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Referred: Finance

Original sponsor: State Affairs
Committee

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

1 IN THE SENATE

2

CS FOR SENATE BILL NO. 356 (C&RA)

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
the Alaska Public Offices Commission; and providing
for an effective date."

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

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

11

CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12

ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

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

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(b) This chapter applies to each election for mayor, municipal
governing body, and school board in a municipality with a population
of more than 1,000 according to the latest estimates of population
certified by the Department of Community and Regional Affairs under
AS 29.60.020. A municipality may exempt its elections from the re-
quirements of this chapter if a majority of the voters voting on the
question at a regular election as defined by AS 29.71.800 or a special
municipality-wide election called for that purpose vote to exempt its
elections from the requirements of this chapter. The question of
exemption from the requirements of this chapter may be submitted to
the voters by initiative or by the city council or borough assembly by
ordinance.

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(c) This chapter does not prohibit a municipality from

1 additional regulation of campaign contributions and expenditures by
2 ordinance.

3 (d) Except as otherwise provided, this chapter applies to a
4 contribution, an expenditure or a communication made by a candidate, a
5 political action committee, a municipality, or a person for the pur-
6 pose of influencing the outcome of a ballot proposition or question as
7 well as that made to influence the nomination or election of a candi-
8 date.

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

12 Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
13 Alaska Public Offices Commission is established in the Department of
14 Administration.

15 (b) The commission consists of five members.

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

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

26 (e) The governor shall fill a vacancy or appoint a successor to
27 a member appointed under (c) of this section within 30 days after
28 receiving the nominations from the central committee or other govern-
29 ing body of the party. An appointment may be made in anticipation of

1 an impending vacancy, and the appointment takes effect on the actual
2 vacancy.

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

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

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

17 (1) hold or campaign for elective office;

18 (2) be an officer of a political party, political commit-
19 tee, or political action committee;

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

23 (4) participate in an election campaign or participate in
24 or contribute to a political party; or

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

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

1 (j) The members of the commission shall elect a chairman. A
2 majority of the commission constitutes a quorum. The affirmative vote
3 of at least three members is required to take official action. A
4 vacancy does not impair the power of the remaining members to exercise
5 the powers of the commission.

6 (k) The commission may employ an executive director and other
7 employees it considers necessary. The executive director and an
8 employee of the commission may not, during tenure,

- 9 (1) serve as a member of the commission;
10 (2) engage in an activity described in (h) of this section.

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

19 (m) The forms and material required for compliance with this
20 chapter shall be made available in each commission office to candi-
21 dates, persons, and political action committees required to file
22 reports under this chapter.

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

28 (o) The commission shall ensure that copies of each report filed
29 by a candidate for municipal office are made available for public

1 inspection in the municipality in which the candidate is seeking
2 office.

3 Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

4 (1) develop and provide forms for the reports, registra-
5 tions, and statements required under this chapter, AS 24.45, and
6 AS 39.50;

7 (2) prepare and publish a manual setting out uniform meth-
8 ods of bookkeeping and reporting for use by persons required to make
9 reports, registrations, and statements under this chapter and other-
10 wise assist candidates, political action committees, and persons in
11 complying with this chapter;

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

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

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

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

24 (7) compile within 60 days after each election a list of
25 the names of all persons, candidates, and political action committees
26 who have failed to timely file a report, registration, or statement
27 required under this chapter and make the list available to the public;

28 (8) examine, investigate, and compare reports, registra-
29 tions, statements, and actions required by this chapter, AS 24.45, and

1 AS 39.50;

2 (9) prepare and publish an annual report to the legislature
3 concerning the activities of the commission, the effectiveness of this
4 chapter, and recommendations 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 aggregate
13 from persons or from political action committees for the purpose
14 of seeking elective office; or

15 (2) files for an elective office.

16 (b) The registration under (a) of this section must designate
17 the office and the year of the election for which the campaign will be
18 conducted, and designate whether the election is for a state or a
19 municipal office.

20 (c) An individual required to register under this section shall
21 include with the registration information required under AS 15.14.160.

22 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

23 (a) A political action committee shall register with the commission
24 on a form prescribed by the commission within 10 days after the polit-
25 ical action committee either

26 (1) accepts contributions of \$1,000 in the aggregate; or

27 (2) makes

28 (A) a contribution to an individual who has registered
29 with the commission under AS 15.14.040; or

1 (B) an expenditure in support of or in opposition to
2 the election of an individual to an office covered by this chap-
3 ter, or on behalf of or in opposition to a ballot proposition or
4 question.

5 (b) A political action committee formed solely for the purpose
6 of sponsoring an initiative, a referendum or a recall shall register
7 with the commission within 30 days after it files a petition with the
8 lieutenant governor or with a municipal clerk.

9 (c) The registration of a political action committee is valid
10 from the date of registration until the following January 31.

11 (d) A political action committee may not use or file with the
12 commission a name that is the same as or materially similar to the
13 name of a political action committee whose registration is then on
14 file with the commission.

15 (e) If a political action committee intends to support or oppose
16 only one candidate or to contribute to or expend more than 50 percent
17 of its funds on behalf of or in opposition to one candidate, the name
18 of the candidate must be part of the name of the political action
19 committee. On receipt of the registration, the commission shall
20 promptly notify the candidate of the political action committee's
21 organization and its intent.

22 (f) A political action committee that makes expenditures or re-
23 ceives contributions with the authorization or consent, express or
24 implied, or under the control, direct or indirect, of a candidate is
25 controlled by the candidate. A contribution to a political action
26 committee controlled by a candidate is a contribution to the candi-
27 date.

28 (g) A political action committee required to register under this
29 section shall include with the registration the information required

1 under AS 15.14.160 and shall designate the year of the election for
2 which the campaign will be conducted or shall indicate that it antici-
3 pates continuing existence.

4 Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS, LOANS,
5 AND EXPENDITURES. (a) A candidate shall make full reports upon a
6 form prescribed by the commission of the contributions and loans
7 received and the expenditures made by the candidate for the designated
8 election campaign, including

9 (1) for each individual, person, or political action com-
10 mittee from which contributions in the aggregate amount of more than
11 \$100 were received:

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

14 (B) the full name, complete address, and principal
15 business activity of each person other than an individual;

16 (C) the full name, complete address, and principal
17 area of interest of each political action committee; and

18 (D) the date and amount of each contribution;

19 (2) for each person or political action committee that lent
20 any amount to the candidate or that guaranteed or otherwise agreed to
21 assume a financial obligation in any amount for or on behalf of a
22 candidate,

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

25 (B) the full name, complete address, and principal
26 business activity of each person other than an individual;

27 (C) the full name, complete address, and principal
28 area of interest of each political action committee;

29 (D) the purpose of the loan;

1 (E) the date and total value of the loan or financial
2 obligation;

3 (F) the interest rate of the loan or financial obliga-
4 tion;

5 (G) the date the loan or financial obligation is due;
6 and

7 (H) the security, if any, for the loan or financial
8 obligation;

9 (3) the total number and amount of all contributions re-
10 ceived of \$100 or less;

11 (4) a total of all contributions received;

12 (5) the total of all expenditures made or obligated;

13 (6) the total amount of all funds that the candidate con-
14 tributed or lent to the campaign of the candidate; and

15 (7) the date, check number, the amount of the check, the
16 full name of the payee, and the purpose of each expenditure.

