

No. 26-88

IN THE
Supreme Court of the United States

ALASKA POLICY FORUM, *Petitioner*,
v.
ALASKA PUBLIC OFFICES COMMISSION, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the
Alaska Supreme Court

**Brief *Amicus Curiae* of America's Future, Free
Speech Coalition, Free Speech Defense and Ed.
Fund, Citizens United, Citizens United Fdn.,
Gun Owners of America, Gun Owners Fdn.,
DownsizeDC.org, Downsize DC Fdn., The
Senior Citizens League, Clare Boothe Luce
Center for Conservative Women, Public
Advocate of the U.S., Public Advocate Fdn.,
Restoring Liberty Action Comm., Conservative
Legal Defense and Ed. Fund, and
American Target Advertising
in Support of Petitioner**

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INTEREST OF THE *AMICI CURIAE*¹

Amici America's Future, Free Speech Coalition, Free Speech Defense and Education Fund, Citizens United, Citizens United Foundation, Gun Owners of America, Gun Owners Foundation, DownsizeDC.org, Downsize DC Foundation, The Senior Citizens League, Clare Boothe Luce Center for Conservative Women, Public Advocate of the United States, Public Advocate Foundation, and Conservative Legal Defense and Education Fund are nonprofit organizations, exempt from federal income tax under either section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. Restoring Liberty Action Committee is an educational organization. American Target Advertising is a for-profit corporation headquartered in Manassas, Virginia. These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law.

Some of these *amici* have filed *amicus* briefs in other cases related to government efforts to require licensing, registration, reporting and donor disclosure of issue speech and issue advocacy, including:

¹ It is hereby certified that counsel of record for all parties received timely notice of the intention to file this brief; that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

- *Wisc. Right to Life v. FEC*, No. 04-1581, U.S. Supreme Court, Brief Amicus Curiae of Citizens United, et al. (Nov. 14, 2005);
- *FEC v. Wisc. Right to Life*, and *McCain v. Wisc. Right to Life*, Nos. 06-969 and 06-970, U.S. Supreme Court, Brief Amicus Curiae of Citizens United, et al. (Mar. 23, 2007);
- *Citizens United v. FEC*, No. 08-205, U.S. Supreme Court, Brief Amicus Curiae of the Free Speech Def. and Ed. Fund, Inc., et al. (July 31, 2009);
- *Independence Institute v. FEC*, No. 14-5249, D.C. Circuit, Brief Amicus Curiae of Citizens United, et al. (Apr. 15, 2015);
- *AFPF v. Harris*, Nos. 15-55446 & 15-55911, Ninth Circuit, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (Jan. 21, 2016);
- *Independence Institute v. FEC*, No. 1:14-cv-1500, U.S. District Court, District of Columbia, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (June 24, 2016);
- *Independence Institute v. FEC*, No. 16-743, U.S. Supreme Court, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (Jan. 9, 2017);
- *Citizens United v. Schneiderman*, No. 16-3310, Second Circuit, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (Jan. 13, 2017);
- *AFPF v. Becerra*, Nos. 16-55727 & 16-55786, Ninth Circuit, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (Jan. 27, 2017);

- *Institute for Free Speech v. Becerra*, No. 17-17403, Ninth Circuit, Brief Amicus Curiae of Free Speech Def. and Ed. Fund, et al. (Mar. 16, 2018);
- *AFPF v. Becerra*, Nos. 16-55727 & 16-55786, Ninth Circuit, Brief Amicus Curiae of Citizens United, et al. (Oct. 5, 2018);
- *AFPF v. Becerra*, Nos. 19-251 & 19-255, U.S. Supreme Court, Brief Amicus Curiae of Free Speech Coalition, et al. (Petition) (Sept. 25, 2019);
- *AFPF v. Becerra*, Nos. 19-251 & 19-255, U.S. Supreme Court, Brief Amicus Curiae of Free Speech Coalition, et al. (Merits) (Mar. 1, 2021);
- *AFPF v. Becerra*, Nos. 19-251 & 19-255, U.S. Supreme Court, Brief Amicus Curiae of Citizens United, et al. (Merits) (Mar. 1, 2021);
- *Eknes-Tucker v. Ivey*, No. 2:22-cv-184, M.D. Ala., Free Speech Coalition, et al. Brief Amicus Curiae (Sept. 20, 2022); and
- *First Choice Women’s Resource Centers v. Platkin*, No. 24-781, U.S. Supreme Court, Brief Amicus Curiae of America’s Future, et al. (Merits) (Aug. 28, 2025).

