

Introduced: 1/22/86  
Referred: State Affairs, Community and  
Regional Affairs and Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 356

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaign financing; and  
7 providing for an effective date."

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

9 \* Section 1. AS 15 is amended by adding a new chapter to read:

10 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

11 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

12 Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in  
13 each election for governor, lieutenant governor, a member of the state  
14 legislature, a delegate to a constitutional convention, and a judge  
15 seeking electoral retention.

16 (b) This chapter applies to each election for mayor, assembly,  
17 or school board in a municipality with a population of more than 1,000  
18 according to the latest United States census figures or estimates of  
19 population certified by the Department of Community and Regional  
20 Affairs under with AS 29.60.020. A municipality may exempt its elec-  
21 tions from the requirements of this chapter if a majority of the  
22 voters voting on the question at a regular election as defined by  
23 AS 29.71.800 or a special municipality-wide election called for that  
24 purpose vote to exempt its elections from the requirements of this  
25 chapter. The question of exemption from the requirements of this  
26 chapter may be submitted to the voters by initiative or by the city  
27 council or borough assembly by ordinance.

28 (c) This chapter does not prohibit a municipality from addition-  
29 al regulation of campaign contributions and expenditures by ordinance.

1           (d) Except as otherwise provided, this chapter applies to a  
2 contribution, an expenditure or a communication made by a candidate, a  
3 political interest group, a municipality, or a person for the purpose  
4 of influencing the outcome of a ballot proposition or question as well  
5 as that made to influence the nomination or election of a candidate.

6           (e) This chapter does not apply to contributions or expenditures  
7 made for the sole purpose of acquiring signatures on a state or munic-  
8 ipal initiative or referendum petition.

9           Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The  
10 Alaska Public Offices Commission is established in the Department of  
11 Administration.

12           (b) The commission consists of five members.

13           (c) The governor shall appoint two members from each of the two  
14 political parties whose candidates for governor received the highest  
15 and second highest number of votes in the most recent preceding gener-  
16 al election at which a governor was elected. The governor shall  
17 appoint each member from a party from a list of two or more names  
18 submitted to the governor by the central committee or other governing  
19 body of the party.

20           (d) The four members who were appointed by the governor from  
21 nominations submitted by political parties shall, by a majority vote,  
22 appoint the fifth member.

23           (e) The governor shall fill a vacancy or appoint a successor to  
24 a member appointed under (c) of this section within 30 days after  
25 receiving the nominations from the central committee or other govern-  
26 ing body of the party. An appointment may be made in anticipation of  
27 an impending vacancy, and the appointment takes effect on the actual  
28 vacancy.

29           (f) When the term of the member appointed under (d) of this

1 section expires or the position becomes vacant, a majority of the four  
2 members appointed under (c) of this section shall appoint a successor  
3 within 30 days after the position becomes vacant. An appointment may  
4 be made in anticipation of an impending vacancy, and the appointment  
5 takes effect on the actual vacancy.

6 (g) The term of office for each member of the commission is five  
7 years and until a successor is appointed and qualifies. If a vacancy  
8 occurs before the expiration of a member's term, the member appointed  
9 to fill the vacancy serves for the remainder of the unexpired term. A  
10 commission member may not serve more than one term, but a person  
11 appointed to fill an unexpired term may be appointed to a successive  
12 full five-year term.

13 (h) A member of the commission, during tenure, may not

14 (1) hold or campaign for elective office;

15 (2) be an officer of a political party, political commit-  
16 tee, or political interest group;

17 (3) publicly support or oppose or make a contribution in  
18 support of or in opposition to a candidate or proposition or question  
19 that appears on a state, municipal or other ballot in the state;

20 (4) participate in an election campaign or participate in  
21 or contribute to a political party; or

22 (5) lobby, employ, or assist a lobbyist.

23 (i) Members of the commission are entitled to receive compen-  
24 sation of \$100 a day while attending commission meetings and are  
25 entitled to travel expenses and per diem authorized by law for state  
26 employees.

27 (j) The members of the commission shall elect a chairman. A  
28 majority of the commission constitutes a quorum. The vote of at least  
29 three members is required to take official action. A vacancy does not

1       impair the power of the remaining members to exercise the powers of  
2       the commission.

3               (k) The commission may employ an executive director and other  
4       employees it considers necessary. The executive director and an  
5       employee of the commission may not, during tenure, serve as a member  
6       of the commission.

7               (l) The commission shall establish a central office and shall  
8       establish or designate a commission office in each election district  
9       of the state for the filing and public inspection of the reports,  
10       registrations, or statements required to be filed with the commission.  
11       Only one commission office may be established or designated in a  
12       municipality that contains more than one election district. A dis-  
13       trict office designated under this section may be a municipal or other  
14       public office.

15              (m) The forms and material required for compliance with this  
16       chapter shall be made available in each commission office to candi-  
17       dates, persons, and political interest groups required to file reports  
18       under this chapter.

19              (n) The commission shall promptly forward a copy of each report  
20       filed by a statewide candidate to each district office and it shall  
21       promptly forward a copy of each report filed by a legislative candi-  
22       date to the district office in the election district where the candi-  
23       date is seeking office.

24              (o) The commission shall ensure that copies of each report filed  
25       by a candidate for municipal office are made available for public  
26       inspection in the municipality in which the candidate is seeking  
27       office.

28              Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall  
29              (1) develop and provide forms for the reports,

1 registrations, and statements required under this chapter, AS 24.45,  
2 and AS 39.50;

3 (2) prepare and publish a manual setting out uniform meth-  
4 ods of bookkeeping and reporting for use by persons required to make  
5 reports, registrations, and statements under this chapter and other-  
6 wise assist candidates, political interest groups, and persons in  
7 complying with this chapter;

8 (3) receive and hold open for public inspection reports,  
9 registrations, and statements required to be filed under this chapter  
10 and, upon request, furnish copies to an interested person at cost;

11 (4) compile and maintain a current list of each report,  
12 registration, and statement filed with the commission;

13 (5) prepare a summary of each report, registration, or  
14 statement filed under this chapter and make a copy of the summary  
15 available to an interested person at cost;

16 (6) notify, by registered or certified mail, each person  
17 whom the commission or its staff has probable cause to believe is  
18 delinquent in filing a report, registration, or statement required  
19 under this chapter;

20 (7) compile within 60 days after each election a list of  
21 the names of all persons, candidates, and political interest groups  
22 who have failed to timely file a report, registration, or statement  
23 required under this chapter and make the list available to the public;

24 (8) examine, investigate, and compare reports, registra-  
25 tions, statements, and actions required by this chapter, AS 24.45, and  
26 AS 39.50 and report to the attorney general the names of each person  
27 or political interest group that the commission has probable cause to  
28 believe has committed a crime under this chapter, AS 24.45, or AS 39.-  
29 50;

1 (9) prepare and publish an annual report to the legislature  
2 concerning the activities of the commission, the effectiveness of this  
3 chapter, its enforcement by the attorney general's office, and recom-  
4 mendations and proposals for change;

5 (10) adopt regulations necessary to implement and clarify  
6 the provisions of this chapter, AS 24.45, and AS 39.50, subject to the  
7 provisions of the Administrative Procedure Act (AS 44.62).

8 ARTICLE 2. REGISTRATION AND REPORTS.

9 Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual  
10 shall register with the commission on a form prescribed by the commis-  
11 sion within 10 days after the individual either

12 (1) accepts contributions of \$1,000 or more in the aggre-  
13 gate from persons or from political interest groups for the purpose of  
14 seeking elective office; or

15 (2) files for an elective office.

16 (b) The registration under (a) of this section must designate  
17 the year of the election for which the campaign will be conducted, and  
18 designate whether the election is for a state or a municipal office.  
19 If a candidate has filed for office at the time of registration, the  
20 registration must designate the office. An individual who registers  
21 under this section before having filed for an elective office shall,  
22 within 10 days after filing for the office, file a supplemental regis-  
23 tration with the commission designating the office.

24 (c) An individual required to register under this section shall  
25 include with the registration information required under AS 15.14.170.

