

Introduced: 1/26/87
Referred: State Affairs
and Finance

5-0055A

1 IN THE SENATE BY ABOOD
2 SENATE BILL NO. 85
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST 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, 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 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 is, as vacancies occur, entitled to submit nominations of four indi-
21 viduals to the governor for two members of the commission. The four
22 members appointed by the governor under this subsection shall appoint,
23 by a majority vote, the fifth member when a vacancy in that position
24 occurs.

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

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

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

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

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

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

29 (2) prepare and publish a manual setting out uniform

1 methods of bookkeeping and reporting for use by persons required to
2 make reports, registrations, and statements under this chapter and
3 otherwise assist candidates, political action committees, and persons
4 in complying with this chapter;

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

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

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

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

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

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

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

27 (10) adopt regulations necessary to implement consistent
28 with the provisions of this chapter, AS 24.45, and AS 39.50, subject
29 to the provisions of the Administrative Procedure Act (AS 44.62).

1 **ARTICLE 2. REGISTRATION AND REPORTS.**

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

5 (1) accepts contributions of \$1,000 or more in the aggre-
6 gate for the purpose of seeking elective office; or

7 (2) files for an elective office.

8 (b) The registration under (a) of this section must designate
9 the office and the year of the election for which the campaign will be
10 conducted, and designate whether the election is for a state or a
11 municipal office.

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

14 **Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.**

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

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

19 (2) makes an expenditure in support of or in opposition to
20 the election of an individual to an office covered by this chapter, or
21 on behalf of or in opposition to a ballot proposition or question.

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

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

28 (d) A political action committee may not use or file with the
29 commission a name that is the same as or materially similar to the

1 name of a political action committee whose registration is then on
2 file with the commission.

3 (e) If a political action committee intends to support or oppose
4 only one candidate or to contribute to or expend more than 50 percent
5 of its funds on behalf of or in opposition to one candidate, the name
6 of the candidate must be part of the name of the political action
7 committee. On receipt of the registration, the commission shall
8 promptly notify the candidate of the political action committee's
9 organization and its intent.

10 (f) A political action committee that makes expenditures or re-
11 ceives contributions with the authorization or consent, express or
12 implied, or under the control, direct or indirect, of a candidate is
13 controlled by the candidate. A contribution to a political action
14 committee controlled by a candidate is a contribution to the candidate
15 under AS 15.14.110(b).

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

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

26 (1) for each individual or political party from which
27 contributions in the aggregate amount of more than \$250 were received:

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

1 (B) the full name and complete address of each
2 political party; and
3 (C) the date and amount of each contribution;
4 (2) for each person that lent any amount to the candidate
5 or that guaranteed or otherwise agreed to assume a financial
6 obligation in any amount for or on behalf of a candidate,
7 (A) the full name, complete address, principal occupa-
8 tion, and employer of each individual;
9 (B) the full name, complete address, and principal
10 business activity of each person other than an individual;
11 (C) the interest rate of the loan or financial obliga-
12 tion;
13 (D) the date the loan or financial obligation is due;
14 and
15 (E) the security, if any, for the loan or financial
16 obligation;
17 (3) the total number and amount of all contributions re-
18 ceived of \$250 or less;
19 (4) a total of all contributions received;
20 (5) the total of all expenditures made or obligated;
21 (6) the total amount of all funds that the candidate con-
22 tributed or lent to the campaign of the candidate;
23 (7) the date, check number, the amount of the check, the
24 full name of the payee, and the purpose of each expenditure; and
25 (8) for each fundraiser held under AS 15.14.160, the date
26 and place of the fundraiser, the total number of paying participants
27 at the fundraiser, the total cost of the fundraiser, and the amount of
28 contributions received.
29 (b) A report containing the information required under (a) of

1 this section must list the contributions and loans received and the
2 expenditures made during the period ending three days before the due
3 date of the report and beginning on the last day covered by the most
4 recent previous report. The report shall be filed in the central
5 office or a district office of the commission at the following times:

6 (1) 30 days before the election unless the deadline for
7 filing a nominating petition or declaration of candidacy is less than
8 34 days before the election;

9 (2) seven days before the election.

10 (c) A candidate shall file a special contribution, loan, or
11 expenditure report with the commission for each contribution, loan, or
12 expenditure of more than \$250 that is received within the last 10 days
13 before the election. The report must include the full name, complete
14 address, principal occupation and employer of the contributor or
15 lender and the date and amount of the contribution or loan, or the
16 purpose of the expenditure. The report shall be filed within 24 hours
17 after the contribution or loan is received or the expenditure is made.