STATEMENT OF THE CASE

Respondent Alaska Public Offices Commission is Alaska’s election law enforcement agency, which took action against Petitioner Alaska Policy Forum (“APF”) — a nonprofit organization exempt from federal income taxation under Internal Revenue Code section 501(c)(3). APF’s mission is to “provide research, information and public education in support of

individual rights, limited government, personal responsibility and government accountability.” *Alaska Pol’y F. v. Alaska Pub. Offs. Comm’n*, 583 P.3d 701, 710 (Alaska 2026) (“*Alaska*”). At issue was how the posting of certain APF policy analyses addressing the merits of “ranked-choice voting” interacted with a 2020 ballot initiative put to Alaska voters which included ranked-choice voting.² See Petition for Certiorari at 5-6 (“Pet.”).

The Alaska Statutes

Alaska Statute § 15.13.140 provides, “An independent expenditure for or against a **ballot proposition** or question ... (1) shall be reported in accordance with AS **15.13.040** and 15.13.100 ... and other requirements of this chapter...” (Emphasis added.) In turn, Alaska Statute § **15.13.040** provides:

(d) Every person making an **independent expenditure** shall make a **full report of expenditures made and contributions received**, upon a form prescribed by the commission, unless exempt from reporting.

(e) Each person required to report under (d) of this section shall file a full report in accordance with AS 15.13.110(h) on a form

² The initiative proposed to “(1) replace Alaska’s party primary system with an open nonpartisan primary, (2) require additional disclosures from ‘independent expenditure’ groups, and (3) establish ranked-choice voting for the general election.” *Id.*

prescribed by the commission. The report must contain:

- (1) the name, address, principal occupation, and employer of the individual filing the report;
- (2) an itemized list of all expenditures made, incurred, or authorized by the person;
- (3) the name of the candidate or the title of the **ballot proposition or question** supported or opposed by each expenditure and whether the expenditure is made to support or oppose the candidate or **ballot proposition or question**;
- (4) the name and address of each officer and director, when applicable;
- (5) the **aggregate amount** of all contributions made to the person, if any, for the purpose of influencing the outcome of an election; **for all contributions, the date of the contribution and amount contributed by each contributor**; and, for a contributor
 - (A) who is an individual, the **name and address** of the contributor and, for contributions **in excess of \$50** in the aggregate during a calendar year, the name, address, **principal occupation, and employer** of the contributor; or
 - (B) that is not an individual, the name and address of the contributor and the name and address of each

officer and director of the contributor.
[Emphasis added.]

This case involves whether statements posted by Petitioner APF analyzing the operation of ranked-choice voting constituted “**expenditures**,” defined as “a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made **for the purpose of ... influencing the outcome of a ballot proposition or question.**” Alaska Statute § 15.13.400 (emphasis added). APF acknowledged that its publications spoke to ranked choice voting in general, but contended they neither referenced, nor urged the approval or defeat of a given ballot issue.

In determining whether an “expenditure” was made “for the purpose of influencing the outcome of an election,” the statute calls for a determination of whether the expenditure was for an “**express communication**,” defined as “a communication that, when read as a whole and with limited reference to outside events, is **susceptible of no other reasonable interpretation** but as an exhortation to vote for or against a specific **candidate.**” *Alaska* at 712 (emphasis added). Note that the statutory term “express communication” refers **only** to communications regarding “for or against a specific **candidate**” — **not ballot** issues. The Alaska Supreme Court applied this statute governing candidates to also govern referenda, thereby justifying its application of the broader standard of “susceptible of no other reasonable interpretation.” *See id.*