26 Sec. 15.14.050. REGISTRATION BY POLITICAL INTEREST GROUPS. (a)  
27 A political interest group shall register with the commission on a  
28 form prescribed by the commission within 10 days after the political  
29 interest group either

1           (1) accepts contributions of \$1,000 in the aggregate; or  
2           (2) makes  
3           (A) a contribution to an individual who has registered  
4 with the commission under AS 15.14.040; or  
5           (B) an expenditure in support of or in opposition to  
6 the election of an individual to an office covered by this chap-  
7 ter, or on behalf of or in opposition to a ballot proposition or  
8 question.  
9           (b) A political interest group formed solely for the purpose of  
10 sponsoring an initiative, a referendum or a recall shall register with  
11 the commission within 30 days after it files a petition with the  
12 lieutenant governor or with a municipal clerk.  
13           (c) The registration of a political interest group is valid from  
14 the date of registration until the following January 16.  
15           (d) A political interest group may not use or file with the  
16 commission a name that is the same as or materially similar to the  
17 name of a political interest group whose registration is then on file  
18 with the commission.  
19           (e) If a political interest group intends to support or oppose  
20 only one candidate or to contribute to or expend more than 50 percent  
21 of its funds on behalf of or in opposition to one candidate, the name  
22 of the candidate must be part of the name of the political interest  
23 group. On receipt of the registration, the commission shall promptly  
24 notify the candidate of the political interest group's organization  
25 and its intent.  
26           (f) A political interest group that makes expenditures or re-  
27 ceives contributions with the authorization or consent, express or  
28 implied, or under the control, direct or indirect, of a candidate is  
29 controlled by the candidate. A political interest group whose major

1 purpose is to further the nomination, election, or candidacy of only  
2 one candidate or that intends to expend more than 50 percent of its  
3 money on one candidate, is controlled by the candidate and its actions  
4 done with the knowledge and consent of the candidate unless the candi-  
5 date, within 10 days from the date the candidate learns of the exis-  
6 tence of the group, files with the commission, on a form provided by  
7 the commission, an affidavit that the group is operating without the  
8 control of the candidate.

9 (g) A group organized for more than one year preceding an elec-  
10 tion and endorsing candidates for more than one office or more than  
11 one political party is not controlled by a candidate, but a group that  
12 contributes more than 50 percent of its money to or on behalf of one  
13 candidate is considered to support only one candidate for purposes of  
14 (f), whether or not control of the group has been disclaimed by the  
15 candidate.

16 (h) A political interest group required to register under this  
17 section shall include with the registration the information required  
18 under AS 15.14.170 and shall designate the year of the election for  
19 which the campaign will be conducted or shall indicate that it antici-  
20 pates continuing existence.

21 Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS AND  
22 LOANS. (a) A candidate shall make full reports upon a form pre-  
23 scribed by the commission of the contributions and loans received by  
24 the candidate for the designated election campaign, including

25 (1) the full name, complete address, principal occupation,  
26 and employer of each individual and the full name and complete address  
27 of each other person or political interest group from which contribu-  
28 tions in the aggregate amount of \$250 or more were received, and the  
29 date and amount of the contributions;

1                   (2) for each person or political interest group that lent  
2 \$250 or more in the aggregate to the candidate or that guaranteed or  
3 otherwise agreed to assume a financial obligation of \$250 or more in  
4 the aggregate for or on behalf of a candidate,

5                   (A) the full name, complete address, principal occupa-  
6 tion, and employer of each individual;

7                   (B) the full name and complete address of each other  
8 person or political interest group;

9                   (C) the date and total value of the loan or financial  
10 obligation;

11                   (D) the interest rate of the loan or financial obliga-  
12 tion;

13                   (E) the date the loan or financial obligation is due;  
14 and

15                   (F) the security, if any, for the loan or financial  
16 obligation;

17                   (3) the total number and amount of all contributions re-  
18 ceived of less than \$250;

19                   (4) a total of all contributions received;

20                   (5) the total amount of all funds that the candidate con-  
21 tributed or lent to the campaign of the candidate.

22                   (b) A report containing the information required under (a) of  
23 this section must list the contributions and loans received during the  
24 period ending three days before the due date of the report and beginn-  
25 ing on the last day covered by the most recent previous report. The  
26 report shall be filed in the central office or a district office of  
27 the commission at the following times:

28                   (1) 30 days before the election unless the deadline for  
29 filing a nominating petition or declaration of candidacy is less than

1 34 days before the election;

2 (2) seven days before the election.

3 (c) A candidate shall file a special contribution or loan report  
4 with the commission for each contribution or loan of \$500 or more that  
5 is received within the last 10 days before the election. The report  
6 must include the full name, complete address, principal occupation and  
7 employer of the contributor or lender and the date and amount of the  
8 contribution or loan. The report shall be filed within 24 hours after  
9 the contribution or loan is received.

10 (d) A candidate shall file an annual report on or before Janu-  
11 ary 16 of each year. The annual report must include all of the infor-  
12 mation required under (a) of this section for contributions and loans  
13 received between January 1 and December 31 of the immediately preced-  
14 ing year, except that an annual report covering contributions and  
15 loans received during the year in which an election designated under  
16 AS 15.14.040(b) is held need include only the contributions and loans  
17 that were not reported to the commission in the reports required under  
18 (b) and (c) of this section.

19 (e) The report required under (d) of this section covering  
20 contributions and loans received during the year in which an election  
21 designated under AS 15.14.040(b) is held is the final report for  
22 contributions and loans of a candidate.

23 Sec. 15.14.070. REPORTS BY CANDIDATES OF EXPENDITURES. On  
24 January 16 of each year after a candidate registers with the commis-  
25 sion under AS 15.14.040(a), the candidate shall file in the central  
26 office or a district office of the commission a report listing the  
27 date, amount, purpose, and recipient of each expenditure made by the  
28 candidate between January 1 and December 31 of the preceding year.  
29 The report required under this section that follows the year in which

1 an election designated under AS 15.14.040(b) is held must also include  
2 the amount and disposition of surplus campaign funds and is the final  
3 report for expenditures of the candidate.

4 Sec. 15.14.080. REPORTS BY POLITICAL INTEREST GROUPS OF CONTRI-  
5 BUTIONS, LOANS, AND EXPENDITURES. (a) A political interest group  
6 shall make a report on a form prescribed by the commission of contri-  
7 butions and loans received by the political interest group, including

8 (1) the full name, complete address, principal occupation,  
9 and employer of each individual, and the full name and complete ad-  
10 dress of each other person and political interest group from which  
11 contributions in the aggregate amount of \$250 or more were received,  
12 and the date and amount of the contributions;

13 (2) for each person or other political interest group that  
14 lent \$250 or more in the aggregate to the reporting political interest  
15 group or that guaranteed or otherwise agreed to assume a financial  
16 obligation of \$250 or more in the aggregate for or on behalf of the  
17 reporting political interest group,

18 (A) the full name, complete address, principal occupa-  
19 tion, and employer of each individual;

20 (B) the full name and complete address of each other  
21 person or political interest group;

22 (C) the date and total value of the loan or financial  
23 obligation;

24 (D) the interest rate of the loan or financial obli-  
25 gation;

26 (E) the date the loan or financial obligation is due;

27 and

28 (F) the security, if any, for the loan or financial  
29 obligation;

1           (3) the total number and amount of all contributions re-  
2           ceived of less than \$250;  
3           (4) a total of all contributions received;  
4           (5) a total of all expenditures made or obligated;  
5           (6) the date, check number, full name of each payee, and  
6           the purpose of each expenditure including  
7           (A) for each expenditure that is a contribution to a  
8           candidate or a political interest group, the name of the candi-  
9           date or political interest group; and  
10           (B) for each expenditure that is an independent expen-  
11           diture, the name of the candidate or ballot proposition or ques-  
12           tion supported or opposed by the independent expenditure.  
13           (b) A report containing the information required under (a) of  
14           this section must list the contributions and loans received during the  
15           period ending three days before the due date of the report and begin-  
16           ning on the last day covered by the most recent previous report. The  
17           report shall be filed in the central office or a district office of  
18           the commission at the following times:  
19           (1) 30 days before the election;  
20           (2) seven days before the election.  
21           (c) A political interest group shall file a special contribution  
22           or loan report with the commission for each contribution or loan of  
23           \$500 or more that is received within the last 10 days before the  
24           election. The report must include the full name, complete address,  
25           principal occupation and employer of the contributor or lender and the  
26           date and amount of the contribution or loan. The report shall be  
27           filed within 24 hours after the contribution or loan is received.  
28           (d) A political interest group shall file an annual report on or  
29           before January 16 of each year. The annual report must include all of

1 the information required under (a) of this section for contributions  
2 and loans received and expenditures made between January 1 and Decem-  
3 ber 31 of the immediately preceding year, except that an annual report  
4 covering contributions and loans received and expenditures made during  
5 the year in which an election designated under AS 15.14.050(f) is held  
6 need include only those contributions, loans, and expenditures that  
7 were not reported to the commission in the reports required under (b)  
8 and (c) of this section. If the political interest group has not  
9 indicated a continuing existence under AS 15.14.050(h), the report  
10 filed under this section is the final report.

11 Sec. 15.14.090. STATEMENT BY PERSON MAKING CONTRIBUTION OR  
12 EXPENDITURE. (a) A person who makes a contribution of \$250 or more  
13 in goods, services, or money to a candidate or political interest  
14 group or who makes an independent expenditure described in AS 15.14.-  
15 100 with a value of \$250 or more to influence the election of a candi-  
16 date or the passage of a ballot proposition or question shall make and  
17 file in the central or a district office of the commission a signed  
18 statement on a form made available by the commission reporting the  
19 activity within 10 days after the contribution or expenditure is made.

