

**HB**

**157**

# HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 5, 2003

FURTHER REFERRALS: Judiciary  
Finance

Date of Committee Action: May 8, 2003

The STATE AFFAIRS Committee considered:

HB 157

HOUSE BILL NO. 157

ELIMINATE APOC

"An Act eliminating the Alaska Public Offices Commission; transferring campaign, public official, and lobbying financial disclosure record-keeping duties to the division of elections; relating to reports, summaries, and documents regarding campaign, public official, and lobbying financial disclosure; providing for enforcement by the Department of Law; making conforming statutory amendments; and providing for an effective date."

Recommends it be replaced with  HCS or  CS for HB 157 (STA)  
For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
ADM  
CED  
COR  
CRT  
EED  
DEC  
DFG  
GOV  
HSS  
LEG  
LAW  
LWF  
MVA  
DNR  
DPS  
REV  
DOT  
UA

<b>NEW FISCAL NOTES</b>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<b>PREVIOUS FISCAL NOTES</b>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
GOV	1			✓
ADM	2	✓		
ADM		✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	SEATON	✓			
	HOLM			✓	
	LYNN	X			
	Berkowitz			X	
	Greenberg			✓	✓
Chair:	Weyhrach	X			
Chair:	J.				



# HOUSE STATE AFFAIRS COMMITTEE

STATE CAPITOL, ROOM 102  
465-2028

## MEMORANDUM

### COMMITTEE MEMBERS

Rep. Bruce Weyhrauch  
Chairman  
Room 102  
465-2028

Rep. Jim Holm  
Vice-Chair  
Room 110  
465-3466

Rep. Paul Seaton  
Room 428  
4652689

Rep. Nancy Dahlstrom  
Room 108  
465-4949

Rep. Bob Lynn  
Room 415  
465-4931

Rep. Harry Crawford  
Room 426  
465-3438

Rep. Max Gruenberg  
Room 112  
465-4940

Date: May 9, 2003

To: House Finance Committee

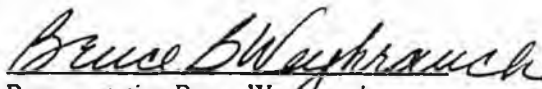
From: Representative Bruce Weyhrauch, Chair

Re: HB 157

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The House State Affairs Committee adopted HB 157 version 23-GH1090I and passed the Bill from committee. The next committee of referral is House Finance.

Barbara R. Craver, Legislative Counsel, has written the State Affairs Committee a memo explaining that an amendment is required by House Finance in order to correct a drafting error. A copy of that memo, as well as the proposed amendment are attached for your convenience.

  
Representative Bruce Weyhrauch  
Chair

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

May 9, 2003

**SUBJECT:** Amendment to CSHB 157(STA) "I"  
(Work Order No. 23-GH1090\H)

**TO:** Representative Bruce Weyhrauch  
Attn: Ginny Austerman

**FROM:** Barbara R. Craver   
Legislative Counsel

In my review and revision of CSHB 157(STA) version "D", I added AS 24.60.031 to the statutes to be repealed in version "H." I did this because the repeal of AS 15.13.074(d) seemed to make the provisions in AS 24.60 moot. At your request, I have carefully considered the materials provided by the Alaska Public Offices Commission, and researched the issue, and concluded that AS 24.60.031 should not have been repealed by this bill. I am providing a blank amendment to take the repeal of that section out of the bill.

If I may be of further assistance, please advise.

BRC:mdr  
03-112.mdr

Enclosure

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 157(STA)

- 1 Page 1, line 12, following "**prohibition**":
- 2       Insert "**in the state election campaign laws**"
- 3
- 4 Page 19, line 19:
- 5       Delete "AS 24.45.116; and AS 24.60.031"
- 6       Insert "and AS 24.45.116"

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## MEMORANDUM

May 7, 2003

**SUBJECT:** CSHB 157(STA) version "H" (Work Order No. 23-GH1090\H)

**TO:** Representative Bruce Weyhrauch  
Attn: Ginny Austerman

**FROM:** Barbara R. Craver *BRC*  
Legislative Counsel

Enclosed is version "H" of CSHB 157(STA). This version incorporates all the amendments to version "D" agreed to by the House State Affairs Committee. There are also drafting changes made to the bill. I will briefly outline the changes to version "D" found in this new version on a section by section basis.

**Title section.** The bill title did not accurately reflect the contents of version "D" as drafted, and the changes to version "H" required additional changes. The particular subjects in this bill include:

- campaign finance;
- changes to definitions used in the regulation of lobbying;
- public official financial disclosure.

The Alaska Public Offices Commission is charged by AS 15.13.030 with overseeing all those topics.

**Section 1.** AS 15.13.030 in section 1 adds the issuance of written advisory opinions to the duties of the Alaska Public Offices Commission ("commission"). Section 1 of version "D" was deleted by amendment 1-B.

**Section 2, 3, & 4.** AS 15.13.040(a), (b) and (j) are amended to reflect the simplified reporting of fundraisers under new subsection (m); the changes to the existing statutes found in version "D" are removed by amendment 1-B. A new sentence is added to sec. 2 by amendment #4.

**Section 5.** AS 15.13.040 is amended to add new subsections as follows:

(l) allows the commission to request electronic filing of information under chapter AS 15.13;

(m) allows a simplified report to be filed for contributions and expenditures related to campaign fundraisers; the substance of this subsection was located in sec. 9 of version "D" and was redrafted to make it clearer and more generally applicable; secs. 10,

11, 12 of version "D" were deleted by amendment 5 and sec. 13 of version "D" was deleted by amendment 6.

**Section 6.** AS 15.13.072(e). This was sec. 14 in version "D"; a drafting change was made to clarify the meaning.

**Section 7.** AS 15.13.074(g). Amendment 7 replaced current language removed in version "D" sec. 15.

**Section 8.** AS 15.13.074(h). This section was added in version "H" because there is a cross reference in this section to AS 15.13.116(a)(1)(A). Amendment 10 deleted "a political party" from AS 15.13.116(a)(2). In order to preserve the intent of AS 15.13.074(h)(2), the reference to the other statutory subparagraph is removed and replaced with a reference to "unused contributions to a political party within 90 days after an election."

The legislature should make an explicit amendment to AS 15.13.074(h)(2) if it wishes to extend the effect of amendment 10 to the governor, lieutenant governor, or a group presumed to be controlled by a candidate for governor or lieutenant governor. Under current law the candidate may give unused contributions post election to a political party. The cross reference to AS 15.13.116(a)(1)(A) must be removed from AS 15.13.074(h) to conform to the changes in this bill.

**Section 9.** AS 15.13.078(b). This is the same as sec. 16 of version "D" with no changes.

**Section 10.** AS 15.13.110(a). This is the same as sec. 17 of version "D" with minor technical drafting changes.

**Section 11.** AS 15.13.116(a). This is the same as sec. 18 of version "D" with minor technical drafting changes in the body of subsection (a). Amendment 10 deleted "a political party" from AS 15.13.116(a)(2). In order to conform to this change, but preserve the meaning of AS 15.13.074(h) a new bill section was added. See sec. 8.

**Section 12.** AS 15.13.374. This is sec. 19 in version "D" with drafting changes to better organize the information without changing the substance. Amendment 11 is incorporated into the changes.

**Section 13.** AS 15.13.380. This is sec. 20 in version "D" with drafting changes to conform to the drafting manual without changing the substance.

Version "D" in sec. 20, subsection (k) made changes to language that was taken from AS 15.13.380(h). Version "H" deletes those changes. The reason is that (k) applies when a successful candidate is alleged to have violated a provision of AS 15.13, but there has been no decision by the commission that a violation has or has not occurred. In this case the language found in AS 15.13.380(h) provides that the commission shall promptly

Representative Bruce Weyhrauch  
May 7, 2003  
Page 3

dispose of the allegation. The change found in (k) attempts to indirectly add a requirement that the court system give appeals of these matters a priority position on the court calendar. Because (k) relates only to alleged violations and the procedure to be used by the commission, and because the added language does not clearly provide for and apply to appeals of decisions of the commission, it has been deleted.

The changes to (k) would have required notice of an indirect court rule amendment found in section 35 of version "D." The passage of an indirect court rule amendment requires a two-thirds majority vote, and if the vote failed, the changes would not have taken effect. Deleting the changes to (k) allowed the deletion of those other sections for version "H." Changes to the title were also made to reflect these changes.

Sections 14, 15, 16, and 17. These were secs. 21 - 24 in version "D." Minor drafting changes were made. Sec. 25 in version "D" was deleted by amendment 13, and the repeal of AS 24.45.116 is found in sec. 23 of version "H."

Section 18. AS 24.45.171(1). This was sec. 26 in version "D."

Section 19. AS 24.45.171(8). This was sec. 27 in version "D." The changes made by conceptual amendment 1 have been made.

Section 20. AS 24.60.200. This was sec. 28 in version "D." Amendment 17-A changes the amount of the disclosure of income required.

Section 21. AS 24.60.200. This was sec. 29 in version "D."

Section 22. AS 39.50.030(b). This was sec. 30 in version "D." Amendment 17-A changes to dollar amounts were made.

Section 23. AS 39.50.050(a). This was sec. 31 in version "D." Sec. 32 and 33 in version "D" were deleted by amendment 1-B.

Section 24. This is the repealer section that was sec. 34 in version "D." The only changes from version "D" were to add AS 24.45.116 to this section due to amendment 13, and to delete the reference to AS 39.50.200(a)(8)(G) which was repealed in 1999 in sec. 10, ch. 29 SLA 1999. Sec. 35 in version "D" was deleted; see notes to section 13 above. The repeals required a change to the title.

Section 25, 26, and 27. These were secs. 36, 37 and 38 in version "D."

BRC:mdr  
03-107.mdr

Enclosure:

23-GH1090H  
Craver  
5/7/03

**CS FOR HOUSE BILL NO. 157(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act authorizing the Alaska Public Offices Commission to issue advisory opinions;  
2 amending campaign financial disclosure requirements; amending the definition of  
3 'administrative action' and 'lobbyist'; amending limits on campaign contributions from  
4 nonresident individuals; providing for electronic filing of certain documents with the  
5 Alaska Public Offices Commission; allowing a candidate to make a loan to the  
6 candidate's own campaign without notifying the commission; amending provisions  
7 governing the distribution of unused campaign contributions; providing for expedited  
8 consideration of, and modifying procedures for determining, violations of state election  
9 campaign laws; amending the time period within which to file an administrative  
10 complaint of a violation of state election campaign laws; amending the definition of  
11 'political party' for state election campaigns; amending the requirements for the  
12 reporting of financial interests by public officials; repealing the prohibition on campaign

1 contribution solicitations and acceptances while the legislature is in session and in the  
2 capital city; repealing the requirement for civic leagues and organizations to report  
3 contributions to influence legislative action; making conforming amendments; and  
4 providing for an effective date."

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

6 \* Section 1. AS 15.13.030 is amended to read:

7 **Sec. 15.13.030. Duties of the commission.** The commission shall

8 (1) develop and provide all forms for the reports and statements  
9 required to be made under this chapter, AS 24.45, and AS 39.50;

10 (2) prepare and publish a manual setting out uniform methods of  
11 bookkeeping and reporting for use by persons required to make reports and statements  
12 under this chapter and otherwise assist candidates, groups, and individuals in  
13 complying with the requirements of this chapter;

14 (3) receive and hold open for public inspection reports and statements  
15 required to be made under this chapter and, upon request, furnish copies at cost to  
16 interested persons;

17 (4) compile and maintain a current list of all filed reports and  
18 statements;

19 (5) prepare a summary of each report filed under AS 15.13.110 and  
20 make copies of this summary available to interested persons at their actual cost;

21 (6) notify, by registered or certified mail, all persons who are  
22 delinquent in filing reports and statements required to be made under this chapter;

23 (7) examine, investigate, and compare all reports, statements, and  
24 actions required by this chapter, AS 24.45, and AS 39.50;

25 (8) prepare and publish a biennial report concerning the activities of  
26 the commission, the effectiveness of this chapter, its enforcement by the attorney  
27 general's office, and recommendations and proposals for change; the commission shall  
28 notify the legislature that the report is available;

29 (9) adopt regulations necessary to implement and clarify the provisions

1 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62  
2 (Administrative Procedure Act): and

3 (10) consider a written request for an advisory opinion concerning  
4 the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

5 \* Sec. 2. AS 15.13.040(a) is amended to read:

6 (a) Except as provided in (g) and (m) of this section, each candidate shall  
7 make a full report, upon a form prescribed by the commission, listing (1) the date and  
8 amount of all expenditures made by the candidate, (2) the total amount of all  
9 contributions, including all funds contributed by the candidate, and (3) for all  
10 contributions in excess of \$100 in the aggregate a year, the name, address, principal  
11 occupation, and employer of the contributor and the date and amount contributed by  
12 each contributor. The report shall be filed in accordance with AS 15.13.110 and shall  
13 be certified correct by the candidate or campaign treasurer. Nothing in this  
14 subsection prevents a candidate from reporting all contributions if desired by the  
15 candidate.

16 \* Sec. 3. AS 15.13.040(b) is amended to read:

17 (b) Except as provided in (m) of this section, each [EACH] group shall  
18 make a full report upon a form prescribed by the commission, listing

19 (1) the name and address of each officer and director;

20 (2) the aggregate amount of all contributions made to it; and for all  
21 contributions in excess of \$100 in the aggregate a year, the name, address, principal  
22 occupation, and employer of the contributor, and the date and amount contributed by  
23 each contributor; for purposes of this paragraph, "contributor" means the true source  
24 of the funds, property, or services being contributed; and

25 (3) the date and amount of all contributions made by it and all  
26 expenditures made, incurred, or authorized by it.

27 \* Sec. 4. AS 15.13.040(j) is amended to read:

28 (j) Except as provided in (m) of this section, each [EACH] nongroup entity  
29 shall make a full report in accordance with AS 15.13.110 upon a form prescribed by  
30 the commission and certified by the nongroup entity's treasurer, listing

31 (1) the name and address of each officer and director of the nongroup

1           entity;

2                         (2) the aggregate amount of all contributions made to the nongroup  
3           entity for the purpose of influencing the outcome of an election; and, for all such  
4           contributions in excess of \$100 in the aggregate a year, the name, address, principal  
5           occupation, and employer of the contributor, and the date and amount contributed by  
6           each contributor; for purposes of this paragraph, "contributor" means the true source  
7           of the funds, property, or services being contributed; and

8                         (3) the date and amount of all contributions made by the nongroup  
9           entity, and, except as provided for certain independent expenditures in  
10          AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup  
11          entity, for the purpose of influencing the outcome of an election; a nongroup entity  
12          shall report contributions made to a different nongroup entity for the purpose of  
13          influencing the outcome of an election and expenditures made on behalf of a different  
14          nongroup entity for the purpose of influencing the outcome of an election as soon as  
15          the total contributions and expenditures to that nongroup entity for the purpose of  
16          influencing the outcome of an election reach \$500 in a year and for all subsequent  
17          contributions and expenditures to that nongroup entity in a year whenever the total  
18          contributions and expenditures to that nongroup entity for the purpose of influencing  
19          the outcome of an election that have not been reported under this paragraph reach  
20          \$500.

21         \* Sec. 5. AS 15.13.040 is amended by adding new subsections to read:

22                         (i) Upon request of the commission, the information required under this  
23           chapter shall be submitted electronically.

24                         (m) Notwithstanding (a), (b), and (j) of this section, for any fund raising  
25           activity in which contributions are in amounts or values that do not exceed \$50 a  
26           person, the candidate, group, or nongroup entity shall report contributions and  
27           expenditures and supplying of services under this subsection as follows:

28                                 (1) a report under this subsection must

29   (A) describe the fund raising activity;

30   (B) include the number of persons making contributions and  
31           the total proceeds from the activity;

1 (C) report all contributions made for the fund raising activity  
2 that do not exceed \$50 a person in amount or value; if a contribution for the  
3 fund raising activity exceeds \$50, the contribution shall be reported under (a),  
4 (b), and (j) of this section;

5 (2) for purposes of this subsection,

6 (A) "contribution" means a cash donation, a purchase such as  
7 the purchase of a ticket, the purchase of goods or services offered for sale at a  
8 fund raising activity, or a donation of goods or services for the fund raising  
9 activity;

10 (B) "fund raising activity" means an activity, event, or sale of  
11 goods undertaken by a candidate, group, or nongroup entity in which  
12 contributions are \$50 a person or less in amount or value.

13 \* Sec. 6. AS 15.13.072(e) is amended to read:

14 (e) A candidate or an individual who has filed with the commission the  
15 document necessary to permit that individual to incur election-related expenses under  
16 AS 15.13.100 may solicit or accept contributions from an individual who is not a  
17 resident of the state at the time the contribution is made if the amounts contributed by  
18 individuals who are not residents do not exceed

19 (1) \$20,000 a calendar year, if the candidate or individual is seeking  
20 the office of governor or lieutenant governor;

21 (2) \$5,000 a calendar year, if the candidate or individual is seeking  
22 the office of state senator;

23 (3) \$3,000 a calendar year, if the candidate or individual is seeking  
24 the office of state representative or municipal or other office.

25 \* Sec. 7. AS 15.13.074(g) is amended to read:

26 (g) An individual required to register as a lobbyist under AS 24.45 may not  
27 make a contribution to a candidate for the legislature at any time the individual is  
28 subject to the registration requirement under as 24.45 and for one year after the date of  
29 the individual's initial registration or its renewal. However, the individual may make a  
30 contribution under this section to a candidate for the legislature in a district in which  
31 the individual is eligible to vote or will be eligible to vote on the date of the election.

1 An individual who is subject to the restrictions of this subsection shall report to the  
2 commission, on a form provided by the commission, each contribution made while  
3 required to register as a lobbyist under AS 24.45. Upon request of the commission,  
4 the information required under this subsection shall be submitted electronically.

5 This subsection does not apply to a representational lobbyist as defined in regulations  
6 of the commission.

7 \* Sec. 8. AS 15.13.074(h) is amended to read:

8 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant  
9 governor and a group that is not a political party and that, under the definition of the  
10 term "group," is presumed to be controlled by a candidate for governor or lieutenant  
11 governor, may not make a contribution to a candidate for another office, to a person  
12 who conducts a write-in campaign as a candidate for other office, or to another group  
13 of amounts received by that candidate or controlled group as contributions between  
14 January 1 and the date of the general election of the year of a general election for an  
15 election for governor and lieutenant governor. This subsection does not prohibit

16 (1) the group described in this subsection from making contributions to  
17 the candidates for governor and lieutenant governor whom the group supports; or

18 (2) the governor or lieutenant governor, or the group described in this  
19 subsection, from making contributions of unused contributions to a political party  
20 within 90 days after an election [UNDER AS 15.13.116(a)(2)(A)].

21 \* Sec. 9. AS 15.13.078(b) is amended to read:

22 (b) The provisions of this chapter do not prohibit the individual who is a  
23 candidate from lending any amount to the campaign of the candidate. Loans made by  
24 the candidate shall be reported as contributions in accordance with AS 15.13.040 and  
25 15.13.110. However, the candidate may not

26 [(1)] recover, under this section and AS 15.13.116(a)(4), the amount of  
27 a loan made by the candidate to the candidate's own campaign that exceeds

28 (1) [(A)] \$25,000, if the candidate ran for governor or lieutenant  
29 governor;

30 (2) [(B)] \$10,000, if the candidate ran for

31 (A) [(i)] the legislature; or

- 1                    (B) [(ii)] delegate to a constitutional convention;
- 2                    (3) [(C)] \$10,000, if the candidate was a judge seeking retention;
- 3                    (4) [(D)] \$5,000, if the candidate ran in a municipal election [; OR
- 4                    (2) REPAY A LOAN THAT THE CANDIDATE HAS MADE TO
- 5                    THE CANDIDATE'S OWN CAMPAIGN UNLESS, WITHIN FIVE DAYS OF
- 6                    MAKING THE LOAN, THE CANDIDATE NOTIFIES THE COMMISSION, ON A
- 7                    FORM PROVIDED BY THE COMMISSION, OF THE CANDIDATE'S
- 8                    INTENTION TO REPAY THE LOAN UNDER AS 15.13.116(a)(4)].

9       \* Sec. 10. AS 15.13.110(a) is amended to read:

10                    (a) Each candidate, group, and nongroup entity shall make a full report in

11                    accordance with AS 15.13.040 for the period ending three days before the due date of

12                    the report and beginning on the last day covered by the most recent previous report. If

13                    the report is a first report, it must [SHALL] cover the period from the beginning of the

14                    campaign to the date three days before the due date of the report. If the report is a

15                    report due February 15, it must [SHALL] cover the period beginning on the last day

16                    covered by the most recent previous report or on the day that the campaign started,

17                    whichever is later, and ending on February 1 of that [DECEMBER 31 OF THE

18                    PRIOR] year. The report shall be filed

19                    (1) 30 days before the election; however, this report is not required if

20                    the deadline for filing a nominating petition or declaration of candidacy is within 30

21                    days of the election;

22                    (2) one week before the election;

23                    (3) 105 [10] days after a special, municipal, or municipal run-off

24                    [THE] election; and

25                    (4) February 15 for expenditures made and contributions received that

26                    were not reported previously [DURING THE PREVIOUS YEAR], including, if

27                    applicable, all amounts expended from a public office expense term account

28                    established under AS 15.13.116(a)(8) and all amounts expended from a municipal

29                    office account under AS 15.13.116(a)(9), or when expenditures were not made or

30                    contributions were not received during the previous year.

31       \* Sec. 11. AS 15.13.116(a) is amended to read:

1 (a) A candidate who, after the date of the general, special, municipal, or  
2 municipal runoff election or after the date the candidate withdraws as a candidate,  
3 whichever comes first, holds unused campaign contributions shall on February 1 for  
4 a general election or within 90 days after a special, municipal, or municipal  
5 runoff election distribute the amount held [WITHIN 90 DAYS]. The distribution  
6 may only be made to

7 (1) pay bills incurred for expenditures reasonably related to the  
8 campaign and the winding up of the affairs of the campaign, including a victory or  
9 thank you party, thank you advertisements, and thank you gifts to campaign  
10 employees and volunteers, and to pay expenditures associated with post-election fund  
11 raising that may be needed to raise funds to pay off campaign debts;

12 (2) make donations, without condition, to

13 (A) [A POLITICAL PARTY;

14 (B)] the state's general fund;

15 (B) [(C)] a municipality of the state; or

16 (C) [(D)] the federal government;

17 (3) make donations, without condition, to organizations qualified as  
18 charitable organizations under 26 U.S.C. 501(c)(3) if [, PROVIDED] the organization  
19 is not controlled by the candidate or a member of the candidate's immediate family;

20 (4) repay loans from the candidate to the candidate's own campaign  
21 under AS 15.13.078(b);

22 (5) repay contributions to contributors, but only if repayment of the  
23 contribution is made pro rata in approximate proportion to the contributions made  
24 using one of the following, as the candidate determines:

25 (A) to all contributors;

26 (B) to contributors who have contributed most recently; or

27 (C) to contributors who have made larger contributions;

28 (6) establish a fund for, and from that fund to pay, attorney fees or  
29 costs incurred in the prosecution or defense of an administrative or civil judicial action  
30 that directly concerns a challenge to the victory or defeat of the candidate in the  
31 election;

1 (7) transfer all or a portion of the unused campaign contributions to an  
2 account for a future election campaign; a transfer under this paragraph is limited to

3 (A) \$50,000, if the transfer is made by a candidate for governo.:  
4 or lieutenant governor;

5 (B) \$10,000, if the transfer is made by a candidate for the state  
6 senate;

7 (C) \$5,000, if the transfer is made by a candidate for the state  
8 house of representatives; and

9 (D) \$5,000, if the transfer is made by a candidate for an office  
10 not described in (A) - (C) of this paragraph;

11 (8) transfer all or a portion of the unused campaign contributions to a  
12 public office expense term account or to a public office expense term account reserve  
13 in accordance with (d) of this section; a transfer under this paragraph is subject to the  
14 following:

15 (A) the authority to transfer is limited to candidates who are  
16 elected to the state legislature;

17 (B) the public office expense term account established under  
18 this paragraph may be used only for expenses associated with the candidate's  
19 serving as a member of the legislature;

20 (C) all amounts expended from the public office expense term  
21 account shall be annually accounted for under AS 15.13.110(a)(4); and

22 (D) a transfer under this paragraph is limited to \$5,000  
23 multiplied by the number of years in the term to which the candidate is elected  
24 plus any accumulated interest; and

25 (9) transfer all or a portion of the unused campaign contributions to a  
26 municipal office account; a transfer under this paragraph is subject to the following:

27 (A) the authority to transfer is limited to candidates who are  
28 elected to municipal office, including a municipal school board;

29 (B) the municipal office account established under this  
30 paragraph may be used only for expenses associated with the candidate's  
31 serving as mayor or as a member of the assembly, city council, or school

1 board;

2 (C) all amounts expended from the municipal office account  
3 shall be annually accounted for under AS 15.13.110(a)(4); and

4 (D) a transfer under this paragraph is limited to \$5,000.

5 \* **Sec. 12.** AS 15.13 is amended by adding a new section to read:

6 **Sec. 15.13.374. Advisory opinion.** (a) Any person may request an advisory  
7 opinion from the commission concerning this chapter, AS 24.45, AS 24.60.200 -  
8 24.60.260, or AS 39.50.

9 (b) A request for an advisory opinion

10 (1) must be in writing or contained in a message submitted by  
11 electronic mail;

12 (2) must describe a specific transaction or activity that the requesting  
13 person is presently engaged in or intends to undertake in the future;

14 (3) must include a description of all relevant facts, including the  
15 identity of the person requesting the advisory opinion; and

16 (4) may not concern a hypothetical situation or the activity of a third  
17 party.

