

HB

281

Alaska State Legislature

Chairman
State Affairs Committee

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. 4th Ave., #650
Anchorage, AK 99501-2133

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

April 2, 2008

To: Representative John Coghill, Chairman
House Rules Committee

Fr: Representative Bob Lynn

Re: HB 281: Campaign Finance/Ethics Complaints

Please schedule HB 281 to be heard on the House Floor at your earliest convenience.

Attached is a copy of the legislation, sponsor statement, fiscal note, brief explanation of changes, and background material.

Thank you for considering my request for HB 281, which creates a uniform statute of limitations of five years for complaints of alleged violations filed with the Alaska Public Offices Commission and the Select Committee on Legislative Ethics.

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Sponsor Statement for Version 25-LS115J

CSHB 281(RLS): 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: AS 15.13 State Election Campaigns, AS 24.45 Regulation on Lobbying, AS 24.60 Standards of Conduct as well as the Financial Disclosure for the Legislative Branch and AS Public Officials Financial Disclosures.

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.

Contact: Mike Sica, 465-4965

Revised: April 5, 2008

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Sectional Analysis for CSHB 281(RLS) **Campaign Finance Complaints, Version 25-LS1115\J**

- Section 1** Amends AS 15.13.040(a) to require each candidate to make a full report, upon a form prescribed by the commission, listing the principal occupation and employer of each contributor.
- Section 2** Adds a new section, **Sec. 15.13.111**, creating a retention period of six years for records to be kept by each candidate, group, nongroup entity, or person required to report under this chapter.
- Section 3** Amends **AS 15.13.380(b)**, increasing the time period allowed for filing 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)**, requiring that "an employer, retainer, or contractor of a lobbyist," in addition to a lobbyist, 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(a)**, allowing any "person," not just a "qualified voter," to file a complaint with the commission under this chapter.
- Section 6** Adds a new section, **AS 24.45.131(d)**, prohibiting a commission member who file a complaint from participating in any commission proceeding related to the complaint.
- Section 7** Adds a new section, **AS 24.45.135**, allowing "a person," 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.

(more)

Sectional Analysis for CSHB 281(JUD)
Campaign Finance Complaints, Version 25-LS1115\T

- Section 8** Amends AS 24.60.170(a), increasing the time limitation on complaints alleging a violation of this section from two years to five years. It also increases the time limitation for investigation of complaints against a former legislator from one year to five years.
- Section 9** Adds a new section, Sec. 24.60.255, allowing a person, 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 person, 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 who files a complaint may not participate in any proceeding of the commission relating to the complaint.
- Section 11** Amends AS 39.50.100, creating a statute of limitation of five years from the date of the alleged violation for a complaint to be filed under this section.
- Section 12** Repeals AS 15.56.130 to create a statute of limitation of five years for alleged violations that could be prosecuted as a criminal offense.
- Section 13** Establishes applicability 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.

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CSHB 281(RLS), Version J: Brief Explanation of Changes From earlier versions E, K and T

Title Changes

The original title in version E referred to extending the statute of limitations for the filing of complaints with the Alaska Public Offices Commission under Title 15; the House State Affairs Committee version K expanded the title to also include records retention (as well as the statute of limitations) and complaints with the Select Committee on Legislative Ethics (as well as APOC) under titles 15, 24 and 39; the House Judiciary Committee version T tightened the title to the specific sections of the Act (as opposed to simply referring to APOC and the Select Committee), and the House Rules Committee added language referring to candidates disclosing certain information about all contributions under AS 15.13.

Section Changes

The original version E included only one section (other than an applicability section) extending the statute of limitations from one year to five years for filing an administrative complaint with the Alaska Public Offices Commission.

Version K added many sections creating a uniform standard of five years for the statute of limitations for campaign finance and ethics complaints that fall under the jurisdiction of APOC 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).

(more)

Version T deleted a section requiring business, persons or groups that furnish services, facilities or supplies to a candidate to maintain records for six years. It also changed who can file a complaint in most sections of the bill from "registered voter" to "person." The T version also tightened language in several sections.

The J version added a new section, Sec.1. AS 1.13.040(a) requiring each candidate to make a full report listing the principal occupation and employer of each contributor.

A more detailed explanation of changes is available, if necessary.