20 (b) The statement must list the name, address, principal occupa-  
21 tion, and employer of the person who paid for the contribution or  
22 expenditure and include the date, amount, payee, and purpose of the  
23 contribution or expenditure.

24 (c) The statement must include a certification by the person  
25 making the statement that the contribution or expenditure consists of  
26 funds or property belonging to the contributor and that the funds have  
27 not been given or furnished by another person or political interest  
28 group.

29 (d) The person filing the statement shall furnish a copy of the

1 statement to the candidate or the campaign treasurer of the political  
2 interest group at the time the statement is filed with the commission.

3 Sec. 15.14.100. INDEPENDENT EXPENDITURE. (a) An independent  
4 expenditure is an expenditure by a person or political interest group  
5 for a communication expressly advocating the election or defeat of a  
6 clearly identified candidate that is made without arrangement, coordi-  
7 nation, or direction with or by the candidate or the agent of the  
8 candidate before the publication, distribution, display, or broadcast  
9 of the communication. An expenditure is a contribution and not an  
10 independent expenditure if it is based on information about the candi-  
11 date's plans, projects, or needs provided to the expending person or  
12 political interest group by the candidate or by an agent of the candi-  
13 date with a view toward having an expenditure made.

14 (b) An expenditure is made in coordination with the candidate or  
15 the agent of the candidate if it is made by or in consultation with a  
16 person

17 (1) who is or within one year before the date of the expen-  
18 diture has been authorized by the candidate or by a campaign officer  
19 to raise or expend funds on behalf of the candidate;

20 (2) who is or within one year before the date of the expen-  
21 diture has been an officer of a campaign committee of the candidate;  
22 or

23 (3) who is or within one year before the date of the expen-  
24 diture has been receiving any form of compensation or reimbursement  
25 from the candidate or from campaign funds for professional services  
26 that require the exercise of discretion or judgment relating to the  
27 conduct of the campaign.

28 (c) In this section, an "agent of the candidate" means an indi-  
29 vidual

1 (1) who has actual oral or written authority, either ex-  
2 press or implied, to make or to authorize the making of an expenditure  
3 on behalf of a candidate; or

4 (2) who has been placed in a position within the campaign  
5 organization where it would reasonably appear that in the ordinary  
6 course of campaign related activities the individual may authorize an  
7 expenditure.

8 Sec. 15.14.110. CERTIFICATION OF REPORTS. Each report, regis-  
9 tration, or statement required under this chapter shall be certified  
10 as correct by the campaign treasurer of the candidate, by the campaign  
11 treasurer of the political interest group, or by the person making the  
12 report, registration, or statement. The report, registration, or  
13 statement must include or be accompanied by the following affidavit  
14 signed by the individual filing the report, registration, or state-  
15 ment:

16 "I do solemnly swear or affirm that the foregoing state-  
17 ment is in all respects true and correct, and fully shows  
18 all information required to be reported by me under AS 15.14."

19 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

20 Sec. 15.14.120. CONTRIBUTIONS BY A PERSON. (a) A person may  
21 not make a contribution in the form of a cash payment in excess of  
22 \$100 in the aggregate during a calendar year to a candidate or a  
23 political interest group.

24 (b) A person may not contribute more than \$2,000 in the aggre-  
25 gate during a calendar year in money, goods, or services to a candi-  
26 date.

27 (c) Except as provided in (d) of this section, a person may not  
28 contribute more than \$1,000 in the aggregate during a calendar year in  
29 money, goods, or services to a political interest group.

1 (d) Except as provided in (a) of this section, a person may  
2 contribute any amount in money, goods, or services

3 (1) to a political interest group formed solely for the  
4 purpose of sponsoring or opposing an initiative or referendum; or

5 (2) to a political party.

6 Sec. 15.14.130. CONTRIBUTIONS BY A POLITICAL INTEREST GROUP.

7 (a) A political interest group may not make a contribution in the  
8 form of a cash payment in excess of \$100 in the aggregate during a  
9 calendar year to a candidate or political interest group.

10 (b) Except as provided in (c) of this section, a political  
11 interest group may not contribute or make an expenditure, other than  
12 as an independent expenditure, of more than \$1,000 in the aggregate  
13 during a year to a candidate or to a political interest group, and may  
14 not contribute more than \$25,000 in the aggregate during a calendar  
15 year to candidates or political interest groups generally, other than  
16 to political interest groups formed solely for the purpose of support-  
17 ing or opposing a ballot proposition or question.

18 (c) Except as provided in (a) of this section, a political  
19 interest group may contribute any amount in money, goods, or services  
20 to

21 (1) a political interest group formed solely for the pur-  
22 pose of sponsoring or opposing an initiative or referendum; or

23 (2) a political party.

24 (d) Two or more political interest groups sharing a majority of  
25 their officers are considered to be a single group for purposes of the  
26 contribution limitations under (a) and (b) of this section.

27 (e) An expenditure for a communication in support of the elec-  
28 tion of more than one candidate shall be prorated equally among the  
29 candidates for purposes of calculating the amount of the expenditure

1 made on behalf of one of the candidates.

2 (f) A political party and its state, regional, and local subdi-  
3 visions are not subject to the limitations prescribed in this section,  
4 but they are subject to the reporting requirements of AS 15.14.080,  
5 15.14.090, and 15.14.100.

6 Sec. 15.14.140. LIMITATIONS ON ACCEPTING CASH CONTRIBUTIONS. A  
7 candidate or a political interest group may not accept a contribution  
8 in the form of a cash payment in excess of \$100 in the aggregate  
9 during a year from a person or a political interest group.

10 Sec. 15.14.150. EXPENDITURES. (a) A political party may make a  
11 contribution or expenditure of money, goods, or services without  
12 limitation as to amount or value.

13 (b) Except as provided under AS 15.14.180, a candidate may make  
14 expenditures of money, goods, or services on behalf of the candidate's  
15 own campaign without limitation as to amount or value.

16 (c) A person or political interest group may make an independent  
17 expenditure as defined in AS 15.14.100 of money, goods, or services  
18 without limitation as to amount or value on behalf of or in opposition  
19 to a candidate or ballot proposition.

20 Sec. 15.14.160. PROHIBITED CONTRIBUTIONS. (a) A contribution  
21 may not be made and an expenditure may not be made or incurred either  
22 directly or indirectly in a fictitious name, anonymously, or by one  
23 person or political interest group in the name of another.

24 (b) A contribution made by a person wishing to remain anonymous  
25 and received by a candidate or political interest group may not be  
26 used or expended, but shall be returned to the donor if the identity  
27 of the donor is known. If the identity of the donor is not known, the  
28 contribution shall be disposed of under AS 15.14.200(a)(1).

29 (c) A candidate or political interest group may not accept a

1 contribution described in this section. A contribution under this  
2 section is accepted unless it is returned or disposed of under  
3 AS 15.14.200(a)(1) within 10 days after the candidate or political  
4 interest group knows or should have known that the contribution is  
5 prohibited under this section.

6 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

7 Sec. 15.14.170. CAMPAIGN OFFICERS. (a) Each candidate may and  
8 each political interest group shall appoint a campaign chairman. Each  
9 candidate and each political interest group shall appoint a campaign  
10 treasurer who is responsible for receiving, holding, and disbursing  
11 all contributions and expenditures, and for filing all reports and  
12 statements required by law. Each candidate and each political inter-  
13 est group may appoint deputy campaign treasurers at any time. A  
14 candidate may be a campaign treasurer.

15 (b) At the time a candidate registers with the commission under  
16 AS 15.14.040, the candidate shall file a statement in the central or a  
17 district office of the commission listing the name, address, and  
18 telephone number of the candidate's campaign treasurer. At the time a  
19 political interest group registers with the commission under AS 15.-  
20 14.050, the political interest group shall file a statement in the  
21 central or a district office of the commission listing the name,  
22 address, and telephone number of the political interest group's cam-  
23 paign treasurer. Each candidate who appoints a campaign chairman and  
24 each political interest group shall include in the statement the name,  
25 address, and telephone number of the campaign chairman.

26 (c) An individual may not act as the campaign chairman, campaign  
27 treasurer, or deputy campaign treasurer for a candidate or political  
28 interest group until the name, address, and telephone number of the  
29 individual has been filed with the commission. The address of a

1 candidate's campaign treasurer is the address of the candidate unless  
2 the candidate files a different mailing address with the commission.

3 (d) In the case of the death, resignation, or removal of a  
4 campaign officer required to be appointed under this section, the  
5 candidate or political interest group shall file the name, address,  
6 and telephone number of the successor in the central or a district  
7 office of the commission within 10 days after the vacancy occurs.

