ALASKA PUBLIC OFFICES
COMMISSION

MANUAL OF INSTRUCTIONS FOR
LOBBYISTS
AND
EMPLOYERS OF LOBBYISTS
(Revised December 2014)

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DISCLAIMER

THIS MANUAL IS SUBJECT TO CHANGE BASED ON CHANGES IN THE LEGISLATION OR REGULATIONS. CURRENT LAW MAY SUPERSEDE INFORMATION CONTAINED HEREIN. APOC WILL MAKE ANNOUNCEMENTS AND APPROPRIATE CHANGES TO THE GUIDE WHEN THERE IS A CHANGE IN LAW. PLEASE CHECK OUR WEBPAGE FOR ANY UPDATES TO THIS MANUAL. PLEASE CALL APOC WITH ANY QUESTIONS REGARDING THE LAWS ADMINISTERED BY THIS AGENCY.
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INTRODUCTION

About the Commission

The Alaska Public Offices Commission (APOC) administers four disclosure laws:

- AS 15.13 Campaign Disclosure
- AS 24.45 Regulation of Lobbying
- AS 24.60 Legislative Financial Disclosure
- AS 39.50 Public Official Financial Disclosure

These laws "follow the money" by requiring disclosure that permits citizens to trace the influence of private interests on public decision-making. This disclosure, in turn, helps to limit privileged influence through revealing special interests.

Five Alaskan citizens serve as Commissioners. They meet for two to three days, at least four times a year, to decide policy matters, adjudicate complaints, hear civil penalty appeals and issue advisory opinions.

Four of the Commissioners represent the two political parties whose candidates for Governor received the most votes at the last gubernatorial election. Currently there are two Republican and two Democratic Commissioners. The fifth Commissioner is a public member, nominated by the other four Commissioners from general public applicants. The Governor appoints the nominees and the legislature confirms them. Terms are for five years, with a different term expiring each year.

About the Lobbying Law:

Alaska’s lobbying law (AS 24.45) provides that the public has the right to know the identity, income, expenditures, and activities of those who receive compensation or those who make payments in efforts to influence the actions of appointed or elected state officials.

Under the law, lobbyists are required to disclose their name, address, names(s) of their employer(s), sources of income including, but not limited to, salary, fees and reimbursement of expenses in support of or in connection with lobbying; and expenditures made in the categories of food and beverages, living accommodations, and travel.

Those who retain or employ lobbyists must disclose their name, address, name(s) of their lobbyist(s), payments made to lobbyists, and payments made in support of lobbying activities, including payments to employees who are not registered as lobbyists but who perform work in support of the agency’s lobbying goals.

The law authorizes APOC to administer the lobbying law and requires it to publish instructions to facilitate compliance. This manual fulfills that requirement and is available to lobbyists, employers of lobbyists, and members of the public. Throughout the manual specific sections of the statute (AS 24.45.___) and the administrative regulations (2 AAC 50.___) are cited. Copies of the manual, statutes, and regulations are available on our website; paper copies will be provided upon request.
Who Is A Lobbyist Or Employer Of Lobbyists?

Under Alaska law, a lobbyist is a person who:

1) is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person’s agents with any public official for the purpose of influencing legislative or administrative action for more than 10 hours in any 30-day period in one calendar year. AS 24.45.171(11) (A).

Or

2) represents oneself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession. AS 24.45.171(11)(B).

“Influencing legislative or administrative action” means to communicate directly for the purpose of introducing, promoting, advocating, supporting, modifying, opposing or delaying, or seeking to do the same with respect to any legislative or administrative action. AS 24.45.171(9)

“Communicate directly” means to speak with a legislator, legislative employee, or public official in person, by telephone, or by two-way electronic communication (including e-mail). AS 24.45.171(4).

An employer of lobbyists is a person who: employs, retains, or who contracts for the services of one or more lobbyists, whether independently or jointly with other persons, and who directly or indirectly makes payments to influence legislative or administrative action. AS 24.45.061(b).


The lobbying law does not apply to:

- A person who receives no compensation, including reimbursement of personal expenses, and makes no expenditures for or on behalf of a public official and limits lobbying activities to appearances before public sessions of the legislature or public proceedings of state agencies;

- An elected or appointed state or municipal public officer or an employee of the state or municipality acting in an official capacity or within the scope of employment;

- Newspapers, periodicals, radio and television stations publishing news items, editorials, advertisements or other comments urging legislative or administrative action as long as the entity does not engage in further activities urging administrative or legislative action other than appearing before public session of the legislature or other state agencies;

- A person who appears before the legislature or either house, or a standing, special, or interim committee, in response to being issued an invitation. NOTE: A person must follow the specific requirements in law to qualify as exempt from the lobbying law. Specifically, AS 24.45.161(4)(c) states:
(c) Either house of the legislature by resolution, or both houses of the legislature by concurrent resolution, may invite a person to appear to speak before the legislature or either house with reference to any pending matter. A standing, special, or interim committee of either house may, upon the concurrence of a majority of its members, extend an invitation to any person to appear before the committee to give information in regard to, or explain, any matter pending before the committee.

Be aware that there is no similar exemption from the lobbying law for invitations from the executive branch.

Section 1: Important Information on Lobbying in Alaska

Who, When, What, How and Why?

- **Professional Lobbyists:** Persons who engage in lobbying as a business, occupation or profession must register before engaging in any lobbying activities. AS 24.45.041. *If a person represents oneself as a lobbyist, the requirement to register prior to any lobbying applies even if the person’s lobbying activity is part-time or for a single client.*

- **Other Compensated Lobbyists:** Persons who receive wages or other compensation for communicating directly with public officials to influence administrative or legislative action as one component of the contract or employee’s job responsibilities must register once they reach the *time threshold of lobbying for 10 hours in any 30-day period in a calendar year.* AS 24.45.171(11)(A).

