

BEFORE THE ALASKA PUBLIC OFFICES COMMISSION

ALASKA DEMOCRATIC PARTY, )  
Complainant, )  
v. ) Case No. 16-04-CD  
GABBY’S TUESDAY PAC and )  
GABRIELLE LEDOUX,<sup>1</sup> )  
Respondents. )  
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FINAL ORDER

Complainant Alaska Democratic Party (“ADP”) alleges that respondents Gabby’s Tuesday PAC and Rep. Gabrielle LeDoux violated campaign finance law. Specifically, ADP contends that under Alaska law, Gabby’s Tuesday PAC is a “candidate” and synonymous with Rep. LeDoux and her campaign for re-election. Based on this assertion of law, ADP alleges that respondents violated campaign finance law when 1) Gabby’s Tuesday PAC accepted contributions from registered lobbyists who live outside Rep. LeDoux’s district, 2) Gabby’s Tuesday PAC and Rep. LeDoux each accepted the maximum \$500 donation from the same donor, and 3) Gabby’s Tuesday PAC made contributions to the campaigns of other legislative candidates. However, each of these

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<sup>1</sup> The Expedited Complaint names “Gaby’s Tuesday PAC” as a respondent. The name of the group as filed with the Commission is “Gabby’s Tuesday PAC.” Therefore, the Commission will refer to the group as “Gabby’s Tuesday PAC” and will use that name in the caption of this matter.

allegations is premised on Gabby's Tuesday PAC being a "candidate" within the meaning of Alaska Statute 15.13.400(1)(B)(v). Because we find that Gabby's Tuesday PAC is not a "candidate" under this statute, we dismiss the complaint.

AS 15.13.400(1) defines the term "candidate" as follows:

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

Based on this definition of "candidate," the complaint alleges that not only is Rep. LeDoux a candidate, but that Gabby's Tuesday PAC is also a candidate because it "makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of the candidate," and the PAC should thus be considered a part of Rep. LeDoux's campaign.

However, as noted by the Commission’s staff in their report, this interpretation is at odds with prior interpretations of campaign finance law.<sup>2</sup> Commission precedent has focused on whether the group’s purpose was to support a particular candidate – in which case the group would be considered an extension of the candidate’s campaign – or whether the group’s purpose was to support efforts or campaigns other than the election of a particular candidate – in which case the group would not be considered an extension of the candidate’s campaign. In a June 29, 1994 letter, Rep. Pat Carney was advised by APOC that so long as he separated his re-election campaign from the campaign on behalf of the Move It Committee,<sup>3</sup> the activities of one would not be ascribed to the other. Similarly, in a December 15, 1994 letter, APOC advised Douglas Rickey, treasurer of the Greater Juneau Democratic Precinct Committee, that because his organization had not spent more than 50% of its money on a single candidate, it was not a “controlled group” and therefore its activities could not be ascribed to any one candidate.

A reasonable interpretation of AS 15.13.400(1)(B)(v) is that a group that makes expenditures or receives contributions in support of the candidate’s election should be considered synonymous with the candidate under AS 15.13. This interpretation prohibits a candidate from using a group to solicit donations in support of the

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<sup>2</sup> The Commission Staff’s Report in Case 16-04-CD is hereby incorporated by reference.

<sup>3</sup> Rep. Carney was chair of the Move It Committee, “a group organized to promote passage of a statewide ballot initiative.” See June 29, 1994 letter at page 1, ¶1.

candidate's election in excess of the contribution limits, but allows a candidate to form and/or lead groups with a purpose other than to support the candidate's election.

Here, Gabby's Tuesday PAC was formed with the stated purpose "to raise money for common sense conservative candidates."<sup>4</sup> While Gabby's Tuesday PAC is chaired by Rep. LeDoux, to date it has not expended any monies in support of her election. Nor does the group intend to expend funds in support of Rep. LeDoux's election, according to the testimony of the group's attorney at the October 10 hearing in this matter. It is not disputed that the activities of the group would be permitted were it not headed by a candidate. Where the group does not expend funds to support the election of the candidate who chairs the group, we find no violation of AS 15.13 merely because the group is chaired by a candidate.

The Commission shares the concern raised by the complaint that some may use what could be seen as a "loophole" to circumvent the campaign contribution limits in AS 15.13. However, the Commission is obliged to apply the law as enacted. Thus, the concerns in the complaint are more properly directed to the legislature for review.

The Commission finds that Gabby's Tuesday PAC is not a "candidate" under AS 15.13.400(1)(B)(v). For these reasons, the complaint is dismissed.

This is a final Commission order. It may be appealed to superior court within 30 days from the date of this order under AS 44.62. A request for the Commission to

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<sup>4</sup> See Group Registration Form for Gabby's Tuesday PAC dated July 22, 2016.

