



# ALASKA PUBLIC OFFICES COMMISSION

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## News! News! News! News!

We now have a listserv set up for APOC!

<http://list.state.ak.us/soalists/APOCnotifications/jl.htm>

You can subscribe to the list to receive electronic notifications and updates from APOC. The notifications are broadcast to subscribers via an email generated by APOC.

## Campaign Disclosure Updates

### Form 15-6

#### Statement of Independent Expenditures

**NEW FORMS AND FAQ'S:** Updated version of Form 15-6 and a new set of Frequently Asked Questions following the passage of SB 284 are available at:  
<http://doa.alaska.gov/apoc/forms/Form15-6.pdf> (**FORM**)  
<http://doa.alaska.gov/apoc/pdf/Form15-6andSB284relatedFAQs.pdf> (**FAQ's**)

**Independent expenditures** are those made without the direct or indirect consultation or cooperation with, or at the suggestion of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, another person acting as a principal or agent of the candidate, or a group.

**WHO MUST REPORT:** All persons, including business entities, making independent expenditures supporting or opposing any candidate or ballot proposition or question must report the expenditure to the APOC.

**WHEN REPORTING IS REQUIRED:** Within 10 days OR within 24 hours of making the expenditure, depending on the timing: within 10 days from the date the expenditure is made or incurred, or within 24 hours after the expenditure is made, for expenditures that exceed \$250 made within 9 days of an election.

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### DEFINITIONS

The definition of "**person**" includes natural persons, corporations, companies, partnerships, firms, associations, organizations, business trusts, societies, labor unions, nongroup entities and groups

An "**officer**" is a "president, vice president, secretary, or treasurer, principal financial officer, or comptroller of a corporation, or any person routinely performing functions similar to those of a president, vice president, secretary, or treasurer, principal financial officer, or comptroller with respect to any organization."

A "**director**" is a "member of the board of directors of a corporation or any person performing a similar function with respect to any organization."

A "**group**" is formed by "any combination of two or more individuals acting jointly who organize for the purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election...."

**Political communications** include advertisements in any media, billboards, handbills, websites, and other communications intended to influence the election outcome.

# Campaign Report Due Dates for 2010

## Primary Election

*Primary Election  
Tuesday  
August 24, 2010*

<u>Report:</u>	<u>Covers:</u>	<u>Due:</u>
30 Day Report	February 2 – July 23	July 26
7 Day Report	July 24 – August 14	August 17
24 Hour Reports*	August 15 – August 23	Daily* (See Note Below)
February 15 <sup>th</sup> Report	August 15 – February 1, 2011	February 15, 2011



### Other Relevant Dates for the 2010 Primary Election:

**Friday, July 23** - The last day that a candidate may give or loan their campaign more than \$5000. (33 days prior to the Primary Election)

**Friday, October 8** - The last day that a candidate may accept contributions. (45 days after the Primary Election)

**Monday, November 22** - The date by which candidate must disburse the amount held in their campaign account. (90 days after the Primary Election)

*\*Note: 24 Hour Reports: 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 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, hand-carry, or if it is after office hours, call in the report.  
**DO NOT MAIL** 24 Hour Reports.*

## “Paid for By” Identifiers: **NEW RULES APPLY**

Persons and groups who pay for political communications (media ads, letters, websites, emails and other communications *intended to influence the election*) must identify the communication with the words “**paid for by**” followed by the name and address of the person or group paying for the communication. In addition, candidates and groups may identify the name of their campaign chairperson. All political communications must have a “paid for by” identifier.

In addition to the “paid for by” identifier on campaign communications, **independent expenditures** must also show “paid for by” information and if the independent expenditure is on behalf of or in opposition to a candidate, it will need to include an additional statement.

Based on the passage of SB 284, there are **NEW** requirements to identify the top 3 contributors in “paid for by” disclaimers. See the FAQ’s and examples by clicking the links below:

<http://doa.alaska.gov/apoc/pdf/SB284PAIDFORBYFAQs.pdf> **Paid for By FAQ’s**

<http://doa.alaska.gov/apoc/pdf/SB284PaidForByExamples.pdf> **Paid for By Examples**



*Paid for By*

Campaign workers sometimes overlook identifiers on political communications. Fixing missing or incomplete “paid for by” costs time and money for your campaign, and may result in civil penalties.

