

HB

281

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

Sec

DATE: 4/7/08

FURTHER:

DATE TURNED
IN TO OFFICE: 4-10-08

Finance Committee considered CS FOR HOUSE BILL NO. 281(RLS) am

HB 281 CAMPAIGN FINANCE COMPLAINTS/DISCLOSURE

"An Act requiring candidates to disclose certain information about all contributors under AS 15.13; relating to the preservation of records required to be kept by candidates, groups, nongroup entities, or persons under AS 15.13; relating to records required to be kept by certain lobbyists and persons who employ, retain, or contract for the services of lobbyists; relating to complaints filed with the Select Committee on Legislative Ethics; relating to administrative complaints filed with the Alaska Public Offices Commission; relating to the statute of limitations for civil actions brought under AS 39.50; extending the statute of limitations for prosecutions of violations of the Alaska Election Code; and providing for an effective date."

and recommends:

- be replaced with SCS or CS CS HB 281 (FIN)
- adopt previous SCS or CS _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LEG	4/1/08			✓	2
ADM	3/31/08	✓			3
LAW	3/21/08	✓			4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton	✓			
	Thomas	✓			
	Dyson	✓			
	Huggins	✓			
	Olson	✓			
CO-CHAIR:	Hoffman	✓			
CO-CHAIR:	Stroman	✓			

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 281(FIN)
(H) Publish Date: 4/4/08

Identifier (file name): CSHB281(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 Calto 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								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES (
-----------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other 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 Schofield, Deputy Director
Division: Legislative Affairs Agency
Approved by: Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
Date/Time 4/1/08 3:27 PM
Date 4/1/2008

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 Gallo 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 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
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	104.3	0.0	101.2	101.2	101.2	101.2	101.2

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

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

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	104.3	0.0	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
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	104.3	0.0	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
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
		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, Gallo
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
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

CAPITAL EXPENDITURES							
-----------------------------	--	--	--	--	--	--	--

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

FUND SOURCE		(Thousands of Dollars)					
	FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF	85.9	0.0	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

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
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 Phone 907-465-5427
Division Administrative Services Division Date/Time 3/21/08 1:52 PM
Approved by: Talis Colberg, Attorney General Date 3/21/2008
Department of Law

*Adopted
4/10/08*

25-LS1115D
Bullard
4/9/08

**SENATE CS FOR CS FOR HOUSE BILL NO. 281(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY FIFTH LEGISLATURE - SECOND SESSION**

BY THE SENATE FINANCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES LYNN AND GATTO, Gara, Johnson

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring candidates to disclose certain information about all contributors
2 under AS 15.13; relating to the preservation of records required to be kept by
3 candidates, groups, nongroup entities, or persons under AS 15.13; relating to records
4 required to be kept by certain lobbyists and persons who employ, retain, or contract for
5 the services of lobbyists; relating to complaints filed with the Select Committee on
6 Legislative Ethics; relating to administrative complaints filed with the Alaska Public
7 Offices Commission; relating to the statute of limitations for civil actions brought under
8 AS 39.50; extending the statute of limitations for prosecutions of violations of the Alaska
9 Election Code; and providing for an effective date."

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

11 * Section 1. AS 15.13.040(a) is amended to read:

12 (a) Except as provided in (g) and (l) of this section, each candidate shall make

1 a full report, upon a form prescribed by the commission,

2 (1) listing

3 (A) the date and amount of all expenditures made by the
4 candidate;

5 (B) the total amount of all contributions, including all funds
6 contributed by the candidate;

7 (C) the name, address, date, and amount contributed by each
8 contributor; and

9 (D) for contributions in excess of \$50 [\$250] in the aggregate
10 during a calendar year, the principal occupation and employer of the
11 contributor; and

12 (2) filed in accordance with AS 15.13.110 and certified correct by the
13 candidate or campaign treasurer.

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

15 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup
16 entity, or person required to report under this chapter shall preserve all records
17 necessary to substantiate information required to be reported under this chapter for a
18 period of six years from the date of the election for which the information was
19 required to be reported, unless the records have been submitted to the commission
20 under (c) of this section.

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

23 (c) A candidate for state elected office who was not elected or a person who
24 has left state elected office may submit the records required to be preserved under (a)
25 of this section to the commission electronically. Records submitted under this
26 subsection shall be preserved by the commission for a period of six years from the
27 date of the election for which the information was required to be reported.

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

29 (b) A [MEMBER OF THE COMMISSION, THE COMMISSION'S
30 EXECUTIVE DIRECTOR, OR A] person who believes a violation of this chapter or a
31 regulation adopted under this chapter has occurred or is occurring may file an

1 administrative complaint with the commission within five years [ONE YEAR] after
2 the date of the alleged violation. If a member of the commission has filed the
3 complaint, that member may not participate as a commissioner in any proceeding of
4 the commission with respect to the complaint. The commission may consider a
5 complaint on an expedited basis or a regular basis.

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

7 (a) A person required to register or report as a lobbyist or as a person who
8 employs, retains, or contracts for the services of a lobbyist shall preserve all
9 accounts, bills, receipts, books, papers, and documents necessary to substantiate the
10 reports required to be made and filed under this chapter for a period of at least six
11 years [ONE YEAR] from the date of the filing of the report containing these items.
12 These accounts, bills, receipts, books, papers, and other documents shall be made
13 available for inspection by the commission, or members of its staff, at any time. If a
14 lobbyist is required under the terms of the lobbyist's employment contract to turn any
15 records over to the employer, responsibility for the preservation of these records under
16 this section rests with the employer.

