

HOUSE CS FOR CS FOR SENATE BILL NO. 119(FIN) am H(efd fld)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/21/03

Offered: 5/17/03

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act authorizing the Alaska Public Offices Commission to issue advisory opinions;**
2 **amending campaign financial disclosure and reporting requirements, campaign**
3 **contribution limits, provisions related to contributions after elections, and provisions**
4 **related to unused campaign contributions; providing for expedited consideration of, and**
5 **modifying procedures for determining, violations of state election campaign laws;**
6 **amending the time period within which to file an administrative complaint of a violation**
7 **of state election campaign laws; amending the definitions of 'express communication'**
8 **and 'political party' for state election campaigns; amending the registration fee for**
9 **lobbyists; providing for increased use of electronic filing for reports to the Alaska Public**
10 **Offices Commission; adding a definition of 'commission' in the regulation of lobbying**
11 **laws; amending the requirements for the reporting of financial interests by public**
12 **officials; adding a definition of 'domestic partner' in the legislative ethics code and in the**

1 public official financial disclosure requirements; and making conforming amendments."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 15.13.030 is amended to read:

4 Sec. 15.13.030. Duties of the commission. The commission shall

5 (1) develop and provide all forms for the reports and statements
6 required to be made under this chapter, AS 24.45, and AS 39.50;

7 (2) prepare and publish a manual setting out uniform methods of
8 bookkeeping and reporting for use by persons required to make reports and statements
9 under this chapter and otherwise assist candidates, groups, and individuals in
10 complying with the requirements of this chapter;

11 (3) receive and hold open for public inspection reports and statements
12 required to be made under this chapter and, upon request, furnish copies at cost to
13 interested persons;

14 (4) compile and maintain a current list of all filed reports and
15 statements;

16 (5) prepare a summary of each report filed under AS 15.13.110 and
17 make copies of this summary available to interested persons at their actual cost;

18 (6) notify, by registered or certified mail, all persons who are
19 delinquent in filing reports and statements required to be made under this chapter;

20 (7) examine, investigate, and compare all reports, statements, and
21 actions required by this chapter, AS 24.45, and AS 39.50;

22 (8) prepare and publish a biennial report concerning the activities of
23 the commission, the effectiveness of this chapter, its enforcement by the attorney
24 general's office, and recommendations and proposals for change; the commission shall
25 notify the legislature that the report is available;

26 (9) adopt regulations necessary to implement and clarify the provisions
27 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62
28 (Administrative Procedure Act); and

29 (10) consider a written request for an advisory opinion concerning
30 the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

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

2 (a) Except as provided in (g) and (I) of this section, each candidate shall make
3 a full report, upon a form prescribed by the commission,

4 (1) listing

5 (A) the date and amount of all expenditures made by the
6 candidate;

7 (B) [,] the total amount of all contributions, including all funds
8 contributed by the candidate;

9 (C) [, AND FOR ALL CONTRIBUTIONS IN EXCESS OF
10 \$100 IN THE AGGREGATE A YEAR,] the name, address, [PRINCIPAL
11 OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR AND THE]
12 date, and amount contributed by each contributor; and

13 (D) for contributions in excess of \$250 in the aggregate
14 during a calendar year, the principal occupation and employer of the
15 contributor; and

16 (2) [. THE REPORT SHALL BE] filed in accordance with
17 AS 15.13.110 and [SHALL BE] certified correct by the candidate or campaign
18 treasurer.

19 * **Sec. 3.** AS 15.13.040(b) is amended to read:

20 (b) Except as provided in (I) of this section, each [EACH] group shall make
21 a full report upon a form prescribed by the commission, listing

22 (1) the name and address of each officer and director;

23 (2) the aggregate amount of all contributions made to it;

24 (3) [AND, FOR ALL CONTRIBUTIONS IN EXCESS OF \$100 IN
25 THE AGGREGATE A YEAR,] the name, address, [PRINCIPAL OCCUPATION,
26 AND EMPLOYER OF THE CONTRIBUTOR, AND THE] date, and amount
27 contributed by each contributor and, for contributions in excess of \$250 in the
28 aggregate during a calendar year, the principal occupation and employer of the
29 contributor [; FOR PURPOSES OF THIS PARAGRAPH, "CONTRIBUTOR"
30 MEANS THE TRUE SOURCE OF THE FUNDS, PROPERTY, OR SERVICES
31 BEING CONTRIBUTED]; and

1 **(4)** [(3)] the date and amount of all contributions made by it and all
 2 expenditures made, incurred, or authorized by it.

