

House Bill 42

Research and Background

Leg Study Group:
Online Campaign Reporting

Legislative Research Report Summary

Rep. Bob Lynn APOC Filings

LEGISLATIVE RESEARCH REPORT

NOVEMBER 24, 2008



REPORT NUMBER 09.048

ONLINE CAMPAIGN FINANCIAL DISCLOSURES

PREPARED FOR REPRESENTATIVE BOB LYNN
BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about electronic campaign finance disclosure systems. Specifically, you wanted to know whether any states have an "online banking and reporting system." That is, a system that allows the public to view contributions received and expenditures made as those transactions are executed through the financial institutions in which campaign accounts are held.

Our research located no state that allows "real-time" public access to the financial transactions of campaigns.¹ Most states, including Alaska, operate on a scheduled financial disclosure regime whereby reports are due on specific dates. At least one state—Oregon—operates on a "transaction-based" system and a number of other states have reporting requirements that are triggered by contributions and/or expenditures above a specified dollar amount. Often such transaction-based triggers become effective in the days or weeks just prior to an election.

OREGON'S TRANSACTION-BASED DISCLOSURE SYSTEM

Oregon represents an exception to the near universal schedule-based campaign finance disclosure employed in other states. In 2005, Oregon enacted a transaction-based system that requires most contributions and expenditures to be reported within thirty days of the date of an applicable transaction.² In addition, contributions or expenditures within six weeks of an election must be reported within seven days. Reports are filed online through the website of the Secretary

¹ Particularly helpful in our research were the staff and research of the Campaign Disclosure Project—a joint effort of the University of California Los Angeles School of Law, the Center for Governmental Studies, and the California Voter Foundation (<http://www.campaigndisclosure.org/>). The project has published a model campaign finance law, which we include as Attachment A. Although the model law does not contain the real-time reporting elements that you envision, it may be useful to you as an example of the disclosure regime certain campaign finance experts would like to see states enact.

² Oregon's unique system was brought to our attention by Kim Alexander, president and founder of the California Voter Foundation, which describes itself as a "nonprofit, nonpartisan organization promoting and applying the responsible use of technology to improve the democratic process." Ms. Alexander can be reached at (916) 441-2494.

of State on standardized electronic forms and are made public immediately following their submittal.³

According to Oregon Director of Elections, John Lindback, his agency faced a number of challenges as it advocated for what represented a major change in the state's financial disclosure system, which, prior to 2005, did not even include electronic reporting capabilities. Mr. Lindback identifies the following challenges—and positive outcomes to those challenges—that campaign finance disclosure reform has produced in Oregon as follows:

- ♦ **Resistance from the legislature**—In 2005, the Oregon Legislature was in the wake of what Mr. Lindback identifies as an “embarrassing” corruption scandal involving a legislator’s improper use of campaign funds for personal use. The following legislative session saw wide support for reform through a major ethics bill and an overhaul of the financial disclosure. Nonetheless, substantial opposition to elements of HB 3458 resulted in a number of changes to the original bill, including an increase in reporting timeframes from seven to thirty days.

Outcome—The switch from a seven-day reporting requirement to one of thirty-days was a political compromise that was necessary to garner enough support to pass the legislation. Mr. Lindback stated that the thirty-day period has actually worked quite well and seems to enjoy support among most of the system’s users.

- ♦ **Steep learning curve for division staff and end-users**—The change from a schedule-based to a transaction-based system required a complete overhaul of technical capabilities at significant cost to the state. In addition, staff had to learn new technical skills and have become multi-tasking regulators/help desk attendants as end-users seek assistance with the new system.

Outcome—The division regularly holds training sessions for staff, campaign committees, the news media, and the public. Director Lindback believes strongly that such training is a vital component of switching to a transaction-based reporting system. Although the duties of the elections division staff have changed, Mr. Lindback feels that the new system provides a more even workload than schedule-based reporting, which tend to have a “feast or famine” character, with workloads increasing dramatically around reporting dates then tapering off to very low levels in other parts of the year.

- ♦ **Technical issues can cause candidates to run afoul of the law**—Inevitable technical glitches and computer system outages can cause financial disclosure reports to be late, thereby forcing campaign committees into technical violation of campaign finance laws.

