



Alaska Public Offices Commission

January 2011
Volume I - Issue 3

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

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

From the Executive Director

This note will serve as “good-bye” for me, Executive Director Holly Hill. I am leaving February 1, 2010, after nearly three years at APOC. We have had a very busy year in 2010. Most recently, the Supreme Court decision in Citizens United changed the landscape of politics in the 2010 elections. The Legislature responded promptly and changed Alaska’s campaign disclosure laws to comport with the decision while also requiring increased disclosure information so citizens know who is paying to influence elections in Alaska.

In 2010, we responded to 24 complaints, the second highest number in the agency’s history. In addition, there were 39 advisory opinions requests in 2010, the greatest amount in APOC history! We have significantly improved agency response time for opinions and currently it is taking, on average, 4.7 days to respond to a request.

The APOC Commissioners have been as busy as ever, participating in over 34 commission meetings in calendar year 2010. They have reviewed and approved a comprehensive regulations package, which went out for public comment on December 1, 2010. A schedule of dates for public comment and meetings on these regulations is on our website: <http://doa.alaska.gov/apoc/proposedRegulations.html>.

We continue to improve the interim searchable database. As always, you may sign up on our list-serv to be notified of meetings and hearings: <http://list.state.ak.us/soalists/APOCnotifications/jl.htm>.

I have enjoyed the challenges involved in working for an agency committed to serving the public and promoting transparency in government. APOC has an excellent staff and I know you will continue to be well served by their expertise.

Holly R. Hill, Executive Director

INSIDE THIS ISSUE

From the Executive Director	1
Regulations Information	2
E-Filing State Financial Disclosures	3
Update on Complaints	3
Recent Advisory Opinions	4-5
Calendar of Events	6
Filing of 105 Day Campaign Reports	6

2011 Reporting Dates Candidates & Groups

Tuesday - January 11, 2011
Mat-Su Borough Special Election

DUE FEBRUARY 15:

Year-End Reports Due for 2010 Elections (Only if Final Report has not already been filed!)

Year Start Report Due for ALL 2011 Elections
(Covers Start of Campaign - February 1, 2011)

Annual Reports for:

- Any Future Campaign Accounts
- POET Accounts

Groups planning to remain active in 2011 or to continue raising funds for a 2012 election should also file their [Annual Group Registration Form](#)

Tuesday, April 5, 2011
Anchorage Municipal Election

Tuesday, October 4, 2011
Statewide Municipal Election

Please see due dates for all reports on the APOC website at: doa.alaska.gov/apoc

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF ALASKA PUBLIC OFFICES COMMISSION

The Commission released a set of draft regulations and publicly noticed the proposed regulations on December 1, 2010. APOC strongly encourages input and feedback from the public on the proposed draft regulations. The process of obtaining feedback, however, is strictly regulated by the Administrative Procedures Act (APA). All comments related to the proposed regulations need to be part of a public record. For this reason, in order to receive and record oral commentary, the Commission has scheduled a series of meetings open to the public on each area of law governed by the Commission. If you are interested in participating, please plan to attend one of the hearings listed below.

Both the public notice and the draft regulations are available on the APOC web site at <http://doa.alaska.gov/apoc/proposedRegulations.html>.

The Commission welcomes written comments, but may only receive them if they are submitted in compliance with the requirements set out in the public notice. To ensure that your written comment is considered by the Commission, please mail it to Jerry Anderson, Alaska Public Offices Commission, 2221 E. Northern Lights, #128, Anchorage, AK 99508 or e-mail it to doa.apoc.regs@alaska.gov. ***Written comments must be received by the close of business on the following dates:***

Written Comment Deadline - February 28, 2011 for

Regulation of Lobbying: 2 AAC 50.550-.590

Legislative and Public Official Financial Disclosure:
2 AAC 50.680-.799

Written Comment Deadline - March 30, 2011 for

Campaign Disclosure: 2 AAC 50.250-.405

Alaska Public Offices Commission Procedures:
2 AAC 50.801-.899

General Provisions: 2 AAC 50.920

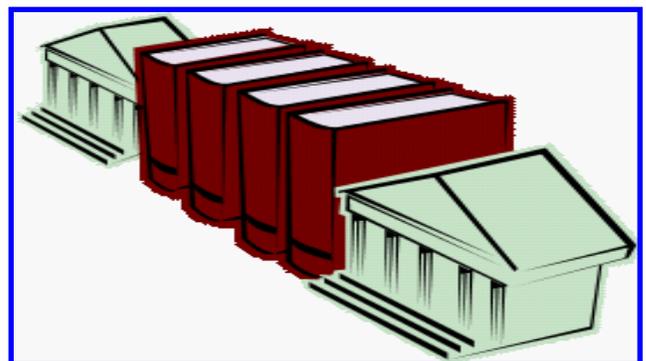
HEARINGS: Oral or written comments may also be submitted at **hearings** to be held in both Anchorage (Atwood Building, DOA Conference Room, 19th Floor) and Juneau (State Office Building, DOA Conference Room, 10th Floor) **on the following dates:**

