

Fiscal Note

State of Alaska
2021 Legislative Session

Bill Version:	HB 95
Fiscal Note Number:	1
(H) Publish Date:	2/18/2021

Identifier: 0645-LAW-CIV-2-11-21
Title: ELECTIONS; ELECTION INVESTIGATIONS
Sponsor: RLS BY REQUEST OF THE GOVERNOR
Requester: Governor

Department: Department of Law
Appropriation: Civil Division
Allocation: Special Litigation
OMB Component Number: 2213

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2022 Appropriation Requested	Included in Governor's FY2022 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2022	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Personal Services	283.5		283.5	283.5	283.5	283.5	283.5
Travel	1.3		1.3	1.3	1.3	1.3	1.3
Services	45.9		45.9	45.9	45.9	45.9	45.9
Commodities	2.6		2.6	2.6	2.6	2.6	2.6
Capital Outlay	1.1		1.1	1.1	1.1	1.1	1.1
Grants & Benefits							
Miscellaneous							
Total Operating	334.4	0.0	334.4	334.4	334.4	334.4	334.4

Fund Source (Operating Only)

1004 Gen Fund (UGF)	334.4		334.4	334.4	334.4	334.4	334.4
Total	334.4	0.0	334.4	334.4	334.4	334.4	334.4

Positions

Full-time	2.0		2.0	2.0	2.0	2.0	2.0
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2021) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2022) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Not applicable. Initial version.

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION

Analysis

This bill creates a new section, AS 15.56.140, authorizing the attorney general to conduct a civil investigation into allegations of election misconduct. Under this new statute, the attorney general may investigate allegations of a violation of an election law other than a violation of AS 15.13, which is regulated by the Alaska Public Offices Commission. An allegation may be submitted to the Division of Elections (division) by a member of the public, identified by the director of the division, or identified by the attorney general. Complaints submitted to the division may be forwarded to the attorney general for investigation.

In conducting an investigation, the attorney general may issue subpoenas to compel witness testimony and produce documents or other evidence. The attorney general also has the authority to hold hearings and administer oaths, require interrogatories, and examine and make copies of documentary evidence. The attorney general is required to communicate the results of an investigation to the division and may submit a report of the investigation to the division. The records of an investigation are not subject to a public records request and remains confidential unless it is submitted to a court as part of a civil action or used by the division as a basis for action.

If the attorney general determines that there has been, is, or will be a violation of an election law or regulation, the attorney general may bring a civil action to compel compliance with the law. The attorney general may also petition for, and the court may award the state, a civil penalty of up to \$25,000 per violation. The court may also award the state the actual attorney fees and costs, including the costs of investigation, to the extent they are reasonable. Finally, the attorney general and the division are authorized to adopt regulations to implement this section.

Should this bill become law, the department anticipates that the new workload would require the addition of one full-time investigator and one full-time attorney in Juneau.