3 * **Sec. 4.** AS 15.13.040(g) is amended to read:

4 (g) The provisions of (a) **and (l)** of this section do not apply if a candidate

5 (1) indicates, on a form prescribed by the commission, an intent not to
 6 raise and not to expend more than **\$5,000** [\$2,500] in seeking election to office,
 7 including both the primary and general elections;

8 (2) accepts contributions totaling not more than **\$5,000** [\$2,500] in
 9 seeking election to office, including both the primary and general elections; and

10 (3) makes expenditures totaling not more than **\$5,000** [\$2,500] in
 11 seeking election to office, including both the primary and general elections.

12 * **Sec. 5.** AS 15.13.040(h) is amended to read:

13 (h) The provisions of (d) of this section do not apply to one or more
 14 expenditures made by an individual acting independently of any group or nongroup
 15 entity and independently of any other individual if the expenditures

16 (1) cumulatively do not exceed **\$500** [\$250] during a calendar year;
 17 and

18 (2) are made only for billboards, signs, or printed material concerning
 19 a ballot proposition as that term is defined by AS 15.13.065(c).

20 * **Sec. 6.** AS 15.13.040(j) is amended to read:

21 (j) **Except as provided in (l) of this section, each** [EACH] nongroup entity
 22 shall make a full report in accordance with AS 15.13.110 upon a form prescribed by
 23 the commission and certified by the nongroup entity's treasurer, listing

24 (1) the name and address of each officer and director of the nongroup
 25 entity;

26 (2) the aggregate amount of all contributions made to the nongroup
 27 entity for the purpose of influencing the outcome of an election;

28 **(3)** [AND,] for all [SUCH] contributions **described in (2) of this**
 29 **subsection** [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name,
 30 address, **and** principal occupation [, AND EMPLOYER] of the contributor, and the
 31 date and amount contributed by each contributor **and, for all contributions described**

1 **in (2) of this subsection in excess of \$250 in the aggregate during a calendar year,**
 2 **the employer of the contributor** [; FOR PURPOSES OF THIS PARAGRAPH,
 3 "CONTRIBUTOR" MEANS THE TRUE SOURCE OF THE FUNDS, PROPERTY,
 4 OR SERVICES BEING CONTRIBUTED]; and

5 **(4)** [(3)] the date and amount of all contributions made by the
 6 nongroup entity, and, except as provided for certain independent expenditures in
 7 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
 8 entity, for the purpose of influencing the outcome of an election; a nongroup entity
 9 shall report contributions made to a different nongroup entity for the purpose of
 10 influencing the outcome of an election and expenditures made on behalf of a different
 11 nongroup entity for the purpose of influencing the outcome of an election as soon as
 12 the total contributions and expenditures to that nongroup entity for the purpose of
 13 influencing the outcome of an election reach \$500 in a year and for all subsequent
 14 contributions and expenditures to that nongroup entity in a year whenever the total
 15 contributions and expenditures to that nongroup entity for the purpose of influencing
 16 the outcome of an election that have not been reported under this paragraph reach
 17 \$500.

18 * **Sec. 7.** AS 15.13.040 is amended by adding new subsections to read:

19 (I) Notwithstanding (a), (b), and (j) of this section, for any fund raising activity
 20 in which contributions are in amounts or values that do not exceed \$50 a person, the
 21 candidate, group, or nongroup entity shall report contributions and expenditures and
 22 supplying of services under this subsection as follows:

23 (1) a report under this subsection must

24 (A) describe the fund raising activity;

25 (B) include the number of persons making contributions and
 26 the total proceeds from the activity;

27 (C) report all contributions made for the fund raising activity
 28 that do not exceed \$50 a person in amount or value; if a contribution for the
 29 fund raising activity exceeds \$50, the contribution shall be reported under (a),
 30 (b), and (j) of this section;

31 (2) for purposes of this subsection,

(A) "contribution" means a cash donation, a purchase such as the purchase of a ticket, the purchase of goods or services offered for sale at a fund raising activity, or a donation of goods or services for the fund raising activity;

(B) "fund raising activity" means an activity, event, or sale of goods undertaken by a candidate, group, or nongroup entity in which contributions are \$50 a person or less in amount or value.

(m) Upon request of the commission, the information required under this chapter shall be submitted electronically.

(n) For purposes of (b) and (j) of this section, "contributor" means the true source of the funds, property, or services being contributed.

* **Sec. 8.** AS 15.13.070(b) is amended to read:

(b) An individual may contribute not more than

(1) **\$1,000** [\$500] per year to a nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party;

(2) **\$10,000** [\$5,000] per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates.