**What activities count toward the 10-hour threshold for registering for other compensated lobbyists?**

1) In calculating the ten hours, you must include time spent testifying before legislative committees or meeting with public officials or legislative employees, but not time spent waiting to testify or meet with public officials.

2) Time spent on the telephone or in e-mail exchanges with public officials or legislative employees also counts toward the 10-hour threshold, but not time writing a letter or sending a public opinion message (POM).

3) Once you exceed the ten hours, you must register in compliance with AS 24.45.041 and report in compliance with AS 24.45.051.

- **Representational Lobbyists:** Persons who engage in lobbying activities for an entity but receive no compensation or fees other than reimbursement for travel and personal living expenses, and are not an employee of the entity, must register their lobbying activities with APOC, but are NOT required to submit lobbyist reports.
Are the requirements for representational lobbyists any different from professional or other compensated lobbyists?

1) Representational lobbyists file a paper registration form found on our website, but do not pay the registration fee or file lobbyist reports.
2) The entity reimbursing the representational lobbyist’s expenses must file quarterly employer of lobbyist reports.
3) Registering as a representational lobbyist does not subject an individual to the prohibitions of AS 15.13.074(g) or AS 24.45.121(8) that restrict certain political activities for registered lobbyists.
4) Representational lobbyists are not required to take the mandatory training course [AS 24.45.041(b)(8)] but are welcome to do so.

- **Volunteer Lobbyists:** Persons who receive no compensation, including reimbursement of personal expenses, and make no expenditures for or on behalf of a public official are exempt from the lobbying law and not required to register. AS 24.45.161(A)-(B).
  
  Volunteer lobbyists are also not required to file reports and are not subject to the campaign contribution restrictions of AS 15.13.074(g).

What if I want to register as a volunteer lobbyist so there is a public record?

1) Although volunteer lobbyists are not required to register as a lobbyist, you may file a registration statement in Insight. You will have to pay the registration fee. Doing so will include your name in the directory of lobbyists.
2) Registering as a volunteer lobbyist does not subject you to the requirement to file lobbyist reports, to the prohibitions of AS 24.45.121, or to the campaign contribution restrictions of AS 15.13.074(g).
3) Volunteer lobbyists are not required to take the mandatory training course required for a professional or other compensated lobbyist, but are welcome to do so.

Who Is Prohibited From Registering?

The ethics reforms enacted by the Alaska legislature in 2007 prohibit certain people from registering as a lobbyist.

1. A former legislator may not engage in activity as a lobbyist before the legislature for one year after leaving the legislature. A former legislator may act as a volunteer lobbyist or a representational lobbyist. AS 24.45.121(c).

2. Persons who held the position of: governor, lieutenant governor, commissioner, deputy commissioner, division director, legislative liaison; certain positions within the governor’s office; members of boards or commissions with regulatory authority; and a governing officer or member of the executive board of a state corporation listed in AS 39.52.180(d) are prohibited from engaging in activity as a lobbyist for one year after leaving the position. This ban does not prohibit service as a representational or volunteer lobbyist. AS 24.45.121(d).

3. The spouse or domestic partner of a legislator may not engage in activity as a lobbyist, except as a representational or volunteer lobbyist. AS 24.45.121(e).
4. An individual who has been convicted of a felony involving moral turpitude\(^1\) may not register as a lobbyist. AS 24.45.041(i).

### Restrictions On Political Activities Of Registered Lobbyists:

**AS 15.13.074(g).** An individual required to register as a lobbyist under AS 24.45 may not contribute to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual’s initial registration or its renewal. However, the individual may contribute to a legislative candidate for the district in which the individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to this subsection shall report to the Commission, on a form provided by the Commission [Form 15-5A], each contribution made to a legislative candidate while required to register as a lobbyist. This subsection does not apply to a representational lobbyist as defined in Regulations of the Commission or to a volunteer lobbyist.

**AS 24.45.121(a)(8).** A lobbyist may not serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign 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 a campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register, as a lobbyist during the calendar year. This provision does not apply to a representational or volunteer lobbyist, and does not prohibit a lobbyist from making personal contributions to a candidate as authorized by AS 15.13, or personally advocating on behalf of a candidate.

### Other Prohibitions

In addition to the restrictions on gifts (discussed later in this manual), campaign activities and contributions, the lobbying law prohibits certain other activities under AS 24.45.121. These include:

- Lobbying before filing a registration statement. **NOTE** that persons who do not represent themselves as being in the business of lobbying do not have to register until they expend more than 10 hours in lobbying activities in a 30-day period in a calendar year.
- Taking any action with the intent of placing a public official under personal obligation to the lobbyist or the employer of lobbyists.
- Intentionally deceiving a public official with regard to material facts pertinent to pending or proposed official state action.

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\(^{1}\) AS 24.45.041(j) adopts the definition of "felony involving moral turpitude" found in AS 15.80.010(9), which provides: ... includes those crimes that are immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault, sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion, kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery device, offering a false instrument for recording, scheme to defraud, falsifying business records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe, perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape, promoting contraband, interference with official proceedings, receiving a bribe by a witness or a juror, jury tampering, misconduct by a juror, tampering with physical evidence, hindering prosecution, terroristic threatening, riot, criminal possession of explosives, unlawful furnishing of explosives, promoting prostitution, criminal mischief, misconduct involving a controlled substance or an imitation controlled substance, permitting an escape, promoting gambling, possession of gambling records, distribution of child pornography, and possession of child pornography;
• Causing or influencing the introduction of legislation for the purpose of being employed to secure its passage or defeat.
• Causing a communication to be sent to a public official in a fictitious name or in the name of any real person, except with the permission of that person.
• Accepting or agreeing to accept payment in any way contingent upon the outcome of any proposed official action.
• Serving as a member of a state board or commission if the employer of lobbyists could economically benefit from such service.

