



HB 95: SECTIONAL ANALYSIS

February 23, 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 or report back to the Division of Elections so the director can pursue corrective action.

Section 1 This bill has only one section. It adds a section to the Elections Title 15 chapter 56 on Election Offenses, Corrupt Practices, and Penalties, authorizing the attorney general to investigate potential violations of Title 15 (except for violations of AS 15.13 which are addressed by the Alaska Public Officers Commission) alleged in complaints filed with the Division of Elections and referred to the attorney general, or that otherwise come to the attorney general's or Division of Elections Director's attention.

The bill authorizes the attorney general to:

- issue subpoenas and subpoenas duces tecum (subpoenas for testimony and documentation);
- administer oaths and hearings in the process of investigation;
- require persons under investigation to make full and fair disclosures regarding the alleged violation, in writing and under oath; and
- examine and make copies of any documents related to the investigation.
- The attorney general may also pursue compliance with the elections code (except for violations of AS 15.13 which are addressed by the Alaska Public Officers Commission) by initiating a civil action in court for an injunction, and may petition for up to \$25,000 per violation.

The attorney general is authorized to advise the Division of Elections Director of investigation outcomes so the Director can seek corrective action. The investigation information itself is not public record, but the attorney general may issue a public statement describing conduct that violates local, regional, state or federal elections law.