

SB

119

LEGAL SERVICES

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

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MEMORANDUM

April 22, 2003

SUBJECT: ^{SB119} HB 157 Drafting notes (Work Order No. 23-GS1090\D)

TO: Senator Gary Stevens
Attn: Katrina

FROM: Barbara R. Craver *BRC*
Legislative Counsel

Enclosed is the bill draft with the changes you requested. I'd like to draw your attention to some changes made, as well as a single subject issue.

- The bill may violate the single subject requirement of art. 2, sec. 13 of the constitution. That requirement demands that the contents of the bill relate to a single subject. I have not had enough time to be sure of this, due to the quick turnaround you request, but it bears mention.

- AS 39.50.030(h)(1)¹ is repealed, as the phrase "child" is no longer used in the chapter. Be aware that this means that a nondependent child living with a parent is no longer included in the definition of "child" in this chapter.

- All sections or subsections of AS 24.60 that used the phrase "spousal equivalent" are amended with the phrase "domestic partner." The chapter must have common terms as it has a general definitions section.

- Due to the repeal of As 15.13.072(d) and (g) we have also added AS 24.60.031 to the repealer section for consistency.

BRC:mdr
03-081.mdr

Enclosure

¹ AS 39.50.030(h)(1): ""child" means a person's dependent child or a person's nondependent child who is living with the person; "

THE
FOLLOWING
DOCUMENT(S)
ARE
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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/6/03

FURTHER: Finance

Date of 5-Day Notice: 4/10/03
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 4/24/03

State Affairs Committee considered SENATE BILL NO. 119

SB 119 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."

and recommends:

be replaced with _____ CS SB 119 (STA)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to _____ Committee

Senate Bill:

same title

new title

House Bill:

same title

technical title

new: SCR # _____

NEW FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
|------------|---------|--------|-------------------------------------|-----|
| DOA | 4/14/03 | | <input checked="" type="checkbox"/> | 4 |
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PREVIOUS FISCAL NOTE(S):

| Department | Date | Fiscal | Zero | FN# |
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APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | DO PASS | DO NOT PASS | NO REC | AMEND |
|---------------------------------|-------------------------------------|-------------|--------|-------|
| <i>John J. Gaudreau</i> | <input checked="" type="checkbox"/> | | | |
| <i>Paul Boyer</i> | <input checked="" type="checkbox"/> | | | |
| | | | | |
| | | | | |
| CHAIR <i>[Signature]</i> | <input checked="" type="checkbox"/> | | | |

CS SB 119 03-0090 bil2.doc 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 and provided by the Department of Administration.

23-GS1090D
Craver
4/22/03

CS FOR SENATE BILL NO. 119(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE 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 and the limits on lobbyists'
 3 campaign contributions to candidates; removing municipal elections and municipal
 4 officials from the campaign finance and public official financial disclosure laws;
 5 amending campaign contribution limits; amending the time limit on contributions after
 6 primary elections; amending the complaint procedures of the Alaska Public Offices
 7 Commission; amending the definition of 'political party' for state election campaigns;
 8 relating to the crime of campaign misconduct; providing for increased use of electronic
 9 filing for reports to the Alaska Public Offices Commission; amending the definitions of
 10 'administrative action' and 'lobbyist' in the regulation of lobbying laws; amending the
 11 requirements for the reporting of financial interests by public officials; repealing
 12 restrictions on solicitation and acceptance of contributions during legislative sessions

1 and in the capital city; making conforming amendments; and providing for an effective
2 date."

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

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

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

9 * **Sec. 2.** AS 15.13.030 is amended to read:

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

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

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

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

20 (4) compile and maintain a current list of all filed reports and
21 statements;

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

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

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

28 (8) prepare and publish a biennial report concerning the activities of
29 the commission, the effectiveness of this chapter, its enforcement by the attorney
30 general's office, and recommendations and proposals for change; the commission shall

1 notify the legislature that the report is available;

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

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

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

8 (a) Except as provided in (g) and (l) of this section, each candidate shall make
9 a full report, upon a form prescribed by the commission,

10 (1) listing

11 (A) the date and amount of all expenditures made by the
12 candidate;

13 (B) [,] the total amount of all contributions, including all funds
14 contributed by the candidate;

15 (C) [, AND FOR ALL CONTRIBUTIONS IN EXCESS OF
16 \$100 IN THE AGGREGATE A YEAR,] the name, address, [PRINCIPAL
17 OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR AND THE]
18 date, and amount contributed by each contributor; and

19 (D) for contributions in excess of \$250 in the aggregate
20 during a calendar year, the principal occupation and employer of the
21 contributor; and

22 (2) [. THE REPORT SHALL BE] filed in accordance with
23 AS 15.13.110 and [SHALL BE] certified correct by the candidate or campaign
24 treasurer.

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

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

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

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

30 (3) [AND, FOR ALL CONTRIBUTIONS IN EXCESS OF \$100 IN
31 THE AGGREGATE A YEAR,] the name, address, [PRINCIPAL OCCUPATION,

1 AND EMPLOYER OF THE CONTRIBUTOR, AND THE] date, and amount
2 contributed by each contributor and, for contributions in excess of \$250 in the
3 aggregate during a calendar year, the principal occupation and employer of the
4 contributor [; FOR PURPOSES OF THIS PARAGRAPH, "CONTRIBUTOR"
5 MEANS THE TRUE SOURCE OF THE FUNDS, PROPERTY, OR SERVICES
6 BEING CONTRIBUTED]; and

7 (4) [(3)] the date and amount of all contributions made by it and all
8 expenditures made, incurred, or authorized by it.

