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October 19, 1999

VIA TELEFAX - 1-202-219-0130

Jonathan Levin, Esq.
Federal Election Commission
999 E Street
Washington D.C. 20463

Supplement to
AOR 1999-27

RE: Advisory Opinion Request for Alaska Federation of Republican Women
Our File No.: 3729-15158

Dear Mr. Levin:

I am following up on our telephone conversation on Friday, October 15th, concerning this matter. I have reviewed the letters I sent to the Federal Election Commission on August 4th, September 3rd and September 14, 1999, and can advise you that the plans for the straw poll outlined in those letters remain unchanged.

As you are aware, a presidential straw poll is called for in the rules of the Republican Party of Alaska. For the year 2000 the Party, by action of the central committee taken at a meeting in April, delegated responsibility for the straw poll to the Alaska Federation of Republican Women. The details of the straw poll procedures are being determined by a committee which is meeting regularly to work out those details. It is expected that committee will report its actions to the central committee at its next meeting on November 13th and the final details of how the straw poll will be conducted will be resolved at that point.

Currently, plans call for the straw poll to occur simultaneously with the precinct caucuses. The straw poll will be "open" for several hours where possible, i.e., for example from 4:00 p.m. to 8:00 p.m. The straw poll will be conducted in a separate area of the buildings from the caucuses. In most locations, the caucuses will be held in a school or similar public building and the straw poll voting will be in a separate room. In some smaller communities the caucus and poll may be in the same room, but will be in separate areas of that room. In rural Alaska, as I told you, plans call for the straw poll voting to occur via the Internet, so there will not be actual "polling places" in those areas. The Federation expects to pay for the cost of the room or area used to conduct the straw poll.

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The caucuses will be conducted by the local or district Party committees and may occur while the straw poll balloting is proceeding, but will be in a different area. The local or district committee will pay for the area used for the caucus.

I have confirmed that the draft manual entitled "How to Conduct a Successful Precinct Caucus and District Convention" which you located on the Republican Party of Alaska website is an outdated draft and has not been adopted. The manual is being changed so that during the caucus the chair will simply remind participants that they can vote in the straw poll if they wish and direct them to the location where the straw poll voting is occurring. The other references to the straw poll in that draft are being deleted. I have been told that that outdated draft will be deleted from the website as soon as possible.

At the straw poll, people will be provided a ballot and permitted to vote. The Federation will conduct no speeches, advocacy or encouragement to vote a particular way at the straw poll, or in the area or room where the straw poll will be conducted. It is anticipated that individual campaigns and candidates may be at the facility and may be advocating their own candidates, but the Federation will not advocate the election of any candidate or candidates.

As explained before, the Federation will use its funds to promote the straw poll in several ways. First, by sending postcards to registered Republicans informing them of the straw poll; second, by radio and newspaper advertisements encouraging people to participate in the straw poll; third, by issuing press releases; and fourth, by promoting the Internet voting possibility. The message for all these media will be to encourage people to participate in the straw poll. The advertisements will not seek to encourage people to vote Republican, to register as Republican, or to support any particular Party or group of candidates. These advertisements may include a brief reference to the caucuses to avoid public confusion, but will not encourage or solicit people to attend those caucuses specifically.

The state, district or local Party committees may advertise the caucuses. The Party rules require newspaper advertising of the caucuses. I cannot tell you what exactly the Party committees will do to publicize the caucuses. The Federation cannot control the messages from those groups, but will ask them not to publicize the straw poll as a device to attract more Republican registrants, or otherwise encourage people to support Republican candidates. The Federation will encourage these other groups to make only brief references to the straw poll in their materials concerning the caucuses to avoid confusion.

The Federation was unaware of the page on the Republican Party of Alaska website publicizing the straw poll until pointed out by you. We have asked the Party to change that home page to indicate the straw poll will be separate from the caucuses, that one need not participate in both, that the straw poll is being funded by the Federation and to have all subsequent messages consistent with the prior paragraph.

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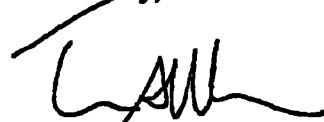
The Federation's request is a narrow one - Will funds it raises and spends to conduct and promote the straw poll as outlined in my prior letters and above constitute express advocacy, or otherwise require the Federation to comply with the Federal Election Campaign Act (FECA)? The Federation understands that activities by specific candidates related to the poll would have to comply with FECA, and that local, district or state party groups or committees which may incidentally publicize the straw poll in connection with announcing their caucuses would have to comply with applicable requirements of the FECA and state law. But, the Federation simply wishes to conduct the straw poll without advocating the election of any candidate or group, or otherwise implicating FECA.

