

**HB**

**281**



## HOUSE JUDICIARY COMMITTEE

STATE CAPITOL, ROOM 120  
(907) 465-4990

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Room 405  
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### MEMORANDUM

Date: March 20, 2008

To: Representative Kevin Meyer  
Co-Chair House Finance Committee

From: Representative Jay Ramras  
Chair House Judiciary Committee

Re: Referral File for CSHB281(JUD) 25-LS1115T

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Attached to this memo are the following documents, which represent the referral file for HB281:

- Sponsor Statement
- CSHB281(JUD) 25-LS1115T
- Fax to Leg. legal re: Amendments
- Explanation of changes
- Jerry Luckhaupt legal memo and amendments
- ADM fiscal note
- CSHB281(STA) 25-LS1115K
- Explanation of Changes
- HB281 (25-LS1115E)
- Sectional Analysis
- Background Information
- News Clips
- Relevant Statutes
- HJUD Report

# Alaska State Legislature

**Chairman**  
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**Vice-Chairman**  
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**Finance Subcommittees**  
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Military and Veterans' Affairs  
Public Safety



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

**E-Mail:** Representative\_Bob\_Lynn@legis.state.ak.us  
**"Bob Lynn's Alaska Blog"** RepBobLynnBlog.com

**Session:**  
Alaska State Capitol  
Juneau, AK 99801-1182

Phone: (907) 465-4931  
Fax: (907) 465-4316  
Toll Free: (800) 870-4391

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## Sponsor Statement for Version 25-LS115\K

### **CSHB 281(STA): Campaign Finance Complaints**

House Bill 281 strengthens oversight of Alaska's ethics laws by allowing the state's watchdog agencies more time to receive complaints and properly investigate alleged violations. It also establishes an adequate time period for the retention of records related to those complaints.

This act covers the four areas of oversight assigned to the Alaska Public Offices Commission and the Select Committee on Legislative Ethics: campaign disclosures (AS 15.13), lobbying (AS 24.45), legislative financial disclosure (AS 24.60) and public official financial disclosure (AS 39.50).

HB 281 creates a standard statute of limitations of five years for complaints that can be filed with APOC and the Select Committee. It also codifies a period of six years for the retention of records required under these sections.

By allowing a reasonable amount of time to receive complaints and conduct investigations, HB 281 helps APOC and the Select Committee accomplish their missions of ensuring the public's confidence in elected and appointed officials, and preserving the integrity of the legislative process.

This bill is an important follow-up to the recent efforts to shore up the Foundation of Trust between Alaskans and their government, which took a big step forward last year when the governor and the legislature passed a landmark ethics bill.

Representative Jay Ramras  
Chair, House Judiciary  
Labor & Commerce  
Oil & Gas  
Military & Veteran Affairs  
1292 Sadler Way, Suite 324  
Fairbanks, Alaska 99701  
Phone: (907) 452-1088  
Fax: (907) 452-1146

# Alaska State Legislature



While in Session  
State Capitol, Room 118  
Juneau, Alaska 99801-1182  
(907) 465-3004  
Fax: 465-2070  
Toll Free: (877) 465-3004

House District 10

## House of Representatives

### Fax

To: Alpheus Bullard  
Legislative Legal

Fax #: 2029                      Number of pages including cover: 1

From: Jane Pierson

Date: March 19, 2008

Re: CSHB281( ) 25-LS1115\N

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Please go final on the above-referenced resolution, with the following two conceptual amendments:

1. P. 2, L. 7 following "(c)" insert "A candidate who has run for office or" [A] insert "a"
2. P. 4, L. 29-30 delete "A registered Alaska voter" and insert "An individual Alaskan citizen who is qualified to vote" *per Alpheus this would take us back to original statutory language.*

Should you have any questions regarding this matter, please do not hesitate to contact me.

Thank you

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

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Judiciary Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
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## **HB 281 changes: from (STA) CS (25-LS1115\K) to blank CS (25-LS1115\O)**

Delete Sec. 1 (15.13.040)

Change "registered voter" to "person" in sections 3, 5, 7, 9 and 10.

Sec. 2 (15.13.111): Page 2: Language adding to the provision of a six-year retention period for records a clause that would allow a person leaving office to submit electronic back-up with the final report to the regulatory agency (APOC or the Select Committee)

Sec. 3 (15.13.380): Page 2, line 17: delete "A member of the commission, the commission's executive director, or"  
("A person" includes commissioners and commission staff)

Sec. 6 (24.45.131): Page 3, line 20: delete "or a member of its staff"  
line 21: delete "or member of its staff"

Sec. 7 (24.45.135): Page 3, lines 24-25: delete ", including a member of the commission or the commission's executive director,"

Sec. 9 (24.60.255): Page 4, lines 17-19: delete ", including a member of the Alaska Public Offices Commission or the commission's executive director,"

Sec. 9 (24.60.255): Page 4, lines 23-24: delete "or a member of its staff"  
line 24: delete "or member of its staff"

Sec. 10 (39.50.055): Page 4, lines 27-29: delete ", including a member of the Alaska Public Offices Commission or the commission's executive director,"

Sec. 10 (39.50.055): Page 5, lines 2-3: delete "or a member of its staff"  
line 3: delete "or member of its staff"

Adding a new section repealing 15.56.130 to create a statute of limitation of five years for prosecution of a criminal offense under this act.

Contact: Mike Sica, 465-4965

**CS FOR HOUSE BILL NO. 281(STA)**

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

**TWENTY-FIFTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 1/22/08**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES LYNN AND GATTO**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Alaska Public Offices Commission; relating to the Select  
2 Committee on Legislative Ethics; relating to public officials' financial disclosure;  
3 relating to certain records required to be kept by businesses, persons, or groups that  
4 provide certain services, facilities, or supplies to a candidate or group involved in a state  
5 election; relating to records of the reports required of candidates, groups, nongroup  
6 entities, or persons under AS 15.13; relating to records required to be kept by certain  
7 lobbyists and persons who employ, retain, or contract for the services of lobbyists; and  
8 providing for an effective date."

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

10 \* Section 1. AS 15.13.040(f) is amended to read:

11 (f) ALL [DURING EACH YEAR IN WHICH AN ELECTION OCCURS,  
12 ALL] businesses, persons, or groups that furnish any of the following services.

1 facilities, or supplies to a candidate or group shall maintain a record of each  
 2 transaction for a period of six years from the date of the election; newspapers,  
 3 radio, television, advertising, advertising agency services, accounting, billboards,  
 4 printing, secretarial, public opinion polls, or research and professional campaign  
 5 consultation or management, media production or preparation, or computer services.  
 6 Records of provision of services, facilities, or supplies shall be available for inspection  
 7 by the commission.

