, p. 4.

¹¹ *Id.*, citing AS 15.13.040(r), AS 15.13.400(19); AS 15.13.400(4)(A)(i).

¹² Request for Advisory Opinion, p. 2.

services.¹³ Instead, it receives “contributions, donations, dues, or gifts” for which it must identify the source when it chooses to contribute the funds to an IE entity.

Requiring an entity to disclose the sources of any funds from ticket sales and sponsorships of fundraising events serves the purposes of true source disclosure. Allowing the Organization to report itself as the true source would result in concealing the actual sources of substantial funds. For example, the Organization and a partner entity charged \$2,500 to \$4,500 for tickets and \$10,000 to \$100,000 for sponsorships to a 2025 Fundraiser Retreat. Under the approach the Organization asks APOC to take, a person or entity donating as much as \$100,000 is not a true source and would need not be identified. This approach is not consistent with the letter or purpose of true source disclosure.

Lastly, APOC observes that the law provides exceptions for some small contributions, donations, dues, or gifts. The Organization may report itself as the “true source” if it “has no normal sources of income—getting money only through gifts, dues and donations” in increments of less than \$2,000.¹⁴ Additionally, when campaign contributions from any one person at a campaign fundraiser do not exceed \$50, the recipient may report the fundraising contributions as an aggregate amount with details about the nature of the fundraiser and total number of contributors.¹⁵ Thus, if any of the Organization’s fundraisers involved soliciting individual contributions of less than \$50 for the purpose of influencing elections, the Organization could report the fundraiser itself as the true source of the funds that it is contributing to an IE entity, but the Organization would need to provide the information required by AS 15.13.040(l) and 2 AAC 50.238.

The Organization’s second question seeks confirmation that its internal method of segregating funds received from ticket sales and sponsorships from funds it receives via other methods is sufficient to ensure that the Organization is the true source of the ticket and sponsorship income. APOC declines to address this question because it is irrelevant.

¹³ According to its State of Alaska Articles of Incorporation, the Organization operates “exclusively for charitable, scientific, literary, or educational purposes.”

¹⁴ [In Re: Request for Advisory Opinion by the 907 Initiative, https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=26260](https://aws.state.ak.us/ApocReports/Paper/Download.aspx?ID=26260), Final Order Modifying and Approving Advisory Opinion, p. 7 (citing AS 15.13.400(19)).

¹⁵ AS 15.13.040(l); 2 AAC 50.328.

The Organization is not the true source of the event funds and segregation does not change this result.

V. CONCLUSION

Individuals or entities who purchase tickets or sponsorships to the Organization's fundraising events and not the Organization itself are the true sources of the funds received for the tickets or sponsorships.

VI. COMMISSION DECISION

Only the Commission has the authority to approve an advisory opinion.¹⁶ The Commission will rule on staff's proposed advice at its next regular meeting. The Commission may approve, disapprove, or modify the proposed advice. An advisory opinion must be approved by an affirmative vote of at least four members or it will be considered disapproved. Both staff's proposed advice and the Commission's final advisory opinion apply only to the specific facts and activity for which advice was requested.

If you rely on staff's proposed advisory opinion in good faith and the Commission subsequently rejects the proposed advice, staff will take no enforcement action on your activities up to that point if you acted under the specific facts described. If you have any additional questions or would like to discuss this proposed advice, please contact me at (907) 276-4176.

¹⁶ 2 AAC 50.840; AS 15.13.374(d).



Birch Horton Bittner & Cherot
a professional corporation

Richard R. Moses

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February 12, 2026

AO 26-01-CD

Alaska Public Offices Commission
Attn: Heather Hebdon, Executive Director
2221 E Northern Lights Boulevard, Suite 128
Anchorage, AK 99508



RE: Advisory Opinion Request
Our File No.: 510055.1

In accordance with AS 15.13.374, [REDACTED] (the "Organization") requests an advisory opinion from the Alaska Public Offices Commission ("APOC") regarding true source reporting requirements.¹

I. BACKGROUND

The Organization, a nonprofit corporation registered in the State of Alaska that has applied for 401(c)(4) status with the Internal Revenue Service,² would like to contribute funds to a registered independent expenditure group ("IE Group or Entity") with the goal of influencing the upcoming 2026 General Election. The Organization is funded: (1) by accepting donations from its donors (the "Donated Funds") and (2) by selling event sponsorships and tickets to events (the "Event Income").

II. QUESTIONS PRESENTED

- A. If the Organization contributes funds to an IE Group or Entity, and those funds were (1) generated solely through the sale of event sponsorships and tickets, and (2) such sponsorships and tickets were purchased by individuals or entities without the intent to influence elections in Alaska, is the Organization considered the "true source" of the donation?
- B. Are the Donated Funds and Event Income sufficiently segregated for purposes of determining the true source of the funds where the Organization maintains separate internal accounting records for Donated Funds and Event Income and utilizes employee protocols to ensure all funds are continuously identifiable, traceable to their

¹ The Organization requests that its name and those of its officers and agents be kept confidential in any public disclosure of this request and the resulting advisory opinion, as well as during the Commission's meeting to consider the advisory opinion request and in any minutes of such meeting. See AS 15.13.374(f).

² The Organization's application with the IRS remains pending.

source, and expended solely in accordance with their designated and permitted purpose?

III. ANALYSIS

AS 15.13.400(19), defines “true source” as “the person or legal entity whose contribution is funded from wages, investment income, inheritance, or revenue generated from selling goods or services.”

a. Event Income Constitutes Organizational Revenue, Not Contributions

The Organization is funded in part by the sale of sponsorships and tickets to events. The purchasers of such sponsorships or tickets receive something of value in exchange for their purchase – attendance, recognition, or other benefits and do not transfer funds to the Organization with the intent to influence Alaska elections. These transactions are therefore indistinct from the sale of goods or services, and the Organization’s revenue generated from these transactions constitutes “revenue generated from selling goods or services” within the meaning of AS 15.13.400(19).³ It follows that the Organization, not the individuals or entities who made the purchases, would be the “true source” of any political contributions or expenditures later made using such Event Income.