8 (e) A candidate may receive contributions and make expenditures  
9 only in person or through a campaign chairman, a campaign treasurer,  
10 or a deputy campaign treasurer. A political interest group may re-  
11 ceive contributions and make expenditures only through the campaign  
12 chairman, campaign treasurer, or deputy campaign treasurer of the  
13 political interest group. A person does not receive or make a contri-  
14 bution under this section on behalf of a candidate or political inter-  
15 est group if

16 (1) the person solicits a contribution and transfers or  
17 delivers that contribution to a candidate or a campaign officer of a  
18 candidate or political interest group and discloses to the candidate  
19 or political interest group the identity of the contributor;

20 (2) the person does not exercise discretion or control as  
21 to the amount or as to the identity of the recipient of the contribu-  
22 tion; and

23 (3) the person is not a campaign officer of the candidate  
24 or political interest group ultimately receiving the contribution.

25 (f) The candidate is responsible for the performance of the  
26 campaign officers of the candidate. The campaign chairman of a polit-  
27 ical interest group is responsible for the performance of the other  
28 officers of the political interest group. A default or violation by  
29 the officer is considered a default or violation by the candidate if

1 the candidate knew or had reason to know of the default or violation.  
2 A default or violation by the officer of the political interest group  
3 is considered a default or violation by the campaign chairman of the  
4 political interest group if the campaign chairman knew or had reason  
5 to know of the default or violation.

6 Sec. 15.14.180. USE OF CAMPAIGN FUNDS. (a) Campaign funds  
7 received by a candidate or by a political interest group may be used  
8 only to

9 (1) influence or attempt to influence the actions of the  
10 voters for or against the election of a candidate or the passage or  
11 defeat of a ballot proposition or question; or

12 (2) repay a loan made to the campaign of the candidate.

13 (b) Campaign funds may not be used to repay a loan not timely  
14 reported as a loan under AS 15.14.060(a)(2).

15 (c) Surplus campaign funds shall be disposed of under AS 15.14.-  
16 200.

17 Sec. 15.14.190. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF  
18 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account  
19 relating to a designated election campaign on or before one of the  
20 following dates:

21 (1) for a legislative or statewide candidate in the general  
22 election, the date on which the successful candidate in the designated  
23 election is sworn into office;

24 (2) for a candidate in a municipal election, 30 days after  
25 the date of the election;

26 (3) for a candidate who loses in a primary election, 30  
27 days after the date of the election;

28 (4) for a candidate who withdraws before an election, 30  
29 days after filing a notice of withdrawal; or

1 (5) for a candidate who withdraws after registering under  
2 AS 15.40.040 but before filing for office, 30 days after the deadline  
3 for filing a declaration of candidacy or a nominating petition.

4 (6) for a judicial candidate or a delegate to a constitu-  
5 tional convention, 30 days after the date of the election.

6 (b) A candidate may not solicit or accept a contribution for the  
7 designated election campaign after the date on which the candidate is  
8 required to close campaign accounts under (a) of this section.

9 (c) A candidate may not make expenditures of any kind, except  
10 for the disposition of surplus funds, after the date on which the  
11 candidate is required to close campaign accounts under (a) of this  
12 section for

13 (1) goods or services provided to the candidate with re-  
14 spect to the designated election campaign;

15 (2) the payment of campaign debts to an individual, person,  
16 or political interest group; or

17 (3) the payment of loans made by the candidate to the  
18 campaign of the candidate.

19 Sec. 15.14.200. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall  
20 dispose of campaign funds that are not spent during the designated  
21 election campaign by

22 (1) donating the funds to an organization that qualifies as  
23 a charitable organization under 26 U.S.C. 501(c);

24 (2) donating the funds to the general fund of the state or  
25 of a municipality organized under AS 29;

26 (3) after registering with the commission under AS 15.14.-  
27 040, transferring the funds to a newly designated election campaign  
28 account for a designated state election to be held not more than four  
29 years after the election designated under AS 15.14.040(b);

1           (4) paying an individual who worked in the candidate's  
2 designated election campaign;

3           (5) transferring the funds to an account for the office, in  
4 the case of a successful candidate only, and using the funds only for  
5 communication with constituents and other voters in the state by  
6 telephone or newsletter;

7           (6) returning the funds to contributors on a pro rata  
8 basis.

9           (b) A candidate shall dispose of surplus funds under (a) of this  
10 section before the date on which a final report of expenditures is  
11 required to be filed under AS 15.14.070.

12           Sec. 15.14.210. SOLICITATION OF CONTRIBUTIONS. (a) A candi-  
13 date, a political interest group, or a campaign officer of a candidate  
14 or a political interest group may not solicit or receive a campaign  
15 contribution obtained through a threat of physical force, job dis-  
16 crimination, or financial reprisal.

17           (b) A public officer or employee of the state or of a municipal-  
18 ity of the state may not, while on the premises of a state or municip-  
19 al office, solicit or request a contribution to a candidate, politi-  
20 cal interest group or political party.

21           (c) A public officer or employee of the state may not solicit or  
22 request another public officer or employee to contribute to a candi-  
23 date, political interest group, or political party while the other  
24 public officer or employee is on the premises of a state or municipal  
25 office.

26           (d) The provisions of (b) - (c) of this section do not apply to  
27 a public officer elected to office by popular vote.

28           Sec. 15.14.220. IDENTIFICATION OF COMMUNICATION. (a) An adver-  
29 tisement, billboard, handbill, paid-for television or radio

1 announcement, or other communication intended to influence the elec-  
2 tion of a candidate or the outcome of a ballot proposition or question  
3 shall be clearly identified by the words "paid for by" followed by the  
4 name and address of the candidate, political interest group, or the  
5 person or persons paying for the communication.

6 (b) A person or political interest group making an independent  
7 expenditure for an item described in (a) of this section shall, within  
8 the printed material or during a broadcast, state: "This communication  
9 was not authorized by any candidate."

10 (c) The information required under (a) and (b) of this section  
11 need not be included on an object used for a campaign advertisement,  
12 if the object is one that the commission, by regulation, has deter-  
13 mined is too small to practicably include the information.

14 ARTICLE 5. UNLAWFUL CONDUCT, PENALTIES, AND PROCEDURES.

15 Sec. 15.14.230. CAMPAIGN FINANCING MISCONDUCT IN THE FIRST  
16 DEGREE. (a) A person commits the crime of campaign financing miscon-  
17 duct in the first degree if the person

18 (1) knowingly and intentionally fails to file before an  
19 election a report of contributions or independent expenditures re-  
20 quired to be filed under AS 15.14.060(b) or 15.14.080(b) and the  
21 aggregate amount of contributions or independent expenditures that  
22 should have been reported is in excess of \$5,000;

23 (2) knowingly and intentionally fails to file before an  
24 election a report of a contribution or independent expenditure re-  
25 quired to be filed within 24 hours under AS 15.14.060(c) or 15.14.-  
26 080(c) and the contribution or expenditure is in excess of \$5,000;

27 (3) knowingly and intentionally files a report required to  
28 be filed under this chapter containing false and misleading informa-  
29 tion as to the identity of a contributor, and the amount of the

1 aggregate contributions received from the contributor is in excess of  
2 \$5,000;

3 (4) knowingly and intentionally files a report required to  
4 be filed under this chapter containing false information as to the  
5 amount of a contribution from a single contributor, and the difference  
6 between the amount reported and the actual amount of the aggregate  
7 contributions from the contributor is in excess of \$5,000;

8 (5) knowingly and intentionally files a report or statement  
9 required to be filed under this chapter that contains false or mis-  
10 leading information as to the purpose or amount of an independent  
11 expenditure and the aggregate amount of the expenditure is in excess  
12 of \$5,000;

13 (6) knowingly and intentionally makes or accepts a contri-  
14 bution, or makes an expenditure other than an independent expenditure,  
15 in violation of the contribution limitations under AS 15.14.120(b) or  
16 (c) or 15.14.130, and the total aggregate amount of the contribution  
17 or expenditure is more than \$5,000 in excess of the limitation;

18 (7) knowingly and intentionally makes or accepts a contri-  
19 bution in excess of \$5,000 in the form of a cash payment in violation  
20 of AS 15.14.120(a), 15.14.130(a), or 15.14.140;

21 (8) knowingly and intentionally makes or accepts a contri-  
22 bution in excess of \$5,000 made anonymously, in a fictitious name, or  
23 under the name of another; or

24 (9) knowingly and intentionally solicits or accepts a  
25 contribution obtained by threat of physical force, job discrimination,  
26 or financial reprisal in violation of AS 15.14.210(a).

27 (b) Campaign financing misconduct in the first degree is a class  
28 C felony.

