

Offered: 5/12/86
Referred: Finance

Original sponsor: State Affairs
Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 356 (State Affairs)
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 the Alaska Public Offices Commission; and providing
8 for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * 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.
13 Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in
14 each election for governor, lieutenant governor, a member of the state
15 legislature, a delegate to a constitutional convention, and a judge
16 seeking electoral retention.
17 (b) This chapter applies to each election for mayor, municipal
18 governing body, and school board in a municipality with a population
19 of more than 1,000 according to the latest estimates of population
20 certified by the Department of Community and Regional Affairs under
21 AS 29.60.020. A municipality may exempt its elections from the re-
22 quirements of this chapter if a majority of the voters voting on the
23 question at a regular election as defined by AS 29.71.800 or a special
24 municipality-wide election called for that purpose vote to exempt its
25 elections from the requirements of this chapter. The question of
26 exemption from the requirements of this chapter may be submitted to
27 the voters by initiative or by the city council or borough assembly by
28 ordinance.
29 (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, the state, a municipality, or a person for
6 the purpose of influencing the outcome of a ballot proposition or
7 question as well as that made to influence the nomination or election
8 of a candidate.

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 four members of the commission.
17 Each of the two political parties whose candidates for governor re-
18 ceived the highest and the second highest number of votes for the
19 office of governor at the most recent preceding gubernatorial election
20 shall, as vacancies occur, submit nominations of four individuals to
21 the governor for two members of the commission. The four members
22 appointed by the governor under this subsection shall appoint, by a
23 majority vote, the fifth member when a vacancy in that position oc-
24 curs.

25 (d) In filling a vacancy that is subject to appointment by the
26 governor, the governor shall make the appointment within 30 days after
27 receiving the nominations of four names from the central committee or
28 other governing body of the party. The governor shall make the ap-
29 pointment from nominees submitted to the governor by the central

1 committee or other governing body of the party.

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

9 (f) A member of the commission, during tenure, may not

10 (1) hold or campaign for elective office;

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

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

16 (4) participate in an election campaign or participate in
17 or contribute to a political party; or

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

19 (g) Members of the commission are entitled to receive compen-
20 sation of \$100 a day while attending commission meetings and are
21 entitled to travel expenses and per diem authorized by law for state
22 employees.

23 (h) The members of the commission shall elect a chairman. A
24 majority of the commission constitutes a quorum. The affirmative vote
25 of at least three members is required to take official action. A
26 vacancy does not impair the power of the remaining members to exercise
27 the powers of the commission.

28 (i) The commission may employ an executive director and other
29 employees it considers necessary. The executive director and an

1 employee of the commission may not, during tenure,
2 (1) serve as a member of the commission;
3 (2) engage in an activity described in (f) of this section
4 that is outside the employee's official duties.

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

13 (k) The forms and material required for compliance with this
14 chapter shall be made available in each commission office to candi-
15 dates, persons, and political action committees required to file
16 reports under this chapter.

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

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

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

27 (1) develop and provide forms for the reports, registra-
28 tions, and statements required under this chapter, AS 24.45, and
29 AS 39.50;

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

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

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

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

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

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

22 (8) examine, investigate, and compare reports, registra-
23 tions, statements, and actions required by this chapter, AS 24.45, and
24 AS 39.50;

25 (9) prepare and publish an annual report to the legislature
26 concerning the activities of the commission, the effectiveness of this
27 chapter, and recommendations and proposals for change;

28 (10) adopt regulations necessary to implement consistent
29 with the provisions of this chapter, AS 24.45, and AS 39.50, subject

1 to the provisions of the Administrative Procedure Act (AS 44.62).

2 ARTICLE 2. REGISTRATION AND REPORTS.

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

6 (1) accepts contributions of more than \$1,000 in the aggre-
7 gate from individuals, political action committees, or a political
8 party for the purpose of seeking elective office;

9 (2) expends more than \$1,000 for the purpose of seeking
10 elective office; or

11 (3) files for an elective office.

12 (b) The registration under (a) of this section must designate
13 the office and the year of the election for which the campaign will be
14 conducted, and designate whether the election is for a state or a
15 municipal office.

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

18 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

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

22 (1) accepts contributions of more than \$1,000 in the aggre-
23 gate; or

24 (2) makes

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

27 (B) an expenditure in support of or in opposition to
28 the election of an individual to an office covered by this chap-
29 ter, or on behalf of or in opposition to a ballot proposition or

1 question.

2 (b) A political action committee formed solely for the purpose
3 of sponsoring an initiative, a referendum or a recall shall register
4 with the commission within 10 days after it files a petition with the
5 lieutenant governor or with a municipal clerk.