18 (c) Within seven days after receiving a request satisfying the requirements of  
19 (b) of this section, the executive director of the commission shall recommend a draft  
20 advisory opinion for the commission to consider at its next meeting.

21 (d) The approval of a draft advisory opinion requires the affirmative vote of  
22 four members of the commission. A draft advisory opinion failing to receive four  
23 affirmative votes of the members of the commission is disapproved.

24 (e) A complaint under AS 15.13.380 may not be considered about a person  
25 involved in a transaction or activity that

26 (1) was the material subject of an advisory opinion approved under (d)  
27 of this section;

28 (2) is indistinguishable from the description of an activity that was  
29 approved in an advisory opinion approved under (d) of this section; or

30 (3) was undertaken after the executive director of the commission  
31 recommended a draft advisory opinion under (c) of this section and before the

1 commission acted on the draft advisory opinion under (d) of this section, if

2 (A) the draft advisory opinion would have approved the  
3 transaction or activity described; and

4 (B) the commission disapproved the draft advisory opinion.

5 (f) Advisory opinion requests and advisory opinions are public records subject  
6 to inspection and copying under AS 40.25.

7 \* Sec. 13. AS 15.13.380 is repealed and reenacted to read:

8 **Sec. 15.13.380. Violations; limitations on actions.** (a) Promptly after the  
9 final date for filing statements and reports under this chapter, the commission shall  
10 notify all persons who have become delinquent in filing a statement or report under  
11 this chapter, including contributors who failed to file a statement in accordance with  
12 AS 15.13.040, and shall make available a list of delinquent filers for public inspection.  
13 The commission shall also report to the attorney general the names of all candidates in  
14 an election whose campaign treasurers have failed to file the reports required by this  
15 chapter.

16 (b) A member of the commission, the commission's executive director, or a  
17 person who believes a violation of this chapter or a regulation adopted under this  
18 chapter has occurred or is occurring may file an administrative complaint with the  
19 commission within one year after the date of the alleged violation. If a member of the  
20 commission has filed the complaint, that member may not participate as a  
21 commissioner in any proceeding of the commission with respect to the complaint.  
22 The commission may consider a complaint on an expedited basis or a regular basis.

23 (c) The complainant or the respondent to the complaint may request in writing  
24 that the commission expedite consideration of the complaint. A request for expedited  
25 consideration must be accompanied by evidence to support expedited consideration  
26 and be served on the opposing party. The commission shall grant or deny the request  
27 within two days after receiving it. In deciding whether to expedite consideration, the  
28 commission shall consider such factors as whether the alleged violation, if not  
29 immediately restrained, could materially affect the outcome of an election or other  
30 impending event; whether the alleged violation could cause irreparable harm that  
31 penalties could not adequately remedy; and whether there is reasonable cause to

1 believe that a violation has occurred or will occur. Notwithstanding the absence of a  
2 request to expedite consideration, the commission may independently expedite  
3 consideration of the complaint if the commission finds that the standards for expedited  
4 consideration set out in this subsection have been met.

5 (d) If the commission expedites consideration, the commission shall hold a  
6 hearing on the complaint within two days after granting expedited consideration. Not  
7 later than one day after affording the respondent notice and an opportunity to be heard,  
8 the commission shall

9 (1) enter an emergency order requiring the violation to cease or to be  
10 remedied and shall assess civil penalties under AS 15.13.390 if the commission finds  
11 that the respondent has engaged in or is about to engage in an act or practice that  
12 constitutes or will constitute a violation of this chapter or a regulation adopted under  
13 this chapter; or

14 (2) enter an emergency order dismissing the complaint if the  
15 commission finds that the respondent has not or is not about to engage in an act or  
16 practice that constitutes or will constitute a violation of this chapter or a regulation  
17 adopted under this chapter; or

18 (3) remand the complaint to the executive director of the commission  
19 for consideration by the commission on a regular rather than expedited basis.

20 (e) If the commission accepts the complaint for consideration on a regular  
21 rather than expedited basis, the commission shall notify the respondent within seven  
22 days after receiving the complaint and shall investigate the complaint. The respondent  
23 may answer the complaint by filing a written response with the commission within 15  
24 days after the commission notifies the respondent of the complaint. The commission  
25 may grant the respondent additional time to respond to the complaint only for good  
26 cause. The commission shall hold a hearing on the complaint not later than 45 days  
27 after the respondent's written response is due. Not later than 10 days after the hearing,  
28 the commission shall issue its order. If the commission finds that the respondent has  
29 engaged in or is about to engage in an act or practice that constitutes or will constitute  
30 a violation of this chapter or a regulation adopted under this chapter, the commission  
31 shall enter an order requiring the violation to cease or to be remedied and shall assess

1 civil penalties under AS 15.13.390.

2 (f) If the complaint involves a challenge to the constitutionality of a statute or  
3 regulation, necessary witnesses that are not subject to the commission's subpoena  
4 authority, or other issues outside the commission's authority, the commission may  
5 request the attorney general to undertake a court action. The commission may request  
6 the attorney general to undertake a court action to remedy the violation of a  
7 commission order.

8 (g) A commission order under (d) or (e) of this section may be appealed to the  
9 superior court by either the complainant or respondent within 30 days after the order  
10 was issued in accordance with the Alaska Rules of Appellate Procedure.

11 (h) If the commission does not complete action on an administrative complaint  
12 within 90 days after the complaint was filed, the complainant may file a complaint in  
13 superior court alleging a violation of this chapter by a respondent as described in the  
14 administrative complaint filed with the commission. The complainant shall provide  
15 copies of the complaint filed in the superior court to the commission and the attorney  
16 general. A complaint may not be filed in superior court under this subsection if more  
17 than two years have elapsed after the date of the alleged violation. This subsection  
18 does not create a private cause of action against the commission; against the  
19 commission's members, officers, or employees; or against the state.

20 (i) If, after a successful candidate is sworn into office, a person who was a  
21 successful candidate or the campaign treasurer or deputy campaign treasurer of a  
22 person who was a successful candidate is convicted of a violation of this chapter,  
23 proceedings shall be held and appropriate action taken in accordance with

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

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

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

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

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

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

2 (7) the provisions of the call for the constitutional convention, if the  
3 candidate is a candidate for constitutional convention delegate;

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

6 (j) Information developed by the commission under (b) - (e) of this section  
7 shall be considered during a proceeding under (i) of this section.

8 (k) If, after a successful candidate is sworn into office, the successful  
9 candidate or the campaign treasurer or deputy campaign treasurer of the person who  
10 was a successful candidate is charged with a violation of this chapter, the case shall be  
11 promptly tried and accorded a preferred position for purposes of argument and  
12 decision, so as to assure a speedy disposition of the matter.

13 \* Sec. 14. AS 15.13.400(15) is repealed and reenacted to read:

14 (15) "political party" means any group that is a political party under  
15 AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or  
16 bylaws of the political party, the unit conducts or supports campaign operations in a  
17 municipality, neighborhood, house district, or precinct;

18 \* Sec. 15. AS 24.45.041 is amended by adding a new subsection to read:

19 (h) Upon request of the Alaska Public Offices commission, information  
20 required under this section shall be submitted electronically.

21 \* Sec. 16. AS 24.45.051 is amended to read:

22 **Sec. 24.45.051. Reports.** Each lobbyist registered under AS 24.45.041 shall  
23 file with the commission a report concerning the lobbyist's activities during each  
24 reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to  
25 engage in lobbying activities. The report shall be made on a form prescribed by the  
26 commission and filed in accordance with AS 24.45.071 and 24.45.081. Upon request  
27 of the Alaska Public Offices commission, information required under this section  
28 shall be submitted electronically. The report also must include any changes in the  
29 information required to be supplied under AS 24.45.041(b) and the following  
30 information for the reporting period, as applicable:

31 (1) the source of income, as defined in AS 39.50.200(a) and the

1 monetary value of all payments, including but not limited to salary, fees, and  
2 reimbursement of expenses, received in consideration for or directly or indirectly in  
3 support of or in connection with influencing legislative or administrative action, and  
4 the full name and complete address of each person from whom amounts or things of  
5 value have been received and the total monetary value received from each person;

6 (2) the aggregate amount of disbursements or expenditures made or  
7 incurred during the period in support of or in connection with influencing legislative  
8 or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's  
9 employer in the following categories:

10 (A) food and beverages;

11 (B) living accommodations;

12 (C) travel;

13 (3) the date and nature of any gift exceeding \$100 in value made to a  
14 public official and the full name and official position of that person;

15 (4) the name and official position of each public official, and the name  
16 of each member of the immediate family of any of these officials, with whom the  
17 lobbyist has engaged in an exchange of money, goods, services, or anything of more  
18 than \$100 in value and the nature and date of each of these exchanges and the  
19 monetary values exchanged;

20 (5) the name and address of any business entity in which the lobbyist  
21 knows or has reason to know that a public official is a proprietor, partner, director,  
22 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in  
23 an exchange of money, goods, services, or anything of value and the nature and date  
24 of each exchange and the monetary value exchanged if the total value of these  
25 exchanges is \$100 or more in a calendar year; and

26 (6) a notice of termination if the lobbyist has ceased the lobbying  
27 activity that required registration under this chapter and if this report constitutes the  
28 final report of the lobbyist's activities.

29 \* Sec. 17. AS 24.45.061 is amended by adding a new subsection to read:

30 (c) Upon request of the Alaska Public Offices commission, information  
31 required under this section shall be submitted electronically.

1 \* Sec. 18. AS 24.45.171(1) is amended to read:

2 (1) "administrative action" means the proposal, drafting, development,  
3 consideration, amendment, adoption, approval, promulgation, issuance, modification,  
4 rejection, or postponement by any state agency of any rule or [,] regulation, [ORDER,  
5 DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-  
6 JUDICIAL] action or proceeding whether or not governed by AS 44.62  
7 (Administrative Procedure Act); "administrative action" does not include

8 (A) a proceeding or an action to determine the rights or  
9 duties of a person under existing statutes, regulations, or policies;

10 (B) the issuance, amendment, or revocation of a permit,  
11 license, or entitlement for use;

12 (C) the enforcement of compliance with existing law or the  
13 imposition of sanctions for a violation of existing law;

14 (D) procurement activity, including the purchase or sale of  
15 property, goods, or services by the agency or the award of a grant or  
16 contract;

17 (E) the issuance of, or ensuring compliance with, a legal  
18 opinion; or

19 (F) activity related to a collective bargaining agreement,  
20 including negotiating or enforcing the agreement;

21 \* Sec. 19. AS 24.45.171(8) is amended to read:

22 (8) "lobbyist" means

23 (A) a person who, on a full-time or part-time basis, is  
24 employed and receives payments, income, or [WHO CONTRACTS FOR]  
25 economic consideration, including reimbursement for reasonable travel and  
26 living expenses, to communicate directly or through the person's agents with  
27 any public official for the purpose of influencing legislative or administrative  
28 action if a substantial or regular portion of the activities for which the person  
29 receives consideration is for the purpose of influencing legislative or  
30 administrative action; in this subparagraph, "substantial or regular" means  
31 more than 16 hours in a 30-day period in direct communication with

1                   public officials or legislative employees: or

2                                   (B) a person who engages [REPRESENTS ONESELF AS  
3                   ENGAGING] in the influencing of legislative or administrative action as a  
4                   business, occupation, service, or profession;

5 \* Sec. 20. AS 24.60.200 is amended to read:

6                   **Sec. 24.60.200. Financial disclosure by legislators, public members of the**  
7                   **committee, and legislative directors.** A legislator, a public member of the  
8                   committee, and a legislative director shall file a disclosure statement, under oath and  
9                   on penalty of perjury, with the Alaska Public Offices Commission giving the  
10                  following information about the income received by the discloser, the discloser's  
11                  spouse or spousal equivalent, the discloser's dependent children, and the discloser's  
12                  nondependent children who are living with the discloser:

13                               (1) the information that a public official is required to report under  
14                  AS 39.50.030, other than information about gifts;

15                               (2) as to income in excess of \$2,500 [\$1,000] received as  
16                  compensation for personal services, the name and address of the source of the income,  
17                  and a statement describing the nature of the services performed; if the source of  
18                  income is known or reasonably should be known to have a substantial interest in  
19                  legislative, administrative, or political action and the recipient of the income is a  
20                  legislator or a legislative director, the amount of income received from the source shall  
21                  be disclosed;

22                               (3) as to each loan or loan guarantee over \$1,000 from a source with a  
23                  substantial interest in legislative, administrative, or political action, the name and  
24                  address of the person making the loan or guarantee, the amount of the loan, the terms  
25                  and conditions under which the loan or guarantee was given, the amount outstanding  
26                  at the time of filing, and whether or not a written loan agreement exists.

27 \* Sec. 21. AS 24.60.200 is amended by adding a new subsection to read:

28                               (b) Upon request of the Alaska Public Offices Commission, the information  
29                  required under this chapter shall be submitted electronically.

30 \* Sec. 22. AS 39.50.030(b) is amended to read:

31                               (b) Except as provided in (g) of this section, each statement filed by a public

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official or candidate under this chapter must include the following:

(1) the source of all income over \$2,500 [\$1,000] during the preceding calendar year, including taxable and nontaxable capital gains, received by the person, the person's spouse or spousal equivalent, or the person's child, except that a source of income that is a gift must be included if the value of the gift exceeds \$250;

(2) the identity, by name and address, of each business in which the person, the person's spouse or spousal equivalent, or the person's child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than \$10,000 in the stock of a publicly traded corporation need not be included;

(3) [THE IDENTITY AND NATURE OF EACH INTEREST OWNED IN ANY BUSINESS DURING THE PRECEDING CALENDAR YEAR BY THE PERSON, THE PERSON'S SPOUSE OR SPOUSAL EQUIVALENT, OR THE PERSON'S CHILD;

(4)] the identity and nature of each interest in real property, including an option to buy, owned at any time during the preceding calendar year by the person, the person's spouse or spousal equivalent, or the person's child;

(4) [(5)] the identity of each trust or other fiduciary relation in which the person, the person's spouse or spousal equivalent, or the person's child held a beneficial interest exceeding \$2,500 [\$1,000] during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;

(5) [(6)] any loan or loan guarantee of more than <sup>5,000</sup>~~\$4,000~~ [\$1,000] made to the person, the person's spouse or spousal equivalent, or the person's child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or spousal equivalent, or the person's child owed more than <sup>5,000</sup>~~\$4,000~~ [\$1,000]; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than <sup>5,000</sup>~~\$4,000~~ [\$1,000] at any time during the preceding calendar year;

*technical correction*

1           (6) [(7)] a list of all contracts and offers to contract with the state or an  
2 instrumentality of the state during the preceding calendar year held, bid, or offered by  
3 the person, the person's spouse or spousal equivalent, or the person's child, a  
4 partnership or professional corporation of which the person is a member, or a  
5 corporation in which the person or the person's spouse, spousal equivalent, or children,  
6 or a combination of them, hold a controlling interest; and

7           (7) [(8)] a list of all mineral, timber, oil, or any other natural resource  
8 lease held, or lease offer made, during the preceding calendar year by the person, the  
9 person's spouse or spousal equivalent, or the person's child, a partnership or  
10 professional corporation of which the person is a member, or a corporation in which  
11 the person or the person's spouse or spousal equivalent or children, or a combination  
12 of them, holds a controlling interest.

13 \* Sec. 23. AS 39.50.050(a) is amended to read:

14           (a) The Alaska Public Offices Commission created under AS 15.13.020(a)  
15 shall administer the provisions of this chapter. The commission shall prepare and  
16 keep available for distribution [,] standardized forms on which the reports required by  
17 this chapter shall be filed. Upon request of the commission, the information  
18 required under this chapter shall be submitted electronically.

19 \* Sec. 24. AS 15.13.072(d), 15.13.072(g); AS 24.45.116; and AS 24.60.031 are repealed.

20 \* Sec. 25. The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22           TRANSITION: REGULATIONS. Notwithstanding sec. 27 of this Act, the Alaska  
23 Public Offices Commission or the Department of Administration, as appropriate, may proceed  
24 to adopt regulations necessary to implement the changes made by this Act. The regulations  
25 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date  
26 of the statutory change.

27 \* Sec. 26. Section 25 of this Act takes effect immediately under AS 01.10.070(c).

28 \* Sec. 27. Except as provided in sec. 26 of this Act, this Act takes effect July 1, 2003.

# MEMORANDUM

State of Alaska  
Alaska Public Offices Commission

To: Bruce Weyhrauch, Chair  
House State Affairs Committee

Date: April 30, 2003

From: Brooke Miles *Brooke*  
Executive Director

Tel. No.: 465-4865

Subject: HB 157

At Tuesday's hearing on HB 157, you requested that I provide the committee with an estimate of what it costs the Commission to administer the campaign disclosure and public official financial disclosure laws to the municipalities. Please understand that these figures represent a best estimate, because we do not have separate staff to work on just municipal filings and issues. Budget constraints restrict the level of service available to municipal filers. The figures below represent providing that same level of service to municipalities that we provide to state filers.

Personnel services:	\$45,217.00
Benefits (20%):	9,043.00
Paper, printing & postage:	7,500.00

Total: \$61,760.00

In the event that municipalities are removed from the campaign disclosure and public official financial disclosure laws, please note that a \$61,760 budget reduction would most likely prevent the Commission from meeting its mission. However, if the electronic filing and complaint process sections of HB 157 are enacted into law, in the next couple of years when the new procedures are implemented, the Commission hopes to realize certain efficiencies not currently possible.

MUNICIPALITY STATUS UNDER  
CAMPAIGN DISCLOSURE &  
PUBLIC OFFICIAL FINANCIAL DISCLOSURE LAWS

Municipality	Population	Campaign Disclosure	Public Official Financial Disclosure
Adak	316		Required
Akhiok	80		Exempt
Akiak	309		Exempt
Akutan	713		Exempt
Alakanuk	652		Exempt
Aleknagik	221		Exempt
Aleutians East Borough	2,697	Required	Required
Allakaket	97		Exempt
Ambler	309		Exempt
Anaktuvuk Pass	282		Exempt
Anchorage Municipality	260,283	Required	Required
Anderson	513		Exempt
Angoon	572		Required
Aniak	572		Exempt
Anvik	104		Required
Atka	92		Exempt
Atkasuk	228		Exempt
Barrow	4,581	Required	Required
Bethel	5,471	Required	Required
Bettles	43		Exempt
Brevig Mission	276		Exempt
Bristol Bay Borough	1,258	Opted Out	Exempt
Buckland	406		Exempt
Chefornak	394		Exempt
Chevak	765		Exempt
Chignik	79		Exempt
Chuathbaluk	119		Exempt
Clark's Point	75		Exempt
Coffman Cove	199		Required
Cold Bay	88		Exempt
Cordova	2,454	Opted Out	Exempt
Craig	1,397	Required	Exempt
Deering	136		Exempt
Delta Junction	840		Required
Denali Borough	2,039	Required	Required
Dillingham	2,466	Required	Exempt
Diomedes	146		Exempt

Municipality	Population	Campaign Disclosure	Public Official Financial Disclosure
Eagle	129		Exempt
Eek	280		Exempt
Egegik	116		Required
Ekwok	130		Exempt
Elim	318		Exempt
Emmonak	767		Exempt
Fairbanks	30,224	Required	Required
Fairbanks NS Borough	82,840	Required	Required
False Pass	76		Exempt
Fort Yukon	595		Required
Galena	675		Exempt
Gambell	649		Exempt
Golovin	144		Exempt
Goodnews Bay	230		Exempt
Grayling	194		Exempt
Haines Borough	2,392	Required	Required
Holy Cross	227		Required
Homer	3,946	Required	Exempt
Hoonah	860		Required
Hooper Bay	1,014	Required	Required
Houston	1,202	Required	Exempt
Hughes	78		Exempt
Huslia	293		Exempt
Hydraburg	382		Required
Juneau City/Borough	30,903	Required	Required
Kachemak	431		Exempt
Kake	710		Exempt
Kaktovik	293		Exempt
Kaltag	230		Exempt
Kasaan	39		Exempt
Kenai	6,942	Required	Required
Kenai Pen Borough	49,591	Required	Required
Ketchikan	7,922	Required	Required
Ketchikan Gateway Borough	14,070	Required	Required
Kiana	388		Exempt
King Cove	792		Exempt
Kivalina	377		Exempt
Klawock	854		Exempt
Kobuk	109		Exempt
Kodiak	6,334	Required	Exempt
Kodiak Island Borough	13,913	Required	Required

Municipality	Population	Campaign Disclosure	Public Official Financial Disclosure
Kotlik	591		Exempt
Kotzebue	3,082	Opted Out	Required
Koyuk	297		Required
Koyukuk	101		Exempt
Kupreanof	23		Exempt
Kwethluk	713		Required
Lake & Pen Borough	1,823	Required	Required
Larsen Bay	115		Exempt
Lower Kalskag	267		Required
Manokotak	399		Required
Marshall	349		Exempt
Mat-Su Borough	59,322	Required	Required
McGrath	401		Required
Mekoryuk	210		Required
Metlakatla	1,375	??	Exempt
Mountain Village	755		Required
Napakiak	353		Exempt
Napaskiak	390		
Nenana	486		Exempt
New Stuyahok	471		Required
Newhalen	160		Required
Nightmute	208		Exempt
Nikolai	104		Exempt
Nome	3,505	Opted Out	Required
Nondalton	221		Exempt
Noorvik	634		Exempt
North Pole	1,570	Required	Required
North Slope Borough	9,430	Required	Required
Northwest Arctic Borough	7,208	Required	Required
Nuiqsut	433		Exempt
Nulato	336		Exempt
Nunam Iqua	201		
Nunapitchuk	466		Exempt
Old Harbor	237		Exempt
Ouzinkie	225		Exempt
Palmer	4,533	Required	Exempt
Pelican	163		Exempt
Petersburg	3,224	Opted Out	Exempt
Pilot Point	100		Exempt
Pilot Station	550		Exempt
Platinum	41		Exempt

Municipality	Population	Campaign Disclosure	Public Official Financial Disclosure
Point Hope	757		Exempt
Port Alexander	81		Exempt
Port Heiden	119		Exempt
Port Lions	256		Exempt
Quinhagak	580		Exempt
Ruby	188		Exempt
Russian Mission	296		Exempt
Sand Point	952		Required
Savoonga	643		Exempt
Saxman	431		Exempt
Scammon Bay	465		Exempt
Selawik	772		Required
Seldovia	286		Required
Seward	2,830	Required	Required
Shageluk	129		Exempt
Shaktolik	230		Exempt
Shishmaref	562		Exempt
Shungnak	256		Exempt
Sitka City/Borough	8,835	Required	Required
Skagway	862		Required
Soldotna	3,759	Required	Required
St. George	152		Exempt
St. Mary's	500		Exempt
St. Michael	368		Required
St. Paul	532		Required
Stebbins	547		Required
Tanana	308		Exempt
Teller	268		Exempt
Tenakee Springs	104		Exempt
Thorne Bay	557		Required
Togiak	809		Required
Toksook Bay	532		Exempt
Unalakleet	747		Exempt
Unalaska	4,283	Required	Required
Upper Kalskag	230		Exempt
Valdez	4,336	Required	Exempt
Wainwright	546		Required
Wales	152		Exempt
Wasilla	5,469	Required	Required
White Mountain	203		Exempt
Whittier	182		Exempt

Municipality	Population	Campaign Disclosure	Public Official Financial Disclosure
Wrangell	2,308	Opted Out	Required
Yakutat City /Borough	808		Required

Municipalities under 1,000 are not subject to campaign disclosure law.

*4/29/03  
if aware, please  
to mark them if possible*

**CS FOR HOUSE BILL NO. 157(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Introduced:**

**Referred:**

**Original Sponsor(s): RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act streamlining the complaint procedures of the Alaska Public Offices  
2 Commission; authorizing the Alaska Public Offices Commission to issue advisory  
3 opinions; amending campaign financial disclosure requirements; amending the  
4 definition of 'lobbyist' and the limits on lobbyists' campaign contributions to candidates;  
5 amending campaign contribution limits; amending the definition of 'political party' for  
6 state election campaigns; amending the requirements for the reporting of financial  
7 interests by public officials; amending the campaign finance and public official financial  
8 disclosure laws to allow municipalities to choose whether they apply to municipal  
9 elections and municipal officials; relating to the crime of campaign misconduct; making  
10 conforming amendments; amending Rule 40, Alaska Rules of Civil Procedure, and Rule  
11 216, Alaska Rules of Appellate Procedure; and providing for an effective date."

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

1 \* Section 1. AS 15.13.010 is amended to read:

2 **Sec. 15.13.010. Applicability.** (a) This chapter applies

3 (1) in every election for governor, lieutenant governor, a member of the state  
4 legislature, a delegate to a constitutional convention, or judge seeking electoral  
5 confirmation;

6 (2) to a [EVERY] candidate for election to a municipal office in a  
7 municipality with a population of more than 1,000 inhabitants according to the latest  
8 United States census figures or estimates of population certified as correct for  
9 administrative purposes by the Department of Community and Economic  
10 Development only if [UNLESS] the municipality has opted for [EXEMPTED  
11 ITSELF FROM] the provisions of this chapter to apply; a municipality may opt into  
12 [EXEMPT ITS ELECTED MUNICIPAL OFFICERS FROM] the requirements of this  
13 chapter if a majority of the voters voting on the question at a regular election, as  
14 defined by AS 29.71.800(20), or a special municipality-wide election called for that  
15 purpose, votes to apply [EXEMPT ITS ELECTED MUNICIPAL OFFICERS FROM]  
16 the requirements of this chapter; the question of the application of [EXEMPTION  
17 FROM] the requirements of this chapter may be submitted by the governing body by  
18 ordinance or by initiative election. A municipality that opts for the application of  
19 the requirements of this chapter shall pay a fee to the state for services under this  
20 chapter. The amount of the fee will be set by the Department of Administration  
21 in regulation.