**General Information and Examples**

The “paid for by” identifier must include the words “Paid for by, followed by the name of the campaign or person paying for the communication and the mailing address. The mailing address, for candidates and groups, is the campaign address that is listed on the Candidate or Group Registration Statement. You may use standard English abbreviations in an identifier (AK for Alaska, Rd. for Road, etc.)

**“Paid for By” Not Required:**

- Objects that are smaller than 3.5 inches x 5 inches (most campaign buttons and business cards) do not require an identifier (unless they are media ads of any kind; regardless of their size or nature, *all* media ads must have a identifier)

- Envelopes (with the exception of “contribulopes”) are not required to have the identifier (the contents of the envelopes must have the identifier but it is not required on the envelope)
- T-shirts do not require the identifier

**“Paid for By” Required:**

- Envelopes used to solicit contributions (“contribulopes”) are required to include the “paid for by” identifier
- Thank You notes require the identifier (unless they are smaller than 3.5 inches x 5.0 inches)
- Campaign yard signs require the identifier
- Bumper stickers require the identifier



**Campaign Report Due Dates for 2010**

**General Election**

★ ★ ★ ★ ★ ★ ★ ★ ★ ★  
 November 2, 2010  
 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

<b><u>Report:</u></b>	<b><u>Covers:</u></b>	<b><u>Due:</u></b>
30 Day Report	August 15 - October 1	October 4
7 Day Report	October 2 - October 23	October 26
24 Hour Reports*	October 24 - November 1	Daily* (See Note Below)
February 15 <sup>th</sup> Report	October 24 - February 1, 2011	February 15, 2011

**Other Relevant Dates for the 2010 General Election:**

**Friday, October 1, 2010** - The last day that a candidate may give or loan their campaign more than \$5000. (33 days prior to the date of the November 2, 2010 General Election)

**Friday, December 17, 2010** - The last day a candidate may accept contributions. (45 days after the date of the General Election)

**February 1, 2011** - The date by which candidates must disburse the amount held in their campaign account.

## Lobbyist Do's and Don'ts Related to Campaigns

Lobbyists are only allowed to contribute to a candidate for the legislature in a district in which the lobbyist is registered to vote. This prohibition is valid for **one year after the date of the lobbyist's registration** or its renewal AS 15.13.074(g).

Lobbyists may **NOT** serve as a campaign manager or director, campaign treasurer or deputy treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to a candidate or otherwise engage in the fund-raising activity of a legislative campaign or campaign for governor or lieutenant governor. AS 24.45.121

**RELEVANT ADVISORY OPINIONS:** Pearce/Williams 1994, Gravo 1994, and AO 06-04-LOB  
<http://doa.alaska.gov/apoc/Advisory/>

*Also see: AS 24.45.121(a)(8) and AS 15.13.074(g)*

Below is a brief summary of some of the activities defined as acceptable or unacceptable from the advisory opinions noted above.

### Acceptable Activities:

- May attend, but not host, a fund-raiser for someone in the lobbyist's district (Pearce)
- May attend or host a fundraiser for a campaign committee of a party as long as funds are not "ear-marked" for a particular candidate (Pearce)
- May prepare invitations, deliver invitations to the printer, pick up invitations from the printer, address and post invitations to a fund-raiser since these are deemed "clerical functions". A lobbyist should not pay for any of the printing or mailing of these, even if reimbursed by a client, since contributions in the name of another are prohibited by 2 AAC 50.258 (Gravo)

### Unacceptable Activities:

- May NOT interact with a candidate or a staff member of a campaign to determine details of a fund-raiser or fund-raising efforts (Pearce)
- May not deliver anyone's contribution to a legislative candidate except your own, keeping in mind the limitations of who a registered lobbyist may contribute to (Gravo)
- Prohibitions outlined in AS 24.45.121 apply to registered lobbyists for the entire calendar year, whether or not the lobbyist is acting on behalf of a client (Pearce)



## Update on Complaints

**APOC v IACC:** On June 11, 2010, the Commission disapproved a proposed consent agreement between the parties.

**Hackney v. CAP and AAMS:** The Commission heard oral argument on allegation D of the complaint and ordered staff to subpoena additional documents from Respondents. Further oral argument is scheduled for **July 12, 2010**.