February 23, 2011 at 9:00 AM

Regulation of Lobbying: 2 AAC 50.550-.590
Procedures: 2 AAC 50.801-.899
General Provisions: 2 AAC 50.920

February 23, 2011 at 1:00 PM

Legislative and Public Official Financial Disclosure: 2 AAC 50.680-799
Procedures: 2 AAC 50.801-.899
General Provisions: 2 AAC 50.920



March 23, 2011 at 9:00 AM

Campaign Disclosure: 2 AAC 50.250-.405
Procedures: 2 AAC 50.801-.899
General Provisions: 2 AAC 50.920

POFD/LFD ONLINE FILING COMING SOON

for STATE Financial Disclosures
(Annual Filings DUE March 15, 2011):

By the end of January, APOC anticipates having electronic filing via the internet available for state public officials required to file financial disclosures. The financial disclosure online form is the next phase of APOC's transition from paper to electronic filing for all laws it administers. The electronic form may be used by any state official required to file either a public official or legislative financial disclosure by AS 39.50 or AS 24.60, respectively. All required filers in the executive, judicial and legislative branches of state government may use this form, as well as any member of a state board or commission. If you wish to file your 2011 statement prior to the online form being available, you may file using the paper forms posted on the APOC website at http://doa.alaska.gov/apoc/forms/2011POFD_LFD_FORM.pdf

To use the new electronic filing system, you must have a MyAlaska user name and password. If you have ever filed your application for the Alaska Permanent Fund Dividend (PFD) electronically, then you have already completed step one! If not, you may want to get this done so you are ready for online filing. If you need to set up a new MyAlaska user name and password, go to <https://myalaska.state.ak.us/home/app> and on the left hand side of the page, click on the words "New user." Follow the prompts to get a MyAlaska user name and password. Make sure you respond to the email from MyAlaska within 24 hours to activate your account.

Once electronic filing is available for state filers, APOC will send out a notice on our listserv. If you have not yet signed up for the listserv, please do so now by clicking <http://list.state.ak.us/soalists/APOCnotifications/jl.htm>

Electronic filing will not be available this year for municipal filers. Municipal filers must continue to file using the paper forms found at http://doa.alaska.gov/apoc/forms/2011POFD_LFD_FORM.pdf. Municipal filers have a statutory requirement for financial disclosures to be filed directly with the municipal clerk or other designated municipal official. Having an electronic system sort both state filings for submission to APOC and local government filings for submission to each municipal clerk added a level of complexity that was not possible to address in time for the March 15 filing deadline. Electronic filing as an option for local public officials will be added at a later date.



UPDATE ON COMPLAINTS

09-07-CD Hackney v. CAP and AAMS: Case was consolidated with 10-06-CD, 10-07-CD, 10-08-CD, 10-09-CD, 10-10-CD, 10-11-CD, and 10-13-CD. Commission Hearing set for Thursday, January 13, 2011.

09-10-CD APOC v IACC: Hearing scheduled for April 28-29, 2011 in Fairbanks.

10-04-CD Truth About Pebble v. Alaska Wild Salmon Protection, Inc.: Commission dismissed the complaint on 11/19/2010.

10-14-POFD John Holman v. Glen Alsworth, Sr. and 10-15-POFD John Holman v. David J. Wilder: Staff Report Due on or before January 20, 2011.

10-16-CD North Pole Community Coalition v. Isaacson: Staff Report Due January 21, 2011.

10-17-CD Alaska Energy First v. Rep. Bob Lynn: Commission accepted staff report of no violation and the complaint was dismissed on 11/19/2010.

10-18-CD Schmidt v. Committee for Responsible Growth: Commission Consideration of Consent Agreement set for Thursday, January 13, 2011.

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. Commission order issued December 1, 2010 directed staff to resume investigation and issue a new investigative report responsive to Commission questions.

