



ALASKA PUBLIC OFFICES COMMISSION

SUMMER 2014

Anchorage APOC - 2221 E. Northern Lights Blvd.,
Room 128
Anchorage, AK 99508-4149
Phone: (907) 276-4176 Fax: (907) 276-7018

Juneau APOC - 240 Main St., Suite 500
P.O. Box 110222
Juneau, AK 99811
Phone: (907) 465-4864 Fax: (907) 465-4832

INSIDE THIS ISSUE

Candidate Complaints and Advisory Opinions.....	2
Group Advisory Opinions.....	3
Lobbyist Reporting Reminder.....	3
Notice of Proposed Regulations Changes.....	4-5
Upcoming Training Opportunities.....	6
Mark Your Calendar.....	6

The Top ten reasons to Call APOC before taking an action you aren't quite sure of:

- 10 Do you really want your name in the paper for this?
- 9 Ask first, you won't need forgiveness later
- 8 What harm will it do to ask?
- 7 You might not get the answer I you want, but you won't have a problem later
- 6 You might get the answer you want
- 5 Fortune favors the prepared mind, get the answer first
- 4 An advisory opinion will only take a week if you need one
- 3 Will a potential violation hurt your cause/candidacy?
- 2 Better to do it right than do it fast
- 1 Better safe than sorry, or embarrassed, or getting negative press



CANDIDATE COMPLAINTS

13-11 CD APOC Staff v. Chris Tuck

The complaint was filed on October 11, 2013. Awaiting Commission action.

14-01 CD Donna Gilbert v. John Eberhart

The complaint was filed on February 5, 2014. Staff issued its report on March 10, 2014.

The complaint alleged that Mayor Eberhart received compensation during his campaign which resulted in prohibited corporate contributions from his employer and that Mayor Eberhart used city assets for purposes of his campaign. The case came before the Commission for hearing on May 1, 2014. The Commission granted Mayor Eberhart's motion to dismiss as it related to allegations regarding compensation received during his campaign. As to the use of city assets, the Commission determined that Mayor Eberhart had used the city's email system for campaign purposes in violation of AS 15.13.145, and assessed a reduced civil penalty in the amount of \$37.50

14-03 CD Vince Beltrami v. Dan Sullivan for Lt. Governor

The complaint was filed on May 21, 2014. Awaiting Commission action.

14-04-CD Ruedrich v Anchorage Republican Women's Club

The complaint was accepted 6/26/14. The investigation is ongoing

CANDIDATE ADVISORY OPINIONS

14-08 CD – requested on behalf of candidate Clare Ross

Clare Ross sought to clarify whether she could use funds and assets raised during her state house campaign for her campaign for state senate. The Commission held that Ms. Ross can transfer up to \$5,000 in money raised during her state house campaign to her senate campaign, but she cannot transfer unlimited funds and assets between the two campaigns. (Commission decision on June 6, 2014)

APOC TRIVIA

What is the minimum number of necessary Commission votes for Advisory Opinion approval?

Answer on the last page...



RECENT GROUP ADVISORY OPINIONS

AO 14-04-CD was requested by Vic Fischer of Vote Yes- Repeal the Giveaway

This advisory opinion concerned three things: whether Vote Yes- Repeal the Giveaway could identify candidates in its proposition advertisements, make contributions directly to candidates in addition to its proposition activities and if the Vote Yes- Repeal the Giveaway group could operate as both a ballot proposition group and an independent expenditure group that supports and/or opposes candidates.

The Commission determined that Vote Yes- Repeal the Giveaway may identify candidates in its proposition advertisements because the proposed advertisements were neither express nor electioneering communications. The Commission decided that Vote Yes could not make direct candidate contributions because the group has accepted contributions from a business and contributions in excess of \$500, which is something a group giving directly to candidates is not allowed to do. The Commission determined that Vote Yes could indeed operate as both a ballot proposition group and independent expenditure group so long as the candidate advocacy it engages in has no direct or indirect cooperation with the candidate or candidate's agents.



LOBBYING REPORTING REMINDER

Lobbyist and Employer of Lobbyist 2nd Quarter reports can be submitted anytime in the month of July. The deadline for the 2nd Quarter report is Thursday, July 31. Lobbyists, need to remember that your second quarter report only covers the months of May and June. This is because you have already submitted an April report because the legislature was still in session. The Employer of Lobbyist report covers April, May and June because Employers of Lobbyists do quarterly reports year-round regardless of the regular legislative session or any special sessions. As always, if you have any questions regarding the lobbying law please feel free to contact the Juneau APOC office.



NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 50 of the Alaska Administrative Code, dealing with Campaign Disclosure 2 AAC 50.250 to 2 AAC 50.405, Alaska Public Office Commission Procedures 2 AAC 50.801 to 2 AAC 50.895 and General Provisions 2 AAC 50.900 to 2 AAC 50.995, including the following:

2 AAC 50.274 is proposed to be amended to clarify the language that limits when a letter of intent may be filed. The intent of the proposed change is to harmonize the regulation with language in AS 15.13.074(c) and to make it clear that the 18 month period in the current regulation language does not refer to 18 months before a primary election. The proposed amendment would further recognize the exception for a candidate draft group to the general rule that expenditures may not be made on behalf of an individual before that individual files a letter of intent.

2 AAC 50.274(b), 2 AAC 50.282, 2 AAC 50.286 and 2 AAC 50.290(a) are proposed to be amended to replace “on a form” and “on the form” language with “in the format” and “on that filing” to properly reflect the current electronic filing system which does not utilize a form.

