

**HB**

**355**

<TARGET><BILL>HB 355</BILL><SUBJECT>HB  
355</SUBJECT><COMM>HJUD27</COMM></TARGET>



**CS FOR HOUSE BILL NO. 355(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GUTTENBERG, Miller

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the membership of, and member qualifications for, the Alaska  
2 Public Offices Commission; relating to candidate forums and contributions in state  
3 election campaigns; and providing for an effective date."

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

5 \* **Section 1.** AS 15.13.020(a) is amended to read:

6 (a) There is created in the Department of Administration the Alaska Public  
7 Offices Commission consisting of five voting members and two nonvoting advisory  
8 members. The governor shall appoint all members of the commission in the manner  
9 prescribed in (b) and (c) of this section, subject to confirmation by a majority of the  
10 legislature meeting in joint session.

11 \* **Sec. 2.** AS 15.13.020(a), as amended by sec. 1 of this Act, is amended to read:

12 (a) There is created in the Department of Administration the Alaska Public  
13 Offices Commission consisting of five [VOTING] members [AND TWO  
14 NONVOTING ADVISORY MEMBERS]. The governor shall appoint all members of

1 the commission in the manner prescribed in (b) and (c) of this section, subject to  
2 confirmation by a majority of the legislature meeting in joint session.

3 \* **Sec. 3.** AS 15.13.020(b) is amended to read:

4 (b) The governor shall appoint **three** [TWO] members of each of the two  
5 political parties whose candidate for governor received the highest number of votes in  
6 the most recent preceding general election at which a governor was elected. **Two**  
7 **appointed members of each political party shall be voting members of the**  
8 **commission, and one appointed member from each political party shall be a**  
9 **nonvoting advisory member with extensive experience in the financing of political**  
10 **campaigns and compliance with disclosure and reporting requirements.** The two  
11 **voting member** appointees from each of these two parties shall be chosen from a list  
12 of four names to be submitted by the central committee of each party. **The nonvoting**  
13 **advisory member appointee from each party shall be chosen from a list of three**  
14 **names submitted by the central committee of each party. All names submitted by**  
15 **the central committee of each party, whether for voting or nonvoting positions,**  
16 **shall be of persons with experience working on political campaigns and the**  
17 **reporting requirements of this chapter.**

18 \* **Sec. 4.** AS 15.13.020(b), as amended by sec. 3 of this Act, is amended to read:

19 (b) The governor shall appoint **two** [THREE] members of each of the two  
20 political parties whose candidate for governor received the highest number of votes in  
21 the most recent preceding general election at which a governor was elected. [TWO  
22 APPOINTED MEMBERS OF EACH POLITICAL PARTY SHALL BE VOTING  
23 MEMBERS OF THE COMMISSION, AND ONE APPOINTED MEMBER FROM  
24 EACH POLITICAL PARTY SHALL BE A NONVOTING ADVISORY MEMBER  
25 WITH EXTENSIVE EXPERIENCE IN THE FINANCING OF POLITICAL  
26 CAMPAIGNS AND COMPLIANCE WITH DISCLOSURE AND REPORTING  
27 REQUIREMENTS.] The two [VOTING MEMBER] appointees from each of these  
28 two parties shall be chosen from a list of four names to be submitted by the central  
29 committee of each party. [THE NONVOTING ADVISORY MEMBER APPOINTEE  
30 FROM EACH PARTY SHALL BE CHOSEN FROM A LIST OF THREE NAMES  
31 SUBMITTED BY THE CENTRAL COMMITTEE OF EACH PARTY.] All names

1 submitted by the central committee of each party [, WHETHER FOR VOTING OR  
2 NONVOTING POSITIONS,] shall be of persons with experience working on political  
3 campaigns and the reporting requirements of this chapter.

4 \* **Sec. 5.** AS 15.13.020(c) is amended to read:

5 (c) The four voting members selected under (b) of this section shall, by a  
6 majority vote, nominate to the governor an individual to serve as the seventh [FIFTH]  
7 member of the commission, who shall be a voting member. The governor shall either  
8 appoint the nominee to the commission, or shall reject the nominee and request those  
9 four members to nominate another individual to serve as the seventh [FIFTH] member  
10 of the commission.

11 \* **Sec. 6.** AS 15.13.020(c), as amended by sec. 5 of this Act, is amended to read:

12 (c) The four [VOTING] members selected under (b) of this section shall, by a  
13 majority vote, nominate to the governor an individual to serve as the fifth  
14 [SEVENTH] member of the commission [, WHO SHALL BE A VOTING  
15 MEMBER]. The governor shall either appoint the nominee to the commission, or shall  
16 reject the nominee and request those four members to nominate another individual to  
17 serve as the fifth [SEVENTH] member of the commission.

18 \* **Sec. 7.** AS 15.13.020(d) is amended to read:

19 (d) Members of the commission serve staggered terms of five years, or until a  
20 successor is appointed and qualifies. The terms of no two voting members who are  
21 members of the same political party may expire in consecutive years. A member may  
22 not serve more than one term. However, a person appointed to fill the unexpired term  
23 of a predecessor may be appointed to a successive full five-year term.

24 \* **Sec. 8.** AS 15.13.020(d), as amended by sec. 7 of this Act, is amended to read:

25 (d) Members of the commission serve staggered terms of five years, or until a  
26 successor is appointed and qualifies. The terms of no two [VOTING] members who  
27 are members of the same political party may expire in consecutive years. A member  
28 may not serve more than one term. However, a person appointed to fill the unexpired  
29 term of a predecessor may be appointed to a successive full five-year term.

30 \* **Sec. 9.** AS 15.13.020(g) is amended to read:

31 (g) The voting members of the commission shall elect a chairperson. Three

1 voting members of the commission constitute a quorum. A vacancy does not impair  
2 the powers of the remaining members to exercise all of the powers of the commission.

3 \* **Sec. 10.** AS 15.13.020(g), as amended by sec. 9 of this Act, is amended to read:

4 (g) The [VOTING] members [OF THE COMMISSION] shall elect a  
5 chairperson. Three [VOTING] members of the commission constitute a quorum. A  
6 vacancy does not impair the powers of the remaining members to exercise all of the  
7 powers of the commission.

8 \* **Sec. 11.** AS 15.13.150 is amended to read:

9 **Sec. 15.13.150. Election educational activities not prohibited.** This chapter  
10 does not prohibit a person from engaging in educational election-related  
11 communications and activities, including

12 (1) the publication of the date and location of an election;

13 (2) the education of students about voting and elections;

14 (3) the sponsorship of [OPEN] candidate debate forums open to the

15 public;

16 (4) participation in get-out-the-vote or voter registration drives that do  
17 not favor a particular candidate, political party, or political position;

18 (5) the dissemination of the views of all candidates running for a  
19 particular office.