APF Communications

In January 2020, “before the Initiative was accepted [for the 2020 ballot] ... APF joined nonprofit think tanks from four other states to create Protect My Ballot, a coalition formed to educate the public about the risks of ranked-choice voting.” *Alaska* at 710. Protect My Ballot began to campaign nationally against the concept of ranked-choice voting, and APF published some similar statements in Alaska. *Alaska* at 711. The initiative was not placed on the ballot until “[a]fter the communications began” on the issue of ranked choice voting generally. Pet. at 2. None of APF’s statements mentioned the Alaska initiative. “APF never mentioned the measure. Some of its speech did not even mention Alaska.” *Id.*

Then, “[i]n September 2020 Yes on 2 for Better Elections (Yes on 2), a nonprofit organization, filed a complaint with the Commission regarding APF and Protect My Ballot’s activities.” *Alaska* at 711. After reviewing the complaint, the Commission “concluded that APF had violated state laws requiring registration and donor reporting for advocating against the measure, and the law requiring that APF put its name and donors on its communications.” However, the Commission concluded that “the national coalition [whose speech APF had republished] had neither engaged in advocacy nor violated the registration, reporting, and disclaimer laws.” *Id.* APF challenged the law unsuccessfully. *Alaska* at 709.

Alaska Supreme Court

Alaska offers the following governmental interest in support of applying the registration, reporting, and the donor disclosure requirements relating to ballot questions: “[t]o promote an informed electorate” by allowing voters “to evaluate the messages they hear” by knowing who paid for the messages. *Id.* at 709.

The Alaska Supreme Court ruled that it was not error for the Commission to apply the “express communication” standard for speech advocating the election or defeat of a **candidate to ballot issues** as well. *Id.* at 714. It then adopted the Ninth Circuit’s test in *Federal Election Commission v. Furgatch*, 807 F.2d 857 (9th Cir. 1987) to conclude that courts could look beyond the actual words of a statement and “consider[...] the speech’s context,” and if the court concludes that the speech’s “context” makes it an “express communication” for or against a ballot initiative, the reporting requirements apply. *Id.* at 718.

APF argued that the court erred in finding that “even a party’s other ‘speech may be a permissible contextual factor’ in determining whether a communication is advocacy,” creating too much of an arbitrary and subjective balancing test that can disregard the actual words of the communication. Pet. at 8.³

³ APF also argued that the Court erred by failing to incorporate this Court’s instruction in *Americans for Prosperity Foundation v. Bonta*, 594 U.S. 595 (2021) that the statute be “narrowly

SUMMARY OF ARGUMENT

The Alaska Supreme Court has sanctioned actions taken by the State of Alaska which severely restrict the free speech and free press rights of Alaskans and potentially those located in other states whose publications reach into Alaska. The *Alaska* decision particularly jeopardizes the important role played by nonprofit organizations, such as Petitioner and these *amici*, in publishing thoughtful policy analyses, even if they are at odds with the views of those wielding government power. The freedom of such nonprofit organizations to participate in the nation's free marketplace of ideas must be preserved.

The *Alaska* decision asserts that it simply engages in “statutory interpretation,” in taking a statute that applies the *FEC v. Furgatch* “susceptible of no other interpretation” standard for candidate elections into the realm of issue speech and issue advocacy. In that way, the *Alaska* decision empowers state regulators to require nonprofits to register, report, and disclose donors to policy publications, even in the absence of any reference to state referenda, and without the “magic words” of express advocacy approved in *Buckley v. Valeo*. However, both *Buckley* and *Furgatch* involved candidate elections — not issue speech or issue advocacy — and such decisions cannot be directly applied to the government's authority over referenda.

tailored” to a sufficiently important governmental interest. Pet. at 29.

The standard that this Court directed for state ballot issues such as the referenda here was set out in *McIntyre v. Ohio Elections Commission*. There, this Court explained that the governmental interest in suppressing “corruption” that allowed the government to regulate candidate elections simply did not apply to school bond issues. Certainly it has no relation to issue speech and referenda at issue here.

Lastly, the registration, reporting, and disclosure requirements imposed by the Alaska law constitute flagrant violations of the First Amendment press freedom enjoyed by APF and all Americans, whether individuals such as Mrs. McIntyre or nonprofit organizations such as these *amici*. As this Court ruled in *Talley v. California*, the compelled disclosure of the names of printers, writers, and distributors of publications was known to lessen the circulation of literature critical of the government. Allowing the *Alaska* decision to stand empowers the government with the ability to silence its critics, requiring this Court’s review.