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

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

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

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

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

30 (d) If a member of the commission files a complaint, that member of the
31 commission may not participate in any proceeding of the commission relating to the

1 complaint.

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

3 Sec. 24.45.135. **Administrative complaints.** (a) A person may file a written
4 complaint alleging that a violation of AS 24.45.121 - 24.45.171 has occurred or is
5 occurring.

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

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

9 (a) The committee shall consider a complaint alleging a violation of this
10 chapter if the alleged violation occurred within five [TWO] years before the date that
11 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
12 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
13 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
14 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a
15 complaint filed against all members of the legislature, against all members of one
16 house of the legislature, or against a person employed by the legislative branch of
17 government after the person has terminated legislative service. However, the
18 committee may reinstitute proceedings concerning a complaint that was closed
19 because a former employee terminated legislative service [OR BECAUSE A
20 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
21 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
22 within five [TWO] years after the alleged violation. [THE TIME LIMITATIONS OF
23 THIS SUBSECTION DO NOT BAR PROCEEDINGS AGAINST A PERSON WHO
24 INTENTIONALLY PREVENTS DISCOVERY OF A VIOLATION OF THIS
25 CHAPTER.]

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

27 Sec. 24.60.255. **Administrative complaints.** (a) A person may file a written
28 complaint alleging a violation of AS 24.60.200 - 24.60.260 has occurred or is
29 occurring.

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

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

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

5 Sec. 39.50.055. **Administrative complaints.** (a) A person may file a written
6 complaint alleging a violation of this chapter has occurred or is occurring.

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

9 (c) If a member of the Alaska Public Offices Commission files a complaint,
10 that member of the commission may not participate in any proceeding of the
11 commission relating to the complaint.

12 * Sec. 11. AS 39.50.100 is amended by adding a new subsection to read:

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

15 * Sec. 12. AS 15.56.130 is repealed.

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

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

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

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

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

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

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

30 (e) AS 24.60.170(a), as amended by sec. 8 of this Act, applies to complaints alleging
31 violations of AS 24.60 that occurred

- 1 (1) within two years before the effective date of sec. 8 of this Act; or
- 2 (2) on or after the effective date of sec. 8 this Act.

3 (f) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging
 4 violations of A.S 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this
 5 Act.

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

8 (h) AS 39.50.100, as amended by sec. 11 of this Act, applies to actions alleging
 9 violations of AS 39.50 that occur on or after the effective date of sec. 11 of this Act.

10 (i) The change in the time limitation for prosecutions for offenses described in
 11 AS 15.05 - AS 15.60 (Alaska Election Code) made by sec. 12 of this Act applies to

- 12 (1) offenses committed in connection with an election occurring within one
- 13 year before the effective date of sec. 12 of this Act; or
- 14 (2) offenses committed on or after the effective date of sec. 12 of this Act.

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

17 **TRANSITION: REGULATIONS.** The Alaska Public Offices Commission may
 18 immediately adopt regulations as are necessary to implement the changes made by secs. 2 - 13
 19 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but
 20 not before January 1, 2009.

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

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



[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 th 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@juncauempire.com.

Click here to return to story:

http://www.juncauempire.com/stories/091207/sta_20070912007.shtml



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.

Metcalf 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



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.
Click here to return to story:
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
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

Sponsor Statement for Version 25-LS115\J.A

CSHB 281(RLS) am: Campaign Finance Complaints

House Bill 281 enhances Alaska's campaign finance and ethics laws by allowing the Alaska Public Offices Commission and the Select Committee on Legislative Ethics 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 bill creates a standard statute of limitations of five years for those complaints and a retention period of six years for those records required under these sections.

This act covers the four areas of oversight assigned to the APOC and the Ethics Committee: 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.

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 step in shoring up the Foundation of Trust between Alaskans and their government.

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

CSHB 281(RLS) am, Version J.A: 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.A version adds a new section, Sec.1., amending AS 15.13.040(a)(1)(D) requiring each candidate to list the principal occupation and employer of each contributor who contributes in excess of \$50 (currently it's \$250).

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

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

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

Sectional Analysis for CSHB 281(RLS) am Campaign Finance Complaints, Version 25-LS1115J.A

- 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 for contributions in excess of \$50 (currently it's \$250).
- 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(RLS) am
Campaign Finance Complaints, Version 25-LS1115\J.A

- 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.

CSHB 281(RLS) am

Relevant Statutes

Campaign Finance & Ethics Complaints

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

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

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. 15.56.130 Time limitation.

Sec. 12.10.010 General time limitations

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

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

(1) listing

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

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

(C) the name, address, date, and amount contributed by each contributor; and

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

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. 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. 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.

Sec. 12.10.010. General time limitations.

(a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

(2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;

(3) felony sexual abuse of a minor;

(4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425 (a)(2) or (3);

(5) a violation of AS 11.41.425, 11.41.427, 11.41.450 - 11.41.458, AS 11.66.110 - 11.66.130, or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;

(6) kidnapping.

(b) Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than

(1) 10 years after the commission of a felony offense in violation of AS 11.41.120 - 11.41.370, 11.41.425(a)(1), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense.

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: Geraid P. Luckhaupt *JPL*
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:imb
08-001.imb

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.

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.

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 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.