29 Sec. 15.14.240. CAMPAIGN FINANCING MISCONDUCT IN THE SECOND

1       DEGREE. (a) A person commits the crime of campaign financing miscon-  
2       duct in the second degree if the person

3               (1) knowingly and intentionally fails to file before an  
4       election a report of contributions or independent expenditures re-  
5       quired to be filed under AS 15.14.060(b) or 15.14.080(b) and the  
6       aggregate amount of contributions or independent expenditures that  
7       should have been reported is \$5,000 or less;

8               (2) knowingly and intentionally fails to file before an  
9       election a report of a contribution or independent expenditure  
10       required to be filed within 24 hours under AS 15.14.060(c) or 15.14.-  
11       080(c) and the contribution or expenditure is \$5,000 or less;

12              (3) knowingly and intentionally fails to file a report,  
13       statement or registration required under AS 15.14.040, 15.14.050,  
14       15.14.060(d), 15.14.070, 15.14.080(d), or 15.14.090(a) on or before  
15       the date the report, statement, or registration is due;

16              (4) knowingly and intentionally files a report required to  
17       be filed under this chapter containing false and misleading informa-  
18       tion as to the identity of a contributor and the amount of the aggre-  
19       gate contributions received from that contributor is \$5,000 or less;

20              (5) knowingly and intentionally files a report required to  
21       be filed under this chapter containing false information as to the  
22       amount of a contribution from a single contributor, and the difference  
23       between the amount reported and the actual amount of the aggregate  
24       contributions from that contributor is \$5,000 or less;

25              (6) knowingly and intentionally files a report or statement  
26       required to be filed under this chapter containing false and mislead-  
27       ing information as to the purpose or amount of an independent expendi-  
28       ture and the aggregate amount of the expenditure is \$5,000 or less;

29              (7) knowingly and intentionally makes a contribution in

1 violation of the contribution limitations under AS 15.14.120(b) or  
2 (c), or makes an expenditure other than an independent expenditure in  
3 violation of the limitation under AS 15.14.130, and the total aggregate  
4 amount of the contribution or expenditure in excess of the limitation  
5 is \$5,000 or less;

6 (8) knowingly and intentionally makes or accepts a contribution  
7 in the form of a cash payment in violation of AS 15.14.120(a),  
8 15.14.130(a), or 15.14.140 and the total amount of the contribution is  
9 \$5,000 or less;

10 (9) knowingly and intentionally makes or accepts a contribution  
11 of \$5,000 or less made anonymously, in a fictitious name, or  
12 under the name of another;

13 (10) knowingly and intentionally solicits a contribution  
14 from a state or municipal employee in a manner prohibited under  
15 AS 15.14.210(b) or (c);

16 (11) knowingly and intentionally solicits or accepts a  
17 contribution or makes an expenditure, other than a disposition of  
18 surplus funds, after the date that campaign accounts are required to  
19 be closed under AS 15.14.190;

20 (12) knowingly and intentionally uses campaign funds for a  
21 purpose not permitted under AS 15.14.180;

22 (13) knowingly and intentionally uses surplus campaign funds  
23 for a purpose not permitted under AS 15.14.200;

24 (14) knowingly and intentionally circulates or has written,  
25 printed, or circulated a letter, circular, or publication intended to  
26 influence the election or defeat of a candidate, or the outcome of a  
27 ballot proposition or question without the name and address of the  
28 candidate, the political interest group or person or persons paying  
29 for the advertising appearing on the face of the letter, circular, or

1 publication;

2 (15) knowingly and intentionally prints or publishes an  
3 advertisement, billboard, placard, poster, handbill, paid-for tele-  
4 vision or radio announcement, or other communication intended to  
5 influence the election of a candidate or the outcome of a ballot  
6 proposition or question without the words "paid for by" followed by  
7 the name and address of the candidate, political interest group, or  
8 individual paying for the communication and, if a political group,  
9 with the name of the campaign chairman; or

10 (16) with respect to an independent expenditure only, know-  
11 ingly and intentionally prints or publishes an advertisement, bill-  
12 board, placard, poster, handbill, paid-for television or radio an-  
13 nouncement, or other communication intended to influence the election  
14 of a candidate without the statement, "This communication was not  
15 authorized by any candidate."

16 (b) Campaign financing misconduct in the second degree is a  
17 class A misdemeanor.

18 Sec. 15.14.250. CAMPAIGN FINANCING VIOLATIONS. (a) A person  
19 commits a campaign financing violation if the person negligently or  
20 inadvertently

21 (1) fails to file on or before the date that the report is  
22 due a report of contributions or independent expenditures required to  
23 be filed before the election under AS 15.14.060(b), (c), or 15.14.-  
24 080(b), or (c);

25 (2) fails to file on or before the date that the report or  
26 statement is due a report or statement required to be filed under  
27 AS 15.14.070, 15.14.090(a), or 15.14.100;

28 (3) fails to timely appoint or file the name of a campaign  
29 officer as required under AS 15.14.170(a), (b), or (d);

1 (4) fails to register as a candidate or political interest  
2 group at the time required under AS 15.14.040 or 15.14.050;

3 (5) fails to include information in a report, statement, or  
4 registration required to be included under this chapter or includes  
5 false or misleading information as to the identity of a contributor,  
6 the purpose of an independent expenditure, or as to the amount of a  
7 contribution received or independent expenditure made;

8 (6) makes or accepts a contribution or makes an expenditure  
9 other than an independent expenditure in excess of the contribution  
10 limitations provided under AS 15.14.120(b) or (c) or 15.14.130;

11 (7) makes or accepts a contribution in the form of a cash  
12 payment in excess of \$100 in violation of AS 15.14.140;

13 (8) makes a contribution, or accepts a contribution made,  
14 anonymously, in a fictitious name, or under the name of another;

15 (9) solicits or accepts a contribution or makes an expendi-  
16 ture, other than a disposition of surplus funds, after the date that  
17 campaign accounts are required to be closed under AS 15.14.190;

18 (10) uses campaign funds for a purpose not permitted under  
19 AS 15.14.180;

20 (11) uses surplus campaign funds for a purpose not permitted  
21 under AS 15.14.200;

22 (12) disposes of surplus funds after the date required for  
23 disposition under AS 15.14.200(b);

24 (13) acts as a campaign officer and the name of the cam-  
25 paign officer has not been filed with the commission as the holder of  
26 the campaign office;

27 (14) fails to include in a communication intended to influ-  
28 ence the election of a candidate or the outcome of a ballot proposi-  
29 tion or question the information required to be included under

1 AS 15.14.220.

2 (b) A person found to have committed a campaign financing vio-  
3 lation under (a)(1) of this section is subject to a fine of not less  
4 than \$25 nor more than \$300 per day for each day a report is due but  
5 not filed, up to a maximum fine of \$5,000 for each violation under  
6 (a)(1) of this section with respect to a designated election campaign.

7 (c) A person found to have committed a campaign financing viola-  
8 tion under (a)(2), (3), or (4) of this section is subject to a fine of  
9 not less than \$10 nor more than \$20 a day for each day a report,  
10 statement or registration is due but not filed, up to a maximum fine  
11 of \$2,000 for each violation under (a)(2), (3), or (4) of this section  
12 with respect to a designated election campaign.

13 (d) A person found to have committed a violation under (a)(5),  
14 (6), (7), (8), or (9) of this section is subject to a fine of four  
15 times the amount of the contribution or expenditure involved in the  
16 violation, not to exceed \$2,500.

17 (e) A person found to have committed a violation under (a)(10),  
18 (11), (12), (13), or (14) of this section is subject to a fine of not  
19 less than \$100 nor more than \$2,000.

20 Sec. 15.14.260. PAYMENT OF FINES. Fines imposed by the commis-  
21 sion under AS 15.14.250 or by a court upon conviction under AS 15.14.-  
22 230 or 15.14.240 may not be paid from campaign funds.

23 Sec. 15.14.270. REMOVAL FROM OFFICE. (a) If, after being sworn  
24 into office, a person who was a successful candidate is convicted of a  
25 crime under AS 15.14.230 or 15.14.240, proceedings shall be held and  
26 appropriate action taken under

27 (1) art. II, sec. 12, Constitution of the State of Alaska,  
28 if the candidate is a candidate for the state legislature;

29 (2) art. II, sec. 20, Constitution of the State of Alaska,

1 if the candidate is a candidate for governor or lieutenant governor;  
2 (3) AS 29.20.170, if the candidate is a candidate for  
3 borough assembly;  
4 (4) AS 29.20.280, if the candidate is a candidate for  
5 borough mayor;  
6 (5) AS 29.20.170, if the candidate is a candidate for city  
7 council;  
8 (6) AS 29.20.280(a), if the candidate is a candidate for  
9 city mayor;  
10 (7) the provisions of the call for the constitutional  
11 convention, if the candidate is a candidate for constitutional conven-  
12 tion delegate;  
13 (8) art. IV., sec. 10, Constitution of the State of Alaska,  
14 if the candidate is a candidate for judicial retention.  
15 (b) Information developed by the commission under AS 15.14.290  
16 shall be considered during a proceeding under (a) of this section.  
17 (c) When, after being sworn into office, a successful candidate  
18 is charged with a misdemeanor or felony under AS 15.14.230 or 15.14.-  
19 240, the court shall promptly try the case and accord it a preferred  
20 position for purposes of argument and decision so as to assure a  
21 speedy disposition of the matter.  
22 Sec. 15.14.280. LIMITATIONS ON ACTIONS. (a) A prosecution  
23 under AS 15.14.230 must be commenced within four years from the date  
24 of the alleged offense.  
25 (b) A prosecution under AS 15.14.240 must be commenced within  
26 two years from the date of the alleged offense.  
27 (c) Proceedings by the commission under AS 15.14.250 must be  
28 commenced within 18 calendar months from the date of the alleged  
29 violation.

