



ALASKA PUBLIC OFFICES COMMISSION

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From the Executive Director

Greetings to all of our customers, filers and public alike! Over the past couple of years we have been working to be a better agency. Not all of our improvements are visible to the public. We have reorganized the agency into one which models that of a law office. We now have the ability to allow for greater staff retention and upward mobility and the skills to provide quicker interpretation of the laws under our jurisdiction.

We have begun a project to update our regulations to be consistent with recent statutory changes including bills passed in the legislative session this spring. We have updated our forms to make the changes required under the new SB 284 (corporate and labor unions now allowed to make independent expenditures for or against candidates) and the new HB 36 (reporting of groups who influence the ballot initiative proposal applications of uncertified ballot initiatives). We have instituted an Interim Reporting System which allows us to post filings much more quickly than before. During this year's primary season, we have been able to post campaign data online within two days of receipt [pursuant to AS 15.13.040(o)] for the first time in agency memory! We continue to work on the electronic filing project which you have long been waiting for and welcome your comments and suggestions as we proceed.

APOC has increased outreach to our clients and customers. We have instituted immediate notification of meetings and important events through a listserv: <http://list.state.ak.us/soalists/APOCnotifications/il.htm>. We have begun a quarterly newsletter. We gained the ability to provide web-based training and are now providing candidate and group training and education for filers on a regular basis. Cases filed and Advisory Opinion requests have increased dramatically since 2007 as you can see in the chart at right. We strive to improve our response times continuously.

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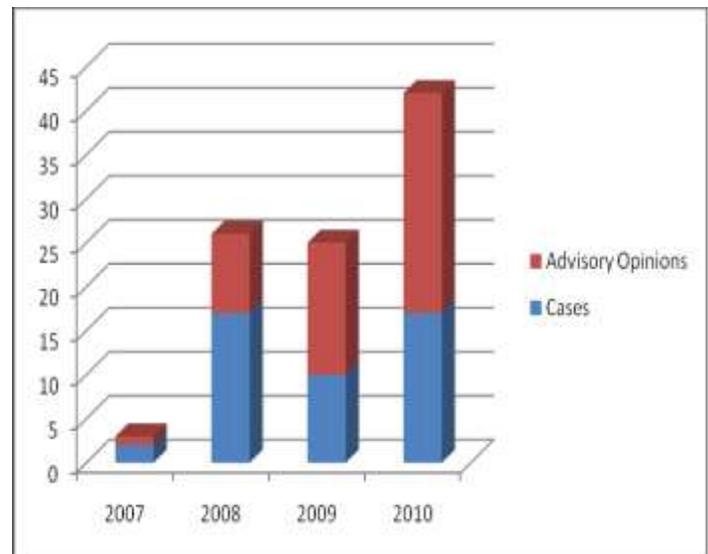
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We're on the Web! Visit us at:

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

APOC exists only because of the public. We are very aware that it is you whom we serve and we try to exhibit the work ethic and excellent customer service that you have come to expect. We look forward to keeping you posted on our future accomplishments.

Holly R. Hill, Executive Director



Data for 2010 is through September 28, 2010.

Relevant Dates for withdrawn or unsuccessful candidates from the 2010 Primary Election that was held August 24, 2010:

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)

Tuesday, February 15 - Year-End Report - Covers all Campaign Contributions and Expenses from August 15 - February 1, 2011 - **NOTE:** Only if Final Report has not already been filed!



Municipal Elections - Tuesday, October 5, 2010

Friday, November 19, 2010 - The last day a candidate may accept contributions. (45 days after the date of the October 5, 2010 Municipal Election)

Monday, January 3, 2011 - The date by which candidates must disburse the amount held in their campaign account. (90 days after the date of the October 5, 2010 Municipal Election)

Tuesday, February 15, 2011 - Year-End Report Due (Covers from September 26, 2010 - February 1, 2011)
NOTE: Only if the final report has not already been filed!

Campaign Report Due Dates for 2010 General Election

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

November 2, 2010

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

<u>Report:</u>	<u>Covers:</u>	<u>Due:</u>
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 th 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.

