



SB 82B – CS, AM.

SECTIONAL ANALYSIS

April 28, 2021

Purpose of Bill: Division of Elections does not have a method of investigating alleged civil violations of Title 15. This bill authorizes the attorney general to investigate potential violations and seek compliance through the courts. It also requires the attorney general to report the results of an investigation to the Division of Elections.

Section 1 This bill has only one section. It adds a section to Title 15, chapter 56, Election Offenses, Corrupt Practices, and Penalties, authorizing the attorney general to investigate potential violations of Title 15. It excludes alleged violations of AS 15.13, which will continue to be addressed by the Alaska Public Officers Commission. The attorney general can investigate complaints filed with the Division of Elections and referred to the attorney general, along with alleged violations that otherwise come to the attention of the attorney general or the Division.

The bill authorizes the attorney general to

- issue subpoenas and subpoenas duces tecum (subpoenas for testimony and documentation);
- issue interrogatories (written questions to be answered under oath);
- obtain records from state agencies;
- ensure compliance with the investigation, including expedited compliance, by a court order; and
- bring a civil action for injunctive relief and a fine of up to \$25,000 per violation, if a violation is found.

The bill was amended in the last committee of referral to require the attorney general to bring enforcement actions against candidates and elected officials within two years of the complaint. That change is not reflected in the committee substitute. The bill also requires the attorney general to submit a record of the investigation and a notice of findings to the Division at the conclusion of an investigation. It specifies that the record and notice are public records, while intelligence information is not.