20 \* **Sec. 12.** AS 15.13.400(4) is amended to read:

21 (4) "contribution"

22 (A) means a purchase, payment, promise or obligation to pay,  
23 loan or loan guarantee, deposit or gift of money, goods, or services for which  
24 charge is ordinarily made, and includes the payment by a person other than a  
25 candidate or political party, or compensation for the personal services of  
26 another person, that is rendered to the candidate or political party, and that is  
27 made for the purpose of

28 (i) influencing the nomination or election of a  
29 candidate;

30 (ii) influencing a ballot proposition or question; or

31 (iii) supporting or opposing an initiative proposal

1 application filed with the lieutenant governor under AS 15.45.020;

2 (B) does not include

3 (i) services provided without compensation by  
4 individuals volunteering a portion or all of their time on behalf of a  
5 political party, candidate, or ballot proposition or question;

6 (ii) ordinary hospitality in a home;

7 (iii) two or fewer mass mailings before each election by  
8 each political party describing the party's slate of candidates for  
9 election, which may include photographs, biographies, and information  
10 about the party's candidates;

11 (iv) the results of a poll limited to issues and not  
12 mentioning any candidate, unless the poll was requested by or designed  
13 primarily to benefit the candidate;

14 (v) any communication in the form of a newsletter from  
15 a legislator to the legislator's constituents, except a communication  
16 expressly advocating the election or defeat of a candidate or a  
17 newsletter or material in a newsletter that is clearly only for the private  
18 benefit of a legislator or a legislative employee; [OR]

19 (vi) a fundraising list provided without compensation  
20 by one candidate or political party to a candidate or political party; or

21 (vii) an opportunity to participate in a candidate  
22 forum provided to a candidate without compensation to the  
23 candidate by another person and for which a candidate is not  
24 ordinarily charged;

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

27 MEMBERS OF THE ALASKA PUBLIC OFFICES COMMISSION; TRANSITION;  
28 STAGGERED TERMS. Notwithstanding AS 15.13.020, as amended by secs. 1, 3, 5, 7, and 9  
29 of this Act, a member of the commission serving on the effective date of sec. 1 of this Act  
30 remains in office for the duration of the term to which appointed and confirmed. Within 90  
31 days after the effective date of sec. 1 of this Act, the central committee of each of the two

1 political parties whose candidates for governor received the highest number of votes in the  
2 most recent preceding election at which a governor was elected shall submit to the governor a  
3 list of three nominees for the two additional nonvoting seats on the commission. The governor  
4 shall appoint one nonvoting member to a three-year term and one nonvoting member to a  
5 five-year term. The governor shall specify the term of each of the nonvoting members  
6 appointed subject to this section.

7 \* **Sec. 14.** Sections 2, 4, 6, 8, and 10 of this Act take effect five years from the effective date  
8 of sec. 1 of this Act.

AMENDMENT

#1

O.K

OFFERED IN THE HOUSE  
TO: CSHB 355(STA)

M By: Rep. Gruenberg

rem. obj.

1 Page 1, line 2, following "**Commission;**";  
2 Insert "**relating to candidate forums and contributions in state election**  
3 **campaigns;**"  
4

5 Page 4, following line 6:  
6 Insert new bill sections to read:  
7 **\*\* Sec. 11.** AS 15.13.150 is amended to read:  
8 **Sec. 15.13.150. Election educational activities not prohibited.** This chapter  
9 does not prohibit a person from engaging in educational election-related  
10 communications and activities, including

- 11 (1) the publication of the date and location of an election;
- 12 (2) the education of students about voting and elections;
- 13 (3) the sponsorship of [OPEN] candidate debate forums open to the  
14 public;
- 15 (4) participation in get-out-the-vote or voter registration drives that do  
16 not favor a particular candidate, political party, or political position;
- 17 (5) the dissemination of the views of all candidates running for a  
18 particular office.

19 **\* Sec. 12.** AS 15.13.400(4) is amended to read:  
20 (4) "contribution"  
21 (A) means a purchase, payment, promise or obligation to pay,  
22 loan or loan guarantee, deposit or gift of money, goods, or services for which  
23 charge is ordinarily made, and includes the payment by a person other than a

1 candidate or political party, or compensation for the personal services of  
2 another person, that is rendered to the candidate or political party, and that is  
3 made for the purpose of

4 (i) influencing the nomination or election of a  
5 candidate;

6 (ii) influencing a ballot proposition or question; or

7 (iii) supporting or opposing an initiative proposal  
8 application filed with the lieutenant governor under AS 15.45.020;

9 (B) does not include

10 (i) services provided without compensation by  
11 individuals volunteering a portion or all of their time on behalf of a  
12 political party, candidate, or ballot proposition or question;

13 (ii) ordinary hospitality in a home;

14 (iii) two or fewer mass mailings before each election by  
15 each political party describing the party's slate of candidates for  
16 election, which may include photographs, biographies, and information  
17 about the party's candidates;

18 (iv) the results of a poll limited to issues and not  
19 mentioning any candidate, unless the poll was requested by or designed  
20 primarily to benefit the candidate;

21 (v) any communication in the form of a newsletter from  
22 a legislator to the legislator's constituents, except a communication  
23 expressly advocating the election or defeat of a candidate or a  
24 newsletter or material in a newsletter that is clearly only for the private  
25 benefit of a legislator or a legislative employee; [OR]

26 (vi) a fundraising list provided without compensation  
27 by one candidate or political party to a candidate or political party; or

28 (vii) an opportunity to participate in a candidate  
29 debate forum provided to a candidate without compensation by  
30 another person and for which a candidate is not ordinarily  
31 charged;"

*O.K. amend. to amt. to the candidate*

1

2 Renumber the following bill sections accordingly.

# ALASKA STATE LEGISLATURE

(newer)



SESSION:  
Alaska State Capitol, Room 418  
Juneau, AK 99801  
(907) 465-4457 Office  
(907) 465-3519 Fax  
(800) 928-4457 Toll Free

INTERIM:  
1292 Sadler Way, Suite 304  
Fairbanks, AK 99701  
Office (907) 456-8172  
Fax (907) 456-2490

## Representative David Guttenberg

### Sponsor Statement

#### HB 355

The primary purpose of the Alaska Public Offices Commission (APOC) is to ensure compliance with campaign donation restrictions, disclose how campaigns are funded, and report how those funds are spent. HB 355 "APOC: Membership," is intended to ensure APOC members have the requisite experience filing disclosures and other reports, to promote compliance, understand the day-to-day idiosyncrasies of modern campaigns, and recognize their real-life consequences. Today, virtually all boards and commissions require at least some members to possess background experience with the issues they govern. Hairdressers, tattoo artists, doctors, and lawyers in Alaska are governed by people who understand their occupations. APOC should be no different.