For your information , the Republican Party of Alaska website also includes a set of rules of the Republican Party of Alaska which purport to be a revised and edited version of existing rules. You should know that those rules have not been officially adopted by the Party and, therefore, may not be correct. I am enclosing the portions of those rules relating to the straw poll for your information. However, the version of the rules I provided you earlier were the rules actually adopted at the most recent state convention, as subsequently modified by action of the central committee. I understand those rules to be the correct version. For the purposes of the straw poll, I am not sure there is a substantial difference between these rules and the revised set on the website. However, at its meeting on November 13th, the state central committee has the power to adopt modified rules as needed to meet FEC requirements for the straw poll.

I apologize for any confusion that may have resulted from this request and the material on the website. As you can see, the plans for the straw poll are somewhat dynamic, but the general framework is outlined in my letters and I hope that will enable the Commission to address the advisory opinion request. Be assured that the Federation will comply strictly with any conditions incorporated in the Commission's response.

Please let me know if you have other questions. I plan to be in my office through Thursday. I will be out of town on Friday, but back on Monday.

Sincerely,



Timothy A. McKeever

TAM/ps

Enclosure

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ARTICLE III - PRECINCT CAUCUS

Section 1: Call for Regular Precinct Caucus

A Regular Precinct Caucus, with a simultaneous straw poll in a presidential election year, shall be called by the Precinct Committeeman (PCM) and/or the Precinct Committeewoman (PCW) whenever the SCC issues a Regular State Convention call. The day set statewide by the SCC for a Regular Precinct Caucus shall be such that Regular District Convention delegates will be elected thirty (30) or more calendar days before the date set for the Regular District Convention. The PCM and/or PCW shall consult with the District Chairman to determine the time, date, and place of the Regular Precinct Caucus, and the precinct's number of District Convention delegates and alternate delegates. The time, date, and place of the Regular Precinct Caucus shall be publicly announced sixty-seven (67) or more calendar days before of the State Convention and thirty seven (37) or more calendar days before of the District Convention and seven (7) or more calendar days before the Regular Precinct Caucus. Public announcement shall include RPA web site, email and publication in a newspaper or appropriate news media normally available throughout the precinct.

UNOFFICIAL Rules

Section 4: Purpose of the Regular Precinct Caucus

The purpose of the Regular Precinct Caucus shall include, but not be limited to:

- (a) Conduct a Presidential straw poll of all caucus participants in presidential election years
- (b) Elect a Precinct Committeeman and a Precinct Committeewoman.
- (c) Appoint a Precinct Secretary
- (d) Elect Regular District Convention delegates and alternate delegates.
- (e) Develop proposed RPA Rules and policy revisions.

- (f) Develop proposed RPA resolutions on various state and national issues.**
- (g) Develop proposed RPA platform changes**
- (h) Enlist, encourage, and train candidates and campaign workers for local, state, and national office.**
- (i) Formulate plans to raise the necessary funds to support Republican candidates.**
- (j) Formulate precinct political organization plans and methods to recruit Alaskans to become RPA members.**
- (k) Enhance communications between elected Republican officials and all Alaskan Republicans.**
- (l) Conduct any other precinct business necessary prior to the District Convention.**

Section 5: Straw Poll and Caucus Process

- (a) The RPA shall provide each precinct identical Presidential Straw poll ballots that alphabetically list Republican candidates who have filed formal Federal Election Commission (FEC) papers for the office of President of the United States.**
- (b) The straw poll shall be held simultaneously with the precinct caucus.**
- (c) Precinct officers shall certify straw poll results and report at the time and in the manner determined by SCC.**

Section 10: Certification of Participants at a Precinct Caucus.

Certification of participants shall be from the latest Voter Registration List published by the State of Alaska. If the potential participant is not on that list, then he must show proof of registration and residence in the precinct. If no other proof is available, then a certificate of registration as a Republican and/or change of address may be completed at the Precinct Caucus prior to the election of delegates from that precinct. Certification as a registered voter of a temporary precinct shall be determined as best as possible from available descriptions and maps. Any registered Republican from another precinct as defined in Art. III. 9 shall note his home precinct on Precinct Caucus register, may vote in straw poll but shall not be certified for the balance of his nonresident precinct caucus