* **Sec. 9.** AS 15.13.070(c) is amended to read:

(c) A group that is not a political party may contribute not more than [\$1,000 PER YEAR]

(1) **\$2,000 per year** to a candidate, or to an individual who conducts a write-in campaign as a candidate; [OR]

(2) **\$2,000 per year** to another group **or** [,] a nongroup entity; **or**

(3) \$4,000 per year [, OR] to a political party.

* **Sec. 10.** AS 15.13.070(f) is amended to read:

(f) A nongroup entity may contribute not more than **\$1,000** [\$500] a year to **another** [A] nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, to a group, or to a political party.

1 * **Sec. 11.** AS 15.13.072(e) is amended to read:

2 (e) A candidate or an individual who has filed with the commission the
3 document necessary to permit that individual to incur election-related expenses under
4 AS 15.13.100 may solicit or accept contributions from an individual who is not a
5 resident of the state at the time the contribution is made if the amounts contributed by
6 individuals who are not residents do not exceed

7 (1) \$20,000 a calendar year, if the candidate or individual is seeking
8 the office of governor or lieutenant governor;

9 (2) \$5,000 a calendar year, if the candidate or individual is seeking
10 the office of state senator;

11 (3) \$3,000 a calendar year, if the candidate or individual is seeking
12 the office of state representative or municipal or other office.

13 * **Sec. 12.** AS 15.13.074(c) is amended to read:

14 (c) A person or group may not make a contribution

15 (1) to a candidate or an individual who files with the commission the
16 document necessary to permit that individual to incur certain election-related expenses
17 as authorized by AS 15.13.100 when the office is to be filled at a general election
18 before the date that is 18 months before the general election;

19 (2) to a candidate or an individual who files with the commission the
20 document necessary to permit that individual to incur certain election-related expenses
21 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
22 municipal election before the date that is 18 months before the date of the regular
23 municipal election or that is before the date of the proclamation of the special election
24 at which the candidate or individual seeks election to public office; or

25 (3) to any candidate later than the 45th day

26 (A) [AFTER THE DATE OF A PRIMARY ELECTION IF
27 THE CANDIDATE

28 (i) HAS BEEN NOMINATED AT THE PRIMARY
29 ELECTION OR IS RUNNING AS A WRITE-IN CANDIDATE; AND

30 (ii) IS NOT OPPOSED AT THE GENERAL
31 ELECTION;

(B)] after the date of the primary election if the candidate was not nominated at the primary election; or

(B) [(C)] after the date of the general election, or after the date of a municipal or municipal runoff election[, IF THE CANDIDATE WAS OPPOSED AT THE GENERAL, MUNICIPAL, OR MUNICIPAL RUNOFF ELECTION].

* **Sec. 13.** AS 15.13.074(g) is amended to read:

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under as 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. **Upon request of the commission, the information required under this subsection shall be submitted electronically.** This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

* **Sec. 14.** AS 15.13.110(a) is amended to read:

(a) Each candidate, group, and nongroup entity shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it **must** [SHALL] cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it **must** [SHALL] cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on **February 1 of that** [DECEMBER 31 OF THE PRIOR] year. The report shall be filed

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30

1 days of the election;

2 (2) one week before the election;

3 (3) **105** [10] days after **a special** [THE] election; and

4 (4) February 15 for expenditures made and contributions received that
5 were not reported **previously** [DURING THE PREVIOUS YEAR], including, if
6 applicable, all amounts expended from a public office expense term account
7 established under AS 15.13.116(a)(8) and all amounts expended from a municipal
8 office account under AS 15.13.116(a)(9), or when expenditures were not made or
9 contributions were not received during the previous year.

10 * **Sec. 15.** AS 15.13.116(a) is amended to read:

11 (a) A candidate who, after the date of the general, special, municipal, or
12 municipal runoff election or after the date the candidate withdraws as a candidate,
13 whichever comes first, holds unused campaign contributions shall distribute the
14 amount held **on February 1 for a general election or** within 90 days **after a special**
15 **election**. The distribution may only be made to

16 (1) pay bills incurred for expenditures reasonably related to the
17 campaign and the winding up of the affairs of the campaign, including a victory or
18 thank you party, thank you advertisements, and thank you gifts to campaign
19 employees and volunteers, and to pay expenditures associated with post-election fund
20 raising that may be needed to raise funds to pay off campaign debts;

21 (2) make donations, without condition, to

22 (A) a political party;

23 (B) the state's general fund;

24 (C) a municipality of the state; or

25 (D) the federal government;

26 (3) make donations, without condition, to organizations qualified as
27 charitable organizations under 26 U.S.C. 501(c)(3) **if** [, PROVIDED] the organization
28 is not controlled by the candidate or a member of the candidate's immediate family;