HB 355 would change the membership of APOC by requiring all the governor's appointees to have extensive campaign experience with APOC filing. Members experienced in maintaining pertinent records, filing campaign disclosures, and managing bank accounts will help APOC better serve its constituency.

The level of campaign experience required of qualified appointees is open to interpretation at three separate points in the appointment process. First, when the party selects the three names it forwards to the governor; second, when the governor makes his or her selection(s); and third, when the legislature confirms the nominee(s).

To facilitate these new requirements, HB 355 recognizes the need for a transition period and allows for a staggered transition period until the new requirements can be met.

I urge your support of HB 355.

# ALASKA STATE LEGISLATURE



SESSION:  
Alaska State Capitol, Room 418  
Juneau, AK 99801  
(907) 465-4457 Office  
(907) 465-3519 Fax  
(800) 928-4457 Toll Free

INTERIM:  
1292 Sadler Way, Suite 304  
Fairbanks, AK 99701  
Office (907) 456-8172  
Fax (907) 456-2490

## Representative David Guttenberg

### Sponsor Statement

### HB 355

The primary purpose of the Alaska Public Offices Commission (APOC) is to ensure compliance with campaign donation restrictions, disclose how campaigns are funded, and report how those funds are spent. HB 355 "APOC: Membership," is intended to ensure APOC members have the requisite experience filing disclosures and other reports, to promote compliance, understand the day-to-day idiosyncrasies of modern campaigns, and recognize their real-life consequences.

Today, virtually all boards and commissions require at least some members to possess background experience with the issues they govern. Hairdressers, tattoo artists, doctors, and lawyers in Alaska are governed by people who understand their occupations. APOC should be no different.

HB 355 would change the membership of APOC by requiring all the governor's appointees to have extensive campaign experience with APOC filing. Members experienced in maintaining pertinent records, filing campaign disclosures, and managing bank accounts will help APOC better serve its constituency.

To facilitate these new requirements, HB 355 recognizes the need for a transition period and allows for a staggered transition period until the new requirements can be met.

I urge your support of HB 355.

Representative.David.Guttenberg@legis.state.ak.us  
<http://guttenberg.akdemocrats.org>

# ALASKA STATE LEGISLATURE



SESSION:  
Alaska State Capitol, Room 418  
Juneau, AK 99801  
(907) 465-4457 Office  
(907) 465-3519 Fax  
(800) 928-4457 Toll Free

INTERIM:  
1292 Sadler Way, Suite 304  
Fairbanks, AK 99701  
Office (907) 456-8172  
Fax (907) 456-2490

## Representative David Guttenberg

### Sectional Analysis HB 355

**Section 1.** Amends AS 15.13.020(a) to add two nonvoting advisory members to the Alaska Public Office s Commission ("commission").

**Section 2.** Amends AS 15.13.020(a) to undo the changes made in section 1 of the bill.

**Section 3.** Amends AS 15.13.020(b) to require that each nonvoting advisory member of the commission must be chosen from a list of three names submitted by the central committees of the two political parties whose candidate for governor received the highest numbers of votes in the most recent preceding general election at which a governor was elected and have extensive experience in the financing of political campaigns and compliance with disclosure and reporting requirements. Requires all members of the commission, voting and nonvoting, to have experience working on political campaigns and with the reporting requirements of AS 15.13.

**Section 4.** Amends AS 15.13.020(b) to undo the changes made in section 3 of the bill.

**Section 5.** Amends AS 15.13.020(c) to conform the addition of two nonvoting members of the commission.

**Section 6.** Amends AS 15.13.020(c) to undo the changes made in section 5 of the bill.

**Section 7.** Amends AS 15.13.020(d) to conform to the existence of voting and nonvoting members of the commission.

**Section 8.** Amends AS 15.13.020(d) to undo the changes made in section 7 of the bill.

**Section 9.** Amends AS 15.13.020(g) to conform to the existence of voting and nonvoting members of the commission.

**Section 10.** Amends AS 15.13.020(g) to undo the changes made in section 9 of the bill.

**Section 11.** Adds a provision to uncodified law, relating to the manner in which sections 1, 3, 5, 7, and 9 should be implemented.

**Section 12.** Provides that sections 2, 4, 6, 8, and 10 of the Act take effect five years from the effective date of Section 1 of the Act.

# ALASKA STATE LEGISLATURE



SESSION:  
Alaska State Capitol, Room 418  
Juneau, AK 99801  
(907) 465-4457 Office  
(907) 465-3519 Fax  
(800) 928-4457 Toll Free

INTERIM:  
1292 Sadler Way, Suite 304  
Fairbanks, AK 99701  
Office (907) 456-8172  
Fax (907) 456-2490

## Representative David Guttenberg

### Summary of Changes from HB 355 to CSHB 355 (STA)

**Section 11:** Deleted, this removes the prohibited uses of names and information contained in reports and statement filed with the commission.

**Title change:** Removal of prohibited uses of names and information contained in reports and statement filed with the commission, changes the title.

AMENDMENT

OFFERED IN THE HOUSE  
TO: CSHB 355(STA)

1 Page 1, line 2, following "**Commission;**":

2 Insert "**relating to candidate forums and contributions in state election**  
3 **campaigns;**"

4

5 Page 4, following line 6:

6 Insert a new bill section to read:

7 **\*\* Sec. 11.** AS 15.13.400(4) is amended to read:

8 (4) "contribution"

9 (A) means a purchase, payment, promise or obligation to pay,  
10 loan or loan guarantee, deposit or gift of money, goods, or services for which  
11 charge is ordinarily made, and includes the payment by a person other than a  
12 candidate or political party, or compensation for the personal services of  
13 another person, that is rendered to the candidate or political party, and that is  
14 made for the purpose of

15 (i) influencing the nomination or election of a  
16 candidate;

17 (ii) influencing a ballot proposition or question; or

18 (iii) supporting or opposing an initiative proposal  
19 application filed with the lieutenant governor under AS 15.45.020;

20 (B) does not include

21 (i) services provided without compensation by  
22 individuals volunteering a portion or all of their time on behalf of a  
23 political party, candidate, or ballot proposition or question;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; [OR]

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party; or

**(vii) an opportunity to participate in a candidate forum provided to a candidate without compensation by another person and for which a candidate is not ordinarily charged;**"

Renumber the following bill sections accordingly.