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

10 (g) The provisions of (a) and (l) of this section do not apply if a candidate

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

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

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

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

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

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

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

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

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

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

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

3 (3) [AND,] for all [SUCH] contributions described in (2) of this
4 subsection [IN EXCESS OF \$100 IN THE AGGREGATE A YEAR], the name,
5 address, and principal occupation [, AND EMPLOYER] of the contributor, and the
6 date and amount contributed by each contributor and, for all contributions described
7 in (2) of this subsection in excess of \$250 in the aggregate during a calendar year,
8 the employer of the contributor [; FOR PURPOSES OF THIS PARAGRAPH,
9 "CONTRIBUTOR" MEANS THE TRUE SOURCE OF THE FUNDS, PROPERTY,
10 OR SERVICES BEING CONTRIBUTED]; and

11 (4) [(3)] the date and amount of all contributions made by the
12 nongroup entity, and, except as provided for certain independent expenditures in
13 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
14 entity, for the purpose of influencing the outcome of an election; a nongroup entity
15 shall report contributions made to a different nongroup entity for the purpose of
16 influencing the outcome of an election and expenditures made on behalf of a different
17 nongroup entity for the purpose of influencing the outcome of an election as soon as
18 the total contributions and expenditures to that nongroup entity for the purpose of
19 influencing the outcome of an election reach \$500 in a year and for all subsequent
20 contributions and expenditures to that nongroup entity in a year whenever the total
21 contributions and expenditures to that nongroup entity for the purpose of influencing
22 the outcome of an election that have not been reported under this paragraph reach
23 \$500.

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

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

29 (1) a report under this subsection must

30 (A) describe the fund raising activity;

31 (B) include the number of persons making contributions and

1 the total proceeds from the activity;

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

6 (2) for purposes of this subsection,

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

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

14 (m) Upon request of the commission, the information required under this
15 chapter shall be submitted electronically.

16 (n) For purposes of (b) and (j) of this section, "contributor" means the true
17 source of the funds, property, or services being contributed.

18 * Sec. 9. AS 15.13.060(c) is amended to read:

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

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

30 (b) An individual may contribute not more than

31 (1) \$1,000 [~~\$500~~] per year to a nongroup entity for the purpose of

1 influencing the nomination or election of a candidate, to a candidate, to an individual
2 who conducts a write-in campaign as a candidate, or to a group that is not a political
3 party;

4 (2) \$10,000 [\$5,000] per year to a political party for the purpose of
5 influencing the nomination or election of a candidate or candidates.

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

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

9 (1) \$5,000 per year to a candidate, or to an individual who conducts a
10 write-in campaign as a candidate; [OR]

11 (2) \$5,000 per year to another group or [,] a nongroup entity; or

12 (3) \$10,000 per year [,] or to a political party.

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

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

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

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

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

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

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

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

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

31 (e) A candidate or an individual who has filed with the commission the

1 document necessary to permit that individual to incur election-related expenses under
2 AS 15.13.100 may solicit or accept contributions from an individual who is not a
3 resident of the state at the time the contribution is made if the amounts contributed by
4 individuals who are not residents do not exceed

5 (1) \$20,000 a calendar year, if the candidate or individual is seeking
6 the office of governor or lieutenant governor;

7 (2) \$5,000 a calendar year, if the candidate or individual is seeking
8 the office of state senator;

9 (3) \$3,000 a calendar year, if the candidate or individual is seeking
10 the office of state representative [OR MUNICIPAL] or other office.

11 * Sec. 15. AS 15.13.074(c) is amended to read:

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

13 (1) 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 when the office is to be filled at a general election
16 before the date that is 18 months before the general election;

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

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

25 (A) [AFTER THE DATE OF A PRIMARY ELECTION IF
26 THE CANDIDATE

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

29 (ii) IS NOT OPPOSED AT THE GENERAL
30 ELECTION;

31 (B)] after the date of the primary election if the candidate was

1 not nominated at the primary election; or

2 (B) [(C)] after the date of the general election [, OR AFTER
3 THE DATE OF A MUNICIPAL OR MUNICIPAL RUNOFF ELECTION, IF
4 THE CANDIDATE WAS OPPOSED AT THE GENERAL, MUNICIPAL,
5 OR MUNICIPAL RUNOFF ELECTION].

6 * Sec. 16. AS 15.13.074(g) is amended to read:

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

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

22 * Sec. 17. AS 15.13.078(b) is amended to read:

23 (b) The provisions of this chapter do not prohibit the individual who is a
24 candidate from lending any amount to the campaign of the candidate. Loans made by
25 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
26 15.13.110. However, the candidate may not

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

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

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

- 1 (A) [(i)] the legislature; or
2 (B) [(ii)] delegate to a constitutional convention;
3 (3) [(C)] \$10,000, if the candidate was a judge seeking retention [;
4 (D) \$5,000, IF THE CANDIDATE RAN IN A MUNICIPAL
5 ELECTION; OR

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

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

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

21 (1) 30 days before the election; however, this report is not required if
22 the deadline for filing a nominating petition or declaration of candidacy is within 30
23 days of the election;

24 (2) one week before the election;

25 (3) 105 [10] days after a special [THE] election; and

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

1 year.

2 * Sec. 19. AS 15.13.116(a) is amended to read:

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

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

13 (2) make donations, without condition, to

14 (A) a political party;

15 (B) the state's general fund;

16 (C) a municipality of the state; or

17 (D) the federal government;

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

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

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

26 (A) to all contributors;

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

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

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

1 election;

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (C) ALL AMOUNTS EXPENDED FROM THE MUNICIPAL
7 OFFICE ACCOUNT SHALL BE ANNUALLY ACCOUNTED FOR UNDER
8 AS 15.13.110(a)(4); AND

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

11 * Sec. 20. AS 15.13.116(b) is amended to read:

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

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

31 (2) a candidate may retain campaign photographs and use the

1 photographs for any purpose associated with service in the office to which the
2 candidate was elected;

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

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

8 * Sec. 21. AS 15.13.116(d) is amended to read:

