



INFORMATION FOR UNIVERSITY EMPLOYEES REGARDING BALLOT MEASURES

When University employees engage in activity related to a ballot question, their activity may be subject to APOC laws, including restrictions on using state resources and requirements for identifiers (“paid for by”) and expenditure disclosures. State funds may be used to influence the outcome of an election **only** if the funds have been specifically appropriated for that purpose by state law. The following rules apply unless funds have been specifically appropriated.

When a University employee is off work (annual leave, weekends, etc.) and the employee’s activity does not involve the use of university resources (i.e. the activity is paid from personal funds or funds of a group registered with APOC), the employee may advocate for a ballot measure if they choose to do so. APOC requirements for **communication identifiers** (“paid for by”) and **expenditure disclosure** filings apply to the individual or group.

While an employee is working, the ability to advocate for a ballot question is limited. If the employee’s activity is **not part of his or her usual and customary duties**, and involves the use of university money or resources, the activity must be nonpartisan, identified, and disclosed to APOC. Generally, the campaign disclosure law is not triggered if the employee’s activity is **part of his or her usual and customary duties as a university employee**, as long as the employee does not expressly urge the public to vote for or against the ballot measure.

<p>If the employee’s activity is usual and customary within the performance of his or her duties as a university employee:¹</p>	<p>If the employee’s activity is outside the scope of his or her usual and customary duties² and involves the use of university money, personnel or other resources³:</p>
<p>A university employee who is performing his or her usual and customary activities of communicating with the public is free to state his or her position on a ballot proposition. Such employees may state whether they support or oppose a ballot measure; they may provide information to substantiate their position (and present only one side of the issue); and they may state how they would vote. However, under campaign disclosure laws, employees may not use university resources to expressly advise the public to vote for or against the question.</p> <p>Under some circumstances, the employee may be required to disclose to APOC the expenses associated with the activity within 10 days. Please consult with General Counsel.</p> <p>If the employee’s activity exceeds his or her usual and customary activities (see footnote 2), the rules for “outside the scope” activities apply.</p>	<p>If the activity involves the use of university money, personnel or other resources and exceeds an employee’s usual and customary duties, it must be:</p> <ul style="list-style-type: none"> • Nonpartisan (not advocate one side) • Identified (“paid for by”); and • Disclosed to APOC within 10 days. <p>Nonpartisan: Examples of nonpartisan actions include educational forums that present both sides; balanced fact sheets or newspaper advertisements; and debates on the issue. If the action presents both sides in a balanced manner, it is permitted under AS 15.13.145(c).</p> <p>Identified: A “paid for by” statement must be placed on all communications.</p> <p>Disclosure: Specific information about the expenditure must be disclosed on a Statement of Independent Expenditures (Form 15-6) filed with APOC within ten days of the date the expenditure is made.</p>
<p>If an employee’s activity does not involve the use of university resources such as employee time or other resources (i.e. the activity is paid from personal funds or funds of a group registered with APOC), APOC requirements for communication identifiers (“paid for by”) and expenditure disclosure filings apply.</p>	

¹ APOC’s examples of usual and customary duties include: publishing and disseminating annual mailings summarizing the legislative session; responding to requests from constituents; answering questions at a press conference; speaking at meetings at the invitation of the meeting sponsor.

² APOC’s examples of actions that might exceed usual and customary duties include hiring a public relations firm; producing brochures targeted to the ballot question; producing media advertisements; using employees to work a phone bank; and soliciting invitations to address various forums.

³ University resources includes funds; travel; staff time; office items (stationery, postage); press releases; use of phones, faxes, copiers, computers or facilities, etc.
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