# 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

April 10, 2012

**SUBJECT:** "Contributions" under AS 15.13.400 (Work Order No. 27-LS1493)

**TO:** Representative Max Gruenberg  
Attn: Ted Madsen

**FROM:** Alpheus Bullard *AB*  
Legislative Counsel

In response to an April 2, 2012, letter from the Alaska Public Offices Commission ("commission"), you asked about certain candidate forums and the definition of "contribution" under AS 15.13. "Contribution" is defined at AS 15.13.400(4).<sup>1</sup>

---

<sup>1</sup> AS 15.13.400(4) provides:

"contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of

(i) influencing the nomination or election of a candidate;

(ii) influencing a ballot proposition or question; or

(iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;

(iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

Representative Max Gruenberg  
April 10, 2012  
Page 2

The letter from the commission states that an organization's provision of a "candidate forum" could be a contribution. You asked whether an organization's provision of a candidate forum for which candidates and candidate campaigns are not ordinarily charged could be interpreted as a contribution. While every situation is different, and each will be evaluated by the commission on its facts, a "candidate forum" such as you describe should not be interpreted as a contribution. The definition of "contribution" provides that "*contribution . . . means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes . . .*" (Emphasis added)

Accordingly, while not addressed in the commission's letter, if you as a candidate are invited to a candidate forum, even if not all candidates for the office for which you are running have been invited (i.e. fringe party candidates), if the organization's provision of that forum is a service for which a candidate, or a candidate's campaign, is not ordinarily charged, it may not be a "contribution" under AS 15.13.400(4). Again, please note both that each situation will be evaluated on the basis of its own facts and that a court will likely defer to the commission's interpretation of AS 15.13.400(4).

If you have further questions, or a specific scenario in mind, please do not hesitate to contact me.

TLAB:ljw  
12-272.ljw

---

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party[.]

# STATE OF ALASKA

## Department of Administration

### Alaska Public Offices Commission

SEAN PARNELL, GOVERNOR

□ 2221 EAST NORTHERN LIGHTS, RM 128  
ANCHORAGE ALASKA 99508-4149  
PHONE: (907) 276-4176  
FAX: (907) 276-7018  
e-mail: Paul.Dauphinais@alaska.gov

□ P.O. BOX 110222  
JUNEAU, ALASKA 99811-0222  
PHONE: (907) 465-4864  
FAX: (907) 465-4832

April 2, 2012

Dear Legislators,

As time becomes a more precious commodity during the final days of the regular session, you clearly have more important things to do than read a note from APOC. As a result this will be the last letter during this session. The question addressed below is particularly germane to the upcoming campaign season.

**Question—Are there any issues regarding candidate forums that a candidate or organization needs to be aware of during the campaign season?**

**Answer—**The biggest issue is that most forums are seen as non-monetary contributions, unless all candidates are invited.

a) **A political forum could be a contribution.** If an organization provides a forum for all candidates to discuss issues there is no problem. 2AAC 50.990(7)(C)(vii) notes that if the service or facility is made available to all candidates there is no contribution. However, if only some of the candidates are invited then the organization providing the forum is making a contribution to the candidates which must be reported and may be prohibited. AS 15.13.400(4) defines a contribution as "a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made, and includes, payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of influencing the nomination or election of a candidate..." Clearly, a political forum does influence the election of a candidate. 2AAC 50.990(7) (B) also notes that "anything of value provided to a candidate" is considered a contribution.

|| **How to avoid this issue.** In this case an organization such as a Kiwanas club should invite all of the candidates to a forum to avoid any issues. All of the candidates need not attend, but they need to be invited. The organization should save any documentation that it did invite all candidates to avoid any potential complaints later. It would then be considered an election educational activity under AS 15.13.150 and would not be a contribution.

l) **The media.** If the media is covering a news story, or providing an editorial or commentary, the news story, editorial or commentary is not considered a contribution and is not covered by APOC regulations (2AAC50.990(7)(C)(i)). However, if a forum, such as a debate, is sponsored by a media entity and hosted as an event, all candidates must be invited.

( c) **What can you do to ensure no one lodges a complaint against you for participating in a forum?** The easiest thing to do is ask if all candidates have been invited. If all candidates have not been invited, you can request that the organizer do so. If that doesn't happen, check to see if the potential contribution would be prohibited by calling APOC. Regardless, the venue should be paid for at a commercially reasonable rate.

Yours truly,

  
Paul Dauphinais

*Distributed by Gruenberg  
Special order*

**CS FOR HOUSE BILL NO. 355(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SEVENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 4/10/12**  
**Referred: Judiciary**

**Sponsor(s): REPRESENTATIVES GUTTENBERG, Miller**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the membership of, and member qualifications for, the Alaska**  
2 **Public Offices Commission; and providing for an effective date."**

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

4 **\* Section 1.** AS 15.13.020(a) is amended to read:

5 (a) There is created in the Department of Administration the Alaska Public  
6 Offices Commission consisting of five voting members and two nonvoting advisory  
7 members. The governor shall appoint all members of the commission in the manner  
8 prescribed in (b) and (c) of this section, subject to confirmation by a majority of the  
9 legislature meeting in joint session.

10 **\* Sec. 2.** AS 15.13.020(a), as amended by sec. 1 of this Act, is amended to read:

11 (a) There is created in the Department of Administration the Alaska Public  
12 Offices Commission consisting of five [VOTING] members [AND TWO  
13 NONVOTING ADVISORY MEMBERS]. The governor shall appoint all members of  
14 the commission in the manner prescribed in (b) and (c) of this section, subject to

1 confirmation by a majority of the legislature meeting in joint session.

2 \* **Sec. 3.** AS 15.13.020(b) is amended to read:

3 (b) The governor shall appoint **three** [TWO] members of each of the two  
 4 political parties whose candidate for governor received the highest number of votes in  
 5 the most recent preceding general election at which a governor was elected. **Two**  
 6 **appointed members of each political party shall be voting members of the**  
 7 **commission, and one appointed member from each political party shall be a**  
 8 **nonvoting advisory member with extensive experience in the financing of political**  
 9 **campaigns and compliance with disclosure and reporting requirements.** The two  
 10 **voting member** appointees from each of these two parties shall be chosen from a list  
 11 of four names to be submitted by the central committee of each party. **The nonvoting**  
 12 **advisory member appointee from each party shall be chosen from a list of three**  
 13 **names submitted by the central committee of each party. All names submitted by**  
 14 **the central committee of each party, whether for voting or nonvoting positions,**  
 15 **shall be of persons with experience working on political campaigns and the**  
 16 **reporting requirements of this chapter.**

17 \* **Sec. 4.** AS 15.13.020(b), as amended by sec. 3 of this Act, is amended to read:

18 (b) The governor shall appoint **two** [THREE] members of each of the two  
 19 political parties whose candidate for governor received the highest number of votes in  
 20 the most recent preceding general election at which a governor was elected. [TWO  
 21 APPOINTED MEMBERS OF EACH POLITICAL PARTY SHALL BE VOTING  
 22 MEMBERS OF THE COMMISSION, AND ONE APPOINTED MEMBER FROM  
 23 EACH POLITICAL PARTY SHALL BE A NONVOTING ADVISORY MEMBER  
 24 WITH EXTENSIVE EXPERIENCE IN THE FINANCING OF POLITICAL  
 25 CAMPAIGNS AND COMPLIANCE WITH DISCLOSURE AND REPORTING  
 26 REQUIREMENTS.] The two [VOTING MEMBER] appointees from each of these  
 27 two parties shall be chosen from a list of four names to be submitted by the central  
 28 committee of each party. [THE NONVOTING ADVISORY MEMBER APPOINTEE  
 29 FROM EACH PARTY SHALL BE CHOSEN FROM A LIST OF THREE NAMES  
 30 SUBMITTED BY THE CENTRAL COMMITTEE OF EACH PARTY.] All names  
 31 submitted by the central committee of each party [, WHETHER FOR VOTING OR

1 NONVOTING POSITIONS,] shall be of persons with experience working on political  
2 campaigns and the reporting requirements of this chapter.