*** 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 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 or hand-carry the report. **Do not mail 24 Hour Reports.**

Lobbyist & Employer of Lobbyist

2011 Mandatory Training

AS 24.45.031(a)(6) requires APOC to administer an annually updated ethics and compliance training course to both lobbyists and employers of lobbyists. The training covers the requirements of the lobbying law (AS 24.45), answers commonly asked questions and provides information that promotes adherence to high ethical standards. Please note **you must re-take the training every year to be in compliance.**

APOC will again offer two courses this year: The **BEGINNER** course is for new lobbyists or employers of lobbyists or anyone who wants a refresher on the basic requirements of reporting, statutes, definitions, and how to use the Insight electronic filing system. The **ADVANCED** course is for experienced lobbyists or employers of lobbyists and focuses more on some of the nuanced questions and scenarios related to lobbying and other special topics. The advanced course does not cover the electronic filing system.

Training Requirements

All registered **lobbyists** must complete ethics training **prior to registering.** AS 24.45.041(b)(8). The lobbyist registration form requires a lobbyist to certify he or she has completed the Commission's ethics training course within the past 12 months. Representational lobbyists are exempt from the training requirement.

Employers of lobbyists, who do not have the same registration process as lobbyists, must complete the ethics training **prior to submitting their first employer of lobbyist report, due April 30.** Employers of lobbyists should ensure at least one person in their agency completes the Commission's ethics training, although broader participation is encouraged. At a minimum, the person responsible for preparing and signing employer of lobbyist reports must complete the training course.

[Other public officials: Ethics training for those covered by the legislative ethics act is provided by the [Select Committee on Legislative Ethics](#). Ethics training for executive branch officials is administered by the [Alaska Department of Law](#).]

ON-LINE COURSES AVAILABLE BEGINNING NOVEMBER 15, 2010!

The proposed schedule of in-person ethics training sessions for lobbyists and employers of lobbyists in Anchorage and Juneau is listed below. Participants are encouraged to attend in-person training if possible due to the interaction and discussion that cannot be duplicated in an on-line training environment.

Anchorage In-Person Training Dates:

Monday, December 6 th	2:00 - Beginner
Tuesday, December 7 th	9:00 - Beginner
	2:00 -
Advanced	
Wednesday, December 8 th	9:00 -
Advanced	
	2:00 - Beginner
Tuesday, January 11 th	9:00 -
Advanced	

Juneau In-Person Training Dates:

Tuesday, December 14 th	9:00 - Advanced
	2:00 - Beginner
Wednesday, December 15 th	9:00 - Beginner
	2:00 - Advanced
Friday, January 14 th	9:00 - Beginner
	2:00 - Advanced

**** On-line registration for in-person sessions will be available by November 1, 2010.**

AO 10-12-CD

Approved July 12, 2010

The Alaska Mental Health Board and Advisory Board on Alcohol and Drug Abuse seeks clarification regarding whether the boards may take a formal position on a ballot measure and advocate for or against a ballot measure without an appropriation of funds for that purpose.

The Commission held that AMHB and ABADA may, without a specific appropriation of funds, take a formal position on Ballot Measure 1 according to its customary procedures for doing so. Any expenditures related to this process must be disclosed on a report of contributions or independent expenditures to APOC under 15.13.040(d) and (e).



*RECENT
ADVISORY
OPINIONS*

AO 10-14-POFD

Approved September 23, 2010

Mr. Isaacson, a municipal filer under AS 39.50, seeks advice on whether he is required to disclose corporate debt on his POFD.

Mr. Isaacson is not required, under AS 39.50, to disclose debts owed by Gold Coast Ventures, Inc., d.b.a. Gold Coast Mortgage. Barring information which discloses a personal loan or loan guarantee, the loans and debts are corporate loans and debts; not those of the filer.

AO 10-13-CD

Approved July 16, 2010

May AFL-CIO's Political Action Committee legally contribute raffle or lottery proceeds to candidates?

Charitable gaming permittees, under newly adopted AS 15.13.069, are not prohibited within APOC law from using raffle or lottery proceeds to aid candidates for public office. However all reporting requirements must still be met by the permittee making any contribution(s).

For Complete Opinions, Go To:

<http://aws.state.ak.us/ApocInterim/ViewCommissionAdvisoryOpinions.aspx>

AO 10-15-CD

Approved July 12, 2010

Laborers' International Union of North America Local 341 seeks clarification regarding its ability to make independent expenditures and accept contributions for purposes of influencing candidate elections after the passage of Senate Bill 284.

