



ALASKA PUBLIC OFFICES COMMISSION

SUMMER 2013

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A Word From the Executive Director

There are many good things about summer. The days are longer, the fish are running, and school is out. Summer is the prelude to fall when elections take place; as a result APOC school is in session. As you will see in this newsletter the calendar for training is now available to you. I encourage you to take advantage of one of those sessions. Staff is taking the training out to various areas of the state for face-to-face training and is working to provide better on-line or distance delivered training.

You might ask, "What good is the training? I can't control any complaints." In the case of complaints you are right, no one can control who will file a complaint and over what. However, civil penalty assessments (CPAs) are quite another issue; and there are many more CPAs than complaints.

APOC has some good statistics that show those who complete face-to-face training have fewer CPAs against them than those people who do not attend training. For instance, from 2010 through 2012, there were 897 state and municipal candidates and 196 of those attended at least one APOC candidate training. During the same years 122 CPAs have been levied against state and municipal candidates. Only 5 of those CPAs were levied against candidates that attended a candidate training. That's only 4% of all

CONTENTS

FINANCIAL DISCLOSURE UPDATE.....	2
GROUP ADVISORY OPINIONS.....	3
APOC TRAINING SCHEDULE.....	4
MARK YOUR CALENDAR.....	5

candidate CPAs. The remaining 117 CPAs went against candidates who did not attend training. The point is that if a candidate attends an APOC training (or two) the likelihood of experiencing a CPA decreases substantially. If you want to look at it another way, not attending training gives you a 16.7% chance of receiving a CPA, but taking training brings your chance of having a CPA down to 2.5%.

Public Official Financial Disclosure (POFD) filers show the same type of trend. In 2012 there were 110 CPAs against POFD filers. Only a single CPA went against a POFD filer who had attended training, less than a 1% rate. The other 109 CPAs, 99% of POFD CPAs, went against those who had not attended training.

Time is indeed money. For candidates and POFD filers the training is not mandatory, but the hour or two you may save by not attending a training session could increase your chances that it will cost you money later. A little time this summer could save you a fine and potential embarrassment later. If there is a training session scheduled that you can attend you may want to give it serious consideration, it may save you money later.



FINANCIAL DISCLOSURE UPDATE

Myths and Facts of the POFD (Public Official Financial Disclosure)

Myth: Submitting the POFD is my responsibility, so I am on my own and have to just grin and bear it.

Fact: While it is your responsibility to file your POFD, APOC is here to help you meet your reporting requirements. We will do everything we can to answer questions and address concerns. Please use our resources, and do not hesitate to contact us BEFORE you encounter difficulties. We can also help anyone assisting you with your filing, such as a spouse or an aide.

Myth: I only ever have to submit one POFD as a Public Official.

Fact: Candidates need to file a POFD when submitting their declaration of candidacy for state offices and certain municipalities (see the APOC website for municipalities exempt from POFD reporting requirements). Also, according to AS 39.50.010(a), a Public Official must file a POFD within 30 days after taking office as a Public Official, no later than March 15 in each year following, and a final POFD on or before the 90th day after leaving office.

Myth: APOC has to inform me every time a POFD report is due.

Fact: APOC POFD statutes and regulations do NOT require staff to notify filers of due dates and deadlines; however, we make every effort to notify filers as a courtesy. Specifically, we send out reminder emails to state filers before annual due dates and when we receive notification of appointment and resignation. It is important for electronic filers to provide a valid email address to APOC or have a valid e-mail address on their MyAlaska account for POFD's, because we use that information to send annual notifications.

Myth: If my POFD is not going to be perfect, I cannot submit it.

Fact: The POFD statute (AS 39.50.030(a)) states, "Each statement must be an accurate representation of the financial affairs of the public official or candidate and must contain the same information for each member of the person's family...to the extent that is ascertainable by the public official or candidate."

If the annual due date is approaching, and you cannot ascertain all the information you need to file your report completely, please contact APOC BEFORE the due date. There may be alternatives, however; it is usually best to get your POFD filed on or before the due date. Also, keep in mind that you can amend your report at ANYTIME.

Myth: Amending my POFD reflects poorly on me as a Public Official.

Fact: Amending your POFD may spare you from embarrassment, complaints from the public and/or fines from APOC. Also, keep in mind many public officials amend reports for a variety of reasons, to include updating information not previously available and correcting a typo, omission, or inconsistency noticed by APOC staff. Some amendments may be required because of a change to your close economic associations. Amendments are a common and routine way to ensure the accuracy of POFD'S.

