[TAB 5]

Advisory Opinion 25-03-CD
Alaska Democratic Party

Presented By:

Heather Hebdon, Executive Director

Number: AO 26-03-CD
Requested By: Alaska Democratic Party
Prepared By: Heather R. Hebdon, Executive Director
Date Issued: August 3, 2026
Subject: Advisory Opinion - Effect of *NRSC v. FEC* on AS 15.13.070(d)[1]
Commission Decision:

I. QUESTIONS PRESENTED

The Alaska Democratic Party (ADP) requests an advisory opinion concerning two questions following a June 2026 U.S. Supreme Court decision:

1. ADP interprets the Court's ruling in *National Republican Senatorial Committee, et al. v. Federal Election Commission, et al.* (*NRSC v. FEC*) invalidating coordinated expenditure limits on First Amendment grounds to have invalidated the contribution limits in AS 15.13.070(d) to the extent those limits apply to in-kind expenditures made by political parties on behalf of candidates. ADP and its subordinate units intend to report in-kind expenditures made on behalf of candidates as expenditures, rather than contributions, without any limitation on the monetary value of those expenditures. Is ADP's interpretation of the effect of *NRSC v. FEC* on AS 15.13.070(d) correct?

2. Do the contribution limits in AS 15.13.070(d) remain in effect following *NRSC v. FEC* with respect to direct monetary contributions to candidates by parties?

II. SHORT ANSWERS

1. Yes. After *NRSC v. FEC*, the contribution limits in AS 15.13.070(d) cannot be enforced to limit in-kind expenditures by political parties on behalf of candidates. Such expenditures should now be reported as expenditures rather than as contributions to candidates.

2. Yes. *NRSC v. FEC* did not prohibit limiting direct monetary contributions to candidates by political parties and AS 15.13.070(d) still imposes such limits. ADP proposes to comply with those limits, so the proposed activity poses no legal issue.

III. LAW AND ANALYSIS

Alaska Statute 15.13.070 imposes limits on campaign contributions to candidates by individuals, groups, and political parties. In *Thompson v. Hebdon*, federal courts struck down the individual-to-candidate and group-to-candidate limits in AS 15.13.070(b)-(c) as

[1] Exhibit A, Advisory Opinion Request.

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July 17, 2026

26-03-CD

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

Re: Request for Advisory Opinion Regarding Effect of *NRSC v. FEC* on Candidate Contribution Limits in AS 15.13.070(d)

Dear Ms. Hebdon:

The purpose of this letter is to request an advisory opinion from the Alaska Public Offices Commission (the "Commission"), pursuant to AS 15.13.374 and 2 AAC 50.840, regarding future candidate contribution activities of the Alaska Democratic Party ("ADP").

Questions Presented

In light of the recent decision of the Supreme Court of the United States in *NRSC v. FEC*, 609 U.S. ____ (2026), ADP respectfully requests an advisory opinion regarding the following:

(1) **ADP interprets the Court's ruling in *NRSC v. FEC* invalidating coordinated expenditure limits on First Amendment grounds to have invalidated the contribution limits in AS 15.13.070(d) to the extent those limits apply to in-kind expenditures made by political parties on behalf of candidates. ADP and its Party subordinates intend to report in-kind expenditures made on behalf of candidates as expenditures, rather than contributions, without any limitation on the monetary value of those expenditures. Is ADP's interpretation of the effect of *NRSC v. FEC* on AS 15.13.070(d) correct?**

(2) **Do the contribution limits in AS 15.13.070(d) remain in effect following *NRSC v. FEC* with respect to direct monetary contributions to candidates by parties?**

Background

The Court's decision in *NRSC v. FEC* significantly alters the constitutional framework for statutory limits on expenditures made by political parties on behalf of candidates. Although the case involves provisions of the Federal Election Campaign Act

("FECA"), which applies only to federal elections, the Court's ruling that "constitutional text, history, and precedent establish that [FECA's] political-party coordinated-expenditure limits violate the First Amendment" applies with equal force to state elections.[1]

Analysis

Applying the Court's ruling in *NRSC v. FEC* to Alaska's campaign finance laws, the decision appears to have invalidated the definition of "contribution" in AS 15.13.400(4) to the extent it includes in-kind expenditures by political parties on behalf of candidates. The FECA provision at issue in *NRSC v. FEC* limited a political party's "coordinated expenditures," i.e., "the party's expenditures on, for example, advertisements produced or distributed in consultation with a candidate's campaign."[2] Alaska Statute 15.13.400(4) defines "contribution" as:

> 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 includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of
>
> (i) influencing the nomination or election of a candidate;
>
> (ii) influencing a ballot proposition or question; or
>
> (iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020.

A party's expenditures on advertisements produced in coordination with a candidate's campaign would seem to plainly fall within the scope of this definition, as would myriad other expenditures a party might make on behalf of a candidate to benefit the candidate's campaign.

Alaska Statute 15.13.070(d) in turn limits a party's contributions to a candidate, including the sort of in-kind contributions discussed above, to a range of $5,000 to $100,000 annually, depending on the office. However, the Court in *NRSC v. FEC* held that

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[1] *NRSC v. FEC*, 609 U.S. ____, 28 (2026).
[2] *Id.* at 2.

"political-party coordinated-expenditure limits are 'disproportionate' and are not 'necessary' and 'narrowly tailored' " to "the Government's interest in preventing circumvention of" FECA's direct contribution limits.[3] Accordingly, AS 15.13.070(d) and AS 15.13.400(4) violate the First Amendment to the extent the statutes operate to limit in-kind contributions by political parties to candidates. In other words, under *NRSC v. FEC*, any statutory limits on in-kind contributions or expenditures by political parties on behalf of candidates are unconstitutional and unenforceable.