3 \* **Sec. 5.** AS 15.13.020(c) is amended to read:

4 (c) The four voting members selected under (b) of this section shall, by a  
5 majority vote, nominate to the governor an individual to serve as the seventh [FIFTH]  
6 member of the commission, who shall be a voting member. The governor shall either  
7 appoint the nominee to the commission, or shall reject the nominee and request those  
8 four members to nominate another individual to serve as the seventh [FIFTH] member  
9 of the commission.

10 \* **Sec. 6.** AS 15.13.020(c), as amended by sec. 5 of this Act, is amended to read:

11 (c) The four [VOTING] members selected under (b) of this section shall, by a  
12 majority vote, nominate to the governor an individual to serve as the fifth  
13 [SEVENTH] member of the commission [, WHO SHALL BE A VOTING  
14 MEMBER]. The governor shall either appoint the nominee to the commission, or shall  
15 reject the nominee and request those four members to nominate another individual to  
16 serve as the fifth [SEVENTH] member of the commission.

17 \* **Sec. 7.** AS 15.13.020(d) is amended to read:

18 (d) Members of the commission serve staggered terms of five years, or until a  
19 successor is appointed and qualifies. The terms of no two voting members who are  
20 members of the same political party may expire in consecutive years. A member may  
21 not serve more than one term. However, a person appointed to fill the unexpired term  
22 of a predecessor may be appointed to a successive full five-year term.

23 \* **Sec. 8.** AS 15.13.020(d), as amended by sec. 7 of this Act, is amended to read:

24 (d) Members of the commission serve staggered terms of five years, or until a  
25 successor is appointed and qualifies. The terms of no two [VOTING] members who  
26 are members of the same political party may expire in consecutive years. A member  
27 may not serve more than one term. However, a person appointed to fill the unexpired  
28 term of a predecessor may be appointed to a successive full five-year term.

29 \* **Sec. 9.** AS 15.13.020(g) is amended to read:

30 (g) The voting members of the commission shall elect a chairperson. Three  
31 voting members of the commission constitute a quorum. A vacancy does not impair

1 the powers of the remaining members to exercise all of the powers of the commission.

2 \* **Sec. 10.** AS 15.13.020(g), as amended by sec. 9 of this Act, is amended to read:

3 (g) The [VOTING] members [OF THE COMMISSION] shall elect a  
4 chairperson. Three [VOTING] members of the commission constitute a quorum. A  
5 vacancy does not impair the powers of the remaining members to exercise all of the  
6 powers of the commission.

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

9 MEMBERS OF THE ALASKA PUBLIC OFFICES COMMISSION; TRANSITION;  
10 STAGGERED TERMS. Notwithstanding AS 15.13.020, as amended by secs. 1, 3, 5, 7, and 9  
11 of this Act, a member of the commission serving on the effective date of sec. 1 of this Act  
12 remains in office for the duration of the term to which appointed and confirmed. Within 90  
13 days after the effective date of sec. 1 of this Act, the central committee of each of the two  
14 political parties whose candidates for governor received the highest number of votes in the  
15 most recent preceding election at which a governor was elected shall submit to the governor a  
16 list of three nominees for the two additional nonvoting seats on the commission. The governor  
17 shall appoint one nonvoting member to a three-year term and one nonvoting member to a  
18 five-year term. The governor shall specify the term of each of the nonvoting members  
19 appointed subject to this section.

20 \* **Sec. 12.** Sections 2, 4, 6, 8, and 10 of this Act take effect five years from the effective date  
21 of sec. 1 of this Act.

# FISCAL NOTE

**STATE OF ALASKA**  
**2012 LEGISLATIVE SESSION**

Bill Version HB355  
 Fiscal Note Number \_\_\_\_\_  
 () Publish Date \_\_\_\_\_

Identifier (file name) HB355-DOA-APOC-4-9-12 Dept. Affected Administration  
 Title APOC: Membership; Use of Report Info Appropriation Alaska Public Offices Commission  
 Allocation Alaska Public Offices Commission  
 Sponsor Representatives Guttenberg and Miller  
 Requester House State Affairs OMB Component Number 70

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

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
<b>OPERATING EXPENDITURES</b>							
Personal Services	1.4		1.4	1.4	1.4	1.4	1.4
Travel	14.0		14.0	14.0	14.0	14.0	14.0
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>15.4</b>	<b>0.0</b>	<b>15.4</b>	<b>15.4</b>	<b>15.4</b>	<b>15.4</b>	<b>15.4</b>

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF	15.4	15.4	15.4	15.4	15.4	15.4
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
<b>TOTAL</b>		<b>15.4</b>	<b>0.0</b>	<b>15.4</b>	<b>15.4</b>	<b>15.4</b>	<b>15.4</b>

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs \_\_\_\_\_ (separate supplemental appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs \_\_\_\_\_ (separate capital appropriation required)  
 (discuss reasons and fund source(s) in analysis section)

**Why this fiscal note differs from previous version (if initial version, please note as such)**

Not applicable, initial version

Prepared by Paul Dauphinais  
 Division Alaska Public Offices Commission  
 Approved by John Cramer, Deputy Commissioner  
Department of Administration

Phone 907-276-4176  
 Date/Time 2/23/12 1:23 PM  
 Date 2/24/2012

FISCAL NOTE

STATE OF ALASKA  
2012 LEGISLATIVE SESSION

BILL NO. HB355

**Analysis**

**Analysis**

HB 355 adds two new member positions to the current number of APOC commissioners.

**Assumptions**

One must assume that any new members to the commission may come from any place in Alaska.

**Program Summary**

Each new commissioner will receive a stipend at the current level of \$50 per day. Each meeting will now cost an additional \$50 for each new commissioner attending. Those funds are expended from personnel services.