17 (b) A report containing the information required under (a) of
18 this section must list the contributions and loans received and the
19 expenditures made during the period ending three days before the due
20 date of the report and beginning on the last day covered by the most
21 recent previous report. The report shall be filed in the central
22 office or a district office of the commission at the following times:

23 (1) 30 days before the election unless the deadline for
24 filing a nominating petition or declaration of candidacy is less than
25 34 days before the election;

26 (2) seven days before the election.

27 (c) A candidate shall file a special contribution, loan, or
28 expenditure report with the commission for each contribution, loan, or
29 expenditure of more than \$250 that is received within the last 10 days

1 before the election. The report must include the full name, complete
2 address, principal occupation and employer of the contributor or
3 lender and the date and amount of the contribution or loan, or the
4 purpose of the expenditure. The report shall be filed within 24 hours
5 after the contribution or loan is received or the expenditure is made.

6 (d) A candidate shall file an annual report on or before Janu-
7 ary 31 of each year, except that a candidate shall file a final report
8 covering contributions and loans received and expenditures made during
9 the year in which an election designated under AS 15.14.040(b) is
10 held. The final report shall be filed no later than 30 days after the
11 date on which the candidate must close campaign accounts under AS 15.-
12 14.180. The annual report must include all of the information re-
13 quired under (a) of this section for contributions and loans received
14 and expenditures made between January 1 and December 31 of the immedi-
15 ately preceding year, except that a final report covering the year in
16 which an election designated under AS 15.14.040(b) is held

17 (1) need include only the contributions, loans, and expen-
18 ditures that were not reported to the commission in the reports re-
19 quired under (b) and (c) of this section;

20 (2) must include contributions and loans received and
21 expenditures made through the date that a campaign account is required
22 to be closed under AS 15.14.180; and

23 (3) must include the amount and the disposition of surplus
24 funds.

25 Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES OF CON-
26 TRIBUTIONS, LOANS, AND EXPENDITURES. (a) A political action commit-
27 tee shall make a report on a form prescribed by the commission of
28 contributions and loans received by the political action committee,
29 including

1 (1) for each individual, person, or political action com-
2 mittee from which contributions in the aggregate amount of more than
3 \$100 were received:

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

6 (B) the full name, complete address, and principal
7 business activity of each person other than an individual;

8 (C) the full name, complete address, and principal
9 area of interest of each political action committee; and

10 (D) the date and amount of each contribution;

11 (2) for each person or other political action committee
12 that lent any amount to the reporting political action committee or
13 that guaranteed or otherwise agreed to assume a financial obligation
14 in any amount for or on behalf of the reporting political action
15 committee,

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

18 (B) the full name, complete address, and principal
19 business activity of each person other than an individual;

20 (C) the full name, complete address, and principal
21 area of interest of each political action committee;

22 (D) the purpose of the loan;

23 (E) the date and total value of the loan or financial
24 obligation;

25 (F) the interest rate of the loan or financial obli-
26 gation;

27 (G) the date the loan or financial obligation is due;

28 and

29 (H) the security, if any, for the loan or financial

1 obligation;

2 (3) the total number and amount of all contributions re-
3 ceived of \$100 or less;

4 (4) a total of all contributions received;

5 (5) a total of all expenditures made or obligated;

6 (6) the date, check number, the amount of the check, full
7 name of each payee, and the purpose of each expenditure including

8 (A) for each expenditure that is a contribution to a
9 candidate or a political action committee, the name of the candi-
10 date or political action committee; and

11 (B) for each expenditure that is an independent expen-
12 diture, the name of the candidate or ballot proposition or ques-
13 tion supported or opposed by the independent expenditure.

14 (b) A report containing the information required under (a) of
15 this section must list the contributions and loans received and expen-
16 ditures made during the period ending three days before the due date
17 of the report and beginning on the last day covered by the most recent
18 previous report. The report shall be filed in the central office or a
19 district office of the commission at the following times:

20 (1) 30 days before the election;

21 (2) seven days before the election.

22 (c) A political action committee shall file a special contribu-
23 tion, loan, or expenditures report with the commission for each con-
24 tribution, loan, or expenditure of more than \$250 that is received
25 within the last 10 days before the election. The report must include
26 the full name, complete address, principal occupation and employer of
27 the contributor or lender and the date and amount of the contribution
28 or loan or the purpose of the expenditure. The report shall be filed
29 within 24 hours after the contribution or loan is received or the

1 expenditure is made.

2 (d) A political action committee shall file an annual report on
3 or before January 31 of each year. The annual report must include all
4 of the information required under (a) of this section for contribu-
5 tions and loans received and expenditures made between January 1 and
6 December 31 of the immediately preceding year, except that an annual
7 report covering contributions and loans received and expenditures made
8 during the year in which an election designated under AS 15.14.050(f)
9 is held need include only those contributions, loans, and expenditures
10 that were not reported to the commission in the reports required under
11 (b) and (c) of this section. If the political action committee has
12 not indicated a continuing existence under AS 15.14.050(g), the report
13 filed under this section is the final report.

14 Sec. 15.14.080. STATEMENT BY PERSON MAKING CONTRIBUTION OR
15 EXPENDITURE. (a) A person who makes contributions of more than \$250
16 in the aggregate in goods, services, or money to a candidate or polit-
17 ical action committee or who makes independent expenditures described
18 in AS 15.14.090 with a value of more than \$250 in the aggregate to
19 influence the election of a candidate or the passage of a ballot
20 proposition or question shall make and file in the central or a dis-
21 trict office of the commission a signed statement on a form made
22 available by the commission reporting the activity within 10 days
23 after the contribution or expenditure is made.

24 (b) The statement must list the name, address, principal occupa-
25 tion, and employer of the person who paid for the contribution or
26 expenditure and include the date, amount, payee, and purpose of the
27 contribution or expenditure.

28 (c) The statement must include a certification by the person
29 making the statement that the contribution or expenditure consists of

1 funds or property belonging to the contributor and that the funds have
2 not been given or furnished by another person or political action
3 committee.

4 (d) The person filing the statement shall furnish a copy of the
5 statement to the candidate or the campaign treasurer of the political
6 action committee at the time the statement is filed with the commis-
7 sion.

8 Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent
9 expenditure is an expenditure by a person or political action commit-
10 tee for a communication expressly advocating the election or defeat of
11 a clearly identified candidate that is made without arrangement,
12 coordination, or direction with or by the candidate or the agent of
13 the candidate before the publication, distribution, display, or broad-
14 cast of the communication. An expenditure is a contribution and not
15 an independent expenditure if it is based on information about the
16 candidate's plans, projects, or needs provided to the expending person
17 or political action committee by the candidate or by an agent of the
18 candidate with a view toward having an expenditure made.

19 (b) An expenditure is made in coordination with the candidate or
20 the agent of the candidate if it is made by or in consultation with a
21 person

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

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

28 (3) who is or within one year before the date of the expen-
29 diture has been receiving any form of compensation or reimbursement

1 from the candidate or from campaign funds for professional services
2 that require the exercise of discretion or judgment relating to the
3 conduct of the campaign.

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

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

9 (2) who has been placed in a position within the campaign
10 organization where it would reasonably appear that in the ordinary
11 course of campaign related activities the individual may authorize an
12 expenditure.

13 Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, regis-
14 tration, or statement required under this chapter shall be certified
15 as correct by the candidate or the campaign treasurer of the candi-
16 date, by the campaign treasurer of the political action committee, or
17 by the person making the report, registration, or statement. The
18 report, registration, or statement must include or be accompanied by
19 the following certification signed by the individual filing the re-
20 port, registration, or statement:

21 "I certify that, to the best of my knowledge, this report
22 is true, correct, and complete."