Local 341 may solicit general treasury fund money from other entities' political activities accounts, but it cannot form a group amongst unions and then contribute to that group for the purpose of making independent expenditures in candidate elections. So long as Local 341 is not actively seeking funds from its membership for purposes of independent expenditures, dues paid to the union's general treasury are not considered reportable contributions when those funds are dedicated to the political activities account.

AO 10-16-CD Approved July 16, 2010

This advisory opinion provides guidance regarding the funds that incumbent legislators are able to use to travel to political activities. It also defines the term “partisan political activities” as those activities that pertain to a specific political party’s activities, imply a bias, or advocate a particular position in an election.

1. **POET account funds may be used both to travel to an event associated with the candidate’s service as a member of the legislature and to attend a peripheral campaign event. However, APOC Staff would need to determine use of POET account funds for such travel on a case-by-case basis.**
2. **An incumbent’s campaign contributions may be used for travel purposes that “reasonably relate to election campaign activities.” AS 15.13.112(a). However, a campaign account may only be used to travel to a campaign event related to the candidate’s own campaign. Some exceptions to this rule are discussed within this opinion. APOC Staff does not find any restriction that bars a legislator from attending a peripheral state event while traveling to attend his or her campaign event.**
3. **An incumbent candidate may use personal funds to travel to a state or campaign event. However if personal funds are used for campaign travel, the incumbent candidate must report use of these funds as contributions to the candidate’s campaign. AS 15.13.040.**

AO 10-17-CD Approved August 20, 2010

Can non-profit corporations make independent expenditures to influence the outcome of Alaska’s candidate elections? DWAF may currently make independent expenditures even if they do not meet the definition of non-group entity. DWAF is not a “non-group entity” for APOC purposes.

DWAF may make independent expenditures just like any other corporation that falls under the definition of “person” without being considered a non-group entity. All reporting requirements under AS 15.13 for independent expenditures still apply, as do any and all paid for by identifiers on political communications.

AO 10-18-CD Approved August 20, 2010

STGL seeks clarification whether all ballot measure groups report equally and whether changes to Chapter 15.13 require ballot measure groups to report expenditures as independent expenditures.

Proponents and opponents of ballot measure groups have identical disclaimer and disclosure reporting requirements. Ballot measure groups must report all expenditures within 10 days of making the expenditure (or within 24 hours if the expenditure is made within 10 days of an election) and must also file a more detailed accounting of their expenditures on 30 day, 7 day, and year end reports.

AO 10-19-CD Approved August 20, 2010

Can the Alaska Travel Industry Association PAC (“ATIA PAC”) raise funds in a foreign country?

The ATIA PAC may raise funds in a foreign country but the funds generated must only come from United States Citizens. 90 percent of the group’s overall contributions must come from Alaska residents. It is strongly suggested that the ATIA PAC keep good record of their activity and report their activity accordingly under AS 15.13.

AO 10-20-CD Approved August 20, 2010

The opinion provides guidance regarding the successful candidates for governor and lieutenant governor from the same party joining campaigns after the primary election.

The candidates may keep their separate campaigns and raise money and file reports under the separate campaigns; form a joined campaign and raise money and report under only the joined campaign; or form a joined campaign while keeping their original campaigns and raise money and report under all three campaigns.

AO 10-21-CD Approved August 20, 2010

Interior Alaska Conservative Coalition (IACC), seeks advice as to whether IACC can set up a legal defense fund for expenses defending an APOC complaint.

Given that the current complaint against IACC is unresolved, it is unclear whether IACC is a group under APOC law or not. If IACC were a registered group, it would be allowed to accept contributions for purposes reasonably related to an election campaign; however, it would also be required to appropriately report those contributions and expenditures under AS 15.13.040. Notwithstanding that, APOC staff recommend that IACC keep complete records of any solicitations of funds to be used for its legal defense in the complaint 09-10-CD APOC v IACC, such that if it is later determined to be a group, subject to APOC jurisdiction, that IACC can appropriately report these funds as contributions.

AO 10-22-CD Approved September 23, 2010

The Alaska Gasline Pipeline Authority (AGPA) asked whether the Commission would regulate prospective advertisements (1) wherein the AGPA discusses its gasline proposal and/or compares their gasline proposal with other projects, and (2) wherein the AGPA discusses candidate stances on the gasline projects.