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

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

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

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

25 (g) A political action committee required to register under this
26 section shall include with the registration the information required
27 under AS 15.14.160 and shall designate the year of the election for
28 which the campaign will be conducted or shall indicate that it antici-
29 pates continuing existence.

1 (h) If a corporation or a labor union sponsors a political
2 action committee, the name of the corporation or labor union shall
3 form a part of the name of the political action committee.

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, political action committee, or
10 political party from which contributions in the aggregate amount of
11 more than \$250 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 area of interest of each political action committee or political
16 party; and

17 (C) the date and amount of each contribution;

18 (2) for each individual, political action committee, or
19 political party that lent any amount to the candidate or that guaran-
20 teed or otherwise agreed to assume a financial obligation in any
21 amount for or on behalf of a candidate,

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

24 (B) the full name, complete address, and principal
25 area of interest of each political action committee or political
26 party;

27 (C) the purpose of the loan;

28 (D) the date and total value of the loan or financial
29 obligation;

1 (E) the interest rate of the loan or financial obliga-
2 tion;

3 (F) the date the loan or financial obligation is due;
4 and

5 (G) the security, if any, for the loan or financial
6 obligation;

7 (3) the total number and amount of all contributions re-
8 ceived of \$250 or less;

9 (4) a total of all contributions received;

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

11 (6) the total amount of all funds that the candidate con-
12 tributed or lent to the campaign of the candidate;

13 (7) the date, check number, the amount of the check, the
14 full name of the payee, and the purpose of each expenditure; and

15 (8) for each fundraiser held under AS 15.14.155, the date
16 and place of the fundraiser, the total number of paying participants
17 at the fundraiser, the total cost of the fundraiser, and the amount of
18 contributions received.

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

25 (1) 30 days before the election unless the deadline for
26 filing a nominating petition or declaration of candidacy is less than
27 34 days before the election;

28 (2) seven days before the election.

29 (c) A candidate shall file a special contribution, loan, or

1 expenditure report with the commission for each contribution, loan, or
2 expenditure of more than \$250 in the aggregate that is received within
3 the last 10 days before the election. The report must include the
4 full name, complete address, principal occupation and employer of the
5 individual contributor or lender, the full name, complete address,
6 principal area of interest of a political action committee or politi-
7 cal party that contributed, and the date and amount of the contribu-
8 tion or loan, or the purpose of the expenditure. The report shall be
9 filed within 24 hours after the contribution or loan is received or
10 the expenditure is made.

11 (d) A candidate shall file an annual report on or before Janu-
12 ary 31 of each year, except that a candidate shall file a final report
13 covering contributions and loans received and expenditures made during
14 the year in which an election designated under AS 15.14.040(b) is
15 held. The final report shall be filed no later than 30 days after the
16 date on which the candidate must close campaign accounts under AS 15.-
17 14.180. The annual report must include all of the information re-
18 quired under (a) of this section for contributions and loans received
19 and expenditures made between January 1 and December 31 of the immedi-
20 ately preceding year, except that a final report covering the year in
21 which an election designated under AS 15.14.040(b) is held

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

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

28 (3) must include the amount and the disposition of surplus
29 funds.

1 Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES AND
2 POLITICAL PARTIES OF CONTRIBUTIONS, LOANS, AND EXPENDITURES. (a) A
3 political action committee and a political party shall make a report
4 on a form prescribed by the commission of contributions and loans
5 received, including

6 (1) for each individual, political action committee, or
7 political party from which contributions in the aggregate amount of
8 more than \$250 were received:

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

11 (B) the full name, complete address, and principal
12 area of interest of each political action committee or political
13 party;

14 (C) the date and amount of each contribution;

15 (2) for each individual, political action committee, or
16 political party that lent any amount to the reporting political action
17 committee or political party or that guaranteed or otherwise agreed to
18 assume a financial obligation in any amount for or on behalf of the
19 reporting political action committee,

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

22 (B) the full name, complete address, and principal
23 area of interest of each political action committee, or political
24 party;

25 (C) the purpose of the loan;

26 (D) the date and total value of the loan or financial
27 obligation;

28 (E) the interest rate of the loan or financial obli-
29 gation;

1 (F) the date the loan or financial obligation is due;

2 and

3 (G) the security, if any, for the loan or financial
4 obligation;

5 (3) the total number and amount of all contributions re-
6 ceived of \$250 or less;

7 (4) a total of all contributions received;

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

9 (6) the date, check number, the amount of the check, full
10 name of each payee, and the purpose of each expenditure including for
11 each expenditure that is an independent expenditure, the name of the
12 candidate or ballot proposition or question supported or opposed by
13 the independent expenditure; and

14 (7) for each fundraiser held under AS 15.14.155, the date
15 and place of the fundraiser, the total number of paying participants
16 at the fundraiser, the total cost of the fundraiser, and the amount of
17 contributions received.