Mandatory Training PRIOR to Registration

Changes made to the lobbying law in 2007 require all lobbyists and employers of lobbyists to complete a training course administered by APOC “that promotes adherence to high ethical standards of professional conduct and teaches lobbyists and employers of lobbyists how to comply with laws that regulate lobbyists.” AS 24.45.031(a)(6). Neither representational nor volunteer lobbyists are required to take the training, AS 24.45.041(b)(8), but are welcome to do so.

Both lobbyists and employers of lobbyists must take the course annually. Lobbyists must complete the APOC course as a requirement to register and must certify on the lobbyist registration form that he or she has completed training within the past twelve months. AS 24.45.041(b)(8). The statute does not specify a timeframe for employers of lobbyists to have completed the course each year, so APOC requires this be completed by employers of lobbyists no later than prior to the filing of their first quarterly employer of lobbyist report.

APOC updates the training material annually to reflect statutory changes, new advisory opinions, and other relevant information to filers. There are two methods available for filers to take the required ethics and compliance training:

1. **In-person training sessions:** Offered annually during late fall and early winter, prior to the start of the regular legislative session and new reporting cycle. Staff posts the dates for training to the APOC web site generally by sometime in late October or early November at [http://doa.alaska.gov/apoc/ethics_training/home.html](http://doa.alaska.gov/apoc/ethics_training/home.html). Filers register for in-person sessions in both Anchorage and Juneau via the on-line registration process.

2. **Web-based, self-guided instruction:** Filers in Alaska and anywhere in the country who are unable to attend in-person sessions may access the material via a computer and the internet. Filers are required to read the material, answer the questions at the end of the session and submit the required “request for certificate of completion” to APOC. This form may be submitted by email via a PDF file or faxed to the Juneau APOC office at (907) 465-4832. Staff mails or emails a training certificate to the individual completing training upon the receipt of the on-line verification of training form.
Section 2: INSIGHT ELECTRONIC FILING

Insight Electronic Filing: APOC requires all lobbyist and employers of lobbyist to file registrations and reports electronically using the reporting system known as Insight. The only exception is that representational lobbyists are allowed to file paper registrations and the entity reimbursing a representational lobbyist is allowed to file a paper report.

This section of the manual addresses the information required for lobbyist registrations and the process for registering electronically.

Filing Forms Electronically in Insight: General Account Set-up:

To complete any filings electronically in Insight, both the lobbyist and employers of lobbyists must set up an account in MyAlaska and in the Insight APOC reporting system. MyAlaska is the state’s electronic signature program that allows filers to electronically “sign” their registrations and reports. To file either a registration or a report in Insight, you must have a MyAlaska account, since it serves as the gateway or access point to the APOC filing system. The two-step instructions below are only for filers not already set up in Insight. If you already have accounts and/or have been reporting electronically, you may skip the next section and go directly to the section entitled “Lobbyist Registration.” Do not set up another account if you already have one. If you are uncertain, contact the Juneau APOC office for guidance at 907-465-4864.

Setting up your electronic accounts: a two-step process:

Step one for both lobbyists and employers of lobbyists is the creation of a “MyAlaska” account, which is the electronic signature/authentication component required to access APOC’s electronic filing system. If you already have a MyAlaska account with the state, you may use the existing account (as one example, if you have filed for your Alaska Permanent Fund check online you have a MyAlaska account). Otherwise, you need to create one. Employers of a lobbyist should NOT use a personal MyAlaska account for employer of lobbyist reports as this causes difficulties when an individual leaves the company. New employers of lobbyists should set up a MyAlaska and Insight account that is unique to the company and not part of any individual MyAlaska account.

PLEASE MAKE A NOTE OF YOUR USERNAME AND PASSWORD AND KEEP THEM IN A SECURE PLACE FOR FUTURE USE SINCE YOU WILL NEED TO LOG INTO YOUR MYALASKA ACCOUNT TO ACCESS APOC ONLINE REPORTING FOR LOBBYISTS/EMPLOYERS OF LOBBYISTS. Neither APOC Staff nor MyAlaska Staff have the ability to retrieve your password. We can retrieve your username. You will also need to make a note of the answer to your secret question so that you can change the password if the need arises.

Step 2 is the APOC Insight 3.0 program, which allows you to register and file all lobbyist and employer of lobbyist reports electronically.

You may either access Insight via the MyAlaska home page or use the link from the APOC web page. Go to http://doa.alaska.gov/apoc/home.html and under the “Insight” tab at the top of the page, click on the Insight Version 3 link.
Login

Enter your MyAlaska username and password in each of the boxes provided and then click on the “Sign-In” button. Once you click on the “Sign-In” button you will be taken to the Insight Home screen with the words “Welcome to APOC Forms Online” as shown on the next page.

Home Page

You can either click on the “Lobbying” tab or simply “hover” your cursor over the lobbying tab and a menu will appear. Clicking on the lobbying tab will take you to the Lobbying specific page. From this page you will be able to fill out your profile, create lobbyist registrations (if you are a lobbyist), view and edit existing filings, as well as create new filings.
If you are a new user to the Insight system, you will need to fill out your profile before you can create any registrations. The profile section is the first selection under the lobbyist and employer of lobbyist respective sections seen on the page below.