23 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

24 Sec. 15.14.110. CONTRIBUTIONS BY A PERSON. (a) A person may
25 not make a contribution in the form of a cash payment in excess of
26 \$100 in the aggregate during a calendar year to a candidate or a
27 political action committee.

28 (b) A person may not make a contribution in excess of \$1,000 in
29 the aggregate during a calendar year in money, goods, or services to a

1 candidate.

2 (c) Except as provided in (d) of this section, a person may not
3 make a contribution in excess of \$1,000 in the aggregate during a
4 calendar year in money, goods, or services to a political action
5 committee.

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

8 (1) to a political action committee formed solely for the
9 purpose of sponsoring or opposing an initiative or referendum; or

10 (2) to a political party.

11 (e) An individual or person may not make a contribution in any
12 amount to a candidate or political action committee in the form of a
13 loan or loan guarantee. This subsection does not prohibit

14 (1) a contribution in the form of a loan by a candidate or
15 the spouse, parent, or child of the candidate to the campaign of the
16 candidate; or

17 (2) an extension of credit by a person providing goods or
18 services in the normal course of business to a political action com-
19 mittee, a candidate, or a candidate's campaign.

20 Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE.

21 (a) A political action committee may not make a contribution in the
22 form of a cash payment in excess of \$100 in the aggregate during a
23 calendar year to a candidate or political action committee.

24 (b) Except as provided in (c) of this section, a political
25 action committee may not contribute or make an expenditure, other than
26 as an independent expenditure, of more than \$1,000 in the aggregate
27 during a year to a candidate or to a political action committee.

28 (c) Except as provided in (a) of this section, a political
29 action committee may contribute any amount in money, goods, or

1 services to

2 (1) a political action committee formed solely for the pur-
3 pose of sponsoring or opposing an initiative or referendum; or

4 (2) a political party.

5 (d) A political action committee may not make a loan or a loan
6 guarantee to a candidate or to another political action committee.

7 (e) Two or more political action committees sharing a majority
8 of their officers are considered to be a single group for purposes of
9 the contribution limitations under (a) and (b) of this section.

10 (f) An expenditure for a communication in support of the elec-
11 tion of more than one candidate shall be prorated equally among the
12 candidates for purposes of calculating the amount of the expenditure
13 made on behalf of one of the candidates.

14 (g) A political party and its state, regional, and local subdi-
15 visions are not subject to the limitations prescribed in this section,
16 but each is subject to the reporting requirements of AS 15.14.070.

17 Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
18 candidate, a campaign officer of a candidate, a political action
19 committee, and an officer of a political action committee may not
20 accept a contribution in the form of a cash payment in excess of \$100
21 in the aggregate during a year from a person or a political action
22 committee.

23 (b) A candidate and a campaign officer of a candidate may not
24 accept a contribution in excess of \$1,000 in the aggregate during a
25 calendar year in money, goods, or services from a person or a politi-
26 cal action committee.

27 (c) Except as provided in this subsection, a political action
28 committee and an officer of a political action committee may not
29 accept a contribution in excess of \$1,000 in the aggregate during a

1 calendar year in money, goods, or services from a person or a politi-
2 cal action committee. A political party or a political action com-
3 mittee formed solely for the purpose of sponsoring or opposing an
4 initiative or a referendum may

5 (1) accept any amount in money, goods, or services;

6 (2) not accept a contribution in the form of a cash payment
7 in excess of \$100 in the aggregate during a calendar year from a
8 person.

9 (d) A candidate and a political action committee may not accept
10 a contribution in the form of a loan or a loan guarantee.

11 Sec. 15.14.140. EXPENDITURES. (a) A political party may make a
12 contribution or expenditure of money, goods, or services without
13 limitation as to amount or value.

14 (b) Except as provided under AS 15.14.170, a candidate may make
15 expenditures of money, goods, or services on behalf of the candidate's
16 own campaign without limitation as to amount or value.

17 (c) A person or political action committee may make an indepen-
18 dent expenditure as defined in AS 15.14.090 of money, goods, or ser-
19 vices without limitation as to amount or value on behalf of or in
20 opposition to a candidate or ballot proposition.

21 Sec. 15.14.150. PROHIBITED CONTRIBUTIONS. (a) A contribution
22 may not be made and an expenditure may not be made or incurred either
23 directly or indirectly in a fictitious name, anonymously, or by one
24 person or political action committee in the name of another. A con-
25 tribution made by a corporation is not a contribution in the name of a
26 shareholder of the corporation for the purposes of this subsection.

27 (b) A contribution made by a person wishing to remain anonymous
28 and received by a candidate or political action committee may not be
29 accepted, but shall be returned to the donor if the identity of the

1 donor is known. If the identity of the donor is not known, the con-
2 tribution shall be donated to an organization that qualifies as a
3 charitable organization under 26 U.S.C. 501(c).

4 (c) A candidate, a campaign officer of a candidate, political
5 action committee, and a campaign officer of a political action commit-
6 tee may not accept a contribution described in this section. A con-
7 tribution under this section is accepted unless it is returned or
8 donated under (b) of this section within 10 days after the candidate
9 or political action committee knows or should have known that the con-
10 tribution is prohibited under this section.

11 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

12 Sec. 15.14.160. CAMPAIGN OFFICERS. (a) Each candidate may and
13 each political action committee shall appoint a campaign chairman.
14 Each candidate and each political action committee shall appoint a
15 campaign treasurer who is responsible for receiving, holding, and
16 disbursing all contributions and expenditures, and for filing all
17 reports and statements required by law. Each candidate and each
18 political action committee may appoint deputy campaign treasurers at
19 any time. A candidate may be a campaign treasurer.

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

1 name, address, and telephone number of the campaign chairman.

2 (c) An individual may not act as the campaign chairman, campaign
3 treasurer, or deputy campaign treasurer for a candidate or political
4 action committee until the name, address, and telephone number of the
5 individual has been filed with the commission. The address of a
6 candidate's campaign treasurer is the address of the candidate unless
7 the candidate files a different mailing address with the commission.

8 (d) In the case of the death, resignation, or removal of a
9 campaign officer required to be appointed under this section, the
10 candidate or political action committee shall file the name, address,
11 and telephone number of the successor in the central or a district
12 office of the commission within 10 days after the vacancy occurs.

13 (e) A candidate may receive contributions and make expenditures
14 only in person or through a campaign chairman, a campaign treasurer,
15 or a deputy campaign treasurer. A political action committee may re-
16 ceive contributions and make expenditures only through the campaign
17 chairman, campaign treasurer, or deputy campaign treasurer of the
18 political action committee. A person does not receive or make a
19 contribution under this section on behalf of a candidate or political
20 action committee if

21 (1) the person transfers or delivers a contribution to a
22 candidate or a campaign officer of a candidate or political action
23 committee and discloses to the candidate or political action committee
24 the identity of the contributor;

25 (2) the person does not exercise discretion or control as
26 to the amount or as to the identity of the recipient of the contribu-
27 tion; and

28 (3) the person is not a campaign officer of the candidate
29 or political action committee ultimately receiving the contribution.

1 (f) The candidate is responsible for the performance of the
2 campaign officers of the candidate. The campaign chairman of a polit-
3 ical action committee is responsible for the performance of the other
4 officers of the political action committee. A default or violation by
5 the officer is considered a default or violation by the candidate if
6 the candidate knew or had reason to know of the default or violation.
7 A default or violation by the officer of the political action commit-
8 tee is considered a default or violation by the campaign chairman of
9 the political action committee if the campaign chairman knew or had
10 reason to know of the default or violation.

