

COMMITTEE REPORT
SENATE

3/11/86

FURTHER:

Date _____

Mr. President

The Committee on FINANCE considered SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT

SENATE RULES COMMITTEE

3/7/86

Date _____

Mr. President:

The Committee on Rules considered _____ SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

and recommended it be placed on the _____ Calendar

with attached amendment(s).

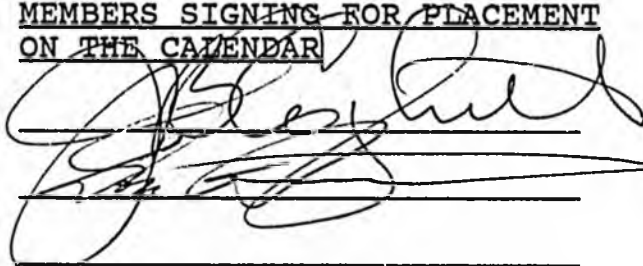
replace with CS for _____ same title
 new title

and attached a Letter of Intent

new fiscal note

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

MEMBERS HAVING OTHER
RECOMMENDATIONS





CHAIRMAN

COMMITTEE REPORT

SENATE

FURTHER:

Rules

2/18/86

Date 2/26/86

Mr. President

The Committee on STATE AFFAIRS considered SB 401
annulling regulations adopted by the Alaska Public Offices Commission.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Ed De Vise

MEMBERS HAVING
OTHER RECOMMENDATIONS

W. Fisher - DO NOT PASS

Michael Reed
Chairman
DO PASS !!
Chairman recommendation

COMMITTEE REPORT

SENATE RULES COMMITTEE

2/14/86

Date _____

Mr. President:

The Committee on Rules considered _____ SB 401

annulling regulations adopted by the Alaska Public Offices Commission.

and recommended it be placed on the _____ Calendar

with attached amendment(s).

replace with CS for _____ same title
 new title

and attached a Letter of Intent

new fiscal note

MEMBERS SIGNING FOR PLACEMENT ON THE CALENDAR

MEMBERS HAVING OTHER RECOMMENDATIONS

Tim Kelly
CHAIRMAN

*Return to State Affairs
5-Day Rule*

COMMITTEE REPORT
SENATE

FURTHER: Rolls

2/13/86

Date Feb. 14, 1986

Mr. President

The Committee on STATE AFFAIRS considered SB 401
annulling regulations adopted by the Alaska Public Offices Commission.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Bruce Ray

Edw De Vries

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 Tom Kelly No Rec

Michael Hood

 Chairman

Do Pass

 Chairman Recommendation

Introduced: 2/13/86
Referred: State Affairs

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 SENATE BILL NO. 401
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act annulling regulations adopted by the Alaska
7 Public Offices Commission."

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

9 * Section 1. The following regulations are annulled: 2 AAC 50.310, 2
10 AAC 50.313, 2 AAC 50.314, 2 AAC 50.315, 2 AAC 50.316, 2 AAC 50.319, 2 AAC
11 50.320, 2 AAC 50.321, 2 AAC 50.324, 2 AAC 50.326, 2 AAC 50.332, 2 AAC
12 50.333, 2 AAC 50.334, 2 AAC 50.340, 2 AAC 50.342, 2 AAC 50.351, 2 AAC
13 50.357, 2 AAC 50.360, 2 AAC 50.362, 2 AAC 50.363, 2 AAC 50.369, 2 AAC
14 50.370, 2 AAC 50.375, 2 AAC 50.380, 2 AAC 50.390, 2 AAC 50.397, 2 AAC
15 50.400, 2 AAC 50.401, 2 AAC 50.405, 2 AAC 50.450, 2 AAC 50.460, 2 AAC
16 50.470, 2 AAC 50.905, 2 AAC 50.910.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 401
 Title : An act annulling regulations adopted by the Alaska Public...
 Sponsor : State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Administration
 BRU : Alaska Public Offices Commission
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		2.5				
CONTRACTUAL		66.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	68.5	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	68.5	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	68.5	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Passage of this legislation would force the Commission to promulgate regulations at a time when it is normally occupied assisting campaigns. Costs are largely contractual expenses necessary because existing staff is already committed to a heavy workload related to state campaigns.

Prepared by : Theda Pittman
 Division : Alaska Public Offices Commission

Phone : 276-4176
 Date : March 4, 1986

Approved by Commissioner : Eleanor Andrews
 Agency : Dept. of Administration

Date : 3/9/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 401

It is assumed that the dates on which the bill became law and the effective date of the annulment action would allow all expenditures to be made in the same fiscal year.

TRAVEL:

Transportation & Per Diem for Commissioners to attend hearing	2.5
---	-----

CONTRACTUAL SERVICES:

Legal: notice of emergency regulations, re-drafts for permanent regulations, notice of permanent regulations	20.0
--	------

Advertising: two notices of regulations, hearing, information concerning new requirements and new manuals	5.0
---	-----

Temporary Help: Typing, preparing mail-outs & manuals	5.0
---	-----

Professional:

Manual revisions (4 manuals)	15.0
------------------------------	------

Graphics, Typesetting	5.0
-----------------------	-----

Printing	15.0
----------	------

Telephone - long distance testimony	1.0
-------------------------------------	-----

68.5

ALASKA STATE LEGISLATURE

.14th.. Legislature ..2nd.. Session

SENATE BILL NO. 401.....

By THE STATE AFFAIRS.....
COMMITTEE

"An Act annulling regulations adopted by the Alaska Public Offices Commission."

Introduced in the Senate ..2/13.., 1936.

HISTORY IN THE SENATE

1936		Read first time and referred to Committee on State Affairs
2	13	
2	14	Reported back with <i>St. aff.</i> recommendation that <i>3 do pass, 1 no recy, 20 ruled.</i>
2	18	<i>Returned to S.A. 5-day rule violation</i>
3	7	<i>5 A. 2 do pass, 1 do not pass, 4 ruled, 10 said 5543</i>
3	11	Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by President
		Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19		Read first time and referred to Committee on
		Reported back with recommendation that
		Read second time and
		Read third time and
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reconsideration
		PASS Effective Date
		Yeas Yeas
		Nays Nays
		Absent Absent
		Excused Excused
		Reported correctly engrossed
		Signed by Speaker
		Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19		Received from House
		To enrolling
		Reported correctly enrolled
		Sent to Governor
	 by Governor
		Filed with Lt. Governor
		Chapter No.

3/6/86
 3(SA) B
 Lead of Tu
 Bureau!
 note 3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 401
 Title : An act annulling regulations adopted by the Alaska Public...
 Sponsor : State Affairs
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Administration
 BRU : Alaska Public Offices Commission
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL		2.5				
CONTRACTUAL		66.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	68.5	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING : (Thousands of Dollars)

GENERAL FUND	0	68.5	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	68.5	0	0	0	0

POSITIONS : None

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Passage of this legislation would force the Commission to promulgate regulations at a time when it is normally occupied assisting campaigns. Costs are largely contractual expenses necessary because existing staff is already committed to a heavy workload related to state campaigns.

Prepared by : Theda Pittman *Theda Pittman*
 Division : Alaska Public Offices Commission

Phone : 276-4176
 Date : March 4, 1986

Approved by Commissioner : Eleanor Andrews
 Agency : Dept. of Administration

Date : 3/9/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SB 401

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 401

It is assumed that the dates on which the bill became law and the effective date of the annulment action would allow all expenditures to be made in the same fiscal year.

TRAVEL:

Transportation & Per Diem for Commissioners to attend hearing	2.5
---	-----

CONTRACTUAL SERVICES:

Legal: notice of emergency regulations, re-drafts for permanent regulations, notice of permanent regulations	20.0
--	------

Advertising: two notices of regulations, hearing, information concerning new requirements and new manuals	5.0
---	-----

Temporary Help: Typing, preparing mail-outs & manuals	5.0
---	-----

Professional:

Manual revisions (4 manuals)	15.0
------------------------------	------

Graphics, Typesetting	5.0
-----------------------	-----

Printing	15.0
----------	------

Telephone - long distance testimony	1.0
-------------------------------------	-----

68.5

S(SA) 2/21/86

POSITION PAPER
SB 401

This legislation annuls 34 administrative regulations promulgated by the Alaska Public Offices Commission in accordance with the provisions of the Administrative Procedure Act (AS 44.62). The specific regulations to be annuled include all long-standing and newly-revised regulations, twenty-nine in number, "[N]ecessary to implement and clarify the provisions of" AS 15.13, Alaska's Campaign Disclosure Law. AS 15.13.030(10). The remaining five regulations annuled by the bill are general provisions, procedural in nature, which are also applicable to AS 24.45, Regulation of Lobbying, and to AS 39.50, Conflict of Interest. The latter regulations include the Commission's procedures for handling complaints, preliminary investigations, hearings, and advisory opinions.

These changes would affect approximately 200 state candidates, 350 municipal candidates in 24 municipalities, over 250 political groups, and their major contributors. Candidates, groups, and contributors desiring to comply with AS 15.13 would be unsure of their responsibilities and would swamp the Commission with anxious inquiries. Those desiring to operate unfettered by the requirements of Alaska law would claim they didn't know their actions were improper.

With the 1986 campaigns well underway, the Commission would be required -- in order to assist those campaigns and in order to comply with its enabling legislation -- to publicize its intent to adopt Campaign Disclosure regulations and then to undertake the adoption of emergency regulations. Since emergency regulations are effective only for a short period of time, a notice of intent to adopt permanent regulations would also be undertaken as soon as the emergency action was complete. The process would require 6-9 months and additional funding due to the size of the task and the requirements of the Administrative Procedures Act.

5/8 401

Theda Pittman
Exec. Dir., Public Offices Commission

2/18/86
Date

Eleanor Andrews
Commissioner Eleanor Andrews
Department of Administration

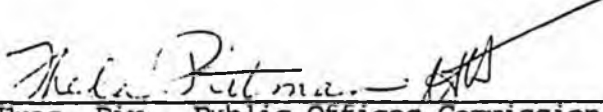
2/18/86
Date

POSITION PAPER
SB 401

This legislation annuls 34 administrative regulations promulgated by the Alaska Public Offices Commission in accordance with the provisions of the Administrative Procedure Act (AS 44.62). The specific regulations to be annuled include all long-standing and newly-revised regulations, twenty-nine in number, "[N]ecessary to implement and clarify the provisions of" AS 15.13, Alaska's Campaign Disclosure Law. AS 15.13.030(10). The remaining five regulations annuled by the bill are general provisions, procedural in nature, which are also applicable to AS 24.45, Regulation of Lobbying, and to AS 39.50, Conflict of Interest. The latter regulations include the Commission's procedures for handling complaints, preliminary investigations, hearings, and advisory opinions.

These changes would affect approximately 200 state candidates, 350 municipal candidates in 24 municipalities, over 250 political groups, and their major contributors. Candidates, groups, and contributors desiring to comply with AS 15.13 would be unsure of their responsibilities and would swamp the Commission with anxious inquiries. Those desiring to operate unfettered by the requirements of Alaska law would claim they didn't know their actions were improper.

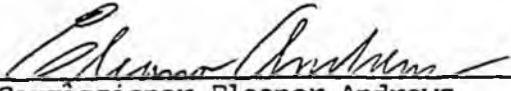
With the 1986 campaigns well underway, the Commission would be required -- in order to assist those campaigns and in order to comply with its enabling legislation -- to publicize its intent to adopt Campaign Disclosure regulations and then to undertake the adoption of emergency regulations. Since emergency regulations are effective only for a short period of time, a notice of intent to adopt permanent regulations would also be undertaken as soon as the emergency action was complete. The process would require 6-9 months and additional funding due to the size of the task and the requirements of the Administrative Procedures Act.



Exec. Dir., Public Offices Commission

2/15/86

Date



Commissioner Eleanor Andrews
Department of Administration

2/18/86

Date

MEMORANDUM

State of Alaska [28]

TO: Theda Pittman
Executive Director
Alaska Public Offices Commission
Department of Administration


DATE: November 14, 1985

FILE NO: 399-069-85

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Regulations

By: 
Richard D. Monkman
Assistant Attorney General

Attached are the edited version of your regulations. There has been drastic pruning, especially of the definitions within definitions. Hopefully, the corrections will be self-explanatory and will not outrage your staff.

The regulations need to be retyped and a new adoption order written signed. Although the changes are drastic in terms of deletions, additions to the text are minor. Thus, Peter Froehlich and I concur that the regulations will not need to be re-noticed. If the regulations are back here by November 25, there should be no problem filing them in time for a January 1, 1986 effective date.

Aside from the editing, two points. The present definition of "contribution" 2 AAC 50.405(4), was not repealed by the regulations as adopted and sent down. Looking over the notice, it appears that 50.405(4) was intended to be repealed -- which explains why a new section 50.313 was adopted. However, the place for a definition of statutory terms is in the definition section of your regulations. Thus, I reorganized what was left of 50.313 after editing as several subsections of 50.405. Secondly, the proposed regulations repeal 50.355, "loans," and spread the "loans" sections out in several different places. This, according to Art, is a mistake. We recommend that the Commission not repeal 50.355. The present language seems to me to accomplish everything the reorganized language does, and it is better to have it in one spot.

Unfortunately, I will be out of state (on business this time) during the Commission meeting of November 19 - 20, and will be unable to go over the changes in detail with the Commission. Hopefully Pat Kennedy will be available to answer any questions the Commission might have.

HMB:RDM:cck
Attachment
cc w/attach.: Pat Kennedy
Assistant Attorney General
Anchorage AGO

15

Document #1

2 AAC 50.313 is amended by adding a new section ^{sub (5) (b) (7)} to read:

~~2 AAC 50.313 CONTRIBUTION (a) The term "contribution" includes the following payments of money, services, or anything of value:~~

~~(1) A gift, subscription, loan, advance, payment, transfer of funds, deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question.~~

~~(2) For purposes of 2 AAC 50.313(a)(1), the term "loan" includes a guarantee, endorsement, and any other form of security.~~

~~(A) A loan which exceeds the contribution limitations of AS 19.13.070 shall be unlawful whether or not it is repaid.~~

~~(3) A loan is a contribution at the time it is made, and is a contribution to the extent it remains unpaid. A loan, to the extent it is repaid, is no longer a contribution.~~

~~(C) Except as provided in 2 AAC 50.316(1)(C), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsees or guarantors.~~

~~(b) For purposes of 2 AAC 50.313(a), the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.~~

~~(7) For purposes of 2 AAC 50.313(a), the term "anything of value" includes all kind of non-monetary contributions. Examples of such in-kind goods or services include facilities, equipment, polling information, supplies, ~~personnel~~ advertising services, membership lists, mailing lists, and any item of tangible or intangible real or personal property, but does not include volunteer services specified in 2 AAC 50.313(b)(1), other than paid personal services. "Paid personal services" are personal services of every kind and nature the cost or consideration for which is paid or provided by a person other than the candidate or group for whom the services are rendered.~~

ARRIVED

NOV 15 1985

APOC-ANCH
PM (HC)

Not should they in right place.

As duplicate
50.313(2)

necessary

Further to keep
50.355
as is

unclear

2 AAC 50.405(4) is amended by adding new sub sections to read:

(A) The provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods and services is a contribution. If goods or services are provided at less than the usual or normal charge, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

OUT
unnecessary
unclear

(B) For purposes of 2 AAC 50.313(a)(4)(A), the "usual and normal charge" for goods means the price of those goods in the market which they ordinarily would have been purchased at the time of the contribution; and "usual and normal charge" for any services, other than those provided by unpaid volunteers, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

100
100
100

(B) ~~the~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate is a contribution.

(C) ~~the~~ The payment by any person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No compensation is considered paid to any employee under any of the following circumstances:
 contribution results in

OUT
unnecessary
unclear

(A) If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable period of time.

(i) ~~the~~ No contribution results where an employee engages in political activity during what would otherwise be normal working hours, if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(ii) ~~the~~ No contribution results ^{where} for time used by the employee to engage in political activity ~~if the time used~~ is bona fide, although compensable, vacation or other earned leave time.