Once you have filled out your profile information and clicked on the save button, you can proceed with the registration process.
Section 3: Creating a Lobbyist Registration

All lobbyist registrations are created by the lobbyist. First, the lobbyist clicks on the “Lobbyist Registration” link shown in the previous screen image.

If you intend to create a new lobbyist registration, you will need to click on the “Start New Form” red button on the left side of the screen. Also, any previous registrations that you have started will appear on this page, below the horizontal line with the various categories. If you intended to amend a previous registration or continue a registration that had not yet certified, you would do that from this screen as well. Click on the “Start New Form” button.

The first page of the registration is mostly instructions and general information about the registration process that you may need to be reminded of. Also, note the general layout of the page. Your navigation buttons are often in the lower right quadrant of the screen, and your page number is displayed in the center at the bottom. When you are ready to proceed, simply click on the blue “Next” button.
The following page will ask you to indicate who you are registering with. You will need to select your intended client or employer from the drop-down menu on the top right of the screen. You will also be asked a series of “Yes” or “No” questions. Please be aware that the purpose of this is to make you aware of any potential violations of state law that you may be at risk of committing if you were to proceed with your registration. When you are ready to continue, simply click on the blue “Next” button in the lower right of the screen.

The following page is auto-populated from your profile. If you see anything that is inaccurate, you need to click on the “Update Lobbyist Information” button in the upper left of the screen. This will allow you to alter the information in the various fields. Once you are happy with everything, hit the blue “Next” button.
This page shows the employer information. This is also auto-populated from the employer account profile. Make any changes necessary and hit the blue “Next” button.

Compensation

On page 5 of 9 you will need to indicate a few things regarding the nature of your lobbying activity for this employer. In the case of a company employee who is compelled to register as a lobbyist, they would indicate that they do perform “Other” services for the employer or client. Below that, simply select the appropriate compensation method and the amount that pertains to that method. For example if you select the “Contract Lobbyist: Monthly Fee” choice you would then indicate the amount of your monthly fee below that.
On this page you simply need to write a sentence or two about the nature or specific interest of your lobbying activity. If there are specific bills that you will be lobbying for or against you should include their numbers. You may write more if you want but a couple sentences will suffice. Putting “matters of interest to my employer” is not sufficient.

If you are a professional lobbyist (for example you have multiple clients) then you can simply move past page 7. If however you are registering because you are going to exceed the 10 hours in any 30-day period threshold then you should indicate this by selecting the middle button. In this case, the system will then ask you to indicate what date you reached your 10-hour limit of lobbying activity.

The third option is for those individuals who have not necessarily met the 10 hour threshold, but still want to register. Remember, if you register you are under the same prohibitions as a professional lobbyist in regard to campaign activities and gift giving.
Payment for lobbyist registrations is $250.00 as specified in AS 24.45.041(g). Filers may make payment in Insight with a credit card (MasterCard or Visa) or submit a check to APOC, but then must enter the receipt number in Insight in order to proceed through the electronic registration process. The lobbyist may make the payment when completing the registration form or the employer of a lobbyist may do so when they go in to certify the registration.

The final page of the registration is everything on one page. This is your chance to go through it one more time looking for any possible errors. If you need to go back to a previous page just hit the blue “Previous” button in the lower right corner.
When you are ready to certify the registration, simply click on the “Sign and Submit” button in the lower right corner. Insight Version 3 will allow lobbyists to certify their registrations prior to the employer.
On the subsequent page, simply enter your password, the same one you used to sign into your Insight account, and click on the “Sign and Submit” button.

You will then be taken to a page where you can either print what you just did, or you can return to your filings. If you chose to go to “My Filings” you will see the registration that you just certified and it will indicate in the status column, that it is waiting for the employer to review it.
At this point an automatically generated email has been sent to the employer/client. However, there is nothing wrong with touching base with the client and informing them that the registration is waiting for their certification. Remember, you are not considered “registered” with this client until both parties have certified the registration. The picture below is a copy of an automatically generated email that you will receive when you have certified your registration.

Once the employer has signed into their Insight account and certified the lobbyist registration, the below email will be automatically generated and sent to the lobbyist, indicating that the registration is now complete. You are now free to lobby for the duration of the year.

A couple things you should be aware of. If the employer changes anything in the compensation section or lobbying interest sections of the registration, the lobbyist’s certification will be revoked and the lobbyist will have to review the changes and certify the registration a second time in order for the process to proceed.
Section 4: Lobbyist Reports: Who, What, When and How?

Who must file reports?

Each lobbyist registered under AS 24.45.041 is required to file disclosure reports. The only exception is representational lobbyists, who must register their lobbying activity but are not subject to the reporting statute. 2AAC 50.550. Volunteer lobbyists are not required to register or report with APOC.

What must be disclosed?

Lobbyists must disclose the amount of compensation accrued and expenditures incurred in connection with lobbying activities for each reporting period. Lobbyists also must disclose gifts and exchanges between lobbyists and public officials or family members of public officials, as well as exchanges between lobbyists and business entities owned or controlled by public officials.

Lobbyists are required to submit a report for every reporting period during which the lobbyist is registered. If there is no reportable activity, whether it is during a regular or special legislative session, lobbyists may file what is known as a “zero report” by simply checking the zero report box on the lobbyist report form.

When are the reports DUE?

Under AS 24.45.081, lobbyists file monthly reports while the legislature is in session and quarterly reports when the legislature is not in session. The recent statutory change reducing the length of legislative sessions to 90 days may result in the calling of special sessions throughout the year. **It is the responsibility of the filer to be aware of filing deadlines and report due dates, including when special sessions are called. APOC will update its reporting calendar to account for new report due dates resulting from special sessions. Consult the web site regularly at http://www.doa.alaska.gov/apoc/**.

