



Alaska Public Offices Commission

October 2011

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From the Executive Director Paul Dauphinais

Happy Fall Everyone,

The leaves have fallen, the salmon is smoked, and the days are brisk. Fall has arrived and with it the preparations for another legislative session. This year, with the change in weather, APOC has a change in processes. Unlike the last year when so much was done with paper, in the upcoming year we will be more reliant on electronic filing. To help ease this process APOC will be holding multiple training sessions for groups, lobbyists, candidates, legislators, and others so that everyone can get a feel for the electronic filing system. By providing training we hope to keep the angst to a minimum and keep the potential level of confusion and number of errors that come with every change relatively low. Please take the opportunity to attend one of the trainings being offered. You will notice that they are offered at a variety of places.

The process of moving toward a more on-line system is coming to fruition. APOC expects to go live this fall with the INSIGHT electronic filing for campaign disclosure forms and this will make everyone's life easier. There will also be some speed bumps along the way. Be patient, when you see or experience an unexpected process let us know.

With the advent of redistricting, remember to keep roles as incumbents and candidates separate. If you have questions about what you can or cannot do, please call. It is better to light one candle — ask the question first — than to curse the darkness — do not deal with the risks of a questionable action.

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REGULATIONS PROJECT UPDATE

The Commission adopted the proposed regulations at a Special Commission meeting on June 16, 2011.

The proposed regulations were forwarded to the Alaska Department of Law for review and approval. During this time the Governor's office also conducts its review. If the proposed regulations are approved by the Department of Law and the Governor's office, they are sent to the Lt. Governor's office for filing and become effective 30 days later.

APOC will continue to keep all our filers and the public informed of the process as it moves forward, both via our web site and APOC list serv announcements.



APOC Electronic Filing and Trainings

As APOC moves towards electronic filing for candidates and groups, we are ramping up our training opportunities. The electronic filing system is a new program for campaign disclosure filers and we want to provide as much support as possible during the transition. We will be focusing on how to register using MyAlaska, how to report, how to amend reports, special quirks, and step-by-step directions as well as general overviews of candidate and group filing.

Beginning on December 2, 2011 and running through the Feb 15 Report date, we will start holding weekly trainings at the APOC Anchorage office, alternating between candidate and group focused training. All trainings will run from 12-1:30pm. These trainings may be attended via web/phone and you are welcome to sign up in advance.

We will also be running two Juneau Courses on January 20, 2012 and February 21, 2012. On these dates, classes will start at 10am, 12 noon, and 2pm. We do request interested parties sign up in advance for the Juneau trainings, since space in the Computer Lab is limited.

After the Feb 15th filing, we will move to a bi-weekly Anchorage training schedule. Two trainings are planned in July for Fairbanks and Juneau ahead of the Primary reporting periods.

For more information please call Martha Tansik, Associate Attorney II at 907-276-4176.

UPDATE ON COMPLAINTS

Complaints and all documents related to the Complaints may be found on the APOC website at <http://aws.state.ak.us/apocInterim/ViewCommissionComplaints.aspx>

09-10-CD APOC v. IACC: Consent agreement was approved by the Commission on June 30, 2011. A fine of \$350 and \$3000 in fees and costs were assessed against IACC. On September 14, 2011, the Commission approved referral of this case to the Attorney General's Office to begin the collections process because IACC had exceeded its 30 day window to either enter into a payment agreement with the State to satisfy the penalty due or to make payment.

10-19-CD Kellen v. Rep. William Thomas: Case was consolidated with 10-20-CD, 10-21-CD, 10-22-CD, and 10-23-CD.

A N D

11-03-CD APOC v. Re-Elect Thomas Campaign: Two consent agreements were approved by the Commission on September 14, 2011. The first dismissed Gregg Richmond and Doug Olerud, as they were not participants in coordinating the advertisements. The second fined Rep. Thomas, Mrs. Thomas and James Studley \$1250 dollars for accepting prohibited contributions and failing to report them and required the return of the money contributed by the businesses equaling \$1560. Additionally, Rep. and Mrs. Thomas were fined \$1250 for general election reporting violations and campaign overfunding and must attend an APOC Training session. A letter will be sent to all participating businesses clarifying the law in this area.

11-07-CD APOC v. Mead Treadwell and Treadwell Alaska Committee: Hearing and a motion for summary judgment has been postponed until November 17, 2011.

11-08-CD APOC v. Martin Lindeke: A consent agreement was approved by the Commission on September 14, 2011, in which Mr. Martin Lindeke was fined \$2995 dollars for reporting errors and prohibited contribution acceptance and must repay \$495 in prohibited contributions. Additionally, Mr. Lindeke is required to attend an APOC Training session before participating in another election.