**Statewide Municipal Report Due Dates:****30-Day Report – September 6, 2010 (timely filed Sept. 7)****24-Hour Reporting Period – September 26 – October 4, 2010****7-Day Report – September 28, 2010**

AO 10-09-CD Decided June 14, 2010

The Commission held that **paid for bys are required on Facebook and Twitter**. The opinion also addresses whether or not Representative Gara can refer to his legislative webpage and e-newsletter on campaign materials. On June 18, 2010, the Commission accepted a motion for reconsideration submitted by Rep. Gara and requested additional briefing from APOC Staff. The Commission is tentatively scheduled to discuss the issues on **Monday, July 12**.

For Complete Opinions, go to:  
<http://doa.alaska.gov/apoc/Advisory/>



AO 10-10-CD Decided June 14, 2010

The Commission held that the **Sitka School Board may consider, pass, and distribute a resolution opposing Ballot Measure 1 through the Board's usual and customary means of considering and announcing a resolution without a specific appropriation**. Also, expenditures related to the passage and dissemination of the resolution at issue must be disclosed on a report to APOC.

# RECENT ADVISORY OPINIONS

AO 10-11-CD Decided June 14, 2010

The Alaska Democratic Party asked whether or not a **professional photographer may volunteer services on behalf of a campaign, and if so, how the services provided must be reported to APOC**. The decision provides useful guidance about volunteer professional services and valuation of work product. The Commission held that **the photographer's volunteer time and use of his camera were not contributions and that any images provided to the campaign are non-monetary contributions**.

AO 10-04-CD Decided June 10, 2010

The Commission held that a **ballot group treasurer or deputy treasurer may purchase items on behalf of a ballot group and be reimbursed by the ballot group's treasurer for the expenditure**.

## Calendar of Events

- ❖ July 2 - Training Session Noon - 1:00 p.m. - “Paper” Filing of Campaign Reports
- ❖ July 5 - State Holiday - July 4<sup>th</sup> Independence Day Observed
- ❖ July 15 - Training Session - Groups - Completing and Filing Updated Forms
- ❖ July 21 - Training Session Noon - 1:00 p.m. - Filing Campaign Disclosure Reports electronically using Excel spreadsheets
- ❖ July 26 - 30 Day State Primary Election Report Due (Covers February 2 - July 23)
- ❖ July 31 - Lobbyists & Employers of Lobbyists 2010 2<sup>nd</sup> Quarterly Report Due (No civil penalty will be assessed if the report is received by 8/2/10)
- ❖ August 15 - August 23 – 24 Hour Campaign Report Period for Primary Election  
*See “Note” on Page 2*
- ❖ August 17 - 7 Day Campaign Reports for Primary Election Due (Covers July 24 - August 14)
- ❖ August 24 - State Primary Election Day ★ VOTE TODAY! ★
- ❖ September 6 - Labor Day Holiday
- ❖ September 6 - 30 Day October Municipal Election Reports Due (Timely filed if received September 7)
- ❖ September 26 - October Municipal Elections 24 Hour Report Period (Ends October 4)
- ❖ September 28 - 7 Day October Municipal Reports Due

### Groups- UPDATE

**NEW Registration Form:** Click below to access the new form

<http://doa.alaska.gov/apoc/forms/2010GroupRegistration.pdf>

**Statement of Contributions:** New forms and accompanying FAQ's related to the passage of HB 36. <http://doa.alaska.gov/apoc/forms/15-5fm.pdf>

### NEW Juneau APOC Staff:

Please welcome **REUBEN YERKES** as the new Law Office Assistant I. He replaces Rochelle Rogers, who left to take another position.

*We're on the Web!*

*Visit us at:*

<http://doa.alaska.gov/apoc/home.html>