

**CS FOR HOUSE BILL NO. 355(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/13/12

Referred: Finance

Sponsor(s): REPRESENTATIVES GUTTENBERG, Miller

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the membership of, and member qualifications for, the Alaska  
2 Public Offices Commission; relating to candidate forums and contributions in state  
3 election campaigns; and providing for an effective date."

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

5 \* **Section 1.** AS 15.13.020(a) is amended to read:

6 (a) There is created in the Department of Administration the Alaska Public  
7 Offices Commission consisting of five voting members **and two nonvoting advisory**  
8 **members**. The governor shall appoint all members of the commission in the manner  
9 prescribed in (b) and (c) of this section, subject to confirmation by a majority of the  
10 legislature meeting in joint session.

11 \* **Sec. 2.** AS 15.13.020(a), as amended by sec. 1 of this Act, is amended to read:

12 (a) There is created in the Department of Administration the Alaska Public  
13 Offices Commission consisting of five [VOTING] members [AND TWO  
14 NONVOTING ADVISORY MEMBERS]. The governor shall appoint all members of

1 the commission in the manner prescribed in (b) and (c) of this section, subject to  
2 confirmation by a majority of the legislature meeting in joint session.

3 \* **Sec. 3.** AS 15.13.020(b) is amended to read:

4 (b) The governor shall appoint **three** [TWO] members of each of the two  
5 political parties whose candidate for governor received the highest number of votes in  
6 the most recent preceding general election at which a governor was elected. **Two**  
7 **appointed members of each political party shall be voting members of the**  
8 **commission, and one appointed member from each political party shall be a**  
9 **nonvoting advisory member with extensive experience in the financing of political**  
10 **campaigns and compliance with disclosure and reporting requirements.** The two  
11 **voting member** appointees from each of these two parties shall be chosen from a list  
12 of four names to be submitted by the central committee of each party. **The nonvoting**  
13 **advisory member appointee from each party shall be chosen from a list of three**  
14 **names submitted by the central committee of each party. All names submitted by**  
15 **the central committee of each party, whether for voting or nonvoting positions,**  
16 **shall be of persons with experience working on political campaigns and the**  
17 **reporting requirements of this chapter.**

18 \* **Sec. 4.** AS 15.13.020(b), as amended by sec. 3 of this Act, is amended to read:

19 (b) The governor shall appoint **two** [THREE] members of each of the two  
20 political parties whose candidate for governor received the highest number of votes in  
21 the most recent preceding general election at which a governor was elected. [TWO  
22 APPOINTED MEMBERS OF EACH POLITICAL PARTY SHALL BE VOTING  
23 MEMBERS OF THE COMMISSION, AND ONE APPOINTED MEMBER FROM  
24 EACH POLITICAL PARTY SHALL BE A NONVOTING ADVISORY MEMBER  
25 WITH EXTENSIVE EXPERIENCE IN THE FINANCING OF POLITICAL  
26 CAMPAIGNS AND COMPLIANCE WITH DISCLOSURE AND REPORTING  
27 REQUIREMENTS.] The two [VOTING MEMBER] appointees from each of these  
28 two parties shall be chosen from a list of four names to be submitted by the central  
29 committee of each party. [THE NONVOTING ADVISORY MEMBER APPOINTEE  
30 FROM EACH PARTY SHALL BE CHOSEN FROM A LIST OF THREE NAMES  
31 SUBMITTED BY THE CENTRAL COMMITTEE OF EACH PARTY.] All names

1 submitted by the central committee of each party [, WHETHER FOR VOTING OR  
2 NONVOTING POSITIONS,] shall be of persons with experience working on political  
3 campaigns and the reporting requirements of this chapter.

4 \* **Sec. 5.** AS 15.13.020(c) is amended to read:

5 (c) The four voting members selected under (b) of this section shall, by a  
6 majority vote, nominate to the governor an individual to serve as the seventh [FIFTH]  
7 member of the commission, who shall be a voting member. The governor shall either  
8 appoint the nominee to the commission, or shall reject the nominee and request those  
9 four members to nominate another individual to serve as the seventh [FIFTH] member  
10 of the commission.

11 \* **Sec. 6.** AS 15.13.020(c), as amended by sec. 5 of this Act, is amended to read:

12 (c) The four [VOTING] members selected under (b) of this section shall, by a  
13 majority vote, nominate to the governor an individual to serve as the fifth  
14 [SEVENTH] member of the commission [, WHO SHALL BE A VOTING  
15 MEMBER]. The governor shall either appoint the nominee to the commission, or shall  
16 reject the nominee and request those four members to nominate another individual to  
17 serve as the fifth [SEVENTH] member of the commission.