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

9 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup,  
 10 entity, or person required to report under this chapter shall preserve all records  
 11 necessary to substantiate information required to be reported under this chapter for a  
 12 period of six years from the date of the election for which the information was  
 13 required to be reported. add  
larger

14 (b) Information preserved under (a) of this section must be made available for  
 15 inspection by the commission.

16 \* Sec. 3. AS 15.13.380(b) is amended to read:

17 (b) A member of the commission, the commission's executive director, or a  
 18 registered voter [PERSON] who believes a violation of this chapter or a regulation  
 19 adopted under this chapter has occurred or is occurring may file an administrative  
 20 complaint with the commission within five years [ONE YEAR] after the date of the  
 21 alleged violation. If a member of the commission has filed the complaint, that member  
 22 may not participate as a commissioner in any proceeding of the commission with  
 23 respect to the complaint. The commission may consider a complaint on an expedited  
 24 basis or a regular basis. The time limitations of this subsection do not bar  
 25 proceedings against a person who intentionally prevents discovery of a violation  
 26 of this chapter. V. 2/20/11

27 \* Sec. 4. AS 24.45.111(a) is amended to read:

28 (a) A person required to register or report as a lobbyist or as a person who  
 29 employs, retains, or contracts for the services of a lobbyist shall preserve all  
 30 accounts, bills, receipts, books, papers, and documents necessary to substantiate the  
 31 reports required to be made and filed under this chapter for a period of at least six

1 years [ONE YEAR] from the date of the filing of the report containing these items.  
 2 These accounts, bills, receipts, books, papers, and other documents shall be made  
 3 available for inspection by the commission, or members of its staff, at any time. If a  
 4 lobbyist is required under the terms of the lobbyist's employment contract to turn any  
 5 records over to the employer, responsibility for the preservation of these records under  
 6 this section rests with the employer.

7 \* **Sec. 5.** AS 24.45.131(a) is amended to read:

8 (a) The commission or its staff shall examine each statement or report filed  
 9 under this chapter within 10 days after the date it is filed. A person required to file a  
 10 statement or report under this chapter shall be notified immediately if

11 (1) it appears that the person has failed to file a statement or report as  
 12 required by law or that the statement or report filed does not conform to the  
 13 requirements of this chapter; or

14 (2) a written complaint is filed with the commission by any registered  
 15 [QUALIFIED] voter alleging that a statement or report filed with the commission does  
 16 not conform to the requirements of this chapter, or to the truth, or that a person subject  
 17 to the provisions of this chapter has failed to file a statement or report in the manner  
 18 prescribed by this chapter.

19 \* **Sec. 6.** AS 24.45.131 is amended by adding a new subsection to read:

20 (d) If a member of the commission or a member of its staff files a complaint,  
 21 that member of the commission or member of its staff may not participate in any  
 22 proceeding of the commission relating to the complaint.

23 \* **Sec. 7.** AS 24.45 is amended by adding a new section to read:

24 **Sec. 24.45.135. Administrative complaints.** (a) A registered voter, including  
 25 a member of the commission or the commission's executive director, may file a  
 26 written complaint alleging that a violation of AS 24.45.121 - 24.45.171 has occurred  
 27 or is occurring.

28 (b) Complaints filed under (a) of this section must be filed within five years  
 29 after the date of the alleged violation.

30 \* **Sec. 8.** AS 24.60.170(a) is amended to read:

31 (a) The committee shall consider a complaint alleging a violation of this

1 chapter if the alleged violation occurred within five [TWO] years before the date that  
 2 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE  
 3 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE  
 4 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S  
 5 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a  
 6 complaint filed against all members of the legislature, against all members of one  
 7 house of the legislature, or against a person employed by the legislative branch of  
 8 government after the person has terminated legislative service. However, the  
 9 committee may reinstitute proceedings concerning a complaint that was closed  
 10 because a former employee terminated legislative service [OR BECAUSE A  
 11 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR  
 12 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,  
 13 within five [TWO] years after the alleged violation. The time limitations of this  
 14 subsection do not bar proceedings against a person who intentionally prevents  
 15 discovery of a violation of this chapter.

16 \* **Sec. 9.** AS 24.60 is amended by adding a new section to read:

17 **Sec. 24.60.255. Administrative complaints.** (a) A registered voter, including  
 18 a member of the Alaska Public Offices Commission or the commission's executive  
 19 director, may file a written complaint alleging a violation of AS 24.60.200 - 24.60.260  
 20 has occurred or is occurring.

21 (b) Complaints filed under (a) of this section must be filed within five years  
 22 after the date of the alleged violation.

23 (c) If a member of the Alaska Public Offices Commission or a member of its  
 24 staff files a complaint, that member of the commission or member of its staff may not  
 25 participate in any proceeding of the commission relating to the complaint.

26 \* **Sec. 10.** AS 39.50 is amended by adding a new section to read:

27 **Sec. 39.50.055. Administrative complaints.** (a) A registered voter, including  
 28 a member of the Alaska Public Offices Commission or the commission's executive  
 29 director, may file a written complaint alleging a violation of this chapter has occurred  
 30 or is occurring.

31 (b) Complaints filed under (a) of this section must be filed within five years

1 after the date of the alleged violation.

2 (c) If a member of the Alaska Public Offices Commission or a member of its  
3 staff files a complaint, that member of the commission or member of its staff may not  
4 participate in any proceeding of the commission relating to the complaint.

5 \* Sec. 11. AS 39.50.100 is amended to read:

6 **Sec. 39.50.100. Enforcement by private citizens.** A registered  
7 [QUALIFIED] Alaska voter may bring a civil action to enforce any of the sections of  
8 this chapter.

9 \* Sec. 12. AS 39.50.100 is amended by adding a new subsection to read:

10 (b) An action brought under (a) of this section must be brought within five  
11 years after the date of the alleged violation.

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

14 **APPLICABILITY.** (a) AS 15.13.040(f), as amended by sec. 1 of this Act, applies to  
15 records of transactions made on or after the effective date of sec. 1 of this Act.

16 (b) AS 15.13.380(b), as amended by sec. 3 of this Act, applies to administrative  
17 complaints alleging violations of AS 15.13 or the regulations adopted under that chapter that  
18 occurred

19 (1) within one year before the effective date of sec. 3 of this Act; or

20 (2) on or after the effective date of sec. 3 of this Act.

21 (c) AS 15.13.111, added by sec. 2 of this Act, applies to records for elections on or  
22 after the effective date of sec. 2 of this Act.

23 (d) AS 24.45.111(a), as amended by sec. 4 of this Act, applies to reports required to  
24 be made and filed on or after the effective date of sec. 4 of this Act.