11 Sec. 15.14.170. USE OF CAMPAIGN FUNDS. (a) Campaign funds
12 received by a candidate or by a political action committee may be used
13 only to

14 (1) influence or attempt to influence the actions of the
15 voters for or against the election of a candidate or the passage or
16 defeat of a ballot proposition or question; or

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

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

20 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
21 190.

22 Sec. 15.14.180. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF
23 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account
24 relating to a designated election campaign on or before one of the
25 following dates:

26 (1) for a statewide candidate in the general election, the
27 date on which the successful candidate in the designated election is
28 sworn into office;

29 (2) for a legislative candidate in the general election, 30

1 days after the date of the election;

2 (3) for a candidate in a municipal election, 30 days after
3 the date of the election or, in the case of a run-off election, 30
4 days after the date of a run-off election;

5 (4) for a candidate who loses in a primary election, 30
6 days after the date of the election;

7 (5) for a candidate who withdraws before an election, 30
8 days after filing a notice of withdrawal; or

9 (6) for a candidate who withdraws after registering under
10 AS 15.40.040 but before filing for office, 30 days after the deadline
11 for filing a declaration of candidacy or a nominating petition;

12 (7) for a judicial candidate or a delegate to a constitu-
13 tional convention, 30 days after the date of the election.

14 (b) A candidate and a campaign officer of a candidate may not
15 solicit or accept a contribution for the designated election campaign
16 after the date on which the candidate is required to close campaign
17 accounts under (a) of this section.

18 (c) A candidate and a campaign officer of a candidate may not
19 make expenditures of any kind, except for the disposition of surplus
20 funds, after the date on which the candidate is required to close
21 campaign accounts under (a) of this section for

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

24 (2) the payment of campaign debts to an individual, person,
25 or political action committee; or

26 (3) the payment of loans made by the candidate to the
27 campaign of the candidate.

28 Sec. 15.14.190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
29 dispose of campaign funds that are not spent during the designated

1 election campaign by

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

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

6 (3) after registering with the commission under AS 15.14.-
7 040, transferring the funds to a newly designated election campaign
8 account for a designated state election to be held not more than four
9 years after the election designated under AS 15.14.040(b);

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

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

16 (6) returning the funds to contributors on a pro rata
17 basis.

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

21 Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public
22 officer or employee of the state or of a municipality of the state may
23 not, while on the premises of a state or municipal office, solicit or
24 request a contribution to a candidate, political action committee or
25 political party.

26 (b) A person may not solicit or request a public officer or
27 employee to contribute to a candidate, political action committee, or
28 political party while the public officer or employee is on the prem-
29 ises of a state or municipal office.

1 (c) A candidate, an officer of a candidate, a political action
2 committee, and an officer of a political action committee may not
3 knowingly accept a contribution obtained in violation of this section.

4 (d) Subsections (a) and (b) of this section do not apply to a
5 public officer elected to office by popular vote.

6 Sec. 15.14.210. IDENTIFICATION OF COMMUNICATION. (a) An adver-
7 tisement, billboard, handbill, paid-for television or radio announce-
8 ment, or other communication intended to influence the election of a
9 candidate or the outcome of a ballot proposition or question shall be
10 clearly identified by the words "paid for by" followed by the name and
11 address of the candidate, political action committee, or the person or
12 persons paying for the communication.

13 (b) A person or political action committee making an independent
14 expenditure for an item described in (a) of this section shall, within
15 the printed material or during a broadcast, state: "This communication
16 was not authorized by any candidate."

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

21 ARTICLE 5. VIOLATIONS, CIVIL PENALTIES, AND PROCEDURES.

22 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
23 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
24 file a report of contributions, loans, or expenditures required to be
25 filed 30 days or seven days before an election under AS 15.14.060(b)
26 or fails to file a report within 24 hours after receiving a contribu-
27 tion or making an expenditure under AS 15.14.060(c) is subject to a
28 civil penalty of not less than \$500 nor more than \$2,000 for each day
29 that the report is due but not filed up to a maximum of \$25,000 for

1 each report.

2 (b) A political action committee that, with intent to avoid
3 disclosure, fails to file a report of contributions, loans, or expen-
4 ditures required to be filed 30 days or seven days before an election
5 under AS 15.14.070(b) or fails to file a report within 24 hours after
6 receiving a contribution or making an expenditure under AS 15.14.-
7 070(c) is subject to a civil penalty of not less than \$500 nor more
8 than \$2,000 for each day that the report is due but not filed up to a
9 maximum of \$25,000 for each report.

10 (c) A person who, with intent to avoid disclosure, files a
11 report of contributions or expenditures containing a false or mislead-
12 ing statement as to a contributor, contribution, loan, or expenditure
13 required to be included in a report under AS 15.14.060(a) is subject
14 to a civil penalty

15 (1) of not less than \$500 nor more than \$5,000 for each
16 false or misleading statement; and

17 (2) not to exceed twice the amount of the contribution or
18 expenditure involving the false or misleading statement.

19 (d) A political action committee that, with intent to avoid
20 disclosure, files a report of contributions or expenditures containing
21 a false or misleading statement as to a contributor, contribution,
22 loan, or expenditure required to be included in a report under AS 15.-
23 14.070(a) is subject to a civil penalty

24 (1) of not less than \$500 nor more than \$5,000 for each
25 false or misleading statement; and

26 (2) not to exceed twice the amount of the contribution or
27 expenditure involving the false or misleading statement.

28 (e) A person who knowingly makes a contribution in excess of the
29 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

- 1 (1) of not less than \$1,000 nor more than \$5,000; and
2 (2) not to exceed twice the amount that the contribution
3 exceeds the limitation.

4 (f) A political action committee that knowingly makes a contri-
5 bution in excess of the limitation under AS 15.14.120(b) is subject to
6 a civil penalty

- 7 (1) of not less than \$1,000 nor more than \$5,000; and
8 (2) not to exceed twice the amount that the contribution
9 exceeds the limitation.

10 (g) Except as provided in AS 15.14.130(c), a political action
11 committee that knowingly accepts a contribution in excess of the
12 limitation established in AS 15.14.130(c) is subject to a civil
13 penalty

- 14 (1) of not less than \$1,000 nor more than \$5,000; and
15 (2) not to exceed twice the amount that the contribution
16 exceeds the limitation.

17 (h) A person who knowingly makes a contribution in the form of
18 cash during the year of more than \$100 in the aggregate in violation
19 of AS 15.14.110(a) is subject to a civil penalty of

- 20 (1) not less than \$100 nor more than \$1,000 if the contri-
21 bution is less than \$500, in the aggregate; and
22 (2) an additional civil penalty of not to exceed twice the
23 amount of the cash contribution if it amounts to \$500 or more in the
24 aggregate.

25 (i) A political action committee that knowingly makes a contri-
26 bution in the form of cash during the year of more than \$100 in the
27 aggregate in violation of AS 15.14.120(a) is subject to a civil penal-
28 ty of

- 29 (1) not less than \$100 nor more than \$1,000 if the

1 contribution is less than \$500, in the aggregate; and

2 (2) an additional civil penalty of not to exceed twice the
3 amount of the cash contribution if it amounts to \$500 or more in the
4 aggregate.