29 (4) repay loans from the candidate to the candidate's own campaign
30 under AS 15.13.078(b);

31 (5) repay contributions to contributors, but only if repayment of the

1 contribution is made pro rata in approximate proportion to the contributions made
2 using one of the following, as the candidate determines:

3 (A) to all contributors;

4 (B) to contributors who have contributed most recently; or

5 (C) to contributors who have made larger contributions;

6 (6) establish a fund for, and from that fund to pay, attorney fees or
7 costs incurred in the prosecution or defense of an administrative or civil judicial action
8 that directly concerns a challenge to the victory or defeat of the candidate in the
9 election;

10 (7) transfer all or a portion of the unused campaign contributions to an
11 account for a future election campaign; a transfer under this paragraph is limited to

12 (A) \$50,000, if the transfer is made by a candidate for governor
13 or lieutenant governor;

14 (B) \$10,000, if the transfer is made by a candidate for the state
15 senate;

16 (C) \$5,000, if the transfer is made by a candidate for the state
17 house of representatives; and

18 (D) \$5,000, if the transfer is made by a candidate for an office
19 not described in (A) - (C) of this paragraph;

20 (8) transfer all or a portion of the unused campaign contributions to a
21 public office expense term account or to a public office expense term account reserve
22 in accordance with (d) of this section; a transfer under this paragraph is subject to the
23 following:

24 (A) the authority to transfer is limited to candidates who are
25 elected to the state legislature;

26 (B) the public office expense term account established under
27 this paragraph may be used only for expenses associated with the candidate's
28 serving as a member of the legislature;

29 (C) all amounts expended from the public office expense term
30 account shall be annually accounted for under AS 15.13.110(a)(4); and

31 (D) a transfer under this paragraph is limited to \$5,000

multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest; and

(9) transfer all or a portion of the unused campaign contributions to a municipal office account; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to municipal office, including a municipal school board;

(B) the municipal office account established under this paragraph may be used only for expenses associated with the candidate's serving as mayor or as a member of the assembly, city council, or school board;

(C) all amounts expended from the municipal office account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000.

* **Sec. 16.** AS 15.13 is amended by adding a new section to read:

Sec. 15.13.374. Advisory opinion. (a) Any person may request an advisory opinion from the commission concerning this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

(b) A request for an advisory opinion

(1) must be in writing or contained in a message submitted by electronic mail;

(2) must describe a specific transaction or activity that the requesting person is presently engaged in or intends to undertake in the future;

(3) must include a description of all relevant facts, including the identity of the person requesting the advisory opinion; and

(4) may not concern a hypothetical situation or the activity of a third party.

(c) Within seven days after receiving a request satisfying the requirements of (b) of this section, the executive director of the commission shall recommend a draft advisory opinion for the commission to consider at its next meeting.

(d) The approval of a draft advisory opinion requires the affirmative vote of four members of the commission. A draft advisory opinion failing to receive four

1 affirmative votes of the members of the commission is disapproved.

2 (e) A complaint under AS 15.13.380 may not be considered about a person
3 involved in a transaction or activity that

4 (1) was described in an advisory opinion approved under (d) of this
5 section;

6 (2) is indistinguishable from the description of an activity that was
7 approved in an advisory opinion approved under (d) of this section; or

8 (3) was undertaken after the executive director of the commission
9 recommended a draft advisory opinion under (c) of this section and before the
10 commission acted on the draft advisory opinion under (d) of this section, if

11 (A) the draft advisory opinion would have approved the
12 transaction or activity described; and

13 (B) the commission disapproved the draft advisory opinion.

14 (f) Advisory opinion requests and advisory opinions are public records subject
15 to inspection and copying under AS 40.25.

16 * **Sec. 17.** AS 15.13.380 is repealed and reenacted to read:

17 **Sec. 15.13.380. Violations; limitations on actions.** (a) Promptly after the
18 final date for filing statements and reports under this chapter, the commission shall
19 notify all persons who have become delinquent in filing them, including contributors
20 who failed to file a statement in accordance with AS 15.13.040, and shall make
21 available a list of those delinquent filers for public inspection. The commission shall
22 also report to the attorney general the names of all candidates in an election whose
23 campaign treasurers have failed to file the reports required by this chapter.

24 (b) A member of the commission, the commission's executive director, or a
25 person who believes a violation of this chapter or a regulation adopted under this
26 chapter has occurred or is occurring may file an administrative complaint with the
27 commission within one year after the date of the alleged violation. If a member of the
28 commission has filed the complaint, that member may not participate as a
29 commissioner in any proceeding of the commission with respect to the complaint.
30 The commission may consider a complaint on an expedited basis or a regular basis.