25 (e) AS 24.45.135, added by sec. 7 of this Act, applies to complaints alleging  
26 violations of AS 24.45.121 - 24.45.171 that occur on or after the effective date of sec. 7 of this  
27 Act.

28 (f) AS 24.60.170(a), as amended by sec. 8 of this Act, applies to complaints alleging  
29 violations of AS 24.60 that occurred

30 (1) within two years before the effective date of sec. 8 of this Act; or

31 (2) on or after the effective date of sec. 8 this Act.

1 (g) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging  
2 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this  
3 Act.

4 (h) AS 39.50.055, added by sec. 10 of this Act, applies to complaints alleging a  
5 violation of AS 39.50 on or after the effective date of sec. 10 of this Act.

6 (i) AS 39.50.100, as amended by secs. 11 and 12 of this Act, applies to actions  
7 alleging violations of AS 39.50 that occur on or after the effective date of secs. 11 and 12 of  
8 this Act.

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

11 **TRANSITION: REGULATIONS.** The Alaska Public Offices Commission may  
12 immediately adopt regulations as are necessary to implement the changes made by this Act.  
13 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before  
14 January 1, 2009.

15 \* **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

16 \* **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2009.

# LEGAL SERVICES

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

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

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

## MEMORANDUM

January 24, 2008

**SUBJECT:** Statute of Limitations for Election Offenses (amendment K.2 to CSHB 281(STA) (Work Order No. 25-LS1115\K.2)

**TO:** Representative Bob Lynn

**FROM:** Gerald P. Luckhaupt *ERL*  
Legislative Counsel

I was requested to take a look at Amendment K.2 dealing with the statute of limitations for election offenses as the amendment deals with general issues of criminal law. The amendment changes AS 15.56.130 by expanding the statute of limitations for election offenses from one year after the date of the election to five years after the commission of the offense. Five years is also the general statute of limitations for offenses contained in AS 12.10.010(b)(2). AS 12.10 also contains other provisions dealing with when the statute of limitation begins<sup>1</sup> and how the statute of limitation runs,<sup>2</sup> and provisions that stay the running of the limitation period when the offender has fled the jurisdiction<sup>3</sup> and expand the limitation period when the offender is a public officer or employee who has committed misconduct in office.<sup>4</sup>

Because the amendment makes the statute of limitation for AS 15 offenses the same as the general criminal statute of limitation in AS 12.10.010 there is no need for AS 15.56.130 and the provision should be repealed if the legislature wants a general five year statute of limitations to apply. Allowing the provision to remain will only engender uncertainty and encourage litigation about how and whether the other provisions of AS 12.10 apply to AS 15 offenses.

GPL:lmb  
08-001.lmb

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<sup>1</sup> AS 12.10.030(a)

<sup>2</sup> AS 12.10.030(b)

<sup>3</sup> AS 12.10.040

<sup>4</sup> AS 12.10.020(b) expands the statute of limitation in such cases by up to three years by allowing prosecution up to one year after discovery of the offense.

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 281(STA)

BY REPRESENTATIVE LYNN

1 Page 1, line 6, following "AS 15.13;":

2 Insert "extending the statute of limitations for prosecution of offenses under the  
3 Alaska Election Code;"

4

5 Page 2, following line 26:

6 Insert a new bill section to read:

7 **\*\* Sec. 4.** AS 15.56.130 is amended to read:

8 **Sec. 15.56.130. Time limitation.** A prosecution for an offense described in  
9 AS 15.05 - AS 15.60 (Alaska Election Code) may not be maintained unless it is begun  
10 within **five years after the commission of the** [ONE YEAR AFTER THE DATE OF  
11 THE ELECTION IN CONNECTION WITH WHICH THE] offense [IS ALLEGED  
12 TO HAVE BEEN COMMITTED]."

13

14 Renumber the following bill sections accordingly.

15

16 Page 5, following line 20:

17 Insert a new subsection to read:

18 "(c) AS 15.56.130, as amended by sec. 4 of this Act, applies to a prosecution for an  
19 offense described in AS 15.05 - AS 15.60

20 (1) that is committed on or after the effective date of sec. 4 of this Act; or

21 (2) that is committed before the effective date of sec. 4 of this Act if the  
22 statute of limitations in effect on the date of the commission of the offense has not expired  
23 before the effective date of sec. 4 of this Act."

1

2 Reletter the following subsections accordingly.

3

4

5 Page 5, line 23:

6 Delete "sec. 4"

7 Insert "sec. 5"

8

9 Page 5, line 24:

10 Delete "sec. 4"

11 Insert "sec. 5"

12

13 Page 5, line 25:

14 Delete "sec. 7"

15 Insert "sec. 8"

16

17 Page 5, line 26:

18 Delete "sec. 7"

19 Insert "sec. 8"

20

21 Page 5, line 28:

22 Delete "sec. 8"

23 Insert "sec. 9"

24

25 Page 5, line 30:

26 Delete "sec. 8"

27 Insert "sec. 9"

28

29 Page 5, line 31:

30 Delete "sec. 8"

31 Insert "sec. 9"

1

2 Page 6, line 1:

3 Delete "sec. 9"

4 Insert "sec. 10"

5

6 Page 6, line 2:

7 Delete "sec. 9"

8 Insert "sec. 10"

9

10 Page 6, line 4:

11 Delete "sec. 10"

12 Insert "sec. 11"

13

14 Page 6, line 5:

15 Delete "sec. 10"

16 Insert "sec. 11"

17

18 Page 6, line 6:

19 Delete "secs. 11 and 12"

20 Insert "secs. 12 and 13"

21

22 Page 6, line 7:

23 Delete "secs. 11 and 12"

24 Insert "secs. 12 and 13"

25

26 Page 6, line 15:

27 Delete "Section 14"

28 Insert "Section 15"

29

30 Page 6, line 16:

31 Delete "sec. 15"

1

Insert "sec. 16"

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 281(STA)

BY REPRESENTATIVE LYNN

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

2 Insert "defining 'registered voter' for the Alaska Election Code;"

3

4 Page 2, following line 26:

5 Insert a new bill section to read:

6 "\*\* Sec. 4. AS 15.60.010 is amended by adding a new paragraph to read:

7 (43) "registered voter" means a person who is registered to vote under  
8 AS 15.07."