(D) ~~the~~ The extension of credit by any person to a candidate or political group for a length of time beyond normal business ~~or practice~~ practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

~~(A) A debt owed by a political group or candidate which is forgiven or settled for less than the amount owed is a contribution unless the negotiated settlement receives the prior approval of the Commission, which will be granted when it is convinced the following conditions are met:~~

~~(i) At the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;~~

~~(ii) The campaign has made a good faith effort to repay all outstanding debts;~~

~~(iii) The creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;~~

~~(iv) The proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;~~

~~(v) The campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;~~

~~(vi) The proposed settlement agreement is similar to others proposed by the campaign.~~

*OUT
no authority
inconsistent with
AS 15.13.130(a)*

~~(E) An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, his or her campaign, its agents, or campaign consultants is a contribution to the candidate, and the financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, his or her campaign committee, campaign agents, or campaign consultants is a contribution to the candidate.~~

~~(A) For purposes of 2 AAC 50.314(8), "cooperation, consultation, or in concert with, or at the request of" means any arrangement, coordination, course of communication or direction by or with the candidate or his or her campaign agents prior to the publication, distribution, display or broadcast of any communication. Any expenditure is presumed to be so made when it is:~~

~~(i) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or his or her campaign agents with a view to having an expenditure made;~~

~~(ii) Made by or through any person who is, or has been, authorized to raise or expend funds for the candidate, who is, or has been, an agent of a candidate's campaign, or has received any form of compensation or reimbursement from the candidate, members of his campaign committee, campaign agents or campaign consultants.~~

*OUT
unclear
unnecessary*

*no definition with
which are defined
by statute to*

(iii) Made by any person or group based on data from a candidate's former pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign.

out unclear

(iv) Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or his or her campaign agents.

(8) For purposes of 2 AAC 50.313(8), "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(F) ~~the~~ The term "contribution" does not include the following payments, services or other things of value:

(1) Funds received and payments made solely for the purpose of determining whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions, and requirements of the law, and shall be reported on the first Campaign Disclosure Statement filed by the candidate, regardless of when the funds were received or the payments made.

*As Unrec'd
15, 13, 130
(4)*

(2) Any costs incurred in covering or carrying a news story, commentary or editorial by any broadcasting station, newspaper, or periodical of regular publication unless the facility is owned by or controlled by any political party, political group, or candidate, in which case the cost of the news story is a contribution unless the news story represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility. Further, it is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

*(st Amend)
to amend
to read
to read
to read
to read*

(i) ~~the~~ Any non-monetary contribution or in-kind donation of a single item with a usual and normal charge of \$50.00 or less.

*unworkable
w/ inconsistent
of and reg*

(4) The value of services provided without compensation by any individual other than one who volunteers services for which one would ordinarily be paid ~~or~~ a payment made by any individual for his or her own travel expenses if such payments are voluntary and without any understanding that they will be directly or indirectly repaid.

(ii) ~~the~~ No contribution is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections when it makes payments to communicate directly with its members or employees or their families on any subject; provided the

communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to provide goods and services to a campaign other than to exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(iii) ~~of~~ A gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election is not a contribution.

(F) ~~Let~~ ^{AS} contribution or payment made by a married individual shall not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / ,

Register)

Authority: ~~AS 15.13.010(5)~~ ✓
~~AS 15.13.030(2)~~ & (10)
✓AS 15.13.040

~~AS 15.13.070~~
~~AS 15.13.110~~
~~AS 15.13.130(2)~~ & (8)

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of subsection (a) and groups granted an exemption under subsection (b) are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: ✓AS 15.13.030(10)
-AS 15.13.040
-AS 15.13.070
~~AS 15.13.130(2)~~ & (8)

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) Candidates for state or municipal office may make unlimited contributions from ~~their personal funds or assets.~~

~~(1) For purposes of this section, "personal funds or assets" means~~

~~(A) any assets which, under Alaska law, at the time he or she intended to seek elective office, the candidate had legal right of access to or control over, and with respect to which the candidate had~~

~~either~~ ^{including}
~~(1) legal and rightful title, or~~
~~(2) in equitable interests~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than \$5,000.00 in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission one or more regulated banking institutions as its campaign depository or depositories. ~~whose~~ title shall indicate it is a campaign account.

The account

(b) All monetary contributions to and expenditures by a candidate or political group shall be deposited to or made from a designated campaign depository.

(c) Any candidate or political group required to designate a campaign account may obtain and use credit cards in making travel-related campaign expenditures, transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes, and shall indicate it is a campaign account.

The credit card account name

(d) Contributions which appear to be illegal shall, within ten days, be returned to the contributor or deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question shall be included in the report. The treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register)

Authority:

- ~~AS 15.13.030(1)~~
- ~~AS 15.13.030(2)~~
- ~~AS 15.13.030(3)~~
- ~~AS 15.13.070(1)~~
- ~~AS 15.13.070(2)~~
- ~~AS 15.13.070(3)~~
- ~~AS 15.13.070(4)~~
- ~~AS 15.13.070(5)~~
- ~~AS 15.13.070(6)~~
- ~~AS 15.13.070(7)~~
- ~~AS 15.13.070(8)~~
- ~~AS 15.13.070(9)~~
- ~~AS 15.13.070(10)~~
- ~~AS 15.13.070(11)~~
- ~~AS 15.13.070(12)~~
- ~~AS 15.13.070(13)~~
- ~~AS 15.13.070(14)~~
- ~~AS 15.13.070(15)~~
- ~~AS 15.13.070(16)~~
- ~~AS 15.13.070(17)~~
- ~~AS 15.13.070(18)~~
- ~~AS 15.13.070(19)~~
- ~~AS 15.13.070(20)~~
- ~~AS 15.13.070(21)~~
- ~~AS 15.13.070(22)~~
- ~~AS 15.13.070(23)~~
- ~~AS 15.13.070(24)~~
- ~~AS 15.13.070(25)~~
- ~~AS 15.13.070(26)~~
- ~~AS 15.13.070(27)~~
- ~~AS 15.13.070(28)~~
- ~~AS 15.13.070(29)~~
- ~~AS 15.13.070(30)~~
- ~~AS 15.13.070(31)~~
- ~~AS 15.13.070(32)~~
- ~~AS 15.13.070(33)~~
- ~~AS 15.13.070(34)~~
- ~~AS 15.13.070(35)~~
- ~~AS 15.13.070(36)~~
- ~~AS 15.13.070(37)~~
- ~~AS 15.13.070(38)~~
- ~~AS 15.13.070(39)~~
- ~~AS 15.13.070(40)~~
- ~~AS 15.13.070(41)~~
- ~~AS 15.13.070(42)~~
- ~~AS 15.13.070(43)~~
- ~~AS 15.13.070(44)~~
- ~~AS 15.13.070(45)~~
- ~~AS 15.13.070(46)~~
- ~~AS 15.13.070(47)~~
- ~~AS 15.13.070(48)~~
- ~~AS 15.13.070(49)~~
- ~~AS 15.13.070(50)~~
- ~~AS 15.13.070(51)~~
- ~~AS 15.13.070(52)~~
- ~~AS 15.13.070(53)~~
- ~~AS 15.13.070(54)~~
- ~~AS 15.13.070(55)~~
- ~~AS 15.13.070(56)~~
- ~~AS 15.13.070(57)~~
- ~~AS 15.13.070(58)~~
- ~~AS 15.13.070(59)~~
- ~~AS 15.13.070(60)~~
- ~~AS 15.13.070(61)~~
- ~~AS 15.13.070(62)~~
- ~~AS 15.13.070(63)~~
- ~~AS 15.13.070(64)~~
- ~~AS 15.13.070(65)~~
- ~~AS 15.13.070(66)~~
- ~~AS 15.13.070(67)~~
- ~~AS 15.13.070(68)~~
- ~~AS 15.13.070(69)~~
- ~~AS 15.13.070(70)~~
- ~~AS 15.13.070(71)~~
- ~~AS 15.13.070(72)~~
- ~~AS 15.13.070(73)~~
- ~~AS 15.13.070(74)~~
- ~~AS 15.13.070(75)~~
- ~~AS 15.13.070(76)~~
- ~~AS 15.13.070(77)~~
- ~~AS 15.13.070(78)~~
- ~~AS 15.13.070(79)~~
- ~~AS 15.13.070(80)~~
- ~~AS 15.13.070(81)~~
- ~~AS 15.13.070(82)~~
- ~~AS 15.13.070(83)~~
- ~~AS 15.13.070(84)~~
- ~~AS 15.13.070(85)~~
- ~~AS 15.13.070(86)~~
- ~~AS 15.13.070(87)~~
- ~~AS 15.13.070(88)~~
- ~~AS 15.13.070(89)~~
- ~~AS 15.13.070(90)~~
- ~~AS 15.13.070(91)~~
- ~~AS 15.13.070(92)~~
- ~~AS 15.13.070(93)~~
- ~~AS 15.13.070(94)~~
- ~~AS 15.13.070(95)~~
- ~~AS 15.13.070(96)~~
- ~~AS 15.13.070(97)~~
- ~~AS 15.13.070(98)~~
- ~~AS 15.13.070(99)~~
- ~~AS 15.13.070(100)~~
- ~~AS 15.13.070(101)~~
- ~~AS 15.13.070(102)~~
- ~~AS 15.13.070(103)~~
- ~~AS 15.13.070(104)~~
- ~~AS 15.13.070(105)~~
- ~~AS 15.13.070(106)~~
- ~~AS 15.13.070(107)~~
- ~~AS 15.13.070(108)~~
- ~~AS 15.13.070(109)~~
- ~~AS 15.13.070(110)~~
- ~~AS 15.13.070(111)~~
- ~~AS 15.13.070(112)~~
- ~~AS 15.13.070(113)~~
- ~~AS 15.13.070(114)~~
- ~~AS 15.13.070(115)~~
- ~~AS 15.13.070(116)~~
- ~~AS 15.13.070(117)~~
- ~~AS 15.13.070(118)~~
- ~~AS 15.13.070(119)~~
- ~~AS 15.13.070(120)~~
- ~~AS 15.13.070(121)~~
- ~~AS 15.13.070(122)~~
- ~~AS 15.13.070(123)~~
- ~~AS 15.13.070(124)~~
- ~~AS 15.13.070(125)~~
- ~~AS 15.13.070(126)~~
- ~~AS 15.13.070(127)~~
- ~~AS 15.13.070(128)~~
- ~~AS 15.13.070(129)~~
- ~~AS 15.13.070(130)~~
- ~~AS 15.13.070(131)~~
- ~~AS 15.13.070(132)~~
- ~~AS 15.13.070(133)~~
- ~~AS 15.13.070(134)~~
- ~~AS 15.13.070(135)~~
- ~~AS 15.13.070(136)~~
- ~~AS 15.13.070(137)~~
- ~~AS 15.13.070(138)~~
- ~~AS 15.13.070(139)~~
- ~~AS 15.13.070(140)~~
- ~~AS 15.13.070(141)~~
- ~~AS 15.13.070(142)~~
- ~~AS 15.13.070(143)~~
- ~~AS 15.13.070(144)~~
- ~~AS 15.13.070(145)~~
- ~~AS 15.13.070(146)~~
- ~~AS 15.13.070(147)~~
- ~~AS 15.13.070(148)~~
- ~~AS 15.13.070(149)~~
- ~~AS 15.13.070(150)~~
- ~~AS 15.13.070(151)~~
- ~~AS 15.13.070(152)~~
- ~~AS 15.13.070(153)~~
- ~~AS 15.13.070(154)~~
- ~~AS 15.13.070(155)~~
- ~~AS 15.13.070(156)~~
- ~~AS 15.13.070(157)~~
- ~~AS 15.13.070(158)~~
- ~~AS 15.13.070(159)~~
- ~~AS 15.13.070(160)~~
- ~~AS 15.13.070(161)~~
- ~~AS 15.13.070(162)~~
- ~~AS 15.13.070(163)~~
- ~~AS 15.13.070(164)~~
- ~~AS 15.13.070(165)~~
- ~~AS 15.13.070(166)~~
- ~~AS 15.13.070(167)~~
- ~~AS 15.13.070(168)~~
- ~~AS 15.13.070(169)~~
- ~~AS 15.13.070(170)~~
- ~~AS 15.13.070(171)~~
- ~~AS 15.13.070(172)~~
- ~~AS 15.13.070(173)~~
- ~~AS 15.13.070(174)~~
- ~~AS 15.13.070(175)~~
- ~~AS 15.13.070(176)~~
- ~~AS 15.13.070(177)~~
- ~~AS 15.13.070(178)~~
- ~~AS 15.13.070(179)~~
- ~~AS 15.13.070(180)~~
- ~~AS 15.13.070(181)~~
- ~~AS 15.13.070(182)~~
- ~~AS 15.13.070(183)~~
- ~~AS 15.13.070(184)~~
- ~~AS 15.13.070(185)~~
- ~~AS 15.13.070(186)~~
- ~~AS 15.13.070(187)~~
- ~~AS 15.13.070(188)~~
- ~~AS 15.13.070(189)~~
- ~~AS 15.13.070(190)~~
- ~~AS 15.13.070(191)~~
- ~~AS 15.13.070(192)~~
- ~~AS 15.13.070(193)~~
- ~~AS 15.13.070(194)~~
- ~~AS 15.13.070(195)~~
- ~~AS 15.13.070(196)~~
- ~~AS 15.13.070(197)~~
- ~~AS 15.13.070(198)~~
- ~~AS 15.13.070(199)~~
- ~~AS 15.13.070(200)~~
- ~~AS 15.13.070(201)~~
- ~~AS 15.13.070(202)~~
- ~~AS 15.13.070(203)~~
- ~~AS 15.13.070(204)~~
- ~~AS 15.13.070(205)~~
- ~~AS 15.13.070(206)~~
- ~~AS 15.13.070(207)~~
- ~~AS 15.13.070(208)~~
- ~~AS 15.13.070(209)~~
- ~~AS 15.13.070(210)~~
- ~~AS 15.13.070(211)~~
- ~~AS 15.13.070(212)~~
- ~~AS 15.13.070(213)~~
- ~~AS 15.13.070(214)~~
- ~~AS 15.13.070(215)~~
- ~~AS 15.13.070(216)~~
- ~~AS 15.13.070(217)~~
- ~~AS 15.13.070(218)~~
- ~~AS 15.13.070(219)~~
- ~~AS 15.13.070(220)~~
- ~~AS 15.13.070(221)~~
- ~~AS 15.13.070(222)~~
- ~~AS 15.13.070(223)~~
- ~~AS 15.13.070(224)~~
- ~~AS 15.13.070(225)~~
- ~~AS 15.13.070(226)~~
- ~~AS 15.13.070(227)~~
- ~~AS 15.13.070(228)~~
- ~~AS 15.13.070(229)~~
- ~~AS 15.13.070(230)~~
- ~~AS 15.13.070(231)~~
- ~~AS 15.13.070(232)~~
- ~~AS 15.13.070(233)~~
- ~~AS 15.13.070(234)~~
- ~~AS 15.13.070(235)~~
- ~~AS 15.13.070(236)~~
- ~~AS 15.13.070(237)~~
- ~~AS 15.13.070(238)~~
- ~~AS 15.13.070(239)~~
- ~~AS 15.13.070(240)~~
- ~~AS 15.13.070(241)~~
- ~~AS 15.13.070(242)~~
- ~~AS 15.13.070(243)~~
- ~~AS 15.13.070(244)~~
- ~~AS 15.13.070(245)~~
- ~~AS 15.13.070(246)~~
- ~~AS 15.13.070(247)~~
- ~~AS 15.13.070(248)~~
- ~~AS 15.13.070(249)~~
- ~~AS 15.13.070(250)~~
- ~~AS 15.13.070(251)~~
- ~~AS 15.13.070(252)~~
- ~~AS 15.13.070(253)~~
- ~~AS 15.13.070(254)~~
- ~~AS 15.13.070(255)~~
- ~~AS 15.13.070(256)~~
- ~~AS 15.13.070(257)~~
- ~~AS 15.13.070(258)~~
- ~~AS 15.13.070(259)~~
- ~~AS 15.13.070(260)~~
- ~~AS 15.13.070(261)~~
- ~~AS 15.13.070(262)~~
- ~~AS 15.13.070(263)~~
- ~~AS 15.13.070(264)~~
- ~~AS 15.13.070(265)~~
- ~~AS 15.13.070(266)~~
- ~~AS 15.13.070(267)~~
- ~~AS 15.13.070(268)~~
- ~~AS 15.13.070(269)~~
- ~~AS 15.13.070(270)~~
- ~~AS 15.13.070(271)~~
- ~~AS 15.13.070(272)~~
- ~~AS 15.13.070(273)~~
- ~~AS 15.13.070(274)~~
- ~~AS 15.13.070(275)~~
- ~~AS 15.13.070(276)~~
- ~~AS 15.13.070(277)~~
- ~~AS 15.13.070(278)~~
- ~~AS 15.13.070(279)~~
- ~~AS 15.13.070(280)~~
- ~~AS 15.13.070(281)~~
- ~~AS 15.13.070(282)~~
- ~~AS 15.13.070(283)~~
- ~~AS 15.13.070(284)~~
- ~~AS 15.13.070(285)~~
- ~~AS 15.13.070(286)~~
- ~~AS 15.13.070(287)~~
- ~~AS 15.13.070(288)~~
- ~~AS 15.13.070(289)~~
- ~~AS 15.13.070(290)~~
- ~~AS 15.13.070(291)~~
- ~~AS 15.13.070(292)~~
- ~~AS 15.13.070(293)~~
- ~~AS 15.13.070(294)~~
- ~~AS 15.13.070(295)~~
- ~~AS 15.13.070(296)~~
- ~~AS 15.13.070(297)~~
- ~~AS 15.13.070(298)~~
- ~~AS 15.13.070(299)~~
- ~~AS 15.13.070(300)~~

2 AAC 50.325-1 is repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355 / / .

2 AAC 50⁴⁰⁵ is amended to add a new ^{sub} section to read:

~~2 AAC 50.356. GROUP~~ ~~(?)~~ ~~the word "group" is defined as including~~ ^{es}
^{combination of}

(1) every [^]two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition. A group includes a political action committee, ~~political party (or the official subdivisions thereof)~~ draft group, association, club, ~~or two or more persons that receive contributions or make expenditures to support or oppose any person for election or defeat or passage of any ballot proposition.~~ A group is any corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition. Two or more persons who make a contribution in the name of another as provided in 2 AAC 50.357 create a political group.

