

CS FOR HOUSE BILL NO. 309(CRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Offered: 3/14/22

Referred: State Affairs

Sponsor(s): REPRESENTATIVE KREISS-TOMKINS

A BILL

FOR AN ACT ENTITLED

1 "An Act exempting candidates for municipal office and municipal office holders in
2 municipalities with a population of 15,000 or less from financial or business interest
3 reporting requirements; relating to campaign finance reporting by certain groups; and
4 providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 15.13.040(g) is amended to read:

7 (g) The provisions of (a), (b), and (l) of this section do not apply to a

8 (1) delegate to a constitutional convention, a judge seeking judicial
9 retention, or a candidate for election to a municipal office under AS 15.13.010, if that
10 delegate, judge, or candidate

11 (A) [(1)] indicates, on a form prescribed by the commission, an
12 intent not to raise and not to expend more than \$5,000 in seeking election to
13 office, including both the primary and general elections;

14 (B) [(2)] accepts contributions totaling not more than \$5,000 in

1 seeking election to office, including both the primary and general elections;
2 and

3 (C) [(3)] makes expenditures totaling not more than \$5,000 in
4 seeking election to office, including both the primary and general elections;

5 **(2) group, if the group**

6 **(A) indicates, on a form prescribed by the commission, an**
7 **intent not to raise and not to expend more than \$2,500 in a calendar year;**

8 **(B) accepts contributions totaling not more than \$2,500 in a**
9 **calendar year; and**

10 **(C) makes expenditures totaling not more than \$2,500 in a**
11 **calendar year.**

12 * **Sec. 2.** AS 15.13.040(m) is amended to read:

13 (m) Information required under this chapter shall be submitted to the
14 commission electronically, except that the following information may be submitted in
15 clear and legible black typeface or hand-printed in dark ink on paper in a format
16 approved by the commission or on forms provided by the commission:

17 (1) information submitted by [(A)] a candidate for election to a
18 borough or city office of mayor, membership on a borough assembly, city council, or
19 school board, or any state office, who

20 **(A) [(i)]** meets the requirements of **(g)(1)** [(g)(1) - (3)] of this
21 section;

22 **(B) [OR (ii)]** does not have reasonable access to the technology
23 necessary to file electronically; in this **subparagraph** [SUB-
24 SUBPARAGRAPH], a candidate is considered not to have reasonable access
25 to the technology necessary to file electronically if the candidate does not own
26 a personal computer or does not have broadband Internet access at the
27 candidate's residence; in this **subparagraph** [SUB-SUBPARAGRAPH],
28 "broadband Internet access" means high-speed Internet access that is always on
29 and that is faster than traditional dial-up access; or

30 **(C) [(B)]** a candidate for municipal office for a municipality
31 with a population of less than 15,000; in this subparagraph, "municipal office"

means the office of an elected borough or city

(i) mayor; or

(ii) assembly, council, or school board member;

(2) **information submitted by a group that meets the requirements of (g)(2) of this section; or**

(3) any information if the commission determines that circumstances warrant an exception to the electronic submission requirement.

* **Sec. 3.** AS 15.58.040(c) is amended to read:

(c) Material submitted by a political party may not

(1) include images, except for graphic elements including party logos;

(2) directly or indirectly advocate

(A) for or against, or use the name of, another political party;

(B) for the election or defeat or use the name of a person who is

(i) a candidate for municipal, state, or federal public office;

(ii) a public official, as that term is defined in AS 39.50.200(a);

(iii) **a municipal officer subject to AS 39.50.090(f);**

(iv) a member of the legislature;

(v) [(iv)] elected or appointed to public office in the federal government.

* **Sec. 4.** AS 39.50.010 is amended to read:

Sec. 39.50.010. Findings and purpose. (a) It is declared by the people of the State of Alaska that, **subject to (c) of this section,** the purposes of this chapter are

(1) to discourage public officials from acting **on** [UPON] a private or business interest in the performance of a public duty;

(2) to **ensure** [ASSURE] that public officials in their official acts are free of the influence of undisclosed private or business interests;

(3) to develop public confidence in persons seeking or holding public office, enhance the dignity of the offices and make them attractive to citizens who are motivated to public service; and

(4) to develop accountability in government by permitting public

1 access to information necessary to judge the credentials and performance of those who
2 seek and hold public office.