For questions or comments regarding POFD Myths and Facts, please contact July Lam at the Anchorage APOC office (907) 276-4176.



RECENT GROUP ADVISORY OPINIONS

AO 13-02-CD was requested by Pat Lavin on behalf of the group, Vote Yes! Repeal the Giveaway.

This advisory opinion concerned the reporting requirements of a group sponsoring a referendum. Because the group sponsored the referendum, it is required to file a report with APOC within 30 days after it files its initial application with the Lieutenant Governor. The group must file quarterly reports thereafter until regular election cycle reports become due under AS 15.13.110(a). The group must report all contributions and expenditures which are intended to influence the outcome of the referendum vote. But, the group is not required to report contributions and expenditures which are solely used for its signature gathering efforts.

AO 13-03-CD was requested by Renee M. Limoge on behalf of the independent expenditure group, We Are Alaska.

This advisory opinion concerned the reporting requirements of an independent expenditure group that desired to accept donations and expend funds in opposition to a referendum application; and whether a registered lobbyist may serve as the Chair of an independent expenditure group. Unlike groups supporting or opposing an initiative petition or a group formed to sponsor a referendum; a group opposing a referendum application is not required to file quarterly reports.

Because an independent expenditure group is, by its very nature, completely independent of any candidate's campaign, a registered lobbyist may serve as the Chair of an independent expenditure group.

A0 13-04-CD was requested by Scott M. Kendall on behalf of the Renewable Resources Foundation.

This advisory opinion concerned the reporting requirements of an educational nonprofit corporation that desires to provide financial and other support to a group supporting an initiative application drive. The corporation may (without triggering a reporting requirement), continue to advocate generally for renewable resources while the ballot group is gathering signatures for an initiative to protect Bristol Bay Salmon. But, if the corporation contributes or expends over \$500.00 in support of the ballot group or initiative drive, it will be required to file reports with APOC. The type of report required will depend on the specific circumstances of the contribution and whether or not the corporation makes expenditures in support of the initiative proposal application. The advisory opinion also discussed whether an activity would be a contribution or an expenditure under various scenarios and how to value certain types of contributions and expenditures such as employee time and use of corporate facilities.



RECENT CANDIDATE ADVISORY OPINIONS

AO 13-01 Walker

Mr. Walker requested an advisory opinion regarding whether or not he is able to continue hosting a weekly television show focusing on issues of statewide interest while running for public office. The Commission determined that Mr. Walker may continue to host his television show provided that he does not communicate or advocate on behalf of his, or that of any other, campaign. He must also refrain from making “express” and “electioneering” communications, as defined under AS 15.13.400, during televised broadcasts of his show. Such communications could result in prohibited corporate non-monetary contributions from the television station.

2013 APOC TRAINING SCHEDULE FOR JULY - SEPTEMBER

TYPE OF TRAINING AND TIMES	LOCATION	JUL '13	AUG '13	SEPT '13
Candidate (101): Noon	Anchorage	25		
POFD/Candidate 11:00 – 3:00	Fairbanks FNSB Assembly Chambers	30		
Groups: Noon: General	Anchorage		16	
Candidate and Group Training	Soldotna		22	
Group: 10am-12pm Candidate (101): 1pm-3pm	Fairbanks		28	
Candidate: Noon	Anchorage			13

*contact APOC for specifics at 907-276-4176 (Anchorage) or 907-465-4864 (Juneau)



MARK YOUR CALENDAR

Monday, July 1: Deadline for Anchorage Municipal Candidates to Disburse Leftover Campaign Funds

Thursday, July 4: State Holiday, Independence Day

Wednesday, July 10: Initiative Proposal/Referendum Sponsor Group 2nd Quarter Report Deadline

Tuesday, July 16: Anchorage Municipal Election Candidates/Groups 105-Day Reports

Wednesday, July 31 2nd Quarter 2013 Employer of Lobbyist and Lobbyist Reports Due

Friday, August 30: Last day a Statewide Municipal Candidate can give or loan campaign more than \$5,000.

Monday, September 2: Statewide Municipal Candidates/Groups 30-Day Report

Monday, September 2: State Holiday, Labor Day

Sunday, September 22: Statewide Municipal Candidates/Groups 24-Hour Report Period Begins (ends Sept. 30)

Tuesday, September 24: State Municipal Candidates and Groups 7-Day Report