Assuming that each new commissioner comes from a place other than Anchorage it is anticipated that each new commissioner will require travel, per diem, and other costs required for them to attend meetings. In Fiscal Year 2013 the current schedule is set for 14 meeting days. At \$1,000 per trip the increased costs of travel for these two new commissioners is anticipated to be \$14,000 per year.

- (2) the commission's costs of investigation and adjudication; and
- (3) reasonable attorney fees.

(c) The commission's determination under (b) of this section may be appealed to the superior court under AS 44.62 (Administrative Procedure Act).

(d) When an action has been filed in the superior court under AS 15.13.380, upon proof of the violation, the court shall enter a judgment in the amount of the civil penalty authorized to be collected by (a) of this section.

(e) If the commission or superior court finds that the violation was not a repeated violation or was not part of a series or pattern of violations, was inadvertent, was quickly corrected, and had no adverse effect on the campaign of another, the commission or the court may

- (1) suspend imposition of the penalties; and

(2) order the penalties set aside if the person does not engage in a similar violation for a period of one year.

(f) A party who has filed a civil action under AS 15.13.380

- (1) is not entitled to trial by jury on the civil action;

(2) is not entitled to be represented by legal counsel at public expense. (§ 6 ch 167 SLA 1976; am § 5 ch 126 SLA 1994; am § 3 ch 59 SLA 1995; am §§ 22, 23 ch 48 SLA 1996; am § 7 ch 1 TSSLA 2002)

**Revisor's notes.** — Formerly AS 15.13.125. Renumbered in 2000, at which time "AS 15.13.380" was substituted for "AS 15.13.120" in subsections (a), (b), (d), and (f) in order to reflect the 2000 renumbering of AS 15.13.120.

**Cross references.** — For criminal penalties for violations of this chapter, see AS 15.56.012 — 15.56.019.

#### NOTES TO DECISIONS

**Penalty cannot be obviously unreasonable.** — The penalty cannot be so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable. The standard is one of obvious unreasonableness. *VECO Int'l, Inc. v. Alaska Pub. Offices Comm'n*, 753 P.2d 703 (Alaska 1988), appeal dismissed, 488 U.S. 919, 109 S. Ct. 298, 102 L. Ed. 2d 317 (1988).

**Statement of reasons for maximum penalties.** — A statement of reasons should be given by the

commission when it imposes the maximum civil penalties under this section. *VECO Int'l, Inc. v. Alaska Pub. Offices Comm'n*, 753 P.2d 703 (Alaska 1988), appeal dismissed, 488 U.S. 919, 109 S. Ct. 298, 102 L. Ed. 2d 317 (1988).

**Stated in State,** *Alaska Pub. Offices Comm'n v. Marshall*, 633 P.2d 227 (Alaska 1981).

**Sec. 15.13.400. Definitions.** In this chapter,

- (1) "candidate"

(A) means an individual who files for election to the state legislature, for governor, for lieutenant governor, for municipal office, for retention in judicial office, or for constitutional convention delegate, or who campaigns as a write-in candidate for any of these offices; and

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

- (i) a candidate's campaign treasurer and a deputy campaign treasurer;
- (ii) a member of the candidate's immediate family;
- (iii) a person acting as agent for the candidate;
- (iv) the candidate's campaign committee; and

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

(2) "commission" means the Alaska Public Offices Commission;

(3) "communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and

costing \$500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c);

(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of

- (i) influencing the nomination or election of a candidate;
- (ii) influencing a ballot proposition or question; or
- (iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

- (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political party, candidate, or ballot proposition or question;
- (ii) ordinary hospitality in a home;
- (iii) two or fewer mass mailings before each election by each political party describing the party's slate of candidates for election, which may include photographs, biographies, and information about the party's candidates;
- (iv) the results of a poll limited to issues and not mentioning any candidate, unless the poll was requested by or designed primarily to benefit the candidate;

(v) any communication in the form of a newsletter from a legislator to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or

(vi) a fundraising list provided without compensation by one candidate or political party to a candidate or political party;

(5) "electioneering communication" means a communication that

- (A) directly or indirectly identifies a candidate;
- (B) addresses an issue of national, state, or local political importance and attributes a position on that issue to the candidate identified; and
- (C) occurs within the 30 days preceding a general or municipal election;

(6) "expenditure"

(A) means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party;

(iv) influencing the outcome of a ballot proposition or question; or

(v) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

(7) "express communication" means a communication that, when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate;

appealed to the

.380, upon proof  
he civil penalty

is not a repeat  
ent, was quickly  
nmission or the

lar violation for

(§ 6 ch 167 SLA  
h 48 SLA 1996;

iminal penalties for  
AS 15.56.012 —

maximum civil pen-  
Int'l, Inc. v. Alaska  
703 (Alaska 1988),  
99 S. Ct. 298, 102 L.

Offices Comm'n v.  
981).

or governor, for  
or for constitu-  
or any of these

s the donation,  
its an expendi-

authorization  
the candidate;

nated through  
he Internet, or  
up entity and

(8) "group" means

(A) every state and regional executive committee of a political party;

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination for an election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate; and

(C) any combination of two or more individuals acting jointly who organize for the principal purpose of filing an initiative proposal application under AS 15.45.020 or who file an initiative proposal application under AS 15.45.020;

(9) "immediate family" means the spouse, parents, children, including a stepchild and an adoptive child, and siblings of an individual;

(10) "independent expenditure" means an expenditure that is made without the direct or indirect consultation or cooperation with, or at the suggestion or the request of, or with the prior consent of, a candidate, a candidate's campaign treasurer or deputy campaign treasurer, or another person acting as a principal or agent of the candidate;

(11) "individual" means a natural person;

(12) "issues communication" means a communication that

(A) directly or indirectly identifies a candidate; and

(B) addresses an issue of national, state, or local political importance and does not support or oppose a candidate for election to public office.

(13) "nongroup entity" means a person, other than an individual, that takes action the major purpose of which is to influence the outcome of an election, and that

(A) cannot participate in business activities;

(B) does not have shareholders who have a claim on corporate earnings; and

(C) is independent from the influence of business corporations.

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

(15) "political party" means any group that is a political party under AS 15.80.010 and any subordinate unit of that group if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

(16) "publicly funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government including a public corporation. (§ 24 ch 48 SLA 1996; am § 39 ch 21 SLA 2000; am §§ 25, 26 ch 1 SLA 2002; am § 7 ch 3 SLA 2002; am §§ 8, 9 ch 1 TSSLA 2002; am §§ 18, 19 ch 108 SLA 2003; am § 2 ch 90 SLA 2006; am §§ 7 — 9 ch 73 SLA 2010)

**Revisor's notes.** — Paragraph (13) was enacted as (12) and paragraphs (3), (5), (7), and (12) were enacted as (13)-(16). Renumbered in 2002 to retain alphabet-

ical order. In 2010, in paragraph (15), "AS 15.80.010" was substituted for "AS 15.60.010" to reflect the 2010 renumbering of AS 15.60.010.