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

24 (1) 30 days before the election;

25 (2) seven days before the election.

26 (c) A political action committee and a political party shall
27 file a special contribution, loan, or expenditures report with the
28 commission for each contribution, loan, or expenditure of more than
29 \$250 in the aggregate that is received within the last 10 days before

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

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

19 Sec. 15.14.080. STATEMENT BY PERSON MAKING CONTRIBUTION OR
20 EXPENDITURE. (a) An individual who makes contributions of more than
21 \$250 in the aggregate in goods, services, or money to a candidate,
22 political action committee, or political party or a person who makes
23 independent expenditures described in AS 15.14.090 with a value of
24 more than \$250 in the aggregate to influence the election of a candi-
25 date or the passage of a ballot proposition or question shall make and
26 file in the central or a district office of the commission a signed
27 statement on a form made available by the commission reporting the
28 activity within 10 days after the contribution or expenditure is made.

29 (b) The statement must list the name, address, principal

1 occupation, employer of the individual, or principal business activity
2 or principal area of interest of the person who paid for the
3 contribution or expenditure and include the date, amount, payee, and
4 purpose of the contribution or expenditure.

5 (c) The statement must include a certification by the individual
6 making the statement that the contribution or expenditure consists of
7 funds or property belonging to the contributor and that the funds have
8 not been given or furnished by another person or political action
9 committee.

10 (d) The individual making and filing the statement shall furnish
11 a copy of the statement to the candidate or the campaign treasurer of
12 the political action committee or political party at the time the
13 statement is filed with the commission.

14 Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent
15 expenditure is an expenditure by a person, political action committee,
16 or political party for a communication expressly advocating the elec-
17 tion or defeat of a clearly identified candidate that is made without
18 arrangement, coordination, or direction with or by the candidate or
19 the agent of the candidate before the publication, distribution,
20 display, or broadcast of the communication. An expenditure is a
21 contribution and not an independent expenditure if it is based on
22 information about the candidate's plans, projects, or needs provided
23 to the expending person, political action committee, or political
24 party by the candidate or by an agent of the candidate with a view
25 toward having an expenditure made.

26 (b) An expenditure is made in coordination with the candidate or
27 the agent of the candidate if it is made by or in consultation with an
28 individual

29 (1) who is or within one year before the date of the

1 expenditure has been authorized by the candidate or by a campaign
2 officer to raise or expend funds on behalf of the candidate;

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

6 (3) who is or within one year before the date of the expen-
7 diture has been receiving any form of compensation or reimbursement
8 from the candidate or from campaign funds for professional services
9 that require the exercise of discretion or judgment relating to the
10 conduct of the campaign.

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

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

16 (2) who has been placed in a position within the campaign
17 organization where it would reasonably appear that in the ordinary
18 course of campaign related activities the individual may authorize an
19 expenditure.

20 Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, regis-
21 tration, or statement required under this chapter shall be certified
22 as correct by the candidate or the campaign treasurer of the candi-
23 date, by the campaign chairman or campaign treasurer of the political
24 action committee or political party, or by the individual making the
25 report, registration, or statement. The report, registration, or
26 statement must include or be accompanied by the following certifica-
27 tion signed by the individual filing the report, registration, or
28 statement:

29 "I certify that, to the best of my knowledge, this report

1 is true, correct, and complete."

2 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

3 Sec. 15.14.110. CONTRIBUTIONS BY AN INDIVIDUAL. (a) Except as
4 provided in AS 15.14.155, an individual may not make a contribution in
5 the form of a cash payment to a candidate, a political action commit-
6 tee, or political party.

7 (b) An individual may not make a contribution in excess of
8 \$1,000 in the aggregate during a calendar year in money, goods, or
9 services to a candidate.

10 (c) Except as provided in (d) of this section, an individual may
11 not make a contribution in excess of \$1,000 in the aggregate during a
12 calendar year in money, goods, or services to a political action
13 committee.

14 (d) Except as provided in AS 15.14.150 and (a) of this section,
15 a person may contribute any amount in money, goods, or services

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

18 (2) to a political party.