9

10 Renumber the following bill sections accordingly.

11

12 Page 5, line 23:

13 Delete "sec. 4"

14 insert "sec. 5"

15

16 Page 5, line 24:

17 Delete "sec. 4"

18 Insert "sec. 5"

19

20 Page 5, line 25:

21 Delete "sec. 7"

22 Insert "sec. 8"

23

- 1 Page 5, line 26:
- 2 Delete "sec. 7"
- 3 Insert "sec. 8"
- 4
- 5 Page 5, line 28:
- 6 Delete "sec. 8"
- 7 Insert "sec. 9"
- 8
- 9 Page 5, line 30:
- 10 Delete "sec. 8"
- 11 Insert "sec. 9"
- 12
- 13 Page 5, line 31:
- 14 Delete "sec. 8"
- 15 Insert "sec. 9"
- 16
- 17 Page 6, line 1:
- 18 Delete "sec. 9"
- 19 Insert "sec. 10"
- 20
- 21 Page 6, line 2:
- 22 Delete "sec. 9"
- 23 Insert "sec. 10"
- 24
- 25 Page 6, line 4:
- 26 Delete "sec. 10"
- 27 Insert "sec. 11"
- 28
- 29 Page 6, line 5:
- 30 Delete "sec. 10"
- 31 Insert "sec. 11"

1

2 Page 6, line 6:

3 Delete "secs. 11 and 12"

4 Insert "secs. 12 and 13"

5

6 Page 6, line 7:

7 Delete "secs. 11 and 12"

8 Insert "secs. 12 and 13"

9

10 Page 6, line 15:

11 Delete "Section 14"

12 Insert "Section 15"

13

14 Page 6, line 16:

15 Delete "sec. 15"

16 Insert "sec. 16"

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 281(STA)  
 (H) Publish Date: 1/22/08

Identifier (file name): HB281-DOA-APOC-1-11-08 Dept. Affected: Administration  
 Title: "An Act extending the statute of limitations" RDU: AK Public Offices Commission  
 Component: AK Public Offices Commission  
 Sponsor: Lynn and Gatto  
 Requester: House State Affairs Component Number: 70

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required		Information				
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>							
Personal Services	156.0	0.0	156.0	156.0	156.0	156.0	156.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	14.5	0.0	14.5	14.5	14.5	14.5	14.5
Supplies	0.7	0.0	0.7	0.7	0.7	0.7	0.7
Equipment	3.1	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	0.0
Grants & Claims	0.0	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	0.0
<b>TOTAL OPERATING</b>	<b>174.3</b>	<b>0.0</b>	<b>171.2</b>	<b>171.2</b>	<b>171.2</b>	<b>171.2</b>	<b>171.2</b>

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	174.3	0.0	156.0	156.0	156.0	156.0	156.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>174.3</b>	<b>0.0</b>	<b>156.0</b>	<b>156.0</b>	<b>156.0</b>	<b>156.0</b>	<b>156.0</b>

Estimate of any current year (FY2008) cost: 0.0

**POSITIONS**

Full-time	2.0	0.0	2.0	2.0	2.0	2.0	2.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

**ANALYSIS:** (Attach a separate page if necessary)

This bill will expand the statute of limitations for filing complaints under the campaign disclosure law

We are requesting funding for an additional investigator position, a paralegal position, and associated costs that will be dedicated to auditing and enforcement. Investigations into allegations of violations that occurred years ago are more complex. It is more difficult to establish facts and find and question witnesses.

Prepared by: Brooke Miles  
 Division: Alaska Public Offices Commission  
 Approved by: Kevin Brooks, Deputy Commissioner  
Department of Administration

Phone 907-334-1726  
 Date/Time 1/11/2008 3:05 p.m.  
 Date 1/11/2008

# Alaska State Legislature

**Chairman**  
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**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Corrections  
Labor and Workforce Development  
Military and Veterans' Affairs  
Public Safety



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

**E-Mail:** Representative\_Bob\_Lynn@legis.state.ak.us  
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

**Session:**  
Alaska State Capitol  
Juneau, AK 99801-1182

**Phone:** (907) 465-4931  
**Fax:** (907) 465-4316  
**Toll Free:** (800) 870-4391

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

**Phone:** (907) 269-0205  
**Fax:** (907) 269-0207

## **Changes from original Version E to current Version K HB 281: Campaign Finance Complaints**

The original bill, 25-LS1115\E, amended one section, AS 15.13.380(b), to increase the statute of limitations for the filing of complaints with the Alaska Public Offices Commission from one year to five years.

The next draft of the bill, 25-LS1115\M, attempted to address issues brought up in the initial hearing in the House State Affairs Committee to codify a specific period of time for the retention of records related to complaints and to create a uniform statute of limitations for all four sections of the ethics code (AS 15.13, AS 24.45, AS 24.60 and AS 39.50) that are enforced by APOC and the Select Committee on Legislative Ethics.

The current version, 25-LS1115\K, which passed out of the State House Affairs Committee, amended the bill to replace the word "person" with the term "registered voter" where it applies to the filing of a complaint in the applicable sections of this act. It also deleted words in Sec. 8 AS 24.60.179(a) on page 4, lines 10-12 to clean up language to conform with the deleting of words on page 4, lines 2-5.

# Alaska State Legislature



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Committee

**Member**  
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Joint Armed Services Committee

**Finance Subcommittees**  
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Labor and Workforce Development  
Military and Veterans' Affairs  
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*A Communication From*  
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**District 31 Anchorage**

**E-Mail: Representative\_Bob\_Lynn@legis.state.ak.us**  
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**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794  
Alaska State Capitol, room 104  
Juneau, AK 99801-1182

# of Pages (including cover): 1

Phone: 907-465-4931  
Fax: 907-465-4316

Re: CSHB 281 - CAMPAIGN FINANCE COMPLAINTS

---

1/19/08

Amendments to CSHB 281 - 25-LS1115\M

### **Amendment #1 (Coghill)**

Page 4 Line 9 and 10 after the word *service* **delete or because a legislator left the legislature**  
Page 4 Line 10 after the word *employee* **delete or legislator**

### **Amendment #2 (Doll) Withdrawn**

### **Conceptual Amendment #3 (Doll)**

Replace the word "person" with the term "registered voter" where it applies to the filing of a complaint in the applicable sections of CSHB 281 (STA) 25-LS1115\M. Here are the areas we identified but you be the final judge:

Page 2 Line 18  
Page 3 Line 13  
Page 3 Line 23  
Page 4 Line 15  
Page 4 Line 25  
Page 5 Line 4

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

**Finance Subcommittees**



*A Communication From*  
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**Session:**  
Alaska State Capitol  
Juneau, AK 99801-1182

Phone: (907) 465-4931  
Fax: (907) 465-4316  
Toll Free: (800) 870-4191

**Interim:**  
716 W. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## Sectional Analysis of Version 25-LS1115K **CSHB 281(STA): Campaign Finance Complaints**

- Section 1** Amends AS 15.13.040(f), to establish in code a retention period of six years for records of transactions listed in this section.
- Section 2** Adds a new section, Sec. 15.13.042, directing each candidate, group, nongroup entity, or person required to report under this chapter to preserve all necessary records for six years.
- Section 3** Amends AS 15.13.380(b), to increase the time period allowed to file a complaint for an alleged campaign finance violation from one year to five years. It also eliminates the time limitations of this subsection on proceedings against a person who "intentionally prevents discovery" of a violation of this chapter.
- Section 4** Amends AS 24.45.111(a), to require "a person who employs, retains, or contracts for the services of a lobbyist," in addition to a lobbyist, to retain records required under this section. It also increases the retention period from one year to six years.
- Section 5** Amends AS 24.45.131, to allow any registered voter to file a complaint with the commission.
- Section 6** Adds a new section, AS 24.45.131(d), prohibiting commission members and staff who file complaints from participating in any commission proceeding related to the complaint.
- Section 7** Adds a new section, AS 24.45.135, allowing a registered voter, as well as a commission member or staffer, to file a complaint alleging a violation of AS 24.45.121-24.45.171 has occurred or is occurring. The complaint must be filed within five years after the date of the alleged violation.