(2) A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as an individual pursuant to AS 15.13.040(d) and (e) ~~on APCC forms 15-1 and 15-2~~ if

(A) All contributions and expenditures to influence the outcome of an election are made from the organization's general day to day operating account;

(B) The organization does not conduct a fundraising drive or assessment among those ~~satisfying the conditions of~~ membership or employment for the purpose of influencing an election; ~~etc.~~ ^{ees}

(C) The organization does not exercise direction, control, or discretion over ~~the choice of the recipient candidate or group with~~ money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. ~~An organization exercises direction and control over a contribution or expenditure, and then must file as a group, when it makes the final selection of the recipient candidate or group.~~ (Eff. / / , Register)

unnecessary →

- Authority: ~~AS 15.13.010~~
✓ AS 15.13.030(10)
~~AS 15.13.030(21)~~
~~AS 15.13.030(10)~~
✓ AS 15.13.040(b) for
~~(4) and (5)~~
~~AS 15.13.070(1)~~
~~AS 15.13.070(1)~~
✓ AS 15.13.130(2)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(1) No person, employer, principal, supervisor or contractor shall lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(2) A contribution controlled by or made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another.

(A) Two or more organizations are controlled for purposes of 2 AAC 50.357(a)(2) when such organizations

(i) Share the majority of members of their board of directors;

(ii) Share two or more corporate or organizational officers;

(iii) Are owned or controlled by the same shareholders or members;

(iv) Are in a parent subsidiary relationship.

(b) Unless a group registration statement is filed with the Commission, no persons, acting alone or with or through any other person may directly or indirectly subject any person to undue influence, command, coercion, direction or control with the result of inducing a contribution to a clearly identified candidate or political group.

(1) "Undue influence" occurs when a person secures a contribution from another by physical or economic threats, making contributions to candidates a term or condition of employment, or use of a reverse check-off in a payroll deduction plan.

(b) If a minor makes a contribution the source of which is money or a thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

- Authority: ~~AS 15.13.010(0)~~
- ~~AS 15.13.030(2)~~
- AS 15.13.030(10)
- ~~AS 15.13.040~~
- AS 15.13.050
- AS 15.13.070
- ~~AS 15.13.070(d)~~
- ~~AS 15.13.070(h)~~

- ~~AS 15.13.130(2)~~
- ~~AS 15.13.130(3)~~
- ~~AS 15.13.130(4)~~
- ~~AS 15.13.130(5)~~

no undue coercion

if registered can coerce?

detention

(a)
2 AAC 50.360, MUNICIPALITIES, is amended to read:

(a) When a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e), ~~on ARDC forms 15-3 and 15-4~~

reports present language

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) When a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group, ~~in accordance with 2 AAC 50.342, and AS 15.13.050, 040(b) and (c)~~ (Eff. 5/16/76, Register 58; am / / , Register)

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(10)~~
~~AS 15.13.060~~
~~AS 15.13.090~~

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

(e) "Communications" as used in AS 15.13.090 includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.090~~

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement shall instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects which are smaller than 3 1/2" x 5" in size. Television, radio, cable or other electronic media advertisements shall be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.090~~

2 AAC 50.380. EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy for a particular municipal office only if the filing period has not opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent is valid only for the next election or until withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file.

(Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.030(10)~~
~~AS 15.13.100~~

2 AAC 50.385 is repealed.
2 AAC 50.385 / / .

2 AAC 50.390(d)(1) CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty as follows:

(A) \$10 a day for each 30 Day Report or 10 Day Report

(B) \$10 a day for each Year-end Report received after January 16;

(C) \$50 a day for each 7 Day Report; and

(D) \$50 a day up to a maximum of \$300 for each 24 Hour Report of contributions received by a candidate or a group;

(Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am / / , Register)

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(10)~~
~~AS 15.13.040(b), (c), (d) & (e)~~
~~AS 15.13.100(1)~~
AS 15.13.125

2 AAC 50.395 is repealed.
2 AAC 50.395 / / .

TSP:
 "is debt"

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or his or her controlled group may make expenditures for the purpose of raising funds to discharge a ~~reported indebtedness~~ from his or her own ~~previous~~ campaign.
 2 prior *is debt*

(b) Absent an ~~indebtedness~~ arising from a prior campaign, a ~~person~~ ^{cont. date} may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or ~~is in compliance with~~ an advisory opinion under 2 AAC 50.401(c).

(c) A ~~person~~ ^{candidate} who has ~~not extinguished his or her indebtedness~~ ^{is debt} from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to ~~extinguish his or her indebtedness~~.
 ~~Absent such an advisory request, the Commission staff will commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the person. Among the criteria which may be considered are:~~
 may, in its discretion,

(1) whether the indebtedness to vendors or suppliers of campaign goods or services should be considered a contribution under 2 AAC 50.313(a)(7);
 unnecessary

(2) whether personal funds or assets are included in the indebtedness; and

(3) the nature and extent of efforts which have been made to discharge the indebtedness.

(d) For purposes of 2 AAC 50.401(a)-(c), an indebtedness arising from a previous campaign shall include

(1) a candidate's personal contributions or loans made from his or her personal funds or assets before the date of the prior election;

(2) any campaign debts to others remaining unpaid after the candidate or controlled group has reported the same on a 10 Day Post-election Campaign Disclosure Statement;

(3) any post-election expenditures made for the purpose of discharging an indebtedness arising from a previous campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees to comply with the

Just include and unnecessary
TSP phone: (d) can probably be resolved

2 AAC 50.401
2 AAC 50.450

Campaign ~~Disclosure~~ Law.
(Eff. / / , Register)

Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
~~AS 15.13.030(8)~~
✓AS 15.13.030(10)
✓AS 15.13.040
~~AS 15.13.050~~
✓AS 15.13.070
~~AS 15.13.100~~
✓AS 15.13.110
~~AS 15.13.120(1)~~
~~AS 15.13.120(2)~~
~~AS 15.13.120(3)~~
~~AS 15.13.120(4)~~

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote:

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and will be handled under (e), (1), (2), and (4) of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: ✓AS 15.13.030(8)
✓AS 15.13.030(10)
✓AS 15.13.045
✓AS 15.13.120(d)
✓AS 24.45.021(b)
✓AS 24.45.131
✓AS 39.50.050(b)

OK

2 AAC 50.460(d) ~~PRELIMINARY INVESTIGATION~~, is amended to read:

(d) Upon ~~completion~~ of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045(a)
AS 15.13.120(d)
AS 18.65.090
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

2 AAC 50.470, HEARINGS, is amended to read:

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.360 and AS 44.62.370.

(b) Notice of a hearing ^{will} ~~must~~ be provided to all parties ~~at least 30 days~~ ^{under AS 44.62.47} before a hearing.

(c) 2 AAC 50.470(c) ^{is} repealed.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, ~~but~~ will be considered as a party to the hearing.

(e) ~~The only~~ parties to the hearing will be the staff, representing the complainant ~~or itself~~, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are ~~the same as~~ in AS 44.62.460. In addition

(l) ~~documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original.~~

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

(3) 2 AAC 50.470(g)(3) ²repealed.

(h) 2 AAC 50.470(h) ²repealed.

(i) 2 AAC 50.470(i) ²repealed.

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. ~~if a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.~~

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310, ~~or when the hearing officer, for any good cause, determines that a closed hearing is appropriate.~~ If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place, ~~and whatever recording is made by the commission will be made available to the public.~~

(n) 2 AAC 50.470(n) ²repealed.

(o) 2 AAC 50.470(o) ²repealed.

(p) 2 AAC 50.470(p) ²repealed.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) a verbatim transcript of the proceedings before the commission;
and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member ~~facts, and~~ states on the public record that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons;
or

(1) ~~and~~ person involved in the specific transaction or activity with respect to which an advisory opinion is rendered approving the activity, or

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(h) The Commission may reconsider an advisory opinion at any time upon the motion of a Commissioner who voted with the majority that originally approved the opinion, and the Commission adopts the motion to reconsider by the affirmative vote of 4 members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. ~~and~~ actions taken in good faith reliance by the requesting party ~~and~~ they receive written notice of reconsideration shall not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i) or 2 AAC 50.507(i). (Eff. / /, Register)

before

Authority: A.S. 15.13.030(2)
A.S. 15.13.030(10)

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am / /85, Register)

Authority: AS 15.13.030(10)
AS 15.13.040(f)
AS 15.13.110(c)
AS 39.50.020(b)
AS 39.50.050(c)

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning the Campaign Disclosure Law (AS 15.13), the Conflict of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45).

(b) ^{Each} ~~any~~ advisory opinion request shall ^{must describe} ~~set forth~~ a specific transaction or activity that the requesting party plans to undertake, is presently engaged, or intends to undertake in the future. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made. ~~Requests representing a general description of interpretation or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.~~

(c) The Commission staff shall review all requests for advisory opinions submitted under 2 AAC 50.905(a)-(b). ~~and~~ if the staff determines a request is incomplete or otherwise ^{not} qualified under (a)-(b), it shall notify the requesting person or political group and specify the deficiencies in the request. ~~or which are incomplete will not be~~

(d) Advisory opinion requests are public records.

(e) The Commission staff shall issue ^{an advisory opinion} ~~a staff advice letter~~ approving or disapproving of the activity, and ^{may} ~~set forth any staff~~ recommendations ^{in its discretion} ~~in writing~~ to the Commission.

(f) At ~~its next~~ regularly scheduled meeting, the Commission shall review the ~~staff recommendation~~ written or oral comments by any person ^{and} any other relevant evidence, and shall approve, disapprove or modify the staff recommendation. ~~If the Commission is unable to approve an advisory opinion by the affirmative vote of 4 members, the staff recommendation shall be disapproved.~~ ^{or the advisory opinion will be deemed disapproved}

(g) An advisory opinion rendered by the Commission may be relied upon to the extent Commission staff shall not commence a preliminary investigation pursuant to 2 AAC 50.460, 2 AAC 50.390(1), or 2 AAC 50.507(1) of:

① and may, in its discretion, consider

Insert 50.45
not to trigger
hearing
procedures!

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 485-4714



Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

November 25, 1985

Jean Rogers, Chairman
Alaska Public Offices Commission
1790 Evergreen Drive
Juneau, Alaska 99801

file

Dear Ms. Rogers:

On behalf of the Senate Committee on State Affairs, I would like to give notice under AS 44.62.190 and AS 24.37.010, of the Committee's intent to review the administrative regulations which have been recently proposed by the Alaska Public Offices Commission.

My intent is to take up the APOC regulations as one of the first orders of business during the 1986 legislative session.

Very truly yours,

Mitch Abood/CA

Senator Mitch Abood

MEA:tdd
Enclosures

cc: Members of the Committee on State Affairs
Commissioner Eleanor Andrews, Dept. of Admin.
Billy G. Bender, Director, Division of Legal Services

Document #2

Chapter 37. Review of Administrative Regulations by Standing Committees of the Legislature

Section

10. Review of administrative regulations by standing committees of the legislature

Sec. 24.37.010. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (AS ch 1 SLA 1982; AS 24.99.001)

Editor's notes. — This chapter and section were enacted as AS 24.99 and AS 24.99.001 but were renumbered by the revisor^s of statutes pursuant to AS 01.05.031.

Chapter 45. Regulation of Lobbying.

Article

- 2. Administration (§ 24.45.031)
- 3. Disclosure: Registration and Reports (§ 24.45.051)
- 4. Enforcement (§ 24.45.121)
- 5. General Provisions (§ 24.45.171)

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Section

31. Powers and duties

Sec. 24.45.031. I duties under this ch

(1) prescribe the and other document

(2) prepare and accounting, bookkee tate compliance wit the duties of perso instructions shall be

(3) provide assista this chapter;

(4) prepare and p and recommendatio: able to the governor. calendar year;

(5) report suspect: general.

(b) The commissio (1) hold hearings: provisions of this ch

(2) in conjunction pel the attendance a affirmations, and re documents or other: under this chapter;

(3) prepare, publi at least quarterly a reports received; th lobbyists and emplo

Editor's notes. — This above to correct an error: phlet.

Article 3. E

Section

51. Reports

Sec. 24.45.051. R. 24.45.041 shall file activities during eac: long as the lobbyist

Supplement

Sec. 44.62.180. Effective date. A regulation or an order of repeal filed by the lieutenant governor becomes effective on the 30th day after the date of filing unless

(1) otherwise specifically provided by the statute under which the regulation or order of repeal is adopted, in which event it becomes effective on the day prescribed by the statute;

(2) it is a regulation prescribing the organization or procedure of an agency, in which event it becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(3) it is an emergency regulation or order of repeal adopted under AS 44.62.250, in which case the finding and the statement of the facts constituting the emergency shall be submitted to the lieutenant governor, together with the emergency regulation or order of repeal, which, in that event only, becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(4) a later date is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal. (§ 3 art IV (ch 1) ch 143 SLA 1959; am § 7 ch 40 SLA 1969.

NOTES TO DECISIONS

Cited in Mukluk Freight Lines v. No. 967 (File No. 1870). 516 P.2d 404 Nabors Alaska Drilling, Inc., Sup. Ct. Op. (1973).

Sec. 44.62.190. Notice of proposed action. (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation, or trade or industry publication, which the state agency prescribes;

(2) mailed to every person who has filed a request for notice of proposed action with the state agency;

(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

(4) when appropriate in the judgment of the agency, (A) mailed to a person or group of persons whom the agency believes is interested in the proposed action, and (B) published in the additional form and manner the state agency prescribes;

(5) furnished the Department of Law together with a copy of the proposed regulation, amendment, or order of repeal for the department's use in preparing the opinion required after adoption and before filing by AS 44.62.060;

(6) furnished to all Legislative Affairs

(7) furnished to the Legislature having legislative jurisdiction, together with the regulation or order of repeal authorized by AS

(8) furnished to the Commissioner

§ 44.62.190
The adm
res
P

amendment to substitute

Opinion

There are 1. Opinion of the sufficiency of the regulation for adoption of rule.