19 (e) An individual may not make a contribution in any amount to a
20 candidate, political action committee, or political party in the form
21 of a loan or loan guarantee. This subsection does not prohibit

22 (1) a contribution in the form of a loan by a candidate or
23 the spouse, parent, or child of the candidate to the campaign of the
24 candidate;

25 (2) an extension of credit by a person providing goods or
26 services in the normal course of business to a political action com-
27 mittee, a candidate, or a candidate's campaign; or

28 (3) a loan to a candidate from a regulated lending institu-
29 tion that is made directly to the candidate in accordance with

1 applicable banking laws and in the ordinary course of business.

2 Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE
3 AND POLITICAL PARTY. (a) A political action committee and a politi-
4 cal party may not make a contribution in the form of a cash payment to
5 a candidate, to a political action committee, or to a political party.

6 (b) A political action committee and a political party may not
7 make a loan or a loan guarantee to a candidate or to a political
8 action committee.

9 Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a)
10 Except as provided in AS 15.14.155, a candidate, a campaign officer
11 of a candidate, and a campaign officer of a political action committee
12 and a political party may not accept a contribution in the form of a
13 cash payment.

14 (b) A candidate and a campaign officer of a candidate may not
15 accept a contribution in excess of \$1,000 in the aggregate during a
16 calendar year in money, goods, or services from an individual or
17 political action committee.

18 (c) Except as provided in this subsection, an officer of a
19 political action committee may not accept a contribution in excess of
20 \$1,000 in the aggregate during a calendar year in money, goods, or
21 services from an individual. A campaign officer of a political party
22 or a political action committee formed solely for the purpose of
23 sponsoring or opposing an initiative or a referendum may

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

25 (2) except as provided in AS 15.14.155, not accept a con-
26 tribution in the form of a cash payment from an individual.

27 (d) A candidate, a political action committee, and a political
28 party may not accept a contribution in the form of a loan or a loan
29 guarantee.

1 (e) A candidate or a political action committee that accepts a
2 contribution or loan in violation of this section shall forward the
3 contribution or the proceeds of the loan to the commissioner for
4 deposit into the general fund.

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

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

11 (c) A person, political action committee, or political party may
12 make an independent expenditure as defined in AS 15.14.090 of money,
13 goods, or services without limitation as to amount or value on behalf
14 of or in opposition to a candidate or ballot proposition.

15 Sec. 15.14.150. PROHIBITED CONTRIBUTIONS. (a) A contribution
16 may not be made and an expenditure may not be made or incurred either
17 directly or indirectly in a fictitious name, anonymously, or by an
18 individual or political action committee in the name of another.

19 (b) A contribution prohibited under (a) of this section may not
20 be accepted, but shall be forwarded to the commissioner of revenue for
21 deposit into the general fund.

22 (c) A candidate and the campaign treasurer or deputy campaign
23 treasurer of a candidate may accept a contribution only from an indi-
24 vidual, political action committee, or a political party.

25 (d) A political action committee other than a political action
26 committee whose sole activity is attempting to influence the outcome
27 of a ballot proposition or question may accept a contribution only
28 from an individual.

29 (e) A political party may accept a contribution only from an

1 individual or a political action committee.

2 (f) A candidate, a campaign officer of a candidate, and a cam-
3 paign officer of a political action committee or political party may
4 not accept a contribution prohibited under this section. A contribu-
5 tion under this section is accepted unless it is returned or forwarded
6 under (b) of this section within 10 days after the candidate, politi-
7 cal action committee, or political party knows or should have known
8 that the contribution is prohibited under this section.

9 Sec. 15.14.155. PERMITTED CASH CONTRIBUTIONS. Notwithstanding
10 the prohibition against the contribution in the form of a cash payment
11 to a candidate, a political action committee, or political party, an
12 individual may contribute and a candidate, a political action commit-
13 tee, or political party may accept cash at a fundraiser held by the
14 candidate, the political action committee, or political party if food
15 will be served at the fundraiser, if the contribution for admission to
16 the fundraiser from any one individual is not in excess of \$25, and if
17 there are 25 or more paying participants.

18 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

19 Sec. 15.14.160. CAMPAIGN OFFICERS. (a) Each candidate may and
20 each political action committee or political party shall appoint a
21 campaign chairman. Each candidate and each political action committee
22 or political party shall appoint a campaign treasurer who is responsi-
23 ble for receiving, holding, and disbursing all contributions and
24 expenditures, and for filing all reports and statements required by
25 law. A candidate may be a campaign treasurer. Each candidate and
26 each political action committee or political party may appoint deputy
27 campaign treasurers at any time. An individual who is requested to
28 solicit a contribution for a candidate shall be appointed by the
29 candidate as a deputy campaign treasurer. An individual who is

1 requested to solicit a contribution for a political action committee
2 or political party shall be appointed by the political action
3 committee or political party as a deputy campaign treasurer.