Monthly reports are due no sooner than the first day and no later than the last day of the month following the reporting period. Quarterly reports are due no sooner than the first day and no later than the last day of the month following the calendar quarter that is the subject of the report. If a report deadline falls on a weekend or state holiday, no civil penalty is assessed if the report is filed on the first regular work day following the deadline. Keep in mind, you can start a report early, but you will not be able to submit it until the reporting month (month following the reporting period). This means that you will have to sign in to Insight and submit the report sometime during the reporting month.

The periods covered in a report may not include any months covered in previous reports filed by the same person AS 24.45.081. This means if a lobbyist filed two monthly reports because the legislature was in session and the next deadline is a quarterly deadline for the three-month period, the only activity the lobbyist would include in that quarterly report is activity for the month during which the legislature was not meeting. This is because the lobbyist has already filed report for the other two months. **ASK YOURSELF: Have I already reported this activity in a previously filed report? If so, do not duplicate that period or you will be over-reporting.**
**How** are lobbyist reports filed?

Reports must be electronically “submitted” no later than the last day of the month in which the report is due. Reports submitted after the deadlines are subject to a civil penalty assessment of $10 per day for each day the report is delinquent.

To begin a lobbyist report, hover your mouse over the “Lobbying” tab at the top and click on the “Lobbyist Reports” link in the menu that appears. On the following page, click on the red “Start New Form” button on the left, or if you already have a report that you want to continue or amend you will be able to do that from this page as well.
The first page you come to will have some basic information on resources and requirements regarding the lobbyist report. Take a moment and review them. Then click on the blue Next button on the bottom right of the page to continue.

On page 2 you will need to select a report year as well as which report you wish to start.
Page 3 is the lobbyist basic information. Be aware that this information is auto-populated from your profile, and if your profile is accurate, there is no need to change this info. However, if anything is not correct, then you can update your information by clicking in the box on the upper left of the form. When you are ready to move on, simply click on the blue “Next” button in the lower right corner.

Gifts And Exchanges

Answer the questions regarding gifts and exchanges by checking the applicable boxes. If you answer “yes” to any of the questions, provide the requested information regarding the gift or exchange in the space provided. Disclosure of gifts and exchanges is required under AS 24.45.051(a)(3), (4) and (5). A “gift” includes a loan; a loan guarantee; forgiveness of a loan; payment, or an enforceable promise to make payment, of a loan by a third party; travel, unless it is related to attempts to influence legislative or administrative action; entertainment, including tickets to events; granting of discounts not available to the general public; and any payment to the extent that consideration of equal or greater value is not received. If equal or greater value has been received, it is an exchange. Lobbyists must also disclose any gift that totals more than $100. Once the total is over $100, you are required to report the name and address of the recipient, the date of the gift and its value.
If you answer “yes” to any of the questions you will need to click on the “Add Gift/Exchange” link toward the bottom of the page. After you enter the gift or exchange information, you will need to hit the “Add Item” button below in order to proceed.

**Gifts and Legislative Ethics**

Under AS 24.45.121(a)(9), *it is illegal for a lobbyist to offer, solicit, initiate, facilitate or provide to or on behalf of a person covered by AS 24.60 a gift, other than:*

1) Food or beverage for immediate consumption.
2) A ticket or a donation to a charity event that has been pre-approved by the Alaska Legislative Council as described in AS 24.60.080(a)(2)(B) or in AS 24.60.080(c)(10).
3) A compassionate gift that has been pre-approved by the Alaska Legislative Council as described in AS 24.60.075.

A lobbyist is required to report on a schedule A-1 any food and beverages that exceed $15.00 you provide to those covered by AS 24.60. Specifically, you must name each individual for whom you provided or paid for food and/or beverages for immediate consumption and identify the *actual* amount of each expenditure exceeding $15.00 in each listed instance.
Under AS 24.60.080(a), a legislator or legislative employee may not solicit, accept, or receive, directly or indirectly, a gift or series of gifts that in a calendar year aggregate to $250 or more in value and may not solicit, accept or receive a gift with any monetary value, with the exception of food and beverage for immediate consumption, or “a contribution to a charity event, tickets to a charity event and gifts to which the tickets may entitle the bearer; however, under this subparagraph a legislator or legislative employee may not solicit, accept, or receive from the same lobbyist, an immediate family member of the lobbyist, or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to which the tickets may entitle the bearer, or both, that in a calendar year aggregate to $250 or more in value”.

Please note that charity events have to be pre-approved by the Alaska Legislative Council per AS 24.45.080(a)(2)(B).

The Legislature did pass an exception in 2008 allowing those subject to AS 24.60 to accept gift from lobbyists who are immediate family members as long as the gift is unconnected to the recipient’s legislative status. AS 24.45.121(a)(9)(A) and AS 24.60.080(a)(2)(C).

Please note that according to the Legislative Ethics Committee, a service is a gift. If you have not reviewed the Legislative Ethics Committee’s advisory opinion 02-02 on accepting gifts during session, you are encouraged to do so. You can locate additional relevant advisory opinions issued by the Legislative Ethics Committee that relate to lobbyists on the Legislative Ethics Committee web site at http://www.legis.state.ak.us/ethics/. You may obtain a copy of these opinions directly from the Legislative Ethics Office or from APOC.

For questions regarding gifts, please call the Commission’s staff at (907) 465-4864. Persons subject to AS 24.60 should address their questions regarding gifts to the Legislative Ethics Committee’s staff at (907) 269-0150.