ARGUMENT

I. THE ALASKA SUPREME COURT SANCTIONED RESTRICTIONS ON “ISSUE SPEECH” AS IF IT WAS “EXPRESS ADVOCACY” FOR CANDIDATES.

Sometimes the error in a court opinion can be spotted by examining the premise on which a decision is built. Here, the Alaska Supreme Court opinion begins with a grand statement that reflects its view

that compelled disclosure on ballot issues is the American way — or at least the Alaskan way — rendering all other considerations secondary:

The effective functioning of our democratic form of government is premised on an informed electorate. When citizens vote on the basis of **misinformation**, or **a lack of relevant information**, the decision-making process on which our government ultimately rests suffers to that extent. [*Alaska* at 708-09 (emphasis added).]

Alaska appoints itself to the role of citizen protector, writing rules governing publications of nonprofit organizations which impose what must be viewed as a licensing requirement. It compels speech in the form of the disclosure of the speaker's identity in violation of APF's press freedoms protected by the First Amendment. See Section III, *infra*.

It is critical to note at the outset that this case involves a ballot referendum, not a candidate election. This Court has made clear that the government has interests that can justify public reporting of contributions and expenditures in candidate elections, but those interests are inapplicable to ballot issues. In *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995), this Court applied the following principle from *Buckley* to strike down a state ban on anonymous speech with respect to a school bond issue.

The Federal Election Campaign Act of 1971, at issue in *Buckley*, **regulates only candidate**

elections, not referenda or other issue-based ballot measures; and we construed “independent expenditures” to mean only those expenditures that “expressly advocate the election or defeat of a clearly identified candidate.” [Citing to *Buckley* at 80.] In candidate elections, the Government can identify a compelling state interest in avoiding the **corruption** that might result from campaign expenditures. Disclosure of expenditures lessens the risk that individuals will spend money to support a candidate as a quid pro quo for special treatment after the candidate is in office. [*McIntyre* at 356 (emphasis added).]

The state interest in avoiding “corruption” has no application here. Thus, this Court has already precluded the statutory interpretation adopted by the Alaska Supreme Court in applying a statutory rule for candidates to ballot issues, allowing Alaska to restrict speech which did not contain express advocacy. With respect to ballot issues, the government has no “corruption” interest comparable to the interest it has in candidate elections, and the government should have no power to restrict, license, regulate, censor, or otherwise control the matter put before the public, and certainly not without express advocacy.

One can view the issue from the standpoint of who is the sovereign in America — the government or the People. As James Madison explained in a debate in the House of Representatives: “If we advert to the nature of Republican Government, we shall find that

the censorial power is in the people over the Government, and not in the Government over the people.” 4 Annals of Congress, p. 934 (1794). It is most certainly not the responsibility of government to help the people decide what is true and what is not. Justice Robert Jackson was this Court’s most eloquent champion of this view. In *Thomas v. Collins*, 323 U.S. 516 (1945), he wrote:

The very purpose of the First Amendment is to **foreclose** public authority from assuming a **guardianship of the public mind through regulating the press**, speech, and religion. In this field, every person must be his own watchman for truth, because **the forefathers did not trust any government** to separate the true from the false for us. [*Id.* at 545 (Jackson, J., concurring) (emphasis added).]

He echoed that view five years later:

The priceless heritage of our society is the unrestricted constitutional right of each member to think as he will. Thought control is a copyright of totalitarianism, and we have no claim to it. **It is not the function of our Government to keep the citizen from falling into error**; it is the function of the citizen to keep the Government from falling into error. [*American Communications Association v. Douds*, 339 U.S. 382, 442-43 (1950) (Jackson, J., concurring and dissenting) (emphasis added).]