9 (d) After a general or special election, a candidate for the state legislature who
10 has been elected to the state legislature in that election may, from the amount retained
11 in the public office expense term account reserve under this subsection, transfer to a
12 public office expense term account not more than \$5,000 each calendar year for use
13 only for expenses associated with the candidate's serving as a member of the
14 legislature, except that a senator serving a two-year term may transfer not more than
15 \$10,000 each calendar year. A candidate for the senate may transfer up to \$20,000
16 from unused campaign contributions to a public office expense term account reserve.
17 A candidate for the house of representatives may transfer up to \$10,000 from unused
18 campaign contributions to a public office expense term account reserve. The public
19 office expense term account reserve may only be used to make transfers to the public
20 office expense term account. At the end of the candidate's term of office, a balance in
21 the public office expense term account reserve must be disposed of as provided in (a)
22 of this section but may not be disposed of as provided in (a)(1), (4), or (6) - ~~(8)~~ [(9)] of
23 this section. All amounts expended under this subsection shall be annually accounted
24 for under AS 15.13.110(a)(4).

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

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

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

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

31 (3) municipalities, school districts, and regional educational attendance

1 areas, or another political subdivision of the state; and

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

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

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

8 (b) A request for an advisory opinion

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

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

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

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

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

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

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

25 (1) was described in an advisory opinion approved under (d) of this
26 section;

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

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

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

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

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

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

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

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

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

1 consideration of the complaint if the commission finds that the standards for expedited
2 consideration set out in this subsection have been met.

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

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

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

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

18 (e) If the commission accepts the complaint for consideration on a regular
19 rather than an expedited basis, the commission shall notify the respondent within
20 seven days after receiving the complaint and shall investigate the complaint. The
21 respondent may answer the complaint by filing a written response with the
22 commission within 15 days after the commission notifies the respondent of the
23 complaint. The commission may grant the respondent additional time to respond to
24 the complaint only for good cause. The commission shall hold a hearing on the
25 complaint not later than 45 days after the respondent's written response is due. Not
26 later than 10 days after the hearing, the commission shall issue its order. If the
27 commission finds that the respondent has engaged in or is about to engage in an act or
28 practice that constitutes or will constitute a violation of this chapter or a regulation
29 adopted under this chapter, the commission shall enter an order requiring the violation
30 to be ceased or to be remedied and shall assess civil penalties under AS 15.13.390.

31 (f) If the complaint involves a challenge to the constitutionality of a statute or

1 regulation, necessary witnesses that are not subject to the commission's subpoena
2 authority, or other issues outside the commission's authority, the commission may
3 request the attorney general to file a complaint in superior court alleging a violation of
4 this chapter. The commission may request the attorney general to file a complaint in
5 superior court to remedy the violation of a commission order.

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

9 (h) If the commission does not complete action on an administrative complaint
10 within 90 days after the complaint was filed, the complainant may file a complaint in
11 superior court alleging a violation of this chapter by a respondent as described in the
12 administrative complaint filed with the commission. The complainant shall provide
13 copies of the complaint filed in the superior court to the commission and the attorney
14 general. This subsection does not create a private cause of action against the
15 commission; against the commission's members, officers, or employees; or against the
16 state.

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

21 (1) art. II, sec. 12, of the state constitution, if the successful candidate
22 is a member of the state legislature;

23 (2) art. II, sec. 20, of the state constitution, if the successful candidate
24 is governor or lieutenant governor;

25 (3) the provisions of the call for the constitutional convention, if the
26 successful candidate is a constitutional convention delegate;

27 (4) art. IV, sec. 10, of the state constitution, if the successful candidate
28 is a judge.

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

31 (k) If, after a successful candidate is sworn into office, the successful

1 candidate or the campaign treasurer or deputy campaign treasurer of the person who
2 was a successful candidate is charged with a violation of this chapter, the case shall be
3 promptly tried and accorded a preferred position for purposes of argument and
4 decision so as to ensure a speedy disposition of the matter.

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

6 (1) "candidate"

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

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

15 (i) a candidate's campaign treasurer and a deputy
16 campaign treasurer;

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

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

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

20 (v) a group that makes expenditures or receives
21 contributions with the authorization or consent, express or implied, or
22 under the control, direct or indirect, of the candidate;

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

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

25 (A) directly or indirectly identifies a candidate;

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

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

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

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

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

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

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

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

14 (A) violates AS 15.15.170; or

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

18 * Sec. 29. AS 24.45.041(b) is amended to read:

19 (7) the identification of a legislator, legislative employee, or public
20 official to whom the lobbyist is married or who is the domestic partner [SPOUSAL
21 EQUIVALENT] of the lobbyist; in this paragraph, "domestic partner [SPOUSAL
22 EQUIVALENT]" has the meaning given in AS 39.50.200(a).

23 * Sec. 30. AS 24.45.041 is amended by adding a new subsection to read:

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

26 * Sec. 31. AS 24.45.051 is amended to read:

27 **Sec. 24.45.051. Reports.** Each lobbyist registered under AS 24.45.041 shall
28 file with the commission a report concerning the lobbyist's activities during each
29 reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to
30 engage in lobbying activities. The report shall be made on a form prescribed by the
31 commission and filed in accordance with AS 24.45.071 and 24.45.081. Upon request

1 of the commission, information required under this section shall be submitted
2 electronically. The report also must include any changes in the information required
3 to be supplied under AS 24.45.041(b) and the following information for the reporting
4 period, as applicable:

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

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

15 (A) food and beverages;

16 (B) living accommodations;

17 (C) travel;

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

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

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

31 (6) a notice of termination if the lobbyist has ceased the lobbying

1 activity that required registration under this chapter and if this report constitutes the
2 final report of the lobbyist's activities.