RECENT ADVISORY OPINIONS

NOTICE:

The summaries of the advisory opinions are provided for convenience and are not binding precedent. Please go to our website for the full version of each advisory opinion.

[http://aws.state.ak.us/apocInterim/
ViewCommissionAdvisoryOpinions.aspx](http://aws.state.ak.us/apocInterim/ViewCommissionAdvisoryOpinions.aspx)

AO 11-08-CD Approved 9/15/2011

On behalf of Concerned Citizens of the Unorganized Borough (CCUB), Mr. George Cole asked whether or not they are required to register with the Alaska Public Offices Commission, file any reports with the APOC, or comply with any other APOC regulations, pursuant to their activity opposing the proposed ballot issue.

At the present time, CCUB has no obligation to register with or to report its activities to APOC. However, contributions and expenditures made to influence the outcome of a potential election must be logged and reported to APOC at such time as the petition becomes a ballot measure.

AO 11-09-CD Approved 9/15/2011

Holmes Weddle & Barcott, Counsel for Robert B. Gillam, RBG BushPlanes LLC and McKinley Capital Management LLC asked if Robert Gillam, through BushPlanes LLC and McKinley Capital Management LLC, can provide air transportation and medical services to Mr. Gillam's neighbor who is also a candidate for the Lake and Peninsula borough assembly and if the services provided are considered to be campaign contributions to the candidate if the air transportation is solely for medical services and not related in any way to campaign or election related activity.

The transportation and medical services to be provided by Mr. Gillam, through Bush Planes and MCM to his neighbor and candidate for assembly in the Lake and Peninsula Borough are not considered to be a contribution to the candidate or his campaign if no campaign or campaign related activities occur between the time of departure and the time of return. The gift of transportation and medical services can not involve any campaign activity or activity meant to influence the outcome of any election by either party involved.

AO 11-10-CD Approved 9/14/2011

Rep. Max Gruenberg requested clarification on whether POET Funds could be used to send legislative newsletters to people who reside in the district he has been certified as a candidate in.

The answer is no, POET funds may not be used for campaigning or to communicate regarding a member's service in the legislature to potential constituents not part of the original election district because it can be construed as an electioneering communication.

AO 11-11-POFD

Approved 9/14/2011

Dave Stone, Mayor of the City and Borough of Yakutat, requested a determination of filing requirements under AS 39.50 for specific municipal positions. Mayor Stone asked if members of the City and Borough of Yakutat's Harbor Commission and Parks and Recreation Board are subject to disclosure requirements under AS 39.50, Alaska's Public Official Financial Disclosure law.

Under AS 39.50.200(a)(9)(I), the definition of "public official" includes each elected or appointed municipal officer.

Under AS 39.50.200(a)(8), the definition of a municipal officer includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality.

Under POFD regulation 2 AAC 50.200(8), "municipal officer" has the meaning given in AS 39.50.200(a).

Members of the City and Borough of Yakutat's Harbor Commission and Parks and Recreation Board are not included in the definition of a municipal officer under AS 39.50 and are therefore not subject to disclosure requirements under AS 39.50.

AO 11-12-CD Approved 9/14/2011

Martin Lindeke asks whether he can obtain the amount deemed to be prohibited contributions from the final disbursement to the Alaska Democratic Party ("ADP"). He would then dispose of the returned funds as required by the Consent Agreement and in accordance with AS 15.13.114(a) and (b).

The Commission held that \$495 in tainted funds should be returned from the ADP to Mr. Lindeke for proper disbursal in conformance with AS 15.13.114.

AO 11-13-POFD Approved 9/15/11

Senior Judge Niesje Steinkruger requested clarification regarding whether judges who serve pro tem are required to file POFDs after working 30 full hour days or 30 calendar days.

Judicial officers who work on 30 or more calendar days must file a public official financial disclosure form in accord with AS 39.50.110, regardless of the length of time worked each day. The 30 days is based on work done in any part of 30 different calendar days.

AO 11-14-CD

Approved 9/15/11

Representative Bob Lynn requested an advisory opinion regarding whether lobbyists in his current district may donate to his campaign when they are not potential constituents in his proposed new voting district.

Only lobbyists in the candidate's new certified district may donate to his campaign per AS 15.13.074(g).