18 (d) A candidate shall file an annual report on or before Janu-
19 ary 31 of each year, except that a candidate shall file a final report
20 covering contributions and loans received and expenditures made during
21 the year in which an election designated under AS 15.14.040(b) is
22 held. The final report shall be filed no later than 30 days after the
23 date on which the candidate must close campaign accounts under AS 15.-
24 14.190. The annual report must include all of the information re-
25 quired under (a) of this section for contributions and loans received
26 and expenditures made between January 1 and December 31 of the immedi-
27 ately preceding year, except that a final report covering the year in
28 which an election designated under AS 15.14.040(b) is held

29 (1) need include only the contributions, loans, and

1 expenditures that were not reported to the commission in the reports
2 required under (b) and (c) of this section;

3 (2) must include contributions and loans received and
4 expenditures made through the date that a campaign account is required
5 to be closed under AS 15.14.190; and

6 (3) must include the amount and the disposition of surplus
7 funds.

8 Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES OF CON-
9 TRIBUTIONS AND EXPENDITURES. (ε.) A political action committee shall
10 make a report on a form prescribed by the commission of contributions
11 received by the political action committee, including

12 (1) for each person from which contributions in the
13 aggregate amount of more than \$250 were received:

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

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

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

19 (2) the total number and amount of all contributions re-
20 ceived of \$250 or less;

21 (3) a total of all contributions received;

22 (4) a total of all expenditures made or obligated;

23 (5) the date, check number, the amount of the check, full
24 name of each payee, and the purpose of each expenditure including, for
25 each expenditure that is an independent expenditure, the name of the
26 candidate or ballot proposition or question supported or opposed by
27 the independent expenditure; and

28 (6) for each fundraiser held under AS 15.14.160, the date
29 and place of the fundraiser, the total number of paying participants

1 at the fundraiser, the total cost of the fundraiser, and the amount of
2 contributions received.

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

9 (1) 30 days before the election;

10 (2) seven days before the election.

11 (c) A political action committee shall file a special contribu-
12 tion or expenditures report with the commission for each contribu-
13 tion or expenditure of more than \$250 that is received within the last 10
14 days before the election. The report must include the full name,
15 complete address, principal occupation and employer of the contributor
16 and the date and amount of the contribution or the purpose of the
17 expenditure. The report shall be filed within 24 hours after the
18 contribution is received or the expenditure is made.

19 (d) A political action committee shall file an annual report on
20 or before January 31 of each year. The annual report must include all
21 of the information required under (a) of this section for contribu-
22 tions received and expenditures made between January 1 and December 31
23 of the immediately preceding year, except that an annual report
24 covering contributions received and expenditures made during the year
25 in which an election designated under AS 15.14.050(g) is held need
26 include only those contributions and expenditures that were not
27 reported to the commission in the reports required under (b) and (c)
28 of this section. If the political action committee has not indicated
29 a continuing existence under AS 15.14.050(g), the report filed under

1 this section is the final report.

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

12 (b) The statement must list the name, address, principal occupa-
13 tion, and employer of the person who paid for the contribution or
14 expenditure and include the date, amount, payee, and purpose of the
15 contribution or expenditure.

16 (c) The statement must include a certification by the person
17 making the statement that the contribution or expenditure consists of
18 funds or property belonging to the contributor and that the funds have
19 not been given or furnished by another person or political action
20 committee.

21 (d) The person filing the statement shall furnish a copy of the
22 statement to the candidate or the campaign treasurer of the political
23 action committee at the time the statement is filed with the commis-
24 sion.

25 Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent
26 expenditure is an expenditure by a person or political action commit-
27 tee for a communication expressly advocating the election or defeat of
28 a clearly identified candidate that is made without arrangement,
29 coordination, or direction with or by the candidate or the agent of

1 the candidate before the publication, distribution, display, or broad-
2 cast of the communication. An expenditure is a contribution and not
3 an independent expenditure if it is based on information about the
4 candidate's plans, projects, or needs provided to the expending person
5 or political action committee by the candidate or by an agent of the
6 candidate with a view toward having an expenditure made.

7 (b) An expenditure is made in coordination with the candidate or
8 the agent of the candidate if it is made by or in consultation with a
9 person

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

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

16 (3) who is or within one year before the date of the expen-
17 diture has been receiving any form of compensation or reimbursement
18 from the candidate or from campaign funds for professional services
19 that require the exercise of discretion or judgment relating to the
20 conduct of the campaign.

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

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

26 (2) who has been placed in a position within the campaign
27 organization where it would reasonably appear that in the ordinary
28 course of campaign related activities the individual may authorize an
29 expenditure.

1 Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, regis-
2 tration, or statement required under this chapter shall be certified
3 as correct by the candidate or the campaign treasurer of the candi-
4 date, by the campaign treasurer of the political action committee, or
5 by the person making the report, registration, or statement. The
6 report, registration, or statement must include or be accompanied by
7 the following certification signed by the individual filing the re-
8 port, registration, or statement:

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

11 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

12 Sec. 15.14.110. CONTRIBUTIONS BY A PERSON. (a) Except as
13 provided in AS 15.14.160, an individual may not make a contribution in
14 the form of a cash payment to a candidate, a political action
15 committee, or a political party.

16 (b) An individual may not make a contribution in excess of
17 \$1,000 in the aggregate during a calendar year in money, goods, or
18 services to a candidate.