3 * Sec. 32. AS 24.45.061 is amended by adding a new subsection to read:

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

6 * Sec. 33. AS 24.45.116 is amended to read:

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

16 * Sec. 34. AS 24.45.171(1) is amended to read:

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

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

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

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

29 (D) procurement activity, including the purchase or sale of
30 property, goods, or services by the agency or the award of a grant or
31 contract;

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

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

5 * Sec. 35. AS 24.45.171(8) is amended to read:

6 (8) "lobbyist" means

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

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

20 * Sec. 36. AS 24.45.171(12) is amended to read:

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

25 * Sec. 37. AS 24.45.171 is amended by adding a new paragraph to read:

26 (13) "commission" means the Alaska Public Offices Commission.

27 * Sec. 38. AS 24.60.070(a) is amended to read:

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

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

6 (2) legislators;

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

10 (4) a registered lobbyist; or

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

13 * Sec. 39. AS 24.60.070(c) is amended to read:

14 (c) When making a disclosure under (a) of this section concerning a
15 relationship with a lobbyist to whom the legislator or legislative employee is married
16 or who is the legislator's or legislative employee's domestic partner [SPOUSAL
17 EQUIVALENT], the legislator or legislative employee shall also disclose the name
18 and address of each employer of the lobbyist and the total monetary value received by
19 the lobbyist from the lobbyist's employer. The legislator or legislative employee shall
20 report changes in the employer of the spouse or domestic partner [SPOUSAL
21 EQUIVALENT] within 48 hours after the change. In this subsection, "employer of the
22 lobbyist" means the person from whom the lobbyist received amounts or things of
23 value for engaging in lobbying on behalf of the person.

24 * Sec. 40. AS 24.60.080(k) is amended to read:

25 (k) In this section, "immediate family" or "family member" means

26 (1) the spouse of the person;

27 (2) the person's domestic partner [SPOUSAL EQUIVALENT];

28 (3) a child, including a stepchild and an adoptive child, of the person
29 or of the person's domestic partner [SPOUSAL EQUIVALENT];

30 (4) a parent, sibling, grandparent, aunt, or uncle of the person;

31 (5) a parent, sibling, grandparent, aunt, or uncle of the person's spouse

1 or the person's domestic partner [SPOUSAL EQUIVALENT]; and

2 (6) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or
3 step-uncle of the person, the person's spouse, or the person's domestic partner
4 [SPOUSAL EQUIVALENT].

5 * Sec. 41. AS 24.60.090(a) is amended to read:

6 (a) An individual who is related to a member of the legislature may not be
7 employed for compensation (1) during the legislative session in the house in which the
8 legislator is a member, (2) by an agency of the legislature established under AS 24.20,
9 (3) in either house during the interim between sessions, or (4), whether for
10 compensation or not, by the committee. An individual who is related to a legislative
11 employee may not be employed in a position over which the employee has supervisory
12 authority. In this subsection, "an individual who is related to" means a member of the
13 legislator's or legislative employee's immediate family or a person who is a legislator's
14 or legislative employee's domestic partner [SPOUSAL EQUIVALENT] living
15 together in a conjugal relationship not a legal marriage with the legislator or legislative
16 employee, and "interim between sessions" means the period beginning on the eighth
17 day after the legislature adjourns from a regular session, and ending eight days before
18 the date that the legislature shall convene under AS 24.05.090.

19 * Sec. 42. AS 24.60.200 is amended to read:

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

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

29 (2) as to income in excess of \$10,000 [\$1,000] received as
30 compensation for personal services, the name and address of the source of the income,
31 and a statement describing the nature of the services performed; if the source of

1 income is known or reasonably should be known to have a substantial interest in
2 legislative, administrative, or political action and the recipient of the income is a
3 legislator or a legislative director, the amount of income received from the source shall
4 be disclosed;

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

10 * Sec. 43. AS 24.60.200 is amended by adding a new subsection to read:

11 (b) Upon request of the Alaska Public Offices Commission, the information
12 required under AS 24.60.200 - 24.60.260 shall be submitted electronically.

13 * Sec. 44. AS 24.60.990(a)(5) is amended to read:

14 (5) "immediate family" means

15 (A) the spouse or domestic partner [SPOUSAL
16 EQUIVALENT] of the person; or

17 (B) a parent, child, including a stepchild and an adoptive child,
18 and sibling of a person if the parent, child, or sibling resides with the person, is
19 financially dependent on the person, or shares a substantial financial interest
20 with the person;

21 * Sec. 45. AS 24.60.990(a) is amended by adding a new paragraph to read:

22 (17) " domestic partner" or "spousal equivalent" means a person who is
23 cohabiting with another person in a relationship that is like a marriage but that is not a
24 legal marriage.

25 * Sec. 46. AS 39.50.020 is amended to read:

26 **Sec. 39.50.020. Report of financial and business interests.** (a) A public
27 official other than the governor or the lieutenant governor shall file a statement giving
28 income sources and business interests, under oath and on penalty of perjury, within 30
29 days after taking office as a public official. Candidates for state elective office other
30 than a candidate who is subject to AS 24.60 shall file the statement with the director of
31 elections at the time of filing a declaration of candidacy or a nominating petition or

1 becoming a candidate by any other means. [CANDIDATES FOR ELECTIVE
2 MUNICIPAL OFFICE SHALL FILE THE STATEMENT AT THE TIME OF
3 FILING A NOMINATING PETITION, DECLARATION OF CANDIDACY, OR
4 OTHER REQUIRED FILING FOR THE ELECTIVE MUNICIPAL OFFICE.]
5 Refusal or failure to file within the time prescribed shall require that the candidate's
6 filing fees, if any, and filing for office be refused or that a previously accepted filing
7 fee be returned and the candidate's name removed from the filing records. A
8 statement shall also be filed by public officials no later than March 15 in each
9 following year. Persons who are members of boards or commissions not named in
10 AS 39.50.200(b) are not required to file financial statements.