2011 STATEWIDE MUNICIPAL ELECTION - CANDIDATES AND GROUPS

Tuesday, October 4, 2011 - Statewide Municipal Elections

Report:

24 Hour Reports**
105 Day Report
Final Report***

Covers:

September 25 – October 3
September 25 – January 2, 2012
January 3 – February 01, 2012

Due:

Daily As Needed**
Tuesday, January 17, 2012
Tuesday, February 15, 2012***

*Due date falls on a state holiday. Reports will be considered timely, if filed the day immediately following the holiday.

**During the 9 days before an election, you must report the contributor name and amount of all monetary and non-monetary contributions over \$250 to the APOC within 24 hours of the time you receive each contribution. You may need to report each day during that period, or not at all. You must fax, phone-in, or hand-carry the report. Do not mail 24 Hour Reports.

*** NOTE: Required only if 105 Day Report was not a Final Report

Calendar of Events

- October 4 - Statewide Municipal Elections (31 Municipalities)
- October 18 - Alaska Day Holiday
- October 31 - Lobbyists & Employers of Lobbyists 3rd Quarter Reports Due

- November 8 - POFD Training for Municipal Clerks - Fairbanks
- November 11 - Veterans Day Holiday
- November 24 - Thanksgiving Day Holiday

- December 2 - Electronic Filing Training for Candidates - Noon - Anchorage APOC Office
- December 6 - Ethics Training for Lobbyists & Employers of Lobbyists - 1:30 pm in Fairbanks
- December 7 & 8- Ethics Training for Lobbyists & Employers of Lobbyists - 9:00 am and 1:30 pm in Anchorage
- December 9 - Electronic Filing Training for Groups - Noon - Anchorage APOC Office
- December 13 & 14 - Ethics Training for Lobbyists & Employers of Lobbyists - 9:00 am and 1:30 pm in Juneau
- December 16 - Electronic Filing Training for POFD-11:00 am - Candidates-Noon - Anchorage APOC Office

- January 6 - Electronic Filing for Groups - Noon - Anchorage APOC Office
- January 9 - Ethics Training for Lobbyists & Employers of Lobbyists - 9:00 am and 1:30 pm in Juneau
- January 11 & 12 - Ethics Training for Lobbyists & Employers of Lobbyists - 9:00 am and 1:30 pm in Anchorage
- January 13 - Electronic Filing Training for Candidates - Noon - Anchorage APOC Office
- January 17 - Ethics Training for Lobbyists & Employers of Lobbyists - 9:00 am and 1:30 pm in Juneau
- January 20 - Electronic Filing for Groups - Noon - Anchorage APOC Office
- January 20 - Electronic Filing For Candidates and POFD Filers - TBD - Juneau
- January 27 - Electronic Filing Training for POFD-11:00 am - Candidates-Noon - Anchorage APOC Office

October 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Municipal Elections	5	6	7	8
9	10	11	12	13	14	15
16	17	18 Alaska Day Holiday	19	20	21	22
23	24	25	26	27	28	29
30	31 Lobbyists & Employers 3 rd Quarter Reports Due					

November 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8 POFD Training Fairbanks	9	10	11 Veterans Day Holiday	12
13	14	15	16	17	18	19
20	21	22	23	24 Thanksgiving Day Holiday	25	26
27	28	29	30			

December 2011

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 Electronic Filing Training Candidate Noon Anchorage	3
4	5	6 Ethics Training for Lobbyists & Employers Fairbanks 1:30 pm	7 Ethics Training for Lobbyists & Employers Anchorage 9 & 1:30	8 Ethics Training for Lobbyists & Employers Anchorage 9 & 1:30	9 Electronic Filing Training Groups Noon Anchorage	10
11	12	13 Ethics Training for Lobbyists & Employers Juneau 9 & 1:30	14 Ethics Training for Lobbyists & Employers Juneau 9 & 1:30	15	16 Electronic Filing Training POFD 11 am Candidate Noon Anchorage	17
18	19	20	21	22	23	24
25	26 Christmas Day Holiday	27	28	29	30	31

January 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 New Year's Day Holiday	3	4	5	6 Electronic Filing Training Groups Noon Anchorage	7
8	9 Ethics Training for Lobbyists & Employers Juneau 9 & 1:30	10	11 Ethics Training for Lobbyists & Employers Anchorage 9 & 1:30	12 Ethics Training for Lobbyists & Employers Anchorage 9 & 1:30	13 Electronic Filing Training Candidate Noon Anchorage	14
15	16 Martin Luther King, Jr.'s Birthday	17 Ethics Training for Lobbyists & Employers Juneau 9 & 1:30	18	19	20 Electronic Filing Training Groups Noon in Anchorage Candidate/POFD in Juneau TBD	21
22	23	24	25	26	27 Electronic Filing Training Candidate Noon Anchorage	28
29	30	31				