31 (c) The complainant or the respondent to the complaint may request in writing

1 that the commission expedite consideration of the complaint. A request for expedited
 2 consideration must be accompanied by evidence to support expedited consideration
 3 and be served on the opposing party. The commission shall grant or deny the request
 4 within two days after receiving it. In deciding whether to expedite consideration, the
 5 commission shall consider such factors as whether the alleged violation, if not
 6 immediately restrained, could materially affect the outcome of an election or other
 7 impending event; whether the alleged violation could cause irreparable harm that
 8 penalties could not adequately remedy; and whether there is reasonable cause to
 9 believe that a violation has occurred or will occur. Notwithstanding the absence of a
 10 request to expedite consideration, the commission may independently expedite
 11 consideration of the complaint if the commission finds that the standards for expedited
 12 consideration set out in this subsection have been met.

13 (d) If the commission expedites consideration, the commission shall hold a
 14 hearing on the complaint within two days after granting expedited consideration. Not
 15 later than one day after affording the respondent notice and an opportunity to be heard,
 16 the commission shall

17 (1) enter an emergency order requiring the violation to be ceased or to
 18 be remedied and assess civil penalties under AS 15.13.390 if the commission finds
 19 that the respondent has engaged in or is about to engage in an act or practice that
 20 constitutes or will constitute a violation of this chapter or a regulation adopted under
 21 this chapter;

22 (2) enter an emergency order dismissing the complaint if the
 23 commission finds that the respondent has not or is not about to engage in an act or
 24 practice that constitutes or will constitute a violation of this chapter or a regulation
 25 adopted under this chapter; or

26 (3) remand the complaint to the executive director of the commission
 27 for consideration by the commission on a regular rather than an expedited basis.

28 (e) If the commission accepts the complaint for consideration on a regular
 29 rather than an expedited basis, the commission shall notify the respondent within
 30 seven days after receiving the complaint and shall investigate the complaint. The
 31 respondent may answer the complaint by filing a written response with the

1 commission within 15 days after the commission notifies the respondent of the
 2 complaint. The commission may grant the respondent additional time to respond to
 3 the complaint only for good cause. The commission shall hold a hearing on the
 4 complaint not later than 45 days after the respondent's written response is due. Not
 5 later than 10 days after the hearing, the commission shall issue its order. If the
 6 commission finds that the respondent has engaged in or is about to engage in an act or
 7 practice that constitutes or will constitute a violation of this chapter or a regulation
 8 adopted under this chapter, the commission shall enter an order requiring the violation
 9 to be ceased or to be remedied and shall assess civil penalties under AS 15.13.390.

10 (f) If the complaint involves a challenge to the constitutionality of a statute or
 11 regulation, necessary witnesses that are not subject to the commission's subpoena
 12 authority, or other issues outside the commission's authority, the commission may
 13 request the attorney general to file a complaint in superior court alleging a violation of
 14 this chapter. The commission may request the attorney general to file a complaint in
 15 superior court to remedy the violation of a commission order.

16 (g) A commission order under (d) or (e) of this section may be appealed to the
 17 superior court by either the complainant or respondent within 30 days in accordance
 18 with the Alaska Rules of Appellate Procedure.

19 (h) If the commission does not complete action on an administrative complaint
 20 within 90 days after the complaint was filed, the complainant may file a complaint in
 21 superior court alleging a violation of this chapter by a respondent as described in the
 22 administrative complaint filed with the commission. The complainant shall provide
 23 copies of the complaint filed in the superior court to the commission and the attorney
 24 general. This subsection does not create a private cause of action against the
 25 commission; against the commission's members, officers, or employees; or against the
 26 state.

27 (i) If a person who was a successful candidate or the campaign treasurer or
 28 deputy campaign treasurer of a person who was a successful candidate is convicted of
 29 a violation of this chapter, after the candidate is sworn into office, proceedings shall be
 30 held and appropriate action taken in accordance with

31 (1) art. II, sec. 12, of the state constitution, if the successful candidate

1 is a member of the state legislature;

2 (2) art. II, sec. 20, of the state constitution, if the successful candidate
3 is governor or lieutenant governor;

4 (3) the provisions of the call for the constitutional convention, if the
5 successful candidate is a constitutional convention delegate;

6 (4) art. IV, sec. 10, of the state constitution, if the successful candidate
7 is a judge.

8 (j) Information developed by the commission under (b) - (e) of this section
9 shall be considered during a proceeding under (i) of this section.