11 (b) A public official [OTHER THAN AN ELECTED OR APPOINTED
12 MUNICIPAL OFFICER] shall file the statement with the Alaska Public Offices
13 Commission. Candidates for the office of governor and lieutenant governor and, if the
14 candidate is not subject to AS 24.60, the legislature shall file the statement under
15 AS 15.25.030 or 15.25.180. [MUNICIPAL OFFICERS, AND CANDIDATES FOR
16 ELECTIVE MUNICIPAL OFFICE, SHALL FILE WITH THE MUNICIPAL CLERK
17 OR OTHER MUNICIPAL OFFICIAL DESIGNATED TO RECEIVE THEIR
18 FILING FOR OFFICE.] All statements required to be filed under this chapter are
19 public records.

20 * Sec. 47. AS 39.50.030(b) is amended to read:

21 (b) Each [EXCEPT AS PROVIDED IN (g) OF THIS SECTION, EACH]
22 statement filed by a public official or candidate under this chapter must include the
23 following:

24 (1) the source of all income over \$10,000 [\$1,000] during the
25 preceding calendar year, including taxable and nontaxable capital gains, received by
26 the person, the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or
27 the person's dependent child, except that a source of income that is a gift must be
28 included if the value of the gift exceeds \$500 [\$250];

29 (2) the identity, by name and address, of each business in which the
30 person, the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or the
31 person's dependent child has an interest or was a stockholder, owner, officer,

1 director, partner, proprietor, or employee during the preceding calendar year, except
2 that an interest of less than \$10,000 in the stock of a publicly traded corporation
3 need not be included;

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

8 (4) the identity and nature of each interest in real property, including
9 an option to buy, owned at any time during the preceding calendar year by the person,
10 the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or the person's
11 dependent child;

12 (4) [(5)] the identity of each trust or other fiduciary relation in which
13 the person, the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or
14 the person's dependent child held a beneficial interest exceeding \$10,000 [\$1,000]
15 during the preceding calendar year, a description and identification of the property
16 contained in each trust or relation, and the nature and extent of the beneficial interest
17 in it;

18 (5) [(6)] any loan or loan guarantee of more than \$10,000 [\$1,000]
19 made to the person, the person's spouse or domestic partner [SPOUSAL
20 EQUIVALENT], or the person's dependent child, and the identity of the maker of the
21 loan or loan guarantor and the identity of each creditor to whom the person, the
22 person's spouse or domestic partner [SPOUSAL EQUIVALENT], or the person's
23 dependent child owed more than \$10,000 [\$1,000]; this paragraph requires disclosure
24 of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or
25 the indebtedness incurred, during the preceding calendar year, or if the amount still
26 owing on the loan, loan guarantee, or indebtedness was more than \$10,000 [\$1,000] at
27 any time during the preceding calendar year;

28 (6) [(7)] a list of all contracts and offers to contract with the state or an
29 instrumentality of the state during the preceding calendar year held, bid, or offered by
30 the person, the person's spouse or domestic partner [SPOUSAL EQUIVALENT], or
31 the person's dependent child, a partnership or professional corporation of which the

1 person is a member, or a corporation in which the person or the person's spouse,
2 domestic partner [SPOUSAL EQUIVALENT], or dependent children, or a
3 combination of them, hold a controlling interest; and

4 (7) [(8)] a list of all mineral, timber, oil, or any other natural resource
5 lease held, or lease offer made, during the preceding calendar year by the person, the
6 person's spouse or domestic partner [SPOUSAL EQUIVALENT], or the person's
7 dependent child, a partnership or professional corporation of which the person is a
8 member, or a corporation in which the person or the person's spouse or domestic
9 partner [SPOUSAL EQUIVALENT] or dependent children, or a combination of
10 them, holds a controlling interest.

11 * Sec. 48. AS 39.50.030(d) is amended to read:

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

19 (1) a legislator;

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

22 (3) a lobbyist; or

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

25 * Sec. 49. AS 39.50.030(f) is amended to read:

26 (f) When making a disclosure under (d) of this section concerning a
27 relationship with a lobbyist to whom the public official is married or who is the public
28 official's domestic partner [SPOUSAL EQUIVALENT], the public official shall also
29 disclose the name and address of each employer of the lobbyist and the total monetary
30 value received from the lobbyist's employer. The public official shall report changes
31 in the employers of the spouse or domestic partner [SPOUSAL EQUIVALENT]

1 within 48 hours after the change. In this subsection, "employer of the lobbyist" means
2 the person from whom the lobbyist received money, or goods or services having a
3 monetary value, for engaging in lobbying on behalf of the person.

4 * Sec. 50. 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. 51. 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, dependent
13 child, mother, father, or business with which the official is associated or in which the
14 official owns stock. A public official [OTHER THAN AN ELECTED OR
15 APPOINTED MUNICIPAL OFFICIAL] may not use the official's position or office
16 for the primary purpose of obtaining financial gain for the official's domestic partner
17 [SPOUSAL EQUIVALENT].

18 * Sec. 52. AS 39.50.090(b) is amended to read:

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

29 * Sec. 53. AS 39.50.090(c) is amended to read:

30 (c) A public official may not represent a client before a state agency for a fee.
31 However, this prohibition does not apply to a chair [MUNICIPAL OFFICER, OR

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

5 * Sec. 54. AS 39.50.200(a)(9) is amended to read:

6 (9) "source of income" means the entity for which service is performed
7 or that [WHICH] is otherwise the origin of payment; if the person whose income is
8 being reported is employed by another, the employer is the source of income; but if
9 the person is self-employed by means of a sole proprietorship, partnership,
10 professional corporation, or a corporation in which the person, the person's spouse or
11 domestic partner [SPOUSAL EQUIVALENT], or the person's dependent children,
12 or a combination of them, hold a controlling interest, the "source" is the client or
13 customer of the proprietorship, partnership, or corporation, but, if the entity that
14 [WHICH] is the origin of payment is not the same as the client or customer for whom
15 the service is performed, both are considered the source;

16 * Sec. 55. AS 39.50.200(a) is amended by adding a new paragraph to read:

17 (11) "domestic partner" means a person who is cohabiting with another
18 person in a relationship that is like a marriage but that is not a legal marriage.