3 (b) The people of the State of Alaska declare that

4 (1) public office is a public trust that should be free from the danger of
5 conflict of interest;

6 (2) the public has a right to know of the financial and business interests
7 of persons who seek or hold certain public offices [OFFICE];

8 (3) a compelling state interest requires that certain candidates for
9 office and certain office holders disclose their personal and business financial
10 interests;

11 (4) reasonable disclosure requirements do not violate an individual's
12 right to privacy when the individual seeks or holds public office and a compelling
13 state interest in the disclosure exists; and

14 (5) reasonable disclosure requirements do not have the effect of
15 chilling the exercise of the right of a qualified person to seek or hold public office.

16 * **Sec. 5.** AS 39.50.010 is amended by adding a new subsection to read:

17 (c) Except as provided by AS 39.50.090, this chapter is not applicable to a
18 person who seeks or holds public office in a municipality with a population of 15,000
19 or less.

20 * **Sec. 6.** AS 39.50.020 is amended to read:

21 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
22 official other than the governor or the lieutenant governor shall file a statement giving
23 income sources and business interests, under oath and on penalty of perjury, within 30
24 days after taking office as a public official. Candidates for state elective office other
25 than a candidate who is subject to AS 24.60 shall file the statement with the director of
26 elections at the time of filing a declaration of candidacy or a nominating petition or
27 becoming a candidate by any other means. Candidates for elective municipal office in
28 a municipality with a population of more than 15,000 shall file the statement at the
29 time of filing a nominating petition, declaration of candidacy, or other required filing
30 for the elective municipal office. Refusal or failure to file within the time prescribed
31 shall require that the candidate's filing fees, if any, and filing for office be refused or

1 that a previously accepted filing fee be returned and the candidate's name removed
 2 from the filing records. A statement shall also be filed by public officials **not** [NO]
 3 later than March 15 in each following year. On or before the 90th day after leaving
 4 office, a former public official shall file a final statement covering any period during
 5 the official's service in that office for which the public official has not already filed a
 6 statement. Persons who are members of boards or commissions not named in
 7 AS 39.50.200(b) are not required to file financial statements.

8 (b) A public official or former public official other than an elected or
 9 appointed municipal officer shall file the statement with the Alaska Public Offices
 10 Commission. Candidates for the office of governor and lieutenant governor and, if the
 11 candidate is not subject to AS 24.60, the legislature shall file the statement under
 12 AS 15.25.030. Municipal officers, former municipal officers, and candidates for
 13 elective municipal office **in a municipality with a population of more than 15,000**
 14 shall file with the municipal clerk or other municipal official designated to receive
 15 their filing for office. All statements required to be filed under this chapter are public
 16 records.

17 * **Sec. 7.** AS 39.50.050(a) is amended to read:

18 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 19 shall administer the provisions of this chapter. The commission shall prepare and keep
 20 available for distribution standardized forms on which the reports required by this
 21 chapter shall be filed. The commission shall print the forms provided under this
 22 section so that the front and back of each page have the same orientation when the
 23 page is rotated on the vertical axis of the page. The commission shall require that the
 24 information required under this chapter be submitted electronically but may, when
 25 circumstances warrant an exception, accept any information required under this
 26 chapter that is typed in clear and legible black typeface or hand-printed in dark ink on
 27 paper in a format approved by the commission or on forms provided by the
 28 commission and that is filed with the commission. [A MUNICIPAL OFFICER FOR A
 29 MUNICIPALITY WITH A POPULATION OF LESS THAN 15,000 SHALL
 30 SUBMIT INFORMATION REQUIRED UNDER THIS CHAPTER EITHER
 31 ELECTRONICALLY OR TYPED OR HAND-PRINTED IN THE MANNER

DESCRIBED IN THIS SUBSECTION.]

* **Sec. 8.** AS 39.50.090(f) is amended to read:

(f) In this section, "public official" includes, in addition to the persons specified in AS 39.50.200(a),

(1) chairmen and members of all commissions and boards created by statute or administrative action as agencies of the state; and

(2) municipal officers in a community with a population of 15,000 or less, including borough and city mayors, borough assemblymen, city councilmen, school board members, elected utility board members, city or borough managers, and members of a city or borough planning or zoning commission within a home rule or general law city or borough or a unified municipality.

* **Sec. 9.** AS 39.50.200(a)(8) is amended to read:

(8) "municipal officer" means a municipal officer in a community with a population of more than 15,000, including [INCLUDES] a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, or a unified municipality;

* **Sec. 10.** This Act takes effect January 1, 2023.