22 \* Sec. 2. AS 15.13.030 is amended to read:

23 **Sec. 15.13.030. Duties of the commission.** The commission shall

24 (1) develop and provide all forms for the reports and statements  
25 required to be made under this chapter, AS 24.45, and AS 39.50;

26 (2) prepare and publish a manual setting out uniform methods of  
27 bookkeeping and reporting for use by persons required to make reports and statements  
28 under this chapter and otherwise assist candidates, groups, and individuals in  
29 complying with the requirements of this chapter;

30 (3) receive and hold open for public inspection reports and statements  
31 required to be made under this chapter and, upon request, furnish copies of cost to

1 interested persons;

2 (4) compile and maintain a current list of all filed reports and  
3 statements;

4 (5) prepare a summary of each report filed under AS 15.13.110 and  
5 make copies of this summary available to interested persons at their actual cost;

6 (6) notify, by registered or certified mail, all persons who are  
7 delinquent in filing reports and statements required to be made under this chapter;

8 (7) examine, investigate, and compare all reports, statements, and  
9 actions required by this chapter, AS 24.45, and AS 39.50;

10 (8) prepare and publish a biennial report concerning the activities of  
11 the commission, the effectiveness of this chapter, its enforcement by the attorney  
12 general's office, and recommendations and proposals for change; the commission shall  
13 notify the legislature that the report is available;

14 (9) adopt regulations necessary to implement and clarify the provisions  
15 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62  
16 (Administrative Procedure Act); and

17 (10) consider a written request for an advisory opinion concerning  
18 the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

19 \* Sec. 3. AS 15.13.040(a) is amended to read:

20 (a) Except as provided in (g) and (m) of this section, each candidate shall  
21 make a full report, upon a form prescribed by the commission, listing (1) the date and  
22 amount of all expenditures made by the candidate, (2) the total amount of all  
23 contributions, including all funds contributed by the candidate, and (3) for all  
24 contributions [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], listing the  
25 name, address, [PRINCIPAL OCCUPATION, AND EMPLOYER OF THE  
26 CONTRIBUTOR] and the date and amount contributed by each contributor and, for  
27 contributions in excess of \$250 in the aggregate a year, listing the principal  
28 occupation and employer of the contributor. The report shall be filed in accordance  
29 with AS 15.13.110 and shall be certified correct by the candidate or campaign  
30 treasurer.

*Calendar Year*

31 \* Sec. 4. AS 15.13.040(b) is amended to read:

1 (b) Except as provided in (m) of this section, each [EACH] group shall  
 2 make a full report upon a form prescribed by the commission, listing

3 (1) the name and address of each officer and director;

4 (2) the aggregate amount of all contributions made to it;

5 (3) [AND,] for all contributions described in (2) of this subsection  
 6 [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name, address,  
 7 [PRINCIPAL OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR,] and  
 8 the date and amount contributed by each contributor, and for contributions in excess  
 9 of \$250 in the aggregate a year, the principal occupation and employer of the  
 10 contributor; for purposes of this paragraph, "contributor" means the true source of the  
 11 funds, property, or services being contributed; and

12 (4) [(3)] the date and amount of all contributions made by it and all  
 13 expenditures made, incurred, or authorized by it.

14 \* **Sec. 5.** AS 15.13.040(g) is amended to read:

15 (g) The provisions of (a) of this section do not apply if a candidate

16 (1) indicates, on a form prescribed by the commission, an intent not to  
 17 raise and not to expend more than \$5,000 [\$2,500] in seeking election to office,  
 18 including both the primary and general elections;

19 (2) accepts contributions totaling not more than \$5,000 [\$2,500] in  
 20 seeking election to office, including both the primary and general elections; and

21 (3) makes expenditures totaling not more than \$5,000 [\$2,500] in  
 22 seeking election to office, including both the primary and general elections.

23 \* **Sec. 6.** AS 15.13.040(h) is amended to read:

24 (h) The provisions of (d) of this section do not apply to one or more  
 25 expenditures made by an individual acting independently of any group or nongroup  
 26 entity and independently of any other individual if the expenditures

27 (1) cumulatively do not exceed \$500 [\$250] during a calendar year;  
 28 and

29 (2) are made only for billboards, signs, or printed material concerning  
 30 a ballot proposition as that term is defined by AS 15.13.065(c).

31 \* **Sec. 7.** AS 15.13.040(j) is amended to read:

1 (j) Except as provided in (m) of this section, each [EACH] nongroup entity  
2 shall make a full report in accordance with AS 15.13.110 upon a form prescribed by  
3 the commission and certified by the nongroup entity's treasurer, listing

4 (1) the name and address of each officer and director of the nongroup  
5 entity;

6 (2) the aggregate amount of all contributions made to the nongroup  
7 entity for the purpose of influencing the outcome of an election;

8 (3) [AND,] for all [SUCH] contributions described in (2) of this  
9 subsection [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name,  
10 address, [PRINCIPAL OCCUPATION, AND EMPLOYER OF THE  
11 CONTRIBUTOR,] and the date and amount contributed by each contributor and, for  
12 all such contributions in excess of \$250 in the aggregate a year, the principal  
13 occupation and employer of the contributor; for purposes of this paragraph,  
14 "contributor" means the true source of the funds, property, or services being  
15 contributed; and

16 (4) [(3)] the date and amount of all contributions made by the  
17 nongroup entity, and, except as provided for certain independent expenditures in  
18 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup  
19 entity, for the purpose of influencing the outcome of an election; a nongroup entity  
20 shall report contributions made to a different nongroup entity for the purpose of  
21 influencing the outcome of an election and expenditures made on behalf of a different  
22 nongroup entity for the purpose of influencing the outcome of an election as soon as  
23 the total contributions and expenditures to that nongroup entity for the purpose of  
24 influencing the outcome of an election reach \$500 in a year and for all subsequent  
25 contributions and expenditures to that nongroup entity in a year whenever the total  
26 contributions and expenditures to that nongroup entity for the purpose of influencing  
27 the outcome of an election that have not been reported under this paragraph reach  
28 \$500.

29 \* Sec. 8. AS 15.13.040 is amended by adding new subsections to read:

30 (l) Upon request of the commission, the information required under this  
31 chapter shall be submitted electronically.

1 (m) The information required under (a)(3), (b)(3), and (j)(3) of this section for  
2 a report concerning contributions received at a fundraiser is limited to the information  
3 specified in AS 15.13.042.

4 \* **Sec. 9.** AS 15.13 is amended by adding a new section to read:

5 **Sec. 15.13.042. Reporting of fundraisers.** (a) If reporting a fundraiser, a  
6 candidate or campaign treasurer shall state the total number of contributing  
7 participants at the fundraiser, the date and location of the fundraiser, a description of  
8 the type of activity involved in the fundraiser, and the total costs of and receipts from  
9 the fundraiser.

10 (b) The information requirements in AS 15.13.040(a)(3), (b)(3), and (j)(3) do  
11 not apply to contributions received at a fundraiser if

12 (1) the fundraiser draws 25 or more contributing participants, ticket  
13 buyers, purchasers, or donors; and

14 (2) the amount or value received from any one person does not exceed  
15 \$50 at the fundraiser.

16 (c) If reporting receipts from a fundraiser described in (b)(1) and (2) of this  
17 section, the candidate or campaign treasurer need only report the total proceeds  
18 generated by the fundraiser and the total number of contributing participants, tickets  
19 sold, items purchased, or donations received, as applicable.

20 (d) If a person contributes more than \$50 at a fundraiser, that contribution  
21 must be reported in the manner provided in AS 15.13.040.

22 (e) In this section, "fundraiser"

23 (1) means an event at which contributions to a political campaign are  
24 solicited and raised; and

25 (2) includes

26 (A) a garage sale;

27 (B) a raffle, drawing, or auction;

28 (C) a spaghetti feed or potluck dinner;

29 (D) the sale of campaign material, including posters, buttons,  
30 stickers, clothing, frisbees, and key chains; and

31 (E) a sponsored concert.

1 \* **Sec. 10.** AS 15.13.070(b) is amended to read:

2 (b) An individual may contribute not more than

3 (1) \$1,000 [\$500] per year to a nongroup entity for the purpose of  
4 influencing the nomination or election of a candidate, to a candidate, to an individual  
5 who conducts a write-in campaign as a candidate, or to a group that is not a political  
6 party;

7 (2) \$10,000 [\$5,000] per year to a political party for the purpose of  
8 influencing the nomination or election of a candidate or candidates.

9 \* **Sec. 11.** AS 15.13.070(c) is amended to read:

10 (c) A group that is not a political party may contribute not more than [\$1,000  
11 PER YEAR]

12 (1) \$5,000 per year to a candidate, or to an individual who conducts a  
13 write-in campaign as a candidate; [OR]

14 (2) \$5,000 per year to another group or [,] a nongroup entity; [,] or

15 (3) \$10,000 per year to a political party.

16 \* **Sec. 12.** AS 15.13.070(f) is amended to read:

17 (f) A nongroup entity may contribute not more than \$1,000 [\$500] a year to a  
18 nongroup entity for the purpose of influencing the nomination or election of a  
19 candidate, to a candidate, to an individual who conducts a write-in campaign as a  
20 candidate, to a group, or to a political party.

21 \* **Sec. 13.** AS 15.13.072(a) is amended to read:

22 (a) A candidate or an individual who has filed with the commission the  
23 document necessary to permit that individual to incur election-related expenses under  
24 AS 15.13.100 may not solicit or accept a contribution from

25 (1) a person not authorized by law to make a contribution;

26 (2) an individual who is not a resident of the state at the time the  
27 contribution is made, except as provided in (e) of this section;

28 (3) a group organized under the laws of another state, resident in  
29 another state, or whose participants are not residents of this state at the time the  
30 contribution is made; or

31 (4) a person registered as a lobbyist if the contribution violates

1 [AS 15.13.074(g) OR] AS 24.45.121(a)(8)

2 \* **Sec. 14.** AS 15.13.072(e) is amended to read:

3 (e) A candidate or an individual who has filed with the commission the  
4 document necessary to permit that individual to incur election-related expenses under  
5 AS 15.13.100 may solicit or accept contributions from an individual who is not a  
6 resident of the state at the time the contribution is made if the amounts contributed by  
7 individuals who are not residents do not exceed

8 (1) \$20,000 per year, if the candidate or individual is seeking the  
9 office of governor or lieutenant governor;

10 (2) \$5,000 per year, if the candidate or individual is seeking the office  
11 of state senator;

12 (3) \$3,000 per year, if the candidate or individual is seeking the office  
13 of state representative or municipal or other office.

14 \* **Sec. 15.** AS 15.13.074(g) is amended to read:

15 (g) An individual required to register as a lobbyist under AS 24.45 [MAY  
16 NOT MAKE A CONTRIBUTION TO A CANDIDATE FOR THE LEGISLATURE  
17 AT ANY TIME THE INDIVIDUAL IS SUBJECT TO THE REGISTRATION  
18 REQUIREMENT UNDER AS 24.45 AND FOR ONE YEAR AFTER THE DATE  
19 OF THE INDIVIDUAL'S INITIAL REGISTRATION OR ITS RENEWAL.  
20 HOWEVER, THE INDIVIDUAL MAY MAKE A CONTRIBUTION UNDER THIS  
21 SECTION TO A CANDIDATE FOR THE LEGISLATURE IN A DISTRICT IN  
22 WHICH THE INDIVIDUAL IS ELIGIBLE TO VOTE OR WILL BE ELIGIBLE TO  
23 VOTE ON THE DATE OF THE ELECTION. AN INDIVIDUAL WHO IS  
24 SUBJECT TO THE RESTRICTIONS OF THIS SUBSECTION] shall report to the  
25 commission, on a form provided by the commission, each contribution made while  
26 required to register as a lobbyist under AS 24.45. Upon request of the commission,  
27 the information required under this subsection shall be submitted electronically.

28 This subsection does not apply to a representational lobbyist as defined in regulations  
29 of the commission.

30 \* **Sec. 16.** AS 15.13.078(b) is amended to read:

31 (b) The provisions of this chapter do not prohibit the individual who is a

1 candidate from lending any amount to the campaign of the candidate. Loans made by  
 2 the candidate shall be reported as contributions in accordance with AS 15.13.040 and  
 3 15.13.110. However, the candidate may not

4 [(1)] recover, under this section and AS 15.13.116(a)(4), the amount of  
 5 a loan made by the candidate to the candidate's own campaign that exceeds

6 (1) [(A)] \$25,000, if the candidate ran for governor or lieutenant  
 7 governor;

8 (2) [(B)] \$10,000, if the candidate ran for

9 (A) [(i)] the legislature; or

10 (B) [(ii)] delegate to a constitutional convention;

11 (3) [(C)] \$10,000, if the candidate was a judge seeking retention;

12 (4) [(D)] \$5,000, if the candidate ran in a municipal election, [; OR

13 (2) REPAY A LOAN THAT THE CANDIDATE HAS MADE TO  
 14 THE CANDIDATE'S OWN CAMPAIGN UNLESS, WITHIN FIVE DAYS OF  
 15 MAKING THE LOAN, THE CANDIDATE NOTIFIES THE COMMISSION, ON A  
 16 FORM PROVIDED BY THE COMMISSION, OF THE CANDIDATE'S  
 17 INTENTION TO REPAY THE LOAN UNDER AS 15.13.116(a)(4)].

18 \* **Sec. 17.** AS 15.13.110(a) is amended to read:

19 (a) Each candidate, group, and nongroup entity shall make a full report in  
 20 accordance with AS 15.13.040 for the period ending three days before the due date of  
 21 the report and beginning on the last day covered by the most recent previous report. If  
 22 the report is a first report, it shall cover the period from the beginning of the campaign  
 23 to the date three days before the due date of the report. If the report is a report due  
 24 February 15, it shall cover the period beginning on the last day covered by the most  
 25 recent previous report or on the day that the campaign started, whichever is later, and  
 26 ending on February 1 of that [DECEMBER 31 OF THE PRIOR] year. The report  
 27 shall be filed

28 (1) 30 days before the election; however, this report is not required if  
 29 the deadline for filing a nominating petition or declaration of candidacy is within 30  
 30 days of the election;

31 (2) one week before the election;

1 (3) 105 [10] days after a [THE] special, municipal, or municipal  
2 run-off election; and

3 (4) February 15 for expenditures made and contributions received that  
4 were not reported previously [DURING THE PREVIOUS YEAR], including, if  
5 applicable, all amounts expended from a public office expense term account  
6 established under AS 15.13.116(a)(8) and all amounts expended from a municipal  
7 office account under AS 15.13.116(a)(9), or when expenditures were not made or  
8 contributions were not received during the previous year.

9 \* **Sec. 18.** AS 15.13.116(a) is amended to read:

10 (a) A candidate who, after the date of the general, special, municipal, or  
11 municipal runoff election or after the date the candidate withdraws as a candidate,  
12 whichever comes first, holds unused campaign contributions shall distribute the  
13 amount held on February 1 for a general election or within 90 days after a special,  
14 municipal, or municipal run-off election. The distribution may only be made to

15 (1) pay bills incurred for expenditures reasonably related to the  
16 campaign and the winding up of the affairs of the campaign, including a victory or  
17 thank you party, thank you advertisements, and thank you gifts to campaign  
18 employees and volunteers, and to pay expenditures associated with post-election fund  
19 raising that may be needed to raise funds to pay off campaign debts;

20 (2) make donations, without condition, to

21 (A) a political party;

22 (B) the state's general fund;

23 (C) a municipality of the state; or

24 (D) the federal government;

25 (3) make donations, without condition, to organizations qualified as  
26 charitable organizations under 26 U.S.C. 501(c)(3), if [PROVIDED] the organization  
27 is not controlled by the candidate or a member of the candidate's immediate family;

28 (4) repay loans from the candidate to the candidate's own campaign  
29 under AS 15.13.078(b);

30 (5) repay contributions to contributors, but only if repayment of the  
31 contribution is made pro rata in approximate proportion to the contributions made

1 using one of the following, as the candidate determines:

2 (A) to all contributors;

3 (B) to contributors who have contributed most recently; or

4 (C) to contributors who have made larger contributions;

5 (6) establish a fund for, and from that fund to pay, attorney fees or  
6 costs incurred in the prosecution or defense of an administrative or civil judicial action  
7 that directly concerns a challenge to the victory or defeat of the candidate in the  
8 election;

9 (7) transfer all or a portion of the unused campaign contributions to an  
10 account for a future election campaign; a transfer under this paragraph is limited to

11 (A) \$50,000, if the transfer is made by a candidate for governor  
12 or lieutenant governor;

13 (B) \$10,000, if the transfer is made by a candidate for the state  
14 senate;

15 (C) \$5,000, if the transfer is made by a candidate for the state  
16 house of representatives; and

17 (D) \$5,000, if the transfer is made by a candidate for an office  
18 not described in (A) - (C) of this paragraph;

19 (8) transfer all or a portion of the unused campaign contributions to a  
20 public office expense term account or to a public office expense term account reserve  
21 in accordance with (d) of this section; a transfer under this paragraph is subject to the  
22 following:

23 (A) the authority to transfer is limited to candidates who are  
24 elected to the state legislature;

25 (B) the public office expense term account established under  
26 this paragraph may be used only for expenses associated with the candidate's  
27 serving as a member of the legislature;

28 (C) all amounts expended from the public office expense term  
29 account shall be annually accounted for under AS 15.13.110(a)(4); and

30 (D) a transfer under this paragraph is limited to \$5,000  
31 multiplied by the number of years in the term to which the candidate is elected

1 plus any accumulated interest; and

2 (9) transfer all or a portion of the unused campaign contributions to a  
3 municipal office account; a transfer under this paragraph is subject to the following:

4 (A) the authority to transfer is limited to candidates who are  
5 elected to municipal office, including a municipal school board;

6 (B) the municipal office account established under this  
7 paragraph may be used only for expenses associated with the candidate's  
8 serving as mayor or as a member of the assembly, city council, or school  
9 board;

10 (C) all amounts expended from the municipal office account  
11 shall be annually accounted for under AS 15.13.110(a)(4); and

12 (D) a transfer under this paragraph is limited to \$5,000.

13 \* **Sec. 19.** AS 15.13 is amended by adding a new section to read:

14 **Sec. 15.13.374. Advisory opinion.** (a) A person may request an advisory  
15 opinion from the commission concerning this chapter, AS 24.45, AS 24.60.200 -  
16 24.60.260, or AS 39.50.

17 (b) Each request for an advisory opinion must

18 (1) be in writing or contained in a message submitted by electronic  
19 mail;

20 (2) describe a specific transaction or activity that the requesting person  
21 is presently engaged in, or intends to undertake in the future; and

22 (3) include a description of all relevant facts.

23 (c) The commission may not grant an advisory opinion request addressing a  
24 hypothetical situation or the activity of third parties.

25 (d) Within seven days of receiving a request satisfying the requirements of (b)  
26 and (c) of this section, the executive director of the commission shall recommend a  
27 draft advisory opinion for the commission to consider at its next meeting.

28 (e) The approval of a draft advisory opinion requires the affirmative vote of  
29 four members of the commission. A draft advisory opinion failing to receive four  
30 affirmative votes of the members of the commission is disapproved.

31 (f) A complaint under AS 15.13.380 may not be considered about any person

1 involved in a transaction or activity that

2 (1) was described in an advisory opinion approved under (e) of this  
3 section;

4 (2) is indistinguishable from the description of an activity that was  
5 approved in an advisory opinion approved under (e) of this section; or

6 (3) was undertaken after the executive director of the commission  
7 recommended a draft advisory opinion under (d) of this section and before the  
8 commission acted on the draft advisory opinion under (e) of this section, if

9 (A) the draft advisory opinion would have approved the  
10 transaction or activity described; and

11 (B) the commission disapproved the draft advisory opinion.

12 (g) Advisory opinion requests and advisory opinions are public records subject  
13 to inspection and copying under AS 40.25.

14 \* **Sec. 20.** AS 15.13.380 is repealed and reenacted to read:

15 **Sec. 15.13.380. Violations; limitations on actions.** (a) Promptly after the  
16 final date for filing statements and reports under this chapter, the commission shall  
17 notify all persons who have become delinquent in filing them, including contributors  
18 who failed to file a statement in accordance with AS 15.13.040, and shall make  
19 available a list of those delinquent filers for public inspection. The commission shall  
20 also report to the attorney general the names of all candidates in an election whose  
21 campaign treasurers have failed to file the reports required by this chapter.

22 (b) A member of the commission, the commission's executive director, or a  
23 person who believes a violation of this chapter or a regulation adopted under this  
24 chapter has occurred or is occurring may file an administrative complaint with the  
25 commission within one year after the date of the alleged violation. If a member of the  
26 commission has filed the complaint, that member may not participate as a  
27 commissioner in any proceeding of the commission with respect to the complaint.  
28 The commission may consider a complaint on an expedited basis or a regular basis.

29 (c) The complainant or the respondent to the complaint may request in writing  
30 that the commission expedite consideration of the complaint. A request for expedited  
31 consideration must be accompanied by evidence to support expedited consideration

1 and be served on the opposing party. The commission shall grant or deny the request  
2 within two days after receiving it. In deciding whether to expedite consideration, the  
3 commission shall consider such factors as whether the alleged violation, if not  
4 immediately restrained, could materially affect the outcome of an election or other  
5 impending event; whether the alleged violation could cause irreparable harm that  
6 penalties could not adequately remedy; and whether there is reasonable cause to  
7 believe that a violation has occurred or will occur. Notwithstanding the absence of a  
8 request to expedite consideration, the commission may independently expedite  
9 consideration of the complaint if the commission finds that the standards for expedited  
10 consideration set out in this subsection have been met.

11 (d) If the commission expedites consideration, the commission shall hold a  
12 hearing on the complaint within two days after granting expedited consideration. No  
13 later than one day after affording the respondent notice and an opportunity to be heard,  
14 the commission shall

15 (1) enter an emergency order requiring the violation to be ceased or to  
16 be remedied and assess civil penalties under AS 15.13.390, if the commission finds  
17 that the respondent has engaged in or is about to engage in an act or practice that  
18 constitutes or will constitute a violation of this chapter or a regulation adopted under  
19 it;

20 (2) enter an emergency order dismissing the complaint, if the  
21 commission finds that the respondent has not or is not about to engage in an act or  
22 practice that constitutes or will constitute a violation of this chapter or a regulation  
23 adopted under it; or

24 (3) remand the complaint to the executive director of the commission  
25 for consideration by the commission on a regular rather than expedited basis.

26 (e) If the commission accepts the complaint for consideration on a regular  
27 rather than expedited basis, the commission shall notify the respondent within seven  
28 days after receiving the complaint and shall investigate the complaint. The respondent  
29 may answer the complaint by filing a written response with the commission within 15  
30 days after the commission notifies the respondent of the complaint. The commission  
31 may grant the respondent additional time to respond to the complaint only for good

1 cause. The commission shall hold a hearing on the complaint no later than 45 days  
2 after the respondent's written response is due. No later than 10 days after the hearing,  
3 the commission shall issue its order. If the commission finds that the respondent has  
4 engaged in or is about to engage in an act or practice that constitutes or will constitute  
5 a violation of this chapter or a regulation adopted under it, the commission shall enter  
6 an order requiring the violation to be ceased or to be remedied, and shall assess civil  
7 penalties under AS 15.13.390.

8 (f) If the complaint involves a challenge to the constitutionality of a statute or  
9 regulation, necessary witnesses that are not subject to the commission's subpoena  
10 authority, or other issues outside the commission's authority, the commission may  
11 request the attorney general to undertake a court action. The commission may request  
12 the attorney general to undertake a court action to remedy the violation of a  
13 commission order.

14 (g) A commission order under (d) or (e) of this section may be appealed to the  
15 superior court by either the complainant or respondent within 30 days in accordance  
16 with the Alaska Rules of Appellate Procedure.

17 (h) If the commission does not complete action on an administrative complaint  
18 within 90 days after the complaint was filed, the complainant may file a complaint in  
19 superior court alleging a violation of this chapter by a respondent as described in the  
20 administrative complaint filed with the commission. The complainant shall provide  
21 copies of the complaint filed in the superior court to the commission and the attorney  
22 general. A complaint may not be filed in superior court under this subsection if more  
23 than two years have elapsed after the date of the alleged violation. This subsection  
24 does not create a private cause of action against the commission; against the  
25 commission's members, officers, or employees; or against the state.

26 (i) If, after a successful candidate is sworn into office, a person who was a  
27 successful candidate or the campaign treasurer or deputy campaign treasurer of a  
28 person who was a successful candidate is convicted of a violation of this chapter,  
29 proceedings shall be held and appropriate action taken in accordance with

30 (1) art. II, sec. 12, of the state constitution, if the candidate is a  
31 candidate for the state legislature;

1 (2) art. II, sec. 20, of the state constitution, if the candidate is a  
2 candidate for governor or lieutenant governor;

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

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

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

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

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

10 (8) art. IV, § 10 of the state constitution, if the candidate is a candidate  
11 for judicial retention.

12 (j) Information developed by the commission under (b) - (e) of this section  
13 shall be considered during a proceeding under (i) of this section.

14 (k) If, after a successful candidate is sworn into office, the successful  
15 candidate or the campaign treasurer or deputy campaign treasurer of the person who  
16 was a successful candidate is charged with a violation of this chapter, the case or  
17 appeal before the court shall be promptly tried and accorded a preferred position for  
18 purposes of argument and decision, so as to assure a speedy disposition of the matter  
19 by the court.

20 \* **Sec. 21.** AS 15.13.400(15) is repealed and reenacted to read:

21 (15) "political party" means any group that is a political party under  
22 AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or  
23 bylaws of the political party, the unit conducts or supports campaign operations in a  
24 municipality, neighborhood, house district, or precinct;

25 \* **Sec. 22.** AS 24.45.041 is amended by adding a new subsection to read:

26 (h) Upon request of the commission, information required under this section  
27 shall be submitted electronically.