19 * Sec. 56. AS 15.13.010(a)(2), 15.13.010(d), 15.13.020(k), 15.13.070(d)(4)(C),
20 15.13.072(d), 15.13.072(g); AS 24.60.031, 24.60.990(a)(15); AS 39.50.030(g),
21 39.50.030(h)(1), 39.50.090(d), 39.50.145, 39.50.200(a)(7), 39.50.200(a)(8)(J), and
22 39.50.200(a)(10) are repealed.

23 * Sec. 57. The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 TRANSITION: REGULATIONS. Notwithstanding sec. 59 of this Act, the Alaska
26 Public Offices Commission may proceed to adopt regulations necessary to implement the
27 changes made by this Act. The regulations take effect under AS 44.62 (Administrative
28 Procedure Act), but not before the effective date of the statutory change.

29 * Sec. 58. Section 57 of this Act takes effect immediately under AS 01.10.070(c).

30 * Sec. 59. Except as provided in sec. 58 of this Act, this Act takes effect July 1, 2003.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS SB 119
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act streamlining the complaint proc BRU APOC
 Component APOC
 Sponsor Senate Rules Committee
 Requester Senate State Affairs Committee Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Travel | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Contractual | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Supplies | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Equipment | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Land & Structures | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Grants & Claims | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Miscellaneous | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/Program Receipts | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

| | | | | | | |
|-----------|---|---|---|---|---|---|
| Full-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Part-time | 0 | 0 | 0 | 0 | 0 | 0 |
| Temporary | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS: (Attach a separate page if necessary)

The Commission cannot identify efficiencies arising from this bill at this time. For the transition period, existing resources will be reallocated to achieve the goal of more expeditiously adjudicated complaints. In addition, the Commission will use existing resources to provide training and outreach to those subject to the disclosure laws, so that all will receive timely notice of the changes. Further, the Commission will use existing resources to promulgate new regulations implementing the changes to the disclosure laws. Once electronic filing is online, the Commission and the Department of Administration expect to realize efficiencies.

Prepared by: Brooke Miles, Executive Director Phone 907-276-4176
 Division APOC Date/Time 4/16/03 4:11 PM
 Approved by: Mike Miller, Commissioner Date 4/16/2003
 Agency Dept. of Administration

CS SB 119 03-0090 bil2.doc 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 and provided by the Department of Administration.

DRAFT
AMENDMENT

OFFERED IN THE SENATE

BY _____

STATE AFFAIRS COMMITTEE

TO: SB 119

1 Page 1, line 5, following "Law;":

2 Insert the following new material:

3 **"providing for attorney fees to the prevailing party in litigation relating to a state**
4 **election campaign, the regulation of lobbying, public official standards of conduct,**
5 **or public official financial disclosure; amending Rule 82, Alaska Rules of Civil**
6 **Procedure;"**

7

8 Page 1, line 13, through Page 2, line 5:

9 Delete all material and insert:

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
12 statements under this chapter and otherwise assist candidates, groups, and
13 individuals in complying with the requirements of this chapter;"

14

15 Page 2, line 6:

16 Delete "(3)"]"

17 Insert "(3)"

18

19 Page 2, line 9:

20 Delete "(3) [(4)]"

21 Insert "(4)"

1 Page 2, line 11:

2 Delete "~~(4)~~ [(5) PREPARE"

3 Insert "(5) [PREPARE"

4

5 Page 5, following line 17:

6 Insert a new bill section to read:

7 **"* Sec. 10.** AS 15.13.040 is amended by adding a new subsection to read:

8 (l) Upon request of the director, the information required under this chapter
9 shall be submitted electronically."

10

11 Renumber the following bill sections accordingly.

12

13 Page 9, line 13, following "AS 24.45.":

14 Insert "Upon request of the director, the information required under this
15 subsection shall be submitted electronically."

16

17 Page 12, line 10, following "attorney general.":

18 Delete "A complaint"

19 Insert "An action"

20

21 Page 12, line 11, following "not be":

22 Delete "filed"

23 Insert "commenced"

24

25 Page 13, line 6, following "this chapter.":

26 Insert "An action may not be commenced if more than two years have elapsed
27 from the date of the alleged violation."

28

29 Page 13, following line 18:

1 Insert a new bill section to read:

2 **"* Sec. 32.** AS 15.13 is amended by adding a new section to read:

3 **Sec. 15.13.388. Attorney fees allowed prevailing party.** A full
4 reasonable attorney fee shall be awarded to a prevailing party and against a
5 nonprevailing party in a civil action under AS 15.13.380 or 15.13.386."
6

7 Renumber the following bill sections accordingly.

8

9 Page 16, line 6, following "chapter":

10 Insert ", and may require information to be submitted electronically"

11

12 Page 17, following line 24:

13 Insert a new bill section to read:

14 **"* Sec. 45.** AS 24.45.041 is amended by adding a new subsection to read:

15 (h) Upon request of the director of elections, the information required
16 under this section shall be submitted electronically."
17

18 Renumber the following bill sections accordingly.

19

20 Page 17, line 31, following "24.45.081.":

21 Insert "Upon request of the director of elections, information required under
22 this section shall be submitted electronically."
23

24 Page 20, line 14, following "earlier.":

25 Insert "Upon request of the director of elections, information required under
26 this section shall be submitted electronically."
27

28 Page 21, following line 24:

29 Insert a new bill section to read:

1 **** Sec. 54.** AS 24.45 is amended by adding a new section to read:

2 **Sec. 24.45.137. Attorney fees allowed prevailing party.** A full
3 reasonable attorney fee shall be awarded to a prevailing party and against a
4 nonprevailing party in a civil action under AS 24.45.133 or 24.45.135."

5
6 Renumber the following bill sections accordingly.