10 (k) If, after a successful candidate is sworn into office, the successful
11 candidate or the campaign treasurer or deputy campaign treasurer of the person who
12 was a successful candidate is charged with a violation of this chapter, the case shall be
13 promptly tried and accorded a preferred position for purposes of argument and
14 decision so as to ensure a speedy disposition of the matter.

15 * **Sec. 18.** AS 15.13.400(7) is repealed and reenacted to read:

16 (7) "express communication" means a communication that, when read
17 as a whole and with limited reference to outside events, is susceptible of no other
18 reasonable interpretation but as an exhortation to vote for or against a specific
19 candidate;

20 * **Sec. 19.** AS 15.13.400(15) is repealed and reenacted to read:

21 (15) "political party" means any group that is a political party under
22 AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or
23 bylaws of the political party, the unit conducts or supports campaign operations in a
24 municipality, neighborhood, house district, or precinct;

25 * **Sec. 20.** AS 24.45.041(b) is amended to read:

26 (7) the identification of a legislator, legislative employee, or public
27 official to whom the lobbyist is married or who is the **domestic partner** [SPOUSAL
28 EQUIVALENT] of the lobbyist; in this paragraph, "**domestic partner** [SPOUSAL
29 EQUIVALENT]" has the meaning given in AS 39.50.200(a).

30 * **Sec. 21.** AS 24.45.041(g) is amended to read:

31 (g) An application for registration as a lobbyist under (a) of this section or for

renewal of a registration under (f) of this section is subject to a fee of **\$250** [\$100].
 The commission may not accept an application for registration or renew a registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist under regulations of the commission.

* **Sec. 22.** AS 24.45.041 is amended by adding a new subsection to read:

(h) Upon request of the commission, information required under this section shall be submitted electronically.

* **Sec. 23.** AS 24.45.051 is amended to read:

Sec. 24.45.051. Reports. Each lobbyist registered under AS 24.45.041 shall file with the commission a report concerning the lobbyist's activities during each reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the commission and filed in accordance with AS 24.45.071 and 24.45.081. **Upon request of the commission, information required under this section shall be submitted electronically.** The report also must include any changes in the information required to be supplied under AS 24.45.041(b) and the following information for the reporting period, as applicable:

(1) the source of income, as defined in AS 39.50.200(a) and the monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and complete address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(2) the aggregate amount of disbursements or expenditures made or incurred during the period in support of or in connection with influencing legislative or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's employer in the following categories:

(A) food and beverages;

(B) living accommodations;

(C) travel;

(3) the date and nature of any gift exceeding \$100 in value made to a

1 public official and the full name and official position of that person;

2 (4) the name and official position of each public official, and the name
3 of each member of the immediate family of any of these officials, with whom the
4 lobbyist has engaged in an exchange of money, goods, services, or anything of more
5 than \$100 in value and the nature and date of each of these exchanges and the
6 monetary values exchanged;

7 (5) the name and address of any business entity in which the lobbyist
8 knows or has reason to know that a public official is a proprietor, partner, director,
9 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in
10 an exchange of money, goods, services, or anything of value and the nature and date
11 of each exchange and the monetary value exchanged if the total value of these
12 exchanges is \$100 or more in a calendar year; and

13 (6) a notice of termination if the lobbyist has ceased the lobbying
14 activity that required registration under this chapter and if this report constitutes the
15 final report of the lobbyist's activities.

16 * **Sec. 24.** AS 24.45.061 is amended by adding a new subsection to read:

17 (c) Upon request of the commission, information required under this section
18 shall be submitted electronically.

19 * **Sec. 25.** AS 24.45.116 is amended to read:

20 **Sec. 24.45.116. Disclosure of contributions.** A civic league or organization
21 shall report the total amount of contributions received for the reporting period and, for
22 any contribution over \$100, the name of the contributor and the amount contributed.
23 The civic league or organization may establish a separate fund to account for receipts
24 and expenditures arising out of activities to influence legislative action. Reports shall
25 be made on a form provided by the commission on February 10, April 25, and July 10
26 of each year, listing contributions received during the period that ended 10 days
27 earlier. **Upon request of the commission, information required under this section**
28 **shall be submitted electronically.**

29 * **Sec. 26.** AS 24.45.171 is amended by adding a new paragraph to read:

30 (13) "commission" means the Alaska Public Offices Commission.

31 * **Sec. 27.** AS 24.60.070(c) is amended to read:

(c) When making a disclosure under (a) of this section concerning a relationship with a lobbyist to whom the legislator or legislative employee is married or who is the legislator's or legislative employee's **domestic partner** [SPOUSAL EQUIVALENT], the legislator or legislative employee shall also disclose the name and address of each employer of the lobbyist and the total monetary value received by the lobbyist from the lobbyist's employer. The legislator or legislative employee shall report changes in the employer of the spouse or **domestic partner** [SPOUSAL EQUIVALENT] within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received amounts or things of value for engaging in lobbying on behalf of the person.