28 \* **Sec. 23.** AS 24.45.051 is amended to read:

29 **Sec. 24.45.051. Reports.** Each lobbyist registered under AS 24.45.041 shall  
30 file with the commission a report concerning the lobbyist's activities during each  
31 reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to

1 engage in lobbying activities. The report shall be made on a form prescribed by the  
2 commission and filed in accordance with AS 24.45.071 and 24.45.081. Upon request  
3 of the commission, information required under this section shall be submitted  
4 electronically. The report also must include any changes in the information required  
5 to be supplied under AS 24.45.041(b) and the following information for the reporting  
6 period, as applicable:

7 (1) the source of income, as defined in AS 39.50.200(a) and the  
8 monetary value of all payments, including but not limited to salary, fees, and  
9 reimbursement of expenses, received in consideration for or directly or indirectly in  
10 support of or in connection with influencing legislative or administrative action, and  
11 the full name and complete address of each person from whom amounts or things of  
12 value have been received and the total monetary value received from each person;

13 (2) the aggregate amount of disbursements or expenditures made or  
14 incurred during the period in support of or in connection with influencing legislative  
15 or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's  
16 employer in the following categories:

17 (A) food and beverages;

18 (B) living accommodations;

19 (C) travel;

20 (3) the date and nature of any gift exceeding \$100 in value made to a  
21 public official and the full name and official position of that person;

22 (4) the name and official position of each public official, and the name  
23 of each member of the immediate family of any of these officials, with whom the  
24 lobbyist has engaged in an exchange of money, goods, services, or anything of more  
25 than \$100 in value and the nature and date of each of these exchanges and the  
26 monetary values exchanged;

27 (5) the name and address of any business entity in which the lobbyist  
28 knows or has reason to know that a public official is a proprietor, partner, director,  
29 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in  
30 an exchange of money, goods, services, or anything of value and the nature and date  
31 of each exchange and the monetary value exchanged if the total value of these

1 exchanges is \$100 or more in a calendar year; and

2 (6) a notice of termination if the lobbyist has ceased the lobbying  
3 activity that required registration under this chapter and if this report constitutes the  
4 final report of the lobbyist's activities.

5 \* **Sec. 24.** AS 24.45.061 is amended by adding a new subsection to read:

6 (c) Upon request of the commission, information required under this section  
7 shall be submitted electronically.

8 \* **Sec. 25.** AS 24.45.116 is amended to read:

9 **Sec. 24.45.116. Disclosure of contributions.** A civic league or organization  
10 shall report the total amount of contributions received for the reporting period and for  
11 any contribution over \$100, the name of the contributor and the amount contributed.  
12 The civic league or organization may establish a separate fund to account for receipts  
13 and expenditures arising out of activities to influence legislative action. Reports shall  
14 be made on a form provided by the commission on February 10, April 25, and July 10  
15 of each year, listing contributions received during the period that ended 10 days  
16 earlier. Upon request of the commission, information required under this section  
17 shall be submitted electronically.

18 \* **Sec. 26.** AS 24.45.171(1) is amended to read:

19 (1) "administrative action" means the proposal, drafting, development,  
20 consideration, amendment, adoption, approval, promulgation, issuance, modification,  
21 rejection, or postponement by any state agency of any rule or [,] regulation, [ORDER,  
22 DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-  
23 JUDICIAL] action or proceeding whether or not governed by AS 44.62  
24 (Administrative Procedure Act); "administrative action" does not include

25 (A) a proceeding or an action to determine the rights or  
26 duties of a person under existing statutes, regulations, or policies;

27 (B) the issuance, amendment, or revocation of a permit,  
28 license, or entitlement for use;

29 (C) the enforcement of compliance with existing law or the  
30 imposition of sanctions for a violation of existing law;

31 (D) procurement activity, including the purchase or sale of

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property, goods, or services by the agency or the award of a grant or contract;

(E) the issuance of, or ensuring compliance with, a legal opinion; or

(G) activity related to a collective bargaining agreement, including negotiating or enforcing the agreement;

\* Sec. 27. AS 24.45.171(8) is amended to read:

(8) "lobbyist" means

(A) a person who, on a full-time or part-time basis, is employed and receives payments, income, or [WHO CONTRACTS FOR] economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through the person's agents with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action; in this subparagraph, "substantial or regular" means more than 16 hours in a 30-day period in direct communication with a public official for legislative employees or

*Conceptual Amendment #1*

*delete whole section*

(B) a person who engages [REPRESENTS ONESELF AS ENGAGING] in the influencing of legislative or administrative action as a business, occupation, service, or profession;

\* Sec. 28. AS 24.60.200 is amended to read:

**Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.** A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received by the discloser, the discloser's spouse or spousal equivalent, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;

1 (2) as to income in excess of \$10,000 [\$1,000] received as  
2 compensation for personal services, the name and address of the source of the income,  
3 and a statement describing the nature of the services performed; if the source of  
4 income is known or reasonably should be known to have a substantial interest in  
5 legislative, administrative, or political action and the recipient of the income is a  
6 legislator or a legislative director, the amount of income received from the source shall  
7 be disclosed;

8 (3) as to each loan or loan guarantee over \$1,000 from a source with a  
9 substantial interest in legislative, administrative, or political action, the name and  
10 address of the person making the loan or guarantee, the amount of the loan, the terms  
11 and conditions under which the loan or guarantee was given, the amount outstanding  
12 at the time of filing, and whether or not a written loan agreement exists.

13 \* **Sec. 29.** AS 24.60.200 is amended by adding a new subsection to read:

14 (b) Upon request of the Alaska Public Offices Commission, the information  
15 required under this chapter shall be submitted electronically.

16 \* **Sec. 30.** AS 39.50.030(b) is amended to read:

17 (b) Except as provided in (g) of this section, each statement filed by a public  
18 official or candidate under this chapter must include the following:

19 (1) the source of all income over \$10,000 [\$1,000] during the  
20 preceding calendar year, including taxable and nontaxable capital gains, received by  
21 the person, the person's spouse or spousal equivalent, or the person's child, except that  
22 a source of income that is a gift must be included if the value of the gift exceeds \$500  
23 [\$250];

24 (2) the identity, by name and address, of each business in which the  
25 person, the person's spouse or spousal equivalent, or the person's child has an interest  
26 or was a stockholder, owner, officer, director, partner, proprietor, or employee during  
27 the preceding calendar year, except that an interest of less than \$10,000 in the stock  
28 of a publicly traded corporation need not be included;

29 (3) [THE IDENTITY AND NATURE OF EACH INTEREST  
30 OWNED IN ANY BUSINESS DURING THE PRECEDING CALENDAR YEAR  
31 BY THE PERSON, THE PERSON'S SPOUSE OR SPOUSAL EQUIVALENT, OR

## 1 THE PERSON'S CHILD;

2 (4)] the identity and nature of each interest in real property, including  
3 an option to buy, owned at any time during the preceding calendar year by the person,  
4 the person's spouse or spousal equivalent, or the person's child;

5 (4) [(5)] the identity of each trust or other fiduciary relation in which  
6 the person, the person's spouse or spousal equivalent, or the person's child held a  
7 beneficial interest exceeding \$10,000 [\$1,000] during the preceding calendar year, a  
8 description and identification of the property contained in each trust or relation, and  
9 the nature and extent of the beneficial interest in it;

10 (5) [(6)] any loan or loan guarantee of more than \$10,000 [\$1,000]  
11 made to the person, the person's spouse or spousal equivalent, or the person's child,  
12 and the identity of the maker of the loan or loan guarantor and the identity of each  
13 creditor to whom the person, the person's spouse or spousal equivalent, or the person's  
14 child owed more than \$10,000 [\$1,000]; this paragraph requires disclosure of a loan,  
15 loan guarantee, or indebtedness only if the loan or guarantee was made, or the  
16 indebtedness incurred, during the preceding calendar year, or if the amount still owing  
17 on the loan, loan guarantee, or indebtedness was more than \$10,000 [\$1,000] at any  
18 time during the preceding calendar year;

19 (6) [(7)] a list of all contracts and offers to contract with the state or an  
20 instrumentality of the state during the preceding calendar year held, bid, or offered by  
21 the person, the person's spouse or spousal equivalent, or the person's child, a  
22 partnership or professional corporation of which the person is a member, or a  
23 corporation in which the person or the person's spouse, spousal equivalent, or children,  
24 or a combination of them, hold a controlling interest; and

25 (7) [(8)] a list of all mineral, timber, oil, or any other natural resource  
26 lease held, or lease offer made, during the preceding calendar year by the person, the  
27 person's spouse or spousal equivalent, or the person's child, a partnership or  
28 professional corporation of which the person is a member, or a corporation in which  
29 the person or the person's spouse or spousal equivalent or children, or a combination  
30 of them, holds a controlling interest.

31 \* Sec. 31. AS 39.50.050(a) is amended to read:

1 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)  
2 shall administer the provisions of this chapter. The commission shall prepare and  
3 keep available for distribution, standardized forms on which the reports required by  
4 this chapter shall be filed. Upon request of the commission, the information  
5 required under this chapter shall be submitted electronically.

6 \* Sec. 32. AS 39.50.145 is amended to read:

7 Sec. 39.50.145. Participation by municipalities. The requirements of this  
8 chapter apply to municipal officers only [A MUNICIPALITY MAY EXEMPT ITS  
9 MUNICIPAL OFFICERS FROM THE REQUIREMENTS OF THIS CHAPTER] if a  
10 majority of the voters of a municipality voting on the question at a regular election, as  
11 defined by AS 29.71.800(20), or a special municipality-wide election, vote to apply  
12 [EXEMPT ITS MUNICIPAL OFFICERS FROM] the requirements of this chapter to  
13 its municipal officers. The question of the application of [EXEMPTION FROM]  
14 the requirements of this chapter may be submitted by the city council or borough  
15 assembly by ordinance or by initiative election.

16 \*Sec. 33. AS 44.21.020 is amended by adding a new paragraph to read:

17 (13) adopt regulations to set the fee for a municipality to pay to the state for  
18 services if the municipality opts under AS 15.13.010(a) to have AS 15.13 apply to its  
19 elections or opts under AS 39.50.145 to have AS 39.50 apply to its public officials.

20 \* Sec. 34. AS 15.13.072(d), 15.13.072(g), and AS 39.50.200(a)(8)(G) are repealed.

21 \* Sec. 35. The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 INDIRECT COURT RULE AMENDMENT. The provisions of AS 15.13.380(k)  
24 contained in sec. 20 of this Act have the effect of changing Rule 40, Alaska Rules of Civil  
25 Procedure and Rule 216, Alaska Rules of Appellate Procedure, by requiring preferred position  
26 for consideration of cases or appeals by the court for a violation of AS 15.13.

27 \* Sec. 36. The uncodified law of the State of Alaska is amended by adding a new section to  
28 read:

29 TRANSITION: REGULATIONS. Notwithstanding sec. 37 of this Act, the Alaska  
30 Public Offices Commission or the Department of Administration as appropriate may proceed  
31 to adopt regulations necessary to implement the changes made by this Act. The regulations

1 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date  
2 of the statutory change.

3 \* **Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5           **CONDITIONAL EFFECT.** AS 15.13.380(k), contained in sec. 20 of this Act, takes  
6 effect only if sec. 34 of this Act receives the two-thirds majority vote of each house required  
7 by art. IV, sec. 15, Constitution of the State of Alaska.

8 \* **Sec. 38.** Section 36 of this Act takes effect immediately under AS 01.10.070(c).

9 \* **Sec. 39.** Except as provided in sec. 38 of this Act, this Act takes effect July 1, 2003.

10

BBW's  
Bill file

Proposed CS HB <sup>157</sup> ~~157~~ (STA) includes the following changes in the campaign finance laws (AS 15.13):

- Raise the annual campaign contribution limits for individuals to contribute to candidates and groups (PAC's) from \$500 to \$1000; for individuals to contribute to political parties from \$5000 to \$10,000; for groups to contribute to candidates from \$1000 to \$5000; for groups to contribute to political parties from \$1000 to \$10,000; and for nongroup entities (advocacy nonprofit corporations) from \$500 to \$1000;
- Remove municipal elections and candidates from the laws' reach (note that incorporation elections are treated as state, rather than municipal, elections);
- Eliminate the requirement to file a campaign report 10 days after an election and expand year end report to include all previously unreported activity;
- Add a requirement to file a report 90 days after a *special* election to avoid a potentially long delay before the requirement to file the February report;
- Require candidates and groups to report all contributions without regard to the amount of the contribution;
- Require reports of information about contributors to include the name of the employer only when contributions from an individual exceed \$250 annually;
- Incorporate the regulation addressing the reporting of fundraisers into statute (allowing fundraisers such as spaghetti feeds to be reported in the aggregate if individual contributions do not exceed \$50);
- Repeal ban on a candidate's acceptance of campaign contributions after a primary election if the candidate is unopposed in the general election; but leaving intact the deadline of 45 days following an election for accepting contributions;
- Require campaign funds to be disbursed on February 1 or 90 days following the election, for a special election;
- Require campaign funds to be reported on February 15 or 105 days following the election for a special election;
- Increase the amount that an individual may spend independently on signs, billboards, and printed materials advocating the election or defeat of a ballot measure before being required to report to APOC from \$250 to \$500.
- Allow the APOC to require electronic transmission of information.
- Remove prohibition on lobbyist's contributions to legislative candidates outside of their voting district;
- Repeal legislative session bans on soliciting or accepting campaign contributions by candidates for the legislature and for governor and lieutenant governor; (leaving intact limitations in the legislative ethics act in AS 24.60.081 on the receipt of contributions by legislators during the legislative session);
- Repeal requirement that candidate notify APOC of intent to seek recoupment of the candidate's loan to the campaign within 5 days;

- Allow complaints of violations to be expedited upon request in appropriate cases and impose deadlines on APOC action (on requests to expedite, to hold hearings, to issue orders);
- Shorten the time to bring an administrative complaint from four years to one year;
- Authorize APOC to request attorney general action for matters outside of agency jurisdiction or involving constitutional questions or for enforcement of APOC orders; and
- Amend definition of political party to be consistent with the definition in AS 15.60.010(21).

The laws regulating lobbyists would be changed as follows:

- Allow APOC to require electronic filing;
- Increase the amount of time that must be spent in lobbying before an individual has to register as a lobbyist; and
- Change the definition of administrative action so that it more clearly covers quasi-legislative action but not the application of existing law – as for example, administrative quasi-judicial enforcement proceedings, permit applications, procurement activity. (Incorporate regulatory exemptions into the statutory definition).

The law requiring legislator's to file financial disclosure statements would be amended to increase the threshold for requiring an interest to be reported from \$1000 to \$10,000.

The public official financial disclosure laws would be changed as follows:

- Remove municipal officials;
- Increase the reporting threshold for sources of income from \$1000 to \$10,000;
- Make an exception for reporting publicly traded companies if the filer's interest is less than \$10,000;
- Increase trust or fiduciary reporting from \$1000 to \$10,000;
- and
- Increase the reporting threshold for public officials to report a source of income that is a gift from \$250 to \$500.

Prepared by the Department of Administration

**CS FOR SENATE BILL NO. 119(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Introduced:**  
**Referred:**

**Original Sponsor(s): RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act streamlining the complaint procedures of the Alaska Public Offices  
2 Commission; authorizing the Alaska Public Offices Commission to issue advisory  
3 opinions; amending campaign financial disclosure requirements; amending the  
4 definition of 'lobbyist' and the limits on lobbyists' campaign contributions to candidates;  
5 amending campaign contribution limits; amending the definition of 'political party' for  
6 state election campaigns; amending the requirements for the reporting of financial  
7 interests by public officials; removing municipal elections and municipal officials from  
8 the campaign finance and public official financial disclosure laws; relating to the crime  
9 of campaign misconduct; making conforming amendments; amending Rule 40, Alaska  
10 Rules of Civil Procedure, and Rule 216, Alaska Rules of Appellate Procedure; and  
11 providing for an effective date."

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

1 \* Section 1. AS 15.13.010(c) is amended to read:

2 (c) This chapter does not prohibit a municipality from regulating by ordinance  
3 election campaign contributions and expenditures in municipal elections [, OR FROM  
4 REGULATING THOSE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES  
5 MORE STRICTLY THAN PROVIDED IN THIS CHAPTER].

6 \* Sec. 2. AS 15.13.030 is amended to read:

7 **Sec. 15.13.030. Duties of the commission.** The commission shall

8 (1) develop and provide all forms for the reports and statements  
9 required to be made under this chapter, AS 24.45, and AS 39.50;

10 (2) prepare and publish a manual setting out uniform methods of  
11 bookkeeping and reporting for use by persons required to make reports and statements  
12 under this chapter and otherwise assist candidates, groups, and individuals in  
13 complying with the requirements of this chapter;

14 (3) receive and hold open for public inspection reports and statements  
15 required to be made under this chapter and, upon request, furnish copies of cost to  
16 interested persons;

17 (4) compile and maintain a current list of all filed reports and  
18 statements;

19 (5) prepare a summary of each report filed under AS 15.13.110 and  
20 make copies of this summary available to interested persons at their actual cost;

21 (6) notify, by registered or certified mail, all persons who are  
22 delinquent in filing reports and statements required to be made under this chapter;

23 (7) examine, investigate, and compare all reports, statements, and  
24 actions required by this chapter, AS 24.45, and AS 39.50;

25 (8) prepare and publish a biennial report concerning the activities of  
26 the commission, the effectiveness of this chapter, its enforcement by the attorney  
27 general's office, and recommendations and proposals for change; the commission shall  
28 notify the legislature that the report is available;

29 (9) adopt regulations necessary to implement and clarify the provisions  
30 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62  
31 (Administrative Procedure Act); and

1                    (10) consider a written request for an advisory opinion concerning  
2                    the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.

3 \* Sec. 3. AS 15.13.040(a) is amended to read:

4                    (a) Except as provided in (g) and (m) of this section, each candidate shall  
5                    make a full report, upon a form prescribed by the commission, listing (1) the date and  
6                    amount of all expenditures made by the candidate, (2) the total amount of all  
7                    contributions, including all funds contributed by the candidate, and (3) for all  
8                    contributions [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], listing the  
9                    name, address, principal occupation, [AND EMPLOYER OF THE CONTRIBUTOR]  
10                    and the date and amount contributed by each contributor and, for contributions in  
11                    excess of \$250 in the aggregate a year, listing the employer of the contributor.

12                    The report shall be filed in accordance with AS 15.13.110 and shall be certified  
13                    correct by the candidate or campaign treasurer.

14 \* Sec. 4. AS 15.13.040(b) is amended to read:

15                    (b) Except as provided in (m) of this section, each [EACH] group shall  
16                    make a full report upon a form prescribed by the commission, listing

17                                    (1) the name and address of each officer and director;

18                                    (2) the aggregate amount of all contributions made to it;

19                                    (3) [AND.] for all contributions described in (2) of this subsection  
20                    [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name, address,  
21                    principal occupation, [AND EMPLOYER OF THE CONTRIBUTOR,] and the date  
22                    and amount contributed by each contributor, and for contributions in excess of \$250  
23                    in the aggregate a year, the employer of the contributor; for purposes of this  
24                    paragraph, "contributor" means the true source of the funds, property, or services  
25                    being contributed; and

26                                    (4) [(3)] the date and amount of all contributions made by it and all  
27                    expenditures made, incurred, or authorized by it.

28 \* Sec. 5. AS 15.13.040(g) is amended to read:

29                    (g) The provisions of (a) of this section do not apply if a candidate

30                                    (1) indicates, on a form prescribed by the commission, an intent not to  
31                    raise and not to expend more than \$5,000 [\$2,500] in seeking election to office,

1 including both the primary and general elections;

2 (2) accepts contributions totaling not more than \$5,000 [\$2,500] in  
3 seeking election to office, including both the primary and general elections; and

4 (3) makes expenditures totaling not more than \$5,000 [\$2,500] in  
5 seeking election to office, including both the primary and general elections.

6 \* Sec. 6. AS 15.13.040(h) is amended to read:

7 (h) The provisions of (d) of this section do not apply to one or more  
8 expenditures made by an individual acting independently of any group or nongroup  
9 entity and independently of any other individual if the expenditures

10 (1) cumulatively do not exceed \$500 [\$250] during a calendar year;  
11 and

12 (2) are made only for billboards, signs, or printed material concerning  
13 a ballot proposition as that term is defined by AS 15.13.065(c).

14 \* Sec. 7. AS 15.13.040(j) is amended to read:

15 (j) Except as provided in (m) of this section, each [EACH] nongroup entity  
16 shall make a full report in accordance with AS 15.13.110 upon a form prescribed by  
17 the commission and certified by the nongroup entity's treasurer, listing

18 (1) the name and address of each officer and director of the nongroup  
19 entity;

20 (2) the aggregate amount of all contributions made to the nongroup  
21 entity for the purpose of influencing the outcome of an election;

22 (3) [AND,] for all [SUCH] contributions described in (2) of this  
23 subsection [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name,  
24 address, and principal occupation, [AND EMPLOYER OF THE CONTRIBUTOR,]  
25 and the date and amount contributed by each contributor and, for all such  
26 contributions in excess of \$250 in the aggregate a year, the employer of the  
27 contributor; for purposes of this paragraph, "contributor" means the true source of the  
28 funds, property, or services being contributed; and

29 (4) [(3)] the date and amount of all contributions made by the  
30 nongroup entity, and, except as provided for certain independent expenditures in  
31 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup

1 entity, for the purpose of influencing the outcome of an election; a nongroup entity  
2 shall report contributions made to a different nongroup entity for the purpose of  
3 influencing the outcome of an election and expenditures made on behalf of a different  
4 nongroup entity for the purpose of influencing the outcome of an election as soon as  
5 the total contributions and expenditures to that nongroup entity for the purpose of  
6 influencing the outcome of an election reach \$500 in a year and for all subsequent  
7 contributions and expenditures to that nongroup entity in a year whenever the total  
8 contributions and expenditures to that nongroup entity for the purpose of influencing  
9 the outcome of an election that have not been reported under this paragraph reach  
10 \$500.

11 \* **Sec. 8.** AS 15.13.040 is amended by adding new subsections to read:

12 (l) Upon request of the commission, the information required under this  
13 chapter shall be submitted electronically.

14 (m) The information required under (a)(3), (b)(3), and (j)(3) of this section for  
15 a report concerning contributions received at a fundraiser is limited to the information  
16 specified in AS 15.13.042.

17 \* **Sec. 9.** AS 15.13 is amended by adding a new section to read:

18 **Sec. 15.13.042. Reporting of fundraisers.** (a) If reporting a fundraiser, a  
19 candidate or campaign treasurer shall state the total number of contributing  
20 participants at the fundraiser, the date and location of the fundraiser, a description of  
21 the type of activity involved in the fundraiser, and the total costs of and receipts from  
22 the fundraiser.

23 (b) The information requirements in AS 15.13.040(a)(3), (b)(3), and (j)(3) do  
24 not apply to contributions received at a fundraiser if

25 (1) the fundraiser draws 25 or more contributing participants, ticket  
26 buyers, purchasers, or donors; and

27 (2) the amount or value received from any one person does not exceed  
28 \$50 at the fundraiser.

29 (c) If reporting receipts from a fundraiser described in (b)(1) and (2) of this  
30 section, the candidate or campaign treasurer need only report the total proceeds  
31 generated by the fundraiser and the total number of contributing participants, tickets

1 sold, items purchased, or donations received, as applicable.

2 (d) If a person contributes more than \$50 at a fundraiser, that contribution  
3 must be reported in the manner provided in AS 15.13.040.

4 (e) In this section, "fundraiser"

5 (1) means an event at which contributions to a political campaign are  
6 solicited and raised; and

7 (2) includes

8 (A) a garage sale;

9 (B) a raffle, drawing, or auction;

10 (C) a spaghetti feed or potluck dinner;

11 (D) the sale of campaign material, including posters, buttons,  
12 stickers, clothing, frisbees, and key chains; and

13 (E) a sponsored concert.

14 \* **Sec. 10.** AS 15.13.060(c) is amended to read:

15 (c) Each candidate for state office shall file the name and address of the  
16 campaign treasurer with the commission, or submit, in writing, the name and address  
17 of the campaign treasurer to the director for filing with the commission, no later than  
18 15 days after the date of filing the declaration of candidacy or the nominating petition.  
19 [EACH CANDIDATE FOR MUNICIPAL OFFICE SHALL FILE THE NAME AND  
20 ADDRESS OF THE CAMPAIGN TREASURER WITH THE COMMISSION NO  
21 LATER THAN SEVEN DAYS AFTER THE DATE OF FILING THE  
22 DECLARATION OF CANDIDACY OR THE NOMINATING PETITION.] If the  
23 candidate does not designate a campaign treasurer, the candidate is the campaign  
24 treasurer.

25 \* **Sec. 11.** AS 15.13.070(b) is amended to read:

26 (b) An individual may contribute not more than

27 (1) \$1,000 [\$500] per year to a nongroup entity for the purpose of  
28 influencing the nomination or election of a candidate, to a candidate, to an individual  
29 who conducts a write-in campaign as a candidate, or to a group that is not a political  
30 party;

31 (2) \$10,000 [\$5,000] per year to a political party for the purpose of

1 influencing the nomination or election of a candidate or candidates.

2 \* **Sec. 12.** AS 15.13.070(c) is amended to read:

3 (c) A group that is not a political party may contribute not more than [\$1,000  
4 PER YEAR]

5 (1) \$5,000 per year to a candidate, or to an individual who conducts a  
6 write-in campaign as a candidate; [OR]

7 (2) \$5,000 per year to another group or [,] a nongroup entity; [,] or

8 (3) \$10,000 per year to a political party.

9 \* **Sec. 13.** AS 15.13.070(f) is amended to read:

10 (f) A nongroup entity may contribute not more than \$1,000 [\$500] a year to a  
11 nongroup entity for the purpose of influencing the nomination or election of a  
12 candidate, to a candidate, to an individual who conducts a write-in campaign as a  
13 candidate, to a group, or to a political party.