1 (d) For the purposes of this section, an offense or violation  
2 involving the failure to file a report, statement, or registration is  
3 considered to have been committed on the day after the report, state-  
4 ment or registration was due.

5 Sec. 15.14.290. INVESTIGATIONS. (a) The commission may inves-  
6 tigate alleged misconduct and alleged violations of AS 15.14.230,  
7 15.14.240, 15.14.250, AS 24.50 and AS 39.50, on its own motion or upon  
8 receiving a signed and sworn complaint from any person.

9 (b) If an investigation is commenced by a signed and sworn  
10 complaint by a person other than a member of the commission or its  
11 employees, the commission shall, within five days after receiving the  
12 complaint, mail a copy of the complaint to each person named in the  
13 complaint. If the commission terminates an investigation without  
14 filing an accusation or without referring the matter to the attorney  
15 general or special prosecutor, the commission shall, within five days  
16 after terminating the investigation, inform the complainant and each  
17 person named in the complaint only of the fact that the commission has  
18 terminated the investigation and will not be taking further action  
19 concerning the complaint.

20 (c) If the commission, following its investigation, has probable  
21 cause to believe a felony or misdemeanor has been committed, the  
22 commission shall promptly refer the matter and any evidence the com-  
23 mission has compiled concerning the matter to the attorney general or  
24 to a special prosecutor if a special prosecutor has been appointed.  
25 After a matter has been referred to the attorney general or a special  
26 prosecutor, the commission may not take further action concerning the  
27 matter.

28 (d) If, after an investigation, the commission determines that  
29 there is probable cause to believe that a person has committed a

1 violation and if the commission has not referred the matter to the  
2 attorney general or special prosecutor for criminal prosecution, the  
3 commission may commence violation proceedings by filing and serving an  
4 accusation on the person alleged to have committed the violation. The  
5 commission shall serve an accusation in the manner provided by court  
6 rules for serving a complaint in a civil action.

7 Sec. 15.14.300. ACCUSATIONS. (a) The accusation must be a  
8 written statement of the charges setting out in ordinary and concise  
9 language the acts or omissions with which the respondent is charged,  
10 so that the respondent is able to prepare a defense. The accusation  
11 must also specify the statute or regulation that the respondent is  
12 alleged to have violated, and the maximum penalty provided for the  
13 violation. The accusation may not consist merely of charges phrased  
14 in the language of the statute and regulation.

15 (b) The commission shall include in or with the accusation a  
16 statement in substantially the following form:

17 "To the Respondent: Unless you deliver or mail a written  
18 request for a hearing signed by you or on your behalf to  
19 the commission within 15 days after this accusation was  
20 personally served on you or mailed to you, the commission  
21 may proceed upon the accusation without a hearing. You  
22 may request a hearing by delivering or mailing the en-  
23 closed form entitled 'Notice of Defense,' or by delivering  
24 or mailing a notice of defense under AS 15.14.310 to the  
25 commission at its central office address (insert central  
26 office address)."

27 (c) The commission shall include with the accusation served upon  
28 the respondent a post card or other form entitled, "Notice of Defense"  
29 that, when signed by or on behalf of the respondent and returned to

1 the commission constitutes a notice of defense under AS 15.14.310.

2 Sec. 15.14.310. NOTICE OF DEFENSE. (a) Within 15 days after  
3 service upon the respondent of the accusation, the respondent may file  
4 with the commission a notice of defense. In the notice the respondent  
5 may

6 (1) deny the accusation in whole or in part and request a  
7 hearing;

8 (2) object to the accusation on the ground that it does not  
9 state acts or omissions upon which the commission may proceed;

10 (3) object to the form of the accusation on the ground that  
11 it is so indefinite or uncertain that the respondent cannot identify  
12 the transaction or prepare a defense;

13 (4) present new matter by way of defense;

14 (5) admit or plead no contest to the accusation in whole or  
15 in part, and present material in mitigation of penalty.

16 (b) Within the time specified in (a) of this section, the re-  
17 spondent may file one or more notices of defense upon any or all of  
18 the grounds set out in (a) of this section but all of the notices must  
19 be filed within the period unless the commission in its discretion  
20 authorizes the filing of a later notice.

21 (c) The respondent is entitled to a hearing on the merits if the  
22 respondent files a notice of defense. The notice of defense is con-  
23 sidered a specific denial of all parts of the accusation not expressly  
24 admitted. Failure to file a notice of defense within the time spec-  
25 ified in (a) of this section constitutes a waiver of the respondent's  
26 right to a hearing, but the commission in its discretion may neverthe-  
27 less grant a hearing. Unless objection is taken as provided in (a)(3)  
28 of this section, all objections to the form of the accusation are  
29 waived.

1 (d) The notice of defense must be in writing, signed by or on  
2 behalf of the respondent, and must state the respondent's address.  
3 The notice of defense need not be verified or follow a particular  
4 form.

5 Sec. 15.14.320. HEARINGS. (a) If a respondent requests a  
6 hearing on a contested accusation or, in the absence of a request, the  
7 commission in its discretion decides to hold a hearing, the commission  
8 shall mail or deliver a notice of hearing to the respondent at least  
9 10 days before the hearing. The hearing may not be held before the  
10 expiration of the time within which the respondent is entitled to file  
11 a notice of defense. The notice to respondent must be consistent with  
12 the form for notice of hearing under AS 44.62.420.

13 (b) The commission shall conduct its hearings under AS 44.62.-  
14 440 - 44.62.500, except that

15 (1) the commission may, but is not required to, appoint a  
16 hearing officer under AS 44.62.350; and

17 (2) if a hearing officer is not appointed, the chairman of  
18 the commission, or the commission member designated by the chairman,  
19 shall preside at the hearing, and the attorney general shall assign an  
20 assistant attorney general to the commission to advise it on matters  
21 of law during the hearing.

22 (c) A hearing under this section shall be open to the public  
23 except that a respondent may request and the hearing officer or the  
24 presiding commission member may order that the hearing be closed if  
25 one or more of the requirements for holding an executive session under  
26 AS 44.62.310(c) is met.

27 Sec. 15.14.330. IMPOSITION OF PENALTY. (a) The commission may  
28 impose the penalty provided by law for the violation only if the  
29 accused person, having been advised of the rights to a hearing, admits

1 or pleads no contest to the allegations contained in the accusation,  
2 or if the commission

3 (1) holds a hearing at which the person accused is afforded  
4 the right to appear, with or without counsel, the right to present  
5 witnesses or other evidence and the right to cross examine witnesses;  
6 and

7 (2) following the hearing, determines by clear and convinc-  
8 ing evidence that the person has committed the violation of which the  
9 person was accused.

10 (b) The executive director and an employee of the commission may  
11 make a recommendation to the commission for the imposition of a par-  
12 ticular penalty in a matter, provided that the respondent is first  
13 given notice of the recommendation and is afforded an opportunity to  
14 respond to the staff's recommendation in person or in writing.

15 (c) The executive director and an employee of the commission may  
16 not formally or informally make a recommendation to the commission as  
17 to a particular penalty in a pending matter or make a commitment to  
18 the respondent to make a particular recommendation to the commission  
19 in the future until after the respondent has admitted or pleaded no  
20 contest to the accusation or until after a hearing and a final deter-  
21 mination by the commission that the respondent has committed the acts  
22 charged in the accusation.

23 (d) In imposing a penalty, the commission shall consider

24 (1) the seriousness of the violation in terms of the extent  
25 to which the violation has impeded public disclosure of information  
26 required to be filed with the commission as to the amount and source  
27 of contributions that are large enough to be of significant interest  
28 to voters; and

29 (2) the extent to which the respondent's conduct, including

1 prior violations of this chapter, AS 24.50, AS 39.50, or of former  
2 AS 15.13 shows a continuing disregard for the law.

3 Sec. 15.14.340. SUMMARY DISPOSITION OF VIOLATIONS. (a) Not-  
4 withstanding the provisions of AS 15.14.300 - 15.14.330, the commis-  
5 sion may establish by regulation the violations under AS 15.14.250  
6 that are amenable to summary disposition without formal accusation or  
7 hearing and may establish a schedule of fines, not to exceed \$500, for  
8 each violation.

9 (b) If an investigation by the commission discloses that a  
10 person has committed a violation included in the schedule of fines  
11 established under (a) of this section, the commission may, in lieu of  
12 serving an accusation on the person, mail a notice of fine to the  
13 person indicating the circumstances of the violation and the amount of  
14 the fine established in the schedule for the violation. The person to  
15 whom the notice is directed may pay the fine within 15 days after  
16 receiving the notice or may file a notice of defense under AS 15.14.-  
17 310.

