

**Alaska Department of Administration  
Public Offices Commission  
Public Official Financial Disclosure**

**Who Must File:**

- judicial officers
- the governor or the lieutenant governor
- A person hired or appointed in a department in the executive branch as
- the head or deputy head of a department the director or deputy director of a division
- a special assistant to the head of the department
- a person serving as the legislative liaison for the department
- an assistant to the governor or the lieutenant governor
- the chair or a member of a state commission or board subject to AS 39.50 (**AWIB Members**)
- state investment officers and the state comptroller in the Department of Revenue
- the executive director of the Alaska Tourism Marketing Council
- the chief procurement officer appointed under AS 36.50.010
- the executive director of the Alaska Human Resource Investment Council (**now AWIB**)
- each appointed or elected municipal officer
- non-incumbent state candidates
- municipal candidates subject to AS 39.50

**Frequently asked questions about the Public Official Financial Disclosure Law AS 39.50.**

1. What is a Public Official Financial Disclosure Statement?

Public Official Financial Disclosure Statements contain information about income sources, business interests, real property interests, beneficial trust interests, loans and loan guarantees, and contracts or leases with the State of Alaska or an instrumentality of the State.

2. Why File?

The people of the State of Alaska have declared that a public office is a public trust which should be free from the danger of conflict of interest and that the public has a

right to know of the financial and business interests of persons who seek or hold public office. The purpose of the Law, by requiring financial disclosure, is:

- to discourage public officials from acting upon a private or business interest in the performance of a public duty;
- to assure that public officials in their official acts are free of the influence of undisclosed private or business interests;
- to develop public confidence in persons seeking or holding public office; and
- to develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

### 3. Who Files?

#### Executive Branch

- the governor or the lieutenant governor
- a person hired or appointed in a department in the executive branch as
- the head or deputy head of a department the director or deputy director of a division
- a special assistant to the head of the department
- a person serving as the legislative liaison for the department
- an assistant to the governor or the lieutenant governor
- the chair or a member of a state commission or board subject to AS 39.50
- state investment officers and the state comptroller in the Department of Revenue
- the executive director of the Alaska Tourism Marketing Council
- the chief procurement officer appointed under AS 36.50.010
- the executive director of the Alaska Human Resource Investment Council

#### Judicial Officers

- Justice to the supreme court
- Judges to the court of appeals, superior court, district court, or magistrate court.

#### Other

- non-incumbent state candidates
- municipal candidates subject to AS 39.50

#### Municipal Officials

appointed or elected municipal officer listed below:

- mayor
- assembly or city council members
- elected school board members
- planning & zoning Commissioners
- elected utility board members
- city manager

#### 4. Where are Public Official Financial Disclosure Statements Filed?

Executive branch public officials and judicial officers file their Statement with the Alaska Public Offices Commission.

Municipal Officials and municipal candidates file their Statements with their local clerks.

Non-incumbent state candidates file with the Division of Elections unless they already have a current Public Official Financial Disclosure Statement on file with the Alaska Public Offices Commission. (Call 907/276-4176 before filing for office to verify if you have a current and complete Statement already on file with the Alaska Public Offices Commission.)

#### 5. When do you file?

Candidates for state and municipal office file at the time they file for candidacy with the Division of Elections or the Municipal Clerk. If elected, they file annually on March 15 thereafter.

**Executive branch public officials, judicial and municipal officers file within 30 days after taking their position as a public official and annually on March 15 thereafter.**

#### 6. What if you are required to file more than one Public Official Financial Disclosure Statement.

Some examples of having to file more than one Statement:

- municipal officer filing for state candidacy
- legislator filing for municipal office
- municipal officer serving on a state board
- serving on a state board and running for municipal office

Those who already have a current financial disclosure Statement on file with the Alaska Public Offices Commission or local municipal clerk and have to file elsewhere may photocopy the original Statement and submit it to the place designated with an original signature.