ADP and its Party subordinates therefore intend to report in-kind expenditures made on behalf of candidates as expenditures, rather than contributions, without any limitation on the monetary value of those expenditures. However, ADP understands the Court's decision to have upheld limits on direct monetary contributions by parties to candidates. ADP therefore intends to report all direct monetary contributions to candidates as contributions subject to the limitations in AS 15.13.070(d).

Conclusion

ADP respectfully requests that the Commission confirm that *NRSC v. FEC* invalidates Alaska's statutory limits on in-kind contributions to candidates by parties. ADP additionally requests that the Commission confirm that Alaska's statutory limits on direct monetary contributions to candidates by parties remain constitutional and in full effect.

Sincerely,

LANDYE BENNETT BLUMSTEIN LLP

/s/River E.M. Sterne

River E.M. Sterne

[3] *Id.* at 21.

unconstitutionally low.[2] Those limits have not been replaced, so Alaska does not currently limit such contributions. But the political-party-to-candidate contribution limits in AS 15.13.070(d) were not challenged on the same basis and were not struck down.

More recently, in *NRSC v. FEC*, the U.S. Supreme Court struck down limits imposed by the Federal Election Campaign Act (FECA) on "a political party's coordinated expenditures—that is, a political party's spending on campaign activities in coordination with candidates."[3] The Court held that the First Amendment did not allow such limits because the infringement on freedom of speech was insufficiently justified by the governmental interest in preventing *quid pro quo* corruption or its appearance.[4] The Court considered party expenditure limits an unnecessary "prophylaxis" on top of other anti-corruption measures, such as prohibitions on earmarking and disclosure requirements that would prevent donors from using political parties to circumvent the base contribution limits.[5]

1. **ADP may report non-monetary expenditures made on behalf of candidates as expenditures, rather than contributions, without any limitation on value.**

Although Alaska does not limit political party coordinated expenditures in the exact same way as the FECA provision struck down in *NRSC v. FEC*, Alaska does limit such expenditures because they qualify as campaign contributions,[6] which in turn count towards the political-party-to-candidate contribution limit in AS 15.13.070(d). After *NRSC v. FEC*, it appears clear that the State cannot, consistent with the First Amendment, enforce these statutes so as to limit political party coordinated expenditures on behalf of candidates. Accordingly, such expenditures should now be reported as party expenditures rather than non-monetary contributions, and are no longer subject to a limitation on their monetary value.

The Commission cautions that other statutory provisions remain in effect, including disclosure rules and the prohibition on giving in the name of another.[7] ADP should continue to comply with these provisions.

2. **ADP must comply with the contribution limit in AS 15.13.070(d) with respect to direct monetary contributions by parties to candidates.**

The limits on direct monetary contributions by parties to candidates in AS 15.13.070(d) have not been challenged and are not directly implicated by *NRSC v.*

[2] 7 F.4th 811, 819-23 (9th Cir. 2021).
[3] *Nat'l Republican Senatorial Comm. v. Fed. Election Comm'n*, 609 U.S. ----, 2026 WL 1868932, at *3 (2026).
[4] *Id*. at *7-12.
[5] *Id*. at *10-12.
[6] AS 15.13.400(4)(A), (11).
[7] AS 15.13.074(b).

FEC. The intended activity described in ADP's request is "to report all direct monetary contributions to candidates as contributions subject to the limitations in AS 15.13.070(d)."

Although ADP's proposed activity complies with these limits, ADP nonetheless asks whether those limits "remain in effect." The answer is currently yes. But given fluctuating federal campaign finance jurisprudence and a pending ballot initiative that would reinstate other campaign contribution limits this answer could change. Most requests for advisory opinions from the Commission ask how the Alaska statutes that the Commission enforces apply to a specified set of facts. Your questions instead ask how the U.S. Supreme Court's constitutional rulings impact the enforceability of Alaska statutes. Such questions are more complex and require more extensive consultation with the Attorney General's Office. The Alaska Public Offices Commission and the Attorney General's Office continue to evaluate the implications of recent U.S. Supreme Court decisions. This draft advisory opinion nonetheless affirms that the activity you describe complies with the limits and thus poses no legal problems.

IV. CONCLUSION

This draft advisory opinion answers ADP's questions under current law. Staff notes that this matter will not come before the Commission until the end of August and that this opinion could be affected by future developments such as the passage of the proposed ballot measure concerning campaign contribution limits or further court decisions.

VI. COMMISSION DECISION

Only the Commission has the authority to approve an advisory opinion.[8] The Commission will rule on staff's recommended advisory opinion 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 recommended advisory opinion 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 act 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.

[8] AS 15.13.374(d); 2 AAC 50.840.

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Administration

ALASKA PUBLIC OFFICES COMMISSION

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August 12, 2026

Via Certified Mail and Email

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RE: Commission Meeting Notice
Advisory Opinion AO 26-03-CD, *Alaska Democratic Party*

Dear Mr. Sterne:

At its upcoming August meeting in Anchorage, the Commission will review the matter of your advisory opinion request submitted on behalf of the Alaska Democratic Party and staff's draft opinion.

Currently, the matter is scheduled to be considered **Wednesday, August 26, 2026, at 10:15am**. The meeting will take place 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: 845 091 354#), or online via Microsoft Teams (Meeting ID: 250 016 996 214 088, Passcode: ss9Fo9K9).

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

Heather R. Hebdon
Executive Director

Encl: Draft Advisory Opinion 26-03-CD, *Alaska Democratic Party*