

## **APOC Response to HB 309 Questions from HCRA Members on 3.3.22**

### **Could municipalities self-direct the filing requirements for their elected and appointed municipal officials?**

Yes, there is nothing under APOC's statutes that would preclude a municipality who either opted out of the public official financial disclosure reporting requirements or, if under the proposed bill, were no longer subject to the reporting requirements, from self-directing their own financial disclosure regime. In fact, some already do. The City of Fairbanks and the City of Homer are both examples of municipalities who opted out of APOC's filing requirements and adopted their own financial reporting requirements for their officials.

### **If municipalities chose to self-direct their own financial disclosure reporting, could they still use APOC's online filing program to collect the disclosures?**

The simple answer is yes. APOC's online filing program allows anyone to file a report. However, the municipality would then be dependent on APOC to capture the necessary information and any changes to the required information, either at the state or local level, may not always conform. Additionally, any issues that filer had in using the system would then be pushed to APOC staff to assist the municipality's filers.

Further, only specific POFD statements are published online through APOC's website. For municipal POFD statements, the only statements that are published online are statements filed by candidates running for municipal office. Although, all POFDs are public documents and copies are provided upon request, the Commission has reasoned that the potential for a chilling effect on membership of volunteer boards and commissions,<sup>1</sup> in addition to other factors at the state level, outweighs the public interest in publishing the personal business and financial information on its website.<sup>2</sup> Therefore, aside from candidate statements that are published, the local clerk's office, who would be the official recordkeeper, would not have access to the filing and would instead need to request the records from APOC.

For these reasons, the agency would not recommend that its system be used as a repository for statements that APOC does not regulate.

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<sup>1</sup> (8) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality. AS 39.50.200(a)(8).

<sup>2</sup> See, Commission Order Relating to Online Availability, September 15, 2015.