14 \* **Sec. 14.** AS 15.13.072(a) is amended to read:

15 (a) A candidate or an individual who has filed with the commission the  
16 document necessary to permit that individual to incur election-related expenses under  
17 AS 15.13.100 may not solicit or accept a contribution from

18 (1) a person not authorized by law to make a contribution;

19 (2) an individual who is not a resident of the state at the time the  
20 contribution is made, except as provided in (e) of this section;

21 (3) a group organized under the laws of another state, resident in  
22 another state, or whose participants are not residents of this state at the time the  
23 contribution is made; or

24 (4) a person registered as a lobbyist if the contribution violates  
25 [AS 15.13.074(g) OR] AS 24.45.121(a)(8).

26 \* **Sec. 15.** AS 15.13.072(e) is amended to read:

27 (e) A candidate or an individual who has filed with the commission the  
28 document necessary to permit that individual to incur election-related expenses under  
29 AS 15.13.100 may solicit or accept contributions from an individual who is not a  
30 resident of the state at the time the contribution is made if the amounts contributed by  
31 individuals who are not residents do not exceed

1 (1) \$20,000 per year, if the candidate or individual is seeking the  
2 office of governor or lieutenant governor;

3 (2) \$5,000 per year, if the candidate or individual is seeking the office  
4 of state senator;

5 (3) \$3,000 per year, if the candidate or individual is seeking the office  
6 of state representative [OR MUNICIPAL] or other office.

7 \* **Sec. 16.** AS 15.13.074(c) is amended to read:

8 (c) A person or group may not make a contribution

9 (1) to a candidate or an individual who files with the commission the  
10 document necessary to permit that individual to incur certain election-related expenses  
11 as authorized by AS 15.13.100 when the office is to be filled at a general election  
12 before the date that is 18 months before the general election;

13 (2) to a candidate or an individual who files with the commission the  
14 document necessary to permit that individual to incur certain election-related expenses  
15 as authorized by AS 15.13.100 for an office that is to be filled at a special election  
16 [OR MUNICIPAL ELECTION BEFORE THE DATE THAT IS 18 MONTHS  
17 BEFORE THE DATE OF THE REGULAR MUNICIPAL ELECTION] or that is  
18 before the date of the proclamation of the special election at which the candidate or  
19 individual seeks election to public office; or

20 (3) to any candidate later than the 45th day

21 (A) [AFTER THE DATE OF A PRIMARY ELECTION IF  
22 THE CANDIDATE

23 (i) HAS BEEN NOMINATED AT THE PRIMARY  
24 ELECTION OR IS RUNNING AS A WRITE-IN CANDIDATE; AND

25 (ii) IS NOT OPPOSED AT THE GENERAL  
26 ELECTION;

27 (B)] after the date of the primary election if the candidate was  
28 not nominated at the primary election; or

29 (B) [(C)] after the date of the general election [, OR AFTER  
30 THE DATE OF A MUNICIPAL OR MUNICIPAL RUNOFF ELECTION, IF  
31 THE CANDIDATE WAS OPPOSED AT THE GENERAL, MUNICIPAL,

1 OR MUNICIPAL RUNOFF ELECTION].

2 \* **Sec. 17.** AS 15.13.074(g) is amended to read:

3 (g) An individual required to register as a lobbyist under AS 24.45 [MAY  
4 NOT MAKE A CONTRIBUTION TO A CANDIDATE FOR THE LEGISLATURE  
5 AT ANY TIME THE INDIVIDUAL IS SUBJECT TO THE REGISTRATION  
6 REQUIREMENT UNDER AS 24.45 AND FOR ONE YEAR AFTER THE DATE  
7 OF THE INDIVIDUAL'S INITIAL REGISTRATION OR ITS RENEWAL.  
8 HOWEVER, THE INDIVIDUAL MAY MAKE A CONTRIBUTION UNDER THIS  
9 SECTION TO A CANDIDATE FOR THE LEGISLATURE IN A DISTRICT IN  
10 WHICH THE INDIVIDUAL IS ELIGIBLE TO VOTE OR WILL BE ELIGIBLE TO  
11 VOTE ON THE DATE OF THE ELECTION. AN INDIVIDUAL WHO IS  
12 SUBJECT TO THE RESTRICTIONS OF THIS SUBSECTION] shall report to the  
13 commission, on a form provided by the commission, each contribution made while  
14 required to register as a lobbyist under AS 24.45. Upon request of the commission,  
15 the information required under this subsection shall be submitted electronically.

16 This subsection does not apply to a representational lobbyist as defined in regulations  
17 of the commission.

18 \* **Sec. 18.** AS 15.13.078(b) is amended to read:

19 (b) The provisions of this chapter do not prohibit the individual who is a  
20 candidate from lending any amount to the campaign of the candidate. Loans made by  
21 the candidate shall be reported as contributions in accordance with AS 15.13.040 and  
22 15.13.110. However, the candidate may not

23 [(1)] recover, under this section and AS 15.13.116(a)(4), the amount of  
24 a loan made by the candidate to the candidate's own campaign that exceeds

25 (1) [(A)] \$25,000, if the candidate ran for governor or lieutenant  
26 governor;

27 (2) [(B)] \$10,000, if the candidate ran for

28 (A) [(i)] the legislature; or

29 (B) [(ii)] delegate to a constitutional convention;

30 (3) [(C)] \$10,000, if the candidate was a judge seeking retention [;

31 (D) \$5,000, IF THE CANDIDATE RAN IN A MUNICIPAL

1 ELECTION; OR

2 (2) REPAY A LOAN THAT THE CANDIDATE HAS MADE TO  
3 THE CANDIDATE'S OWN CAMPAIGN UNLESS, WITHIN FIVE DAYS OF  
4 MAKING THE LOAN, THE CANDIDATE NOTIFIES THE COMMISSION, ON A  
5 FORM PROVIDED BY THE COMMISSION, OF THE CANDIDATE'S  
6 INTENTION TO REPAY THE LOAN UNDER AS 15.13.116(a)(4)].

7 \* Sec. 19. AS 15.13.110(a) is amended to read:

8 (a) Each candidate, group, and nongroup entity shall make a full report in  
9 accordance with AS 15.13.040 for the period ending three days before the due date of  
10 the report and beginning on the last day covered by the most recent previous report. If  
11 the report is a first report, it shall cover the period from the beginning of the campaign  
12 to the date three days before the due date of the report. If the report is a report due  
13 February 15, it shall cover the period beginning on the last day covered by the most  
14 recent previous report or on the day that the campaign started, whichever is later, and  
15 ending on February 1 of that [DECEMBER 31 OF THE PRIOR] year. The report  
16 shall be filed

17 (1) 30 days before the election; however, this report is not required if  
18 the deadline for filing a nominating petition or declaration of candidacy is within 30  
19 days of the election;

20 (2) one week before the election;

21 (3) 105 [10] days after a [THE] special election; and

22 (4) February 15 for expenditures made and contributions received that  
23 were not reported previously [DURING THE PREVIOUS YEAR], including, if  
24 applicable, all amounts expended from a public office expense term account  
25 established under AS 15.13.116(a)(8) [AND ALL AMOUNTS EXPENDED FROM A  
26 MUNICIPAL OFFICE ACCOUNT UNDER AS 15.13.116(a)(9),] or when  
27 expenditures were not made or contributions were not received during the previous  
28 year.

29 \* Sec. 20. AS 15.13.116(a) is amended to read:

30 (a) A candidate who, after the date of the general or [,] special [,  
31 MUNICIPAL, OR MUNICIPAL RUNOFF] election or after the date the candidate

1           withdraws as a candidate, whichever comes first, holds unused campaign contributions  
2           shall distribute the amount held on February 1 for a general election or within 90  
3           days after a special election. The distribution may only be made to

4                       (1) pay bills incurred for expenditures reasonably related to the  
5           campaign and the winding up of the affairs of the campaign, including a victory or  
6           thank you party, thank you advertisements, and thank you gifts to campaign  
7           employees and volunteers, and to pay expenditures associated with post-election fund  
8           raising that may be needed to raise funds to pay off campaign debts;

9                       (2) make donations, without condition, to

10                               (A) a political party;

11                               (B) the state's general fund;

12                               (C) a municipality of the state; or

13                               (D) the federal government;

14                       (3) make donations, without condition, to organizations qualified as  
15           charitable organizations under 26 U.S.C. 501(c)(3), if [PROVIDED] the organization  
16           is not controlled by the candidate or a member of the candidate's immediate family;

17                       (4) repay loans from the candidate to the candidate's own campaign  
18           under AS 15.13.078(b);

19                       (5) repay contributions to contributors, but only if repayment of the  
20           contribution is made pro rata in approximate proportion to the contributions made  
21           using one of the following, as the candidate determines:

22                               (A) to all contributors;

23                               (B) to contributors who have contributed most recently; or

24                               (C) to contributors who have made larger contributions;

25                       (6) establish a fund for, and from that fund to pay, attorney fees or  
26           costs incurred in the prosecution or defense of an administrative or civil judicial action  
27           that directly concerns a challenge to the victory or defeat of the candidate in the  
28           election;

29                       (7) transfer all or a portion of the unused campaign contributions to an  
30           account for a future election campaign; a transfer under this paragraph is limited to

31                               (A) \$50,000, if the transfer is made by a candidate for governor

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or lieutenant governor;

(B) \$10,000, if the transfer is made by a candidate for the state senate;

(C) \$5,000, if the transfer is made by a candidate for the state house of representatives; and

(D) \$5,000, if the transfer is made by a candidate for an office not described in (A) - (C) of this paragraph; and

(8) transfer all or a portion of the unused campaign contributions to a public office expense term account or to a public office expense term account reserve in accordance with (d) of this section; a transfer under this paragraph is subject to the following:

(A) the authority to transfer is limited to candidates who are elected to the state legislature;

(B) the public office expense term account established under this paragraph may be used only for expenses associated with the candidate's serving as a member of the legislature;

(C) all amounts expended from the public office expense term account shall be annually accounted for under AS 15.13.110(a)(4); and

(D) a transfer under this paragraph is limited to \$5,000 multiplied by the number of years in the term to which the candidate is elected plus any accumulated interest [; AND

(9) TRANSFER ALL OR A PORTION OF THE UNUSED CAMPAIGN CONTRIBUTIONS TO A MUNICIPAL OFFICE ACCOUNT; A TRANSFER UNDER THIS PARAGRAPH IS SUBJECT TO THE FOLLOWING:

(A) THE AUTHORITY TO TRANSFER IS LIMITED TO CANDIDATES WHO ARE ELECTED TO MUNICIPAL OFFICE, INCLUDING A MUNICIPAL SCHOOL BOARD;

(B) THE MUNICIPAL OFFICE ACCOUNT ESTABLISHED UNDER THIS PARAGRAPH MAY BE USED ONLY FOR EXPENSES ASSOCIATED WITH THE CANDIDATE'S SERVING AS MAYOR OR AS A MEMBER OF THE ASSEMBLY, CITY COUNCIL, OR SCHOOL

1 BOARD;

2 (C) ALL AMOUNTS EXPENDED FROM THE MUNICIPAL  
3 OFFICE ACCOUNT SHALL BE ANNUALLY ACCOUNTED FOR UNDER  
4 AS 15.13.110(A)(4); AND

5 (D) A TRANSFER UNDER THIS PARAGRAPH IS  
6 LIMITED TO \$5,000].

7 \* Sec. 21. AS 15.13.116(b) is amended to read:

8 (b) After a general or [,] special [, MUNICIPAL, OR MUNICIPAL  
9 RUNOFF] election, a candidate may retain the ownership of one computer and one  
10 printer and of personal property, except money, that was acquired by and for use in the  
11 campaign. The current fair market value of the property retained, exclusive of the  
12 computer and printer, may not exceed \$5,000. All other property shall be disposed of,  
13 or sold and the sale proceeds disposed of, in accordance with (a) or (c) of this section.  
14 Notwithstanding any other provision of this chapter,

15 (1) a candidate may (A) retain a bulk mailing permit that was paid for  
16 with campaign funds, and (B) use personal funds, campaign funds, or unused  
17 campaign contributions transferred to a public office expense term account under  
18 (a)(8) of this section to pay the continuing charges for the permit after the election;  
19 money used to continue the life of the permit is not considered to be a contribution  
20 under this chapter; in addition to any other use permitted under this chapter, during the  
21 candidate's term of office, the candidate may use the bulk mailing permit for mailings  
22 associated with service in the office to which the candidate was elected; during the  
23 candidate's term of office, if the candidate files a declaration of candidacy or the  
24 document necessary to permit the candidate to incur election-related expenses under  
25 AS 15.13.100 for the same or a different elective office, the candidate may also use  
26 the bulk mailing permit in that election campaign;

27 (2) a candidate may retain campaign photographs and use the  
28 photographs for any purpose associated with service in the office to which the  
29 candidate was elected;

30 (3) a candidate may retain seasonal greeting cards purchased with  
31 campaign funds; and

1 (4) campaign signs prepared for an election that has already taken  
2 place have no monetary value and may be retained or disposed of at the candidate's  
3 discretion.

4 \* **Sec. 22.** AS 15.13.145(a) is amended to read:

5 (a) Except as provided in (b) and (c) of this section, each of the following may  
6 not use money held by the entity to influence the outcome of the election of a  
7 candidate to a state [OR MUNICIPAL] office:

8 (1) the state, its agencies, and its corporations;

9 (2) the University of Alaska and its Board of Regents;

10 (3) municipalities, school districts, and regional educational attendance  
11 areas, or another political subdivision of the state; and

12 (4) an officer or employee of an entity identified in (1) - (3) of this  
13 subsection.

14 \* **Sec. 23.** AS 15.13 is amended by adding a new section to read:

15 **Sec. 15.13.374. Advisory opinion.** (a) A person may request an advisory  
16 opinion from the commission concerning this chapter, AS 24.45, AS 24.60.200 -  
17 24.60.260, or AS 39.50.

18 (b) Each request for an advisory opinion must

19 (1) be in writing or contained in a message submitted by electronic  
20 mail;

21 (2) describe a specific transaction or activity that the requesting person  
22 is presently engaged in, or intends to undertake in the future; and

23 (3) include a description of all relevant facts.

24 (c) The commission may not grant an advisory opinion request addressing a  
25 hypothetical situation or the activity of third parties.

26 (d) Within seven days of receiving a request satisfying the requirements of (b)  
27 and (c) of this section, the executive director of the commission shall recommend a  
28 draft advisory opinion for the commission to consider at its next meeting.

29 (e) The approval of a draft advisory opinion requires the affirmative vote of  
30 four members of the commission. A draft advisory opinion failing to receive four  
31 affirmative votes of the members of the commission is disapproved.

1 (f) A complaint under AS 15.13.380 may not be considered about any person  
2 involved in a transaction or activity that

3 (1) was described in an advisory opinion approved under (e) of this  
4 section;

5 (2) is indistinguishable from the description of an activity that was  
6 approved in an advisory opinion approved under (e) of this section; or

7 (3) was undertaken after the executive director of the commission  
8 recommended a draft advisory opinion under (d) of this section and before the  
9 commission acted on the draft advisory opinion under (e) of this section, if

10 (A) the draft advisory opinion would have approved the  
11 transaction or activity described; and

12 (B) the commission disapproved the draft advisory opinion.

13 (g) Advisory opinion requests and advisory opinions are public records subject  
14 to inspection and copying under AS 40.25.

15 \* **Sec. 24.** AS 15.13.380 is repealed and reenacted to read:

16 **Sec. 15.13.380. Violations; limitations on actions.** (a) Promptly after the  
17 final date for filing statements and reports under this chapter, the commission shall  
18 notify all persons who have become delinquent in filing them, including contributors  
19 who failed to file a statement in accordance with AS 15.13.040, and shall make  
20 available a list of those delinquent filers for public inspection. The commission shall  
21 also report to the attorney general the names of all candidates in an election whose  
22 campaign treasurers have failed to file the reports required by this chapter.

23 (b) A member of the commission, the commission's executive director, or a  
24 person who believes a violation of this chapter or a regulation adopted under this  
25 chapter has occurred or is occurring may file an administrative complaint with the  
26 commission within one year after the date of the alleged violation. If a member of the  
27 commission has filed the complaint, that member may not participate as a  
28 commissioner in any proceeding of the commission with respect to the complaint.  
29 The commission may consider a complaint on an expedited basis or a regular basis.

30 (c) The complainant or the respondent to the complaint may request in writing  
31 that the commission expedite consideration of the complaint. A request for expedited

1 consideration must be accompanied by evidence to support expedited consideration  
2 and be served on the opposing party. The commission shall grant or deny the request  
3 within two days after receiving it. In deciding whether to expedite consideration, the  
4 commission shall consider such factors as whether the alleged violation, if not  
5 immediately restrained, could materially affect the outcome of an election or other  
6 impending event; whether the alleged violation could cause irreparable harm that  
7 penalties could not adequately remedy; and whether there is reasonable cause to  
8 believe that a violation has occurred or will occur. Notwithstanding the absence of a  
9 request to expedite consideration, the commission may independently expedite  
10 consideration of the complaint if the commission finds that the standards for expedited  
11 consideration set out in this subsection have been met.

12 (d) If the commission expedites consideration, the commission shall hold a  
13 hearing on the complaint within two days after granting expedited consideration. No  
14 later than one day after affording the respondent notice and an opportunity to be heard,  
15 the commission shall

16 (1) enter an emergency order requiring the violation to be ceased or to  
17 be remedied and assess civil penalties under AS 15.13.390, if the commission finds  
18 that the respondent has engaged in or is about to engage in an act or practice that  
19 constitutes or will constitute a violation of this chapter or a regulation adopted under  
20 it;

21 (2) enter an emergency order dismissing the complaint, if the  
22 commission finds that the respondent has not or is not about to engage in an act or  
23 practice that constitutes or will constitute a violation of this chapter or a regulation  
24 adopted under it; or

25 (3) remand the complaint to the executive director of the commission  
26 for consideration by the commission on a regular rather than expedited basis.

27 (e) If the commission accepts the complaint for consideration on a regular  
28 rather than expedited basis, the commission shall notify the respondent within seven  
29 days after receiving the complaint and shall investigate the complaint. The respondent  
30 may answer the complaint by filing a written response with the commission within 15  
31 days after the commission notifies the respondent of the complaint. The commission

1 may grant the respondent additional time to respond to the complaint only for good  
2 cause. The commission shall hold a hearing on the complaint no later than 45 days  
3 after the respondent's written response is due. No later than 10 days after the hearing,  
4 the commission shall issue its order. If the commission finds that the respondent has  
5 engaged in or is about to engage in an act or practice that constitutes or will constitute  
6 a violation of this chapter or a regulation adopted under it, the commission shall enter  
7 an order requiring the violation to be ceased or to be remedied, and shall assess civil  
8 penalties under AS 15.13.390.

9 (f) If the complaint involves a challenge to the constitutionality of a statute or  
10 regulation, necessary witnesses that are not subject to the commission's subpoena  
11 authority, or other issues outside the commission's authority, the commission may  
12 request the attorney general to undertake a court action. The commission may request  
13 the attorney general to undertake a court action to remedy the violation of a  
14 commission order.

15 (g) A commission order under (d) or (e) of this section may be appealed to the  
16 superior court by either the complainant or respondent within 30 days in accordance  
17 with the Alaska Rules of Appellate Procedure.

18 (h) If the commission does not complete action on an administrative complaint  
19 within 90 days after the complaint was filed, the complainant may file a complaint in  
20 superior court alleging a violation of this chapter by a respondent as described in the  
21 administrative complaint filed with the commission. The complainant shall provide  
22 copies of the complaint filed in the superior court to the commission and the attorney  
23 general. A complaint may not be filed in superior court under this subsection if more  
24 than two years have elapsed after the date of the alleged violation. This subsection  
25 does not create a private cause of action against the commission; against the  
26 commission's members, officers, or employees; or against the state.

27 (i) If, after a successful candidate is sworn into office, a person who was a  
28 successful candidate or the campaign treasurer or deputy campaign treasurer of a  
29 person who was a successful candidate is convicted of a violation of this chapter,  
30 proceedings shall be held and appropriate action taken in accordance with

31 (1) art. II, sec. 12, of the state constitution, if the candidate is a

1 candidate for the state legislature;

2 (2) art. II, sec. 20, of the state constitution, if the candidate is a  
3 candidate for governor or lieutenant governor;

4 (3) the provisions of the call for the constitutional convention, if the  
5 candidate is a candidate for constitutional convention delegate;

6 (4) art. IV, sec. 10, of the state constitution, if the candidate is a  
7 candidate for judicial retention.

8 (j) Information developed by the commission under (b) - (e) of this section  
9 shall be considered during a proceeding under (i) of this section.

10 (k) If, after a successful candidate is sworn into office, the successful  
11 candidate or the campaign treasurer or deputy campaign treasurer of the person who  
12 was a successful candidate is charged with a violation of this chapter, the case or  
13 appeal before the court shall be promptly tried and accorded a preferred position for  
14 purposes of argument and decision, so as to assure a speedy disposition of the matter  
15 by the court.

16 \* Sec. 25. AS 15.13.400(1) is amended to read:

17 (1) "candidate"

18 (A) means an individual who files for election to the state  
19 legislature, for governor, for lieutenant governor, [FOR MUNICIPAL  
20 OFFICE,] for retention in judicial office, or for constitutional convention  
21 delegate, or who campaigns as a write-in candidate for any of these offices;  
22 and

23 (B) when used in a provision of this chapter that limits or  
24 prohibits the donation, solicitation, or acceptance of campaign contributions, or  
25 limits or prohibits an expenditure, includes

26 (i) a candidate's campaign treasurer and a deputy  
27 campaign treasurer;

28 (ii) a member of the candidate's immediate family;

29 (iii) a person acting as agent for the candidate;

30 (iv) the candidate's campaign committee; and

31 (v) a group that makes expenditures or receives

1 contributions with the authorization or consent, express or implied, or  
2 under the control, direct or indirect, of the candidate;

3 \* Sec. 26. AS 15.13.400(5) is amended to read:

4 (5) "electioneering communication" means a communication that

5 (A) directly or indirectly identifies a candidate;

6 (B) addresses an issue of national, state, or local political  
7 importance and attributes a position on that issue to the candidate identified;  
8 and

9 (C) occurs within the 30 days preceding a general [OR  
10 MUNICIPAL] election;

11 \* Sec. 27. AS 15.13.400(15) is repealed and reenacted to read:

12 (15) "political party" means any group that is a political party under  
13 AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or  
14 bylaws of the political party, the unit conducts or supports campaign operations in a  
15 municipality, neighborhood, house district, or precinct;

16 \* Sec. 28. AS 15.56.016(a) is amended to read:

17 (a) A person commits the crime of campaign misconduct in the third degree if

18 (1) the person violates a provision of AS 15.13 or a regulation adopted  
19 under AS 15.13; or

20 (2) during the hours the polls are open and after election officials have  
21 posted warning notices as required by AS 15.15.170 [OR AT THE REQUIRED  
22 DISTANCE IN THE FORM AND MANNER PRESCRIBED BY THE CHIEF  
23 MUNICIPAL ELECTIONS OFFICIAL IN A LOCAL ELECTION], the person is  
24 within 200 feet of an entrance to a polling place, and

25 (A) violates AS 15.15.170; or

26 (B) circulates cards, handbills, or marked ballots, or posts  
27 political signs or posters relating to a candidate at an election or election  
28 proposition or question.

29 \* Sec. 29. AS 24.45.041 is amended by adding a new subsection to read:

30 (h) Upon request of the commission, information required under this section  
31 shall be submitted electronically.

1 \* Sec. 30. AS 24.45.051 is amended to read:

2           **Sec. 24.45.051. Reports.** Each lobbyist registered under AS 24.45.041 shall  
3 file with the commission a report concerning the lobbyist's activities during each  
4 reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to  
5 engage in lobbying activities. The report shall be made on a form prescribed by the  
6 commission and filed in accordance with AS 24.45.071 and 24.45.081. Upon request  
7 of the commission, information required under this section shall be submitted  
8 electronically. The report also must include any changes in the information required  
9 to be supplied under AS 24.45.041(b) and the following information for the reporting  
10 period, as applicable:

11           (1) the source of income, as defined in AS 39.50.200(a) and the  
12 monetary value of all payments, including but not limited to salary, fees, and  
13 reimbursement of expenses, received in consideration for or directly or indirectly in  
14 support of or in connection with influencing legislative or administrative action, and  
15 the full name and complete address of each person from whom amounts or things of  
16 value have been received and the total monetary value received from each person;

17           (2) the aggregate amount of disbursements or expenditures made or  
18 incurred during the period in support of or in connection with influencing legislative  
19 or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's  
20 employer in the following categories:

21                   (A) food and beverages;

22                   (B) living accommodations;

23                   (C) travel;

24           (3) the date and nature of any gift exceeding \$100 in value made to a  
25 public official and the full name and official position of that person;

26           (4) the name and official position of each public official, and the name  
27 of each member of the immediate family of any of these officials, with whom the  
28 lobbyist has engaged in an exchange of money, goods, services, or anything of more  
29 than \$100 in value and the nature and date of each of these exchanges and the  
30 monetary values exchanged;

31           (5) the name and address of any business entity in which the lobbyist

1 knows or has reason to know that a public official is a proprietor, partner, director,  
2 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in  
3 an exchange of money, goods, services, or anything of value and the nature and date  
4 of each exchange and the monetary value exchanged if the total value of these  
5 exchanges is \$100 or more in a calendar year; and

6 (6) a notice of termination if the lobbyist has ceased the lobbying  
7 activity that required registration under this chapter and if this report constitutes the  
8 final report of the lobbyist's activities.