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

23 (d) Except as provided in (a) of this section, a person may
24 contribute any amount in money, goods, or services to a political
25 action committee formed solely for the purpose of influencing the
26 outcome of a ballot proposition or question and an individual may
27 contribute any amount in money, goods, or services to a political
28 party.

29 (e) A person may not make a contribution in any amount to a

1 candidate, a political action committee, or a political party in the
2 form of a loan or loan guarantee. This subsection does not prohibit

3 (1) a contribution in the form of a loan by a candidate or
4 the spouse, parent, or child of the candidate to the campaign of the
5 candidate;

6 (2) an extension of credit by a person providing goods or
7 services in the normal course of business to a candidate or a
8 candidate's campaign; or

9 (3) a loan to a candidate from a regulated lending institu-
10 tion that is made directly to the candidate in accordance with appli-
11 cable banking laws and in the ordinary course of business.

12 Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE
13 AND BY A POLITICAL PARTY. (a) A political action committee and a
14 political party may not make a contribution in the form of a cash
15 payment to a candidate, to a political action committee, or to a
16 political party.

17 (b) A political action committee and a political party may not
18 make a loan or a loan guarantee to a candidate or to a political
19 action committee.

20 Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a)
21 Except as provided in AS 15.14.160, a candidate, a campaign officer
22 of a candidate, a political action committee, and an officer of a
23 political action committee may not accept a contribution in the form
24 of a cash payment from a person or a political action committee.

25 (b) A candidate and a campaign officer of a candidate may not
26 accept a contribution in excess of \$1,000 in the aggregate during a
27 calendar year in money, goods, or services from an individual.

28 (c) A political party or a political action committee formed
29 solely for the purpose of influencing the outcome of a ballot

1 proposition or question may

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

3 (2) except as provided in AS 15.14.160, not accept a con-
4 tribution in the form of a cash payment.

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 15.14.180, 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 or political action committee may make an indepen-
12 dent expenditure as defined in AS 15.14.090 of money, goods, or ser-
13 vices without limitation as to amount or value on behalf of or in
14 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 one
18 person or political action committee in the name of another. A con-
19 tribution made by a corporation is not a contribution in the name of a
20 shareholder of the corporation and a contribution made by a share-
21 holder of a corporation is not a contribution in the name of the
22 corporation.

23 (b) A contribution made by a person wishing to remain anonymous
24 and received by a candidate or political action committee may not be
25 accepted, but shall be returned to the donor if the identity of the
26 donor is known. If the identity of the donor is not known, the con-
27 tribution shall be donated to an organization that qualifies as a
28 charitable organization under 26 U.S.C. 501(c).

29 (c) A candidate, a campaign officer of a candidate, a political

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

8 (d) A candidate and the campaign treasurer or deputy campaign
9 treasurer of a candidate may accept a contribution only from an indi-
10 vidual or a political party.

11 (e) A political action committee other than a political action
12 committee whose sole activity is attempting to influence the outcome
13 of a ballot proposition or question may accept a contribution only
14 from an individual.

15 (f) A political party may accept a contribution only from an
16 individual.

17 (g) A political action committee may not make a contribution to
18 a candidate or to another political action committee or to a political
19 party.

20 Sec. 15.14.160. PERMITTED CASH CONTRIBUTIONS. Notwithstanding
21 the prohibition against the contribution in the form of a cash payment
22 to a candidate, a political action committee, or a political party, an
23 individual may contribute and a candidate, a political action
24 committee, or a political party may accept cash at a fundraiser held
25 by the candidate, the political action committee, or political party
26 if food will be served at the fundraiser, if the contribution for
27 admission to the fundraiser from any one individual is not in excess
28 of \$25, and if there are 25 or more paying participants.

29 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

1 Sec. 15.14.170. CAMPAIGN OFFICERS. (a) Each candidate may and
2 each political action committee shall appoint a campaign chairman.
3 Each candidate and each political action committee shall appoint a
4 campaign treasurer who is responsible for receiving, holding, and
5 disbursing all contributions and expenditures, and for filing all
6 reports and statements required by law. Each candidate and each
7 political action committee may appoint deputy campaign treasurers at
8 any time. An individual who is requested to solicit a contribution
9 for a candidate shall be appointed by the candidate as a deputy cam-
10 paign treasurer. An individual who is requested to solicit a
11 contribution for a political action committee shall be appointed by
12 the political action committee as a deputy campaign treasurer. A
13 candidate may be a campaign treasurer.

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

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

1 the candidate files a different mailing address with the commission.

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

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

15 (1) the person transfers or delivers a contribution to a
16 candidate or a campaign officer of a candidate or political action
17 committee and discloses to the candidate or political action committee
18 the identity of the contributor;

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

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

24 (f) The candidate is responsible for the performance of the
25 campaign officers of the candidate. The campaign chairman of a polit-
26 ical action committee is responsible for the performance of the other
27 officers of the political action committee. A default or violation by
28 the officer is considered a default or violation by the candidate if
29 the candidate knew or had reason to know of the default or violation.