**Sectional Analysis for CSHB 281(STA)**  
**Campaign Finance Complaints**

- Section 8** Amends AS 24.60.170(a), to increase the time limit for complaints alleging a violation of this section from two years to five years. It also increases the time limit for complaints against a former legislator from one year to five years.
- Section 9** Adds a new section, Sec. 24.60.255, allowing a registered voter, as well as a member of the Alaska Public Office Commission or a member of its staff to file a written complaint alleging a violation of AS 24.60.200-24.60.260 has occurred or is occurring . The complaint must be filed within five years after the date of the alleged violation.
- Section 10** Adds a new section, AS 39.50.055, allowing a registered voter, as well as a member of the Alaska Public Office Commission or a member of its staff to file a written complaint alleging a violation of this chapter has occurred or is occurring . The complaint must be filed within five years after the date of the alleged violation. An APOC member or staffer who files the complaint may not participate in any proceeding of the commission relating to the complaint.
- Section 11** Amends AS 39.50.100, to allow a registered voter to bring a civil action to enforce any of the sections of this chapter.
- Section 12** Amends AS 39.50.100, creating a statute of limitations of five years from the date of the alleged violation for a complaint to be filed under this section.
- Section 13** Establishes an effective date for the sections that have been amended and created in this act.
- Section 14** Allows the Alaska Public Offices Commission to immediately adopt regulations necessary to implement changes made by this act, in accordance with the Administrative Procedure Act, but not before Jan. 1, 2009.
- Section 15** Allows Section 14 to take effect immediately.
- Section 16** Except as provided in Section 15, allows this Act to take effect on Jan. 1, 2009.

# **House Bill 281**

## **Background Information**

Alpheus Bullard Memorandum of Jan. 18, 2008

Legislative Research Report of Sept. 17, 2007

Legislative Research Memo of Jan. 16, 2008

# LEGAL SERVICES

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

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

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

## MEMORANDUM

January 18, 2008

**SUBJECT:** CSHB 281(STA) - Drafting issues

**TO:** Representative Bob Lynn  
Chair of the House State Affairs Committee  
Attn: Mike Sica

**FROM:** Alpheus Bullard  
Legislative Counsel

This memorandum accompanies the State Affairs Committee Substitute for House Bill 281 you requested.

The substitute you requested contained a provision amending AS 24.60.170(a). The amendment requires the committee to consider a complaint alleging a violation of AS 24.60 if the alleged violation occurred within five years before the date the complaint is filed. AS 24.60.170(n) requires that the committee dismiss a complaint filed against a person employed by the legislative branch if the person terminates legislative service. Members of the legislature may also not be in office when the complaint is filed.

You have asked that I add the sentence "[t]he time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter" (from AS 24.60.170(a) to AS 15.13.380(b)). As noted above, AS 24.60.170(a) governs complaints filed with the Select Committee on Legislative Ethics while AS 15.13.380(b) speaks to administrative complaints filed with the Alaska Public Offices Commission. I have added the sentence, but please be aware that it is unclear what the legal effect of its addition to AS 15.13.380(b) might be. The history of AS 24.60.170(a) is silent as to any previous interpretation and the sentence does not invoke any legal standard of proof, creating the possibility that any person who filed incorrectly could be held to have "intentionally prevent[ed] discovery of a violation of th[e] chapter." Such an interpretation would operate to dispense with the statute of limitations for the filing of administrative complaints altogether. You might consider amending the sentence to read "[t]he time limitations of this subsection do not bar proceedings against a person who the commission finds willfully prevents discovery of a violation of this chapter, such a finding by the commissioner must be based on clear and convincing evidence."

Representative Bob Lynn  
January 18, 2008  
Page 2

The provisions of the substitute you requested would have become retrospectively applicable to alleged violations and records required to be retained. In this draft the applicability of these provisions is not retroactive.

Your draft serves to increase the statute of limitations for the filing of administrative complaints with the Alaska Public Offices Commission. Please be aware that these extended statutes of limitation for the filing of complaints alleging violations of AS 15.13 do not serve to amend the existing law pertaining to criminal prosecution of related election law violations. AS 15.56.130 provides:

A prosecution for an offense described in AS 15.05 - AS 15.60 (Alaska Election Code) may not be maintained unless it is begun within *one year* after the date of the election in connection with which the offense is alleged to have been committed (emphasis added).

If you would like this provision amended in a subsequent draft, or if you have any questions, please do not hesitate to contact me.

TLAB:med  
08-021.med

Enclosure

**Table 1: Selected States' Statutes of Limitations for Filing Complaints Related to Campaign Finance Violations**

State	Citation	Time Limit for Filing Complaint
Alaska	AS § 15.13.380	One year from the date of the violation.
Colorado	CRS § 16-5-401	Three years from the date of the election in which the violation took place.
Florida	FS § 105.25	Two years from the date of the violation.
Georgia	OCGA § 21-5-13	Within three years of a violation involving any person elected to serve for a term of two years, within five years of a alleged violation involving any person elected to serve for a term of four or more years.
Minnesota	MS § 211B.32	Within one year of the violation, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the violation was discovered.
Ohio	ORC § 3517.157	Within two years of the violation, except that if the act or failure to act involves fraud, concealment, or misrepresentation and was not discovered during that two-year period, a complaint may be filed within one year after discovery of such act or failure to act.
Texas	Texas Ethics Comm. Rule § 12.5	Violation must have occurred within three years of the date the complaint is filed or the date the commission votes to initiate a preliminary review of a matter.
Washington	RCWA § 42.17.410	Five years from the date of the violation occurred.

**Notes:** With the exception of Texas, the states listed are those with statutory time limitations for filing complaints that we were readily able to locate. We located the rules of the Texas Ethics Commission through a statutory reference. We believe this table is best interpreted as a sample of states' positions on the topic.

