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CS FOR HOUSE BILL NO. 309(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE KREISS-TOMKINS

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

office, including both the primary and general elections;

(B) [(2)] accepts contributions totaling not more than \$5,000 in seeking election to office, including both the primary and general elections; and

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

(2) group, if the group

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

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

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

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

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

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

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

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

1 (C) [(B)] a candidate for municipal office for a municipality
2 with a population of less than 15,000; in this subparagraph, "municipal office"
3 means the office of an elected borough or city

4 (i) mayor; or

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

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

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

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

11 (c) Material submitted by a political party may not

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

13 (2) directly or indirectly advocate

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

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

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

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

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

21 (iv) a member of the legislature;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 39.50.020. Report of financial and business interests. (a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. A candidate for borough or city mayor, borough assembly, or city council in a municipality with a population of more

1 **than 15,000** [CANDIDATES FOR ELECTIVE MUNICIPAL OFFICE] shall file the
2 statement at the time of filing a nominating petition, declaration of candidacy, or other
3 required filing for the [ELECTIVE MUNICIPAL] office. Refusal or failure to file
4 within the time prescribed shall require that the candidate's filing fees, if any, and
5 filing for office be refused or that a previously accepted filing fee be returned and the
6 candidate's name removed from the filing records. A statement shall also be filed by
7 public officials **not** [NO] later than March 15 in each following year. On or before the
8 90th day after leaving office, a former public official shall file a final statement
9 covering any period during the official's service in that office for which the public
10 official has not already filed a statement. Persons who are members of boards or
11 commissions not named in AS 39.50.200(b) are not required to file financial
12 statements.

13 (b) A public official or former public official other than **a** [AN ELECTED OR
14 APPOINTED] municipal officer shall file the statement with the Alaska Public
15 Offices Commission. Candidates for the office of governor and lieutenant governor
16 and, if the candidate is not subject to AS 24.60, the legislature shall file the statement
17 under AS 15.25.030. **A current or former borough or city mayor, borough**
18 **assembly member, or city council member, or a candidate for the office of**
19 **borough or city mayor, borough assembly, or city council in a municipality with**
20 **a population of more than 15,000** [MUNICIPAL OFFICERS, FORMER
21 MUNICIPAL OFFICERS, AND CANDIDATES FOR ELECTIVE MUNICIPAL
22 OFFICE] shall file with the municipal clerk or other municipal official designated to
23 receive their filing for office. All statements required to be filed under this chapter are
24 public records.

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

26 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
27 shall administer the provisions of this chapter. The commission shall prepare and keep
28 available for distribution standardized forms on which the reports required by this
29 chapter shall be filed. The commission shall print the forms provided under this
30 section so that the front and back of each page have the same orientation when the
31 page is rotated on the vertical axis of the page. The commission shall require that the

information required under this chapter be submitted electronically but may, when circumstances warrant an exception, accept any information required under this chapter that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission. [A MUNICIPAL OFFICER FOR A MUNICIPALITY WITH A POPULATION OF LESS THAN 15,000 SHALL SUBMIT INFORMATION REQUIRED UNDER THIS CHAPTER EITHER ELECTRONICALLY OR TYPED OR HAND-PRINTED IN THE MANNER DESCRIBED IN THIS SUBSECTION.]

* Sec. 8. AS 39.50.050(c) is amended to read:

(c) A report filed under this chapter is a public record. The commission shall post on the commission's Internet website a report filed under this chapter by an elected public official or a candidate for elective office in a manner that makes the report accessible to the public. The commission shall keep a report [REPORTS] filed under this chapter [SHALL BE KEPT] on file for [AT LEAST] six years. After six years, a report filed under this chapter is no longer a public record, and the commission shall remove the report from the commission's Internet website [AND ARE PUBLIC RECORDS].

* Sec. 9. 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) chairs [CHAIRMEN] and members of all commissions and boards created by statute or administrative action as agencies of the state; and

(2) elected and appointed municipal officers, including 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. 10. AS 39.50.145 is amended by adding a new subsection to read:

(b) Notwithstanding an exemption elected under (a) of this section, a municipal officer or a candidate for municipal office may file a report of financial interests with the commission. The commission shall maintain a report filed under this

subsection as a public record while kept on file, but a person who files a report under this subsection is not subject to the requirements of AS 39.50.060, 39.50.070, or 39.50.135. In this subsection, "municipal officer" includes a borough or city mayor, borough assembly member, city council member, school board member, elected utility board member, city or borough manager, or member of a city or borough planning or zoning commission within a home rule or general law city or borough or a unified municipality.

* **Sec. 11.** AS 39.50.200(a)(8) is amended to read:

(8) "municipal officer" **means** [INCLUDES] a borough or city mayor, borough **assembly member** [ASSEMBLYMAN], **or** city **council member of** [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 **with a population of more than 15,000;**

* **Sec. 12.** This Act takes effect July 1, 2022.