9 \* **Sec. 31.** AS 24.45.061 is amended by adding a new subsection to read:

10 (c) Upon request of the commission, information required under this section  
11 shall be submitted electronically.

12 \* **Sec. 32.** AS 24.45.116 is amended to read:

13 **Sec. 24.45.116. Disclosure of contributions.** A civic league or organization  
14 shall report the total amount of contributions received for the reporting period and for  
15 any contribution over \$100, the name of the contributor and the amount contributed.  
16 The civic league or organization may establish a separate fund to account for receipts  
17 and expenditures arising out of activities to influence legislative action. Reports shall  
18 be made on a form provided by the commission on February 10, April 25, and July 10  
19 of each year, listing contributions received during the period that ended 10 days  
20 earlier. Upon request of the commission, information required under this section  
21 shall be submitted electronically.

22 \* **Sec. 33.** AS 24.45.171(1) is amended to read:

23 (1) "administrative action" means the proposal, drafting, development,  
24 consideration, amendment, adoption, approval, promulgation, issuance, modification,  
25 rejection, or postponement by any state agency of any rule or [,] regulation, [ORDER,  
26 DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-  
27 JUDICIAL] action or proceeding whether or not governed by AS 44.62  
28 (Administrative Procedure Act); "administrative action" does not include

29 (A) a proceeding or an action to determine the rights or  
30 duties of a person under existing statutes, regulations, or policies;

31 (B) the issuance, amendment, or revocation of a permit,

1 license, or entitlement for use;

2 (C) the enforcement of compliance with existing law or the  
3 imposition of sanctions for a violation of existing law;

4 (D) procurement activity, including the purchase or sale of  
5 property, goods, or services by the agency or the award of a grant or  
6 contract;

7 (E) the issuance of, or ensuring compliance with, a legal  
8 opinion; or

9 (G) activity related to a collective bargaining agreement,  
10 including negotiating or enforcing the agreement;

11 \* Sec. 34. AS 24.45.171(8) is amended to read:

12 (8) "lobbyist" means

13 (A) a person who, on a full-time or part-time basis, is  
14 employed and receives payments, income, or [WHO CONTRACTS FOR]  
15 economic consideration, including reimbursement for reasonable travel and  
16 living expenses, to communicate directly or through the person's agents with  
17 any public official for the purpose of influencing legislative or administrative  
18 action if a substantial or regular portion of the activities for which the person  
19 receives consideration is for the purpose of influencing legislative or  
20 administrative action; in this subparagraph, "substantial or regular" means  
21 more than 16 hours in a 30-day period in direct communication with a  
22 public official or legislative employee; or

23 (B) a person who engages [REPRESENTS ONESELF AS  
24 ENGAGING] in the influencing of legislative or administrative action as a  
25 business, occupation, service, or profession;

26 \* Sec. 35. AS 24.45.171(12) is amended to read:

27 (12) "public official" or "public officer" means a public official as  
28 defined in AS 39.50.200(a), a member of the legislature, or a legislative director as  
29 defined in AS 24.60.990(a); however, it does not include a judicial officer [OR AN  
30 ELECTED OR APPOINTED MUNICIPAL OFFICER].

31 \* Sec. 36. AS 24.60.070(a) is amended to read:

1 (a) A legislator or legislative employee shall disclose to the committee, which  
2 shall maintain a public record of the disclosure and forward the disclosure to the  
3 respective house for inclusion in the journal, the formation or maintenance of a close  
4 economic association involving a substantial financial matter with

5 (1) a supervisor who is not a member of the legislature who has  
6 responsibility or authority, either directly or indirectly, over the person's employment,  
7 including preparing or reviewing performance evaluations, or granting or approving  
8 pay raises or promotions; this paragraph does not apply to a public member of the  
9 committee;

10 (2) legislators,

11 (3) a public official who is required to file a financial disclosure  
12 statement under AS 39.50 [AND IS NOT AN APPOINTED MUNICIPAL  
13 OFFICER];

14 (4) a registered lobbyist; or

15 (5) a legislative employee if the person required to make the disclosure  
16 is a legislator.

17 \* Sec. 37. AS 24.60.200 is amended to read:

18 **Sec. 24.60.200. Financial disclosure by legislators, public members of the**  
19 **committee, and legislative directors.** A legislator, a public member of the  
20 committee, and a legislative director shall file a disclosure statement, under oath and  
21 on penalty of perjury, with the Alaska Public Offices Commission giving the  
22 following information about the income received by the discloser, the discloser's  
23 spouse or spousal equivalent, the discloser's dependent children, and the discloser's  
24 nondependent children who are living with the discloser:

25 (1) the information that a public official is required to report under  
26 AS 39.50.030, other than information about gifts;

27 (2) as to income in excess of \$10,000 [\$1,000] received as  
28 compensation for personal services, the name and address of the source of the income,  
29 and a statement describing the nature of the services performed; if the source of  
30 income is known or reasonably should be known to have a substantial interest in  
31 legislative, administrative, or political action and the recipient of the income is a

1 legislator or a legislative director, the amount of income received from the source shall  
2 be disclosed;

3 (3) as to each loan or loan guarantee over \$1,000 from a source with a  
4 substantial interest in legislative, administrative, or political action, the name and  
5 address of the person making the loan or guarantee, the amount of the loan, the terms  
6 and conditions under which the loan or guarantee was given, the amount outstanding  
7 at the time of filing, and whether or not a written loan agreement exists.

8 \* **Sec. 38.** AS 24.60.200 is amended by adding a new subsection to read:

9 (b) Upon request of the Alaska Public Offices Commission, the information  
10 required under this chapter shall be submitted electronically.

11 \* **Sec. 39.** AS 39.50.020 is amended to read:

12 **Sec. 39.50.020. Report of financial and business interests.** (a) A public  
13 official other than the governor or the lieutenant governor shall file a statement giving  
14 income sources and business interests, under oath and on penalty of perjury, within 30  
15 days after taking office as a public official. Candidates for state elective office other  
16 than a candidate who is subject to AS 24.60 shall file the statement with the director of  
17 elections at the time of filing a declaration of candidacy or a nominating petition or  
18 becoming a candidate by any other means. [CANDIDATES FOR ELECTIVE  
19 MUNICIPAL OFFICE SHALL FILE THE STATEMENT AT THE TIME OF  
20 FILING A NOMINATING PETITION, DECLARATION OF CANDIDACY, OR  
21 OTHER REQUIRED FILING FOR THE ELECTIVE MUNICIPAL OFFICE.]  
22 Refusal or failure to file within the time prescribed shall require that the candidate's  
23 filing fees, if any, and filing for office be refused or that a previously accepted filing  
24 fee be returned and the candidate's name removed from the filing records. A  
25 statement shall also be filed by public officials no later than March 15 in each  
26 following year. Persons who are members of boards or commissions not named in  
27 AS 39.50.200(b) are not required to file financial statements.

28 (b) A public official [OTHER THAN AN ELECTED OR APPOINTED  
29 MUNICIPAL OFFICER] shall file the statement with the Alaska Public Offices  
30 Commission. Candidates for the office of governor and lieutenant governor and, if the  
31 candidate is not subject to AS 24.60, the legislature shall file the statement under

1 AS 15.25.030 or 15.25.180. [MUNICIPAL OFFICERS, AND CANDIDATES FOR  
2 ELECTIVE MUNICIPAL OFFICE, SHALL FILE WITH THE MUNICIPAL CLERK  
3 OR OTHER MUNICIPAL OFFICIAL DESIGNATED TO RECEIVE THEIR  
4 FILING FOR OFFICE.] All statements required to be filed under this chapter are  
5 public records.

6 \* **Sec. 40.** AS 39.50.030(b) is amended to read:

7 (b) Except as provided in (g) of this section, each statement filed by a public  
8 official or candidate under this chapter must include the following:

9 (1) the source of all income over \$10,000 [\$1,000] during the  
10 preceding calendar year, including taxable and nontaxable capital gains, received by  
11 the person, the person's spouse or spousal equivalent, or the person's child, except that  
12 a source of income that is a gift must be included if the value of the gift exceeds \$500  
13 [\$250];

14 (2) the identity, by name and address, of each business in which the  
15 person, the person's spouse or spousal equivalent, or the person's child has an interest  
16 or was a stockholder, owner, officer, director, partner, proprietor, or employee during  
17 the preceding calendar year, except that an interest of less than \$10,000 in the stock  
18 of a publicly traded corporation need not be included;

19 (3) [THE IDENTITY AND NATURE OF EACH INTEREST  
20 OWNED IN ANY BUSINESS DURING THE PRECEDING CALENDAR YEAR  
21 BY THE PERSON, THE PERSON'S SPOUSE OR SPOUSAL EQUIVALENT, OR  
22 THE PERSON'S CHILD;

23 (4)] the identity and nature of each interest in real property, including  
24 an option to buy, owned at any time during the preceding calendar year by the person,  
25 the person's spouse or spousal equivalent, or the person's child;

26 (4) [(5)] the identity of each trust or other fiduciary relation in which  
27 the person, the person's spouse or spousal equivalent, or the person's child held a  
28 beneficial interest exceeding \$10,000 [\$1,000] during the preceding calendar year, a  
29 description and identification of the property contained in each trust or relation, and  
30 the nature and extent of the beneficial interest in it;

31 (5) [(6)] any loan or loan guarantee of more than \$10,000 [\$1,000]

1 made to the person, the person's spouse or spousal equivalent, or the person's child,  
2 and the identity of the maker of the loan or loan guarantor and the identity of each  
3 creditor to whom the person, the person's spouse or spousal equivalent, or the person's  
4 child owed more than \$10,000 [\$1,000]; this paragraph requires disclosure of a loan,  
5 loan guarantee, or indebtedness only if the loan or guarantee was made, or the  
6 indebtedness incurred, during the preceding calendar year, or if the amount still owing  
7 on the loan, loan guarantee, or indebtedness was more than \$10,000 [\$1,000] at any  
8 time during the preceding calendar year;

9 (6) [(7)] a list of all contracts and offers to contract with the state or an  
10 instrumentality of the state during the preceding calendar year held, bid, or offered by  
11 the person, the person's spouse or spousal equivalent, or the person's child, a  
12 partnership or professional corporation of which the person is a member, or a  
13 corporation in which the person or the person's spouse, spousal equivalent, or children,  
14 or a combination of them, hold a controlling interest; and

15 (7) [(8)] a list of all mineral, timber, oil, or any other natural resource  
16 lease held, or lease offer made, during the preceding calendar year by the person, the  
17 person's spouse or spousal equivalent, or the person's child, a partnership or  
18 professional corporation of which the person is a member, or a corporation in which  
19 the person or the person's spouse or spousal equivalent or children, or a combination  
20 of them, holds a controlling interest.

21 \* **Sec. 41.** AS 39.50.030(d) is amended to read:

22 (d) In addition to the requirements of (b) of this section, each statement filed  
23 under this chapter by a public official in the executive branch of state government  
24 other than the chair or a member of a state commission or board must include a  
25 disclosure of the formation or maintenance of a close economic association involving  
26 a substantial financial matter as required by this subsection. The disclosure must be  
27 sufficiently detailed so that a reader can ascertain the nature of the association. A  
28 public official shall disclose a close economic association with

29 (1) a legislator;

30 (2) a public official [WHO IS NOT AN ELECTED OR APPOINTED  
31 MUNICIPAL OFFICER];

1 (3) a lobbyist; or

2 (4) a public officer if the person required to make the disclosure is the  
3 governor or the lieutenant governor.

4 \* **Sec. 42.** AS 39.50.050(a) is amended to read:

5 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)  
6 shall administer the provisions of this chapter. The commission shall prepare and  
7 keep available for distribution, standardized forms on which the reports required by  
8 this chapter shall be filed. Upon request of the commission, the information  
9 required under this chapter shall be submitted electronically.

10 \* **Sec. 43.** AS 39.50.090(a) is amended to read:

11 (a) A public official may not use the official position or office for the primary  
12 purpose of obtaining personal financial gain or financial gain for a spouse, child,  
13 mother, father, or business with which the official is associated or in which the official  
14 owns stock. A public official [OTHER THAN AN ELECTED OR APPOINTED  
15 MUNICIPAL OFFICIAL] may not use the official's position or office for the primary  
16 purpose of obtaining financial gain for the official's spousal equivalent.

17 \* **Sec. 44.** AS 39.50.090(b) is amended to read:

18 (b) A person may not offer or pay to a public official, and a public official  
19 may not solicit or receive money for legislative advice or assistance, or for advice or  
20 assistance given in the course of the official's public employment or relating to the  
21 public employment. However, this prohibition does not apply to a chairman or  
22 member of a state commission or board [OR MUNICIPAL OFFICER] if the subject  
23 matter of the legislative advice or assistance is not related directly to the function of  
24 the commission or [,] board [, OR MUNICIPAL BODY SERVED BY THE  
25 MUNICIPAL OFFICER]; this exception from the general prohibition does not apply  
26 to one whose service on a state commission or board constitutes the person as a full-  
27 time state employee under this title [AS 39].

28 \* **Sec. 45.** AS 39.50.090(c) is amended to read:

29 (c) A public official may not represent a client before a state agency for a fee.  
30 However, this prohibition does not apply to a [MUNICIPAL OFFICER, OR]  
31 chairman or member of a state commission or board except with regard to

1 representation before that commission or board; this exception from the general  
2 prohibition does not apply to one whose service on the commission or board  
3 constitutes the person as a full-time state employee under this title.

4 \* **Sec. 46.** AS 15.13.010(a)(2), 15.13.010(d), 15.13.070(d)(4)(C), 15.13.072(d),  
5 15.13.072(g); AS 39.50.030(g), 39.50.090(d), 39.50.145, 39.50.200(a)(7), 39.50.200(a)(8)(G),  
6 and 39.50.200(a)(8)(J) are repealed.

7 \* **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 **INDIRECT COURT RULE AMENDMENT.** The provisions of AS 15.13.380(k)  
10 contained in sec. 24 of this Act have the effect of changing Rule 40, Alaska Rules of Civil  
11 Procedure and Rule 216, Alaska Rules of Appellate Procedure, by requiring preferred position  
12 for consideration of cases or appeals by the court for a violation of AS 15.13.

13 \* **Sec. 48.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 **TRANSITION: REGULATIONS.** Notwithstanding sec. 51 of this Act, the Alaska  
16 Public Offices Commission may proceed to adopt regulations necessary to implement the  
17 changes made by this Act. The regulations take effect under AS 44.62 (Administrative  
18 Procedure Act), but not before the effective date of the statutory change.

19 \* **Sec. 49.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 **CONDITIONAL EFFECT.** AS 15.13.380(k), contained in sec. 24 of this Act, takes  
22 effect only if sec. 47 of this Act receives the two-thirds majority vote of each house required  
23 by art. IV, sec. 15, Constitution of the State of Alaska.

24 \* **Sec. 50.** Section 48 of this Act takes effect immediately under AS 01.10.070(c).

25 \* **Sec. 51.** Except as provided in sec. 50 of this Act, this Act takes effect July 1, 2003.

26

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, lines 7 - 9:

2 Delete "amending the campaign finance and public official financial disclosure  
3 laws to allow municipalities to choose whether they apply to municipal elections and  
4 municipal officials;"

5 Insert "authorizing the state to charge fees to municipalities that do not exempt  
6 themselves from certain election campaign laws;"

7

8 *Sec 1*  
Page 2, lines 1 - 21:

9 Delete all material and insert:

10 "\* Section 1. AS 15.13.010(a) is amended to read:

11 (a) This chapter applies

12 (1) in every election for governor, lieutenant governor, a member of  
13 the state legislature, a delegate to a constitutional convention, or judge seeking  
14 electoral confirmation;

15 (2) to every candidate for election to a municipal office in a  
16 municipality with a population of more than 1,000 inhabitants according to the latest  
17 United States census figures or estimates of population certified as correct for  
18 administrative purposes by the Department of Community and Economic  
19 Development unless the municipality has exempted itself from the provisions of this  
20 chapter; a municipality may exempt its elected municipal officers from the  
21 requirements of this chapter if a majority of the voters voting on the question at a  
22 regular election, as defined by AS 29.71.800(20), or a special municipality-wide  
23 election called for that purpose, votes to exempt its elected municipal officers from the

1 requirements of this chapter; the question of exemption from the requirements of this  
2 chapter may be submitted by the governing body by ordinance or by initiative  
3 election: a municipality that does not exempt itself from the application of the  
4 requirements of this chapter shall pay a fee to the state for services under this  
5 chapter; the amount of the fee shall be set by the Department of Administration  
6 by regulation."

7 *Sec 33*

8 Page 22, lines 18 - 19:

9 Delete all material.

10 Insert "services under AS 15.13 if the municipality does not exempt itself from the  
11 application of AS 15.13."

12 *Sec 32*

13 Page 22, lines 6 - 15:

14 Delete all material.

15  
16 Renumber the following bill sections accordingly.

17 *Sec 36*

18 Page 22, line 29:

19 Delete "sec. 37"

20 Insert "sec. 36"

21 *Sec 37*

22 Page 23, line 6:

23 Delete "sec. 34"

24 Insert "sec. 33"

25 *Sec 38*

26 Page 23, line 8:

27 Delete "Section 36"

28 Insert "Section 35"

29 *Sec 39*

30 Page 23, line 9:

31 Delete "sec. 38"

1

Insert "sec. 37"

AMENDMENT # 1-A

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Date 04/24/03

1 Page 1, lines 7 - 9:

2 Delete "amending the campaign finance and public official financial disclosure  
3 laws to allow municipalities to choose whether they apply to municipal elections and  
4 municipal officials;"

5 *Sec 1*  
6 Page 2, lines 1 - 21:

7 Delete all material.

8 *Sec 2*  
9 Page 2, line 22:

10 Delete "Sec. 2"

11 Insert "Section 1"

12

13 Renumber the following bill sections accordingly.

14 *Sec 32 + 33*  
15 Page 22, lines 6 - 19:

16 Delete all material.

17

18 Renumber the following bill sections accordingly.

19 *Sec 35*  
20 Page 22, line 24:

21 Delete "sec. 20"

22 Insert "sec. 19"

23

*Sec 34*

- 1 Page 22, line 29:
- 2 Delete "sec. 37"
- 3 Insert "sec. 34"

*Sec 35*

- 5 Page 23, line 5:
- 6 Delete "sec. 20"
- 7 Insert "sec. 19"

*Sec 37*

- 9 Page 23, line 6:
- 10 Delete "sec. 34"
- 11 Insert "sec. 31"

*Sec 38*

- 13 Page 23, line 8:
- 14 Delete "Section 36"
- 15 Insert "Section 33"

*Sec 39*

- 17 Page 23, line 9:
- 18 Delete "sec. 38"
- 19 Insert "sec. 35"

AMENDMENT

# 1-B  
moved up  
section

adopted  
5/1/03

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: CSHB 157(STA), Draft Dated 04/24/03

*TITLE change*

1 Page 1, lines 7 - 9:

2 Delete "amending the campaign finance and public official financial disclosure  
3 laws to allow municipalities to choose whether they apply to municipal elections and  
4 municipal officials;"

*Sec 1*

5  
6 Page 2, lines 1 - 21:

*adapted*

7 Delete all material.

*Sec 2*

8  
9 Page 2, line 22:

10 Delete "Sec. 2"

11 Insert "Section 1"

12

13 Renumber the following bill sections accordingly.

14

*Sec 32*

15 Page 22, lines 6 - 19:

16 Delete all material.

17

18 Renumber the following bill sections accordingly.

19

*Sec 35*

20 Page 22, line 24:

21 Delete "sec. 20"

22 Insert "sec. 19"

23

*Sec 36*

- 1 Page 22, line 29:
- 2 Delete "sec. 37"
- 3 Insert "sec. 34"

*Sec 37*

- 4 Page 23, line 5:
- 5 Delete "sec. 20"
- 6 Insert "sec. 19"

*Sec 37*

- 7 Page 23, line 6:
- 8 Delete "sec. 34"
- 9 Insert "sec. 31"

*Sec 38*

- 10 Page 23, line 8:
- 11 Delete "Section 36"
- 12 Insert "Section 33"

*Sec 39*

- 13 Page 23, line 9:
- 14 Delete "sec. 38"
- 15 Insert "sec. 35"

AMENDMENT # 1-C

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 1, following "An Act":

2 Insert "relating to the master register of voter registration and to a list of persons  
3 who voted in the last election;"  
4

5 Page 1, following line 12:

6 Insert a new bill section to read:

7 **\*\* Section 1.** AS 15.07.127 is amended to read:

8 **Sec. 15.07.127. Preparation of master register.** The director shall prepare  
9 both a statewide list and a list by precinct of the names and addresses of all persons  
10 whose names appear on the master register [AND THEIR POLITICAL PARTY  
11 AFFILIATION]. Any person may obtain a copy of the list, or a part of the list, or an  
12 electronic format containing both residence and mailing addresses of voters, by  
13 applying to the director and paying to the state treasury a fee as determined by the  
14 director."

\* 15 *Sec 1*

16 Page 2, line 1:

17 Delete "Section 1"

18 Insert "Sec. 2"

19

20 Renumber the following bill sections accordingly.

21 *Sec 21*

22 Page 16, following line 24:

23 Insert a new bill section to read:

1     "\* Sec. 23. AS 15.15.400 is amended to read:

2             Sec. 15.15.400. Preparation of voter list. The director shall prepare both a  
3             statewide list and a list by precinct of the names and addresses of all persons who  
4             voted in the election [AND THEIR POLITICAL PARTY AFFILIATION]. Any  
5             person may obtain a copy of the list, or a part of the list, or a computer tape containing  
6             both residence and mailing addresses of voters, by applying to the director and paying  
7             to the state treasury a fee as determined by the director."

8

9     Renumber the following bill sections accordingly.

10

*Sec 35*

11     Page 22, line 24:

12             Delete "sec. 20"

13             Insert "sec. 21"

14

*Sec 36*

15     Page 22, line 29:

16             Delete "sec. 37"

17             Insert "sec. 39"

18

*Sec 37*

19     Page 23, line 5:

20             Delete "sec. 20"

21             Insert "sec. 21"

22

*Sec 37*

23     Page 23, line 6:

24             Delete "sec. 34"

25             Insert "sec. 36"

26

*Sec 38*

27     Page 23, line 8:

28             Delete "Section 36"

29             Insert "Section 38"

30

*Sec 39*

31     Page 23, line 9:

- 1 Delete "sec. 38"
- 2 Insert "sec. 40"

AMENDMENT # 2

OFFERED IN THE HOUSE

BY REPRESENTATIVE DAHLSTROM

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 8:

2 • Delete "to allow municipalities to choose whether they"

3 Insert "that"

4 See 1 Amendment # 2

5 Page 2, lines 10 - 21:

6 Delete "only if [UNLESS] the municipality has opted for [EXEMPTED ITSELF  
7 FROM] the provisions of this chapter to apply; a municipality may opt into [EXEMPT ITS  
8 ELECTED MUNICIPAL OFFICERS FROM] the requirements of this chapter if a majority of  
9 the voters voting on the question at a regular election, as defined by AS 29.71.800(20), or a  
10 special municipality-wide election called for that purpose, votes to apply [EXEMPT ITS  
11 ELECTED MUNICIPAL OFFICERS FROM] the requirements of this chapter; the question  
12 of the application of [EXEMPTION FROM] the requirements of this chapter may be  
13 submitted by the governing body by ordinance or by initiative election. A municipality that  
14 opts for the application of the requirements of this chapter shall pay a fee to the state for  
15 services under this chapter. The amount of the fee will be set by the Department of  
16 Administration in regulation."

17 Insert "; the Department of Administration shall assess an annual fee to each  
18 municipality covered by this chapter to pay the municipality's proportional share of the  
19 actual costs of the commission for providing services under this chapter [UNLESS THE  
20 MUNICIPALITY HAS EXEMPTED ITSELF FROM THE PROVISIONS OF THIS  
21 CHAPTER; A MUNICIPALITY MAY EXEMPT ITS ELECTED MUNICIPAL OFFICERS  
22 FROM THE REQUIREMENTS OF THIS CHAPTER IF A MAJORITY OF THE VOTERS  
23 VOTING ON THE QUESTION AT A REGULAR ELECTION, AS DEFINED BY

1 AS 29.71.800(20), OR A SPECIAL MUNICIPALITY-WIDE ELECTION CALLED FOR  
2 THAT PURPOSE, VOTES TO EXEMPT ITS ELECTED MUNICIPAL OFFICERS FROM  
3 THE REQUIREMENTS OF THIS CHAPTER; THE QUESTION OF EXEMPTION FROM  
4 THE REQUIREMENTS OF THIS CHAPTER MAY BE SUBMITTED BY THE  
5 GOVERNING BODY BY ORDINANCE OR BY INITIATIVE ELECTION]."

6 *Sec 33*

7 Page 22, lines 18 - 19:

8 Delete all material.

9 Insert "services under AS 15.13 and the fee for a municipality to pay the state if the  
10 municipality opts under AS 39.50.145 to have AS 39.50 apply to its public officials."

23-LS8005A.32  
Craver  
4/30/03

AMENDMENT # 3

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 157(STA), Draft Dated 04/24/03

1 *Sec 2*  
Page 3, line 16: *Amendment # 3*

2 Delete "and"

3  
4 *Sec 2*  
Page 3, line 18, following "AS 39.50":

5 Insert "and"

6 (1) provide for a system of campaign finance disclosure by  
7 candidates directly through the Internet in lieu of reports filed with the  
8 commission"

9 *Sec 8*  
10 Page 6, following line 3:

11 Insert a new subsection to read:

12 "(n) A properly reported and described transaction in an approved campaign  
13 account established under AS 15.13.043 is sufficient to satisfy a candidate's reporting  
14 or filing requirements of this section in regard to that transaction."

