

# STATE OF ALASKA

## Department of Administration

### Alaska Public Offices Commission

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Dear Legislators,

As time becomes a more precious commodity during the final days of the regular session, you clearly have more important things to do than read a note from APOC. As a result this will be the last letter during this session. The question addressed below is particularly germane to the upcoming campaign season.

**Question—Are there any issues regarding candidate forums that a candidate or organization needs to be aware of during the campaign season?**

**Answer—**The biggest issue is that most forums are seen as non-monetary contributions, unless all candidates are invited.

- a) **A political forum could be a contribution.** If an organization provides a forum for all candidates to discuss issues there is no problem. 2AAC 50.990(7)(C)(vii) notes that if the service or facility is made available to all candidates there is no contribution. However, if only some of the candidates are invited then the organization providing the forum is making a contribution to the candidates which must be reported and may be prohibited. AS 15.13.400(4) defines a contribution as "a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made, and includes, payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of influencing the nomination or election of a candidate..." Clearly, a political forum does influence the election of a candidate. 2AAC 50.990(7) (B) also notes that "anything of value provided to a candidate" is considered a contribution.

// How to avoid this issue. In this case an organization such as a Kiwanas club should invite all of the candidates to a forum to avoid any issues. All of the candidates need not attend, but they need to be invited. The organization should save any documentation that it did invite all candidates to avoid any potential complaints later. It would then be considered an election educational activity under AS 15.13.150 and would not be a contribution.

- ( b) **The media.** If the media is covering a news story, or providing an editorial or commentary, the news story, editorial or commentary is not considered a contribution and is not covered by APOC regulations (2AAC50.990(7)(C)(i)). However, if a forum, such as a debate, is sponsored by a media entity and hosted as an event, all candidates must be invited.
- ( c) **What can you do to ensure no one lodges a complaint against you for participating in a forum?** The easiest thing to do is ask if all candidates have been invited. If all candidates have not been invited, you can request that the organizer do so. If that doesn't happen, check to see if the potential contribution would be prohibited by calling APOC. Regardless, the venue should be paid for at a commercially reasonable rate.

Yours truly,

  
Paul Dauphinais

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