**Notice Of Termination**

Enter the last date of lobbying activities for any employer of lobbyist on whose behalf you terminated lobbying activities during this reporting period. The employer of lobbyist’s name will appear in a box and you will need to click on the ‘Date of Termination’ box and select the date from the calendar in the drop-down box. Please finalize the date of termination with your employer of lobbyist prior to filing your report since the date of termination reported by the lobbyist should be consistent with that date reported by the employer of lobbyist. If you terminate in the middle of a reporting period, you are required to file the next report for whatever portion of the report period you still had a financial relationship with the employer of lobbyists. All lobbyist registrations automatically expire on December 31 of each year. There is no need to enter a date of termination unless you are terminating prior to the end of the year.
Schedule A

You must complete a separate Schedule A for each employer of lobbyists you represent as a lobbyist. Your Insight lobbyist report will contain a separate Schedule A line for each employer of lobbyists for whom you have registered in Insight.

The Schedule A summarizes your compensation and expenditure activities for the reporting period. You will need to click on the ‘Edit’ button in the “Action” column to access the form. Complete one Schedule A for each employer of lobbyists unless you have no activity to report. In instances of no activity, you are still required to file a zero report. Report all compensation earned for lobbying services or services in support of lobbying activities and all reimbursable expenditures incurred in connection with lobbying. You must also report non-reimbursable expenditures in the categories of food/beverages, living accommodations and travel. Disclose compensation and expenditures in the Schedule A tables. Enter activity for this reporting period in the first column. The previous year to date totals and new year-to-date totals will tally automatically.

You must file a report for each reporting period as long as you are registered, even if you have no activity to report. If you did not earn or accrue compensation or expenditures during a reporting period, file a zero report. Check the box for ‘Zero Report’ in the “Action” column.

Reimbursable and Non-Reimbursable Expenses

Lobbyists must report all expenses reimbursed by an employer of lobbyists. AS 24.45.051(a)(1) requires that lobbyists report all payments, “including but not limited to salary, fees, and reimbursement of expenses received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action.” This means you should report expenses reasonably related to your work as a lobbyist. Advisory Opinion 08-03-LOB provides some specific examples and is located at http://doa.alaska.gov/apoc/Advisory/.

In that same advisory opinion, APOC ruled that the reporting requirement for non-reimbursed expenses is limited to the three listed categories of: food and beverages, living accommodations, and travel. Any listing of “other” for non-reimbursed expenses is optional and up to the filer.
If you list an expenditure in the “other” category, you must describe what the purpose of the expenditure was in the space provided on the bottom of the form. The most common example of an expense listed under “other” is the APOC lobbyist registration fee. **Food and beverage includes the cost of all food and beverages bought for legislators, legislative employees, and other public officials regardless of the amount.**

Disclose the total amount of compensation **earned** for work performed on behalf of the employer of lobbyists whether or not you have received payment. Reporting should be done on the accrual method and not a cash basis (**2AAC 50.570**). If your compensation is other than fee or salary, indicate its fair market value in the space for “other compensation” and describe the compensation, e.g., company stock, rental car, hotel room, at the bottom of the form.

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**Schedule A-1**

You must complete Schedule A-1 to report each instance where you provided or paid for food and/or beverage for immediate consumption for a legislator, legislative employee, or the spouse or domestic partner of either, where the cost exceeded $15.00. You are required to name each individual for whom you provided or paid for food and/or beverages for immediate consumption.
and identify the *actual* amounts of each expenditure exceeding $15.00 in each listed instance. If you did not incur such expenditures during a reporting period, you may click the blue “Next” button and continue with the report.

If you do have A-1 data to report, notice that once you have entered the relevant information you need to click on the blue “Add Item” button in the middle of the screen.

When reporting food & beverage expenditures, the rules are:

1. You must report food & beverage for immediate consumption as a lobbying expense on the Schedule A, Food and Beverage section and not as a gift. This applies to food and beverages provided in places of public accommodation and in non-public places such as homes, private clubs, etc.

2. The $15.00 reporting rule that requires you to list the name of the legislator, legislative employee and spouse or domestic partner of either applies regardless of where you provide the food & beverages. Do not forget to complete the Schedule A-1 of the lobbyist report for any instance in which the total cost per person, excluding tax and tips, is more than $15.00 per person per occurrence. AS 24.45.051(b)(1).
Following are some examples of Schedule A-1 reporting.

You do not need to do anything to total your schedule A-1 expenses as Insight automatically calculates these for you as pictured in the screen shot below.

The final page has everything in the report on a single page for you to review. If you need to change anything use the blue “Previous” button in the lower right corner. Just scroll your way to the bottom of the page and when you are happy with everything, click on the blue “Sign and Submit” button in the lower right corner.
Continued on following page
You will be taken to a page which has a window in which you can enter your password, the same password you used to sign in to your account. When you are ready, click on the “Sign and Submit” button.
You will be taken to a page that will let you know that the form has been submitted. You will then have the option to either print the report you just filed, or return to your filings. From the filings page you can also see clearly that the status of your report is “Submitted”. Congratulations, you are done with that report.

If you click on the red “My Filings” button on the right side of the screen, you will be taken to the screen you see below. From this screen you can create new filings, view/print previously submitted filings, or amend reports as needed.

**Section 5: EMPLOYER OF LOBBYIST REPORTS: WHO, WHAT, WHEN AND HOW?**

**Who** must file reports?

Alaska law requires those who employ or retain the services of one or more lobbyists, including representational lobbyists, to file quarterly reports.

**What** must be disclosed?

Employers of lobbyists must disclose all expenditures incurred in connection with lobbying activities for each reporting period. Employers of lobbyists must also disclose gifts to public officials and all in-house expenses incurred in connection with lobbying. In-house expenditures include payments to lobbyists and to employees performing activities in support of lobbying.
When are the reports DUE?