Op. Att'y Gen., No. 26.

Where a lengthy regulation on one subject is to be proposed the best policy would be to briefly summarize the content and purpose of the regulation. 1959 Op. Att'y Gen., No. 26.

If only a very short regulation is proposed then ordinarily it would be most practicable to set forth the regulation in full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to be promulgated which are of a varied nature, such as fish and game regulations, or oil leasing regulations, then the only practical thing to do would be to give a general listing of the subjects to be covered, a reference to any other existing body of regulations which are being adopted, amended or superseded which might be informative to the particular public or industry concerned (such as a reference to existing regulations of a state agency or department or to existing federal regulations) and a brief listing of

tion or an order of repeal
tive on the 30th day after

statute under which the
which event it becomes

ization or procedure of an
upon filing by the lieutenant
by the state agency in a
part of, the regulation or

f repeal adopted under AS
ne statement of the facts
ed to the lieutenant gover
or order of repeal, which
filing by the lieutenant
e state agency in a written
the regulation or order of

ate agency in a written
the regulation or order of
am § 7 ch 40 SLA 1969.

VS

File No. 1870). 516 P.2d 448

tion. (a) At least 30 days
a regulation, notice of the

al circulation, or trade or
y prescribes;
ed a request for notice of

mailed or delivered to the

the agency, (A) mailed to a
y believes is interested in
the additional form and

together with a copy of the
of repeal for the depart-
ed after adoption and before

(6) furnished to all incumbent State of Alaska legislators and the
Legislative Affairs Agency;

(7) furnished to the standing committee of each house of the legis-
ture having legislative jurisdiction over the subject matter treated in
the regulation under the Uniform Rules of the Alaska State Legis-
lature, together with a copy of the proposed regulation, amendment,
order of repeal for the committee's use in conducting the review autho-
rized by AS 24.37.010;

(8) furnished to the staff of the Administrative Regulation Revi-
Committee.

(b) If the form or manner of notice is prescribed by statute, in ad-
dition to the requirements of filing and mailing notice under this sec-
tion, the notice shall be published, posted, mailed, filed or otherwise
publicized as prescribed by the statute.

(c) The failure to mail notice to a person as provided in this sec-
tion does not invalidate an action taken by an agency under AS 44.62
— 44.62.290. (§ 5 art IV (ch 1) ch 143 SLA 1959; am § 2 ch 149 SLA
1962; am § 1 ch 3 SLA 1968; am § 16 ch 143 SLA 1968; am § 4 ch 64
SLA 1978; am § 5 ch 1 SLA 1982)

Effect of amendments. — The 1982
amendment added paragraphs (7) and (8)
to subsection (a).

Opinions of attorney general. —
There are few cases and little text discus-
sion of the requirements of notice and the
sufficiency of notice in proceedings for
adoption of rules and regulations. 1959
Op. Att'y Gen., No. 26.

Where a lengthy regulation on one sub-
ject is to be proposed the best policy would
be to briefly summarize the content and
purpose of the regulation. 1959 Op. Att'y
Gen., No. 26.

If only a very short regulation is
proposed then ordinarily it would be most
practicable to set forth the regulation in
full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to
be promulgated which are of a varied
nature, such as fish and game regulations,
or oil leasing regulations, then the only
practical thing to do would be to give a
general listing of the subjects to be
covered, a reference to any other existing
body of regulations which are being
adopted, amended or superseded which
might be informative to the particular
public or industry concerned (such as a
reference to existing regulations of a state
agency or department or to existing
federal regulations) and a brief listing of

any significant changes which are
proposed if an existing body of regulations
is to be effected. In such case it would be
well to indicate that copies of the proposed
regulations can be obtained from the
agency in order to indicate the agency has
done everything reasonably possible to
give the public affected by its regulations
an opportunity to familiarize itself with
the regulations and to prepare itself to
submit its views at the hearing. This
should constitute substantial compliance
with the Administrative Procedure Act
and would serve the purpose of the act.
1959 Op. Att'y Gen., No. 26.

And when a summary of a large number
of proposed regulations is to be used it
would be safe for the departments and
agencies of the state government to follow
the Ohio and federal practice and to give
notice of the areas in which regulations
may or may not be promulgated by listing
the subject matter to which the proposed
rules would relate. 1959 Op. Att'y Gen.,
No. 26.

Public notice referring only to regu-
lation numbers and subject headings. —
See 1959 Op. Att'y Gen., No. 26.

For illustrations of the notice required
by this section, see 1959 Op. Att'y Gen.,
No. 26, Exhibits A, B, C and D.

Publisher: new §§ 313, 314, 316, 319, 357, & 401 to the 1st list for Art. 2. THE PBT BUSINES

2 AAC 50. is amended by adding a new section 313¹ to read:

~~DEFINITION OF~~ ^{and 314} 2 AAC 50.310-2 AAC 50.313¹ except as otherwise provided in this section.

2 AAC 50.313 ~~CONTRIBUTION~~ (a) ~~The term "contribution" includes the following payments, of money, services, or anything of value:~~

~~or deposit~~ ^{of money, gift, or services} subscription, loan, advance, ~~payments~~ transfer, of funds or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50.316.

(b) ~~In this section~~ ^{In this section and in 2 AAC 50.321} the term "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

(1) ~~A~~ A loan ~~that~~ ^{which} exceeds the contribution limitations of AS 15.13.070 shall be unlawful, whether or not it is repaid.

(2) ~~A~~ A loan is a contribution at the time it is made.

(3) ~~Except as provided in 2 AAC 50.316~~ ^{for a personal contribution loan as described in} a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered ^{Disagreed} shall be deemed to have contributed that portion of the total amount for ^{part} of the loan which he or she agreed to be liable in a written agreement. ~~any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not state, stipulate~~ the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsees or guarantors.

(4) ~~In this section~~ ^{In this section} the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(5) ~~In this section~~ ^{In this section} the term "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) ~~is~~ The provision of ~~any~~ goods or services without charge, or at a charge which is less than the usual and normal charge for ~~such~~ goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) ~~is~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) ~~is~~ The payment by ~~any~~ person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) ~~is~~ ^{when} ~~where~~ an employee who ~~is~~ paid on an hourly or salaried basis and ~~is expected to work a particular number of hours per period,~~ engages in political activity during what would otherwise be a regular work period, ~~provided that the taken or release time is made up or completed~~ by the employee within a reasonable period of time;

(2) ~~is~~ ^{when} ~~where~~ an employee ~~engages in political activity during normal working hours and~~ ^{the employee is} paid on a commission or piecework basis, or ~~is paid only for work actually performed and the whose employee's time is considered the employee's own, to use as he or she sees fit~~ ^{engages in political activity during normal working hours;}

(3) ~~is~~ ^{if} ~~where~~ time used by the employee during normal working hours to engage in political activity is bona fide ~~although reasonable~~ vacation or other earned leave time.

(h) ~~is~~ The extension of credit by ~~any~~ person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) ~~(1)~~ A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The Commission will, in its discretion, ~~may~~ consider the following factors before directing staff to commence a preliminary investigation:

(1) ~~(1)~~ Whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) ~~(2)~~ Whether the campaign has made a good faith effort to repay all outstanding debts;

(3) ~~(3)~~ Whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) ~~(4)~~ Whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) ~~(5)~~ Whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) ~~(6)~~ Whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) ~~(1)~~ An expenditure made by ~~any~~ person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, ~~his or her~~ campaign, ~~any~~ agents, or campaign consultants is a contribution to the candidate. The financing by ~~any~~ person of the issuance, republication, or distribution of ~~any~~ broadcast or ~~any~~ written, graphic, or other form of campaign material provided by the candidate, ~~the candidate's~~ campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes an expenditure:

(1) ~~(1)~~ Based on information about the candidate's plans, projects, or needs provided ~~to the expending person~~ by the candidate or ~~the candidate's~~ campaign agents, ~~with a view to having an expenditure made,~~

(2) ~~(2)~~ Made by or through ~~any~~ person who is, or has been, authorized to raise or expend ~~money~~ for the candidate, who is, or has been, an agent of a candidate's campaign, or ~~who~~ has received any form of compensation or reimbursement from the candidate, members or ~~the~~ campaign committee, campaign agents, or campaign consultants;

~~(3) Made~~ Made by any person or group based on data from a candidate's ~~former~~ pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

~~(4) Made~~ Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or ~~his or her~~ the candidate's campaign agents.

~~(k) In (j) of this section, (5) For purposes of 2 AAC 50.313(9),~~ "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

~~(l) In 2 AAC 50.310--2 AAC 50.405,~~

~~(5) The term~~ "contribution" does not include the following payments, services, or other things of value:

(1) ~~Any~~ costs incurred in covering or carrying a news story by ~~any~~ broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by ~~any~~ political party, political group, or candidate; ~~In that case, the cost of the news story is a contribution, unless the news story represents a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.~~

(2) ~~Any~~ non-monetary contribution or in-kind donation of a single item with a usual and normal ~~charge~~ ^{cost} of \$50.00 or less.

(3) ~~A~~ payment made by any individual for his or her own travel expenses, if such payments are voluntary ~~and~~ ^{are made} without any understanding that they will be directly or indirectly repaid.

(4) ~~No contribution is~~ ^{a payment} made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections ~~when it makes payments~~ to communicate directly with its members or employees, or their families, on any subject, ~~provided the~~ if

the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to ~~provide~~ ^{do anything} goods and services to a campaign, other than ~~to~~ exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) ~~A~~ gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election, ~~is not a contribution.~~

(n) ~~Let~~ A contribution made by a married individual ~~shall~~ ^{is} not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / , Register)

Authority: ~~AS 15.13.010(5)~~
AS 15.13.030(2) & (10)
AS 15.13.040

AS 15.13.070
~~AS 15.13.110~~
AS 15.13.130(2) & (4)

2 AAC 50.314. DEFINITION OF "GROUP". [Publisher, pls insert new § 314 from p. P.]

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of ~~subsection (a)~~ ^{of this section} and groups granted ~~an~~ exemption under ~~subsection (b)~~ ^{of this section} are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.040
AS 15.13.070
~~AS 15.13.130(2) & (4)~~

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) ^A Candidates ~~for state or municipal office~~ may make unlimited ~~contributions from any~~ ^{assets} assets which, under Alaska law, at the time he or she ~~became a candidate~~ ^{became a candidate} ~~alleged office~~ ^{the candidate had legal right or access to or control over} and ~~with respect to which the candidate had legal and rightful title~~ ^{including} ~~including~~ salary and other earned income from bona fide employment; dividends; ~~and~~ proceeds from the sale of ~~the candidate's stock or other investments~~ ^{and} bequests to the candidate; income from trusts established before he or she ~~intended to candidacy~~ ^{became a candidate}; income from trusts established by bequest after candidacy; ~~of which the candidate is a beneficiary~~ ^{and} gifts of a personal nature which had been customarily received ~~prior to~~ ^{before} candidacy.

These assets include

(b) A candidate may use a portion of assets jointly owned as ^a personal contribution, ~~funds~~. The portion of the jointly owned assets that ~~shall be considered~~ ^{may be used} ~~personal funds shall be that portion which~~ is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used ~~shall be~~ considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, ~~where~~ ^{where} if there is no instrument of conveyance or ownership, the ~~portion~~ ^{portion} of the asset belonging to the candidate ~~shall be~~ the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the ~~value~~ ^{present} by the number of owners.

(c) A candidate's ~~personal~~ ^{present} donation of goods remaining from a prior campaign is ~~not~~ a contribution.

(d) ~~No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations; and made in the ordinary course of business. A loan is made in the ordinary course of business if it bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.~~

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, ~~and all or a portion of the proceeds are used in a campaign.~~ Sale proceeds used by a candidate in a campaign ~~are~~ ^{must} be reported as personal contributions. (Eff. / / , Register)

- Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
AS 15.13.070(1)(e)
~~AS 15.13.110~~
AS 15.13.130(1)(e)
~~AS 15.13.130(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(5)~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY; (a) Each candidate and political group intending to raise or spend more than \$5,000 ~~per~~ in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. ~~The~~ ^{Each} account title ~~shall~~ ^{must} indicate ~~it~~ ^{that} is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group ~~shall~~ ^{must} be deposited to or made from a designated campaign depository.

(c) ~~Any~~ ^{(by (a) of this section)} candidate or political group required to designate a campaign depository ~~account~~ may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name ~~shall~~ indicate ~~it~~ is a campaign account.

(d) Contributions ~~that~~ ^{must} appear to be illegal ~~shall~~ ^{after receipt} within ten days be returned to the contributor. ~~as~~ deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question ~~shall~~ ^{must} be included in ~~the report~~ ^{next mailing}.

A campaign treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) ~~When~~ a contribution cannot be determined to be legal, a refund ~~shall~~ ^{must} be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register Authority:)

Alternatively, the contribution may be

- | | |
|----------------------------|----------------------------|
| AS 15.13.030(1) | AS 15.13.060 |
| AS 15.13.030(2) | AS 15.13.070(1) |
| AS 15.13.030(3) | AS 15.13.070(2) |
| AS 15.13.030(4) | AS 15.13.070(3) |
| AS 15.13.050 | |

2 AAC 50.325 is repealed.
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.
2 AAC 50.355 / / .

LOANS. Repealed

Publisher: Please set out the section heading + "Repealed" for all repealed sections as I have for 5-3

*Thx
PBF
12/4/85*

Publisher:
Pls move new
§ 314 to p. 5.
The
PBF
12/14/85

2 AAC 50 is amended to add a new section to read:

314 DEFINITION OF "GROUP"; REPORTING by BUSINESSES.

2 AAC 50.314. ~~ORCUP~~ (a) The word "group" is defined as including ^{es} ~~in 2 AAC 50.310 -- 2 AAC 50.405,~~

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the ^{or raising} ~~raising, solicitation, or disbursement of money or anything~~ of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition; ~~a group includes~~ a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization ~~intended~~ to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition; ~~(2) two or more persons who~~ ^{jointly} make a contribution in the name of another as ~~provided~~ ^{described} in 2 AAC 50.357. ~~and~~ ^{create a political group}

(b) ~~(1)~~ A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as ~~an individual pursuant to AS 15.13.040(d) and (e) on 19CC forms as an individual~~ ^{if}

(1) ~~(a)~~ All contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) ~~(b)~~ The organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) ~~(c)~~ The organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. / / , Register)

- Authority: ~~AS 15.13.010~~
~~AS 15.13.030(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
~~AS 15.13.040(b), (c),~~
~~(d) and (e)~~
~~AS 15.13.070(1)~~
~~AS 15.13.070(1)~~
AS 15.13.130(3)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(b) ~~Any~~ No person, employer, principal, supervisor, or contractor shall ~~may~~ lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(c) ~~Any~~ A contribution ~~controlled by or~~ made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. ~~Two or more corporations or organizations are controlled for purposes of this paragraph when such organizations to the same recipient are in the name of another if the~~ ^{two or more corporations or organizations} ~~corporations or organizations~~

(1) ~~Any~~ share the majority of members of their board of directors;

(2) ~~Any~~ share two or more corporate or organizational officers;

(3) ~~Any~~ are owned or controlled by the same shareholders or members;

(4) ~~Any~~ are in a parent-subsidary relationship.