10-24-CD The Berkowitz/Benson Campaign for Governor/Lt. Governor v. The Republican Governors Association: On October 26, 2010, the Commission dismissed the complaint.

11-01-CD Obermeyer v. Alaska Judicial Council: Staff Report due January 28, 2011.

11-02-CD APOC v. Edgmon Campaign: Commission Consideration of Consent Agreement set for Thursday, January 13, 2011.

11-03-CD APOC v. Re-Elect Thomas Campaign: Staff Report due February 4, 2011.

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 10-25-LOB Approved November 18, 2010

Steven Burk, Quarles & Brady, on behalf of Jeff Cook - May a registered lobbyist serve on the DCCED's Economic Advisory Council?

Mr. Cook may serve on the Economic Advisory Council. The only limitation is that he may not do anything that would result in his employer receiving direct economic benefit from his participation and activity on the Council.

AO 10-26-CD Approved November 4, 2010

Anna von Reitz, member and occasional secretary/treasurer of GFA - May Gas for Alaskans fundraise for its general fund by selling sweatshirts that portray no political message while handing out fliers for political candidates?

GFA members may distribute campaign literature while they are selling their nonpolitical sweatshirts.

AO 10-27-CD Approved October 20, 2010

Amey Armachain, Executive Director, Alaska Hotel & Lodging Association - May AHLA use raffle proceeds from 2007 to purchase endorsement ads in the 2010 general election?

The Association may use the 2007 raffle proceeds to make independent expenditures. In so doing it must follow all disclosure and disclaimer laws in effect today.

AO 10-28-CD Approved October 20, 2010

Ardith Lynch, Associate General Counsel for the University of Alaska - Will UA violate campaign law with activities related to a bond proposition?

Absent a specific appropriation, UA may not use its funds to influence the outcome of an election concerning a ballot proposition such as, in the instant case, Proposition B. The exception to this limitation created by 2 AAC 50.356(b) allows the Chancellors to participate in the Telephonic Meeting because the Chancellors' communications will be within the usual or customary performance of the Chancellors' duties. Any expenditure associated with this activity must be reported to APOC.

The UA staff's preparation and dissemination of the confidential alumni information and the creation of a confidentiality agreement does not come within the exception found in 2 AAC 50.356(b). These activities would be illegal under AS 15.13.145.

AO 10-29-CD Not Approved October 20, 2010

Kenneth Kirk, Attorney, on behalf of the Alaska Republican Party - May ARP maintain a "Governor's Fund" under Alaska campaign finance laws?

The Commission disapproved the staff draft by a vote of 0-5.

AO 10-30-CD Approved October 20, 2010

Aleutians East Borough - May the Borough buy Foosball tables for the two winners of a challenge by two communities to other communities in the Borough to see who can get the largest percentage of registered voters.?

The Aleutians East Borough and communities within AEB may participate in educational efforts to get out the vote. However, the AEB may not sanction the support or opposition of specific candidates or ballot measures. The Commission lacks jurisdiction over the question of whether or not AEB may buy Foosball tables as an incentive or prize.

ADVISORY OPINIONS CONTINUED

AO 10-31-CD Approved October 20, 2010

Kaye Sullivan, CFO, on behalf of NEA-Alaska - Whether certain communications are contributions and how to craft a “paid for by” disclaimer on a communication?

The Commission held that the customary types of communications routinely used for communications with PACE employees and members does not constitute a contribution. The Commission also held that PACE need not list individual members as contributors in its paid for by disclaimer under the new requirements in Senate Bill 284.

AO 10-32-CD Approved October 20, 2010

Susanna Orr, Political & Outreach Director, Alaska Conservation Voters - How do they report posting internet links to candidate materials endorsed by ACV on their website?

No Alaska campaign finance law prohibits ACV from this activity. The posting of material on a website is considered an expenditure and/or a contribution. If ACV elects to place links to endorsed candidate websites on its website, it must report the links as expenditures and contributions to the individual candidates.

AO 10-33-CD Approved October 20, 2010

Sheila Peterson, Rep. Mike Kelly Campaign - May they use endorsements by Governor Parnell in house candidate Mike Kelly’s radio advertisement?

Governor Parnell may endorse Mike Kelly for House District 7 in a 30-second radio advertisement. Assuming the advertisement is not a shared campaign activity, the Mike Kelly Campaign must pay the full costs of the advertisement. The costs should be shared pro rata only if the advertisement is a shared campaign activity.