Employers of lobbyists file quarterly reports based on calendar quarters. AS 24.45.081. For example, 1st quarter reports cover all activity during January, February and March. Employers of lobbyists must submit reports for each reporting period during which the employer of lobbyists retains or employs a lobbyist, even if there is no reportable activity. Unlike lobbyists, employers of lobbyists do NOT file additional reports if the legislature meets in special session. They file four times a year, all by calendar quarters. The APOC reporting calendar, which lists all due dates for employers of lobbyists and for lobbyists, may be found at http://www.doa.alaska.gov/apoc/.

Quarterly reports are due no later than the last day of the month following the calendar quarter that is the subject of the reports; thus, first quarter reports are due no later than April 30. If the deadline falls on a weekend or state holiday, no civil penalty is assessed if the report is filed no later than the first regular work day following the actual deadline. Filers may not submit reports prior to the first day of the month in which they are due. You may start a report prior to the first day of the month in which the report is due, but you cannot submit it until the first day of the month in which it is due.

Employers of lobbyists must enter their reports into the Insight system and submit them electronically by the deadline. Reports that are received after the deadline are subject to a civil penalty assessment of $10 per day for each day of delinquency.

Ensure you have an account set up in MyAlaska and the APOC Insight system, as described previously. In order to start an employer of lobbyist report you make sure you’re on the main navigation page for lobbying reporting by clicking on the “Lobbying”
tab at the top. Then in the employer of lobbyist section of the page that comes up, click on the “Employer of Lobbyist Reports” link.

If you want to create a new employer report, simply click on the red “Start New Form” button in the upper left of the screen.

This will take you to the first page of the employer report. This page has some good basic information about the reporting process, including contact info for you if you get stuck. When you are ready to proceed, click on the blue “Next” button in the bottom right corner.

On page 2 you need to indicate a few specifics about the quarterly report you wish to fill out.

Page 3 is the employer contact information that is auto-populated based on the employer’s profile. If you want to update anything on the page, simply click on the “Update Employer Information” box in the upper left of the screen.
Employer Gifts

The law requires those who employ or retain a lobbyist to disclose the date and nature of any gift exceeding $100 in value made to a public official. AS 24.45.061(b)(4). Employers must disclose the full name and official position of the gift’s recipient. Gifts include tickets to events, including charity events, as well as donations or contributions to charitable or non-partisan organizations made at the request or suggestion of a legislator, legislative employee, or other public official.

Providing / paying for a trip for a public official, including a legislative employee, may be either a gift or a Schedule B expense, depending on the cost and the purpose of the trip. If there is a governmental purpose involved, it is likely a Schedule B expense. Please call Commission staff if you are not sure how to report an expenditure.
Disclose all food and beverages related to lobbying, whether consumed in public places of accommodation or private places as an expense in support of lobbying on the Schedule B. For example, if you host a reception or pay for a restaurant meal for public officials, report the costs on Schedule B. Reporting is required regardless of the cost.

When you have entered all the relevant information, be sure to click on the blue “Add Item” button in the middle of the screen.

This is what the gift information will look like once it is all entered. At this point simply hit the blue “Next” button to continue filling out the report.

Notice Of Termination

Check the Notice of Termination box for any lobbyist who has terminated lobbying on the employer of lobbyists behalf during the reporting period. Click on the calendar icon to choose the date you terminated your lobbyist agreement. After submitting the notice of termination to APOC, there is no requirement to file Employer of Lobbyist Reports for that lobbyist for the remainder of the calendar year. Please finalize the date of termination with your lobbyist prior to
filing your report since the date of termination reported by the employer of lobbyists should be consistent with that date reported by the lobbyist. **If you terminate in the middle of a reporting period, you are required to file the next report for whatever portion of the report period you still had a financial relationship with the lobbyist.** All lobbyist registrations automatically expire on December 31 of each year. There is no need to enter a date of termination unless you are terminating prior to the end of the year.

![Employer of Lobbyist Report Form](image)

**Lobbying Interests And Nature/Interest Of Employer**

Under “Lobbying Interests,” provide a description of the official actions you attempted to influence during the reporting period. Be as specific as possible, including specific bill numbers if possible. Just stating “matters of interest to the company” is not sufficient.

Under “Nature/Interest of Employer,” describe generally the nature of the business or organization employing or retaining a lobbyist; *e.g.*, oil and gas company, environmental organization, labor union.

![Employer of Lobbyist Report Form](image)

**Schedule A (Payments to Lobbyists) Including Zero Reports**

You must complete a separate Schedule A for each lobbyist you employ or with whom you have a contractual relationship. A Schedule A with the name of each lobbyist retained and/or employed will appear in your Insight employer of lobbyist report form.
The Schedule A summarizes the payments earned or accrued to and on behalf of the lobbyists for the reporting period. If there are no expenses or compensation to report for your lobbyist, check the “Zero Report” box.

**COMPLETING THE SCHEDULE A**

This form discloses payments earned by your lobbyist as required by AS 24.45.061(b)(6) and 2AAC 50.575. You must have a separate Schedule A for each lobbyist registered on your behalf unless you are filing a zero report. Schedule A forms must be completed or the zero report box must be checked, prior to certifying/submitting the Employer of Lobbyist Report.

Notice the left “Action” column where you will choose to either click on the “Edit” link if you have something to report or click on the “Zero Report” box.

Disclose all expenditures incurred in connection with lobbying activities that were reimbursed to the lobbyist in the “Lobbyist Expenditures” section. List all expenditures for “food and beverage,” “living accommodations,” and “travel.” If the expenditure is for something other than designated categories, list it under “other expenses” and describe the expenditure in the space provided at the bottom of the form.