18 (c) If the person does not pay the fine under (b) of this sec-  
19 tion, the notice of fine constitutes an accusation under AS 15.14.300  
20 and the commission shall proceed against the person under AS 15.14.-  
21 300 - 15.14.330 and, upon determining that the person committed the  
22 violation, may impose a penalty for the violation not to exceed the  
23 maximum provided for the violation under AS 15.14.250.

24 Sec. 15.14.350. CONFIDENTIALITY. (a) An investigation by the  
25 commission under AS 15.14.290 is confidential unless and until the  
26 investigation results in the filing of an accusation under AS 15.-  
27 14.300.

28 (b) A member or a former member of the commission and an em-  
29 ployee or a former employee of the commission may not divulge the fact

1 of or any particular concerning a pending, past, or contemplated  
2 investigation by the commission unless and until the filing of an  
3 accusation by the commission.

4 (c) Knowing violation of the provisions of (b) of this section  
5 is a class A misdemeanor.

6 Sec. 15.14.360. JUDICIAL REVIEW. Judicial review of a final  
7 order of the commission may be had by filing a notice of appeal under  
8 applicable rules of court governing appeals from administrative agen-  
9 cies.

10 Sec. 15.14.370. POWERS OF THE COMMISSION. (a) In connection  
11 with an investigation or hearing under AS 15.14.290 - 15.14.330, the  
12 commission may compel the attendance of witnesses and production of  
13 papers, books, records, accounts, documents, and testimony, and may  
14 have the depositions of witnesses taken in a manner prescribed by  
15 court rule or law for the taking of depositions in civil actions when  
16 consistent with the powers and duties assigned to the commission by  
17 law.

18 (b) The commission may examine the papers, books, records,  
19 accounts and documents of a person subject to this chapter to deter-  
20 mine the correctness of a report filed with the commission or in  
21 conjunction with an investigation or inspection conducted under (a) of  
22 this section.

23 (c) Subpoenas may be issued and shall be served in the manner  
24 prescribed by AS 44.62.430 and court rule. The failure, refusal, or  
25 neglect to obey a subpoena is punishable as contempt in the manner  
26 prescribed by law or court rule. The superior court may compel obedi-  
27 ence to the commission's subpoena in the same manner as prescribed for  
28 obedience to a subpoena issued by the court.

29 Sec. 15.14.380. LEGAL COUNSEL. (a) The attorney general is

1 legal counsel for the commission. The attorney general shall advise  
2 the commission in legal matters arising out of the discharge of its  
3 duties and represent the commission in actions to which it is a party.  
4 If, in the opinion of the commission, the public interest warrants,  
5 the commission may request the attorney general to appoint a special  
6 prosecutor to prosecute alleged misconduct under AS 15.14.230 or  
7 15.14.240.

8 (b) When the public interest warrants, and if the attorney  
9 general concurs, the commission may employ temporary legal counsel  
10 from time to time in matters in which the commission is involved.

11 ARTICLE 6. GENERAL PROVISIONS.

12 Sec. 15.14.900. DEFINITIONS. In this chapter

13 (1) "candidate" means an individual who

14 (A) files for election to the state legislature, for  
15 governor, for lieutenant governor, for municipal office, for  
16 retention in judicial office, or for constitutional delegate;

17 (B) campaigns as a write-in candidate for an elective  
18 office; or

19 (C) accepts contributions totalling \$1,000 or more in  
20 the aggregate from another person or political group for the  
21 purpose of seeking elective office or retention in judicial  
22 office;

23 (2) "contribution"

24 (A) means the purchase, payment, promise or obligation  
25 to pay, loan or loan guarantee, deposit or gift of money, goods  
26 or services for which charge is ordinarily made and that is made  
27 for the purpose of influencing the nomination or election of a  
28 candidate or for the purpose of influencing a ballot proposition  
29 or question, including the payment by a person other than a

1 candidate or political party, of compensation for the personal  
2 services of another person that are rendered to the candidate or  
3 political party;

4 (B) does not include

5 (i) services provided without compensation by an  
6 individual volunteering on behalf of a candidate or ballot  
7 proposition or question, unless the services are volunteered  
8 by an individual who would ordinarily be paid a fee or wage  
9 for the services and the services are of an aggregate value  
10 of \$1,000 or more;

11 (ii) services provided by an accountant or other  
12 person to prepare reports and statements required by this  
13 chapter;

14 (iii) ordinary hospitality in a home;

15 (3) "expenditure"

16 (A) means a purchase or a transfer of money or any-  
17 thing of value or a promise or agreement to purchase or transfer  
18 money or anything of value, incurred or made for the purpose of

19 (i) influencing the nomination or election of a  
20 candidate or of any individual who files for nomination at a  
21 later date and becomes a candidate;

22 (ii) influencing the outcome of a ballot proposi-  
23 tion or question; or

24 (iii) providing payment of compensation for the  
25 personal services of another person that are rendered to a  
26 candidate or political party;

27 (B) does not include a candidate's filing fee or the  
28 cost of preparing reports and statements required by this chap-  
29 ter;

- 1 (4) "individual" means a natural person;
- 2 (5) "municipality" has the meaning given by AS 01.10.-
- 3 060(4);
- 4 (6) "person" has the meaning given in AS 01.10.060 but does
- 5 not include an entity organized to influence an election;
- 6 (7) "political interest group" means a person or combina-
- 7 tion of persons, including a political party and its state, regional,
- 8 or local subdivisions that accepts contributions for the purpose of
- 9 influencing an election and exercises discretion over the expenditure
- 10 of the contributions;
- 11 (8) "political party"
- 12 (A) means a group of organized voters that
- 13 (i) claims to represent a political program; and
- 14 (ii) nominated a candidate for governor who received
- 15 at least five percent of the total vote cast at the preced-
- 16 ing general election for governor;
- 17 (B) does not include the campaign committee of a
- 18 candidate.
- 19 \* Sec. 2. AS 11.56.130 is amended to read:
- 20 Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "bene-
- 21 fit" has the meaning given [ASCRIBED TO IT] in AS 11.81.900 but does
- 22 not include
- 23 (1) political campaign contributions reported under AS 15.-
- 24 14 [IN ACCORDANCE WITH AS 15.13];
- 25 (2) concurrence in official action in the cause of legiti-
- 26 mate compromise between public servants; or
- 27 (3) support, including a vote, solicited by a public ser-
- 28 vant or offered by any person in an election.
- 29 \* Sec. 3. AS 15.56.130 is amended to read:

1           Sec. 15.56.130.   TIME LIMITATION.   Except as provided in AS 15.-  
2           14.280, a [A] prosecution for an offense described in the Alaska  
3           Election Code (AS 15.05 - 15.60) may not be maintained unless it is  
4           begun within one year after the date of the election in connection  
5           with which the offense is alleged to have been committed.

6   \* Sec. 4.   AS 24.45.021(a) is amended to read:

7           Sec. 24.45.021.   ADMINISTRATION.   (a)   This chapter shall be  
8           administered by the Alaska Public Offices Commission established  
9           [CREATED] under AS 15.14.020 [AS 15.13.020(a)].

10   \* Sec. 5.   AS 24.45.091 is amended to read:

11           Sec. 24.45.091.   PUBLICATION OF REPORTS.   Copies of the state-  
12           ments and reports filed under this chapter shall be made available to  
13           the public at the commission's central office, the office of the  
14           lieutenant governor, the legislative reference library of the Legisla-  
15           tive Affairs Agency, and at the commission's district offices [PRE-  
16           SCRIBED IN AS 15.13.020(j)] as soon as practicable after each re-  
17           porting period.

18   \* Sec. 6.   AS 24.60.080 is amended to read:

19           Sec. 24.60.080.   GIFTS.   Unless otherwise provided for under  
20           AS 24.60.030, a person to whom this chapter applies may not solicit a  
21           gift in any amount, or accept or receive, directly or indirectly, a  
22           gift, whether in the form of money, services, a loan, travel, enter-  
23           tainment, hospitality, or other form, if the gift was intended as a  
24           reward or inducement for an official action by the person. A gift of  
25           travel and hospitality within the state received by a member of the  
26           legislature in obtaining information on matters of legislative concern  
27           is not prohibited by this section, nor are political contributions  
28           received and reported under AS 15.14 [AS 15.13.040].