1 A default or violation by the officer of the political action commit-
2 tee is considered a default or violation by the campaign chairman of
3 the political action committee if the campaign chairman knew or had
4 reason to know of the default or violation.

5 Sec. 15.14.180. USE OF CAMPAIGN FUNDS. (a) Campaign funds
6 received by a political action committee may be used only to influence
7 the actions of the voters for or against the election of a candidate
8 or the outcome of a ballot proposition or question.

9 (b) Campaign funds raised by a candidate may be used to repay a
10 loan made by the candidate to the campaign of the candidate.

11 (c) Campaign funds may not be used by a candidate to repay a
12 loan not timely reported as a loan under AS 15.14.060(a)(2).

13 (d) Surplus campaign funds shall be disposed of under AS 15.14.-
14 200.

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

19 (1) for a statewide candidate in the general election, the
20 date on which the successful candidate in the designated election is
21 sworn into office;

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

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

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

29 (5) for a candidate who withdraws before an election, 30

1 days after filing a notice of withdrawal;

2 (6) for a candidate who withdraws after registering under
3 AS 15.14.040 but before filing for office, 30 days after the deadline
4 for filing a declaration of candidacy or a nominating petition; or

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

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

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

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

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

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

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

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

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

28 (3) after registering with the commission under AS 15.14.-
29 040, transferring the funds to a newly designated election campaign

1 account for a designated state election to be held not more than four
2 years after the election designated under AS 15.14.040(b);

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

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

9 (6) returning the funds to contributors on a pro rata
10 basis.

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

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

17 Sec. 15.14.210. SOLICITATION OF CONTRIBUTIONS. (a) A public
18 officer or employee of the state or of a municipality of the state may
19 not, while on the premises of a state or municipal office, solicit or
20 request a contribution to a candidate, political action committee or
21 political party.

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

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

29 (d) Subsections (a) and (b) of this section do not apply to a

1 scheduled meeting held by a labor union representing public employees
2 of the state or of a municipality of the state if the meeting is held
3 with the permission of the employer.

4 Sec. 15.14.220. COMMUNICATIONS. (a) An advertisement,
5 billboard, handbill, paid-for television or radio announcement, or
6 other communication intended to influence the election of a candidate
7 or the outcome of a ballot proposition or question shall be clearly
8 identified by the words "paid for by" followed by the name and address
9 of the candidate, political action committee, or the person or persons
10 paying for the communication.

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

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

19 (d) A candidate and the agents of a candidate, a political
20 action committee, and a political party may not publish or circulate
21 and a newspaper, magazine, or other periodical and a radio or
22 television broadcasting station may not publish, communicate,
23 circulate, or otherwise disseminate a matter with the knowledge that
24 the matter contains a false statement of a material fact relating to a
25 candidate, political action committee, political party, or ballot
26 proposition, or ballot question.

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

28 Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
29 DEGREE. (a) A person who, with intent to avoid disclosure, fails to

1 file a report of contributions, loans, or expenditures required to be
2 filed 30 days or seven days before an election under AS 15.14.060(b)
3 or fails to file a report within 24 hours after receiving a contribu-
4 tion or making an expenditure under AS 15.14.060(c) is subject to a
5 civil penalty of not less than \$500 nor more than \$2,000 for each day
6 that the report is due but not filed up to a maximum of \$25,000 for
7 each report.

8 (b) A political action committee that, with intent to avoid
9 disclosure, fails to file a report of contributions or expenditures
10 required to be filed 30 days or seven days before an election under
11 AS 15.14.070(b) or fails to file a report within 24 hours after re-
12 ceiving a contribution or making an expenditure under AS 15.14.070(c)
13 is subject to a civil penalty of not less than \$500 nor more than
14 \$2,000 for each day that the report is due but not filed up to a
15 maximum of \$25,000 for each report.

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

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

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

25 (d) A political action committee that, with intent to avoid
26 disclosure, files a report of contributions or expenditures containing
27 a false or misleading statement as to a contributor, contribution, or
28 expenditure required to be included in a report under AS 15.14.070(a)
29 is subject to a civil penalty

- 1 (1) of not less than \$500 nor more than \$5,000 for each
2 false or misleading statement; and
- 3 (2) not to exceed twice the amount of the contribution or
4 expenditure involving the false or misleading statement.
- 5 (e) A person who knowingly makes a contribution in excess of the
6 limitation under AS 15.14.110(b) or (c) is subject to 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 (f) A political action committee that knowingly makes a contri-
11 bution prohibited under AS 15.14.120(b) is subject to a civil penalty
- 12 (1) of not less than \$1,000 nor more than \$5,000; and
13 (2) not to exceed twice the amount that the contribution
14 exceeds the limitation.
- 15 (g) Except as provided in AS 15.14.130(c), a political action
16 committee that knowingly accepts a contribution in excess of the
17 limitation established in AS 15.14.110(c) is subject to a civil pen-
18 alty
- 19 (1) of not less than \$1,000 nor more than \$5,000; and
20 (2) not to exceed twice the amount that the contribution
21 exceeds the limitation.
- 22 (h) A person who knowingly makes a contribution in the form of
23 cash in violation of AS 15.14.110(a) is subject to a civil penalty of
- 24 (1) not less than \$100 nor more than \$1,000 if the contri-
25 bution is less than \$500, in the aggregate; and
- 26 (2) an additional civil penalty of not to exceed twice the
27 amount of the cash contribution if it amounts to \$500 or more in the
28 aggregate.
- 29 (i) A political action committee or a political party that