Disclose the total amount of compensation earned by the lobbyist whether or not you have paid her or him in the ‘Lobbyist Compensation’ section of the form. If the compensation is other than a fee or salary, indicate its fair market value in the space for “other compensation” and describe the nature of the compensation in the space provided. If the lobbyist is an employee, do not list routine benefits such as medical insurance or retirement plans that the employer of lobbyist provides to all employees.
Once you have entered the expenditures and/or compensation, be sure to click the blue ‘Update’ button.

**Schedule B (Payments in Support of Lobbying)**

**Summary of Payments Made in Support of Lobbying Activities.** This form discloses expenses incurred in support of lobbying activities but not paid to or on behalf of your registered lobbyist. Use Schedule B to report the information required under AS 24.45.061(b)(3), 24.45.171(13), and 2 AAC 50.575: the total amount of payments made to influence legislative or administrative action during the reporting period.

The “In-House Lobbying Cost” section is for reporting in-house expenses such as employee travel and compensation. Report the employee’s name, the total expenditure amount for the reporting period (quarter), and a general description of the Lobbying Activity or Support of Lobbying activity for the employee. 2AAC 50.575(b)(2)(A) requires that an employer pro-rate an employee’s time
and report it in the In-House Lobbying Cost section for each employee who expends more than 10 hours per month directly supporting the employer’s lobbying goals (such as making copies, setting up meetings) or receives compensation for lobbying (time that counts toward the 10 hours in a 30-day period for registering as a lobbyist). **Keep in mind**, if the employee spends more than 10 hours in any 30-day period doing lobbying activity they need to register as a lobbyist.

Click on the blue “Add Item” button in the middle of the screen when you have entered the requisite information. Click on the blue “Next button to proceed to the following page.

The “Outsourced Lobbying Costs” section is for reporting expenses incurred with vendors or other payees. Choose the date of the expenditure and then type in the complete business name and mailing address of the payee/vendor, a general description of the expenditure and the expenditure amount.
Examples of Schedule B expenses include:

1) **Support for lobbying activities:** Such as salary and expenses of employees or contractors who assist in research, drafting and preparation of materials that further lobbying goals for more than 10 hours per month. 2 AAC 50.575(b)(2)(A).

2) **Employees:** Travel, lodgings, meals, related expenses, and compensation for employees who communicate with or make appearances before public officials in attempts to influence administrative or legislative actions, but who have not exceeded ten hours of lobbying in any 30 day period that would require their registration as lobbyists. To calculate the amount of reportable compensation, determine the employee’s hourly wage and multiply the wage by the time spent in direct communication with public officials. AS 24.45.171(13)(D).

3) **Promotional activities:** Sponsored in support of attempts to influence legislative or administrative actions, such as legislative receptions or providing refreshments for a legislative meeting. AS 24.45.061.

4) **Entertaining:** Whether in public or private. If the entertaining is not related to attempts to influence legislative or administrative actions, it must be reported under “Gifts.” AS 24.45.061(b)(4); AS 24.45.171(13)(C).

5) **Trips of public officials and legislative employees:** Paying the cost of transportation, meals, and/or lodging for public officials and legislative employees. If the trip is related to a governmental purpose or attempts to influence legislative or administrative actions, it is a Schedule B expense. Otherwise, report it under “Gifts.” AS 24.45.171(6); AS 24.45.171(13)(F).

6) **Outreach:** The cost of soliciting or urging other persons to enter into direct communication with a legislator or other public official, such as a telemarketing or letter-writing campaign, advertising in the media, conducting a push poll, providing transportation to members of the public. AS 24.45.171(13)(E).
The page below that shows the specifics of the outsourced costs. Be sure to click on the blue “Add Item” button in the middle of the screen when you have entered everything that you need to. Click on the “Next” button in the lower right of the screen when you are happy with everything.
On page 10 of 10 you will see the report in its entirety. Scroll through it looking for anything that you would like to change. If you need to return to a previous page, simply click on the blue “Previous” button in the lower right corner. When you are ready to submit the report, click on the “Sign and Submit” button in the lower right corner.
You will then be taken to the submit page. Enter your password in the field in the middle of the screen. You should be using the same password you used to sign into the Insight filing system. Then click on the “Sign and Submit” button just below your password.
This page indicates that you have submitted your form and gives you the choice to either print the report you just submitted or go back to your filings page.

From your filings page you can see clearly in the “Status” column that the report you were working on is submitted. Also, if you ever start a report but do not finish it, you can return to this page to continue to work on it. In addition, you can choose to amend a report that you have already submitted by clicking on the “Amend” link in the far right column.

**Amending Reports**

For Lobbyists And Employers Of Lobbyists – Go to the “Lobbyist Reports” or “Employer of Lobbyist Reports” link. Find the report you would like to amend, and click on the Amend link in the far right “Action” column. Make whatever changes you need to and then submit the report. You will then see the report labeled as an amended report along with your other reports.

**“Copy” Link**

If you click on the “Copy” link on the Lobbyists or Employer of Lobbyist Report Form Filings screen, you will open an identical form to the one that has been submitted. You may then go in and select a new reporting period and update any information or amounts that need to be updated. **The main purpose of the “Copy” link is for lobbyists to be able to “copy” their previous year’s registration for an employer so that they only have to go in and make minor changes for the current year.**
REMINDER

ALL filings submitted to the Alaska Public Offices Commission are public records and available to the public as submitted. Do NOT include any of the following personal information: social security numbers, account numbers, credit card numbers, copies of checks, financial records with account numbers or access codes, or any document with personal identification numbers.