The case cited by *Alaska* for the expansion of its power over referenda is much more nuanced than the brief quotation that it pulled from that decision. *Messerli v. State*, 626 P.2d 81 (Alaska 1980) was a test case presenting a facial challenge to the requirement that those placing advertisements seeking to influence citizens in a vote on bond issues must file a written report identifying who placed the advertisement. In *Messerli*, the Alaska Supreme Court demonstrated great concern about the privacy rights of the speaker, and a dissent took the position that Mr. Messerli could not be compelled to register at all, for various reasons:

[t]he most important of these is that it **ignores both the history of our own country and the role that anonymous expression has played** in the progress of mankind. “Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all.” *Talley v. California*, 362 U.S. 60, 64 ... (1960). Moreover, “it is plain that anonymity has sometimes been assumed for the most constructive purposes.” ... 362 U.S. at 65. [*Messerli* at 89-90 (Burke, J., dissenting) (emphasis added).]

Messerli apparently engaged in express issue advocacy, placing ads in two Anchorage papers “to influence the citizens ... in their votes on certain municipal bond propositions.” *Id.* at 82. However, here, the Alaska Supreme Court declares that registration, reporting, and donor disclosure are

triggered when “speech addresses issues that are the subject of a ballot measure — even if that speech does not mention the measure, let alone advocate for its passage or defeat.” Pet. at 1. “APF never mentioned the measure. Some of its speech did not even mention Alaska.” *Id.* at 2. Alaska seeks to regulate what we could term “**issue speech**” — in the absence of election-related “**issue advocacy**.” This overreach led to the first issue presented by Petitioner: “Whether the government has an informational interest in donor disclosure that defeats First Amendment associational interests, when a speaker engages in **issue speech** relevant to an election **but does not discuss the election.**” *Id.* at i (emphasis added).

Also significant is that the finding of violation below apparently covers postings made by Petitioner before the ballot measure even qualified for the ballot. *See id.* at 2. This ruling would force every public policy nonprofit organization to monitor its website to ensure that somewhere in the nation there is not a ballot initiative which puts to the voters the issue discussed in one of its policy papers. This would prevent nonprofit organizations from serving their role in maintaining a “free marketplace of ideas.” *See generally Red Lion Broad. Co. v. FCC*, 395 U.S. 367 (1969), which addressed the First Amendment’s role in preserving an “uninhibited marketplace of ideas in which truth will ultimately prevail...” *Id.* at 390. *See also Citizens United v. FEC*, 558 U.S. 310 (2010), which was decided to avoid interference with “the ‘open marketplace’ of ideas protected by the First Amendment.” *Id.* at 314, 354.

Additionally, *Messerli* did not appear to address any statutory requirement that those who contributed to the ad be exposed to public scrutiny — which is a central problem with the law challenged here. Alaska Statute § 15.13.040(e)(5) requires disclosures of:

(5) the aggregate amount of all contributions made to the person, if any, for the purpose of influencing the outcome of an election; **for all contributions**, the date of the contribution and **amount contributed by each contributor**; and, for a contributor

(A) who is an **individual**, the **name and address** of the contributor and, for contributions **in excess of \$50** in the aggregate during a calendar year, the **name, address, principal occupation, and employer** of the contributor; or

(B) that is **not an individual**, the name and address of the contributor and the name and address of each **officer and director** of the contributor. [Emphasis added.]

Related to the requirement that the speaker disclose those who contributed to him is the third issue presented here: “Whether requiring that speakers disclose their donors on the face of their communications advances a compelling or sufficiently important interest.” Pet. at i.

Both of these issues involve deviations from this Court’s jurisprudence on anonymity and they both

deserve the attention of this Court to bring a correction.

II. THE CASE LAW GOVERNING ANONYMITY IN ISSUE SPEECH AND ADVOCACY HAS EVOLVED OVER A HALF-CENTURY, BUT DOES NOT REQUIRE REGISTERING AND REPORTING.

For purposes of this *amicus* brief, these *amici* use the term “**issue speech**” to describe discussion about a public policy issue made before a ballot issue is placed on the ballot, or after if it does not take an express position on that ballot issue. The term “election-related ‘**issue advocacy**’” means expressly taking a position on a pending ballot issue. It could be argued whether the government has authority over “issue advocacy,” but its authority over “issue speech” should be non-existent.