**Effect of amendments.** — The 2006 amendment, effective October 11, 2006, added subparagraph (4)(B)(iv) and made related stylistic changes.

The 2010 amendment, effective September 9, 2010, rewrote (4)(A); added (6)(A)(v), and made related changes; added (8)(C), and made related changes.

**Editor's notes.** — Under § 16, ch. 73, SLA 2010, the 2010 amendments of the provisions of paragraphs (4), (6), and (8) of this section that relate to initiative proposals apply "to an initiative, the application for

which is filed with the lieutenant governor under AS 15.45.020 on or after September 9, 2010."

**Opinions of attorney general.** — The statutory limit under AS 15.13.070(a) is applicable to "control groups" under former AS 15.13.130. Exempting such groups from the contribution limit would seriously undermine the statute's primary purpose of deterring the buying of elections and the undue influence of large contributors. June 15, 1987. Op. Att'y Gen.

#### NOTES TO DECISIONS

**Constitutionality.** — Under the First Amendment, former AS 15.13.400(3)(B)(i) was unconstitutional to the extent that it limited the volunteering of professional services by individuals, but the statute was constitutional as to the ban on the provision of volunteer services by corporations. *Jacobus v. Alaska*, 338 F.3d 1095 (9th Cir. 2003).

Alaska's campaign finance law, AS 15.13.030 et seq., does not violate pro-life association's First Amendment rights because this section's definition of "electioneering communication" is not unconstitutionally

vague or overbroad either facially or as applied, and the reporting and disclosure provisions are reasonable and serve a significant state interest. *Alaska Right to Life Comm. v. Miles*, 441 F.3d 773 (9th Cir. 2006).

**Applied** in *Jacobus v. Alaska*, 182 F. Supp. 2d 893 (D. Alaska 2001).

**Quoted** in *State v. Alaska Civil Liberties Union*, 978 P.2d 597 (Alaska 1999), cert. denied, 528 U.S. 1153, 120 S. Ct. 1156, 145 L. Ed. 2d 1069 (2000).

**Cited** in *Libertarian Party of Alaska, Inc. v. State*, 101 P.3d 616 (Alaska 2004).

## Chapter 15. Elections and Ballots.

### Section

- 10. General administrative supervision by director
- 20. Date of general election
- 30. Preparation of official ballot
- 32. Use of electronically generated ballots
- 35. Printing of ballots and other material
- 40. Preparation of other election materials
- 50. Distribution of election materials
- 60. Polling places, voting booths, and supplies
- 70. Public notice of election required
- 80. Time for opening and closing polls
- 90. Designation of precinct polling place
- 100. Time off for voting
- 110. General duties and oath of election board
- 120. Filling vacancies in election board
- 130. Majority decision of election board
- 140. Permitted use of unofficial ballots
- 150. Official opening of polls
- 160. Prohibition of political discussion by election board
- 170. Prohibition of political persuasion near election polls
- 180. Keeping of register
- 195. Voters on official registration list
- 198. Voters not on official registration list
- 210. Questioning of voters of suspect qualification
- 215. Disposition of questioned votes
- 220. Administration of oaths
- 225. Voter identification at polls
- 230. Providing ballot to voter

### Section

- 240. Voter assistance
- 250. Disposition of spoiled ballot
- 260. Placing ballot in ballot box by voter
- 270. Prohibiting the leaving of the polling place with ballot
- 280. Prohibiting the exhibition of marked ballots
- 290. Prohibiting the identification of ballots
- 300. Prohibiting the count of exhibited ballots
- 310. Official closing of polls
- 320. Voters in line when polls close
- 330. Commencement of ballot count
- 340. Duties, oath, and vacancies of additional election officials
- 350. General procedure for ballot count
- 360. Rules for counting ballots
- 361. Stickers
- 370. Completion of ballot count; certificate
- 380. Payment of election board members
- 390. Election expenses
- 400. Preparation of voter list
- 410. Plural voting
- 420. Duty to review the ballot counting
- 430. Scope of the review of ballot counting
- 440. State ballot counting review
- 450. Certification of state ballot counting review
- 460. Tie votes
- 470. Preservation of election ballots, papers, and materials
- 480. Security of ballots

**Collateral references.** 26 Am. Jur. 2d, Elections, § 1 et seq.  
29 C.J.S. Elections, §§ 190-220.

Admissibility of election ballots in quo warranto proceedings. 71 ALR2d 353.

**Sec. 15.15.010. General administrative supervision by director.** The director shall provide general administrative supervision over the conduct of state elections, and may adopt regulations under AS 44.62 (Administrative Procedure Act) necessary for the



⊕ 2 AAC 50.990. Definitions

⊕ In this chapter, unless the context requires otherwise:

(1) "agent"

(A) means a representative or one who is authorized to act for another;

(B) includes a contractor or subcontractor;

(2) "anything of value"

(A) except as provided in (B) of this paragraph, means any item, property, or services, tangible or intangible, that could reasonably be considered to be a material advantage, or of material worth, use, or service to a person receiving the item, property, or services;

(B) for a legislative branch filer, has the meaning given in AS 24.60.990 ;

(C) includes any facility, equipment, polling information, supplies, advertising service, membership list, mailing list, and the service of distributing information by means of electronic mail, unless the cost of doing so is minimal

(3) except as provided in 2 AAC 50.405, "candidate"

(A) means a candidate for state or municipal elective office;

(B) includes an individual who

(i) submits a letter of intent to the commission under 2 AAC 50.274; or

(ii) has publicly announced an intent to run as a write-in candidate;

(4) "child" has the meaning given in AS 39.50.200 ;

(5) "commission" means the Alaska Public Offices Commission;

(6) "complainant" means a person who files a complaint with the commission under 2 AAC 50.870;

(7) "contribution"

(A) has the meaning given in AS 15.13.400 ;

(B) includes *(means "includes, but is not limited to")*

(i) a subscription, advance, transfer, forgiveness of all or part of a debt, relaxation of credit, or anything of value made for or provided to a candidate or campaign by a person, group, or nongroup entity for the purpose set out in AS 15.13.400 (4)(A); and

*← so it includes the requirement that it must be something "for which charge is ordinarily made"*

*← in context this does not mean a forum (otherwise it would impermissibly expand "for which charge is ordinarily made")*

(ii) a personal contribution as provided in 2 AAC 50.254;

(C) does not include

(i) costs that a media organization, including a broadcasting station, newspaper, or periodical of regular publication, incurs in covering or carrying a news story, editorial, or commentary; however, if the media organization is owned or controlled by a political party, group, or candidate, the cost of the news story, editorial, or commentary is a contribution, unless the media organization carries a bona fide news account as part of a general pattern of campaign-related news accounts that gives reasonably equal coverage to all opposing candidates in the circulation or listening area;