Outcome—Oregon law provides the elections division with a certain degree of latitude to consider mitigating circumstances when reports are late. Also, when the system initially came online the director instituted an informal (and

³ We include relevant excerpts of the Oregon *Campaign Finance Manual* and of Oregon HB 3458 (2005), the legislation that authorized the system, as Attachment B. Provisions regarding timing and manner of electronic disclosure filings are contained in Section 14 of the Oregon bill (pp. 6-7).

unannounced) six month "amnesty period," which allowed flexibility for the division and end users as technical issues were worked out and campaign committees became familiar with the system.⁴

COMPONENTS OF TRANSACTION-BASED DISCLOSURE IN OTHER STATES

There are a number of states that have transaction-based elements within their scheduled disclosure regimes. Most commonly, such requirements are triggered when a certain contribution or expenditure threshold is reached within a specified time-frame immediately prior to an election. In Alaska, for example, pursuant to AS § 15.13.110, campaign committees are required to report within twenty-four hours any contributions exceeding \$250 that occur within nine days of an election.

A number of other states have multiple triggers for transaction-based report requirements. California, for example, has the following requirements:

- ◆ Campaign committees are to report within twenty-four hours any contributions of \$1,000 or more received from a single source if the election is scheduled to occur in fewer than ninety days.
- ◆ "In kind" contributions, and "independent expenditures" made on behalf of a candidate or ballot question, of \$1,000 or more must be reported within twenty-four hours if those transactions occur within fourteen days of the election.⁵
- ◆ An "issue advocacy report" must be filed within forty-eight hours if a payment or promise of a payment of \$50,000 or more is made during the forty-five days prior to an election for a communication that clearly identifies a state candidate being voted on in the election but does not expressly advocate the election or defeat of the candidate.⁶

Michigan also has certain transaction-based reporting requirements within its larger schedule-based system as follows:

- ◆ Campaign committees must file "late contribution reports" within forty-eight hours for any single contribution of \$200 or more that is received between fifteen and three days prior to an election.
- ◆ In the two weeks prior to an election, caucus committees are required to report within twenty-four hours any contribution received or expenditure made of over \$1,000.⁷

⁴ Personal communication with John Lindback, (503) 986-2339.

⁵ As you may know, "in-kind" contributions are donations of time or goods rather than cash. In Oregon, "independent expenditures" are those made for a communication in support of or opposition to a clearly identified candidate or measure without the cooperation, prior consent of, in consultation with, or at the request or suggestion of a campaign committee.

⁶ We include a table showing California's financial disclosure schedule for the November 4, 2008, election as Attachment C. Additional information is available through the website of the California Secretary of State at <http://www.fppc.ca.gov/index.html?id=491>.

⁷ We include an excerpt related to Immediate Disclosure Reports from the Michigan Candidate Committee Manual as Attachment D. Additional information is available on the website of the Michigan Secretary of State at <http://www.michigan.gov/sos>.

OPINIONS OF SELECTED EXPERTS ON “INSTANT DISCLOSURE”

We discussed the instant disclosure model you proposed with three experts in the field of campaign finance disclosure reporting systems. Kim Alexander and Will Barrett are the respective president/founder and program manager for the California Voter Foundation. Robert Stern is the president of the Center for Governmental Studies.⁸ We asked all three to identify potential drawbacks or challenges that an instant disclosure system might face. Kim Alexander and Will Barrett composed the following joint response:

One potential drawback of establishing ongoing disclosure with no regular reporting periods could be the lack of summary information benchmarks. With regular reporting periods, it is easier for the public and the media to compare and contrast the totals raised and spent by each candidate. Oregon's system addresses this with an option that summarizes the financial activities for the committee during a calendar year, including the totals received and given, the committee cash balance, and overall financial status.

The lack of periodic reporting deadlines could also be a drawback in that the press may not be as active in reporting campaign finances if there is no set reporting date to look forward to and prepare to cover. The release of regular disclosure reports can act as a hook for the media to report what candidates are receiving. One way to address the lack of a news hook is that the disclosure agency could be required by law to produce periodic summary reports showing basic information on the totals raised and spent by political committees. Alaska already produces summaries of candidate financial activity and disclosure reform legislation could include a provision that mandates this practice to ensure it continues with a shift to ongoing reporting. These summary reports provide important contextual information to the public.