5 (j) A person or political action committee that knowingly ac-
6 cepts a contribution in the form of cash during the year of more than
7 \$100 in the aggregate in violation of AS 15.14.130(a) is subject to a
8 civil penalty of

9 (1) not less than \$100 nor more than \$1,000 if the contri-
10 bution is less than \$500, in the aggregate; and

11 (2) an additional civil penalty of not to exceed twice the
12 amount of the cash contribution if it amounts to \$500 or more in the
13 aggregate.

14 (k) A person or political action committee that, with intent to
15 avoid disclosure, makes or accepts a contribution in violation of
16 AS 15.14.150(a) or (c) is subject to a civil penalty of

17 (1) not less than \$500 nor more than \$5,000; and

18 (2) if the contribution amounts to \$500 or more, an addi-
19 tional civil penalty of not to exceed twice the amount of the contri-
20 bution.

21 (l) A person or political action committee that knowingly ac-
22 cepts a contribution obtained in violation of AS 15.56.025 through a
23 threat of physical force, job discrimination, or financial reprisals
24 is subject to a civil penalty of not less than \$1,000 nor more than
25 \$10,000.

26 (m) A person or political action committee that intentionally
27 solicits or requests a contribution from a public officer or employee
28 of the state or a municipality of the state in a manner prohibited
29 under AS 15.14.200(a) or (b) is subject to a civil penalty of not less

1 than \$500 nor more than \$5,000.

2 (n) A person or political action committee that knowingly ac-
3 cepts a contribution from a public officer or employee of the state or
4 a municipality of the state in a manner prohibited under AS 15.14.-
5 200(a) or (b) is subject to a civil penalty of not less than \$500 nor
6 more than \$5,000.

7 Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND
8 DEGREE. (a) A person who fails to file a report of contributions or
9 expenditures required to be filed 30 days or seven days before an
10 election under AS 15.14.060(b) or fails to file a report within 24
11 hours after receiving a contribution or making an expenditure under
12 AS 15.14.060(c) is subject to a civil penalty of not less than \$25 nor
13 more than \$100 for each day that the report is due but not filed up to
14 a maximum of \$5,000 for each report.

15 (b) A political action committee that fails to file a report of
16 contributions or expenditures required to be filed 30 days or seven
17 days before an election under AS 15.14.070(b) or fails to file a
18 report within 24 hours after receiving a contribution or making an
19 expenditure under AS 15.14.070(c) is subject to a civil penalty of not
20 less than \$25 nor more than \$100 for each day that the report is due
21 but not filed up to a maximum of \$5,000 for each report.

22 (c) A person who fails to file a report, registration, or state-
23 ment required to be filed under this chapter, other than a report
24 described in (a) or (b) of this section, is subject to a civil penalty
25 of not less than \$10 nor more than \$100 per day for each day that the
26 report, registration, or statement is due but not filed, up to a
27 maximum fine of \$3,000 for each report, registration, or statement.

28 (d) A person who files a report of contributions or expenditures
29 containing a false or misleading statement as to a contributor,

1 contribution, loan, or expenditure required to be included in a report
2 under AS 15.14.060(a) is subject to a civil penalty

3 (1) of not less than \$50 nor more than \$500 for each false
4 or misleading statement; and

5 (2) not to exceed the amount of the contribution or expen-
6 diture involving the false or misleading statement.

7 (e) A political action committee that files a report of contri-
8 butions or expenditures containing a false or misleading statement as
9 to a contributor, contribution, loan, or expenditure required to be
10 included in a report under AS 15.14.070(a) is subject to a civil
11 penalty of

12 (1) not less than \$50 nor more than \$500 for each false or
13 misleading statement; and

14 (2) not to exceed the amount of the contribution or expen-
15 diture involving the false or misleading statement.

16 (f) A person who makes a contribution in excess of the limita-
17 tion under AS 15.14.110(b) or (c) is subject to a civil penalty

18 (1) of not less than \$50 nor more than \$500; and

19 (2) not to exceed the amount that the contribution exceeds
20 the limitation.

21 (g) A political action committee that makes a contribution in
22 excess of the limitation under AS 15.14.120(b) is subject to a civil
23 penalty

24 (1) of not less than \$50 nor more than \$500; and

25 (2) not to exceed the amount that the contribution exceeds
26 the limitation.

27 (h) A person who makes a contribution in the form of cash during
28 the year of more than \$100 in the aggregate in violation of AS 15.14.-
29 110(a) is subject to a civil penalty of not to exceed the amount of

1 the cash contribution.

2 (i) A political action committee that makes a contribution in
3 the form of cash during the year of more than \$100 in the aggregate in
4 violation of AS 15.14.120(a) is subject to a civil penalty of not to
5 exceed the amount of the cash contribution.

6 (j) A candidate or an officer of a candidate that accepts a
7 contribution in excess of the limitation under AS 15.14.130(b) is
8 subject to a civil penalty

9 (1) of not less than \$50 nor more than \$500; and

10 (2) not to exceed the amount that the contribution exceeds
11 the limitation.

12 (k) A political action committee that accepts a contribution in
13 excess of the limitation under AS 15.14.130(c) is subject to a civil
14 penalty

15 (1) of not less than \$50 nor more than \$500; and

16 (2) not to exceed the amount that the contribution exceeds
17 the limitation.

18 (l) A candidate, an officer of a candidate, a political action
19 committee, or an officer of a political action committee that accepts
20 a contribution in the form of cash during the year of more than \$100
21 in the aggregate in violation of AS 15.14.130(a) is subject to a civil
22 penalty of not to exceed the amount of the cash contribution.

23 (m) A candidate who fails to close a campaign account by the
24 date established in AS 15.14.180(a) is subject to a fine of not less
25 than \$25 nor more than \$100 per day for each day that the account
26 should have been but was not closed, up to a maximum of \$2,000.

27 (n) A person who fails to dispose of surplus funds by the date
28 established in AS 15.14.190(b) is subject to a civil penalty of not
29 less than \$25 nor more than \$100 per day for each day that the surplus

1 funds should have been but were not disposed of, up to a maximum of
2 \$2,000.

3 (o) A person is subject to a civil penalty of not less than \$100
4 nor more than \$2,000 if the person

5 (1) solicits or accepts a contribution or makes an expendi-
6 ture, other than a disposition of surplus funds, after the date that
7 campaign accounts are required to be closed under AS 15.14.180;

8 (2) uses campaign funds for a purpose not permitted under
9 AS 15.14.170;

10 (3) uses surplus funds for a purpose not permitted under
11 AS 15.14.190;

12 (4) acts as a campaign officer at a time when the name of
13 the person has not been filed with the commission; or

14 (5) fails to include in a communication intended to influ-
15 ence the election of a candidate or the outcome of a ballot proposi-
16 tion or question the information required under AS 15.14.210(a) or
17 (b).

18 Sec. 15.14.240. PAYMENT OF CIVIL PENALTY. A civil penalty
19 imposed by the commission under AS 15.14.220 or 15.14.230 may not be
20 paid from campaign funds.

21 Sec. 15.14.250. REMOVAL FROM OFFICE. (a) If, after being sworn
22 into office, a person who was a successful candidate is found to have
23 committed a violation in the first degree under AS 15.14.220, proceed-
24 ings shall be held and appropriate action taken under

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

27 (2) art. II, sec. 20, Constitution of the State of Alaska,
28 if the candidate is a candidate for governor or lieutenant governor;

29 (3) AS 29.20.170, if the candidate is a candidate for

1 borough assembly;

2 (4) AS 29.20.280, if the candidate is a candidate for
3 borough mayor;

4 (5) AS 29.20.170, if the candidate is a candidate for city
5 council;

6 (6) AS 29.20.280(a), if the candidate is a candidate for
7 city mayor;

8 (7) the provisions of the call for the constitutional
9 convention, if the candidate is a candidate for constitutional conven-
10 tion delegate;

11 (8) art. IV., sec. 10, Constitution of the State of Alaska,
12 if the candidate is a candidate for judicial retention.