15 *Sec 9*  
16 Page 6, line 4:

17 Delete "a new section"

18 Insert "new sections"

19 *Sec 9*  
20 Page 6, following line 31:

21 Insert "Sec. 15.13.043. Online reporting of candidate contributions and  
22 expenditures. (a) Each candidate shall establish an approved campaign account for all  
23 contributions and expenditures made in monetary form, and information of all transactions

23-LS8005\A.32

1 involving the account shall be made available to the public. A candidate may not deposit  
2 campaign contributions or make campaign expenditures from any other account.

3 (b) For all contributions and expenditures made from the campaign account in  
4 (a) of this section, a candidate is not required to file a report with the commission so  
5 long as all information required under this chapter is made in the transaction  
6 information, notwithstanding AS 15.13.040 and 15.13.110.

7 (c) In this section,

8 (1) "approved campaign account" means an account at a financial  
9 institution in the state that provides the following services:

10 (A) all transactions and any additional information regarding a  
11 transaction occurring in the account are available to the public;

12 (B) the account allows the holder to post additional information  
13 in relation to each transaction to meet the reporting requirements of this  
14 chapter, such as information regarding a contribution or expenditure;

15 (C) all account information, such as deposit slips, checks, and  
16 other evidence of the activity in the account is held by the financial institution  
17 for a period of at least two years, and this information is provided to the  
18 commission for inspection and copying at the request of the commission;

19 (D) the financial institution communicates with the commission  
20 to ensure the availability, compatibility, and format of the account information  
21 provided under (A) of this paragraph; and

22 (E) the financial institution is responsible only for providing  
23 the account and the account services, may charge a reasonable fee for the  
24 services provided to the holder, and is not responsible for the holder's  
25 compliance with the campaign disclosure requirements of state law;

26 (2) "available to the public" means the information is accessible within  
27 48 hours after a transaction on an Internet site maintained by the candidate according  
28 to the standards set by the commission and is also available for download at any  
29 commission office to the public for a fee not greater than the cost of providing the  
30 information."

31

*Sec. 18.*

1 Page 10, following line 8:

2 Insert a new bill section to read:

3 **\*\* Sec. 18. AS 15.13.110 is amended by adding a new subsection to read:**

4 (g) Notwithstanding (a) - (c) and (f) of this section, a candidate reporting  
5 campaign contributions and expenditures as required by AS 15.13.043 is not required  
6 to file a report with the commission for a contribution or expenditure made through  
7 the approved campaign account."  
8

9 Renumber the following bill sections accordingly.

10 *Sec 35*  
11 Page 22, line 24:

12 Delete "sec. 20"

13 Insert "sec. 21"

14 *Sec 36*  
15 Page 22, line 29:

16 Delete "sec. 37"

17 Insert "sec. 38"

18 *Sec 37*  
19 Page 23, line 5:

20 Delete "sec. 20"

21 Insert "sec. 21"

22 *Sec 37*  
23 Page 23, line 6:

24 Delete "sec. 34"

25 Insert "sec. 35"

26 *Sec 38*  
27 Page 23, line 8:

28 Delete "Section 36"

29 Insert "Section 37"

30 *Sec 39*  
31 Page 23, line 9:

23-LS8005\A.32

- 1 Delete "sec. 38"
- 2 Insert "sec. 39"

AMENDMENT # 4

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec. 3*

1 Page 3, lines 24 - 30:

2 Delete all material.

3 Insert "contributions in excess of \$100 in the aggregate a year <sup>Listing</sup> the name, address,  
4 principal occupation, and employer of the contributor and the date and amount contributed by  
5 each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be  
6 certified correct by the candidate or campaign treasurer."

7

*Sec 4*

8 Page 4, lines 5 - 13:

9 Delete all material.

10 Insert "and, for all contributions in excess of \$100 in the aggregate a year, the name,  
11 address, principal occupation, and employer of the contributor, and the date and amount  
12 contributed by each contributor; for purposes of this paragraph, "contributor" means the true  
13 source of the funds, property, or services being contributed; and

14 (3) the date and amount of all contributions made by it and all  
15 expenditures made, incurred or authorized by it."

16

*Sec 5.*

17 Page 4, lines 14 - 30:

18 Delete all material.

19

20 Renumber the following bill sections accordingly.

21

*Sec 7 15*

22 Page 5, lines 8 - 16:

23 Delete all material.

1           Insert "and, for all such contributions in excess of \$100 in the aggregate a year, the  
2           name, address, principal occupation, and employer of the contributor, and the date and  
3           amount contributed by each contributor; for purposes of this paragraph, "contributor" means  
4           the true source of the funds, property, or services being contributed; and

5                               (3) the date and amount of all contributions made by the"

6           *Sec 8*

7           Page 6, line 1:

8                       Delete "(b)(3), and (j)(3)"

9                       Insert "(b)(2), and (j)(2)"

10          *Sec 9*

11          Page 6, line 10:

12                       Delete "(b)(3), and (j)(3)"

13                       Insert "(b)(2), and (j)(2)"

14

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Rep. Gruenberg

AMENDMENT

#4-A

OFFERED IN THE HOUSE

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 3*

1 Page 3, lines 24 - 30:

2 Delete all material.

3 Insert "contributions in excess of \$100 in the aggregate a year, the name, address,  
4 principal occupation, and employer of the contributor and the date and amount contributed by  
5 each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be  
6 certified correct by the candidate or campaign treasurer."

*Sec 4*

7  
8 Page 4, lines 5 - 13:

9 Delete all material.

10 Insert "and, for all contributions in excess of \$100 in the aggregate a year, the name,  
11 address, principal occupation, and employer of the contributor, and the date and amount  
12 contributed by each contributor; for purposes of this paragraph, "contributor" means the true  
13 source of the funds, property, or services being contributed; and

14 (3) the date and amount of all contributions made by it and all  
15 expenditures made, incurred or authorized by it."

*Sec. 5*

16  
17 Page 4, lines 14 - 30:

18 Delete all material.

19

20 Renumber the following bill sections accordingly.

21

*Sec 32*

22 Page 5, lines 8 - 16:

23 Delete all material.

1 Insert "and, for all such contributions in excess of \$100 in the aggregate a year, the  
2 name, address, principal occupation, and employer of the contributor, and the date and  
3 amount contributed by each contributor; for purposes of this paragraph, "contributor" means  
4 the true source of the funds, property, or services being contributed; and

5 (3) the date and amount of all contributions made by the"

6 *Sec 8*

7 Page 6, line 1:

8 Delete "(b)(3), and (j)(3)"

9 Insert "(b)(2), and (j)(2)"

10 *Sec 9*

11 Page 6, line 10:

12 Delete "(b)(3), and (j)(3)"

13 Insert "(b)(2), and (j)(2)"

14 *Sec 10*

15 Page 7, lines 1 - 20:

16 Delete all material.

17

18 Renumber the following bill sections accordingly.

19 *Sec 35*

20 Page 22, line 24:

21 Delete "sec. 20"

22 Insert "sec. 15"

23 *Sec 34*

24 Page 22, line 29:

25 Delete "sec. 37"

26 Insert "sec. 32"

27 *Sec 37*

28 Page 23, line 5:

29 Delete "sec. 20"

30 Insert "sec. 15"

31

*Sec 37*

- 1 Page 23, line 6:
- 2 Delete "sec. 34"
- 3 Insert "sec. 29"

*Sec 38*

- 4
- 5 Page 23, line 8:
- 6 Delete "Section 36"
- 7 Insert "Section 31"

*Sec 39*

- 8
- 9 Page 23, line 9:
- 10 Delete "sec. 38"
- 11 Insert "sec. 33"

Amendment

#5

TO: HB 157(STA) 4-24-03

Sponsored by Rep. Seaton

*Sec 10, 11, 12*

Page 7, line 1-20,

**Delete all material**

Sections 10-12

**Renumber the sections accordingly.**

23-LS8005VA.29  
Craver  
4/30/03

AMENDMENT

# 5A

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 10*

- 1 Page 7, line 3:
- 2 • Delete "\$1,000 [\$500]"
- 3 • Insert "\$500"

23-LS8005VA.30  
Craver  
4/30/03

AMENDMENT

# 5 B

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 11*

1 Page 7, line 12:

2 Delete "\$5,000"

3 Insert "\$3,000"

4 *Sec 11*

5 Page 7, line 14:

6 Delete "\$5,000"

7 Insert "\$3,000"

AMENDMENT

#6

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 4:

2 Delete "and the limits in lobbyists' campaign contributions to candidates"

3 *Sec 13*

4 Page 7, line 21, through page 8, line 1:

5 Delete all material.

6

7 Renumber the following bill sections accordingly.

8

9 *Sec 15*  
Page 8, lines 14 - 29:

10 Delete all material and insert:

11 **"\* Sec. 14.** AS 15.13.074(g) is amended to read:

12 (g) An individual required to register as a lobbyist under AS 24.45 may not  
13 make a contribution to a candidate for the legislature at any time the individual is  
14 subject to the registration requirement under AS 24.45 and for one year after the date  
15 of the individual's initial registration or its renewal. However, the individual may  
16 make a contribution under this section to a candidate for the legislature in a district in  
17 which the individual is eligible to vote or will be eligible to vote on the date of the  
18 election. An individual who is subject to the restrictions of this subsection shall report  
19 to the commission, on a form provided by the commission, each contribution made  
20 while required to register as a lobbyist under AS 24.45. Upon request of the  
21 commission, the information required under this subsection shall be submitted  
22 electronically. This subsection does not apply to a representational lobbyist as  
23 defined in regulations of the commission."

1 *Sec 35*

2 Page 22, line 24:

3 Delete "sec. 20"

4 Insert "sec. 19"

5 *Sec 36*

6 Page 22, line 29:

7 Delete "sec. 37"

8 Insert "sec. 36"

9 *Sec 37*

10 Page 23, line 5:

11 Delete "sec. 20"

12 Insert "sec. 19"

13 *Sec 37*

14 Page 23, line 6:

15 Delete "sec. 34"

16 Insert "sec. 33"

17 *Sec 38*

18 Page 23, line 8:

19 Delete "Section 36"

20 Insert "Section 35"

21 *Sec 39*

22 Page 23, line 9:

23 Delete "sec. 38"

24 Insert "sec. 37"

# 7  
AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE SEATON

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 4:

2 Delete "and the limits in lobbyists' campaign contributions to candidates"

3

4

5

6

7

8

See 15

9 Page 8, lines 14 - 29:

10 Delete all material and insert:

11 **\*\* Sec. ~~15~~ AS 15.13.074(g) is amended to read:**

12 (g) An individual required to register as a lobbyist under AS 24.45 may not  
13 make a contribution to a candidate for the legislature at any time the individual is  
14 subject to the registration requirement under AS 24.45 and for one year after the date  
15 of the individual's initial registration or its renewal. However, the individual may  
16 make a contribution under this section to a candidate for the legislature in a district in  
17 which the individual is eligible to vote or will be eligible to vote on the date of the  
18 election. An individual who is subject to the restrictions of this subsection shall report  
19 to the commission, on a form provided by the commission, each contribution made  
20 while required to register as a lobbyist under AS 24.45. Upon request of the  
21 commission, the information required under this subsection shall be submitted  
22 electronically. This subsection does not apply to a representational lobbyist as  
23 defined in regulations of the commission."

#  
AMENDMENT 8

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

1 *Sec 16*  
Page 8, line 30, through page 9, line 17:

2 Delete all material and insert:

3 **"\* Sec. 16.** AS 15.13.078(b) is amended to read:

4 (b) The provisions of this chapter do not prohibit the individual who is a  
5 candidate from lending any amount to the campaign of the candidate. Loans made by  
6 the candidate shall be reported as contributions in accordance with AS 15.13.040 and  
7 15.13.110. However, the candidate may not

8 (1) recover, under this section and AS 15.13.116(a)(4), the amount of a  
9 loan made by the candidate to the candidate's own campaign that exceeds

10 (A) \$25,000, if the candidate ran for governor or lieutenant  
11 governor;

12 (B) \$10,000, if the candidate ran for

13 (i) the legislature; or

14 (ii) delegate to a constitutional convention;

15 (C) \$10,000, if the candidate was a judge seeking retention;

16 (D) \$5,000, if the candidate ran in a municipal election; or

17 (2) repay a loan that the candidate has made to the candidate's own  
18 campaign unless, within 10 [FIVE] days of making the loan, the candidate notifies the  
19 commission, on a form provided by the commission, of the candidate's intention to  
20 repay the loan under AS 15.13.116(a)(4)."

AMENDMENT #9

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 17*

- 1 Page 10, lines 1 - 2:
- 2 Delete "(3) 105 [10] days after a [THE] special, municipal, or municipal run-off
- 3 election"
- 4 Insert "(3) 10 days after the election"

AMENDMENT # 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 5, following "limits;":

2 Insert "relating to unused campaign contributions;"

3 *Sec 18*

4 Page 10, line 21:

5 Delete "(A) a political party;

6 (B) the state's general fund;

7 (C) a municipality of the state; or

8 (D) the federal government;"

9 Insert "(A) [A POLITICAL PARTY;

10 (B)] the state's general fund;

11 (B) [(C)] a municipality of the state; or

12 (C) [(D)] the federal government;"

AMENDMENT #11

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 19*

- 1 Page 13, line 2:
- 2 Delete "described in"
- 3 Insert "the subject of"

AMENDMENT #12

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 20*

1 Page 15, line 5:

2 Delete "shall"

3 Insert "may"

4 *Sec 20*

5 Page 15, line 6:

6 Delete "shall"

7 Insert "may"

HB 157

Amendment # 13 by APOC

Page 18, Lines 8 – 17, Section 25.

**Sec. 25.** AS 24.45.116 is deleted in its entirety.

Sec. 24.45.116. [DISCLOSURE OF CONTRIBUTIONS. A CIVIL LEAGUE OR ORGANIZATION SHALL REPORT THE TOTAL AMOUNT OF CONTRIBUTIONS RECEIVED FOR THE REPORTING PERIOD AND FOR ANY CONTRIBUTION OVER \$100, THE NAME OF THE CONTRIBUTOR AND THE AMOUNT CONTRIBUTED. THE CIVIL LEAGUE OR ORGANIZATION MAY ESTABLISH A SEPARATE FUND TO ACCOUNT FOR RECEIPTS AND EXPENDITURES ARISING OUT OF ACTIVITIES TO INFLUENCE LEGISLATIVE ACTION. REPORTS SHALL BE MADE ON A FORM PROVIDED BY THE COMMISSION ON FEBRUARY 10, APRIL 25, AND JULY 10 OF EACH YEAR, LISTING CONTRIBUTIONS RECEIVED DURING THE PERIOD THAT ENDED 10 DAYS EARLIER.]

AMENDMENT # 14

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 27*

1 Page 19, lines 7 - 21:

2 Delete all material and insert:

3 "§ Sec. 27. AS 24.45.171(8) is amended to read:

4 (8) "lobbyist" means a person who

5 (A) engages [A PERSON WHO IS EMPLOYED AND  
6 RECEIVES PAYMENTS, OR WHO CONTRACTS FOR ECONOMIC  
7 CONSIDERATION, INCLUDING REIMBURSEMENT FOR  
8 REASONABLE TRAVEL AND LIVING EXPENSES, TO COMMUNICATE  
9 DIRECTLY OR THROUGH THE PERSON'S AGENTS WITH ANY  
10 PUBLIC OFFICIAL FOR THE PURPOSE OF INFLUENCING  
11 LEGISLATIVE OR ADMINISTRATIVE ACTION IF A SUBSTANTIAL OR  
12 REGULAR PORTION OF THE ACTIVITIES FOR WHICH THE PERSON  
13 RECEIVES CONSIDERATION IS FOR THE PURPOSE OF  
14 INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION; OR

15 (B) A PERSON WHO REPRESENTS ONESELF AS  
16 ENGAGING] in the [INFLUENCING OF LEGISLATIVE OR  
17 ADMINISTRATIVE ACTION AS A] business, occupation, or profession of  
18 influencing legislative or administrative action: or

19 (B) receives wages or other economic consideration,  
20 including reimbursement of travel and living expenses, to communicate  
21 directly with any public official

22 (i) for the express purpose of influencing legislative  
23 or administrative action: and

1  
2

(ii) during more than four hours in any 30-day period in one calendar year;"

AMENDMENT

# 14 A

OFFERED IN THE HOUSE  
STATE AFFAIRS COMMITTEE  
TO CS for HOUSE BILL 157

BY \_\_\_\_\_  
(to WORK DRAFT 4/24/2003)

*Sec 27*

1 Page 19, line 7 through line 21:

2 Delete "\*Sec. 27. AS 24.45.171(8) is amended to read:

3 (8) "lobbyist" means

4 (A) a person who, on a full-time or part-time basis, is

5 employed and receives payments, income, or [WHO

6 CONTRACTS FOR] economic consideration, including

7 reimbursement for reasonable travel and living expenses,

8 to communicate directly or through the person's agents with

9 any public official for the purpose of influencing legislative

10 or administrative action if a substantial or regular portion of

11 the activities for which the person receives consideration is

12 for the purpose of influencing legislative or administrative

13 action; in this subparagraph, "substantial or regular" means

14 more than 16 hours in a 30-day period in direct

15 communication with a public official or legislative employees;

16 or

17 (B) a person who engages [REPRESENTS ONESELF AS

18 ENGAGING] in the influencing of legislative or administrative

19 action as a business, occupation, service, or profession;

20

21

22

23

24

25

26

27

AMENDMENT #15

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*Sec 27*

- 1 Page 19, line 17:
- 2 Delete "16"
- 3 Insert "four"

AMENDMENT # 15-A

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

Sec 27

- 1 Page 19, line 17:
- 2 Delete "16"
- 3 Insert "eight"

AMENDMENT

#16

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*See 27*

- 1 Page 19, line 21:
- 2 Delete "service."

APOC / Campaign Finance Changes

House Bill 157 CS

Amendment #

17

*to consider: from  
AK. Coxs.  
Voters*

**Financial disclosure**

**by legislators, public members of the committee, and legislative directors.**

Delete changes in Section 28 to the income levels that trigger financial disclosure.

**Section 28**

Page 20, Line 1- delete changes.

Page 20, Line 19- delete changes

**Justification:**

Allowing legislators to receive unreported income up to \$10,000 may lead to backdoor campaign donations through this unreported income. While \$10,000 may not necessarily buy a legislator, the public has the right to know from whom our officials are receiving any income.

Additionally, disclosure of this type of information is important for public information regarding the motivation of legislators and proposed legislation.

#  
Amendment 17-A

CS HB 157(STA) 4-24-03

sponsored by Rep. Seaton

Financial Disclosure Sections

- Sec 28*  
• Page 20, line 1,  
Delete \$10,000 Insert \$4,000
- Sec 30*  
• Page 20, line 19,  
Delete \$10,000 Insert \$4,000
- Sec 30*  
Page 20, line 22,  
Delete \$500 Insert \$250
- Sec 30*  
• Page 21, line 7,  
Delete \$10,000 Insert \$4,000
- Sec 30*  
• Page 21, line 10,  
Delete \$10,000 Insert \$4,000
- Sec 30*  
• Page 21, line 14,  
Delete \$10,000 Insert \$4,000
- Sec 30*  
• Page 21, line 17,  
Delete \$10,000 Insert \$4,000

AMENDMENT

#17-B

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

*See 28*

- 1 Page 20, line 1:
- 2 Delete "\$10,000"
- 3 Insert "\$2,000"

AMENDMENT # 18

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

- Sec 28*
- 1 Page 20, line 8:
  - 2 Delete "\$1,000"
  - 3 Insert "\$2,000 [\$1,000]"

AMENDMENT # 19

OFFERED IN THE HOUSE

BY REPRESENTATIVE BERKOWITZ

TO: CSHB 157(STA), Draft Dated 04/24/03

1 Page 1, line 9, following "officials;":

2 Insert "relating to political activities of certain state officials;"

3 *Sec 29*  
4 Page 20, following line 15:

5 Insert a new bill section to read:

6 **\*\* Sec. 30.** AS 39.25.160 is amended by adding a new subsection to read:

7 (l) A member of an independent quasi-judicial agency of the state may not  
8 take an active part in the management of a political party above the district level."

9

10 Renumber the following bill sections accordingly.

11 *Sec 36*  
12 Page 22, line 29:

13 Delete "sec. 37"

14 Insert "sec. 38"

15 *Sec 37*  
16 Page 23, line 6:

17 Delete "sec. 34"

18 Insert "sec. 35"

19 *Sec 38*  
20 Page 23, line 8:

21 Delete "Section 36"

22 Insert "Section 37"

23

*Sec 39*

- 1 Page 23, line 9:
- 2 Delete "sec. 38"
- 3 Insert "sec. 39"

HB 157

Amendment # 19 by APOC

Page 20, Line 16

New Section 30:

**Sec. 39.50.020. Report of financial and business interests.** (a) A public official other than the governor or the lieutenant governor shall file a statement giving income and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. Candidates for state elective office other than a candidate who is subject to AS 24.60 shall file the statement with the director of elections at the time of filing a declaration of candidacy or a nominating petition or becoming a candidate by any other means. Candidates for elective municipal office of those municipalities that have voted as provided in AS 39.50.145 to apply the requirements of this chapter to its officers shall file the statement at the time of filing a nominating petition, declaration of candidacy, or other required filing for the elective municipal office. Refusal or failure to file within the time prescribed shall require that the candidate's filing fees, if any, and filing for office be refused or that a previously accepted filing fee be returned and the candidate's name removed from the filing records. A statement shall also be filed by public officials no later than March 15 in each following year. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.

(b) A public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of

governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective municipal offices, **of those municipalities that have voted as provided in AS 39.50.145 to apply the requirements of this chapter to its officers** shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.

All remaining sections shall be renumbered accordingly.

AMENDMENT # 20

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 157(STA), Draft Dated 04/24/03

- Sec 30*
- 1 Page 20, line 19:  
2 Delete "\$10,000"  
3 Insert "\$2,000"
- Sec 30*
- 4  
5 Page 20, line 27:  
6 Delete "\$10,000"  
7 Insert "\$2,000"
- Sec 30*
- 8  
9 Page 21, line 7:  
10 Delete "\$10,000"  
11 Insert "\$2,000"
- Sec 30*
- 12  
13 Page 21, line 10:  
14 Delete "\$10,000"  
15 Insert "\$2,000"
- Sec 30*
- 16  
17 Page 21, line 14:  
18 Delete "\$10,000"  
19 Insert "\$2,000"
- Sec 30*
- 20  
21 Page 21, line 17:  
22 Delete "\$10,000"  
23 Insert "\$2,000"

HB 157

Amendment # 21 by APOC

Page 22, Lines 6 -- 15

Section 32:

**Sec. 39.50.145. Participation by municipalities. The requirements of this chapter apply to municipal officers only [A MUNICIPALITY MAY EXEMPT ITS MUNICIPAL OFFICERS FROM THE REQUIREMENTS OF THIS CHAPTER] if a majority of the voters of a municipality voting on the question at a regular election, as defined by AS 29.71.800(20), or a special municipality-wide election, vote to apply [EXEMPT ITS MUNICIPAL OFFICERS FROM] the requirements of this chapter to its municipal officers. The question of the application of [EXEMPTION FROM] the requirements of this chapter may be submitted by the city council or borough assembly by ordinance or by initiative election. A municipality with a population of one thousand or less may not elect to have the requirements of this chapter apply to it. ✓**

HB 157

Amendment # 22 by APOC

Page 23, Lines 9

New Section 39:

- **Sec. 39.** Sections 1, 32, and 33 take effect on July 1, 2004.
- **Sec. 40.** Except as provided in secs. 38 and 39 of this Act, this Act takes effect July 1, 2003.

Insert the following:

AS 15.40.140 is amended to read:

**Sec. 15.40.140. Condition and time of calling special election.** When a vacancy occurs in the office of United States senator or United States representative, the governor shall, by proclamation, call a special election to be held on a date not less than 60, nor more than 90, days after the date the vacancy occurs. However, if the vacancy occurs on a date that is less than 60 days before or is on or after the date of the primary election in the general election year during which a candidate to fill the office is regularly elected [YEARS], the governor may not call a special election.

AS 15.40 is amended by adding a new section to read:

**Sec. 15.40.165. Term of elected senator.** At the special election, a United States senator shall be elected to fill the remainder of the unexpired term. The person elected shall take office on the date the United States Senate meets, convenes, or reconvenes following the certification of the results of the special election by the director.

AS 15.40.200 is amended to read:

**Sec. 15.40.200. Requirements of party petition.** Petitions for the nomination of candidates of political parties shall state in substance that the party desires and intends to support the named candidate for the office of United States senator or United States representative, as appropriate, at the special election and requests that the name of the candidate nominated be placed on the ballot.

AS 15.40.220 is amended to read:

**Sec. 15.40.220. General provisions for conduct of special election.** Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the United States senator or United States representative, including [, BUT NOT LIMITED TO,] provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting [SPECIFICALLY REFERRED TO IN AS 15.40.130].

AS 15.40.310 is amended to read:

**Sec. 15.40.310. General provisions for conduct of special election.** Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of the governor and lieutenant governor, including [, BUT NOT LIMITED TO,] provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting [SPECIFICALLY REFERRED TO IN AS 15.40.130].

AS 15.40.470 is amended to read:

**Sec. 15.40.470. General provision for conduct of special election.** Unless specifically provided otherwise, all provisions regarding the conduct of the general election shall govern the conduct of the special election of state senators, including [, BUT NOT LIMITED TO, THE] provisions concerning voter qualifications; provisions regarding the duties, powers, rights, and obligations of the director, of other election officials, and of municipalities; provision for notification of the election; provision for payment of election expenses; provisions regarding employees being allowed time from work to vote; provisions for the counting, reviewing, and certification of returns; provisions for the determination of the votes and of recounts, contests, and appeal; and provision for absentee voting [SPECIFICALLY REFERRED TO IN AS 15.40.130].

AS 15.40.010, 15.40.050, 15.40.060, 15.40.070, 15.40.075, 15.40.130, and 13 15.40.135 are repealed.