On the issue of gaming the system [here the respondents are referring to the practice of candidates strategically withholding information or making false deposits/expenditures for political purposes], campaign field audits could also be included to ensure that candidates and committees aren't gaming the system. Currently, Alaska requires desk reviews of campaign reports but doesn't require field audits of campaign records. A stricter review process could help alleviate concerns of questionable filings.

Ms. Alexander further emphasized that any disclosure system should include provisions stating that the “clock” on reporting deadlines starts on the day contributions are received. Her view is informed by an episode in California in which a candidate tried to outflank the reporting system by receiving undated checks and other such chicanery.

Mr. Stern provided the following comments:

⁸ Mr. Stern can be reached at (310) 470-6590, ext. 117. According to the Center for Governmental Studies website, the non-profit organization “uses research, advocacy, technology and education to improve the fairness of governmental policies and processes, empower the underserved, improve communication between voters and candidates for office and help implement public policy reforms.” More information on the organization is available at <http://www.cgs.org/>.

I was part of a task force set up by the California Secretary of State to examine disclosure issues. The one part that was vehemently opposed by campaign treasurers and campaign attorneys centered on instant disclosure. They said it would drive them out of business since they couldn't guarantee that their staffs could report every transaction each day. I am not sure I agree with them, but I wanted to let you know how strongly they felt about this.

I think a compromise is disclosure of large contributions (\$1,000 or more) within 24 hours. This gives the public necessary information but doesn't burden the filers as much as full disclosure.

California requires electronic filing of \$5,000 contributions within 10 business days except for the 90 days before the election when the threshold drops to \$1,000 and within 24 hours. It has worked well.

RESPONSE OF JOHN LINDBACK

We discussed with Director Lindback a number of the issues raised by the three experts with whom we spoke. Those issues and Mr. Lindback's responses are as follows:

Transaction-based disclosures may not be as heavily scrutinized by the public or news media as are scheduled reports.

Oregon's experience has been the opposite—its reporting system has brought about an increase in scrutiny of financial disclosures by the media and general public, according to Mr. Lindback. He notes, however, that these increases are almost certainly due to increased functionality in the system's electronic public interface tools rather than the changes in the reporting regime per se. The new system provides numerous online search features and extensive database tools for sorting information.

Field audits may be necessary to ensure the accuracy of disclosures.

Mr. Lindback does not have sufficient manpower to conduct field audits. Instead, the Oregon elections division is authorized by law to conduct random spot-checks of up to eight transactions per campaign committee during an election cycle. The director believes that these checks are effective in motivating campaigns to provide accurate disclosure and has not necessitated his hiring additional staff to conduct the checks.

Changes to the campaign finance disclosure system in Alaska will likely be resisted by campaign committees and others.

Director Lindback agrees with the experts we consulted on this point. As we mentioned, his organization met significant resistance in reforming Oregon's system. Mr. Lindback added that such opposition was one of the more difficult and "stressful" aspects of making changes to the state's disclosure regime, and that a number of the system's users continue to resist those changes.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

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filed by LYNN, BOB

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Select Election to List All Reports Filed, or Report to View Content