## 7. Are Public Official Financial Disclosure Statements Public Records?

All information reported in Public Official Financial Disclosure Statements are public information and copies are provided to the general public upon request.

Members of the public check the reports for potential conflicts of interest a public official may have in relation to his/her state or municipal position.

The public may review the statements at the Alaska Public Offices Commission in Anchorage or at the municipal clerk's office. A reasonable copying fee may be charged if you request copies.

## 8. What happens if a Statement is Filed Late?

A Public Official Financial Disclosure Statement filed after the due date is subject to a civil penalty that accrues daily until the Statement is filed.

## 9. What happens if an Incomplete Statement is Filed?

If staff of the Commission discover an obvious deficiency on the face of a Statement, the filer is notified and is given 15 days to correct the deficiency without penalty.

If staff finds significant information missing from a Statement, the maximum civil penalty of \$10 per day applies, from the time the information was due until it is received.

A person required to file who refuses or knowingly fails to disclose required information within the time required, or who provides false or misleading information, knowing it to be false or misleading, may be subject to penalties of up to \$10 per day and may be guilty of a misdemeanor. AS 39.50.060.

## 10. About Civil Penalties

If a filer receives a penalty for filing a statement or amendment late and disputes the amount of a civil penalty assessed, the filer may submit an affidavit to the Commission stating facts in mitigation within 30 days of the date of the notice.

At its next meeting after the filer submits the affidavit, the commission will consider the affidavit and other evidence relevant to the amount of the civil penalty. The commission will permit the filer to speak at the meeting. After considering the affidavit and other evidence, the commission will

(1) affirm the civil penalty if the commission determines that the statement or amendment was late without good cause; or

(2) reduce or waive the civil penalty if the commission determines that the statement or amendment was late for good cause.

After the Commission meeting, the staff shall send a written notice of the decision by the commission to the filer.

If the commission decides to impose some or all of a civil penalty assessed, the filer shall pay the penalty no later than 30 days after the date of the notice or file a notice of appeal. With the superior court.

**Sec. 39.50.200. Definitions.** (a) In this chapter

(1) "assistant to the governor or the lieutenant governor" includes any executive, legislative, special, administrative, or press assistant to the governor or lieutenant governor, and any person similarly employed in a policy-making position;

(2) "child" includes a biological child, an adoptive child, and a stepchild;

(3) "commission" means the Alaska Public Offices Commission created under AS 15.13.020 (a);

(4) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including the University of Alaska;

(6) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(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;

(9) "public official" means

(A) a judicial officer;

(B) the governor or the lieutenant governor;

(C) a person hired or appointed in a department in the executive branch as

- (i) the head or deputy head of the department;
- (ii) the director or deputy director of a division;
- (iii) a special assistant to the head of the department;
- (iv) a person serving as the legislative liaison for the department;
- (D) an assistant to the governor or the lieutenant governor;
- (E) the chair or a member of a state commission or board;**
- (F) state investment officers and the state comptroller in the Department of Revenue;
- (G) the chief procurement officer appointed under AS 36.30.010 ;
- (H) the executive director of the Alaska Workforce Investment Board;**
- (I) each appointed or elected municipal officer; and
- (J) the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation;

(10) "source of income" means the entity for which service is performed or that is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, limited liability company, professional corporation, or a corporation in which the person, the person's spouse or domestic partner, or the person's dependent children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, limited liability company, or corporation, but, if the entity that is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