**Sources:** Lexis online database of state statutes, Texas Ethics Commission website.  
<http://www.ethics.state.tx.us/legal.rules.htm>

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

# Legislative Research Services

Alaska State Legislature  
Legislative Affairs Agency  
Division of Legal and Research Services

State Capitol, Juneau, AK 99801  
Phone: 907-465-3991  
Fax: 907-465-3908

January 16, 2008

## Memorandum

TO: Senator Bill Wielechowski

FROM: Daniel Lesh  
Legislative Analyst

RE: States with Filing Limits of Four Years or Greater Regarding Campaign Finance Violations  
*LRS 08-104*

You asked for examples of states that allow campaign finance complaints regarding state election campaigns to be filed up to four years or greater after the violation has taken place. A previous report by this agency identified the following examples:

- 1) Georgia – OCGA § 21-5-13 – Within three years of a violation involving any person elected to serve for a term of two years; within five years of a alleged violation involving any person elected to serve for a term of four or more years.
- 2) Washington – RCWA § 42.17.410 – Five years from the date of the violation.

In the time allotted, we identified an additional six examples by speaking with staff attorneys at the relevant elections commissions in the following states:

- 3) Arkansas – Four years.
- 4) California – Five years for administrative sanctions and four years for civil sanctions.
- 5) Connecticut – No limit; however, by practice, the Connecticut Elections Enforcement Commission generally limits their investigations to complaints regarding violations that occurred within the previous two election cycles.
- 6) Hawaii – No limit.
- 7) Massachusetts – No limit.
- 8) New Jersey – No limit in statute; however, after four years, candidates and committees are not required to maintain records and investigations are not generally conducted.

I hope this is useful. Please contact us if you require additional information.

# **House Bill 281**

## **News Clips**

Juneau Empire story of Sept. 12, 2007

KTUU TV report of Sept. 24, 2007

Anchorage Daily News opinion of Sept. 25, 2007

Juneau Empire story of Sept. 25, 2007



[Click here to return to the original story](#)

## Campaign law violations past APOC's scope

FBI investigations show state agency needs more authority, legislators say

An FBI investigation into corruption in the Alaska Legislature has turned up numerous instances of violations of the state's campaign finance laws that will not be prosecuted.

Those implicated, including former VECO Corp. owner Bill Allen, won't even be investigated, said Brooke Miles, executive director of the Alaska Public Offices Commission.

The Alaska Legislature shortened the statute of limitations for pursuing such campaign finance violations to one year, according to Miles.

"The bundling of campaign donations, the giving of illegal campaign contributions ... all those things are beyond our scope because of the statute of limitations," Miles said.

Miles said she plans to seek more authority for the commission to go back and prosecute violations.

"By the time I read them (in the federal indictment) they were already beyond the statute of limitations," she said.

One allegation made in court filings so far was that contributions were made to one person to be passed on to another to mislead APOC about where the money was coming from. Another was that VECO reimbursed a top executive's campaign donations made at Allen's behest.

Former House Minority Leader Ethan Berkowitz, D-Anchorage, an outspoken critic of the ethical standards of the Legislature, said he didn't know how the statute of limitations was shortened, but said there were efforts at about that time to weaken oversight of campaign finance laws.

"I know there were efforts around then to gut APOC," he said.

Miles said when the commission meets in Anchorage on Thursday and Friday, she'll request a longer time to go after violations.

"I intend to recommend the commission seek to revise that statutory language to four years," she said.

She said she would only ask for four years because memories falter and obtaining documents becomes more difficult as time passes.

House Rules Committee Chairman Rep. John Coghill, R-North Pole, was one of the leaders in ethics reform in the Legislature last year. He said he's be open to that request, after what the public has learned from the FBI investigation.

"I think we should be able to give a good rational answer about why it is so short," Coghill said of the statute of limitations.

He said it initially appeared to him that the minimum time period should be a two-year election cycle, and perhaps longer.

Berkowitz said he'll support a longer statute of limitations, but APOC may need more done to it than that.

"I think there needs to be an audit of APOC's functions," he said. "I think we need to see if they have the statutory authority and the resources to do their job."

Coghill said the ongoing corruption trials indicate that enforcement of campaign finance rules in the state need to be more proactive, but said the commission could do that.

"Brooke (Miles) has said 'give me the tools and I'll be proactive,'" Coghill said.

Gov. Sarah Palin included money for an APOC investigator in her first budget as governor, and the Legislature approved the expenditure.

Miles recently announced that former Alaska journalist Jeff Berliner had been hired to fill that job.

Berkowitz said that was not enough.

"I know people are touting the fact that they've added an investigator, but all they've done is put an investigator back in after they took it out," he said.

• Contact Pat Forgey at 523-2250 or [patrick.forgey@juneauempire.com](mailto:patrick.forgey@juneauempire.com).

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### APOC investigating VECO



by Steve MacDonald  
Monday, Sept. 24, 2007

ANCHORAGE, Alaska -- The Alaska Public Offices Commission, the agency that enforces state campaign finance laws, says it will investigate a claim by the former owner of VECO Corp. that it bought dozens of public opinion polls for political candidates.

APOC says it will investigate a claim by the former owner of VECO Corp. that it bought dozens of public opinion polls for political candidates. (KTUU-TV)

VECO apparently paid for the polls but never reported the transactions on campaign disclosure forms, a violation of state regulations.

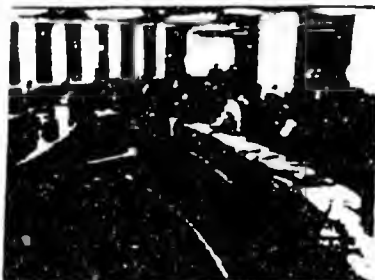


APOC Director Brooke Miles said it's the commission's goal to investigate the facts surrounding the allegations. (Scott Jensen/KTUU-TV)

During the Pete Kott bribery trial, former VECO owner Bill Allen claimed his company bought a public opinion poll for Kott's re-election campaign.

That revelation prompted a question from political watchdog Ray Metcalfe as to how many other candidates received the gift of a free poll.

"I think that our goal is to establish as many facts as we can regarding the polls that have been alleged that VECO undertook on behalf of candidates," APOC Director Brooke Miles said.



The claim prompted a question from political watchdog Ray Metcalfe as to how many other candidates received the gift of a free poll. (KTUU-TV)

This morning, the Alaska Public Offices Commission held an emergency meeting.

It has decided to investigate whether any other candidates got the same kind of help from VECO or any other company.

But the commission's investigation will have its limits.

"We can't go back further than a year for the purpose of imposing a civil penalty, but for the purpose of determining what may have gone wrong with this whole polling information issue, I think we are free to go back further than that if we wish," Miles said.