* **Sec. 28.** AS 24.60.080(k) is amended to read:

(k) In this section, "immediate family" or "family member" means

- (1) the spouse of the person;
- (2) the person's **domestic partner** [SPOUSAL EQUIVALENT];
- (3) a child, including a stepchild and an adoptive child, of the person or of the person's **domestic partner** [SPOUSAL EQUIVALENT];
- (4) a parent, sibling, grandparent, aunt, or uncle of the person;
- (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse or the person's **domestic partner** [SPOUSAL EQUIVALENT]; and
- (6) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's **domestic partner** [SPOUSAL EQUIVALENT].

* **Sec. 29.** AS 24.60.090(a) is amended to read:

(a) An individual who is related to a member of the legislature may not be employed for compensation (1) during the legislative session in the house in which the legislator is a member, (2) by an agency of the legislature established under AS 24.20, (3) in either house during the interim between sessions, or (4), whether for compensation or not, by the committee. An individual who is related to a legislative employee may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a member of the legislator's or legislative employee's immediate family or a person who is a legislator's

or legislative employee's **domestic partner** [SPOUSAL EQUIVALENT] living together in a conjugal relationship not a legal marriage with the legislator or legislative employee, and "interim between sessions" means the period beginning on the eighth day after the legislature adjourns from a regular session, and ending eight days before the date that the legislature shall convene under AS 24.05.090.

* **Sec. 30.** AS 24.60.200 is amended to read:

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or **domestic partner** [SPOUSAL EQUIVALENT], the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;

(2) as to income in excess of **\$5,000** [\$1,000] received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or a legislative director, the amount of income received from the source shall be disclosed;

(3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing, and whether or not a written loan agreement exists.

* **Sec. 31.** AS 24.60.200 is amended by adding a new subsection to read:

(b) Upon request of the Alaska Public Offices Commission, the information required under AS 24.60.200 - 24.60.260 shall be submitted electronically.

* **Sec. 32.** AS 24.60.990(a)(5) is amended to read:

1 (5) "immediate family" means

2 (A) the spouse or **domestic partner** [SPOUSAL
3 EQUIVALENT] of the person; or

4 (B) a parent, child, including a stepchild and an adoptive child,
5 and sibling of a person if the parent, child, or sibling resides with the person, is
6 financially dependent on the person, or shares a substantial financial interest
7 with the person;

8 * **Sec. 33.** AS 24.60.990(a) is amended by adding a new paragraph to read:

9 (17) "domestic partner" means a person who is cohabiting with another
10 person in a relationship that is like a marriage but that is not a legal marriage.

11 * **Sec. 34.** AS 39.50.030(b) is amended to read:

12 (b) **Each** [EXCEPT AS PROVIDED IN (g) OF THIS SECTION, EACH]
13 statement filed by a public official or candidate under this chapter must include the
14 following:

15 (1) the source of all income over **\$5,000** [\$1,000] during the preceding
16 calendar year, including taxable and nontaxable capital gains, received by the person,
17 the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or the person's
18 **dependent** child, except that a source of income that is a gift must be included if the
19 value of the gift exceeds \$250;

20 (2) the identity, by name and address, of each business in which the
21 person, the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or the
22 person's **dependent** child **has an interest or** was a stockholder, owner, officer,
23 director, partner, proprietor, or employee during the preceding calendar year, **except**
24 **that an interest of less than \$5,000 in the stock of a publicly traded corporation**
25 **need not be included;**

26 (3) [THE IDENTITY AND NATURE OF EACH INTEREST
27 OWNED IN ANY BUSINESS DURING THE PRECEDING CALENDAR YEAR
28 BY THE PERSON, THE PERSON'S SPOUSE OR SPOUSAL EQUIVALENT, OR
29 THE PERSON'S CHILD;

30 (4)] the identity and nature of each interest in real property, including
31 an option to buy, owned at any time during the preceding calendar year by the person,

1 the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or the person's
 2 **dependent** child;

3 **(4)** [(5)] the identity of each trust or other fiduciary relation in which
 4 the person, the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or
 5 the person's **dependent** child held a beneficial interest exceeding **\$5,000** [\$1,000]
 6 during the preceding calendar year, a description and identification of the property
 7 contained in each trust or relation, and the nature and extent of the beneficial interest
 8 in it;