(d) ~~Any~~ If a minor makes a contribution ~~the source of which is~~ money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register)

- Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2)~~
AS 15.13.030(10)
AS 15.13.040
~~AS 15.13.050~~
AS 15.13.070(1)

- AS 15.13.130(2)
~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~
~~AS 15.13.130(5)~~

Register

1986

ADMINISTRATION

2 AAC 50.360
2 AAC 50.370

2 AAC 50.360(a), MUNICIPALITIES, is amended to read:

(a) ~~When~~ a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e) ~~on forms 15-5 and 15-2 as an individual~~

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) ~~When~~ a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group ~~in accordance with 2 AAC 50.312, and AS 15.13.050~~ .040(b) and (c) ~~and 15.13~~ (Eff. 5/16/76, Register 58; am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10) ~~AS 15.13.060~~ ~~AS 15.13.090~~ ~~AS 15.13.050~~

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

~~IN THIS SECTION AND IN AS 15.13.090,~~
(e) "Communications" ~~as used in AS 15.13.030~~ includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

2 AAC 50.370. ~~If~~ the size of an object ~~utilized~~ ^{used} for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement ~~shall~~ ^{must} instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects ~~which~~ ^{that} are smaller than 3 1/2" x 5" in size. All media advertisements ~~shall~~ ^{must} be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.380 EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall ~~comply with AS 15.13.100~~ ^{comply with AS 15.13.030 by} providing written notification to the commission of his or her candidacy ~~for a particular municipal office only if the filing period has not yet opened.~~ An individual wishing to campaign for state elective office shall ~~comply with AS 15.13.100~~ ^{comply with} a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent ^{filed under (a) of this section} is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register)

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385 is Repealed:

2 AAC 50.385. / / 2

~~REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS~~

2 AAC 50.390(d)(1) ~~CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT~~ is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty, ^(for each day of delinquency.) as follows:

(A) \$10 a day for each 30-day Report or 10-day Report

(B) \$10 a day for each Year-end Report received after January 16;

(C) \$50 a day for each 7-day Report; and

(D) \$50 a day up to a maximum of \$300 for each 24-hour Report ^{of contributions received by a candidate or a group;} (Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10)
~~AS 15.13.040(5), (6), (7) & (8)~~
~~AS 15.13.100(2)~~
AS 15.13.125

2 AAC 50.395 is repealed.

2 AAC 50.395. / / 2

~~REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION. Repealed~~

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or ~~candidate~~^{a candidate} controlled group may make ~~expenditures~~^{expenditures} for the purpose of raising ~~money~~^{money} to discharge a ~~reported indebtedness~~^{debt} from a prior campaign, ~~in accordance with (c) of this section.~~

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual ~~is~~^{has} in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion, issued under ~~2 AAC 50.905~~^{2 AAC 50.905} (c) of ~~this section and 2 AAC 50.~~

(c) A candidate who ~~is not extinguished his or her indebtedness~~^{is in debt} from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory ~~request,~~^{request,} the Commission staff may ~~in its discretion~~^{in its discretion} commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) ~~for purposes of 2 AAC 50.401(a) (c), an indebtedness arising from a prior campaign shall include~~^{A debt}

(1) a candidate's personal contributions ~~or loans~~^{or loans} made ~~from his or her personal funds or assets~~^{from his or her personal funds or assets} before the date of the prior election;

(2) ~~any~~^{that were} campaign debts to others ~~remaining unpaid after the candidate has reported the same on a 10-day Post-election Campaign Disclosure Statement;~~^{remaining unpaid after the candidate has reported the same on a 10-day Post-election Campaign Disclosure Statement;}

(3) ~~any~~^{any} post-election expenditures made for the purpose of discharging an ~~indebtedness~~^{indebtedness} arising from a ~~previous~~^{previous} campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees, ~~to comply with the AS 15.13 and 2 AAC 50.310 -- 2 AAC 50.405.~~^{reasonably incurred}

Register

1975

2 AAC 50.401
2 AAC 50.450

~~Campaign Disclosure Law~~

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~ AS 15.13.030(2)
~~AS 15.13.020(a)~~ AS 15.13.030(10)
AS 15.13.040 AS 15.13.050
AS 15.13.070 AS 15.13.100
AS 15.13.110 AS 15.13.130(1)
~~AS 15.13.130(2)~~ AS 15.13.130(3)
~~AS 15.13.130(4)~~

2 AAC 50.405(4) is repealed.

~~2 AAC 50.405(4)~~ / /
repealed

(Eff 7/22/78, Register 67; am 6/29/84, Register 90; am / / , Register

Authority: AS 15.13.030(10)
AS 15.13.130

2 AAC 50.450(d) is amended to read:

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and it will be handled under (e), (f), and (g) of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045
AS 15.13.120(d)
AS 24.45.021(b)
AS 24.45.131
AS 39.50.050(b)

~~11/25/85 399-363 25~~

2 AAC 50.460(d), PRELIMINARY INVESTIGATION, is amended to read:

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register)

Authority: AS 15.13.030(8)
AS 15.13.030(10)
AS 15.13.045(a)
AS 15.13.120(d)
AS 18.55.090
AS 24.45.021(b)-
AS 24.45.131
AS 39.50.050(b)

*Publisher:
pls set out unchanged
all of § 470 to which amendments
are disapproved.
TAX
PBF
12/5/85*

2 AAC 50.470, HEARINGS, is amended to read:

- ~~2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.52.260 and AS 44.52.370.~~ *Disapproved PBF*
- ~~(b) Notice of a hearing will be provided to all parties under AS 44.52.~~ *←*
- ~~(c) 2 AAC 50.470(c) is Repealed. / / .~~ *← Approved*
- ~~(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.~~ *←*
- ~~(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.~~ *Disapproved PBF 12/5*
- ~~(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.~~ *←*
- (g) The rules of evidence are in AS 44.52.460. In addition *← Approved*

(1) ~~documentary evidence may be presented in the form of copies if the original is not readily available.~~

Disorder
PBF
12/5/85

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

← approved

(3) ~~2 AAC 50.470(g)(3) is repealed.~~

(h) ~~2 AAC 50.470(h) is repealed.~~ ← approved

(i) ~~2 AAC 50.470(i) is repealed.~~

Disorder
PBF
12/5/85

(j) ~~Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.~~

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) ~~The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording.~~

Disorder
PBF
12/5/85

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.52.310. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place.

(n) ~~2 AAC 50.470(n) is Repealed.~~ / / .

(o) ~~2 AAC 50.470(o) is Repealed.~~ / / .

(p) ~~2 AAC 50.470(p) is Repealed.~~ / / .

↑
← Approved
←

(q) ~~if the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of~~

(r) ~~a copy of the commission's hearing decision, including its findings of fact and conclusions of law;~~

Disorder
PBF
12/5/85

All changes on this page are Draft for 12/5/85

~~and (2) a verbatim transcript of the proceedings before the commission~~

~~(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceedings~~

~~(r) The commission will, in its discretion, reconsider its decision in accordance with AS 14.52.540. A decision will be reconsidered only if~~

~~(1) there was a substantial procedural error in the original proceedings;~~

~~(2) the commission acted without jurisdiction in the original proceedings;~~

~~(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or~~

~~(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.~~

~~(s) Contempt before the commission will be handled under AS 14.52.530.~~

~~(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member states on the public record that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.~~

~~(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether~~

~~(1) the financial relationship or interest is relatively insignificant; and~~

~~(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons or~~

(3) ~~the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment~~ (Eff. 6/29/84, Register 90, am / / , Register)

Dis. 12/19/86

- Authority: AS 15.13.030(8)
- AS 15.13.030(10)
- AS 15.13.045
- AS 15.13.120(d)
- AS 24.45.021(b)
- AS 24.45.131
- AS 39.50.050(b)

Handwritten notes in a circle: "Publisher: ... to the ... of Art. 5. ... 12/19/86"

2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning ~~the Campaign Disclosure Law (AS 15.13), the Conflict of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45)~~ ^{of this chapter}.

(b) Each advisory opinion request must describe ~~set forth~~ ^{the nature of the} a specific transaction or activity that the requesting ~~person or group~~ ^{person or group} is presently engaged in, or intends to undertake in the future. Advisory opinion requests must include a complete description of all relevant facts. Requests posing a hypothetical situation, or regarding the activities of third parties, will not be considered by the Commission staff.

(c) The Commission staff shall review all requests for advisory opinions submitted under ~~AS 15.13, AS 39.50, or AS 24.45~~ ^{AS 15.13, AS 39.50, or AS 24.45}. If the staff determines a request is incomplete or does not qualify ~~under (a) or (b)~~ ^{under (a) or (b)}, it shall notify the requesting person or ~~political~~ ^{political} group and specify the deficiencies in the request.

(d) Advisory opinion requests and advisory opinions are public records.

(e) The Commission staff shall issue ~~an~~ ^a ~~disapproving~~ ^{disapproving or} advisory opinion ~~approving or disapproving~~ ^{approving or disapproving} of the activity, and may make other recommendations ~~it will make~~ ^{it will make} to the Commission.

(f) ~~The Commission will review the proposed advisory opinion and will, at its next regularly scheduled meeting, the Commission may, in its discretion, review the staff recommendations written or oral comments by any person, or any other relevant evidence. The Commission may, in its discretion, approve, disapprove, or modify the staff advisory opinion. The Commission must will approve an advisory opinion by the affirmative vote of 10 members, or the advisory opinion will be disapproved.~~ ^{The Commission will review the proposed advisory opinion and will, at its next regularly scheduled meeting, the Commission may, in its discretion, review the staff recommendations written or oral comments by any person, or any other relevant evidence. The Commission may, in its discretion, approve, disapprove, or modify the staff advisory opinion. The Commission must will approve an advisory opinion by the affirmative vote of 10 members, or the advisory opinion will be disapproved.}

(g) An advisory opinion rendered by the Commission may be relied upon to the extent Commission staff ~~shall~~ ^{may} not commence a preliminary investigation ~~under~~ ^{under} ~~2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i) of~~ ^{2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i) of}

(1) any person involved in the specific transaction or activity with respect to which an advisory opinion ~~is rendered~~ approving the activity ~~is~~ was rendered.

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which ~~such~~ ^{an} advisory opinion ~~is~~ was rendered.

(h) The Commission ^{within its discretion,} ~~may~~ reconsider an advisory opinion at any time upon the motion of a Commissioner who voted with the majority that originally approved the opinion, and the Commission adopts the motion to reconsider by the affirmative vote of ~~its~~ ^a members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Actions taken in good faith reliance by the requesting party before they receive written notice of ~~reconsideration~~ ^{may} not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i). (Eff. / /, Register)

Authority: A.S. 15.13.030(2) ~~A.S. 15.13.330(13)~~

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/15/75, Register 58; am / /86, Register)

Authority: AS 15.13.030(10)
AS 15.13.040(f)
AS 15.13.110(c)
AS 39.50.020(b)
AS 39.50.050(c)

Alaska State Legislature

INTERIM OFFICE
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4714

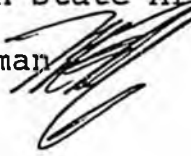


Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

MEMORANDUM

TO: Members of the Committee on State Affairs

FROM: Senator Mitch Abood, Chairman 

DATE: February 3, 1986

SUBJECT: APOC Regulations

This committee and its counsel, Mr. Gross & Ms. Burke, have been working on a comprehensive revision of the campaign financing laws since February of 1985. I might also add, that the APOC, Ms. Pittman and the Department of Law had been with us every step of the way.

In August 1985, we discovered that the APOC intended to make highly questionable deletions and changes to their regulations. Mr. Gross and I asked the APOC to postpone their new regs so that we would not be working at cross purposes with one another. The APOC refused our request.

On November 20, 1985, the Public Offices Commission held a meeting in Anchorage. I obtained a copy of the Commission's agenda, and the information packet put together by the Commission staff. Among the materials was a memorandum to Ms. Pittman from Mr. Monkman, from the Department of Law attached to a copy of the edited APOC regulations. "Edited" is probably the wrong word to use to describe these regs -- "ripped apart" is perhaps closer to truth.

The regulations were pitifully drafted; confusing and illogical. Most of the regulations had no statutory reason to exist. They were written by Mr. Johanson, an employee of the APOC, as a tool for selective enforcement involving two investigations which were ongoing at the time. One of these has since been terminated by a hearing officer.

Page 2

On November 25th, I wrote the APOC on behalf of the committee, notifying them of the committee's intent to exercise its authority by law as their standing committee. The law is clear -- it tells an agency to cease and desist in revising and repealing regulations until the standing committee has reviewed them to determine whether the regulations properly implemented legislative intent.

The APOC never responded to our letter. They simply ignored it.

On January 14th, I received a copy of the new APOC regulations from the Office of the Lt. Governor. They had become effective on January 4th.

It is ironic that a commission which preaches full public disclosure pushes through their regulations without legislative oversight. It is ironic that this commission which selectively subjects certain individuals to 'trial by press' rather than an examination of the facts, will not hesitate to give a litany of excuses for why they fail to obey their own laws.

The employees of the commission find the time to write and distribute press releases on such substantive issues as turning over the name of an individual to the Attorney General for prosecution for failure to pay a \$3.00 fine. However, they refuse to provide the Legislature with an annual report of their own activities as required by statute, and routinely neglect to notify complainants and respondents of commission hearings involving them, as required by their own regulations.

The Alaska Public Offices Commission was created to provide public disclosure and to assist candidates and private citizens in participating in the election process. They were not intended to become a political parole board.

In the campaign disclosure law, a candidate is held responsible for the actions of his or her campaign. The Public Offices Commission should be held equally responsible for the actions of its employees.

ADMINISTRATIVE CODE

A.P.O.C. CAMPAIGN DISCLOSURE REGULATIONS

THIS SHOWS THE REGULATIONS WHICH WERE REPEALED OR DELETED BY
THE A.P.O.C. EFFECTIVE JANUARY 4, 1986.



(1) denied by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the civil penalty originally assessed against him within 30 days of the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify him of its decision within 15 days, informing him that the civil penalty assessment has been waived and the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the reduced civil penalty assessment within 30 days of the date of the letter containing notification of the commission's decision.

(i) A municipal officer may appeal the commission's decision to deny or partially accept his reasons for lateness to the superior court within 30 days of his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74).

Authority: AS 15.13.030(10) AS 39.50.050(b)
AS 39.50.020 AS 39.50.135

2 AAC 50.140. PROCEDURES FOLLOWED UPON A REFUSAL OR FAILURE BY A MUNICIPAL OFFICER TO FILE THE CONFLICT-OF-INTEREST STATEMENT WHEN DUE. (a) If the statement is not filed by the applicable due dates described in 2 AAC 50.130(b), the commission will simultaneously

(1) notify the municipal officer by certified mail, return receipt requested, that the applicable due date has passed, that his conflict-of-interest statement is delinquent, and that he is now subject to criminal penalties;

(2) inform the applicable municipal clerk that the municipal officer has been notified of his delinquency by certified mail, and the officer is now subject to criminal penalties for late filing; and

(3) inform the Office of the Attorney General that the municipal officer has not filed his statement.

(b) If the statement is not filed within 30 days of the applicable due dates described in 2 AAC 50.130(b), the commission will simultaneously

(1) notify the municipal officer that the commission is notifying the Office of the Attorney General of his noncompliance and requesting that the attorney general take appropriate action;

(2) inform the applicable municipal clerk that the municipal officer has been notified of his failure, and that the attorney general is being notified; and

(3) inform the Office of the Attorney General that the municipal officer has not filed his statement, and request that appropriate proceedings be initiated by that office. (Eff. 9/9/78, Reg. 67)

Authority: AS 15.13.030(10) AS 39.50.060
AS 39.50.020 AS 39.50.200(6)
AS 39.50.050(b)

2 AAC 50.200. DEFINITIONS. In 2 AAC 50.010 - 2 AAC 50.200

(1) "board member" means a member of a state commission or board specified in AS 39.50.200(9);

(2) "judicial officer," as defined in AS 39.50.200(2), does not include a person appointed as an acting magistrate. (Eff. 9/9/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 39.50.050(b)
AS 39.50.200(2) and (9)

ARTICLE 2. CAMPAIGN DISCLOSURE

- Section
- 310. Filing
 - 315. Contribution limitation exemption
 - 320. General recordkeeping requirements for candidates and groups
 - 321. Reporting contributions and expenditures
 - 322. (Repealed)

- 323. (Repealed)
- 324. Shared campaign reporting
- 325. Recordkeeping requirements for nonmonetary contributions
- 326. Recordkeeping requirements and exemptions when reporting a fund-raiser
- 330. Reporting campaign expenditures for transportation
- 332. Reporting zero contribution or expenditure activity
- 333. Reportable date of contribution
- 334. Persons who may accept contributions
- 340. Expenditures to advertising agencies or campaign management services
- 342. Registration of groups supporting or opposing ballot issues
- 350. Contributions of professional services
- 351. Independent expenditures
- 355. Loans
- 360. Municipalities
- 361. (Repealed)
- 362. Draft groups
- 363. Subcommittees of a candidate's campaign committee or of a controlled group
- 369. Proper identification of political communications
- 370. Objects too small to contain the proper identification
- 375. Communications by incumbent elected officials
- 380. Early campaigning
- 385. Reporting by organizations and business or trade associations
- 390. Civil penalty assessments for the late filing of a campaign disclosure report
- 395. Reporting by a business entity or labor organization
- 397. Reporting by persons outside the state
- 400. Disbursement of a surplus balance in a campaign account
- 405. Definitions for
2 AAC 50.310-2 AAC 50.405 and
AS 15.13

2 AAC 50.310. FILING. (a) All reports that are required to be filed under the provisions of AS 15.13 and this chapter must be received by the commission on or before the due date. Except for the 24 Hour Report, "received" means either

(1) hand-carried to the commission's central office or its branch office in the state capital; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) The 24 Hour Report required by AS 15.13.110(b) must be filed with the commission's central office either by a collect telegram or by actual physical delivery within the prescribed time. 24 Hour Reports may not be mailed.