1 knowingly makes a contribution in the form of cash in violation of
2 AS 15.14.120(a) is subject to a civil penalty of

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

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

8 (j) A person or political action committee that knowingly ac-
9 cepts a contribution in the form of cash in violation of AS 15.14.-
10 130(a) is subject to a civil penalty of

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

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

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

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

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

24 (l) A person or political action committee that knowingly ac-
25 cepts a contribution obtained in violation of AS 15.56.025 through a
26 threat of physical force, job discrimination, or financial reprisals
27 is subject to a civil penalty of not less than \$1,000 nor more than
28 \$10,000.

29 (m) A person or political action committee that intentionally

1 solicits or requests a contribution from a public officer or employee
2 of the state or a municipality of the state in a manner prohibited
3 under AS 15.14.210(a) or (b) is subject to a civil penalty of not less
4 than \$500 nor more than \$5,000.

5 (n) A person or political action committee that knowingly ac-
6 cepts a contribution from a public officer or employee of the state or
7 a municipality of the state in a manner prohibited under AS 15.14.-
8 210(a) or (b) is subject to a civil penalty of not less than \$500 nor
9 more than \$5,000.

10 (o) A candidate or an agent of the candidate, a political action
11 committee, political party, newspaper, magazine or other periodical,
12 or radio or television broadcasting station that knowingly publishes,
13 circulates, communicates, or otherwise disseminates a matter
14 containing a false statement of a material fact relating to a
15 candidate is subject to a civil penalty of

16 (1) not less than \$1,000 nor more than \$5,000 for each
17 false statement of a material fact relating to a candidate; or

18 (2) if the matter containing a false statement of a
19 material fact concerning a candidate is disseminated within the 21
20 days before the date of a primary, general, or special election, of
21 not less than \$5,000 nor more than \$10,000.

22 (p) A candidate or an agent of a candidate, a political action
23 committee, political party, newspaper, magazine or other periodical,
24 or radio or television broadcasting station that knowingly publishes,
25 circulates, communicates, or otherwise disseminates a matter
26 containing a false statement of a material fact relating to a
27 political action committee or a ballot proposition or ballot question
28 is subject to a civil penalty of

29 (1) not less than \$500 nor more than \$1,000 for each false

1 statement of a material fact relating to a political action committee
2 or a ballot proposition or ballot question; or

3 (2) if the matter containing a false statement of a
4 material fact concerning a political action committee or a ballot
5 proposition or ballot question is disseminated within the 21 days
6 before the date of a primary, general, or special election, of not
7 less than \$1,000 nor more than \$5,000;

8 Sec. 15.14.240. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND
9 DEGREE. (a) A person who fails to file a report of contributions or
10 expenditures required to be filed 30 days or seven days before an
11 election under AS 15.14.060(b) or fails to file a report within 24
12 hours after receiving a contribution or making an expenditure under
13 AS 15.14.060(c) is subject to a civil penalty of not less than \$25 nor
14 more than \$100 for each day that the report is due but not filed up to
15 a maximum of \$5,000 for each report.

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

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

29 (d) A person who files a report of contributions or expenditures

1 containing a false or misleading statement as to a contributor, con-
2 tribution, or expenditure required to be included in a report under
3 AS 15.14.060(a) is subject to a civil penalty

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

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

8 (e) A political action committee that files a report of contri-
9 butions or expenditures containing a false or misleading statement as
10 to a contributor, contribution, or expenditure required to be included
11 in a report under AS 15.14.070(a) is subject to a civil 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 or a political party that makes
22 a contribution prohibited 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 in
28 violation of AS 15.14.110(a) is subject to a civil penalty of not to
29 exceed the amount of the cash contribution.

1 (i) A political action committee or a political party that makes
2 a contribution in the form of cash in violation of AS 15.14.120(a) is
3 subject to a civil penalty of not to exceed the amount of the cash
4 contribution.

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

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

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

11 (k) A political action committee that accepts a contribution in
12 excess of the limitation under AS 15.14.110(c) is subject to a civil
13 penalty

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

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

17 (1) A candidate, an officer of a candidate, a political action
18 committee, or an officer of a political action committee that accepts
19 a contribution in the form of cash in violation of AS 15.14.130(a) is
20 subject to a civil penalty of not to exceed the amount of the cash
21 contribution.

22 (m) A candidate who fails to close a campaign account by the
23 date established in AS 15.14.190(a) is subject to a fine of not less
24 than \$25 nor more than \$100 per day for each day that the account
25 should have been but was not closed, up to a maximum of \$2,000.