13 (b) Information developed by the commission under AS 15.14.270
14 shall be considered during a proceeding under (a) of this section.

15 (c) When, after being sworn into office, a successful candidate
16 is charged with a violation in the first degree under AS 15.14.220(a),
17 the commission shall promptly hear the matter and accord it a pre-
18 ferred position for purposes of argument and decision so as to assure
19 a speedy disposition of the matter.

20 Sec. 15.14.260. LIMITATIONS ON ACTIONS. (a) A proceeding
21 alleging a violation of AS 15.14.220 must be commenced within four
22 years from the date of the alleged violation.

23 (b) A proceeding alleging a violation of AS 15.14.230 must be
24 commenced within two years from the date of the alleged violation.

25 (c) For the purposes of this section, a violation involving the
26 failure to file a report, statement, or registration is considered to
27 have been committed on the day after the report, statement or regis-
28 tration was due.

29 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may

1 investigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and
2 AS 39.50 on its own motion or upon receiving a signed and sworn
3 complaint from any person.

4 (b) If an investigation is commenced by a signed and sworn
5 complaint by a person other than a member of the commission or its
6 employees, the commission shall, within five days after receiving the
7 complaint, mail a copy of the complaint to each person named in the
8 complaint.

9 (c) If, after an investigation, the commission determines that
10 there is probable cause to believe that a person has committed a
11 violation, the commission may commence violation proceedings by filing
12 and serving an accusation on the person alleged to have committed the
13 violation. The commission shall serve an accusation in the manner
14 provided by court rules for serving a complaint in a civil action.

15 (d) If the commission terminates an investigation without filing
16 an accusation, the commission shall, within five days after terminat-
17 ing the investigation, inform the complainant and each person named in
18 the complaint only of the fact that the commission has terminated the
19 investigation and will not be taking further action concerning the
20 complaint.

21 Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a
22 written statement of the charges setting out in ordinary and concise
23 language the acts or omissions with which the respondent is charged,
24 so that the respondent is able to prepare a defense. The accusation
25 must also specify the statute or regulation that the respondent is
26 alleged to have violated, and the maximum penalty provided for the
27 violation. The accusation may not consist merely of charges phrased
28 in the language of the statute and regulation.

29 (b) The commission shall include in or with the accusation a

1 statement in substantially the following form:

2 "To the Respondent: Unless you deliver or mail a written
3 request for a hearing signed by you or on your behalf to
4 the commission within 15 days after this accusation was
5 personally served on you or mailed to you, the commission
6 may proceed upon the accusation without further notice to
7 you. You may request a hearing by delivering or mailing
8 the enclosed form entitled 'Notice of Defense,' or by
9 delivering or mailing a notice of defense under AS 15.14.290
10 to the commission at its central office address (insert central
11 office address)."

12 (c) The commission shall include with the accusation served upon
13 the respondent a post card or other form entitled, "Notice of Defense"
14 that, when signed by or on behalf of the respondent and returned to
15 the commission constitutes a notice of defense under AS 15.14.290.

16 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
17 service upon the respondent of the accusation, the respondent may file
18 with the commission a notice of defense. In the notice the respondent
19 may

20 (1) deny the accusation in whole or in part and request a
21 hearing;

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

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

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

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

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

6 (c) The respondent is entitled to a hearing on the merits if the
7 respondent files a notice of defense. The notice of defense is con-
8 sidered a specific denial of all parts of the accusation not expressly
9 admitted. Failure to file a notice of defense within the time spec-
10 ified in (a) of this section constitutes a waiver of the respondent's
11 right to a hearing, but the commission in its discretion may neverthe-
12 less grant a hearing. Unless objection is taken as provided in (a)(3)
13 of this section, all objections to the form of the accusation are
14 waived.

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

19 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
20 hearing on a contested accusation or, in the absence of a request, the
21 commission in its discretion decides to hold a hearing, the commission
22 shall mail or deliver a notice of hearing to the respondent at least
23 10 days before the hearing. The hearing may not be held before the
24 expiration of the time within which the respondent is entitled to file
25 a notice of defense. The notice to respondent must be consistent with
26 the form for notice of hearing under AS 44.62.420.

27 (b) The commission shall conduct its hearings under AS 44.62.-
28 440 - 44.62.500, except that

29 (1) the commission may, but is not required to, appoint a

1 hearing officer under AS 44.62.350; and

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

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

12 Sec. 15.14.310. IMPOSITION OF PENALTY. (a) The commission may
13 impose the penalty provided by law for the violation only if the
14 accused person, having been advised of the right to a hearing, admits
15 or pleads no contest to the allegations contained in the accusation,
16 or if the commission

17 (1) holds a hearing at which the person accused is afforded
18 the right to appear, with or without counsel, the right to present
19 witnesses or other evidence and the right to cross examine witnesses;
20 and

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

24 (b) The executive director of the commission may not formally or
25 informally make a recommendation to the commission as to a particular
26 penalty in a pending matter or make a commitment to the respondent to
27 make a particular recommendation to the commission in the future until
28 after the respondent has admitted or pleaded no contest to the accusa-
29 tion or until after a hearing and a final determination by the

1 commission that the respondent has committed the acts charged in the
2 accusation.

3 (c) Before the executive director of the commission may make a
4 recommendation to the commission for the imposition of a particular
5 penalty in a matter, the respondent must first be given notice of the
6 recommendation and afforded an opportunity to respond to the recom-
7 mendation in person or in writing.

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

9 (1) the seriousness of the violation in terms of the extent
10 to which the violation has impeded public disclosure of information
11 required to be filed with the commission as to the amount and source
12 of contributions that are large enough to be of significant interest
13 to voters; and

14 (2) the extent to which the respondent's conduct, including
15 prior violations of this chapter, AS 24.50, AS 39.50, or of former
16 AS 15.13 shows a continuing disregard for the law.

17 Sec. 15.14.320. SUMMARY DISPOSITION OF VIOLATIONS. (a) Not-
18 withstanding the provisions of AS 15.14.280 - 15.14.310, the commis-
19 sion may establish by regulation the violations under AS 15.14.230
20 that are amenable to summary disposition without formal accusation or
21 hearing and may establish a schedule of fines, not to exceed \$500, for
22 each violation.

23 (b) If an investigation by the commission discloses that a
24 person has committed a violation included in the schedule of fines
25 established under (a) of this section, the commission may, in lieu of
26 serving an accusation on the person, mail a notice of fine to the
27 person indicating the circumstances of the violation and the amount of
28 the fine established in the schedule for the violation. The person to
29 whom the notice is directed may pay the fine within 15 days after

1 receiving the notice or may file a notice of defense under AS 15.14.-
2 290.

3 (c) If the person does not pay the fine under (b) of this sec-
4 tion, the notice of fine constitutes an accusation under AS 15.14.280
5 and the commission shall proceed against the person under AS 15.14.-
6 280 - 15.14.310 and, upon determining that the person committed the
7 violation, may impose a penalty for the violation not to exceed the
8 maximum provided for the violation under AS 15.14.230.

