



SB 82

CHANGE RECORD

April 28, 2021

SB 82 was amended by the Senate Judiciary Committee which then produced committee substitute SB 82B. That committee substitute was subsequently amended. This document details the changes to SB 82A to its current form, as referred to Senate State Affairs Committee

SB 82 passed out of Senate Judiciary with a number of changes. The following changes from the original bill are reflected in the committee substitute, Version B:

- On page 1, lines 7 through 9, the time to file a complaint was changed from 30 days to 60 days following certification of the election or the alleged violation.
 - This clarifies the beginning of the time period and allows people more time to file complaints.
- On page 2, subsections (c) and (d) were deleted and replaced with subsections (c), (d), (e), and (f).
 - The change to subsection (c) eliminates the specification that an investigation may be initiated by a complaint, by the Division of Elections, or by the attorney general; these three options are implicit in the bill and do not need to be specified.
 - The new subsection (c) adds detail and deadlines to the investigation process. It specifies that the attorney general may subpoena testimony and documents, may issue interrogatories, and may obtain records and information from state agencies. Testimony must be provided within seven days and responses to subpoenas and interrogatories must be provided within 30 days.
 - Subsection (d) explains that the attorney general must serve subpoenas and interrogatories and may initiate contempt proceedings in the manner prescribed by other laws.
 - Subsection (e) provides a way for the attorney general to obtain a court order requiring a response in less time than allowed under subsection (c). This will allow the attorney general to compel compliance with the investigation when the court finds probable cause that there has been or will be a violation of election law, and that an expedited response is necessary, perhaps because of an impending election.
 - Subsection (f) explains the way a recipient can oppose a subpoena or interrogatory. The recipient must file a new case within ten days, and the court

must consider the case on an expedited basis. If the court chooses, it can hear the attorney general's argument ex parte, meaning without the presence of the recipient, in order to protect the ongoing investigation.

- On page 2, subsections (e) and (f) were reversed and replaced with new subsections (g) and (h).
 - Subsection (g) requires the attorney general to provide the Division a notice of findings at the conclusion of an investigation. In the original version, the attorney general could choose whether to submit a report of the investigation.
 - Subsection (h) provides that a record of the investigation and the notice of findings, unlike intelligence information, are public records subject to the Alaska Public Records Act. In the original bill, a record of an investigation was not deemed a public record.
 - All of the following subsections and internal references were re-lettered.
- On page 3, line 14, "civil penalty" was changed to "fine," which is the correct term for the monetary penalty ordered by a court.

The Judiciary Committee made the following change to the committee substitute, Version B:

- On page 4, at line 12, a new subsection (k) was added, and the following subsections were renumbered.
 - This section requires the attorney general to bring an enforcement action against a candidate or elected official within two years of the filing of the complaint. This will require the attorney general to expedite investigations of candidates and elected officials and complete them within two years, or else lose the ability to file a court case.