Jeff Berliner is APOC's new investigator, hired by the Palin Administration. (Scott Jensen/KTUU-TV)

That's because in 2003 the Legislature, at the urging of then Gov. Frank Murkowski, reduced the statute of limitations for how far back APOC could go when investigating a campaign violation. It was slashed from four years to one.

During his time in office, Murkowski made APOC a prime target for cutbacks.

He got rid of the agency's lone investigator, along with a paralegal and another staffer, but that now has begun to change.



Assistant Attorney General Dave Jones says stricter regulations for candidates will make contributions more transparent. (Scott Jensen/KTUU-TV)

Jeff Berliner is APOC's new investigator, hired by the Palin Administration.

"Everybody is suspicious now. Alaska is even in the national spotlight and there is a climate of distrust and I hope we can turn that around," Berliner said.

And that will take time, but the Palin Administration believes beefing up APOC and the new ethics regulations put into place this summer will help.

Assistant Attorney General Dave Jones says stricter regulations for candidates will make contributions more transparent.

"I think the electronic filing requirement will help members of the public identify when there are potential problems and bring those to the attention of the APOC and perhaps push for some additional investigations," Jones said.

It's an agency that now has some teeth behind the regulations it's supposed to enforce.

He says he's "delighted to hear that APOC is investigating," but is questioning the statute of limitations.

Metcalfe wants to know if the statute of limitations begins when a violation is committed or when it's discovered.

He believes the clock starts ticking when a violation is uncovered.

Contact Steve MacDonald at [stevem@ktuu.com](mailto:stevem@ktuu.com)



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## OPINION

**Anchorage Daily News (AK)** - September 25, 2007

*Author: Staff*

Only 1 year? Short limit on campaign law cases lets violators off easily

The Veco corruption scandal has revealed a stunning loophole in Alaska's political integrity laws. Candidates, corporations and others who violate state campaign laws apparently get a free pass if they can hide their offenses for a year and a day.

That's because the state's campaign watchdog agency is saddled with an almost microscopic **statute of limitations** -- just one year from the illegal act.

Even if the illegal act is detected within a year, the Alaska Public Offices Commission can pursue only civil fines. It's unclear whether the state can pursue criminal penalties against a corporation that makes illegal donations or a candidate who accepts them. **APOC** executive director Brooke Miles says she has asked the state attorney general's office if there are any criminal law enforcement options.

With Veco's illegal donations, **APOC**'s short **statute of limitations** has been a non-issue. Veco and its executives will avoid civil penalties for the firm's illegal contributions, but its two top lobbyists will go to prison for bribery. Several of the legislators who benefited from Veco's illegal contributions face trial or investigation for similar influence-peddling offenses. Veco itself is dead, sold to a firm that couldn't wait to dispose of the tarnished name.

But what about other lawmakers and candidates who got Veco's illegal campaign help? The company routinely did polling about its favored candidates. If Veco shared poll results directly with a campaign, it was an illegal corporate contribution. As long as the candidates took the illegal aid more than a year ago, though, they're home free as far as the Alaska Public Offices Commission is concerned.

And what if the illegal corporate donor is, unlike Veco, still in business? Without any criminal penalties, **APOC**'s one-year **statute of limitations** leaves enormous room to flout the ban on corporate campaign contributions.

Campaign law violations used to have a four-year **statute of limitations** -- until the Republican-dominated Legislature and Frank Murkowski

combined forces on a concerted effort to loosen state campaign financing rules.

The Veco scandal shows that Alaska's campaign laws need more backbone. Restoring the original **statute of limitations** is one obvious and urgent fix. Ensuring the state can impose criminal penalties for large-scale or widespread campaign law violations is another.

When the Legislature convenes next year, tightening up campaign law enforcement should be an early order **of business**.

**BOTTOM LINE:** Here's a loophole that needs closing, fast.



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## VECO polling assistance comes under scrutiny

### Statute of limitations may preclude violations from being pursued

The Alaska Public Offices Commission decided Monday to investigate whether VECO Corp. may have violated campaign finance rules by providing poll results to favored candidates without reporting the cost of the poll.

Such contributions could be either illegal corporate contributions or reporting violations on the part of candidates.

The practice is one of the ways the formerly powerful player in Alaska politics asserted its influence in the state, according to a federal indictment. VECO, an oil field services company, is now part of Colorado-based CH2M-Hill.

It's questionable whether APOC can pursue penalties due to the commission's one-year statute of limitations on such investigations, but the investigation may be valuable anyway, said one commissioner, Elizabeth Hickerson.

"I am less concerned about the statute of limitations as I am about getting at the facts," said Hickerson, an attorney and a Democratic commission member from Anchorage.

The commission's authority over campaign finance violations goes back for only one year from the dates of violations. Sen. Bill Wielechowski, D-Anchorage, said he intends to introduce legislation extending that to four years.

Hickerson said an investigation may highlight the need for a longer statute of limitations for the Legislature.

A little more than a year ago, FBI agents revealed to top VECO executives that they were under investigation as part of a widespread probe into influence buying in Alaska politics.

Any violation that could be pursued would have to have occurred after the FBI investigation was revealed.

"I don't think we have a violation within one year before us," said Roger Holl,

commission chairman and a public member of the commission from Anchorage. He also is an attorney.

The allegation that VECO has paid for polls used by numerous candidates over the years was made by former VECO executive Rick Smith in testimony during the federal bribery trial of former Rep. Pete Kott, R-Eagle River, in Anchorage.

Among the federal charges against Kott is that a poll VECO provided for his campaign constituted a bribe.

Former state legislator and APOC critic Ray Metcalfe had earlier urged the commission to investigate all 60 legislators, but had not filed a formal complaint as of the commission's special Monday morning meeting.

Commission members weren't clear on whether Metcalfe wanted unsuccessful candidates to be investigated as well.

Department of Law attorney Margaret Paton-Walsh called Metcalfe's accusations "incredibly vague and general."

The commission, however, decided to investigate the matter on its own.

Sen. Kim Elton, D-Juneau, said he could say that VECO never provided him with any poll results.

"That's probably not a surprise to anyone," he said.

Elton was pushing for a higher oil tax rate than that which VECO executives sought.

One of the first steps taken in the investigation may be to simply call up Smith and see if he'll say who VECO provided the polling data to, commissioners said. Others cautioned that he may not be able to talk, because of the ongoing federal investigation.

Smith has already pleaded guilty, and Hickerson said his testimony against his own interests should be considered reliable.

"If his testimony is correct, and I have no reason to doubt it, there were violations," Hickerson said.

• Contact Pat Forgey at 523-2250 or [patrick.forgey@juneauempire.com](mailto:patrick.forgey@juneauempire.com).