7
8 Page 24, following line 6:

9 Insert a new bill section to read:

10 **** Sec. 59.** AS 24.60.200 is amended by adding a new subsection to read:

11 (b) Upon request of the director of elections, the information required
12 under this chapter shall be submitted electronically."

13
14 Renumber the following bill sections accordingly.

15
16 Page 27, following line 7:

17 Insert a new bill section to read:

18 **** Sec. 67.** AS 24.60 is amended by adding a new section to read:

19 **Sec. 24.60.975. Attorney fees allowed prevailing party.** A full
20 reasonable attorney fee shall be awarded to a prevailing party and against a
21 nonprevailing party in a civil action under AS 24.60.970."

22
23 Renumber the following bill sections accordingly.

24
25 Page 27, line 26, following "filed.":

26 Insert "Upon request of the director, the information required under this
27 chapter shall be submitted electronically."

28
29 Page 28, following line 4:

1 Insert a new bill section to read:

2 **** Sec. 73.** AS 39.50 is amended by adding a new section to read:

3 **Sec. 39.50.107. Attorney fees allowed prevailing party.** A full
4 reasonable attorney fee shall be awarded to a prevailing party and against a
5 nonprevailing party in a civil action under AS 39.50.100 or 39.50.105."

6

7 Renumber the following bill sections accordingly.

8

9 Page 30, following line 14:

10 Insert a new bill section to read:

11 **** Sec. 81.** The uncodified law of the State of Alaska is amended by adding a new
12 section to read:

13 **INDIRECT COURT RULE AMENDMENT.** The provisions of secs. 32, 54, 67,
14 and 73 of this Act have the effect of changing Rule 82, Alaska Rules of Civil Procedure,
15 by changing the award of attorney fees in certain cases."

16

17 Renumber the following bill sections accordingly.

18

19 Page 30, line 22:

20 Delete "secs. 1 - 73"

21 Insert "secs. 1 - 80"

22

23 Page 30, line 27:

24 Delete "secs. 1 - 73"

25 Insert "secs. 1 - 80"

26

27 Page 31, line 2:

28 Delete "sec. 77"

29 Insert "sec. 86"

1 Page 31, following line 7:

2 Insert a new bill section to read:

3 **"* Sec. 84.** The uncodified law of the State of Alaska is amended by adding a new
4 section to read:

5 **CONDITIONAL EFFECT.** Sections 32, 54, 67, and 73 of this Act take effect
6 only if sec. 81 of this Act receives the two-thirds majority vote of each house required by
7 art. IV, sec. 15, Constitution of the State of Alaska."

8

9 Renumber the following bill sections accordingly.

10

11 Page 31, line 8:

12 Delete "Section 75"

13 Insert "Section 83"

14

15 Page 31, line 9:

16 Delete "sec. 76"

17 Insert "sec. 85"

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 119
 (S) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Transfer APOC from DOA to BRU Alaska Public Offices Commission
the Office of the Governor Component Alaska Public Offices Commission
 Sponsor Governor
 Requester _____ Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|----------------|------------|------------|------------|------------|------------|
| Personal Services | (168.4) | | | | | |
| Travel | (10.9) | | | | | |
| Contractual | (73.6) | | | | | |
| Supplies | (8.7) | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | (261.6) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|----------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | (216.7) | | | | | |
| 1005 GF/Program Receipts | (44.9) | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | (261.6) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

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|-----------|----|--|--|--|--|--|
| Full-time | -3 | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The Alaska Public Offices Commission is being eliminated by statute change, and the remaining record keeping duties being transferred to the Financial Disclosure Office in the Office of the Governor.

Prepared by: Dan Spencer, Director Phone _____
 Division: Administrative Services Date/Time 3/10/03 3:57 PM
 Approved by: Mike Miller, Commissioner Date 3/10/2003
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 119
 (S) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title Reduce Function of APOC BRU Alaska Public Offices Commission
 Component Alaska Public Offices Commission
 Sponsor Governor
 Requester _____ Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|----------------|------------|------------|------------|------------|------------|
| Personal Services | (467.9) | | | | | |
| Travel | 0.0 | | | | | |
| Contractual | (32.1) | | | | | |
| Supplies | 0.0 | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | (500.0) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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| CHANGE IN REVENUES () | | | | | | |
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FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|----------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | (500.0) | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | (500.0) | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2003) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

| | | | | | | |
|-----------|----|--|--|--|--|--|
| Full-time | -7 | | | | | |
| Part-time | -1 | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

Legislation will be proposed to change the operations of the APOC primarily to a record keeping function.

Prepared by: Dan Spencer, Director Phone _____
 Division: Administrative Services Date/Time 3/10/03 3:51 PM
 Approved by: Mike Miller, Commissioner Date 3/10/2003
 Agency: Department of Administration

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 119
(S) Publish Date: 3/12/03

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title An Act eliminating the APOC and BRU Elections
transferring duties to division of elections Component Elections
Sponsor Rules Committee
Requester House State Affairs Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2003) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

The Alaska Public Offices Commission is being eliminated and the remaining record keeping duties are being transferred to the Financial Disclosure Office in the Division of Elections.

The amount of \$216.7 in general funds and \$44.9 in general fund/program receipts is being transferred from the Department of Administration to the Division of Elections. Three positions are also being transferred. The funding and position transfers are reported in the FY04 budget.

Prepared by: Linda J. Perez, Director Phone 465-3885
Division: Administrative Services Date/Time 3/7/03 4:43 PM
Approved by: Michael Nizich for James F. Clark Date 3/7/2003
Agency: Office of the Governor

FRANK H. MURKOWSKI
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March 5, 2003

The Honorable Gene Therriault
President of the Senate
Alaska State Legislature
State Capitol, Room 107
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that modifies the duties of the Alaska Public Offices Commission.

