

Alaska Public Offices Commission

2011 MUNICIPAL ELECTIONS

Please read this document carefully for important information about starting your campaign.

The 2011 elections are approaching and it is time for candidates to set up procedures to comply with Alaska's Campaign Disclosure Law. This information is presented as an overview of your disclosure requirements. It is your responsibility to familiarize yourself and your campaign workers with the details of the disclosure law and to make sure that you file accurate and timely reports.

Please visit the APOC homepage at www.doa.alaska.gov/apoc for further information, to download forms, and to remain updated about your requirements and responsibilities as a candidate.

GETTING STARTED

Letter of Intent: Must be filed with the APOC *before* any candidate engages in campaign activity. A Letter of Intent allows the individual to campaign as if they were a candidate. The date that a campaign may start is 18 months prior to the date of the election. However, if a candidate files a Declaration of Candidacy first, they do not need to file a Letter of Intent.

The Declaration of Candidacy: Municipal candidates file their Declaration with their specific Municipal Clerk's Office. The Declaration of Candidacy is what gets a municipal candidate's name on the ballot. Check with your Municipal Clerk's Office to find out when your filing period opens and closes.

Public Official Financial Disclosure Statement: must be filed "simultaneously" at the Municipal Clerk's Office with the Declaration of Candidacy. Some municipalities have opted out of the requirement of filing a Public Official Financial Disclosure Statement. Check with your municipal clerk to be sure that you are complying with the requirements of your municipality.

Candidate Registration: is where a candidate lists the campaign name, Treasurers, Deputy Treasurers, Chairpeople (an option, not a requirement), bank information, etc. This form is due **within 7 days** following the filing of the candidate's Declaration of Candidacy at the Municipal Clerk's Office. Candidates may amend registrations as needed. **Until a candidate files their registration, designating a Treasurer or Deputy Treasurers, only the candidate may accept/expend campaign funds.**

Municipal Exemption Statement: May ONLY be filed by *municipal* candidates that do not intend to exceed \$5,000 in campaign activity, including any personal money that they may use. So long as you remain under the \$5,000 reporting limit (including your own money that you contribute to your campaign), this is the only form you are required

to file with APOC. While exempt municipal candidates are not required to file campaign disclosure reports, they are still subject to the laws that apply to candidates, including the requirement that ads, yard signs, and other campaign materials include “paid for by” identifiers as required under [AS 15.13.090](#) and [2 AAC 50.306](#).

Candidate Reimbursement Notification: If candidates put their own money into their campaign and intend to repay themselves at the end of the campaign, they **MUST** file a Candidate Reimbursement Form with the APOC **within 5 days** of depositing personal funds into their campaign account. This includes weekends. **HOWEVER**, if the candidate can reimburse their personal contributions from the campaign account within 72 hours they may; they do **NOT** then need to file the Reimbursement Form. (There is also a prohibition against any candidate giving or loaning their campaign more than \$5,000 in the 33 days prior to the election.)

START UP CONSIDERATIONS

Remember, **only** the candidate, a registered Treasurer or a registered Deputy Treasurer may spend money on behalf of the campaign.

If a candidate uses personal funds to buy things for the campaign, they may be reimbursed by the campaign as long as reimbursement occurs within 72 hours of when the expenditure was made. If a candidate uses personal money and wishes to repay that money at the *end* of their campaign, he/she must file a candidate reimbursement form with the Commission within **five days** of using their personal money.

PAID FOR BY IDENTIFIER

PLEASE pay particular attention to AS 15.13.090, “**Identification of Communications**,” and the related regulations (2 AAC 50.306). All political communications must have a “**paid for by**” identifier. 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.

REPORT INFORMATION

Candidates and groups are required to disclose information about their campaigns. The purpose of a campaign disclosure report is to provide a snapshot of a candidate or group’s activity during a specific reporting period. The **reporting period** is the time period covered by a campaign disclosure report. A **due date** is the date when a report is due, and comes three days after the end of a reporting period. The three days allows a treasurer time to complete the report.

The number of reports filed by municipal candidates will vary depending on when the campaign begins. If candidates filed a Letter of Intent on or before February 1, 2011, they will begin with a **year-start report**, which will be due February 15, 2011. Otherwise the cycle will begin with a **30 day report** (due 30 days before the election), **7 day report** (due 7 days before the election), **105 day report** (due 105 days after the election), and a **year-**

end report, due February 15, 2012 (required only if the 105 day report was not a final report.) In addition, during the 9 days before an election, candidates must report the contributor name and amount of all monetary and non-monetary contributions, from a single source, over \$250 within 24 hours of the time they receive the contribution. Candidates may need to report each day during that period, or not at all. These **24 hour reports** must be emailed, faxed, hand-delivered, or phoned in after hours. ***Do not mail 24 Hour Reports.***

Prior to 2011, APOC did not require municipal candidates to file the 105 day report and instead permitted municipal candidates to file only a final report due February 15 of the year following the municipal election. Requiring a 105 day report serves several important functions related to APOC's mission, the most important being that it enables APOC to provide disclosure to the public regarding the winding up of municipal campaigns on a much more timely basis. The 105 day report is required by Alaska Statute 15.13.110(a). As stated above, 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.

For more detailed information regarding completing campaign disclosure reports, please refer to our [Candidate Manual](#) which can be found on our website.

CIVIL PENALTIES

Civil penalties apply to candidates and groups who violate campaign disclosure law. Violations include failure to file a campaign disclosure report on time or failure to file a complete and accurate campaign disclosure report. **Even if you are filing a report indicating that you have had no activity in that report period, you will be assessed a civil penalty if the report is late.** It is YOUR responsibility as the filer to familiarize yourself (and your campaign workers) with the campaign disclosure law requirements and reporting deadlines. Initial penalties range from \$10 to \$50 a day for late reports.

Review the APOC Website for further reporting requirements. This information is only meant to provide you with an initial overview of your requirements as you begin your campaign. Do not hesitate to call APOC staff if you have questions. Thank you!

Contact Information

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