9 Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the
10 commission under AS 15.14.270 is confidential unless and until the
11 investigation results in the filing of an accusation under AS 15.-
12 14.280.

13 (b) A member or a former member of the commission and an em-
14 ployee or a former employee of the commission may not divulge the fact
15 of or any particular concerning a pending, past, or contemplated
16 investigation by the commission unless and until the filing of an
17 accusation by the commission.

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

20 Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final
21 order of the commission may be had by filing a notice of appeal under
22 applicable rules of court governing appeals from administrative agen-
23 cies.

24 Sec. 15.14.350. POWERS OF THE COMMISSION. (a) In connection
25 with an investigation or hearing under AS 15.14.270 - 15.14.310,
26 AS 24.45, or AS 39.50, the commission may compel the attendance of
27 witnesses and production of papers, books, records, accounts, docu-
28 ments, and testimony, and may have the depositions of witnesses taken
29 in a manner prescribed by court rule or law for the taking of

1 depositions in civil actions when consistent with the powers and
2 duties assigned to the commission by law.

3 (b) The commission may examine the papers, books, records,
4 accounts and documents of a person subject to this chapter to deter-
5 mine the correctness of a report filed with the commission or in
6 conjunction with an investigation or inspection conducted under (a) of
7 this section.

8 (c) Subpoenas may be issued and shall be served in the manner
9 prescribed by AS 44.62.430 and court rule. The failure, refusal, or
10 neglect to obey a subpoena is punishable as contempt in the manner
11 prescribed by law or court rule. The superior court may compel obedi-
12 ence to the commission's subpoena in the same manner as prescribed for
13 obedience to a subpoena issued by the court.

14 Sec. 15.14.360. LEGAL COUNSEL. (a) The attorney general is
15 legal counsel for the commission. The attorney general shall advise
16 the commission in legal matters arising out of the discharge of its
17 duties and represent the commission in actions to which it is a party.

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

21 ARTICLE 6. GENERAL PROVISIONS.

22 Sec. 15.14.900. DEFINITIONS. In this chapter

23 (1) "candidate" means an individual who

24 (A) files for election to the state legislature, for
25 governor, for lieutenant governor, for municipal office, for
26 retention in judicial office, or for constitutional delegate;

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

29 (C) accepts contributions totalling \$1,000 or more in

1 the aggregate from another person or political action committee
2 for the purpose of seeking elective office or retention in judi-
3 cial office;

4 (2) "contribution"

5 (A) means the purchase, payment, promise or obligation
6 to pay, loan or loan guarantee, deposit or gift of money, goods
7 or services for which charge is ordinarily made and that is made
8 for the purpose of influencing the nomination or election of a
9 candidate or for the purpose of influencing a ballot proposition
10 or question, including the payment by a person other than a
11 candidate or political party, of compensation for the personal
12 services of another person that are rendered to the candidate or
13 political party;

14 (B) does not include

15 (i) services provided without compensation by an
16 individual volunteering on behalf of a candidate or ballot
17 proposition or question, unless the services are volunteered
18 by an individual who would ordinarily be paid a fee or wage
19 for the services;

20 (ii) services provided by an accountant or other
21 person to prepare reports and statements required by this
22 chapter;

23 (iii) services provided by an attorney relating to
24 AS 15;

25 (iv) ordinary hospitality in a home;

26 (3) "expenditure"

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

1 (i) influencing the nomination or election of a
2 candidate or of any individual who files for nomination at a
3 later date and becomes a candidate;

4 (ii) influencing the outcome of a ballot proposi-
5 tion or question; or

6 (iii) providing payment of compensation for the
7 personal services of another person that are rendered to a
8 candidate or political party;

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

12 (4) "individual" means a natural person;

13 (5) "municipality" has the meaning given by AS 01.10.-
14 060(4);

15 (6) "person" has the meaning given in AS 01.10.060 but does
16 not include an entity organized to influence an election;

17 (7) "political action committee" means a person or combina-
18 tion of persons, including a political party and its state, regional,
19 or local subdivisions that accepts contributions for the purpose of
20 influencing an election and exercises discretion over the expenditure
21 of the contributions;

22 (8) "political party"

23 (A) means a group of organized voters that

24 (i) claims to represent a political program; and

25 (ii) nominated a candidate for governor who re-
26 ceived at least five percent of the total vote cast at the
27 preceding general election for governor;

28 (B) does not include the campaign committee of a
29 candidate.

1 * Sec. 2. AS 11.56.130 is amended to read:

2 Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "bene-
3 fit" has the meaning given [ASCRIED TO IT] in AS 11.81.900 but does
4 not include

5 (1) political campaign contributions reported under AS 15.-
6 14 [IN ACCORDANCE WITH AS 15.13];

7 (2) concurrence in official action in the cause of legiti-
8 mate compromise between public servants; or

9 (3) support, including a vote, solicited by a public ser-
10 vant or offered by any person in an election.

11 * Sec. 3. AS 15.56 is amended by adding a new section to read:

12 Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A
13 person commits the crime of unlawful solicitation of campaign contri-
14 butions if the person intentionally solicits a campaign contribution
15 through a threat of physical force, job discrimination, or financial
16 reprisal.

17 (b) Unlawful solicitation of campaign contributions is a class C
18 felony.

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

20 (a) This chapter shall be administered by the Alaska Public
21 Offices Commission established [CREATED] under AS 15.14.020 [AS 15.-
22 13.020(a)].

23 * Sec. 5. AS 24.45.091 is amended to read:

24 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the state-
25 ments and reports filed under this chapter shall be made available to
26 the public at the commission's central office, the office of the
27 lieutenant governor, the legislative reference library of the Legisla-
28 tive Affairs Agency, and at the commission's district offices [PRE-
29 SCRIBED IN AS 15.13.020(j)] as soon as practicable after each

1 reporting period.

2 * Sec. 6. AS 24.60.080 is amended to read:

3 Sec. 24.60.080. GIFTS. Unless otherwise provided for under
4 AS 24.60.030, a person to whom this chapter applies may not solicit a
5 gift in any amount, or accept or receive, directly or indirectly, a
6 gift, whether in the form of money, services, a loan, travel, enter-
7 tainment, hospitality, or other form, if the gift was intended as a
8 reward or inducement for an official action by the person. A gift of
9 travel and hospitality within the state received by a member of the
10 legislature in obtaining information on matters of legislative concern
11 is not prohibited by this section, nor are political contributions
12 received and reported under AS 15.14 [AS 15.13.040].

13 * Sec. 7. AS 29.20.170 is amended to read:

14 Sec. 29.20.170. VACANCIES. The governing body may provide by
15 ordinance the manner in which a vacancy occurs in any elected office
16 except the office of mayor or school board member. Unless otherwise
17 provided by ordinance, the governing body shall declare an elective
18 office, other than the office of mayor or school board member, vacant
19 when the person elected

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

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

24 (3) resigns and the resignation is accepted;

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

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

29 (6) is convicted of a felony or misdemeanor described in

1 AS 15.56 and two-thirds of the members of the governing body concur in
2 expelling the person elected;

3 (7) is convicted of a misdemeanor under former [VIOLATION
4 OF] AS 15.13 or is found to have committed a violation in the first
5 degree under AS 15.14.220;

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

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

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

11 (a) The governing body shall, by two-thirds concurring vote,
12 declare the office of mayor vacant only when the person elected

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

15 (2) unless excused by the governing body, is physically
16 absent for 90 consecutive days;

17 (3) resigns and the resignation is accepted;

18 (4) is physically or mentally unable to perform the duties
19 of office;

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

22 (6) is convicted of a felony or misdemeanor described in
23 AS 15.56;

24 (7) is convicted of a misdemeanor under former [VIOLATION
25 OF] AS 15.13 or is found to have committed a violation in the first
26 degree under AS 15.14.220;

27 (8) no longer physically resides in the municipality; or

28 (9) if a member of the governing body in a second class
29 city, misses three consecutive regular meetings and is not excused.