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: C5HB 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: 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 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
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
TOTAL OPERATING	174.3	0.0	171.2	171.2	171.2	171.2	171.2

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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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
TOTAL	174.3	0.0	156.0	156.0	156.0	156.0	156.0

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 907-334-1728
Date/Time 1/11/2008 3:05 p.m.
Date 1/11/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSHB 231(FIN)
 (H) Publish Date: 4/4/08

Identifier (file name): CSHB231(JUD)-LEG-ETH-04-01-08 Dept. Affected: Legislature
 Title: "An Act relating to the preservation of records required to be kept by candidates, groups, nongroup entities, ..." RDU: Legislative Council
 Sponsor: Representatives Lynn and Gatto Component: Select Committee on Leg Ethics
 Requester: House Finance Committee Component Number: 2321

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
OPERATING EXPENDITURES								
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	0.0	0.0

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								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schiefel, Deputy Director Phone: 465-6626
 Division: Legislative Affairs Agency Date/Time: 4/1/08 3:27 PM
 Approved by: Pamela Varni, Executive Director Date: 4/1/2008
Legislative Affairs Agency

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 281(FIN)
(H) Publish Date: 4/4/08

Identifier (file name): HB281CS(JUD)-DOA-APOC-3-31-08 Dept. Affected: Administration
Title: "An Act extending the statute of limitations..." RDU: AK Public Offices Commission
Sponsor: Lynn and Gatto Component: AK Public Offices Commission
Requester: House Finance 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
OPERATING EXPENDITURES								
Personal Services	86.0	0.0	86.0	86.0	86.0	86.0	86.0	86.0
Travel	0.0	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	14.5
Supplies	0.7	0.0	0.7	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	0.0
Land & Structures	0.0	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	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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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	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2
1005 GF/Program Receipts	0.0	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	0.0
Other Interagency Receipts	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	104.3	0.0	101.2	101.2	101.2	101.2	101.2	101.2

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	1.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Part-time	0.0	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	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.

Funds are requested for a paralegal position and associated costs to perform auditing and enforcement. This position is a support person to assist in investigations of complaints. Because investigation of complaints that have occurred in the past are more complex, there is a greater need for a support staff person to assist with the auditing and research necessary to find the facts.

Prepared by: Christina Ellingson
Division: Alaska Public Offices Commission
Approved by: Rachael Petro, Deputy Commissioner
Department of Administration

Phone 907-334-1725
Date/Time 3/31/08 2:00 P.M.
Date 3/31/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 4
 Bill Version: CSHB 281(FIN)
 (H) Publish Date: 4/4/08

Identifier (file name): _____ Dept. Affected: LAW
 Title An Act extending the statute of limitations for the filing of RDU CIVIL
complaints with the Alaska Public Offices Commission Component Labor and State Affairs
 Sponsor Representative(s) Lynn, Gatto
 Requester HOUSE FINANCE Component Number 2718

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
OPERATING EXPENDITURES								
Personal Services	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9

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	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	85.9	0.0	85.9	85.9	85.9	85.9	85.9	85.9

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	0.5	0.00	0.5	0.5	0.5	0.5	0.5	0.5
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

By expanding the time period for the consideration of campaign finance law violations by the Alaska Public Offices Commission from one to five years, this legislation should increase significantly the number of complaints and investigations that the Commission handles. The resulting increase in Commission workload will significantly increase the Department's time advising the staff and the Commission. The Civil Division is requesting one-half attorney IV position to handle this increased case load. It is impossible to predict with any certainty how many complaints will actually result in criminal prosecutions. As a consequence costs for the Criminal Division must be considered indeterminate at this time but may also prove to be significant. Cost of 1/2 time attorney calculated at the Department's Statewide billing rate of \$116.50 per hour times billable hours of 1,475 per year per attorney and covers all associated operational overhead. $1/2 \times \$116.50 \times 1,475 = \$85,918$

Prepared by: Robert Meiners, Administrative Services Manager
 Division Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 3/21/08 1:52 PM
 Date 3/21/2008

LEGAL SERVICES

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

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FAX (907) 465-2029
Mail Stop 3101

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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 *ERLH*
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 begins¹ and how the statute of limitation runs,² and provisions that stay the running of the limitation period when the offender has fled the jurisdiction³ and expand the limitation period when the offender is a public officer or employee who has committed misconduct in office.⁴

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

¹ AS 12.10.030(a)

² AS 12.10.030(b)

³ AS 12.10.040

⁴ 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.

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.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
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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

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;

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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.

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.