



**STATE OF ALASKA
ALASKA PUBLIC OFFICES COMMISSION**

Anchorage: 276-4176 or 800-478-4176

Juneau: 465-4864 or 866-465-4864

www.doa.alaska.gov/apoc

**FREQUENTLY ASKED QUESTIONS
ABOUT THE CAMPAIGN DISCLOSURE LAW**

1. Who may make contributions in connection with candidates' campaigns?

Only individuals, groups and non-group entities may contribute to candidates and those groups that support or oppose candidates.

2. What is an Exemption Form?

Only *Municipal Candidates* who do not plan to raise or spend in excess of \$5000 may file an Exemption Form that exempts them from filing the periodic campaign disclosure reports. Campaigns are still subject to all of the other laws in AS 15.13 including identifying communications.

If the \$5000 threshold is crossed, you must register immediately and go back to the beginning of the campaign and report all activity on the next report that is due.

3. What is the difference between an “individual” and a “person” and why do I need to know?

An “**individual**” is a human being.

A “**person**” includes individuals, corporations, organizations, and groups.

The distinction is important in understanding how the 1996 campaign reforms ban corporate contributions. Under the old law, the more inclusive term “person” was used in setting out reporting limits and prohibitions. The reforms use the less inclusive categories “individual” and “group” and thus, by not including corporations and organizations, prohibit them from contributing to candidates.

4. What is a “group”?

Under the Alaska Campaign Disclosure law, a “**group**” is two or more individuals who act jointly who organize for the principal purpose of influencing the outcome of an election of a state or municipal candidate or ballot measure.

Groups may be sorted into three major categories:

- Political parties and their subdivisions (e.g., Northern Democratic Precinct Committee; Republican House District 78)
- Ballot issue groups, including state initiative sponsors (e.g., Citizens Against Cat Licenses)
- Political action committees (e.g., ACME Employee PAC, Alaskan Ornithologists PAC)

5. What is a “nongroup entity”?

The Campaign Disclosure Law defines a “nongroup entity” as a person other than an individual that takes action the major purpose of which is to influence the outcome of an election. In addition they may not participate in business activities and cannot have shareholders that have a claim on any corporate earnings. They must also be independent from the influence of business corporations.

A nongroup entity might be the local homeowners association or the local ladies knitting circle.

6. May corporations, labor unions and other organizations make campaign contributions?

Corporations, businesses, labor unions and other business organizations may not contribute to candidate campaigns or make independent expenditures on behalf of a candidate. They, however, may make contributions and independent expenditures in support or opposition to ballot measures.

Please note, the employees or members, as individuals comprising such organizations, may form groups to make contributions and expenditures supporting candidates.

Organizations, corporations, and unions may continue to communicate directly with their members or employees on political subjects (via newsletters and the like) if certain conditions are met. The communication is of the same format and nature used by the organization on nonpolitical subjects; it only urges members to vote; and it does not solicit contributions.

7. May non-resident individuals and groups contribute to Alaska candidates and groups?

Non-resident individuals may contribute to Alaska candidates if the contribution is no more than \$500 and the candidate or group receiving the contribution has not exceeded the aggregate amount they are permitted to accept from non-resident individuals.

This limitation requires that candidates or treasurers keep an up-to-date count of nonresident contributions so they can record and return funds when they have reached the limit.

Nonresident individuals and groups may contribute an unlimited amount to ballot groups.

8. How have political party contribution rules changed?

Under the law, the “party” is viewed collectively. A contributor may give no more than \$5,000 *cumulatively* to any and all units of an Alaskan political party in a calendar year. And the party (*including all its subdivisions*) is limited, in turn, in how much it may give to a candidate, with different limits for different offices.

This places a unique responsibility on the contributor to a party. The contributor must track when he or she has reached the \$5,000 total contribution to all party units combined. Similarly, the candidate must track when he or she has received a party contribution which, when combined with contributions from other party units, puts the candidate at the limit.

9. When may a candidate for state office begin accepting contributions?

Once a candidate for state office files a **Letter of Intent** with the APOC or a **Declaration of Candidacy** with the Division of Elections, he or she may accept contributions beginning 18 months before the general election with one additional caveat. Under legislative ethics law, a legislator running for legislative office may not accept contributions while the legislature is in session with limited exception.

10. How are contributions reported?

Candidates must report the name and address of **ALL** contributors. In addition, for contributions in excess of \$50 (i.e. \$50.01), the candidate must disclose the occupation and employer of the contributor.

Groups may aggregate contributions up to \$100. Groups must report the name and address, as well as occupation and employer, once the contributor has contributed over \$100.

Nongroup entities must disclose the name and address of all contributors. Contributors who give in excess of \$100 must further disclose their principal occupation and employer.