APOC has repeatedly recognized this distinction. In AO-24-04-CD, the Commission reaffirmed that an organization may generate its own income separate from “[funds derived] via contributions, donations, dues, or gifts” and, when doing so, is itself the true source for reporting purposes.⁴ The fact that the Organization initially received funds from third parties does not transform Event Income into contributions or donations to the Organization if those funds were exchanged for goods or services rather than donated intentionally for political advocacy purposes.

Thus, when the Organization contributes to an IE Group or Entity using Event Income, the Organization – not the event attendees or sponsors – is the true source of the contribution.

b. Identification is Sufficient Segregation to Prevent Commingling for True Source Identification Purposes

Proper segregation of funds is necessary to prevent obscuring or mischaracterization of the true source of funds. When funds are maintained and tracked in a manner that allows their source to remain clearly identifiable and verifiable, there is sufficient segregation.

In AO-22-03-CD, the Commission explained that the true source reporting requirement depends on the actual source of funds from which a political expenditure is made.⁵ The

³ See *State, Dept. of Revenue v. Northern TV, Inc.*, 670 P.2d 367 (Alaska 1983) (holding that the sale of airtime – entertainment – “constitutes the sale of goods” for taxation purposes).

⁴ AO 24-04-CD at 8.

⁵ AO-22-03-CD at 2-7.

Commission recognized that an organization may rely on segregated accounts to separate campaign funds from funds an entity receives for non-campaign purposes.⁶ And with appropriate segregation, non-campaign funds are not subject to true source reporting.⁷ In short, that opinion establishes that the critical inquiry is whether the Organization has appropriate accounting controls and procedures in place that allow it to accurately trace and disclose the source funds used for political purposes, and not just “pick and choose” which donors and contributors should be identified.⁸

Here, the Organization maintains internal accounting records that separately identify and track Event Income and Donated Funds based on documented revenue streams, consistent with generally accepted accounting principles. These records allow the Organization to distinguish between the two categories of funds, monitor them independently, and ensure that political expenditures – like the planned contribution to the IE Group or Entity – made from the appropriate revenue stream.

Under these circumstances, the purpose of true source disclosure – preventing the concealment of the actual origin of political funds – is satisfied. Accordingly, where the Organization segregates Event Income and Donated Funds through internal accounting measures that permit reliable identification and tracking, the Organization is not an intermediary – the Organization is the true source of any contributions made from its Event Income.

IV. CONCLUSION

The Organization respectfully requests that the Commission confirm that, for purposes of AS 15.13.400(19), when the Organization contributes Event Income to an IE Group or Entity, the Organization is the true source of the contribution when the individuals or entities who made the purchases did so without the intent to influence Alaska elections.

The Organization further requests that the Commission confirm that internal accounting measures constitute sufficient segregation, so long as the source of the funds remains identifiable and verifiable, thereby ensuring that the Organization is the true source of any donation made from its Event Income.

⁶ AO 22-03-CD at 4-5.

⁷ *Id.*

⁸ *Id.* at 4.

February 6, 2026

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Sincerely,

BIRCH HORTON BITTNER & CHEROT

/s/ Richard R. Moses

Richard R. Moses



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

2221 E. Northern Lights Blvd., Rm. 128
Anchorage, AK 99508-4149
Main: 907.276.4176
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May 15, 2026

Via Certified Mail and Email

Richard Moses
Birch Horton Bittner & Cherot
510 L Street, Suite 700
Anchorage, AK 99501-1959
rmoses@bhb.com

Re: Commission Meeting Notice

Dear Mr. Moses:

At its upcoming meeting, the Commission will consider the matter of the advisory opinion request in AO 26-01-CD, *The Organization*.

Currently, the matter is scheduled to be considered **on June 2, 2026 at 2:30 p.m.** You have the right to participate at the meeting in-person at the offices of the Alaska Public Offices Commission located at 2221 E. Northern Lights Boulevard, Room 128, in Anchorage, Alaska; by telephone (1-907-202-7104, Conference ID: 269 275 710#); or remotely via [Microsoft Teams](#) (Meeting ID: 226 535 332 612 23, Passcode: wZ9Uy9wz).

If you do not attend the meeting, staff will send you a final order notifying you of the Commission's decision.

If you have any questions, please contact our office.

ALASKA PUBLIC OFFICES COMMISSION

John Whitlock
John G. Whitlock
Paralegal

Encl: Draft AO 26-01-CD

CERTIFICATE OF SERVICE:	
I hereby certify that on this date, I caused a true and correct copy of the foregoing to be delivered to:	
Richard Moses Birch Horton Bittner & Cherot 510 L Street, Suite 700 Anchorage, AK 99501-1959 rmoses@bhb.com	<input checked="" type="checkbox"/> Email <input checked="" type="checkbox"/> Certified Mail

Cari Rousselle
Signature

05/15/2026
Date

Rousselle, Cari J (DOA)

From: Microsoft Outlook
To: rmoses@bhb.com
Sent: Friday, May 15, 2026 2:44 PM
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rmoses@bhb.com (rmoses@bhb.com)

Subject: Commission Meeting Notice



Commission
Meeting Notice

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1. Article Addressed to:

Richard Moses
 Birch Horton Bitner & Cherot
 510 L Street, STE 700
 Anchorage AK 99501



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C. Date of Delivery
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D. Is delivery address different from item 1? Yes
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