Election:	Report:	Due:*	Starting:	Ending:	Filed:	Status:	Published:
2002 State Primary	REGISTRATION	05/28/2002			05/13/2002	Filed On Time	Yes
2002 State Primary	30-DAY REPORT	07/29/2002	01/01/2002	07/26/2002	07/29/2002	Filed On Time	Yes
2002 State Primary	30-DAY REPORT	07/29/2002	01/01/2002	07/26/2002	08/19/2002	Amendment	Yes
2002 State Primary	30-DAY REPORT	07/29/2002	01/01/2002	07/26/2002	09/05/2002	Amendment	Yes
2002 State Primary	7-DAY REPORT	08/20/2002	07/27/2002	08/17/2002	08/19/2002	Filed On Time	Yes
2002 State Primary	7-DAY REPORT	08/20/2002	07/27/2002	08/17/2002	09/05/2002	Amendment	Yes
2002 State Primary	10-DAY REPORT	09/06/2002	08/18/2002	09/03/2002	09/05/2002	Filed On Time	Yes
2002 State General	30-DAY REPORT	10/07/2002	09/04/2002	10/04/2002	10/07/2002	Filed On Time	Yes
2002 State General	7-DAY REPORT	10/29/2002	10/05/2002	10/26/2002	10/28/2002	Filed On Time	Yes
2002 State General	7-DAY REPORT	10/29/2002	10/05/2002	10/26/2002	12/31/2002	Amendment	Yes
2002 State General	10-DAY REPORT	11/15/2002	10/27/2002	11/12/2002	11/15/2002	Filed On Time	Yes
2002 State General	10-DAY REPORT	11/15/2002	10/27/2002	11/12/2002	12/31/2002	Amendment	Yes
2002 State General	YEAR-END REPORT	02/15/2003	11/13/2002	02/01/2006	02/11/2003	Filed On Time	Yes
2002 State General	CLOSE-OUT REPORT	02/15/2004 +2	01/01/2003	02/01/2004	09/22/2003	Filed On Time	Yes
2004 State Primary	REGISTRATION	05/06/2003			12/31/2003	Filed	Yes
2004 State Primary	YEAR-START REPORT	02/15/2004 +2	01/01/2003	02/01/2004	02/17/2004	Filed On Time	Yes
2004 State Primary	30-DAY REPORT	07/26/2004	02/02/2004	07/23/2004	07/26/2004	Filed On Time	Yes
2004 State Primary	7-DAY REPORT	08/17/2004	07/24/2004	08/14/2004	08/17/2004	Filed On Time	Yes
2004 State Primary	7-DAY REPORT	08/17/2004	07/24/2004	08/14/2004	08/18/2004	Amendment	Yes
2004 State General	30-DAY REPORT	10/04/2004	08/15/2004	10/01/2004	10/03/2004	Filed On Time	Yes
2004 State General	7-DAY REPORT	10/26/2004	10/02/2004	10/23/2004	10/26/2004	Filed On Time	Yes
2004 State General	7-DAY REPORT	10/26/2004	10/02/2004	10/23/2004	01/31/2005	Amendment	Yes
2004 State General	24-HOUR REPORT	11/02/2004			11/02/2004	Filed On Time	Yes
2004 State General	YEAR-END REPORT	02/15/2005	10/24/2004	02/01/2005	02/04/2005	Filed On Time	Yes
2006 State Primary	REGISTRATION	05/03/2005			04/18/2005	Filed On Time	Yes
2006 State Primary	YEAR-START REPORT	02/15/2006	05/07/2005	02/01/2006	02/13/2006	Filed On Time	Yes
2006 State Primary	30-DAY REPORT	07/24/2006	02/02/2006	07/21/2006	07/24/2006	Filed On Time	Yes

2006 State Primary	7-DAY REPORT	08/15/2006	07/22/2006	08/12/2006	08/13/2006	Filed On Time	Yes
2006 State Primary	24-HOUR REPORT	08/19/2006			08/18/2006	Filed On Time	Yes
2006 State General	30-DAY REPORT	10/09/2006 +1	08/13/2006	10/06/2006	10/07/2006	Filed On Time	Yes
2006 State General	7-DAY REPORT	10/31/2006	10/07/2006	10/28/2006	10/31/2006	Filed On Time	Yes
2006 State General	24-HOUR REPORT	11/01/2006			10/31/2006	Filed On Time	Yes
2006 State General	24-HOUR REPORT	11/05/2006			11/05/2006	Filed On Time	Yes
2006 State General	YEAR-END REPORT	02/15/2007	10/29/2006	02/01/2007	02/09/2007	Filed On Time	Yes
2008 State Primary	YEAR-START REPORT	02/15/2008	05/04/2007	02/01/2008	02/15/2008	Filed On Time	Yes
2008 State Primary	30-DAY REPORT	07/28/2008	02/02/2008	07/25/2008	07/28/2008	Filed On Time	Yes
2008 State Primary	7-DAY REPORT	08/19/2008	07/26/2008	08/16/2008	08/19/2008	Filed On Time	Yes
2008 State General	30-DAY REPORT	10/06/2008	08/17/2008	10/03/2008	10/06/2008	Filed On Time	Yes
2008 State General	7-DAY REPORT	10/28/2008	10/04/2008	10/25/2008	10/28/2008	Filed On Time	Yes
Individual Contributions	(Contributions reported by individuals at any time)						

*Reports that are due on a State holiday are not considered late if filed by the next business day.