AO 10-34-CD Approved October 20, 2010

Rep. Les Gara - May a candidate send out fundraising letters soliciting funds and advising donors where surplus funds may go after a campaign?

It is permissible to send a fundraising letter soliciting funds and which quotes the potential options for disbursement of campaign assets after an election, including: transfer to a POET account and transfer to a future election campaign. Soliciting campaign funds and then transferring an unlimited amount of funds to a qualified charitable organization can be construed as a personal benefit to the candidate and is prohibited. Staff takes no position as to whether any of these activities violate any legislative ethics laws.

AO 10-35-CD Approved October 20, 2010

Dan Saddler - May they use a photograph of Governor Parnell or any other elected state, local, or federal official in an e-mail or mailed communication to supporters and voters?

He can use a personal photograph or endorsement of Governor Parnell or any other elected state, local, or federal official in an e-mail or mailed communication to supporters and voters for the purpose of influencing the election of Dan Saddler. If there was a cost to obtaining the photograph, that cost should be reported as a contribution from the individual who paid the expense unless it was the Saddler campaign which paid the expense, in which case it would be reported as a campaign expenditure for candidate Saddler. There is no cost to an endorsement alone, which is an individual opinion. Candidate Saddler is cautioned against using the official photographs of elected officials as they may constitute an illegal use of state money.

AO 10-36-CD

Not Approved
November 18, 2010

Scott Hawkins, Chairman, Prosperity Alaska - Does a mailer to voters that grades the performance of elected officials require a paid for by identifier, and whether the top three contributors derived from membership contributions must be disclosed?

The Commission disapproved the staff draft by a vote of 0-5. The Commissioners were unable to approve the Advisory Opinion as the Commission determined that they did not have all of the relevant facts required.

Calendar of Events

- **January 1** – New Year’s Day
- **January 11** - Mat-Su Borough Special Election
- **January 11-12** - Lobbyist and Employer of Lobbyist Training in Anchorage
- **January 14** - Lobbyist and Employer of Lobbyist Training in Juneau
- **January 17** – Holiday - Martin Luther King Jr.’s Birthday
- **January 31** - Lobbyist and Employer of Lobbyist 4th Quarter 2010 Report Due
- **February 15** - Campaign Year-End/Final Reports Due
- **February 21** - Holiday - President’s Day
- **February 23-25** - Commission Meeting in Juneau
- **February 23** - Hearing on Proposed Regulations (See Page 2)
- **February 25** - The last day a candidate for the Mat-Su Borough Special Election may accept contributions (45 days after the January 11, 2011 election)
- **February 28** - Written Comments on Regulations for Lobbying and Legislative/Public Official Financial Disclosure Due
- **February 28** - Lobbyist January 2011 Report Due
- **March 1** - Anchorage Municipal Candidate Training Session
- **March 4** - The last day a candidate for the Anchorage Municipal Election may give or loan their campaign more than \$5,000 (33 days prior to the April 5, 2011 Anchorage Municipal Election)
- **March 7** - Anchorage 2011 Municipal Election 30 Day Report Due (Covers February 2 - March 4)
- **March 15** - Annual Legislative and Public Official Financial Disclosure Forms Due
- **March 23** - Hearing on Proposed Regulations (See Page 2)
- **March 28** - Holiday - Seward’s Day
- **March 29** - Anchorage 2011 Municipal Election 7 Day Report Due (Covers March 5 - March 26)
- **March 30** - Written Comments on Regulations for Commission Procedures and General Provisions Due
- **March 31** - Lobbyist February 2011 Report Due
- **March 27 - April 4**: Anchorage 2011 Municipal Election 24 Hour Reports - Due Daily as Needed



105 Day Reports for Municipal and Special Election Candidates

Beginning in 2011, APOC is requiring municipal and special election candidates to file the 105 day report required by Alaska Statute 15.13.110(a). Previously, APOC permitted municipal and special election candidates to file only a final report due February 15 of the year following the relevant election. Requiring a 105 day report serves important functions related to APOC’s mission, including enabling APOC to monitor and regulate the statutory deadline for final campaign disbursements, and in turn to provide disclosure to the public regarding the winding up of municipal campaigns on a timelier basis than in years past.

The 105 day report may replace the requirement of filing a February 15 year-end report if the 105 day report is a final report. Please contact APOC staff with any questions about this change in practice. You may also view reporting periods and deadlines for specific elections on our home page at <http://doa.alaska.gov/apoc>.