9 **(5)** [(6)] any loan or loan guarantee of more than **\$5,000** [\$1,000] made
 10 to the person, the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT],
 11 or the person's **dependent** child, and the identity of the maker of the loan or loan
 12 guarantor and the identity of each creditor to whom the person, the person's spouse or
 13 **domestic partner** [SPOUSAL EQUIVALENT], or the person's **dependent** child
 14 owed more than **\$5,000** [\$1,000]; this paragraph requires disclosure of a loan, loan
 15 guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness
 16 incurred, during the preceding calendar year, or if the amount still owing on the loan,
 17 loan guarantee, or indebtedness was more than **\$5,000** [\$1,000] at any time during the
 18 preceding calendar year;

19 **(6)** [(7)] a list of all contracts and offers to contract with the state or an
 20 instrumentality of the state during the preceding calendar year held, bid, or offered by
 21 the person, the person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or
 22 the person's **dependent** child, a partnership or professional corporation of which the
 23 person is a member, or a corporation in which the person or the person's spouse,
 24 **domestic partner** [SPOUSAL EQUIVALENT], or **dependent** children, or a
 25 combination of them, hold a controlling interest; and

26 **(7)** [(8)] a list of all mineral, timber, oil, or any other natural resource
 27 lease held, or lease offer made, during the preceding calendar year by the person, the
 28 person's spouse or **domestic partner** [SPOUSAL EQUIVALENT], or the person's
 29 **dependent** child, a partnership or professional corporation of which the person is a
 30 member, or a corporation in which the person or the person's spouse or **domestic**
 31 **partner** [SPOUSAL EQUIVALENT] or **dependent** children, or a combination of

1 them, holds a controlling interest.

2 * **Sec. 35.** AS 39.50.030(f) is amended to read:

3 (f) When making a disclosure under (d) of this section concerning a
4 relationship with a lobbyist to whom the public official is married or who is the public
5 official's **domestic partner** [SPOUSAL EQUIVALENT], the public official shall also
6 disclose the name and address of each employer of the lobbyist and the total monetary
7 value received from the lobbyist's employer. The public official shall report changes
8 in the employers of the spouse or **domestic partner** [SPOUSAL EQUIVALENT]
9 within 48 hours after the change. In this subsection, "employer of the lobbyist" means
10 the person from whom the lobbyist received money, or goods or services having a
11 monetary value, for engaging in lobbying on behalf of the person.

12 * **Sec. 36.** AS 39.50.050(a) is amended to read:

13 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
14 shall administer the provisions of this chapter. The commission shall prepare and
15 keep available for distribution [,] standardized forms on which the reports required by
16 this chapter shall be filed. **Upon request of the commission, the information**
17 **required under this chapter shall be submitted electronically.**

18 * **Sec. 37.** AS 39.50.090(a) is amended to read:

19 (a) A public official may not use the official position or office for the primary
20 purpose of obtaining personal financial gain or financial gain for a spouse, **dependent**
21 child, mother, father, or business with which the official is associated or in which the
22 official owns stock. A public official other than an elected or appointed municipal
23 official may not use the official's position or office for the primary purpose of
24 obtaining financial gain for the official's **domestic partner** [SPOUSAL
25 EQUIVALENT].

26 * **Sec. 38.** AS 39.50.090(b) is amended to read:

27 (b) A person may not offer or pay to a public official, and a public official
28 may not solicit or receive money for legislative advice or assistance, or for advice or
29 assistance given in the course of the official's public employment or relating to the
30 public employment. However, this prohibition does not apply to a **chair**
31 [CHAIRMAN] or member of a state commission or board or municipal officer if the

subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; this exception from the general prohibition does not apply to one whose service on a state commission or board constitutes the person as a full-time state employee under this title [AS 39].

* **Sec. 39.** AS 39.50.200(a)(9) is amended to read:

(9) "source of income" means the entity for which service is performed or that [WHICH] is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; but if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or the person's dependent children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation, but, if the entity that [WHICH] is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

* **Sec. 40.** AS 39.50.200(a) is amended by adding a new paragraph to read:

(11) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage.

* **Sec. 41.** AS 24.60.990(a)(15); AS 39.50.030(h)(1), and 39.50.200(a)(10) are repealed.

* **Sec. 42.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. Notwithstanding sec. 44 of this Act, the Alaska Public Offices Commission may proceed to adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the statutory change.

* **Sec. 43.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REPORT TO LEGISLATURE. The Alaska Public Offices Commission shall analyze the effect of this Act on the elections in 2004 and shall provide a written report no later than January 15, 2005 to the President of the Senate, Speaker of the House, Senate Minority

1 Leader, and the House Minority Leader.