4 (b) At the time a candidate registers with the commission under
5 AS 15.14.040, the candidate shall file a statement in the central or a
6 district office of the commission listing the name, address, and
7 telephone number of the candidate's campaign treasurer. At the time a
8 political action committee registers with the commission under AS 15.-
9 14.050, the political action committee shall file a statement in the
10 central or a district office of the commission listing the name,
11 address, and telephone number of the political action committee's cam-
12 paign treasurer. Each candidate who appoints a campaign chairman and
13 each political action committee shall include in the statement the
14 name, address, and telephone number of the campaign chairman.

15 (c) An individual may not act as the campaign chairman, campaign
16 treasurer, or deputy campaign treasurer for a candidate, political
17 action committee, or political party until the name, address, and
18 telephone number of the individual has been filed with the commission.
19 The address of a candidate's campaign treasurer is the address of the
20 candidate unless the candidate files a different mailing address with
21 the commission.

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

27 (e) A candidate may receive contributions and make expenditures
28 only in person or through a campaign chairman, a campaign treasurer,
29 or a deputy campaign treasurer. A political action committee or

1 political party may receive contributions and make expenditures only
2 through a campaign chairman, campaign treasurer, or deputy campaign
3 treasurer of the political action committee or political party.

4 (f) The candidate is responsible for the performance of the
5 campaign officers of the candidate. The campaign chairman of a polit-
6 ical action committee is responsible for the performance of the other
7 officers of the political action committee. The campaign chairman of
8 a political party is responsible for the performance of the other
9 officers of the political party. A default or violation by the offi-
10 cer is considered a default or violation by the candidate if the
11 candidate knew or should have known of the default or violation. A
12 default or violation by the officer of the political action committee
13 or political party is considered a default or violation by the cam-
14 paign chairman of the political action committee or political party if
15 the campaign chairman knew or should have known of the default or
16 violation.

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

20 (1) influence or attempt to influence the actions of the
21 voters for or against the election of a candidate or the passage or
22 defeat of a ballot proposition or question; or

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

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

26 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
27 190.

28 Sec. 15.14.180. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF
29 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account

1 relating to a designated election campaign on or before one of the
2 following dates:

3 (1) for a statewide candidate in the general election, the
4 date on which the successful candidate in the designated election is
5 sworn into office;

6 (2) for a legislative candidate in the general election, by
7 December 31 of that year;

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

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

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

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

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

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

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

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

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

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

5 Sec. 15.14.190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
6 dispose of campaign funds that are not spent during the designated
7 election campaign by

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

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

12 (3) after registering with the commission under AS 15.14.-
13 040, transferring the funds to a newly designated election campaign
14 account for a designated state election to be held not more than four
15 years after the election designated under AS 15.14.040(b);

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

18 (5) transferring the funds to an account for the office, in
19 the case of a successful candidate only, and using the funds only for
20 communication with constituents and other voters in the state by
21 telephone, newsletter, or personal contact;

22 (6) returning the funds to contributors on a pro rata
23 basis.

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

27 (c) A candidate who is a public official may at any time use
28 funds raised for a campaign for a purpose described in (a)(5) of this
29 section.

1 Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public
2 officer or employee of the state or of a municipality of the state may
3 not, while on the premises of a state or municipal office, solicit or
4 request a contribution to a candidate, political action committee or
5 political party.

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

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

13 (d) Subsections (a) and (b) of this section do not apply to a
14 scheauled meeting held by a labor union representing public employees
15 of the state or of a municipality of the state if the meeting is held
16 with the permission of the employer.

17 Sec. 15.14.210. IDENTIFICATION OF COMMUNICATION. (a) An adver-
18 tisement, billboard, handbill, paid-for television or radio announce-
19 ment, or other communication intended to influence the election of a
20 candidate or the outcome of a ballot proposition or question shall be
21 clearly identified by the words "paid for by" followed by the name and
22 address of the candidate, political action committee, or the indi-
23 vidual or person paying for the communication.

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

28 (c) The information required under (a) and (b) of this section
29 need not be included on an object used for a campaign advertisement,

1 if the object is one that the commission, by regulation, has deter-
2 mined is too small to practicably include the information.

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

4 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
5 DEGREE. (a) A person who knowingly or intentionally fails to file a
6 properly completed and certified report within the time required under
7 this chapter is subject to a civil penalty for each day that the
8 report is due but not filed of not less than \$500 nor more than \$2,000
9 up to a maximum of \$25,000 for each report.