(c) All forms will be available at the commission's central and branch offices, at district offices during state election years, and at the participating municipalities. (Eff. 5/14/80, Reg. 74)

Authority: AS 15.13.020(j) and (k)
AS 15.13.030(10)
AS 15.13.110(a) and (b)

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION. (a) Groups that nominated a candidate for governor who received at least three percent of the total vote cast at the 1982 general election for governor are considered to be exempt from the contribution limitation set out in AS 15.13.070(a).

(b) Until the effective date of a statutory definition of "political party" that replaces AS 15.60.010(20) as it exists on the effective date of this section (and was held invalid in *Vogler v. Miller*, 660 P.2d 1192 [Alaska 1983]), a group, other than a group described in (a) of this section, desiring an exemption from the contribution limitation set out in AS 15.13.070(a) must submit to the commission an application for exemption. In accordance with (c) of this section, the commission will review the application and, in its discretion and on a case-by-case basis, grant the exemption.

(c) Among the criteria which will be considered in deciding whether to grant an exemption are:

(1) an organized membership, composed of registered voters, which represents a political program;

(2) prior history as a political group under AS 15.13.050 including the receipt of substantial contributions and the disbursement of substantial expenditures made for the purpose

of influencing the election of legislative candidates in more than one district; and

(3) the percentage of votes received by a statewide candidate nominated in the name of the group in the preceding general election. (Eff. 1/2/84, Reg. 89)

Authority: AS 15.13.030(10)
AS 15.13.070(a)

2 AAC 50.320. GENERAL RECORDKEEPING REQUIREMENTS FOR CANDIDATES AND GROUPS. (a) Every candidate and group required to report contributions or expenditures under the provisions of AS 15.13 shall maintain detailed records of all contributions received and expenditures made in accordance with the uniform methods of bookkeeping set out in the commission's bookkeeping guide.

(b) A candidate or his treasurer, and the treasurer of a group, may issue a receipt, and shall record the receipt of every contribution received, unless otherwise exempted by this chapter, regardless of the dollar amount or value of the contribution. While the identity of a person who has contributed no more than \$100 to a campaign is not required to be individually reported by the treasurer on a campaign disclosure report, the name of such a contributor, along with the amount and type of his contribution, must be recorded by the treasurer and maintained by the treasurer, for comparative purposes, in case that person makes additional contributions which total over \$100.

(c) The identity of a person who has contributed over \$100 in the aggregate per year to a candidate's or group's campaign must be reported in accordance with 2 AAC 50.321.

(d) Each bookkeeping record required under this section shall be maintained by the candidate or the treasurer of a group and may not be destroyed for a period of four years from the date of the contribution. The records shall be available for inspection by the commission upon request of the commission. (Eff. 5/14/80, Reg. 74)

Authority: AS 15.13.020(2) AS 15.13.040
AS 15.13.030(10) AS 15.13.120(e)

2 AAC 50.321. REPORTING CONTRIBUTIONS AND EXPENDITURES. (a) Each candidate or group filing reports under AS 15.13 must identify

(1) each monetary contribution, or aggregate of contributions from the same contributor, which totals in excess of \$100 by reporting

(A) the date received;

(B) the check number;

(C) the name and address of the contributor;

(D) the principal occupation and employer of the contributor; and

(E) the amount;

(2) each nonmonetary contribution, or aggregate of nonmonetary contributions from the same contributor, valued at more than \$100 a year, by reporting

(A) the date received;

(B) the name and address of the contributor;

(C) the principal occupation and employer of the contributor;

(D) a description of the contributions; and

(E) its estimated fair market value;

(3) each loan, or aggregate of loans from the same contributor, which totals in excess of \$100, by reporting

(A) the date received;

(B) the name and address of the lender, guarantor or cosigner;

(C) the principal occupation and employer of the lender, loan guarantor or cosigner;

(D) the interest rate; and

(E) the amount;

(4) each paid expenditure by reporting

(A) the date of the payment;

(B) the check number;

(C) the name and address of the payee;

(D) the purpose of the expenditure; and

(E) the amount; and

(5) each accrued expenditure by reporting

(A) the date the expenditure was incurred;

(B) the name and address of the business or individual with whom the debt was incurred;

(C) the purpose of the accrued expenditure; and

(D) the amount.

(b) When reporting monetary and nonmonetary contributions or loans, a cumulative total must be kept by each candidate or group of the contributions (including loans) made to it, regardless of the total, and reported pursuant to (a) of this section when

(1) monetary contributions by the same contributor bring the total to over \$100; or

(2) nonmonetary contributions by the same contributor bring the estimated total value to over \$100; or

(3) loans by the same lender, guarantor, or cosigner bring the total to over \$100; or

(4) a combination of monetary or nonmonetary contributions or loans by the same contributor brings the total to over \$100. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 15.13.040(a) and (b)
AS 15.13.130(2) and (4)

2 AAC 50.322. RECORDKEEPING REQUIREMENTS FOR AUCTIONS AND GARAGE SALES. Repealed 5/14/80.

2 AAC 50.323. RECORDKEEPING REQUIREMENTS FOR CONTRIBUTIONS RECEIVED FROM THE SALE OF CAMPAIGN MATERIAL. Repealed 5/14/80.

2 AAC 50.324. SHARED CAMPAIGN RE-REPORTING. Except for expenditures by the candidates for governor and lieutenant governor of the same political party who have been nominated to run in the general election, the following provisions apply to all candidates and groups, other than a political party, subject to the provisions of AS 15.13 and this chapter:

(1) The use, by one candidate, of the money, goods or services raised or generated by his campaign, to influence the election of another candidate, is considered a contribution and cannot exceed the \$1,000 limitation set by AS 15.13.070(a); nothing in AS 15.13 or this chapter, however, limits an individual's right to make any expenditure whatsoever to influence the election of a candidate, so long as that expenditure is not made at the suggestion of that candidate, directly or indirectly paid for by that candidate, or otherwise controlled by that candidate.

(2) An expenditure made by one group, other than a political party, on behalf of another group which is controlled by a candidate is considered a contribution and may not exceed the \$1,000 limitation set by AS 15.13.070(a).

(3) A candidate may not join his campaign committee with that of one or more candidates in order that they may file a single report of their joint campaign, nor may a group join with one or more groups in order that they may file a single report of their joint efforts.

(4) Candidates or groups prohibited from forming a joint campaign under (3) of this section may share in campaign efforts, under (5) of this section, so long as they keep separate campaign accounts and file separate statements of their contributions and expenditures under AS 15.13 and 2 AAC 50.

(5) Two or more candidates, or two or more

groups, may share in campaign efforts so long as the cost of, and receipts from, shared efforts are allocated equally to each participating candidate or group's campaign.

(6) So long as the costs of, and receipts from, shared efforts are allocated equally to each participant of a shared campaign, neither the costs or receipts are considered as a contribution from one participant to any of the other participants.

(7) Each candidate or group filing reports pursuant to AS 15.13 and 2 AAC 50 must complete an APOC Form 15-SA, the "Shared Campaign Activities" form, which represents his or its proportionate share of the receipts and expenditures of a shared campaign effort.

(8) A proportionate share of the amount of an expenditure benefiting one or more candidates, or one or more groups, of a shared campaign effort, but paid for in full by one of the candidates, or by one of the groups, will be considered a contribution by

(A) the paying candidate to the other candidates; or

(B) the paying group to the other groups.

(9) Media communications regarding a shared campaign activity are considered properly identified so long as the identification includes the words "paid for by" and the name of each candidate or group sharing in the cost of the communications. The address and treasurer of each participating candidate or group need not be listed. However, if a communication is paid for in its entirety by only one of the participants then, in accordance with 2 AAC 50.369, full and proper identification is required. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(10)
AS 15.13.040(a) and (b)
AS 15.13.070(a)
AS 15.13.090

~~2 AAC 50.323 RECORDKEEPING REQUIREMENTS FOR NONMONETARY CONTRIBUTIONS. (a) In order to establish the value of a nonmonetary contribution under circumstances where no easily determined, regular, or~~

~~meaningful pricing precedent exists, a campaign treasurer shall, on the applicable campaign disclosure statement, report the contribution with a detailed description of the good or service provided, including the name and address of the donor, in lieu of the requirement that he make a determination of the monetary value of the contribution. This nonmonetary contribution shall not be counted towards determining the \$1,000 limitation for the contributor involved. Applicable circumstances include the use of an office, including office equipment and telephones for local calls, on an infrequent and irregular basis; the closing of a restaurant for an evening and the donation of those facilities to a candidate or group for a fund-raiser, etc.~~

~~(b) In circumstances where a nonmonetary contribution is a donated good or service for which a fair market value exists, a campaign treasurer shall record and report, except as required by (c) and (e) of this section, only those nonmonetary contributions which exceed \$50 in estimated fair market value. Contribution of a good or service whose estimated fair market value does not exceed \$50 does not count toward determining the \$1,000 limitation for the contributor involved. Goods and services include, but are not limited to, items donated to a garage sale; food donated to a potluck dinner; wood, paint, or carpentry expertise donated for sign construction; paper donated for flyers; and other items donated to a campaign for its use.~~

~~(c) The actual cost or value of a good or service purchased specifically by a person for donation to a campaign, or purchased at the request or suggestion of a campaign for use by that campaign, is considered a nonmonetary contribution to the candidate or group receiving the donation, and shall be recorded and reported in full as required by AS 15.13 and 2 AAC 50.370 and 2 AAC 50.321.~~

~~(d) Nonmonetary contributions of air, land, and water transportation and hotel/motel accommodations must be valued as follows:~~

~~(1) air travel~~

~~(A) if a commercial or charter service is used, the actual commercial or charter cost,~~

(B) if a noncommercial, business plane is used, the actual cost of plane operation to the destination;

(C) if an individually owned plane is used, the actual cost of plane operation to the destination, or the mileage allowance set out in the State of Alaska Administrative Manual, published by the Department of Administration, as of June 29, 1984;

(2) motor vehicle

(A) if a rented or leased vehicle is used, the actual charge for the vehicle;

(B) if a noncommercial, business vehicle is used, the actual cost of vehicle operation to the destination;

(C) if an individually owned vehicle is used, the actual cost of vehicle operation to the destination, or the mileage allowance set out in the State of Alaska Administrative Manual, published by the Department of Administration, as of June 29, 1984;

(3) water travel

(A) if a commercial or charter service is used, the actual commercial or charter cost;

(B) if a noncommercial, business vessel is used, the actual cost of vessel operation to the destination;

(C) if an individually owned, noncommercial vessel is used, the actual cost of vessel operation to the destination, or the mileage allowance set out in the State of Alaska Administrative Manual, published by the Department of Administration, as of June 29, 1984;

(4) room and board donated or paid for by a contributor at a commercial establishment must be valued at the rate ordinarily charged for such accommodations.

Editor's Note: A copy of the travel and moving provisions of the State of Alaska Administrative Manual, referred to in 2 AAC 50.325(d), may be obtained from the Alaska Public Offices Commission, 610 C Street, Suite 211, Anchorage, AK 99501, phone (907) 276-4176.

(e) In circumstances where a nonmonetary contribution is a professional service, the value of the professional service, and any costs or expenses associated with performing that service which have been paid by the donor, shall be recorded and reported in full, and as provided for by 2 AAC 50.350. For the purposes of this section, a "professional service" shall be defined to include any service concerned with research, public opinion surveys or polls, computer services, campaign media production or preparation, and campaign consultation or management.

(f) Contributions of goods or services listed below are exempt from being reported by a campaign treasurer:

(1) a candidate's own contribution of goods or services, or goods remaining from prior campaigns which are reused by his campaign; excluding transportation costs, which shall be reported as required by (d) of this section, or at the actual cost to the campaign;

(2) volunteer services, except as specified in (d) of this section;

(3) services provided by an accountant or other person to prepare reports or statements required by this chapter; and

(4) ordinary hospitality in a home: "ordinary hospitality in a home" means a small (no more than 25 people), informal get-together in a private home, where friends and neighbors of the host are invited to meet the candidate; functions held in private homes for the purpose of raising funds do not meet the criteria of ordinary hospitality in a home. (Eff. 5/14/80, Reg. 74; am 5/24/81, Reg. 78; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(10)
AS 15.13.040

2 AAC 50.326. RECORDKEEPING REQUIREMENTS AND EXEMPTIONS WHEN REPORTING A FUND-RAISER. (a) A candidate or his treasurer, and the treasurer of a group, shall report all the contribution and expenditure activity related to a campaign fund-raiser in a format designated by the commission, and in accordance with this section. Fund-raisers sponsored in conjunction with several candidates

or groups are viewed as shared fund-raising activities and, while subject to the provisions of this section, must be reported separately on APOC Form 15-3SA and in accordance with 2 AAC 50.324.

(b) When reporting a fund-raiser, a candidate or his treasurer, and the treasurer of a group, shall state the total number of contributing participants, the date and place where the event was held, if applicable, a description of the type of fund-raising activity, and the total costs of, and receipts from, the event.

(c) For the purposes of this section, "fund-raiser" includes, but is not limited to, a garage sale; a raffle or drawing; an auction; a spaghetti feed or potluck dinner; the sale of campaign material, such as posters, buttons, stickers, clothing, key chains and ashtrays; or a sponsored concert.

(d) The requirement in AS 15.13.040 and 2 AAC 50.320 that a candidate or his treasurer, or the treasurer of a group, must record the name of every person making a contribution, regardless of the amount of that contribution, does not apply to events which meet the following criteria:

(1) fund-raisers, similar in nature to spaghetti feeds, bingo games, dances, or concerts, where

(A) there are 25 or more paying participants; and

(B) except as described in (f) of this section, the cash amount received from any one person does not exceed \$50;

(2) fund-raisers, such as a raffle, lottery or a drawing, where

(A) 25 or more tickets are sold; and

(B) except as described in (f) of this section, the price of a ticket or the amount received from any one person purchasing chances does not exceed \$50;

(3) fund-raisers, the income from which is based on the sale of campaign material, where, except as described in (g)

(A) the price of an item being sold does not exceed \$10; or

(B) the amount received from any one person purchasing items does not exceed \$50;

(4) fund-raisers, such as garage sales and auctions, where, except as described in (g)

(A) the fair market value of an item donated for sale or auction does not exceed \$50; or

(B) the amount received from any one person purchasing items at the garage sale or auction does not exceed \$50.

(e) When reporting receipts from a fund-raiser which meets the recording exemption set out in (d) of this section, the candidate or his treasurer, or the treasurer of a group, need only report the total amount of contributions received from or generated by the fund-raiser, along with the total number of paying participants, tickets sold, or items purchased, as applicable.

(f) If a person contributes in excess of the exempted amounts stated in (d)(1)(B) or (d)(2)(B) of this section, then the name of that person, and the amount and type of that contribution, must be recorded as set out in 2 AAC 50.320.