26 (n) A person who fails to dispose of surplus funds by the date
27 established in AS 15.14.200(b) is subject to a civil penalty of not
28 less than \$25 nor more than \$100 per day for each day that the surplus
29 funds should have been but were not disposed of, up to a maximum of

1 \$2,000.

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

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

7 (2) uses campaign funds for a purpose not permitted under
8 AS 15.14.180;

9 (3) uses surplus funds for a purpose not permitted under
10 AS 15.14.200;

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

13 (5) fails to include in a communication intended to influ-
14 ence the election of a candidate or the outcome of a ballot proposi-
15 tion or question the information required under AS 15.14.220(a) or
16 (b).

17 Sec. 15.14.250. PAYMENT OF CIVIL PENALTY. A civil penalty
18 imposed by the commission under AS 15.14.230 or 15.14.240 may not be
19 paid from campaign funds.

20 Sec. 15.14.260. REMOVAL FROM OFFICE. (a) If, after being sworn
21 into office, a person who was a successful candidate is found to have
22 committed a violation in the first degree under AS 15.14.230, proceed-
23 ings shall be held and appropriate action taken under

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

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

28 (3) AS 29.20.170, if the candidate is a candidate for
29 borough assembly;

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

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

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

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

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

12 (b) Information developed by the commission under AS 15.14.280
13 shall be considered during a proceeding under (a) of this section.

14 (c) When, after being sworn into office, a successful candidate
15 is charged with a violation in the first degree under AS 15.14.230(a),
16 the commission shall promptly hear the matter and accord it a pre-
17 ferred position for purposes of argument and decision so as to assure
18 a speedy disposition of the matter.

19 Sec. 15.14.270. LIMITATIONS ON ACTIONS. (a) A proceeding
20 alleging a violation of AS 15.14.230 must be commenced within four
21 years from the date of the alleged violation.

22 (b) A proceeding alleging a violation of AS 15.14.240 must be
23 commenced within two years from the date of the alleged violation.

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

28 Sec. 15.14.280. INVESTIGATIONS. (a) The commission shall
29 investigate a violation of AS 15.14.230, 15.14.240, AS 24.50, and

1 AS 39.50 upon receiving a signed and sworn complaint from any person
2 and may investigate a violation of AS 15.14.230, 15.14.240, AS 24.50,
3 or AS 39.50 on its own motion.

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 of the information reviewed and that the commission has
19 terminated the investigation and will not be taking further action
20 concerning the complaint.

21 Sec. 15.14.290. 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 15.14.300
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 15.14.300.

16 Sec. 15.14.300. 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; or

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. 15.14.310. 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;

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 (3) the hearing may not proceed except with a quorum of the
8 commission, whether or not a hearing officer is appointed.

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

14 Sec. 15.14.320. IMPOSITION OF PENALTY. (a) The commission may
15 impose the penalty provided by law for the violation only if the
16 accused person, having been advised of the right to a hearing, admits
17 or pleads no contest to the allegations contained in the accusation,
18 or if the commission

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

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

26 (b) The executive director of the commission may not formally or
27 informally make a recommendation to the commission as to a particular
28 penalty in a pending matter or make a commitment to the respondent to
29 make a particular recommendation to the commission in the future until

1 after the respondent has admitted or pleaded no contest to the accusa-
2 tion or until after a hearing and a final determination by the com-
3 mission that the respondent has committed the acts charged in the
4 accusation.

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

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

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

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

19 Sec. 15.14.330. SUMMARY DISPOSITION OF VIOLATIONS. (a) Not-
20 withstanding the provisions of AS 15.14.290 - 15.14.320, the commis-
21 sion may establish by regulation the violations under AS 15.14.240
22 that are amenable to summary disposition without formal accusation or
23 hearing and may establish a schedule of fines, not to exceed \$500, for
24 each violation.

25 (b) If an investigation by the commission discloses that a
26 person has committed a violation included in the schedule of fines
27 established under (a) of this section, the commission may, in lieu of
28 serving an accusation on the person, mail a notice of fine to the
29 person indicating the circumstances of the violation and the amount of

1 the fine established in the schedule for the violation. The person to
2 whom the notice is directed may pay the fine within 15 days after
3 receiving the notice or may file a notice of defense under AS 15.14.-
4 300.

5 (c) If the person does not pay the fine under (b) of this sec-
6 tion, the notice of fine constitutes an accusation under AS 15.14.290
7 and the commission shall proceed against the person under AS 15.14.-
8 290 - 15.14.320 and, upon determining that the person committed the
9 violation, may impose a penalty for the violation not to exceed the
10 maximum provided for the violation under AS 15.14.240.

11 Sec. 15.14.340. CONFIDENTIALITY. (a) An investigation by the
12 commission under AS 15.14.280 is confidential unless and until the
13 investigation results in the filing of an accusation under AS 15.-
14 14.290.