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# CSHB 281(STA)

## Relevant Statutes

### Campaign Finance Complaints

Sec. 15.14.040(f) Contributions, expenditures, and supplying of services to be reported.

Sec. 15.13.380(b) Violations; limitations on actions.

Sec. 24.60.170(a) Proceedings before the committee; limitations.  
Recommendation to add to Sec. 15.13.380(b)

Sec. 24.45.111(a) Preservation of records.

Sec. 24.45.131 Examination of statements, reports.

Sec. 24.60.170 Proceedings before the committee. Limitations.

Sec. 39.50.100 Enforcement by private citizens.

Sec. 15.56.130 Time limitation.

Definitions related to who can file a complaint (registered voter, qualified voter and person) regarding alleged violations under sections AS 15.13, AS 24.45, AS 24.60 and AS 39.50.

Sec. 15.13.040. Contributions, expenditures, and supplying of services to be reported.

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. Records of provision of services, facilities, or supplies shall be available for inspection by the commission.

Sec. 15.13.380. Violations; limitations on actions.

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

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

Sec. 15.56.130. Time limitation.

A prosecution for an offense described in AS 15.05 - AS 15.60 (Alaska Election Code) may not be maintained unless it is begun within one year after the date of the election in connection with which the offense is alleged to have been committed.

**To incorporate at the end of 15.13.380(b):**

Sec. 24.60.170. Proceedings before the committee; limitations

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.

Sec. 24.45.111. Preservation of records.

(a) A person required to register or report as a lobbyist shall preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the reports required to be made and filed under this chapter for a period of at least one year from the date of the filing of the report containing these items. These accounts, bills, receipts, books, papers, and other documents shall be made available for inspection by the commission, or members of its staff, at any time. If a lobbyist is required under the terms of the lobbyist's employment contract to turn any records over to the employer, responsibility for the preservation of these records under this section rests with the employer.

Sec. 24.45.131. Examination of statements, reports.

(a) The commission or its staff shall examine each statement or report filed under this chapter within 10 days after the date it is filed. A person required to file a statement or report under this chapter shall be notified immediately if:

(1) it appears that the person has failed to file a statement or report as required by law or that the statement or report filed does not conform to the requirements of this chapter; or

(2) a written complaint is filed with the commission by any qualified voter alleging that a statement or report filed with the commission does not conform to the requirements of this chapter, or to the truth, or that a person subject to the provisions of this chapter has failed to file a statement or report in the manner prescribed by this chapter.

(b) The commission shall conduct an investigation, and may thereafter conduct a hearing, into an allegation under (a)(2) of this section.

(c) The commission shall report any suspected violations of this chapter to the attorney general, to a district attorney in the judicial district where the alleged violation occurred, or to a grand jury.

Sec. 24.60.170. Proceedings before the committee; limitations.

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within two years before the date that the complaint is filed with the committee and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject's departure from the legislature. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service or because a legislator left the legislature if the former employee or legislator resumes legislative service, whether as an employee or a legislator, within two years after the alleged violation. The time limitations of this subsection do not bar proceedings against a person who intentionally prevents discovery of a violation of this chapter.

Sec. 39.50.100. Enforcement by private citizens.

A qualified Alaska voter may bring a civil action to enforce any of the sections of this chapter.

Sec. 15.56.130. Time limitation.

A prosecution for an offense described in AS 15.05 - AS 15.60 (Alaska Election Code) may not be maintained unless it is begun within one year after the date of the election in connection with which the offense is alleged to have been committed.

**Definitions related to who can file a complaint regarding alleged violations under sections 15.13, 24.45, 24.60 and 39.50**

**REGISTERED VOTER**

**Chapter 15.07. REGISTRATION OF VOTERS**

Sec. 15.07.010. Who may vote.

The precinct election officials at any election shall allow a person to vote whose name is on the official registration list for that precinct and who is qualified under AS 15.05. A person whose name is not on the official registration list shall be allowed to vote a questioned ballot.

*Sec. 15.07.020. Registration as a prerequisite. [Repealed, Sec. 231 ch 100 SLA 1980].*

Repealed or Renumbered

Sec. 15.07.030. Who may register.

(a) A person who has the qualifications of a voter as set out in AS 15.05.010 (1) - (3) or who will have the qualifications at the succeeding primary or general election is entitled to be registered as a voter in the precinct in which the person resides.

(b) A person qualified under AS 15.05.011 to vote by absentee ballot in a federal election is entitled to be registered as a voter in the house district in which the person resided immediately before departure from the United States.

**QUALIFIED VOTER**

Sec. 15.60.010. Definitions.

In this title, unless the context otherwise requires,

(30) "qualified voter" means a person who has the qualification of a voter and is not disqualified as provided by art. V, Sec. 2, of the state constitution and AS 15.05.030 :

(continued on next page)

Sec. 15.05.030. Loss and restoration of voting rights.

(a) A person convicted of a crime that constitutes a felony involving moral turpitude under state or federal law may not vote in a state, federal, or municipal election from the date of the conviction through the date of the unconditional discharge of the person. Upon the unconditional discharge, the person may register under AS 15.07.

(b) The commissioner of corrections shall establish procedures by which a person unconditionally discharged is advised of the voter registration requirements and procedures.

**Chapter 15.05. QUALIFICATION OF VOTERS**

Sec. 15.05.010. Voter qualification.

A person may vote at any election who

(1) is a citizen of the United States;

(2) is 18 years of age or older;

(3) has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election; and

(4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.

**PERSON**

Sec. 15.13.400. Definitions.

In this chapter,

(14) "person" has the meaning given in AS 01.10.060, and includes a labor union, nongroup entity, and a group;

Sec. 01.10.060. Definitions.

(a) In the laws of the state, unless the context otherwise requires,

(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;

**CSHB 281 (STA) Campaign Finance Complaints  
by Rep. Bob Lynn  
House Judiciary Committee, Fri., Jan 25, 2008**

**Teleconference requests, including witnesses and sites  
requested:**

**Offline in Anchorage at 888-295-4546:**

Brooke Miles, Executive Director  
Alaska Public Offices Commission  
276-4176 (Anch), 465-4864 (Jnu)

**At the House Judiciary Committee hearing in Room 120:**

Joyce Anderson, Administrator  
Select Committee on Legislative Ethics  
269-0150 (Anch)

**At Anchorage Legislative Information Office:**

Brenda Page, Attorney  
Alaska Department of Law  
269-6612

Steve Cleary, Executive Director  
Alaska Public Interest Research Group  
278-3661

**Available to be answer questions:**

Alpheus Bullard, Legislative Legal Attorney and bill drafter  
465-3867 (office) 463-5703, ext. 4903 (contact for teleconference)

**Staff member assigned to legislation:**

Mike Sica, 465-4965, staff for Rep. Bob Lynn