2 AAC 50.290(a) is proposed to be amended to clarify the requirement that an ongoing group register each year.

2 AAC 50.302 is proposed to be amended to add the word “candidate” to the title line of the regulation to clarify that this regulation does not refer to a political party subgroup commonly known as a subordinate unit.

2 AAC 50.321 is proposed to be amended to clarify how to report incurred but not paid campaign expenses, is further proposed to be amended to simplify electronic filing requirements for entities that have no activity since its last report, and to add a new subsection to specify when a campaign disclosure report must be amended.

2 AAC 50.329 is proposed to be amended to remove the requirement that groups or nongroup entities report cumulative contribution amounts from each contributor when the contributions are the result of ongoing payroll deduction or dues programs.

2 AAC 50.384(c) is proposed to be amended to remove surplus language related to the disbursement of the campaign money of a group.

2 AAC 50.816 is proposed to be amended to add a subsection clarifying the requirement to certify a report filed under AS 15.13.040(p).

2 AAC 50.821(a) is proposed to be amended to remove language requiring a request for exemption or waiver be submitted on a form specified by the commission. The proposed amendment also harmonizes this regulation with 2 AAC 50.816 and extends the due date for an exemption or waiver request filing by one day.



2 AAC 50.855 is proposed to be amended to remove the word “before” in the regulation to effectively add a day when calculating the civil penalty assessment on a late filed registration, statement or report. The proposed amendment also harmonizes this regulation with 2 AAC 50.845.

2 AAC 50.870 is proposed to be amended to add a new subsection to allow for withdrawal of a complaint when resolved by the parties and the complainant without prior consideration by commission members.

2 AAC 50.880 is proposed to be amended to harmonize the time period for an answer to an investigation report throughout existing regulations.

2 AAC 50.990(13)(B) is proposed to be amended to correct a typographical error in the “gift” definition.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jerry D. Anderson, Assistant Director, Alaska Public Office Commission at 2221 E. Northern Lights Blvd, Suite 128, Anchorage, AK 99508-4149. Additionally, the Alaska Public Offices Commission will accept comments by facsimile at (907) 276-7018 and by electronic mail at doa.apoc.regs@alaska.gov. The comments must be received no later than 4:00 p.m. on July 28, 2014.

Oral or written comments also may be submitted at a hearing to be held on July 16, 2014, in Suite 128, 2221 East Northern Lights Blvd. Anchorage, AK. The hearing will be held from 9:00 a.m. to 11:00 a.m. and might be extended to accommodate those present before 10:30 a.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Maria Bulfa, APOC Staff at (907) 276-4176 no later than July 9, 2014 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jerry D. Anderson at (907) 276-4176 or jerry.anderson@alaska.gov, or go to doa.alaska.gov/apoc/.

After the public comment period ends, the Alaska Public Offices Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Statutory Authority: AS 15.13.030(9)

Statutes Being Implemented, Interpreted, or Made Specific: AS 15.13; AS 24.45; AS 24.60.200 to 24.60.260 and .990; AS 39.50

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: June 5, 2014

/s/

Paul Dauphinais, Executive Director



MARK YOUR CALENDAR

- Friday, July 4: Independence Day, State of Alaska Holiday
- Tuesday, July 15: 105-Day Report Due - 2014 Anchorage Municipal
- Friday, July 18: Last day candidates may give/loan their campaigns more than \$5,000 - 2014 State Primary Election
- Monday, July 21: 30-Day Reports Due - 2014 State Primary Election
- Thursday, July 31: 2nd Quarter 2014 Lobbyist and Employer of Lobbyist Reports Due
- Thursday, August 10: 24-Hour Reporting Period - 2014 State Primary Election
- Tuesday, August 12: 7-Day Reports Due - 2014 State Primary Election
- Tuesday, August 19: 2014 State Primary Election Day
- Monday, September 1: Labor Day, State of Alaska Holiday

UPCOMING TRAINING OPPORTUNITIES FOR CANDIDATES

<u>Date</u>	<u>Location</u>	<u>Time</u>	<u>Details</u>
July 8, 2014	Wasilla	Noon-2pm	Candidate 101 Training
July 11, 2014	Anchorage or via Web	Noon-2pm	Candidate 101 Training
Aug. 7, 2014	Anchorage or via Web	Noon-2pm	Candidate 101 Training
Aug. 28, 2014	Anchorage or via Web	Noon-2pm	Candidate 101 Training
Sept. 4, 2014	Anchorage or via Web	Noon-2pm	Candidate 101 Training
Sept. 19, 2014	Anchorage or via Web	Noon-2pm	Candidate 101 Training

INDEPENDENT EXPENDITURE TRAINING

<u>Date</u>	<u>Location</u>	<u>Time</u>	<u>Details</u>
July 8, 2014	Wasilla	3:00pm - 5:00pm	Group Training
July 10, 2014	Anchorage or Telephonic	12:00pm - 2:00pm	Independent Expenditure
Aug. 22, 2014	Anchorage or Telephonic	12:00pm - 2:00pm	Independent Expenditure
Sept. 5, 2014	Anchorage or Telephonic	12:00pm - 2:00pm	Independent Expenditure

APOC TRIVIA: ANSWER

What is the minimum number of votes for Advisory Opinion approval?

Answer: 4 Commissioners must vote in favor of an Advisory Opinion for it to be approved.