18 \* **Sec. 7.** AS 15.13.020(d) is amended to read:

19 (d) Members of the commission serve staggered terms of five years, or until a  
20 successor is appointed and qualifies. The terms of no two voting members who are  
21 members of the same political party may expire in consecutive years. A member may  
22 not serve more than one term. However, a person appointed to fill the unexpired term  
23 of a predecessor may be appointed to a successive full five-year term.

24 \* **Sec. 8.** AS 15.13.020(d), as amended by sec. 7 of this Act, is amended to read:

25 (d) Members of the commission serve staggered terms of five years, or until a  
26 successor is appointed and qualifies. The terms of no two [VOTING] members who  
27 are members of the same political party may expire in consecutive years. A member  
28 may not serve more than one term. However, a person appointed to fill the unexpired  
29 term of a predecessor may be appointed to a successive full five-year term.

30 \* **Sec. 9.** AS 15.13.020(g) is amended to read:

31 (g) The voting members of the commission shall elect a chairperson. Three

1        **voting** members of the commission constitute a quorum. A vacancy does not impair  
2        the powers of the remaining members to exercise all of the powers of the commission.

3        \* **Sec. 10.** AS 15.13.020(g), as amended by sec. 9 of this Act, is amended to read:

4                (g) The [VOTING] members [OF THE COMMISSION] shall elect a  
5        chairperson. Three [VOTING] members of the commission constitute a quorum. A  
6        vacancy does not impair the powers of the remaining members to exercise all of the  
7        powers of the commission.

8        \* **Sec. 11.** AS 15.13.150 is amended to read:

9                **Sec. 15.13.150. Election educational activities not prohibited.** This chapter  
10        does not prohibit a person from engaging in educational election-related  
11        communications and activities, including

12                    (1) the publication of the date and location of an election;

13                    (2) the education of students about voting and elections;

14                    (3) the sponsorship of [OPEN] candidate debate forums **open to the**  
15        **public;**

16                    (4) participation in get-out-the-vote or voter registration drives that do  
17        not favor a particular candidate, political party, or political position;

18                    (5) the dissemination of the views of all candidates running for a  
19        particular office.

20        \* **Sec. 12.** AS 15.13.400(4) is amended to read:

21                    (4) "contribution"

22                    (A) means a purchase, payment, promise or obligation to pay,  
23        loan or loan guarantee, deposit or gift of money, goods, or services for which  
24        charge is ordinarily made, and includes the payment by a person other than a  
25        candidate or political party, or compensation for the personal services of  
26        another person, that is rendered to the candidate or political party, and that is  
27        made for the purpose of

28                    (i) influencing the nomination or election of a  
29        candidate;

30                    (ii) influencing a ballot proposition or question; or

31                    (iii) supporting or opposing an initiative proposal

1 application filed with the lieutenant governor under AS 15.45.020;

2 (B) does not include

3 (i) services provided without compensation by  
4 individuals volunteering a portion or all of their time on behalf of a  
5 political party, candidate, or ballot proposition or question;

6 (ii) ordinary hospitality in a home;

7 (iii) two or fewer mass mailings before each election by  
8 each political party describing the party's slate of candidates for  
9 election, which may include photographs, biographies, and information  
10 about the party's candidates;

11 (iv) the results of a poll limited to issues and not  
12 mentioning any candidate, unless the poll was requested by or designed  
13 primarily to benefit the candidate;

14 (v) any communication in the form of a newsletter from  
15 a legislator to the legislator's constituents, except a communication  
16 expressly advocating the election or defeat of a candidate or a  
17 newsletter or material in a newsletter that is clearly only for the private  
18 benefit of a legislator or a legislative employee; [OR]

19 (vi) a fundraising list provided without compensation  
20 by one candidate or political party to a candidate or political party; or

21 (vii) an opportunity to participate in a candidate  
22 forum provided to a candidate without compensation to the  
23 candidate by another person and for which a candidate is not  
24 ordinarily charged;

25 \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
26 read:

27 MEMBERS OF THE ALASKA PUBLIC OFFICES COMMISSION; TRANSITION;  
28 STAGGERED TERMS. Notwithstanding AS 15.13.020, as amended by secs. 1, 3, 5, 7, and 9  
29 of this Act, a member of the commission serving on the effective date of sec. 1 of this Act  
30 remains in office for the duration of the term to which appointed and confirmed. Within 90  
31 days after the effective date of sec. 1 of this Act, the central committee of each of the two

1 political parties whose candidates for governor received the highest number of votes in the  
2 most recent preceding election at which a governor was elected shall submit to the governor a  
3 list of three nominees for the two additional nonvoting seats on the commission. The governor  
4 shall appoint one nonvoting member to a three-year term and one nonvoting member to a  
5 five-year term. The governor shall specify the term of each of the nonvoting members  
6 appointed subject to this section.

7 \* **Sec. 14.** Sections 2, 4, 6, 8, and 10 of this Act take effect five years from the effective date  
8 of sec. 1 of this Act.