11. What are the contribution limits?

From	To Candidate	To Group and Non Group Entity	To Party
Individual (resident)	\$500	\$500	\$5,000
Individual (non-resident)	\$500 if the candidate has not exceeded aggregate limit below: \$20,000 Gov/Lt Gov \$5,000 Senate \$3,000 House & Municipal	\$500 if the group has not exceeded the aggregate limit of 10% of its total contributions	\$5,000 if the party has not exceeded the aggregate limit of 10% of its total contributions
Corporations, Business Organizations, Unions	Prohibited	Prohibited (except for ballot measure campaigns)	Prohibited
Group (based in Alaska)	\$1,000	\$1,000	\$1,000
Group (based outside AK)	Prohibited	A non-resident group may contribute to an Alaska group or party an amount not to exceed \$1000 ONLY IF the non-resident group first registers with the Commission AND receives no contributions prohibited by state law.	
Non-group Entity (based in Alaska)	\$1,000	\$1,000	\$1,000
Non-group Entity (based outside Alaska)	Prohibited	A non-resident non-group entity may contribute to an Alaska non-group entity or party an amount not to exceed \$1000 ONLY IF the non-resident non-group entity first registers with the Commission AND receives no contributions prohibited by state law.	
Political Party	Governor \$100,000 Lt. Gov. \$100,000 Senate \$15,000 House \$10,000 Municipal \$5,000	Unlimited	Unlimited

12. May a candidate or group accept gaming proceeds?

Bingo and pull-tab proceeds may no longer be used to fund political campaigns. The law appears to permit groups to raise money by selling raffle tickets and contribute the proceeds to candidates. Check with the Department of Revenue, Charitable Gaming Unit at (907) 465-3410 or, in Anchorage, at 269-6589, if you have questions.

13. Who must file campaign disclosure reports?

Individuals: Any individual who **contributes** \$500 or an increment of \$500 over the course of a year to a ballot group must file a **Statement of Contributions (Form 15-5) within 30 days of making the contribution.**

Any individual who **independently spends** any amount to promote or oppose a candidate or ballot measure must file a **Statement of Expenditures (Form 15-6)** except in limited circumstances.

Lobbyists: Lobbyists who contribute to legislative candidates are required to file a Statement of Contributions Form 15-5a within 30 days of making the contribution.

Groups: Any combination of two or more individuals acting jointly to influence the outcome of an election must register and file **campaign disclosure reports.** This includes political parties and their subdivisions.

Non-Group Entity: A person, other than an individual, that takes action the major purpose of which is to influence the outcome of an election, must register and file **campaign disclosure reports.**

Candidates: Candidates for state or municipal office must register and file **campaign disclosure reports.** Municipal candidates whose total contributions or expenditures will not exceed \$5000 may file an **Exemption Statement** instead.

Persons: An entity or individual who **independently spends** any amount to promote or oppose a ballot measure must file a **Statement of Independent Expenditures.**

14. When are campaign disclosure reports due?

Statement of Independent Expenditures: Individuals and persons must file within 10 days of making any independent expenditure.

Letter of Intent/Registration: Candidates and groups must register before making an expenditure for a campaign.

Candidate and Group Reports: Candidates and groups must file a series of reports before an election and at the end of each year. In addition, during the last 9 days just before an election, candidates and groups must immediately report all contributions they receive which exceed \$250.

15. What happens if the required campaign disclosure reports and registration statement are not filed on time?

Commission staff will assess a civil penalty based on the number of days a report is late and how close it is to the election. A filer has 30 days to appeal or pay the penalty.

16. How may a candidate or group use their campaign funds?

Campaign funds may be used for election related purposes only. They may not be taken as personal income; used to pay most civil or criminal penalties; or used for other non-election or prohibited purposes. In addition, candidate campaign money may not be contributed to another candidate or group.

17. When may candidates make expenditures from their campaign account?

Once a candidate has filed a Letter of Intent with the APOC or a Declaration of Candidacy with the Division of Elections, he or she may make campaign-related expenditures.

18. What happens after the election?

The last report that is due will be the year-end report, covering all activity from the 7 day pre-election report through February 1. That report is due on February 15 and is considered the year-end report.

Candidates must disburse surplus funds by February 1 for a General Election or within 90 days after a special election. All campaign activities are to be disclosed by February 15 the year after the election.

19. May candidates repay themselves when they use their own money in the campaign?

A candidate who makes campaign expenditures with personal funds may be repaid by the campaign within 72 hours after the expenditure. If the repayment does not happen within those three days, the candidate wishing to be repaid for their expenditures or loans to the campaign must file a Candidate Reimbursement Notification within five days of the expenditure. After the election, candidates who

have timely filed Notifications may repay themselves up to a set amount which depends of the office they seek.

20. May candidates reimburse campaign workers for purchases made for the campaign?

A campaign may only reimburse registered treasurers/deputy treasurers and the amount cannot exceed \$500. In order for the reimbursement not to count as a contribution, the worker must be repaid before the end of the report cycle in which the expenditure was made.

21. What may a candidate do with surplus campaign assets after an election?

A candidate may pay for thank you gifts; repay contributors; transfer a limited amount to a future campaign; transfer a limited amount to an office allowance account; give an unlimited amount to a political party, a charity, or the government; and/or retain a limited amount of personal property.

22. What is a Public Office Expense Term (P.O.E.T) account under the Campaign Disclosure Law?

The Campaign Disclosure Law permits a candidate to transfer a limited amount of surplus campaign assets to a legislative or municipal Public Office Expense Term account. The money in the account may be used only to pay expenses associated with the candidate's serving as a legislator or municipal official and all expenditures must be disclosed in a year end P.O.E.T account report.

23. When must a "paid for by" identifier be placed on campaign related materials?

All communications must contain a "paid for by" identifier which includes the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. Candidates and groups may also identify the name of their campaign chairman.

If the communication results from an independent expenditure, it must also include the following: "This NOTICE TO VOTERS is required by Alaska law. (I/We) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate."

24. Is there a fine for inadequate or missing Identifiers?

Yes. A person who fails to place a complete "paid for by" identifier on his or her campaign communications is subject to a civil penalty of up to \$50 per day.

All penalties are subject to appeal.