15 (b) A member or a former member of the commission and an em-
16 ployee or a former employee of the commission may not divulge the fact
17 of or any particular concerning a pending, past, or contemplated
18 investigation by the commission unless and until the filing of an
19 accusation by the commission except as is necessary for the commission
20 to conduct an investigation.

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

23 Sec. 15.14.350. JUDICIAL REVIEW. Judicial review of a final
24 order of the commission may be had by filing a notice of appeal under
25 applicable rules of court governing appeals from administrative agen-
26 cies.

27 Sec. 15.14.360. POWERS OF THE COMMISSION. (a) In connection
28 with an investigation or hearing under AS 15.14.280 - 15.14.320,
29 AS 24.45, or AS 39.50, the commission may compel the attendance of

1 witnesses and production of papers, books, records, accounts, docu-
2 ments, and testimony, and may have the depositions of witnesses taken
3 in a manner prescribed by court rule or law for the taking of depo-
4 sitions in civil actions when consistent with the powers and duties
5 assigned to the commission by law.

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

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

17 Sec. 15.14.370. LEGAL COUNSEL. (a) The attorney general is
18 legal counsel for the commission. The attorney general shall advise
19 the commission in legal matters arising out of the discharge of its
20 duties and represent the commission in actions to which it is a party.

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

24 ARTICLE 6. GENERAL PROVISIONS.

25 Sec. 15.14.900. DEFINITIONS. In this chapter

26 (1) "candidate" means an individual who

27 (A) files for election to the state legislature, for
28 governor, for lieutenant governor, for municipal office, for
29 retention in judicial office, or for constitutional delegate;

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

3 (C) accepts contributions totalling \$1,000 or more in
4 the aggregate from another person or political action committee
5 for the purpose of seeking elective office or retention in judi-
6 cial office;

7 (2) "contribution"

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

17 (B) does not include

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

23 (ii) services provided by an accountant or other
24 person to prepare reports and statements required by this
25 chapter;

26 (iii) services provided by an attorney relating to
27 AS 15;

28 (iv) ordinary hospitality in a home;

29 (3) "expenditure"

1 (A) means a purchase or a transfer of money or any-
2 thing of value or a promise or agreement to purchase or transfer
3 money or anything of value, incurred or made for the purpose of
4 (i) influencing the nomination or election of a
5 candidate or of any individual who files for nomination at a
6 later date and becomes a candidate;
7 (ii) influencing the outcome of a ballot proposi-
8 tion or question; or
9 (iii) providing payment of compensation for the
10 personal services of another person that are rendered to a
11 candidate or political party;
12 (B) does not include a candidate's filing fee or the
13 cost of preparing reports and statements required by this chap-
14 ter;
15 (4) "individual" means a natural person;
16 (5) "influencing the outcome of a ballot proposition or
17 question" includes the efforts necessary to place an initiative or
18 referendum on the ballot;
19 (6) "municipality" has the meaning given in AS 01.10.060;
20 (7) "person" has the meaning given in AS 01.10.060 but does
21 not include an entity organized to influence an election;
22 (8) "political action committee"
23 (A) means a person or combination of persons that
24 accepts contributions for the purpose of influencing an election
25 and exercises discretion over the expenditure of the
26 contributions;
27 (B) but does not include a political party and its
28 state, regional, or local subdivisions;
29 (9) "political party"

1 (A) means a group of organized voters that
2 (i) claims to represent a political program; and
3 (ii) nominated a candidate for governor who re-
4 ceived at least five percent of the total vote cast at the
5 preceding general election for governor;

6 (B) does not include the campaign committee of a
7 candidate.

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

9 Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "bene-
10 fit" has the meaning given [ASCRIBED TO IT] in AS 11.81.900 but does
11 not include

12 (1) political campaign contributions reported under AS 15.-
13 14 [IN ACCORDANCE WITH AS 15.13];

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

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

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

19 Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A
20 person commits the crime of unlawful solicitation of campaign contri-
21 butions if the person intentionally solicits a campaign contribution
22 through a threat of physical force, job discrimination, or financial
23 reprisal.

24 (b) Unlawful solicitation of campaign contributions is a class C
25 felony.

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

27 (a) This chapter shall be administered by the Alaska Public
28 Offices Commission established [CREATED] under AS 15.14.020 [AS 15.-
29 13.020(a)].