29   \* Sec. 7.   AS 29.20.170 is amended to read:

1           Sec. 29.20.170. VACANCIES. The governing body may provide by  
2 ordinance the manner in which a vacancy occurs in any elected office  
3 except the office of mayor or school board member. Unless otherwise  
4 provided by ordinance, the governing body shall declare an elective  
5 office, other than the office of mayor or school board member, vacant  
6 when the person elected

7           (1) fails to qualify or take office within 30 days after  
8 election or appointment;

9           (2) is physically absent from the municipality for 90  
10 consecutive days unless excused by the governing body;

11           (3) resigns and the resignation is accepted;

12           (4) is physically or mentally unable to perform the duties  
13 of office as determined by two-thirds vote of the governing body;

14           (5) is convicted of a felony or of an offense involving a  
15 violation of the oath of office;

16           (6) is convicted of a felony or misdemeanor described in  
17 AS 15.56 and two-thirds of the members of the governing body concur in  
18 expelling the person elected;

19           (7) is convicted of a violation of AS 15.14 or former  
20 AS 15.13;

21           (8) no longer physically resides in the municipality and  
22 the governing body by two-thirds vote declares the seat vacant; or

23           (9) if a member of the governing body, misses three con-  
24 secutive regular meetings and is not excused.

25 \* Sec. 8. AS 29.20.280(a) is amended to read:

26           Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The gov-  
27 erning body shall, by two-thirds concurring vote, declare the office  
28 of mayor vacant only when the person elected

29           (1) fails to qualify or take office within 30 days after

- 1 election or appointment;
- 2 (2) unless excused by the governing body, is physically  
3 absent for 90 consecutive days;
- 4 (3) resigns and the resignation is accepted;
- 5 (4) is physically or mentally unable to perform the duties  
6 of office;
- 7 (5) is convicted of a felony or of an offense involving a  
8 violation of the oath of office;
- 9 (6) is convicted of a felony or misdemeanor described in  
10 AS 15.56;
- 11 (7) is convicted of a violation of AS 15.14 or former  
12 AS 15.13;
- 13 (8) no longer physically resides in the municipality; or  
14 (9) if a member of the governing body in a second class  
15 city, misses three consecutive regular meetings and is not excused.

16 \* Sec. 9. AS 39.50.050(a) is amended to read:

17 Sec. 39.50.050. ADMINISTRATION AND INSPECTION. (a) The Alaska  
18 Public Offices Commission established [CREATED] under AS 15.14.020  
19 [AS 15.13.020(a)] shall administer the provisions of this chapter. The  
20 commission shall prepare and keep available for distribution, stan-  
21 dardized forms on which the reports required by this chapter shall be  
22 filed.

23 \* Sec. 10. AS 39.50.200(a) is amended to read:

24 (a) In this chapter:

25 (1) "assistant to the governor" includes any executive,  
26 legislative, special, administrative or press assistant to the gover-  
27 nor, and any person similarly employed;

28 (2) "child" includes a biological child, an adoptive  
29 child, and a stepchild;

- 1           (3) "commission" means the Alaska Public Offices Commis-  
2 sion established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];
- 3           (4) "instrumentality of the state" means a state depart-  
4 ment or agency, whether in the legislative, judicial, or executive  
5 branch, including such entities as the University of Alaska and the  
6 Alaska State Housing Authority;
- 7           (5) "judicial officer" means a person appointed as a  
8 justice to the supreme court or as a judge to the court of appeals,  
9 superior court, district court, or magistrate court;
- 10          (6) "mother or father" includes a biological parent, an  
11 adoptive parent, and a step-parent;
- 12          (7) "municipal officer" includes a borough or city mayor,  
13 borough assemblyman, city councilman, school board member, elected  
14 utility board member, city or borough manager, members of a city or  
15 borough planning or zoning commission within a home rule or general  
16 law city or borough, or a unified municipality;
- 17          (8) "public official" means a judicial officer, a member  
18 of the legislature, the fiscal analyst of the legislative finance  
19 division, the legislative auditor of the legislative audit division,  
20 the executive director of the Legislative Affairs Agency and the  
21 directors of the divisions within the Legislative Affairs Agency, the  
22 governor, the lieutenant governor, a person hired or appointed as the  
23 head or deputy head of, or director of a division within, a department  
24 in the executive branch, and assistant to the governor, chairman or  
25 member of a state commission or board, and each appointed or elected  
26 municipal officer;
- 27          (9) "source of income" means the entity for which service  
28 is performed or which is otherwise the origin of payment; if the  
29 person whose income is being reported is employed by another, the

1 employer is the source of income; but if the person is self- employed  
2 by means of a sole proprietorship, partnership, professional corpora-  
3 tion, or a corporation in which the person, the person's spouse or  
4 children, or a combination of them, hold a controlling interest, the  
5 "source" is the client or customer of the proprietorship, partnership  
6 or corporation, but if the entity which is the origin of payment is  
7 not the same as the client or customer for whom the service is per-  
8 formed, both are considered the source;

9 \* Sec. 11. AS 39.50.200(b) is repealed and reenacted to read:

10 (b) In this chapter "state commission or board" means the

11 (1) Agricultural Revolving Loan Fund Board (created admin-  
12 istratively to assist in administration of AS 03.10);

13 (2) Alaska Coastal Policy Council members and their alter-  
14 nates (AS 44.19.155);

15 (3) Alaska Commercial Fisheries Entry Commission (AS 16.-  
16 43.020);

17 (4) Alaska Commission on Postsecondary Education (AS 14.-  
18 42.015);

19 (5) Alaska Energy Center (AS 46.12);

20 (6) Alaska Housing Finance Corporation (AS 18.56.010 -  
21 18.56.210);

22 (7) Alaska Judicial Council (art. IV, sec. 8, Alaska Con-  
23 stitution);

24 (8) Alaska Medical Facility Authority (AS 18.26.010 -  
25 18.26.900);

26 (9) Alaska Municipal Bond Bank Authority (AS 44.85.020);

27 (10) Alaska Power Authority public directors (AS 44.83.030);

28 (11) Alaska Oil and Gas Conservation Commission (AS 31.05.-  
29 005 - 31.05.170);

- 1 (12) Alaska Public Broadcasting Commission (AS 44.21.256);
- 2 (13) Alaska Public Offices Commission (AS 15.14.020);
- 3 (14) Alaska Public Utilities Commission (AS 42.05.010);
- 4 (15) Alaska Resources Corporation (AS 37.12.010);
- 5 (16) Alaska Royalty Oil and Gas Development Advisory Board
- 6 (AS 38.06.020);
- 7 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
- 8 (18) Alaska State Council on the Arts (AS 44.27.040);
- 9 (19) Alaska State Housing Authority (AS 18.55.020);
- 10 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
- 11 (21) Alcoholic Beverage Control Board (AS 04.06.010);
- 12 (22) Board of Education (AS 14.07.075);
- 13 (23) Board of Fisheries (AS 16.05.221(a));
- 14 (24) Board of Game (AS 16.05.221(b));
- 15 (25) Board of Parole (AS 33.16.020);
- 16 (26) Board of Trustees and executive director of the Alaska
- 17 Permanent Fund Corporation (AS 37.13.040);
- 18 (27) Commission on Judicial Conduct (art. IV, sec. 10,
- 19 Alaska Constitution);
- 20 (28) Council on Domestic Violence and Sexual Assault
- 21 (AS 18.66.010);
- 22 (29) Employment Security Advisory Council (AS 23.20.025);
- 23 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
- 24 35.010);
- 25 (31) Governor's Commission on the Administration of Justice
- 26 (AS 44.19.110);
- 27 (32) Local Boundary Commission (AS 44.47.565);
- 28 (33) Occupational Safety and Health Review Board (AS 18.60.-
- 29 057);

- 1 (34) Public Employees' Retirement Board (AS 39.35.030);  
2 (35) State Assessment Review Board (AS 43.56.040);  
3 (36) State Commission for Human Rights (AS 18.80.010);  
4 (37) State Personnel Board (AS 39.25.060);  
5 (38) University of Alaska Board of Regents (AS 14.40.120);  
6 (39) Workers' Compensation Board (AS 23.30.005).

7 \* Sec. 12. AS 15.13 is repealed.

8 \* Sec. 13. AS 15.56.010(1) and (2) are repealed.

9 \* Sec. 14. Alaska Public Office Commission members serving on the  
10 effective date of this Act continue to serve out their terms as provided  
11 under AS 15.13.020, repealed in sec. 12 of this Act. Vacancies occurring  
12 after the effective date of this Act shall be filled in accordance with  
13 AS 15.14.020 enacted in sec. 1 of this Act.

14 \* Sec. 15. Notwithstanding AS 15.14.010(b) as enacted in sec. 1 of this  
15 Act, the election of a municipality held under former AS 15.13.010(a) to  
16 exempt its officers from the application of AS 15.13 is confirmed as an  
17 exemption from the application of AS 15.14.

18 \* Sec. 16. AS 15.14.190 as enacted in sec. 1 of this Act does not apply  
19 to campaign accounts for election campaigns held before the effective date  
20 of this Act and does not apply to contributions solicited or accepted and  
21 to expenditures made for the purpose of retiring campaign debts incurred by  
22 a candidate in an election campaign held before the effective date of this  
23 Act.

24 \* Sec. 17. This Act applies to election campaign activities that take  
25 place after January 1, 1987, and that relate to state or municipal elec-  
26 tions held after January 16, 1987.

27 \* Sec. 18. This Act takes effect January 16, 1987.