10 (b) A person who knowingly or intentionally files a report of
11 contributions or expenditures containing a false or misleading state-
12 ment as to a contributor, contribution, loan, or expenditure required
13 to be included in a report under this chapter is subject to a civil
14 penalty for each false or misleading statement of not less than \$500
15 nor more than \$5,000 plus an amount not to exceed twice the amount of
16 the contribution involving the false or misleading statement.

17 (c) A person who knowingly or intentionally violates a provision
18 of this chapter other than a violation described in (a) or (b) of this
19 section is subject to a civil penalty of not less than \$500 nor more
20 than \$10,000 for each violation.

21 Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND
22 DEGREE. (a) A person who fails to file a properly completed and
23 certified report within the time required under this chapter is sub-
24 ject to a civil penalty for each day that the report is due but not
25 filed of not less than \$10 nor more than \$100 up to a maximum of
26 \$5,000 for each report.

27 (b) A person who files a report of contributions or expenditures
28 containing a false or misleading statement as to a contributor, con-
29 tribution, loan, or expenditure required to be included in a report

1 under this chapter is subject to a civil penalty for each false or
2 misleading statement of not less than \$50 nor more than \$500 plus an
3 amount not to exceed the amount of the contribution involving the
4 false or misleading statement.

5 (c) A person who violates a provision of this chapter other than
6 a violation described in (a) or (b) of this section is subject to a
7 civil penalty of not more than \$2,000 for each violation.

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

11 Sec. 15.14.250. REMOVAL FROM OFFICE. (a) If, after being sworn
12 into office, an individual who was a successful candidate is found to
13 have committed a violation in the first degree under AS 15.14.220,
14 proceedings shall be held and appropriate action taken under

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

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

19 (3) AS 29.20.170, if the candidate is a candidate for
20 borough assembly;

21 (4) AS 29.20.280, if the candidate is a candidate for
22 borough mayor;

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

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

27 (7) the provisions of the call for the constitutional
28 convention, if the candidate is a candidate for constitutional conven-
29 tion delegate;

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

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

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

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

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

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

19 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may inves-
20 tigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and AS 39.50
21 on its own motion or upon receiving a signed and sworn complaint from
22 an individual.

23 (b) If an investigation is commenced by a signed and sworn
24 complaint by an individual other than a member of the commission or
25 its employees, the commission shall, within five days after receiving
26 the complaint, mail a copy of the complaint to each person named in
27 the complaint.

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

1 violation, the commission may commence violation proceedings by filing
2 and serving an accusation on the person alleged to have committed the
3 violation. The commission shall serve an accusation in the manner
4 provided by court rules for serving a complaint in a civil action.

5 (d) If the commission terminates an investigation without filing
6 an accusation, the commission shall, within five days after terminat-
7 ing the investigation, inform the complainant and each person named in
8 the complaint of the information reviewed and that the commission has
9 terminated the investigation and will not be taking further action
10 concerning the complaint.

11 Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a
12 written statement of the charges setting out in ordinary and concise
13 language the acts or omissions with which the respondent is charged,
14 so that the respondent is able to prepare a defense. The accusation
15 must also specify the statute or regulation that the respondent is
16 alleged to have violated, and the maximum penalty provided for the
17 violation. The accusation may not consist merely of charges phrased
18 in the language of the statute and regulation.

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

21 "To the Respondent: Unless you deliver or mail a written
22 request for a hearing signed by you or on your behalf to
23 the commission within 15 days after this accusation was
24 personally served on you or mailed to you, the commission
25 may proceed upon the accusation without further notice to
26 you. You may request a hearing by delivering or mailing
27 the enclosed form entitled 'Notice of Defense,' or by
28 delivering or mailing a notice of defense under AS 15.14.290
29 to the commission at its central office address (insert central

1 office address)."

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

6 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
7 service upon the respondent of the accusation, the respondent may file
8 with the commission a notice of defense. In the notice the respondent
9 may

10 (1) deny the accusation in whole or in part and request a
11 hearing;

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

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

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

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

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

25 (c) The respondent is entitled to a hearing on the merits if the
26 respondent files a notice of defense. The notice of defense is con-
27 sidered a specific denial of all parts of the accusation not expressly
28 admitted. Failure to file a notice of defense within the time spec-
29 ified in (a) of this section constitutes a waiver of the respondent's

1 right to a hearing, but the commission in its discretion may neverthe-
2 less grant a hearing. Unless objection is taken as provided in (a)(3)
3 of this section, all objections to the form of the accusation are
4 waived.