(g) If the cost of or value of an item exceeds the exempted amount, or if a person contributes or pays in excess of the exempted amounts stated in (d)(3) or (4), then the name of that contributor or buyer must be recorded as set out in 2 AAC 50.320.

(h) A contribution made by a person to attend or otherwise participate in a "fund-raiser," as defined in (c) of this section, whether or not exempted from full recording under this section, may not be received by or on behalf of a candidate in violation of AS 15.13.070(a). (Eff. 5/14/80, Reg. 74; am 5/24/81, Reg. 78; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(10)
AS 15.13.040

~~2 AAC 50.330. REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION.~~~~(a) Direct campaign expenditures for transportation or reimbursements to a person for transportation are reportable and must be valued in accordance with 2 AAC 50.325(d).~~~~(b) Personal living expenses of the candidate and the candidate's campaign workers, or the campaign workers of a political group, are not considered campaign expenditures and need not be reported unless the candidate's or group's campaign actually pays, either directly or through reimbursement, for the room and board of the traveling campaign workers or the candidate. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74; am 6/29/84, Reg. 90)~~~~Authority: AS 15.13.030(10)
AS 15.13.040~~

2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY.

(a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must dis-

close his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 15.13.040(a) and (b)
AS 15.13.110

2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION. A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(e) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 15.13.070(e)

2 AAC 50.334. PERSONS WHO MAY ACCEPT CONTRIBUTIONS. (a) A candidate's campaign committee, or a group, may authorize a person who is not registered as a deputy treasurer to accept or solicit campaign contributions on its behalf for any single event. Campaign committees or groups are not in violation of AS 15.13.070(e) if contributions collected by the authorized person are turned over to a candidate, treasurer, or deputy treasurer of the intended committee or group within 72 hours.

(b) An individual who is, or will be, fundraising on a regular basis throughout a political campaign must be registered as a deputy treasurer in accordance with AS 15.13.060(e).

(c) Individuals that have not been "authorized" to accept campaign contributions by

either a candidate or his treasurer, or the treasurer of a group, are prohibited from collecting campaign contributions on behalf of a candidate's campaign committee or a group. (Eff. 4/28/79, Reg. 70; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 15.13.070(e)
AS 15.13.060 AS 15.13.130(2)

2 AAC 50.340. EXPENDITURES TO ADVERTISING AGENCIES OR CAMPAIGN MANAGEMENT SERVICES. Whenever a required report includes an expenditure to an advertising agency, or to an individual or business which provides campaign consultation or management services, the report shall be accompanied by a statement detailing all services rendered, including the identity of each business from which campaign goods or services were purchased or subcontracted, or media advertising placed, and their costs. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 15.13.040(f)

2 AAC 50.342. REGISTRATION OF GROUPS SUPPORTING OR OPPOSING BALLOT ISSUES. Each group, before making an expenditure in support of or in opposition to a ballot proposition, shall register with the commission on forms provided by the commission. (Eff. 5/14/80, Reg. 74)

Authority: AS 15.13.010(b) AS 15.13.040(b)
AS 15.13.030(10) AS 15.13.050

~~**2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES.** (a) A contribution as defined by AS 15.13.130(2) includes donated services where the services performed are the same kind of service for which the donor has received more than 25 percent of his income in any one of the preceding three calendar years.~~

~~(b) Contributed professional services shall be valued under AS 15.13.130(2)(A) at the amount which the donor receives for the kind of services contributed. (Eff. 5/16/76, Reg. 58)~~

~~Authority: AS 15.13.030(10)
AS 15.13.130(2)~~

2 AAC 50.351. INDEPENDENT EXPENDITURES. (a) An independent expenditure is a disbursement of funds which is made expressly to support or oppose an individual's candidacy or a ballot issue. An independent expenditure is

not made with the cooperation, consent, in consultation with, or at the request or suggestion of, a candidate, a candidate's campaign committee, or a group, and must be reported in accordance with AS 15.13.040(d)(2) and (e) by the maker of the expenditure.

(b) An expenditure made at the request of, in consultation with, or at the suggestion of a candidate, a candidate's campaign committee, or a group supporting or opposing a ballot issue, is considered an in-kind contribution by the person making the expenditure, and must be reported in accordance with AS 15.13.040(a) by the candidate or group benefiting from the contribution, and by the "contributor" in accordance with AS 15.13.040(d)(1) and (e).

(c) There is no limit on the amount or frequency of independent expenditures.

(d) The report of an expenditure to influence the outcome of a ballot issue required to be filed under AS 15.13.040(d)(2) will be closed to the public only if the commission determines, in response to a written request, that the individual who makes the expenditure would likely be subject to undue harassment, threats, or economic reprisals as the result of public disclosure. After publication, the person granted an exemption shall provide the commission with a copy of the communication in order to enable the commission to verify which communications were sponsored by that person. (Eff. 5/14/80, Reg. 74; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(10)
AS 15.13.040
AS 15.13.090

~~**2 AAC 50.355. LOANS.** (a) A loan from an individual or person to a candidate is considered a contribution to the extent of the outstanding balance. An unpaid loan, when added to other contributions from the same lender, may not exceed the \$1,000 contribution limitation.~~

~~(b) A loan to a candidate from a regulated lending institution which is endorsed, guaranteed, or co-signed by a person or persons other than the candidate, is considered a contribution to the extent of the outstanding balance. If a loan is endorsed, guaranteed, or co-signed by~~

more than one person, each guarantor's contribution is calculated by dividing the amount of the loan by the number of persons who guaranteed it, and the calculated amount contributed by each may not exceed the \$1,000 contribution limitation.

(c) Repealed 10/18/81.

(d) A bank loan made directly to a candidate, in accordance with applicable banking laws and in the ordinary course of business, does not count as a contribution by the bank. It must, however, be reported by the candidate as the candidate's personal contribution to the campaign.

(e) A loan may be forgiven, or the guarantor may pay off a loan, so long as the amount forgiven or paid does not exceed \$1,000. The candidate must indicate on the applicable campaign disclosure report when a loan reverts to a monetary contribution. (Eff. 5/14/80, Reg. 74; am 10/18/81, Reg. 80)

Authority: AS 15.13.030(10) AS 15.13.070
AS 15.13.040 AS 15.13.130(2)

2 AAC 50.360. MUNICIPALITIES. (a) ^{IF} When a municipality seeks to influence the outcome of an election, it shall report in the same manner as a group. For the purpose of complying with AS 15.13.040(b)(1)'s requirement to list the name and address of each officer and director, the municipality shall list the name and address of its mayor and of its council or assembly members. For the purpose of complying with AS 15.13.040(b)(1)'s requirement to list the name and address of its campaign treasurer, the municipality shall list the name and address of its finance director, controller, treasurer, or equivalent officer. For the source of contributions (AS 15.13.070(h)), the municipality shall list the particular fund from which the appropriation is made.

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing

addresses within seven days following the deadline for filing for municipal office. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.010 AS 15.13.060
AS 15.13.030(10) AS 15.13.090

2 AAC 50.361. REPORTING BY SPECIAL INTEREST GROUPS. Repealed 10/18/81.

2 AAC 50.362. DRAFT GROUPS. (a) A draft group must report its contribution and expenditure activity as a group, under the requirements of AS 15.13 and this chapter.

(b) A draft group

(1) may make expenditures in order to raise, through contributions to the group, the money necessary to

(A) defray its own administrative costs; and

(B) attempt to draft persons to become candidates, including the expenditure of money to

(i) extoll the qualities of persons the group is attempting to draft; and

(ii) inform the general public both of the group's position on issues, as well as the qualities of leadership it seeks in potential candidates; and

(2) may not

(A) engage in any political activity other than an activity described in (b)(1) and (c) of this section;

(B) accept contributions in excess of \$1,000 from any person or group;

(C) except for personal travel expenses, opinion surveys, or polls, make any expenditure that might benefit a person who the group has successfully drafted for office and who has made it known that he or she will be seeking election to public office; however, the group may continue in its attempts to draft other persons for elective office; and

(D) except as provided in (c) of this section, make contributions to, contribute previously produced material to, or expend funds on behalf of, any person who has declared that he or she is seeking office or who has filed a declaration of candidacy or nominating petition or become a candidate by any other means.

(c) A draft group that expends more than 50 percent of its funds in an effort to draft one individual or, in the case of gubernatorial and lieutenant gubernatorial candidates, a team of individuals, to campaign for public office is, for the purposes of AS 15.13.130(3) and this chapter, considered a controlled group. If the person or team subject to the draft formally declares for public office, then the amount contributed to the draft group must be added to any contributions made the same year to the drafted candidate's or team's own campaign committee, in order to determine whether a contributor has made the maximum allowable contribution as outlined in AS 15.13.070(a). As a controlled group, the draft group may contribute the maximum allowed by law to the candidate or team of candidates. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74; am 6/29/84, Reg. 90)

Authority: AS 15.13.010
AS 15.13.030(10)
AS 15.13.040(b)
AS 15.13.070(a)
AS 15.13.100
AS 15.13.130(2), (3) and (4)

2 AAC 50.363. SUBCOMMITTEES OF A CANDIDATE'S CAMPAIGN COMMITTEE OR OF A CONTROLLED GROUP. A subcommittee may be created within a candidate's campaign committee or within a controlled group. These subcommittees are not considered separate groups and shall not maintain separate bank accounts and records or file separate reports. The name of the candidate or controlled group must be a part of the name of the subcommittee. The name of the subcommittee shall not be used when identifying political advertising under AS 15.13.090 and 2 AAC 50.369. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 15.13.050
AS 15.13.040(a) AS 15.13.090

2 AAC 50.369. PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS. (a) Except as provided in (d) of this section, "proper identification" of a communication intended to influence the election of a candidate or the outcome of a ballot issue means that the communication is clearly identified with the words "paid for by," followed by the name and full address of the candidate, group, or individual actually paying for the advertising. The name of the campaign chairman must also be identified. If the candidate and the chairman are the same person, the name need not be repeated.

(b) Standard English abbreviations may be used in the written identification.

(c) "Clearly identified," as used in AS 15.13.090, means that

(1) in all printed communications, the proper identification must be visible, separate from the text of the advertisement itself, and large enough to be read by a person with average vision without the aid of corrective lenses;

(2) in all audio-visual communications, the proper identification must either

(A) be visual, and of sufficient size and duration to be read in full by the viewer; or

(B) be spoken, and played at the same audio level as the text of the communication itself; or

(C) be both visual and spoken, in accordance with (A) and (B) of this paragraph;

(3) in all audio communications, the proper identification must be spoken at the same audio level as the text of the communication itself.

(d) If the commission determines, under 2 AAC 50.351(d), that an expenditure report will not be made public, the political communication intended to influence the outcome of a ballot proposition or question is properly identified if, in place of the "paid for by" phrase, the communication includes, in the manner required by (c) of this section, the commission waiver

identification number assigned by the commission to that communication. (Eff. 4/28/79, Reg. 70; am 10/18/81, Reg. 80; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.370. OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION.

If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement shall instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, and buttons. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.375. COMMUNICATIONS BY INCUMBENT ELECTED OFFICIALS. (a) A

communication by an incumbent state elected official, who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it

specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(b) A communication by an incumbent municipal elected officer who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(c) The commission will, in its discretion, review a communication by an incumbent elected official when a question concerning whether or not the communication is a reportable campaign expense arises. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.010 AS 15.13.090
AS 15.13.030(10) AS 15.13.130(4)
AS 15.13.045

2 AAC 50.380. EARLY CAMPAIGNING. An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his candidacy for a particular municipal office only if the filing period has not opened. The ability to file a letter announcing one's intent to run for public office only applies, however, to individuals campaigning for municipal office. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74).

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385. REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS. (a) A group, as defined by AS 15.13.130(3), does not include an organization or business or trade association, if

(1) the major purpose of such an organization or association is other than to influence the outcome of an election; and

(2) the money for any political contributions or expenditures is paid from the general fund of such an organization or association, as opposed

to a special fund as described in (d) of this section.

(b) "Major purpose" means, in this section, that the stated major goals and objectives of an organization or business or trade association are primarily directed towards attempting to influence the outcome of elections and, in actual dollar amounts, that more of the organization's or business or trade association's money is devoted to contributions or expenditures to influence the outcome of an election than to any other single purpose.

(c) Organizations and business or trade associations which, in accordance with (a) of this section, do not have to register and report as political groups, but who do make campaign contributions from their general funds to, or expenditures for or against, a candidate or political group, must file reports under AS 15.13.040(d) and (e).

(d) If, however, an organization or association not defined as a political group conducts a special fund drive among, or levies a special assessment upon, its membership, and if the proceeds of such a special fund drive or assessment are to be used primarily to influence the outcome of an election, then the organization or association which raises campaign funds in this manner must file reports of its campaign activity in accordance with AS 15.13.040(b) and (c), and is considered a group as defined in AS 15.13.130(3). (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.010
AS 15.13.030(10)
AS 15.13.040(b),(c),(d) and (e)
AS 15.13.130(3)

2 AAC 50.390. CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT. (a) A report required to be filed within the time required by AS 15.13.110(a) and (b) is delinquent if not received, in accordance with 2 AAC 50.310, on or before the due date.

(b) The report continues to be delinquent and subject to a civil penalty until received.

(c) Commission staff will send notice to each candidate or group of his or its delinquency under AS 15.13.110(a) within five working days after the due date of the report.

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty as follows:

(A) if the report is delinquent 30 days or less

(i) \$1 a day, up to a maximum of \$10, for the late filing of a report to be filed within the time required by AS 15.13.110(a)(1) and (3); and

(ii) \$5 a day, up to a maximum of \$50, for the late filing of a report to be filed within the time required by AS 15.13.110(a)(2) and (b);

(B) if the report is delinquent more than 30 days, then the commission will, in its discretion and on a case-by-case basis, assess a civil penalty not to exceed the total amount allowed by AS 15.13.125;

(2) send notice of the civil penalty assessed against the candidate or group within five working days after receipt of a delinquent report, or in the case of non-receipt of a report required by AS 15.13.110(b), within 15 working days after receiving the information, and include

(A) a statement of the amount of the assessment; and

(B) an affidavit appeal form.

(e) A candidate or group subject to a civil penalty assessment may

(1) submit, within 30 days after receipt of the assessment notice described in (d)(2) of this section, an affidavit stating reasons for the late filing to show why a civil penalty should not be assessed; an affidavit

(A) is a statement in writing made under oath and upon penalty of perjury; and

(B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster, or any other person authorized to administer oaths or, if none of the preceding alternatives is available, may be signed by the official without benefit of the oath so long

as the official states, in writing, that the affidavit is signed under penalty of perjury; or

(2) pay, within 30 days after receipt of the assessment notice described in (d)(2) of this section, the civil penalty assessed.

(f) If a candidate or group subject to a civil penalty assessment for the late filing of a campaign disclosure report refuses, or fails, within the time required, to submit an affidavit or make payment, then commission staff will refer the matter to the attorney general for appropriate action. The commission will not hear an appeal if an affidavit is not filed within the time required.

(g) An affidavit timely filed with the commission will be considered at the next regular meeting of the commission. If a candidate or group's appeal is

(1) denied by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the civil penalty originally assessed be paid within 30 days after the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify the candidate or group of its decision within 15 days, informing him or it that the civil penalty assessment has been waived and that the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the reduced civil penalty assessment be paid within 30 days after the date of the letter containing notification of the commission's decision.

(h) A candidate or group may appeal the commission's decision to deny or partially accept reasons for lateness to the superior court within 30 days after his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action.