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

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

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

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

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

21 Sec. 29.20.170. VACANCIES. The governing body may provide by
22 ordinance the manner in which a vacancy occurs in any elected office
23 except the office of mayor or school board member. Unless otherwise
24 provided by ordinance, the governing body shall declare an elective
25 office, other than the office of mayor or school board member, vacant
26 when the person elected

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

29 (2) is physically absent from the municipality for 90

1 consecutive days unless excused by the governing body;

2 (3) resigns and the resignation is accepted;

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

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

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

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 15.14.230;

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

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

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

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

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

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

24 (3) resigns and the resignation is accepted;

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

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;

2 (7) is convicted of a misdemeanor under former [VIOLATION
3 OF] AS 15.13 or is found to have committed a violation in the first
4 degree under AS 15.14.230;

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

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

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

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

14 * Sec. 10. AS 39.50.200(a)(3) is amended to read:

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

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

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

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

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

23 (3) Alaska Commercial Fisheries Entry Commission (AS 16.-
24 43.020);

25 (4) Alaska Commission on Postsecondary Education (AS 14.-
26 42.015);

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

28 (6) Alaska Housing Finance Corporation (AS 18.56.010 -
29 18.56.210);

- 1 (7) Alaska Judicial Council (art. IV, sec. 8, Alaska Con-
2 stitution);
- 3 (8) Alaska Medical Facility Authority (AS 18.26.010 -
4 18.26.900);
- 5 (9) Alaska Municipal Bond Bank Authority (AS 44.85.020);
- 6 (10) Alaska Power Authority public directors (AS 44.83.030);
- 7 (11) Alaska Oil and Gas Conservation Commission (AS 31.05.-
8 005 - 31.05.170);
- 9 (12) Alaska Public Broadcasting Commission (AS 44.21.256);
- 10 (13) Alaska Public Offices Commission, including the execu-
11 tive director and employees of the commission (AS 15.14.020);
- 12 (14) Alaska Public Utilities Commission (AS 42.05.010);
- 13 (15) Alaska Resources Corporation (AS 37.12.010);
- 14 (16) Alaska Royalty Oil and Gas Development Advisory Board
15 (AS 38.06.020);
- 16 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
- 17 (18) Alaska State Council on the Arts (AS 44.27.040);
- 18 (19) Alaska State Building Authority (AS 18.55.020);
- 19 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
- 20 (21) Alcoholic Beverage Control Board (AS 04.06.010);
- 21 (22) Board of Education (AS 14.07.075);
- 22 (23) Board of Fisheries (AS 16.05.221(a));
- 23 (24) Board of Game (AS 16.05.221(b));
- 24 (25) Board of Parole (AS 33.16.020);
- 25 (26) Board of Trustees and executive director of the Alaska
26 Permanent Fund Corporation (AS 37.13.040);
- 27 (27) Commission on Judicial Conduct (art. IV, sec. 10,
28 Alaska Constitution);
- 29 (28) Council on Domestic Violence and Sexual Assault

- 1 (AS 18.66.010);
- 2 (29) Employment Security Advisory Council (AS 23.20.025);
- 3 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
- 4 35.010);
- 5 (31) Governor's Commission on the Administration of Justice
- 6 (AS 44.19.110);
- 7 (32) Guide Board (AS 08.54.010);
- 8 (33) Local Boundary Commission (AS 44.47.565);
- 9 (34) Occupational Safety and Health Review Board (AS 18.60.-
- 10 057);
- 11 (35) Public Employees' Retirement Board (AS 39.35.030);
- 12 (36) State Assessment Review Board (AS 43.56.040);
- 13 (37) State Commission for Human Rights (AS 18.80.010);
- 14 (38) State Personnel Board (AS 39.25.060);
- 15 (39) University of Alaska Board of Regents (AS 14.40.120);
- 16 (40) Workers' Compensation Board (AS 23.30.005).

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

- 18 (39) Alaska Public Offices Commission except to the extent
- 19 that AS 44.62.350 - 44.62.630 is inconsistent with AS 15.14.280 -
- 20 15.14.360

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

22 * Sec. 14. Alaska Public Office Commission members serving on the

23 effective date of this Act continue to serve out their terms as provided

24 under AS 15.13.020, repealed in sec. 13 of this Act. Vacancies occurring

25 on or after January 1, 1988, shall be filled in accordance with AS 15.14.-

26 020 enacted in sec. 1 of this Act.

27 * Sec. 15. Notwithstanding AS 15.14.010(b) as enacted in sec. 1 of this

28 Act, the election of a municipality held under former AS 15.13.010(a) to

29 exempt its officers from the application of AS 15.13 is confirmed as an

1 exemption from the application of AS 15.14.

2 * Sec. 16. In accordance with AS 15.14.190 as enacted in sec. 1 of this
3 Act, a candidate shall, no later than January 31, 1988, close each campaign
4 account relating to a campaign for an election held before January 1, 1988,
5 unless the campaign has outstanding debts. If the campaign has outstanding
6 debts, the candidate may keep campaign accounts open after January 31,
7 1988, but shall close each campaign account within 30 days after all debts
8 have been paid and in no event later than January 1, 1989, whether or not
9 there are outstanding debts remaining on that date. During the time that
10 an account remains open under this section, contributions may be solicited
11 and accepted and expenditures made only for the purpose of retiring out-
12 standing debts of a campaign for an election held before January 1, 1988.
13 An outstanding campaign debt remaining on January 1, 1989, becomes the
14 personal debt of the candidate.

15 * Sec. 17. This Act applies to election campaign activities that take
16 place after January 1, 1988.

17 * Sec. 18. This Act takes effect January 1, 1988.