AMENDMENT # 24

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO:

1 Page \_\_\_\_, line \_\_\_\_:

2 Insert "amending the Regulation of Lobbying Act and the legislative standards of  
3 conduct to allow a lobbyist to give persons covered by the legislative standards of  
4 conduct tickets to a legislative charity event and donations for the event and to allow a  
5 person covered by the legislative standards of conduct to accept tickets to a legislative  
6 charity event and donations for a legislative charity event during a legislative session;"

7

8 Page \_\_\_\_, following line \_\_\_\_:

9 Insert new bill sections to read:

10 **\*\* Sec. \_\_\_\_.** AS 24.45.121(a) is amended to read:

11 (a) A lobbyist may not

12 (1) engage in any activity as a lobbyist before registering under  
13 AS 24.45.041;

14 (2) do anything with the intent of placing a public official under  
15 personal obligation to the lobbyist or to the lobbyist's employer;

16 (3) intentionally deceive or attempt to deceive any public official with  
17 regard to any material fact pertinent to pending or proposed legislative or  
18 administrative action;

19 (4) cause or influence the introduction of a legislative measure solely  
20 for the purpose of thereafter being employed to secure its passage or its defeat;

21 (5) cause a communication to be sent to a public official in the name of  
22 any fictitious person or in the name of any real person, except with the consent of that  
23 person;

1 (6) accept or agree to accept any payment in any way contingent upon  
2 the defeat, enactment, or outcome of any proposed legislative or administrative action;

3 (7) serve as a member of a state board, or commission, if the lobbyist's  
4 employer may receive direct economic benefit from a decision of that board or  
5 commission;

6 (8) serve as a campaign manager or director, serve as a campaign  
7 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a  
8 fund-raising event, directly or indirectly collect contributions for, or deliver  
9 contributions to, a candidate, or otherwise engage in the fund-raising activity of a  
10 legislative campaign or campaign for governor or lieutenant governor if the lobbyist  
11 has registered, or is required to register as a lobbyist, under this chapter, during the  
12 calendar year; this paragraph does not apply to a representational lobbyist as defined  
13 in the regulations of the Alaska Public Offices Commission, and does not prohibit a  
14 lobbyist from making personal contributions to a candidate as authorized by AS 15.13  
15 or personally advocating on behalf of a candidate;

16 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a  
17 person covered by AS 24.60, during a legislative session, a gift, other than food or  
18 beverage for immediate consumption, except for tickets to a legislative charity  
19 event described in AS 24.60.080(c)(10) or donations for a legislative charity event  
20 described in AS 24.60.080(l);

21 (10) make or offer a gift or a campaign contribution whose acceptance  
22 by the person to whom it is offered would violate AS 24.60.

23 \* Sec. \_\_\_\_ AS 24.60.080(c) is amended by adding a new paragraph to read:

24 (10) a ticket from a lobbyist for a legislative charity event during a  
25 legislative session; the ticket may entitle the bearer to admission to the event, to  
26 entertainment, to food or beverages, or to other gifts or services involved in the charity  
27 event.

28 \* Sec. \_\_\_\_ AS 24.60.080(k) is amended to read:

29 (k) In this section,

30 (1) "immediate family" or "family member" means

31 (A) [(1)] the spouse of the person;

1                    **(B)** [(2)] the person's spousal equivalent;

2                    **(C)** [(3)] a child, including a stepchild and an adoptive child, of  
3 the person or of the person's spousal equivalent;

4                    **(D)** [(4)] a parent, sibling, grandparent, aunt, or uncle of the  
5 person;

6                    **(E)** [(5)] a parent, sibling, grandparent, aunt, or uncle of the  
7 person's spouse or the person's spousal equivalent; and

8                    **(F)** [(6)] a stepparent, stepsister, stepbrother, step-grandparent,  
9 step-aunt, or step-uncle of the person, the person's spouse, or the person's  
10 spousal equivalent;

11                    **(2) "legislative charity event" means an event sponsored by or**  
12 **primarily involving the legislature. the proceeds of which go to a charitable**  
13 **organization with tax-free status under 26 U.S.C. 501(c)(3).**

14 \* Sec. \_\_\_\_ . AS 24.60.080 is amended by adding new subsections to read:

15                    (l) A legislator or legislative employee may, during a legislative session,  
16 solicit, accept, or receive, directly or indirectly, a donation from a lobbyist of goods or  
17 services for a legislative charity event."

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Article Published: Saturday, April 26, 2003 - 2:55:23 AM AKST

## A move against openness

Gov. Frank Murkowski's plan to eliminate the Alaska Public Offices Commission and transfer its functions to the Division of Elections has undergone several changes, one of which has received comparatively little attention: the removal of municipal elections from state oversight.

The idea, put forward by APOC as a way to save its skin and save some money, is unacceptable in two ways: It is yet another example of the state trying to shift costs to local government, and it raises the prospect that, should local governments decline to assume the job of campaign watchdog, the public will have little information about the finances of those running for mayor, borough assembly, city council and school board.

Senate Bill 119, which this week moved to the Senate Finance Committee, contains a provision to remove local elections from state oversight but would not prohibit municipal governments from taking up the task if they chose to.

But if the Fairbanks North Star Borough Assembly declines to have the borough clerk handle candidate disclosure filings and campaign regulation enforcement, and if the state has decided not to provide those functions, candidates in this October's mayoral race would not have to tell us who is contributing to their campaigns. There would be no limit to how much money an individual or business could give.

Yet if the assembly does order the clerk's office to conduct these functions, how much will it cost? And could a system be implemented in time?

In the House, a work draft of a substitute for House Bill 157 similarly drops municipal elections but allows them to come under state oversight if a local election is held to decide the matter. If voters agree to the state supervision, APOC would then charge the local government a fee, which has not yet been disclosed.

But if the idea isn't put to a vote, Fairbanks again faces an election with few rules and little disclosure.

It's not worth the risk.

APOC provides uniform filing, contributor and expense forms to municipalities, ensures that forms are filled out correctly and enforces campaign regulations. Whether APOC succeeds in that function or has become slow and unreasonable is a matter of some debate and is not the point here.

The point, rather, is that the immediate outlook for local elections is unsettling under either APOC reform bill.

For example, each bill has an effective date of July 1 of this year, just four weeks before the filing period opens for borough mayor, assembly and school board races. Borough officials are only beginning to become aware of what is being considered in Juneau and would have little time to put a disclosure and regulation system in place for the October vote.

Under the House bill, the borough clerk's office would have virtually no time to conduct a special election--at a cost of about \$30,000--if the assembly were to choose to seek state oversight. And whether the assembly would find the money to also pay for that oversight isn't clear.

Also disturbing is that, although the idea of dropping municipal elections from APOC supervision has been moving through the Legislature, no one seems to have discussed



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this with the local governments. The municipal clerk of the Fairbanks North Star Borough has had to research the issue herself; the clerk of the municipality of Anchorage did not know until Friday.

And what about even smaller governments such as the Denali Borough? Will they be able to afford overseeing campaign regulations for their local races?

The APOC bills have proved controversial in their own right. Attaching provisions that affect what the public is told about its candidates for local office deserves a full debate not obscured by the argument over APOC's future. Too many questions remain to proceed.

With only a few weeks remaining in this year's legislative session, the House and Senate should restore local elections to APOC's purview and consider the matter of local elections as a separate bill when the second session convenes in January.

[↑](#) RETURN TO TOP

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**LEAGUE OF WOMEN VOTERS OF ALASKA**

**RESOLUTION 03-03**

**A RESOLUTION IN OPPOSITION TO HB 157 and SB 119:  
Elimination of the Alaska Public Offices Commission (APOC)**

**WHEREAS**, the League of Women Voters of Alaska supports the citizens' right to know through public disclosure of political campaign contributions, the financial interests of public officials and the financial affairs of lobbyists and their employers,

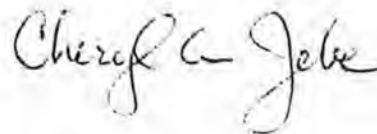
**WHEREAS**, the League of Women Voters of Alaska believes that all disclosure reports should be received, compiled and published by an independent commission which should have final responsibility for monitoring and enforcement; and

**WHEREAS**, the State of Alaska established the Alaska Public Offices Commission in 1974 to ensure the accountability of candidates and public officials to the public in accordance with the Alaska Statutes,

**THEREFORE, BE IT RESOLVED**, that the League of Women Voters of Alaska urges the Alaska State Legislature to oppose HB 157 and SB 119 relating to the elimination of the Alaska Public Offices Commission, and

**BE IT FURTHER RESOLVED**, that the League of Women Voters of Alaska urges the Alaska State Legislature to appropriate resources sufficient to carry out the mission of the Alaska Public Offices Commission as the agency upholding the public's right to know the financial affairs of lobbyists and their employers as well as elected public officials and candidates for state and local offices.

**PASSED and APPROVED** by the delegates to the League of Women Voters of Alaska 2003 Convention, Juneau, Alaska, this 13<sup>th</sup> day of April, 2003.



Cheryl Jebe, President  
League of Women Voters of Alaska

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### Editorials

**"An Informed Voter Is The Best Defense Against Bad Government"**

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**"A FORMAL RESOLUTION IN SUPPORT OF,  
THE ALASKA PUBLIC OFFICES COMMISSION"**  
By The Alaska Voters Organization, Board of Directors, March 18, 2003

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## Alaska State Legislature

### ALASKA VOTERS ORGANIZATION

#### RESOLUTION 2003-05

A Resolution to the 23<sup>rd</sup> Alaska State Legislature in **OPPOSITION** to significant changes to, or elimination of, the Alaska Public Offices Commission (APOC).

**WHEREAS**, the Alaska Public Offices Commission began as the Alaska Election Campaign Commission (AECC) in 1974; and

**WHEREAS**, the incentive for campaign disclosure resulted from the Watergate scandal and a successful citizen initiative effort, which convinced our State Legislature to pass the Alaska Campaign Disclosure Law; and

**WHEREAS**, that same year, another initiative effort succeeded in placing Alaska's Public Official Financial Disclosure Law on the ballot, where it was approved by over 71% of the voters and became law in January 1975; and

**WHEREAS**, in 1976, the legislature revised state lobbying reporting by

passing Alaska's Lobbying Law, with responsibility for its enforcement assigned to the AECC, which was renamed the Alaska Public Offices Commission (APOC), to reflect its newly expanded mission; and

**WHEREAS**, in 1990, the legislature responded to an increased demand for ethics regulation and disclosure by expanding its previous reporting requirements under the Conflict of Interest Law in the form of a new act, Alaska's Legislative Ethics Disclosure Law, which created the Select Committee on Legislative Ethics to hear ethics violations; and

**WHEREAS**, the 1997 Alaska Campaign Disclosure Law was a response by the legislature to a citizens' initiative effort in 1996, which revised Alaska's 20 year-old campaign disclosure law to include stricter limitation and disclosure measures, including the prohibition of corporate and out-of-state group contributions to state and local candidates; and

**WHEREAS**, in 2003, legislation proposed by Governor Murkowski and members of the State Legislature, have put party politics ahead of good honest public policy; and

**WHEREAS**, attempts to significantly reduce lobbyists reporting requirements or to eliminate the non-partisan Alaska Public Offices Commission (APOC), violates the will of Alaskan voters, who spoke out on three separate occasions to create the very agency and regulations currently being threatened with elimination; and

**WHEREAS**, the unfettered access to information is the foundation of a democratic society; and

**WHEREAS**, the public has a right to know the truth about all funds paid to influence Alaska's legislature; and

**WHEREAS**, Governor Murkowski and the legislature's attempts to weaken or eliminate APOC, promote bad public policy that will further erode the public's trust in our government; and

**WHEREAS**, the citizens of Alaska have spoken loud and clear, "state laws should not be relaxed to make it easier for lobbyist to influence our elected officials";

**NOW, THEREFORE, BE IT RESOLVED** by the Alaska Voters Organization, Board of Directors, that we support existing Alaska statutes governing campaign disclosure and registration of lobbyists; and be it

**FURTHER RESOLVED**, that we oppose all efforts to reduce the effectiveness or existence of the Alaska Public Offices Commission (APOC).

**ADOPTED BY THE ALASKA VOTERS ORGANIZATION  
BOARD OF DIRECTORS, THIS 18<sup>th</sup> DAY OF MARCH 2003.**

# CAMPAIGN FINANCE REFORM NOW!

2224 Turnagain Parkway, Anchorage, Alaska 99517 Ph: 248-5078 Mike Frank, Chair

April 23, 2003

House State Affairs Committee  
State Capitol  
Juneau, AK 99801

Dear Chairman Weyhrauch and Committee Members:

Thank you for this opportunity to provide additional testimony on the proposed CS for HB 157. We have not seen the CS, but are assuming that it will be substantially similar to the current work draft version of SB 119. As currently constructed, this bill would do major damage to the laws administered by APOC. A cursory review reveals over 20 significant weakening changes to existing law, as well as what appear to be two improvements (mandatory electronic filing and an expedited complaint process).

In part, we are responding here to Representative Seaton's request for our input on the worst provisions in HB 157/SB 119. By identifying the most major attacks on our campaign finance and disclosure laws, we don't mean to belittle the impact of the many other minor weakening amendments. Among the worst changes, HB 157:

Increases the individual contribution limits from \$500 to \$1000 to a candidate or group; and from \$5000 to \$10,000 to a political party. One of the most basic provisions of our 1996 citizen initiative was the reduction from \$1000 to \$500 for the maximum individual contribution to candidates. The initiative would have allowed only \$500 limit per election cycle, but we compromised with the Legislature to allow two contributions over an 18-month period. This version of HB 157 undoes that change for no reason. Lower maximum contributions haven't rendered candidates unable to raise sufficient funds; rather, candidates have raised money from more Alaskans, not just the wealthy and special interests.

Increases the PAC (group) contribution limits from \$1000 to \$5000 to a candidate or another group; and from \$1000 to \$10,000 to a political party. The 1996 Campaign Finance Reform Law did not lower the limit on contributions from PACs to candidates – it was \$1000 prior to the law. There is no justification for increasing this maximum amount, especially five-fold and ten-fold, which may drastically increase the role of PACs in Alaska politics. The purpose of allowing PACs to contribute at all is to allow individuals of limited means to magnify their voices by pooling small contributions so that they might approximate the maximum amount a wealthy individual can contribute. Allowing PACs to contribute more magnifies their voices above the individual voter's, and that is anti-democratic. Lower PAC contribution levels mean greater opportunities for individuals to affect Alaska elections.

Allows lobbyists to give contributions to any candidate in Alaska. This provision, which strikes another core provision of our initiative and the 1996 law, would return us to previous days when lobbyists directly funded a major portion of legislative races. Prior to the 1996 law, many lobbyists gave out, directly and indirectly, between \$25,000 and \$100,000 each election cycle. This is arguably just a form of legal pass-through of their clients' fees.

Current law is a reasonable compromise -- it allows lobbyists to give to all PACs, parties, candidates for governor, and municipal candidates, as well as to legislative candidates in their own districts. Lobbyists also are free to make independent expenditures, and to volunteer during campaigns.

Increases from \$1000 to \$10,000 the reporting threshold for legislative financial disclosure filers; from \$250 to \$500 for gifts; and, from \$1000 to 10,000 for loans. While these changes aren't to the campaign finance laws, they are equally damaging to the public trust. Why shouldn't Alaskans know who is providing significant salaries, payments and loans to our elected officials? Amounts between \$1000 and \$10,000 are large enough to provide potential for undisclosed corruption. It is ironic that campaign finance disclosure laws require the source of much smaller contributions to be disclosed -- a good thing -- but a weaker standard would be applied for direct income sources to members of the Legislature.

Allows all municipalities to opt out of APOC provisions. We are opposed to any provision that would force municipalities to opt in to APOC regulation, and any that would allow municipalities of any size to opt out of APOC regulation. These represent major weakening amendments, not to the 1996 law, but to the original APOC law. As the current Anchorage municipal election is showing, big-budget races aren't limited to the legislative and gubernatorial level. Municipalities need to be subject to APOC regulations unless they are of small size, have races that attract few contributions, and have races that are inexpensive.

A provision (Section 1 of CSSB 119 Work Draft 03-0090 bil2 doc, 4/18/2003) deleting the authority of municipalities to enact stricter campaign finance limitations than required by state law also is unnecessary. Giving municipalities the authority to do this was a provision of the initiative enacted in 1996. There is no reason why the Legislature should repeal this authority, or otherwise interfere in local elections in this manner.

We would be glad to provide any additional information on these amendments, or on the other more minor weakening amendments. We greatly appreciate this opportunity to testify.

Sincerely,

Mike Frank  
[mdfrank@gci.net](mailto:mdfrank@gci.net)

David Finkelstein  
[davidfinkelstein@juno.com](mailto:davidfinkelstein@juno.com)



# Alaska State Legislature

Please enter into the record my testimony to the House State Affairs  
committee name

Committee on HB 157, dated 4-24-02  
bill # / subject public hearing date

Larger contributions will give contributors an increased influence, they may seek to pass legislation that favors their special interests. I'm opposed to allowing candidates to accept contributions after a primary election. I am against lobbyists being allowed to give any contributions to candidates outside of their district. Municipal officials should be under APOC rules. Allowing campaign solicitations during the legislative sessions is a major conflict of the constituent's best interests. The legislators should be focusing all of their attention on our constitutionally mandated requirements, Education, Public Safety and Transportation. Special interests want these proposed changes in HB 157, not the

Signed: Laurie Churchill citizens of Alaska  
Testifier

Representing (optional)

PO Box 7043 NIKISKI AK 99635  
Address

907-776-3499  
Phone number



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

April 30, 2003

Representative Max Gruenberg  
State Capitol  
Room 13  
Juneau, AK 99801

**Re: CS for H.B. 157 – Alaska Public Offices Commission (APOC)**

Dear Representative Gruenberg,

During the House State Affairs Committee meeting on Tuesday, April 29, I classified the CS for H.B. 157 as another "unfunded mandate" and you asked how this legislation could be characterized as an unfunded mandate.

In response to your question, there is concern among some of our members that the bill may not repeal AS 39.50.900(5), which defines "instrumentality of the state." In the regulations adopted by the APOC, a municipality is an instrumentality of the state. Thus, even with repeal of AS 39.50.900(A)(7) and (8)(j), it can be argued that municipal officials will still have to file forms. Municipal officials currently have to do these reports under AS 39.50.200 and 2 AAC 50.090.

On another level, all municipalities hold elections and will likely be required by voters to maintain the current level of services whether by opting into APOC or by setting up their own program for campaign reporting and financial disclosure. Either way, municipalities will have to incur new financial costs to maintain current levels of service.

Please let me know if you have additional questions or need further information.

With best regards,

Sarah A. Gilbertson  
Policy and Program Coordinator

HB 157 file



# Alaska State Legislature

Please enter into the record my testimony to the THE HOUSE STATE AFFAIRS COMMITTEE  
committee name

Committee on HB 157, dated APRIL 24 2003  
bill # / subject public hearing date

I am opposed to changes to contributions to APOC by the passage of this bill. This allows more money to candidates with less regulation. I choose Govt. by the people not special interests groups. THE need for campaign disclosure, LEGISLATIVE ETHICS & lobbying laws ARE THE BASIS of a good sound government. Nothing less than full disclosure is an invitation for political deceit. THE CITIZENS of ALASKA will not gain by the passing of this legislation. The public needs TOTAL Access to the information collected by APOC. APOC provides the public a sound democratic process. all Alaskans have the right to know the truth about all funds being paid to influence our legislature. APOC must stay in place to maintain government.

Signed: PETRIA FALKENBERG  
Testifier

SELF  
Representing (optional)

Box 3293 KENAI, AK 99611  
Address

(907) 394-2646  
Phone number

**Subject:** [Fwd: CS HB157 -- comments]  
**Date:** Fri, 02 May 2003 12:30:16 -0800  
**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>  
**Organization:** Alaska State Legislature  
**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

bill file

---

**Subject:** CS HB157 -- comments  
**Date:** Wed, 30 Apr 2003 19:16:59 -0800  
**From:** Mona Drexler <monalisa@co.fairbanks.ak.us>  
**To:** "'Representative\_Bruce\_Weyhrauch@legis.state.ak.us'" <Representative\_Bruce\_Weyhrauch@legis.state.ak.us>, "'Representative\_Jim\_Holm@legis.state.ak.us'" <Representative\_Jim\_Holm@legis.state.ak.us>, "'Representative\_Paul\_Seaton@legis.state.ak.us'" <Representative\_Paul\_Seaton@legis.state.ak.us>, "'Representative\_Nancy\_Dahlstrom@legis.state.ak.us'" <Representative\_Nancy\_Dahlstrom@legis.state.ak.us>, "'Representative\_Bob\_Lynn@legis.state.ak.us'" <Representative\_Bob\_Lynn@legis.state.ak.us>, "'Representative\_Ethan\_Berkowitz@legis.state.ak.us'" <Representative\_Ethan\_Berkowitz@legis.state.ak.us>, "'Representative\_Max\_Gruenberg@legis.state.ak.us'" <Representative\_Max\_Gruenberg@legis.state.ak.us>

Representative Weyhrauch and Members of House State Affairs Committee;

Thank you for taking my comments yesterday during your committee meeting on CS HB157. I would like to offer the following additional comments.

I do not have an objection to changing the law to provide the "opt in" language in place of the "exempt from" language. No matter what law is in place, the municipality or the voters through an initiative petition have the ability to place something on the ballot, if they desire. I believe it is very important for municipalities and their voters to understand what costs would be assessed if they decided to "opt in" under APOC.

I would like to see an effective date set for July 1, 2004, for the sections dealing with municipalities. This would allow us time to review "our" options. The current effective date places local municipalities in a bind to establish, through an ordinance, a new process. Our filing time frames begin at various times beginning in the middle of July and some end as late as the last week of August. It would be very difficult for voters in a municipality to apply for initiative petitions, circulate them for signatures and submit to the Clerk for certification within the time frame allowed to place any question, concerning this issue, before the voters in October. Again, however, we would be left with no reporting requirements or financial disclosure for this October election and while some attention has been given to this issue in local news, many people are not aware of this proposed change. It will be those of us in the local elections that will have to deal with people wanting to know why there is no financial reporting for this election cycle. We will need to file pre clearance with the Department of Justice on any issue dealing with elections and election laws. This could not be accomplished with the current effective date. I would respectfully request an amendment to change the effective date dealing only with municipal elections. This would allow the original effective date for the remainder of the bill to remain on July 1, 2003.

An additional concern is that CS HB 157 does not clearly define the authority of a municipality to enact local legislation requiring campaign financial disclosure and public officials financial

disclosure, if they choose to do so. I would respectfully request the committee add language to clarify the bill.

One question was raised if municipalities were out of APOC reporting and review, who would administer elections. Local elections are administered by municipal clerks and this is not an issue.

Thank you for your consideration in my request.

Mona Lisa Drexler, CMC  
Municipal Borough Clerk  
Fairbanks North Star Borough

**Subject:** [Fwd: CS for HB 157(STA)]

**Date:** Fri, 02 May 2003 12:30:40 -0800

**From:** Bruce Weyhrauch <Representative\_Bruce\_Weyhrauch@Legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Ginny Austerman <Ginny\_Austerman@legis.state.ak.us>

bill file

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**Subject:** CS for HB 157(STA)

**Date:** Wed, 30 Apr 2003 17:11:49 -0800

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**To:** "Representative\_Paul\_Seaton@legis.state.ak.us" <Representative\_Paul\_Seaton@legis.state.ak.us>

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Representative Seaton: Thank you once again for meeting with me last week in Juneau. We briefly discussed HB 157, but at that time I had not reviewed the Committee Substitute currently being considered by the House State Affairs Committee. As you are aware, I testified at Tuesday's committee meeting. I would like to provide you with the following additional comments before this bill is passed out of committee.

I like the provision allowing a municipality to "opt in" rather than "opt out" of coverage under AS 15.13 and/or AS 39.50. It is important, however, that we know up front what the potential cost will be to the municipality. Since some municipalities may decide they would rather enact local ordinances requiring both campaign financial disclosure and public officials financial disclosure administered by the municipality, I would like to see specific language in the bill giving municipalities this authority. (Note: AS 15.13.010(c) already provides this authority for campaign financial disclosure, but I could find nothing in AS 39.50, public officials financial disclosure, that gives a local government the authority to develop and administer its own public officials financial disclosure program. As you are probably aware, a general law municipality - such as the Kenai Peninsula Borough - has the power to do only those things specifically allowed by law, unlike a home rule municipality which may do anything not prohibited by law.)

I am not as concerned as some seem to be that different cities or boroughs might have different requirements for running for office. Some differences already exist. For instance, the Kenai Peninsula Borough Assembly and School Board are elected from districts. This is not true for the Fairbanks North Star Borough or for any other School Board in the state. Some of the cities in the Kenai Borough have designated Council seats. Others do not and elect the top 2 or 3 candidates running. Some communities require a petition signed by 10 or more registered voters to have one's name placed on the ballot. Others require only a declaration of candidacy. Two of the six cities in the Kenai Borough have less than 1,000 residents and do not fall under the provisions of AS 15.13 or AS 39.50. Therefore, candidates for city council in those cities are not required to file campaign or other financial disclosure documents. Candidates for borough assembly and city council in the other four cities in the borough do.

One other concern I have is with the effective date of the bill. If the

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bill is going to affect the Kenai Peninsula Borough and 30 other municipalities, the effective date should be AFTER the October 2003 election. I would suggest January 1, 2004 as a good alternative. This will give the governing body and the public in those communities time to assess its options, to effect whatever changes are necessary in their municipal codes, and to have these changes precleared by Department of Justice before the October 2004 election season.

A copy of this email has been forwarded to each member of the House State Affairs Committee.

Thank you for your consideration and assistance.

Linda Murphy  
Borough Clerk