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2008 State Primary Reports

filed by LYNN, BOB



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Report:	Due:*	Starting:	Ending:	Filed:	Status:	Published:
YEAR-START REPORT	02/15/2008	05/04/2007	02/01/2008	02/15/2008	Filed On Time	Yes
30-DAY REPORT	07/28/2008	02/02/2008	07/25/2008	07/28/2008	Filed On Time	Yes
7-DAY REPORT	08/19/2008	07/26/2008	08/16/2008	08/19/2008	Filed On Time	Yes
Individual Contributions	(Contributions reported by individuals at any time)					

*Reports that are due on a State holiday are not considered late if filed by the next business day.

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2008 State Primary 30-DAY REPORT
filed July 28, 2008
by LYNN, BOB
(Candidate)

Covering Period From 02/02/2008 through 07/25/2008



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[Expenses](#) (8 transactions)

[No Debts Transactions](#)

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[State of Alaska](#) > [Departments](#) > [Administration](#) > [APOC](#) > [APOC-IQ](#) > [Campaign Summary](#)

Campaign Summary

2008 State Primary 30-DAY REPORT
filed July 28, 2008
by LYNN, BOB
(Candidate)

Covering Period From 02/02/2008 through 07/25/2008



Candidates and Groups file a one-page summary of campaign activity each time they file a campaign disclosure report. This summary gives a simple view of the income, expenses and debts for the filer during the reporting period.

Summary filed 07/28/2008

This Period: To Date:		
Starting Balance:	\$15,690.00	
Plus		
Monetary Contributions:	\$2,115.00	
plus Non-Monetary Contributions:	\$0.00	
plus Candidate Contributions*:	\$0.00	
equals Total Income:**	\$2,115.00	\$0.00
Minus		
Paid Expenditures:	\$3,733.40	
plus Non-Monetary Contributions:	\$0.00	
equals Total Expenses:***	\$3,733.40	\$0.00
Equals		
Ending Balance:	\$14,704.10	
Less		
Total Debts:	\$0.00	
Equals		
Surplus/Deficit:	\$14,704.10	



DISCLAIMER: This information has been reported by the candidate or group, and may not include all campaign activity. The accuracy of this information has not been verified by the APOC. Please contact the APOC office for details.

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Alaska Public Offices Commission

[State of Alaska](#) > [Departments](#) > [Administration](#) > [APOC](#) > [APOC-IQ](#) > [Campaign Expenses](#)

Campaign Expenses

2008 State Primary 30-DAY REPORT
 filed July 28, 2008
 by LYNN, BOB
 (Candidate)

Covering Period From 02/02/2008 through 07/25/2008

Displaying 1 to 8 of 8 Transactions

Sorted by Expense Date, Name

#	Date:	Type:	Check:	Amount:	Payee:	Purpose:
1	02/05/2008	Paid Expense	118	\$70.00	AK REPUBLICAN PARTY 1001 Fireweed Lane Anchorage AK 99503	District 31 Convention Registration - Bob Lynn
2	02/05/2008	Paid Expense	119	\$225.00	AK REPUBLICAN PARTY 1001 Fireweed Lane Anchorage AK 99503	Republican State Convention Registration - Bob Lynn
3	02/05/2008	Paid Expense	120	\$225.00	AK REPUBLICAN PARTY 1001 Fireweed Lane Anchorage AK 99503	Republican State Convention Registration - John Lynn Treasurer
4	02/19/2008	Paid Expense	Debit# 7470	\$24.00	FNBA - DIAMOND BRANCH 2000 W Diamond Blvd Anchorage AK 99515	Bank Fees for Copies of Stmt's Bank
5	06/23/2008	Paid Expense	103	\$1,702.61	GREAT ORIGINALS 300 E. International Rd Anchorage AK 99518	Printing Printer
6	06/25/2008	Paid Expense	128	\$949.29	TNT MAIL HOUSE 306 E. International Airport Rd Anchorage AK 99518	Mailing Services/Postage Mail House
7	07/17/2008	Paid Expense	126	\$100.00	SOA DIV OF ELECTIONS PO Box 110017 Juneau AK 99811	SOA Election Pamphlet State Department
8	07/24/2008	Paid Expense	129	\$437.50	ABC SOFTWARE 3230 W 69th Ave #1 Anchorage AK 99502	Computer Services/Voter Lists Computer Programmer
Total Expenses Shown = \$3,733.40 (may include amendments from prior reporting periods)						

Displaying 1 to 8 of 8 Transactions



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