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

9 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
10 hearing on a contested accusation or, in the absence of a request, the
11 commission in its discretion decides to hold a hearing, the commission
12 shall mail or deliver a notice of hearing to the respondent at least
13 10 days before the hearing. The hearing may not be held before the
14 expiration of the time within which the respondent is entitled to file
15 a notice of defense. The notice to respondent must be consistent with
16 the form for notice of hearing under AS 44.62.420.

17 (b) The commission shall conduct its hearings under AS 44.62.-
18 440 - 44.62.500, except that

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

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

26 (c) A hearing under this section shall be open to the public
27 except that a respondent may request and the hearing officer or the
28 presiding commission member may order that the hearing be closed if
29 one or more of the requirements for holding an executive session under

1 AS 44.62.310(c) is met.

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

7 (1) holds a hearing at which the person accused is afforded
8 the right to appear, with or without counsel, the right to present
9 witnesses or other evidence and the right to cross examine witnesses;
10 and

11 (2) following the hearing, determines that the person has
12 committed the violation of which the person was accused.

13 (b) The executive director of the commission may not formally or
14 informally make a recommendation to the commission as to a particular
15 penalty in a pending matter or make a commitment to the respondent to
16 make a particular recommendation to the commission in the future until
17 after the respondent has admitted or pleaded no contest to the accusa-
18 tion or until after a hearing and a final determination by the com-
19 mission that the respondent has committed the acts charged in the
20 accusation.

21 (c) Before the executive director of the commission may make a
22 recommendation to the commission for the imposition of a particular
23 penalty in a matter, the respondent must first be given notice of the
24 recommendation and afforded an opportunity to respond to the recom-
25 mendation in person or in writing.

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

27 (1) the seriousness of the violation in terms of the extent
28 to which the violation has impeded public disclosure of information
29 required to be filed with the commission as to the amount and source

1 of contributions that are large enough to be of significant interest
2 to voters; and

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

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

12 (b) If an investigation by the commission discloses that a
13 person has committed a violation included in the schedule of fines
14 established under (a) of this section, the commission may, in lieu of
15 serving an accusation on the person, mail a notice of fine to the
16 person indicating the circumstances of the violation and the amount of
17 the fine established in the schedule for the violation. The person to
18 whom the notice is directed may pay the fine within 15 days after
19 receiving the notice or may file a notice of defense under AS 15.14.-
20 290.

21 (c) If the person does not pay the fine under (b) of this sec-
22 tion, the notice of fine constitutes an accusation under AS 15.14.280
23 and the commission shall proceed against the person under AS 15.14.-
24 280 - 15.14.310 and, upon determining that the person committed the
25 violation, may impose a penalty for the violation not to exceed the
26 maximum provided for the violation under AS 15.14.230.

27 Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the
28 commission under AS 15.14.270 is confidential unless and until the
29 investigation results in the filing of an accusation under

1 AS 15.14.280.

2 (b) A member or a former member of the commission and an em-
3 ployee or a former employee of the commission may not divulge the fact
4 of or any particular concerning a pending, past, or contemplated
5 investigation by the commission unless and until the filing of an
6 accusation by the commission except as is necessary for the commission
7 to conduct an investigation.

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

10 Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final
11 order of the commission may be had by filing a notice of appeal under
12 applicable rules of court governing appeals from administrative agen-
13 cies.

14 Sec. 15.14.350. POWERS OF THE COMMISSION. (a) In connection
15 with an audit, investigation, or hearing under this chapter, AS 24.45,
16 or AS 39.50, the commission may compel the attendance of witnesses and
17 production of papers, books, records, accounts, documents, and testi-
18 mony, and may have the depositions of witnesses taken in a manner
19 prescribed by court rule or law for the taking of depositions in civil
20 actions when consistent with the powers and duties assigned to the
21 commission by law.

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

27 (c) Subpoenas may be issued and shall be served in the manner
28 prescribed by AS 44.62.430 and court rule. The failure, refusal, or
29 neglect to obey a subpoena is punishable as contempt in the manner

1 prescribed by law or court rule. The superior court may compel obedi-
2 ence to the commission's subpoena in the same manner as prescribed for
3 obedience to a subpoena issued by the court.