An advertisement that strictly explains the AGPA's voter mandated gasline project or that compares different gasline projects, absent a ballot initiative on this topic, will not require AGPA to register with APOC or to file a statement of independent expenditures.

An advertisement that discusses the views of some, but not all, candidates running for a particular office would require the AGPA to file with APOC, because it would be considered a "communication" within the definition at AS 15.13.400(3). The AGPA could create an ad that disseminates the "views of all candidates running for a particular office," as permitted by the exception in AS 15.13.150(5) for election educational activities, without having to file reports with APOC.

AO 10-24-LOB Approved September 23, 2010

Jeff Cook seeks advice as to whether a registered lobbyist may appear in a television ad endorsing a candidate for the Alaska State Legislature.

Mr. Cook may appear in an endorsement television campaign commercial on behalf of Senator Joe Thomas as long as the commercial does not solicit funds or reference fund-raising in any manner. Mr. Cook's appearance is not prohibited under AS 24.45.121(a)(8) as he is allowed to "personally advocate on behalf of a candidate."

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. Respondents Answers due 10/19/10 and Staff Report is due 11/8/10.
- ✚ **09-10-CD APOC v IACC:** Hearing before Judge Handley scheduled for April 28-29, 2011 in Fairbanks.
- ✚ **10-01-CD Carolyn Covington v. ARP:** Commission approved Staff Report 9/24/10.
- ✚ **10-04-CD Truth About Pebble v. Alaska Wild Salmon Protection, Inc.:** Staff Report issued 9/23/10, Response to Staff Report (optional) due by 10/4/10, Commission hearing to be scheduled.
- ✚ **10-05-CD Steve Flory v. Rep. Jay Ramras:** Commission accepted Staff Report of no violations 9/24/10.
- ✚ **10-12-CD Jean Hellenthal v. Catherine Giessel:** Commission approved Consent Agreement on 9/24/10.
- ✚ **10-14-POFD John Holman v. Glen Alsworth, Sr. and 10-15-POFD John Holman v. David J. Wilder:** Filed 9/20/10. Beginning investigation.
- ✚ **10-16-CD North Pole Community Coalition v. Isaacson:** Filed 9/20/10. Beginning investigation.
- ✚ **10-17-CD Alaska Energy First v. Rep. Bob Lynn:** Filed 9/22/10. Staff Report due 10/22/10.

Calendar of Events

- ❖ October 5 - Statewide Municipal Election Day (31 Municipalities)
- ❖ October 18 - State Holiday - Alaska Day
- ❖ October 24 - 24 Hour Campaign Report Period for State General Election begins
- ❖ October 26 - 7 Day Campaign Reports for General Election Due
- ❖ October 31 - Lobbyists & Employers of Lobbyists 2010 3rd Quarter Report Due (No civil penalty will be assessed if the report is received by 11/1/10)
- ❖ November 1 - 24 Hour Campaign Report Period for State General Election ends
- ❖ November 2 - State General Election Day ★ VOTE TODAY! ★
- ❖ November 11 - Veterans' Day Holiday
- ❖ November 25 - Thanksgiving Day Holiday
- ❖ December 6, 7, 8 - Lobbyist and Employer of Lobbyist Training in Anchorage
- ❖ December 14, 15 - Lobbyist and Employer of Lobbyist Training in Juneau
- ❖ December 24 - Christmas Day Holiday Observed
- ❖ December 31 - New Year's Day Holiday Observed
- ❖ January 11, 12 - Lobbyist and Employer of Lobbyist Training in Anchorage
- ❖ January 14 - Lobbyist and Employer of Lobbyist Training in Juneau

Welcome - New Employee - Barbara Dreyer

Barbara is a licensed Alaskan attorney and has 17 years experience in the practice of law. She has a bachelor's degree in psychology, math and music from Bethel College in St. Paul, Minnesota. She attended the University of Montana School of Law in Missoula, Montana where she graduated with high honors. She served on the University of Montana Public Land Law Review and was a teaching assistant in legal writing and research. She began her legal career in Alaska as a judicial law clerk to Anchorage Superior Court Judge Joan M. Woodward from 1993-1994. She has practiced with several private law firms in Anchorage and Wisconsin and is certified by the National Institute for Trial Advocacy. She comes to us most recently from the law firm of Richmond and Quinn in Anchorage, Alaska.

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.

***Revised Lobbying Manual and
Candidate Manual Available Soon
On Our Website!!***