The Alaska Public Offices Commission (APOC) and campaign finance laws were generally established to accomplish three major goals: to restrict financial contributions to campaigns, to provide information to the general public as to who is contributing to whom, and to enforce those laws. Under the current campaign finance model, the Alaska Public Offices Commission, has ultimately failed in all three areas. At the core is the Commission's inability to investigate and rule on complaints in a timely manner. The collapse of enforcement and lengthy delays in decisions, sometimes approaching two election cycles, has undermined the objectives of campaign finance laws. Due to the lack of timely enforcement, the APOC has become a vehicle which focuses nearly all media attention on allegations of misconduct and not on the factual reporting of contributions.

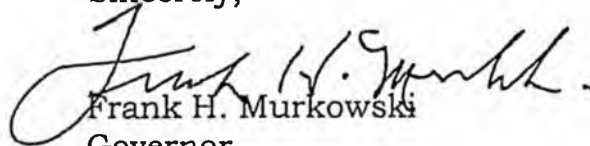
Therefore, with this bill, enforcement of Alaska's campaign finance laws will be elevated to the Department of Law and the Judiciary. This change will allow legitimate complaints to be processed with just resolution coming from the Alaska Court System. Raising the bar to the judiciary should reduce allegations made for political gain and will install confidence in our reporting system.

The Honorable Gene Therriault
March 5, 2003
Page 2

Furthermore, this bill mandates electronic reporting. For the past decade private sector employers, citizens, and some public agencies have increasingly moved into the technological age. It is now common to use electronic means to pay bills, reserve travel, renew a driver's license or offer up-to-the-minute election results. One of the premier users and innovators of technology is the Division of Elections. With this bill the Division of Elections will now be tasked with collecting the electronic reporting and distributing the information to the public. With this step the public will be able to access election and campaign information from a single source and the state will see a savings through consolidation and technological efficiencies.

I urge your prompt and favorable action on this measure.

Sincerely,



Frank H. Murkowski
Governor

Amend #1 Adopted
w/o obj.
Remove - Spouse Equivalent
& Add
"Domestic partner"

Amend #2
Remove "Occupation" under
§250

Amend #3
Add "Dependent" child

**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

1 or lieutenant governor;

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

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

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

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

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

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

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

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

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

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

28 (B) THE MUNICIPAL OFFICE ACCOUNT ESTABLISHED
29 UNDER THIS PARAGRAPH MAY BE USED ONLY FOR EXPENSES
30 ASSOCIATED WITH THE CANDIDATE'S SERVING AS MAYOR OR AS
31 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 (a) 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 associated 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

FAX COVER SHEET

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

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TO: Katrina @ Sen. G. Stevens

FAX: 465-3517 PHONE: 465-4925

call me at 465-6654 after 8am

NUMBER OF PAGES (including cover sheet): 6 DATE SENT 4/16 TIME 8pm SENT BY Barbara Craver

DISPOSAL OF ORIGINAL: MAIL FILE THROW AWAY HOLD FOR PICKUP

NOTES/INSTRUCTIONS:

Please let me know your direction on Sec. 9 - see attached

and Sec. 23 -> is identity of person requesting advisory opinion required? & any time limit if commis doesn't pass the

draft + your comment?

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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

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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

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chapter shall be submitted electronically.

(m) For purposes of (b) and (j) of this section, "contributor" means the true source of the funds, property, or services being contributed.

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

Sec. 15.13.042. Reporting of fundraisers. (a) Candidates, groups or nongroup entities shall report contributions, expenditures and supply of services at a fundraiser under this section if 25 or more persons make a campaign contribution at the fundraiser; and the value of contributions by any one person does not exceed \$50.

If fewer persons attend or if any one person makes a campaign contribution in excess of \$50, the reporting requirements of AS 15.13.140 apply.

This is the meaning in draft (see attached)

(b) A report under this section shall include the total proceeds generated by the fundraiser and the total number of persons making a campaign contribution.

*****(((I thought that if anyone contributed more than \$50 the whole fundraiser doesn't qualify under this section))) (c) If a person contributes more than \$50 at a fundraiser, that contribution must be reported in the manner provided in AS 15.13.040.

But the rest of the fundraiser gets reported under this sec.

(d) In this section,

(1) "campaign contribution" means a cash donation, purchase of a ticket, purchase of goods or services offered for sale at a fundraiser, or a donation of goods or services for the fundraiser; and

(2) "fundraiser" means an event at which contributions are solicited and raised; and includes

- (A) a garage sale;
- (B) a raffle, drawing, or auction;
- (C) a spaghetti feed or potluck dinner;
- (D) the sale of campaign material, including posters, buttons, stickers, clothing, frisbees, and key chains; and
- (E) a sponsored concert.

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

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

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

- (1) the state, its agencies, and its corporations;
- (2) the University of Alaska and its Board of Regents;
- (3) municipalities, school districts, and regional educational attendance areas, or another political subdivision of the state; and
- (4) an officer or employee of an entity identified in (1) - (3) of this subsection.

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

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

(b) Each request for an advisory opinion must

- (1) be in writing or contained in a message submitted by electronic mail;
- (2) describe a specific transaction or activity that the requesting person is presently engaged in, or intends to undertake in the future; and
- (3) include a description of all relevant facts.

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

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

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

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candidate's discretion.

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

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- (1) the state, its agencies, and its corporations;
- (2) the University of Alaska and its Board of Regents;
- (3) municipalities, school districts, and regional educational attendance areas, or another political subdivision of the state; and
- (4) an officer or employee of an entity identified in (1) - (3) of this subsection.

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(b) Each request for an advisory opinion must

- (1) be in writing or contained in a message submitted by electronic mail;
- (2) describe a specific transaction or activity that the requesting person is presently engaged in, or intends to undertake in the future; and
- (3) include a description of all relevant facts, including the identity of the person requesting the advisory opinion;
- (4) not concern a hypothetical situation or the activity of third parties.

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

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

(e) A complaint under AS 15.13.380 may not be considered about any

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