Two cases involving regulations of candidate elections have some relevance here. In *Buckley v. Valeo*, this Court distinguished between communications that expressly advocated for the election or defeat of a clearly identified candidate, using what became known as “magic words,” such as “vote for,” “vote against,” and those that did not use those words. *Id.* at 44 n.52.⁴ Alaska relied on *FEC v. Furgatch* where the Ninth Circuit expanded the

⁴ “This construction would restrict the application of § 608(e)(1) to communications containing express words of advocacy of election or defeat, such as ‘vote for,’ ‘elect,’ ‘support,’ ‘cast your ballot for,’ ‘Smith for Congress,’ ‘vote against,’ ‘defeat,’ ‘reject.’”

definition of “express advocacy,” beyond *Buckley*’s express words, to a type of “judge-empowering”⁵ facts-and-circumstances test, which required the court to review the communication as a whole with reference to matters such as timing, to determine if it was “susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate.” *Furgatch* at 864. However, both cases involved candidates, not referenda.

The Alaska Supreme Court said that Alaska had “enshrined the *Furgatch* standard in Alaska law” but admitted that the statute which did so applied only to candidate elections, not ballot propositions. The Commission ruling against Petitioner here “decided to adopt a similar narrowing standard to determine when speech related to ballot propositions qualifies as an ‘expenditure’ that must be reported.” *See Alaska* at 715. This Alaska court imported the government’s greater authority over candidate elections to give it greater authority over referenda.

Eight years after *Furgatch*, this Court spoke to the rule that should apply to ballot issues. *McIntyre* is much more directly relevant here, as it involved “an imminent referendum on a proposed school tax levy.” *Id.* at 337. Ohio had banned anonymous literature, but this Court recognized the long tradition of anonymous speech from even before the Founding era and its robust First Amendment protection. In

⁵ Here, we borrow a phrase from Justice Scalia in *District of Columbia v. Heller*, 554 U.S. 570, 634 (2008).

McIntyre, the state’s “interest in preventing fraudulent and libelous statements and its interest in providing the electorate with relevant information” (*id.* at 348) was deemed completely insufficient to require the disclosure of the speaker — and, by implication, speaks against any requirement that the speaker identify donors to the speech, as here.

Mrs. McIntyre clearly opposed the school bond issues, and thus *McIntyre* stands for the proposition that not just “issue speech” (without advocacy) but also “issue advocacy” may be presented anonymously. And, if it can be presented anonymously, that precludes any registration, reporting or donor disclosure — the very opposite of the ruling of the Alaska Court.

III. THE ALASKA SUPREME COURT HAS APPROVED AN UNCONSTITUTIONAL SYSTEM FOR LICENSING OF THE PRESS.

The Alaska Statute requires that APF’s identity as the author and publisher of the policy papers be disclosed to the public, as well as information on their donors. Such a statute should be analyzed under the First Amendment’s Press Protections. As Justice Black observed in *Talley v. California*, 362 U.S. 60 (1960):

The obnoxious press licensing law of England, which also was enforced on the Colonies was due in part to the knowledge that exposure of the names of printers, writers and distributors

would lessen the circulation of literature critical of the government. [*Id.* at 64.]

In his concurring opinion in *McIntyre*, Justice Thomas documented “the extent to which anonymity and the freedom of the press were intertwined in the early American mind.” *Id.* at 361. And rightfully so. The principle of anonymity is akin to the principle of editorial control. As the *McIntyre* majority acknowledged, **“the identity of the speaker is no different from other components of the document’s content** that the author is free to include or exclude.” *Id.* at 348 (emphasis added). And as *McIntyre* pointed out, the people need no help from the government to sort out the true from the false:

“Don’t underestimate the common man. People ... can evaluate the anonymity along with its message as long as they are permitted ... to read that message. [O]nce they have done so, it is for them to decide what is ‘responsible,’ what is valuable, and what is truth.” [*Id.* at 348 n.11.]

The Alaska rules requiring disclosure bespeak the opposite view, that Alaskans are not capable of ferreting out the truth without the government’s paternalistic oversight. Such a policy is anathema to the freedom of the press. See *Miami Herald v. Tornillo*, 418 U.S. 241, 259 (1974) (White, J., concurring).

CONCLUSION

For the foregoing reasons, the petition for certiorari should be granted.

Respectfully submitted,

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