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

2 (a) The Alaska Public Offices Commission established [CREATED]
3 under AS 15.14.020 [AS 15.13.020(a)] shall administer the provisions
4 of this chapter. The commission shall prepare and keep available for
5 distribution, standardized forms on which the reports required by this
6 chapter shall be filed.

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

8 (a) In this chapter:

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

12 (2) "child" includes a biological child, an adoptive
13 child, and a stepchild;

14 (3) "commission" means the Alaska Public Offices Commis-
15 sion established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];

16 (4) "instrumentality of the state" means a state depart-
17 ment or agency, whether in the legislative, judicial, or executive
18 branch, including such entities as the University of Alaska and the
19 Alaska State Housing Authority;

20 (5) "judicial officer" means a person appointed as a
21 justice to the supreme court or as a judge to the court of appeals,
22 superior court, district court, or magistrate court;

23 (6) "mother or father" includes a biological parent, an
24 adoptive parent, and a step-parent;

25 (7) "municipal officer" includes a borough or city mayor,
26 borough assemblyman, city councilman, school board member, elected
27 utility board member, city or borough manager, members of a city or
28 borough planning or zoning commission within a home rule or general
29 law city or borough, or a unified municipality;

1 (8) "public official" means a judicial officer, a member
2 of the legislature, the fiscal analyst of the legislative finance
3 division, the legislative auditor of the legislative audit division,
4 the executive director of the Legislative Affairs Agency and the
5 directors of the divisions within the Legislative Affairs Agency, the
6 governor, the lieutenant governor, a person hired or appointed as the
7 head or deputy head of, or director of a division within, a department
8 in the executive branch, and assistant to the governor, chairman or
9 member of a state commission or board, and each appointed or elected
10 municipal officer;

11 (9) "source of income" means the entity for which service
12 is performed or which is otherwise the origin of payment; if the
13 person whose income is being reported is employed by another, the
14 employer is the source of income; but if the person is self- employed
15 by means of a sole proprietorship, partnership, professional corpora-
16 tion, or a corporation in which the person, the person's spouse or
17 children, or a combination of them, hold a controlling interest, the
18 "source" is the client or customer of the proprietorship, partnership
19 or corporation, but if the entity which is the origin of payment is
20 not the same as the client or customer for whom the service is per-
21 formed, both are considered the source;

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

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

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

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

28 (3) Alaska Commercial Fisheries Entry Commission (AS 16.-
29 43.020);

- 1 (4) Alaska Commission on Postsecondary Education (AS 14.-
- 2 42.015);
- 3 (5) Alaska Energy Center (AS 46.12);
- 4 (6) Alaska Housing Finance Corporation (AS 18.56.010 -
- 5 18.56.210);
- 6 (7) Alaska Judicial Council (art. IV, sec. 8, Alaska Con-
- 7 stitution);
- 8 (8) Alaska Medical Facility Authority (AS 18.26.010 -
- 9 18.26.900);
- 10 (9) Alaska Municipal Bond Bank Authority (AS 44.85.020);
- 11 (10) Alaska Power Authority public directors (AS 44.83.030);
- 12 (11) Alaska Oil and Gas Conservation Commission (AS 31.05.-
- 13 005 - 31.05.170);
- 14 (12) Alaska Public Broadcasting Commission (AS 44.21.256);
- 15 (13) Alaska Public Offices Commission, including the execu-
- 16 tive director and employees of the commission (AS 15.14.020);
- 17 (14) Alaska Public Utilities Commission (AS 42.05.010);
- 18 (15) Alaska Resources Corporation (AS 37.12.010);
- 19 (16) Alaska Royalty Oil and Gas Development Advisory Board
- 20 (AS 38.06.020);
- 21 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
- 22 (18) Alaska State Council on the Arts (AS 44.27.040);
- 23 (19) Alaska State Housing Authority (AS 18.55.020);
- 24 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
- 25 (21) Alcoholic Beverage Control Board (AS 04.06.010);
- 26 (22) Board of Education (AS 14.07.075);
- 27 (23) Board of Fisheries (AS 16.05.221(a));
- 28 (24) Board of Game (AS 16.05.221(b));
- 29 (25) Board of Parole (AS 33.16.020);

- 1 (26) Board of Trustees and executive director of the Alaska
2 Permanent Fund Corporation (AS 37.13.040);
3 (27) Commission on Judicial Conduct (art. IV, sec. 10,
4 Alaska Constitution);
5 (28) Council on Domestic Violence and Sexual Assault
6 (AS 18.66.010);
7 (29) Employment Security Advisory Council (AS 23.20.025);
8 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
9 35.010);
10 (31) Governor's Commission on the Administration of Justice
11 (AS 44.19.110);
12 (32) Local Boundary Commission (AS 44.47.565);
13 (33) Occupational Safety and Health Review Board (AS 18.60.-
14 057);
15 (34) Public Employees' Retirement Board (AS 39.35.030);
16 (35) State Assessment Review Board (AS 43.56.040);
17 (36) State Commission for Human Rights (AS 18.80.010);
18 (37) State Personnel Board (AS 39.25.060);
19 (38) University of Alaska Board of Regents (AS 14.40.120);
20 (39) Workers' Compensation Board (AS 23.30.005).

21 (b) Unlawful solicitation of campaign contributions is a class C
22 felony.

23 * Sec. 12. AS 44.62.330(a)(39) is amended to read:

24 (39) Alaska Public Offices Commission except to the extent
25 that AS 44.62.350 - 44.62.630 is inconsistent with AS 15.14.270 -
26 15.14.350

27 * Sec. 13. AS 15.13 and AS 15.56.010(1) and (2) are repealed.

28 * Sec. 14. Alaska Public Office Commission members serving on the
29 effective date of this Act continue to serve out their terms as provided

1 under AS 15.13.020, repealed in sec. 13 of this Act. Vacancies occurring
2 on or after January 1, 1987, shall be filled in accordance with AS 15.14.-
3 020 enacted in sec. 1 of this Act.

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

8 * Sec. 16. In accordance with AS 15.14.180 as enacted in sec. 1 of this
9 Act, a candidate shall, no later than January 31, 1987, close each campaign
10 account relating to a campaign for an election held before January 1, 1987,
11 unless the campaign has outstanding debts. If the campaign has outstanding
12 debts, the candidate may keep campaign accounts open after January 31,
13 1987, but shall close each campaign account within 30 days after all debts
14 have been paid and in no event later than January 1, 1988, whether or not
15 there are outstanding debts remaining on that date. During the time that
16 an account remains open under this section, contributions may be solicited
17 and accepted and expenditures made only for the purpose of retiring
18 outstanding debts of a campaign for an election held before January 1,
19 1987. An outstanding campaign debt remaining on January 1, 1988, becomes
20 the personal debt of the candidate.

21 * Sec. 17. This Act applies to election campaign activities that take
22 place after January 1, 1987.

23 * Sec. 18. This Act takes effect January 1, 1987.