

**HB**

**281**



HB 281

**Several points for House Judiciary Committee to consider:**

Take a look at an oversight committee or process for reviewing the work of the Alaska Public Offices Commission and the Select Committee on Legislative Ethics.

Determine whether AS 15.56.130 should be repealed, amended or left alone as part of this bill.

# 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. 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-LS1115M

### 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### Amendment #2 (Doll) Withdrawn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-LS1115M. 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

\*\*\*\*\*  
\*  
\* TRANSACTION REPORT \*  
\* JAN-19-2008 03:08 AM \*  
\* FOR: REP LYNN 4654316 \*  
\*-----\*  
\* SEND \*  
\*-----\*  
\* DATE START RECEIVER PAGES TIME NOTE \*  
\*-----\*  
\* JAN-19 03:08 AM 2029 1 30" OK \*  
\*-----\*  
\*\*\*\*\*

# 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 *AB*  
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

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

# **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.

### **Additional relevant statutes**

Sec. 15.56.130 Time limitation.

Sec. 24.60.170(n) Proceedings before the committee; limitations.

Sec. 24.45.141 Civil penalty; Late registration, filing or required statements or reports.

25-LS1115  
Bullard  
1/18/08

**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:**  
**Referred:**

**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.

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 person who believes a violation of this chapter or a regulation adopted under this  
19 chapter has occurred or is occurring may file an administrative complaint with the  
20 commission within five years [ONE YEAR] after the date of the alleged violation. If a  
21 member of the commission has filed the complaint, that member may not participate  
22 as a commissioner in any proceeding of the commission with respect to the complaint.  
23 The commission may consider a complaint on an expedited basis or a regular basis.  
24 **The time limitations of this subsection do not bar proceedings against a person**  
25 **who intentionally prevents discovery of a violation of this chapter.**

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

27 (a) A person required to register or report as a lobbyist or as a person who  
28 employs, retains, or contracts for the services of a lobbyist shall preserve all  
29 accounts, bills, receipts, books, papers, and documents necessary to substantiate the  
30 reports required to be made and filed under this chapter for a period of at least six  
31 years [ONE YEAR] from the date of the filing of the report containing these items.

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

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

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

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

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

*registered voter*

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

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

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

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

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

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

30 (a) The committee shall consider a complaint alleging a violation of this  
 31 chapter if the alleged violation occurred within five [TWO] years before the date that

1 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE  
 2 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE  
 3 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S  
 4 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a  
 5 complaint filed against all members of the legislature, against all members of one  
 6 house of the legislature, or against a person employed by the legislative branch of  
 7 government after the person has terminated legislative service. However, the  
 8 committee may reinstitute proceedings concerning a complaint that was closed  
 9 because a former employee terminated legislative service <sup>amend # 1 - 02/11/11</sup> or ~~because a legislator left~~  
 10 ~~the legislature~~ <sup>part of amend # 1</sup> if the former employee ~~or legislator~~ resumes legislative service,  
 11 whether as an employee or a legislator, within five [TWO] years after the alleged  
 12 violation. The time limitations of this subsection do not bar proceedings against a  
 13 person who intentionally prevents discovery of a violation of this chapter.

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

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

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

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

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

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

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

31 (c) If a member of the Alaska Public Offices Commission or a member of its

1 staff files a complaint, that member of the commission or member of its staff may not  
2 participate in any proceeding of the commission relating to the complaint.

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

4 **Sec. 39.50.100. Enforcement by private citizens.** Any person [A  
5 QUALIFIED ALASKA VOTER] may bring a civil action to enforce any of the  
6 sections of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Act.

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

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

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

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

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

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

# 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. 4<sup>th</sup> Ave., #650  
Anchorage, AK 99501-2133

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

## HB 281 Sponsor Statement

**"An Act extending the statute of limitations for the filing of complaints with the Alaska Public Offices Commission involving state election campaigns."**

House Bill 281 strengthens oversight of the state's campaign finance laws by empowering the Alaska Public Offices Commission to conduct more thorough investigations of alleged violations over a longer period of time. It extends the statute of limitations for reviewing complaints from one year to five years.

This measure reverses legislation passed in 2003, which rolled back the time limit for investigations from four years to one year. The current one-year limit puts APOC under unreasonable and unrealistic time constraints in its role as an important government watchdog. HB 281 helps unleash APOC to once again act in a deliberate and proactive manner. It allows APOC enough time to "dig deeper" in its investigations, as the public demands and deserves.

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.

HB 281 continues the process of restoring public faith in state government by allowing APOC to fulfill one of its missions: "To encourage public confidence in their elected and appointed officials by administering Alaska's disclosure statutes."

# FISCAL NOTE

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

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 281  
 () Publish Date: \_\_\_\_\_

Identifier (file name): HB281-DOA-APOC-1-11-08  
 Title: "An Act extending the statute of limitations"

Dept. Affectod: Administration  
 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	156.0
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
<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>171.2</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**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	174.3	0.0	174.3	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	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
<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>	<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	2.0
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

**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

**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	OCCA § 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.

## HB 281 Relevant Statutes

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.



[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 faltered 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).

Click here to return to story:

[http://www.juneauempire.com/stories/091207/sta\\_20070912007.shtml](http://www.juneauempire.com/stories/091207/sta_20070912007.shtml)

<<Back



### 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.



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.

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

"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.



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.

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)

"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)



All content © Copyright 2000 - 2008 WorldNow and KTUU. All Rights Reserved.  
For more information on this site, please read our [Privacy Policy](#) and [Terms of Service](#).

## 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.



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

## 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).  
Click here to return to story:  
[http://www.juneauempire.com/stories/092507/sta\\_20070925002.shtml](http://www.juneauempire.com/stories/092507/sta_20070925002.shtml)

# 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*  
**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

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

- Section 1** Amends AS 15.13.040(f), establishing 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, mandating 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), 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, allowing any "person," not just a "qualified 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 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.

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

- 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. *Conflicting language*
- 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. *Conflicting language*
- 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 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, allowing any person, not just a qualified voter, to bring a civil action to enforce any of the sections of this chapter. *BRAD WANTS CHANGED TO "PERSON"*
- 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. *1/24/09  
APC  
39.50. Administration  
Billings-Pattel*
- 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.

State Affairs Committee Hearing  
Thurs., Jan. 17, 2008, 8-10 a.m.

### **Briefly explain the bill**

Longer time limit better for lawmakers, candidates, state and public

Credible investigation, confidence in the process and more fair

Nothing worse than hearing, "sorry, time is up ... can't investigate

### **Brief history of the SOL on campaign finance complaints**

Spoke with APOC ... Brooke correct me ... in 1986 or so ... picked it because it was considered the norm on civil violations tied in with the election cycle for the longest terms for our statewide elected lawmakers ... senators, the governor, the Lt. governor ...

The change from four years to one ... occurred in 2003 ... spoke to many people on this, at APOC and with former administration ... depends on who you talk to ... it was an attempt to streamline complaint process and save money or have the AG's office take over the duties of APOC ...

Unfortunately, with recent events since 2003 ... appears to have hamstrung APOC and looks like attempt to run out the clock on accountability ...

### **Expedited adjudication process ... nothing changes still efficient**

Brooke can speak to this ... 60 days from start of process to finish

Benefits candidates and public as well ...

Complaint, investigation, violation – negative connotations ... but most are innocent mistakes and oversights ...