(i) If, upon review of a report required by AS 15.13.110(a), (b), or (e), the commission's staff finds substantial or continuous noncompliance with AS 15.13 or any provision of this chapter, or with requests by staff for information required to be reported under this chapter, the matter must be brought to the commission for review. The commission will, in its discretion, reduce or waive any initial civil penalty, uphold any initial civil penalty, increase the amount of any initial civil penalty to an amount not exceeding the maximum amount established in AS 15.13.125, or instruct its staff to begin preliminary investigation into the matter. Where no initial civil penalty has been assessed, the commission will, in its discretion, assess a civil penalty up to the maximum amount established in AS 15.13.125 if the candidate or group in question does not comply. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74; am 5/24/81, Reg. 78; am 10/18/81, Reg. 80; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(6) and (10)
AS 15.13.110(a) and (b)
AS 15.13.125

2 AAC 50.395. REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION. (a) A business entity or labor organization making a contribution or expenditure from its general fund or treasury, for the purpose of influencing the outcome of an election, shall make a full report of its contribution and expenditure activity under AS 15.13.040(d) and (e), and in accordance with AS 15.13 and 2 AAC 50.

(b) The subscribers to a contingency fund constitute a group, as defined by AS 15.13.130(3), if a contingency fund is maintained by a business entity or labor organization, if political campaign contributions or expenditures of the business entity or labor organization are made from the fund, and if the major purpose of the fund is political. A "contingency fund" as used in this chapter, is a discretionary account established separate from the business entity's or labor organization's general treasury and variously, often voluntarily, funded. "Major purpose" means that in actual dollar amounts, more of the fund's money is devoted to contributions or expenditures to influence the outcome of an election than to any other single purpose.

(c) A group organized as in (b) of this section must register and report under AS 15.13.040(b)

and (c), and in accordance with AS 15.13 and this chapter, unless the head or principal executive officer of the business entity or labor organization certifies, under oath and upon penalty of perjury

(1) that none of its contingency fund money is used for political purposes; or

(2) that its contingency fund

(A) is funded only through a voluntary uniform assessment, or nonvoluntary but uniform assessment, upon its subscribers, and

(B) accepts no individual contributions into the contingency fund.

(d) If a contingency fund meets the requirements of (c)(1) or (2) of this section, then its political contribution or expenditure activity must be reported separately to the commission, under AS 15.13.040(d) and (e), and in accordance with AS 15.13 and 2 AAC 50.

(e) If the major purpose of the business entity or labor organization's contingency fund is not to influence the outcome of an election, under (b) of this section, but if political contributions or expenditures are made from the fund, then a full report of the contingency fund's contribution and expenditure activity must be made under AS 15.13.040(d) and (e), and in accordance with AS 15.13 and 2 AAC 50.

(f) A group organized as in (b) of this section and which reports under AS 15.13.040(b) and (c), and in accordance with AS 15.13 and 2 AAC 50, must report the name and address of each subscriber to the contingency fund, his principal occupation and employer, and the amount paid into the fund by the subscriber, if the subscriber has promised to pay, paid directly, or otherwise paid or contributed into the fund an amount exceeding \$100 in a calendar year. The name, address, occupation, and employer of a subscriber contributing in excess of \$100 as described in this subsection must be reported under AS 15.13 and 2 AAC 50.321.

(g) A business entity or labor organization shall report under (a) of this section unless it conducts a special fund drive among, or levies a special assessment upon, its employees or

members, the proceeds of which are to be used for political contributions or expenditures. If a business entity or labor organization acts as described in this subsection, then the individual contributors become members of a group, as defined by AS 15.13.130(3), and must register and report under AS 15.13.040(b) and (c), and in accordance with AS 15.13 and 2 AAC 50. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.010
AS 15.13.030(10)
AS 15.13.040(b), (c), (d) and (e)
AS 15.13.130(3)

2 AAC 50.397. REPORTING BY PERSONS OUTSIDE THE STATE. Persons residing outside the State of Alaska are subject to the same reporting requirements, restrictions, and responsibilities under AS 15.13 as those placed upon persons residing within the state. (Eff. 4/28/79, Reg. 70)

Authority: AS 15.13.030(10)

2 AAC 50.400. DISBURSEMENT OF A SURPLUS BALANCE IN A CAMPAIGN ACCOUNT. (a) The disbursement of a surplus balance of a candidate or group's campaign account must be reported to the commission within 10 days after final disposition of the balance.

(b) A candidate disbursing the surplus balance in his campaign account may

- (1) give the money to charity;
- (2) repay his contributors;
- (3) repay himself, if he made contributions to his own campaign.

(4) take, as income, any money which exceeds the amount which he personally contributed to his campaign;

(5) leave the money in a campaign account until the next time he campaigns for elective office; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of him when he is again a candidate for elective office;

(6) contribute the money to another candidate or a group controlled by a candidate, not to exceed the \$1,000 limitation, or to a political party or group supporting a ballot proposition or question; or

(7) transfer the money to his office allowance fund.

(c) A group disbursing the surplus balance in its campaign account may

- (1) give the money to charity; or
- (2) repay its contributors; or

(3) leave the money in a campaign account until the following election, if the group plans to remain active; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of the group when it is again active in an election; or

(4) contribute the money to a candidate or a group controlled by a candidate, subject to the \$1,000 limitation and other prohibitions under AS 15.13 and 2 AAC 50, or to a political party or group supporting a ballot proposition or question.

(d) Any candidate or group wishing to disburse the surplus balance in a campaign account in a manner not described in (b) or (c) of this section may request commission review and approval of the manner in which he or it wishes to disburse the surplus. (Eff. 7/22/78, Reg. 67; am 10/18/81, Reg. 80)

Authority: AS 15.13.030(10)

2 AAC 50.405. DEFINITIONS FOR 2 AAC 50.310 - 2 AAC 50.405 AND AS 15.13. In 2 AAC 50.310 - 2 AAC 50.405 and in AS 15.13

(1) "business entity" means a sole proprietorship, partnership, corporation or professional corporation, company, firm, business trust, or any other business entity or a combination of these;

(2) "draft group" means a group of two or more persons organized for the purpose of drafting one or more individuals to run for

elective office by becoming a candidate as defined in AS 15.13.130(1);

(3) "labor organization" means a local, national, or international union, or labor council, or any other labor organization recognized under state or federal law;

~~(4) "contribution" includes, in addition to the items listed in AS 15.13.130(2), goods or services received by a candidate or political group, or on behalf of a candidate or political group, as the result of a fund-raising activity. (Eff. 7/22/78, Reg. 67; am 6/29/84, Reg. 90)~~

~~Authority: AS 15.13.030(10)
AS 15.13.130(1), (2) and (3)~~

**ARTICLE 3.
CAMPAIGN DISCLOSURE AND
REGULATION OF LOBBYING
COMPLAINTS AND INVESTIGATIONS**

- Section
- 450. Complaints
- 460. Preliminary investigation
- 470. Hearings

2 AAC 50.450. COMPLAINTS. (a) A complaint filed with the commission must be in writing and must contain the following:

(1) the full name and mailing address of the person making the complaint;

(2) the name of the person or group alleged to be in violation;

(3) allegations of specific facts which, if true, would constitute

(A) a violation of AS 15.13 or of a provision of 2 AAC 50.310 – 2 AAC 50.405; or

(B) a violation of AS 24.45 or of a provision of 2 AAC 50.505 – 2 AAC 50.545;

(C) a violation of AS 39.50 or of a provision of 2 AAC 50.010 – 2 AAC 50.200;

(4) the basis of the complainant's knowledge of the alleged facts, differentiating between statements made upon personal knowledge and

those made upon other sources of information and belief;

(5) any documentation, relevant to the facts alleged, which is available to the complainant.

(b) The complaint shall be signed by the complainant and the signature shall be verified by a notary public, municipal clerk, court clerk, postmaster, or any person authorized to administer oaths. Notarial service will be provided by the commission without cost.

(c) Upon receipt of a complaint properly filed and sworn, the commission staff shall promptly

(1) acknowledge receipt to the complainant; and

(2) determine whether the complaint sets out facts which, if true, would constitute a violation of law.

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant and close the file. Following a determination under the subsection:

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote:

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and will be handled under (e), (1), (2), and (4) of this section.

(e) If the staff or the commission under (d)(2)(B) of this section determines that a complaint sets out facts which, if true, would constitute a violation of the law, the staff will

(1) notify the complainant;

(2) notify the respondent, providing a copy

of the complaint, any accompanying documents, and a copy of the commission's investigative and hearing procedures;

(3) inform the commission that a complaint has been filed, providing a copy of the complaint and any accompanying documents; and

(4) begin a preliminary investigation.

(f) A person against whom a complaint is filed may file an answer. The answer must

(1) specifically admit or deny all material allegations of the complaint;

(2) state any defenses expected to be raised by the respondent;

(3) include any relevant documentation in the possession of the respondent; and

(4) be a signed and sworn statement. (Eff. 5/16/76, Reg. 58; am 12/29/77, Reg. 64; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(8) AS 24.45.021(b)
AS 15.13.030(10) AS 24.45.131
AS 15.13.045 AS 39.50.050(b)
AS 15.13.120(d)

2 AAC 50.460. PRELIMINARY INVESTIGATION. (a) The commission staff shall undertake a preliminary investigation if

(1) a properly filed and sworn complaint has been found to be sufficient; or

(2) information has been obtained by the commission or staff in the normal course of business which, if true, would constitute a violation of the law.

(b) When the staff initiates an investigation based on (a)(2) of this section, it shall set out in writing the facts, information, and law involved, along with documentation, and process this material in accordance with 2 AAC 50.450(e).

(c) In conducting a preliminary investigation, the staff may use any of the methods set out in AS 15.13.045. It may also

(1) request written and sworn statements from any party, witness, or other person which

are relevant to the investigation; and

(2) use the services of the Alaska State Troopers or private investigators to secure factual information pertinent to the investigation.

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, or that the matter be addressed in a hearing. Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Reg. 58; am 12/29/77, Reg. 64; am 6/29/84, Reg. 90)

Authority: AS 15.13.030(8) AS 18.65.090
AS 15.13.030(10) AS 24.45.021(b)
AS 15.13.045(a) AS 24.45.131
AS 15.13.120(d) AS 39.50.050(b)

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, notice of hearing will be sent to the respondent by personal service or by certified mail, return receipt requested. If the respondent cannot be found after diligent effort, service will be made by publishing notice of the hearing in a newspaper of general circulation once a week for four weeks, the final notice appearing at least 30 days before the hearing.

(b) Notice of a hearing must be provided to all parties at least 30 days before a hearing. The time and place of the hearing will be set with due regard and consideration for the convenience of the parties, and the commission will consider a party's request for a change in the time or place of a hearing. The commission will, in its discretion, for any good cause and upon proper notice, change the time and place of a hearing.

~~(c) The chairman of the commission or, upon the chairman's inability to participate, the designee of the chairman, will conduct the meeting and have all the authority of a hearing~~

~~officer, with the exception of the ability to decide dispositive motions. All dispositive motions will be heard and decided by the commission.~~

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.

(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are the same as those in AS 44.62.460. In addition

(1) documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original;

(2) in the discretion of the chairman or the designee, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut;

(3) depositions or affidavits may be presented if a witness is unable to testify at a hearing.

~~(h) At the request of a party, the commission will, in its discretion, issue a subpoena to be served on a witness in accordance with the rules of civil procedure. A witness who is not a party and who appears under a subpoena is entitled to receive fees and mileage in the same amount and under the same circumstances as prescribed by court rule for a witness in a civil action in superior court. Fees, mileage, and expenses of subsistence must be paid by the party at whose request the witness is subpoenaed. A subpoena~~

~~may be either for testimony at a hearing or for a deposition.~~

(i) Depositions must be taken according to AS 44.62.440(a).

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the commission, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. If a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the commission finds that it should be closed under AS 44.62.310, ~~or when the commission for any good cause, determines that a closed hearing is appropriate.~~ If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place and ~~whatever recording is made by the commission will be made available to the public.~~

~~(n) After the hearing, the commission will, in its discretion, go into executive session for purposes of deliberation.~~

~~(o) Upon completion of its deliberation, the commission will reconvene in open session, having provided the respondent with prior notice, if possible, and the commission chairman~~

~~or the designee will entertain one or more formal motions addressing the alleged violations. A roll call vote will be taken on each surviving motion. A commissioner who was not present at the hearing may not participate in the commission's deliberations, motions, or votes, including any reconsideration motions or votes.~~

~~(p) The commission will issue a written decision based on its findings of fact and conclusions of law. The decision will be reasonably specific so as to provide interested parties with a clear understanding of the commission's basis for its action. A copy of the decision will be served on all parties and any complainant.~~

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) a verbatim transcript of the proceedings before the commission; and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A request for reconsideration must be filed within 10 days after the vote under (o) of this section has been taken, and must state specific grounds upon which reconsideration is requested. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member feels, and states on the public record, that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business, or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business, or business associate is similar to that possessed by a large class of persons; or

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Reg. 90)

Authority: AS 15.13.030(8) AS 24.45.021(b)
 AS 15.13.030(10) AS 24.45.131
 AS 15.13.045 AS 39.50.050(b)
 AS 15.13.120(d)

influencing legislative or administrative action as defined in AS 24.45.171(1), (6), (7) and this chapter; when a person becomes a lobbyist upon meeting the tests of this section, he must register in accordance with AS 24.45.041 and must report in accordance with AS 24.45.051 and 2 AAC 50. (Eff. 12/29/77, Reg. 64)

Authority: AS 24.45.021(b)
 AS 24.45.041
 AS 24.45.051
 AS 24.45.061(b)
 AS 24.45.171(1),(6),(7),(8)(A),
 (10)(B),(11) and (12)

ARTICLE 5. GENERAL PROVISIONS

Section

910. Availability of reports filed with the commission
 920. Definitions

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10) AS 39.50.020(b)
 AS 15.13.040(f) AS 39.50.050(c)
 AS 15.13.110(c)

2 AAC 50.920. DEFINITIONS. In this chapter, "commission" means the Alaska Public Offices Commission. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.020(a)
 AS 15.13.030(10)

CHAPTER 55. PUBLIC BROADCASTING COMMISSION

Editor's Note: In light of the Executive Order No. 50 (1981) relocation of the Alaska Public Broadcasting Commission from the Department of Education to the Department of Administration, the commission's regulations have been relocated from 4 AAC 63 to 2 AAC 55, as of Register 84 (January 1983). The history notes under each section in the new location carry forward the history from the old location.

Section

10. Commission goals
 20. Financial support
 30. Qualified corporations
 40. Requirements of qualified corporations
 50. Noncompliance
 60. Requirements for institutional licensees to receive financial support
 70. Commission designee
 80. Definitions

2 AAC 55.010. COMMISSION GOALS. The goals of the commission are to

(1) assist in the establishment and support of public broadcasting facilities in the state in order to provide the people of Alaska with the opportunity to

(A) make informed decisions as participants in local, state, and national governments;

(B) understand complex issues in both the private and public sectors;

(C) further their general education, welfare, health, safety, cultural enrichment, and entertainment;

(D) understand in detail the problems, needs, and strengths of their local communities and encourage them to participate in solving those problems, meeting those needs, and celebrating those strengths; and

(E) have access to public broadcast media.

(2) provide Alaskans with the goals and objectives of public broadcasting as defined in the Public Broadcasting Act of 1967 (47 USC § 396) and the Carnegie Commission Report. (Eff.

Introduced: 2/13/86
Referred: State Affairs

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 401

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act annulling regulations adopted by the Alaska
7 Public Offices Commission."

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

9 * Section 1. The following regulations are annulled: 2 AAC 50.310, 2
10 AAC 50.313, 2 AAC 50.314, 2 AAC 50.315, 2 AAC 50.316, 2 AAC 50.319, 2 AAC
11 50.320, 2 AAC 50.321, 2 AAC 50.324, 2 AAC 50.326, 2 AAC 50.332, 2 AAC
12 50.333, 2 AAC 50.334, 2 AAC 50.340, 2 AAC 50.342, 2 AAC 50.351, 2 AAC
13 50.357, 2 AAC 50.360, 2 AAC 50.362, 2 AAC 50.363, 2 AAC 50.369, 2 AAC
14 50.370, 2 AAC 50.375, 2 AAC 50.380, 2 AAC 50.390, 2 AAC 50.397, 2 AAC
15 50.400, 2 AAC 50.401, 2 AAC 50.405, 2 AAC 50.450, 2 AAC 50.460, 2 AAC
16 50.470, 2 AAC 50.905, 2 AAC 50.910.