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

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 an individual for the purpose of seeking
21 elective office or retention in judicial office;

22 (2) "contribution"

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

1 services of another person that are rendered to the candidate or
2 political party;

3 (B) does not include

4 (i) services provided without compensation by an
5 individual volunteering on behalf of a candidate or ballot
6 proposition or question, unless the services are volunteered
7 by an individual who would ordinarily be paid a fee or wage
8 for the services;

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

12 (iii) services provided by an attorney relating to
13 AS 15;

14 (iv) 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 01.10.060;
- 3 (6) "political action committee" means a combination of two
- 4 or more individuals or persons acting jointly that take action whose
- 5 major purpose is to influence the outcome of an election;
- 6 (7) "political party"
- 7 (A) means a group of organized voters that
- 8 (i) claims to represent a political program; and
- 9 (ii) nominated a candidate for governor who re-
- 10 ceived at least five percent of the total vote cast at the
- 11 preceding general election for governor;
- 12 (B) does not include the campaign committee of a
- 13 candidate;
- 14 (C) includes its state, regional, or local subdivi-
- 15 sions.

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

17 Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "bene-

18 fit" has the meaning given [ASCRIBED TO IT] in AS 11.81.900 but does

19 not include

20 (1) political campaign contributions reported under AS 15.-

21 14 [IN ACCORDANCE WITH AS 15.13];

22 (2) concurrence in official action in the cause of legiti-

23 mate compromise between public servants; or

24 (3) support, including a vote, solicited by a public ser-

25 vant or offered by any person in an election.

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

27 Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A

28 person commits the crime of unlawful solicitation of campaign contri-

29 butions if the person intentionally solicits a campaign contribution

1 through a threat of physical force, job discrimination, or financial
2 reprisal.

3 (b) Unlawful solicitation of campaign contributions is a class C
4 felony.

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

6 (a) This chapter shall be administered by the Alaska Public
7 Offices Commission established [CREATED] under AS 15.14.020 [AS 15.-
8 13.020(a)].

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

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

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

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

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

29 Sec. 29.20.170. VACANCIES. The governing body may provide by

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

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

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

10 (3) resigns and the resignation is accepted;

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

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

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

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

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

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

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

3 (3) resigns and the resignation is accepted;

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

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

8 (6) is convicted of a felony or misdemeanor described in
9 AS 15.56;

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

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

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

23 (a) In this chapter:

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

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

29 (3) "commission" means the Alaska Public Offices

1 Commission established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];

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

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

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

11 (7) "municipal officer" includes a borough or city mayor,
12 borough assemblyman, city councilman, school board member, elected
13 utility board member, city or borough manager, members of a city or
14 borough planning or zoning commission within a home rule or general
15 law city or borough, or a unified municipality;

16 (8) "public official" means a judicial officer, a member
17 of the legislature, the fiscal analyst of the legislative finance
18 division, the legislative auditor of the legislative audit division,
19 the executive director of the Legislative Affairs Agency and the
20 directors of the divisions within the Legislative Affairs Agency, the
21 governor, the lieutenant governor, a person hired or appointed as the
22 head or deputy head of, or director of a division within, a department
23 in the executive branch, and assistant to the governor, chairman or
24 member of a state commission or board, and each appointed or elected
25 municipal officer;

26 (9) "source of income" means the entity for which service
27 is performed or which is otherwise the origin of payment; if the
28 person whose income is being reported is employed by another, the
29 employer is the source of income; but if the person is self-employed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (12) Alaska Public Broadcasting Commission (AS 44.21.256);

- 1 (13) Alaska Public Offices Commission, including the execu-
2 tive director and employees of the 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 44.62.330(a)(39) is amended to read:

8 (39) Alaska Public Offices Commission except to the extent
9 that AS 44.62.350 - 44.62.630 is inconsistent with AS 15.14.270 -
10 15.14.350

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

12 * Sec. 14. Alaska Public Office Commission members serving on the
13 effective date of this Act continue to serve out their terms as provided
14 under AS 15.13.020, repealed in sec. 13 of this Act. Vacancies occurring
15 on or after January 1, 1987, shall be filled in accordance with AS 15.14.-
16 020 enacted in sec. 1 of this Act.

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

21 * Sec. 16. In accordance with AS 15.14.180 as enacted in sec. 1 of this
22 Act, a candidate shall, no later than January 31, 1987, close each campaign
23 account relating to a campaign for an election held before January 1, 1987,
24 unless the campaign has outstanding debts. If the campaign has outstanding
25 debts, the candidate may keep campaign accounts open after January 31,
26 1987, but shall close each campaign account within 30 days after all debts
27 have been paid and in no event later than January 1, 1988, whether or not
28 there are outstanding debts remaining on that date. During the time that
29 an account remains open under this section, contributions may be solicited

1 and accepted and expenditures made only for the purpose of retiring out-
2 standing debts of a campaign for an election held before January 1, 1987.
3 An outstanding campaign debt remaining on January 1, 1988, becomes the
4 personal debt of the candidate.

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

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