**(b) In this chapter "state commission or board" means the**

- (1) [Repealed, Sec. 30 ch 81 SLA 2000].
- (2) Alaska State Council on the Arts (AS 44.27.040 );
- (3) Alcoholic Beverage Control Board (AS 04.06.010 );
- (4) State Assessment Review Board (AS 43.56.040 );
- (5) [Repealed, Sec. 1 ch 54 SLA 1981].
- (6) Board of Education and Early Development (AS 14.07.075 );
- (7) Alaska Public Broadcasting Commission (AS 44.21.256 );
- (8) Alaska Public Offices Commission (AS 15.13.020 );
- (9) [Repealed, Sec. 16 ch 61 SLA 1995].
- (10) Alaska Commercial Fisheries Entry Commission (AS 16.43.020 );
- (11) Fishermen's Fund Advisory and Appeals Council (AS 23.35.010 );
- (12) [Repealed, Sec. 140 ch 4 FSSLA 1992].
- (13) State Commission for Human Rights (AS 18.80.010 );
- (14) [Repealed, Sec. 86 ch 59 SLA 1982].
- (15) Alaska Judicial Council (art. IV, Sec. 8, Alaska Constitution);
- (16) Commission on Judicial Conduct (art. IV, Sec. 10, Alaska Constitution);
- (17) [Repealed, Sec. 24 ch 22 SLA 2001].

- (18) Local Boundary Commission (AS 44.33.810 );
- (19) Occupational Safety and Health Review Board (AS 18.60.057 );
- (20) Board of Parole (AS 33.16.020 );
- (21) State Personnel Board (AS 39.25.060 );
- (22) [Repealed, Sec. 20 ch 110 SLA 1981].
- (23) [Repealed, Sec. 132 ch 9 FSSLA 2005].
- (24) Regulatory Commission of Alaska (AS 42.04.010 );
- (25) University of Alaska Board of Regents (AS 14.40.120 );
- (26) Alaska Royalty Oil and Gas Development Advisory Board (AS 38.06.020);
- (27), (28) [Repealed, Sec. 86 ch 59 SLA 1982].
- (29) [Repealed, Sec. 132 ch 9 FSSLA 2005].
- (30) [Repealed, 1983 Initiative Proposal No. 2, Sec. 6].
- (31) Workers' Compensation Board (AS 23.30.005 ) and Workers' Compensation Appeals Commission (AS 23.30.007 );
- (32) Alaska Commission on Postsecondary Education (AS 14.42.015 );
- (33) Alaska Municipal Bond Bank Authority (AS 44.85.020 );
- (34) [Repealed, Sec. 1 ch 54 SLA 1981].
- (35) Alaska Medical Facility Authority (AS 18.26);
- (36) Alaska Oil and Gas Conservation Commission (AS 31.05);
- (37) Alaska Housing Finance Corporation (AS 18.56.010 - 18.56.900);
- (38) [Repealed, Sec. 44 ch 24 SLA 2003].
- (39) [Repealed, Sec. 4 ch 75 SLA 1979].
- (40) Board of Fisheries (AS 16.05.221 (a));
- (41) Board of Game (AS 16.05.221 (b));
- (42) Alaska Permanent Fund Corporation (AS 37.13.040 );
- (43) [Repealed, Sec. 69 ch 14 SLA 1987].
- (44) Alaska Seafood Marketing Institute (AS 16.51.010 );
- (45) Council on Domestic Violence and Sexual Assault (AS 18.66.010 );
- (46) [Repealed, Sec. 27 ch 18 SLA 1993].
- (47) [Repealed, Sec. 38 ch 168 SLA 1990].
- (48) [Repealed, Sec. 16 ch 33 SLA 1996].
- (49) [Repealed, Sec. 10 ch 29 SLA 1999].
- (50) [Repealed, Sec. 9 E.O. No. 84 (1993)].
- (51) [Repealed, Sec. 102 ch 21 SLA 2000].
- (52) [Repealed, Sec. 10 ch 58 SLA 2006].
- (53) the board of directors and the executive director of the Alaska Aerospace Development Corporation (AS 14.40.821 );
- (54) Alaska Retirement Management Board (AS 37.10.210 );
- (55) Alaska Workforce Investment Board (AS 23.15.550 );**
- (56) Board of Agriculture and Conservation (AS 03.09.010 );
- (57) the board of directors and chief executive officer of the Alaska Natural Gas Development Authority (AS 41.41.020 );