(ii) a non-monetary contribution or in-kind donation of a single item with a normal cost of \$50 or less;

(iii) a payment by an individual for the individual's own travel expenses, if the payment is voluntary and is made without an understanding that the payment will be directly or indirectly repaid;

(iv) costs that a business, corporation, trade association, labor union, or other organization not organized primarily to influence elections incurs to communicate directly with the organization's members, employees, or the families of members or employees, on any subject, if the communication is in the same format the organization has used in the past for communications on nonpolitical subjects, and does not solicit contributions or any action other than voting for or against a candidate or ballot proposition or question;

(v) a gift, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election;

(vi) costs incurred to provide necessary administrative services associated with a payroll withholding plan, if the costs do not include expenses associated with soliciting contributions;

(vii) provision of a service or facility to a candidate, group, or nongroup entity if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office;

(viii) provision of an organization's membership or mailing list to the group or nongroup entity affiliated with the organization;

(ix) the use of personal money or credit by a campaign treasurer or deputy treasurer for an expenditure allowable under AS 15.13.112, if the amount does not exceed \$500 and is repaid before the end of the report cycle in which the expenditure was made; or

(x) the use of personal money or credit by a candidate for an authorized campaign expenditure, if the amount is repaid no later than three days after the date of the expenditure;

(8) "creditor" includes a government authority that has a right by law to demand and recover money from a person or a person's family member;

(9) "deferred income" means money or anything of value that is earned in a reporting period, but is to be paid after the end of that reporting period;

(10) "disclosure statement" or "statement" means a disclosure statement required under AS 24.60.200 or AS 39.50.020 ;

(11) "domestic partner" has the meaning given in AS 39.50.200 ;

(12) "family member" means

(A) a spouse;

(B) a domestic partner;

(C) a dependent child; in this subparagraph, "dependent child" means an unmarried child of a person subject to this chapter who is dependent upon that person and who is either

(i) under 19 years of age; or

(ii) under 23 years of age and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education and Early Development; age restrictions set out in this subparagraph do not apply to a child who is totally and permanently disabled;

(13) "gift"

(A) means a payment or item received without consideration of equal or greater value;

(B) for a person subject to AS 25.45, has the meaning given in AS 24.45.171 ;

(C) includes

(i) satisfaction of a loan or debt by forgiveness or payment by a third party, or a third party's enforceable promise to pay the loan or satisfy the debt obligation if the person obligated does not give full and adequate consideration;

(ii) accommodations, including housing, a hotel room, and a vacation rental;

(iii) a ticket for travel or an entertainment event;

(iv) food or beverages not intended for immediate consumption;

(v) a discount or rebate for goods and services if the discount or rebate is not available to the public generally;

(vi) goods or services provided or loaned for personal or professional use, including office expenses connected with holding public office;

(vii) a scholarship to pay costs of an educational or recreational program;

(D) does not include

(i) a political contribution;

(ii) a commercially reasonable loan made in the ordinary course of business in exchange for consideration of equal or greater value;

(iii) an inheritance;

(iv) an item of value received without consideration from a family member or a parent, nondependent child, sibling, grandparent, aunt, uncle, niece, or nephew;

(14) "income"

(A) has the meaning given in AS 24.60.990 ;

(B) includes money or anything of value, including deferred income, earned or received

(i) in exchange for labor or services;

(ii) from the sale of goods or property;

(iii) as profit from a financial investment;

(iv) as alimony;

(v) as child support;

(vi) as a government entitlement; or

(vii) as an honorarium;

(15) "individual" means a natural person;

(16) "judicial officer" has the meaning given in AS 39.50.200 ;

(17) "labor union" means a local, national, or international union, a labor council, or any other labor organization recognized under state or federal law;

(18) "legislative branch filer" means

(A) a legislator;

(B) a legislative director;

(C) a member of the Select Committee on Legislative Ethics;

(19) "loan or loan guarantee" means a business or personal

(A) loan signed or co-signed by the legislative branch filer, public official, or candidate, or a family member of the legislative branch filer, public official or candidate; or

(B) loan guarantee made on behalf of the legislative branch filer, public official, or candidate, or a family member of the legislative branch filer, public official, or candidate;

(20) "lobbyist" has the meaning given in AS 24.45.171 ;

(21) "minor" means an individual who is under 18 years of age;

(22) "money" means currency of the United States or of a foreign nation, checks, money orders, or negotiable instruments payable on demand;

(23) "municipality" has the meaning given in AS 01.10.060 ;

(24) "municipal officer" has the meaning given in AS 39.50.200 ;

(25) "nondependent child" is a child that is not a dependent for purposes of the definition of "family member" in this section;

(26) "person"

(A) has the meaning given in AS 15.13.400 ;

(B) includes an initiative committee that is designated as provided in AS 15.45.030 ;

(27) "political action" has the meaning given in AS 24.60.990 ;

(28) "public official" or "public officer" has the meaning given in AS 39.50.200 ;

(29) "resident of the state" or "resident of this state"

(A) means an individual who meets the requirements of AS 01.10.055 ; and

(B) includes each individual who is registered to vote in the state;

(30) "respondent" means a person against whom a complaint has been made or an investigation has been initiated under 2 AAC 50.870 - 2 AAC 50.875;

(31) "sibling" means a brother or sister, including a stepbrother, stepsister, and adopted brother or sister;

(32) "source of income" has the meaning given in AS 39.50.200 ;

(33) "staff"

(A) means the staff of the Alaska Public Offices Commission, employed under AS 15.13.020 (i);

(B) includes any individual hired as a contractor to provide specific services to the commission;

(C) does not include a member of the commission;

(34) "taking office" means the earlier of

(A) the day on which the public official first earns compensation for work; or

(B) the day on which the public official takes the oath of office;

(35) "working day" means a day other than Saturday, Sunday, or a state holiday;

(36) "zero report" means a report filed under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50 that shows the person filing the report had no reportable activity during the period of time covered by the report.

✚ **History:** Eff. 12/22/2011, Register 200

✚ **Authority:** AS 15.13.030

AS 24.45.021

AS 24.60.220

AS 39.50.050



AMENDMENT

(not offered)

OFFERED IN THE HOUSE  
TO: CSHB 355(STA)

1 Page 1, line 2, following "Commission;":

2 Insert "relating to candidate forums and contributions in state election  
3 campaigns;"

4

5 Page 4, following line 6:

6 Insert a new bill section to read:

7 "\*\* Sec. 11. AS 15.13.400(4) is amended to read:

8 (4) "contribution"

9

10 (A) means a purchase, payment, promise or obligation to pay,  
11 loan or loan guarantee, deposit or gift of money, goods, or services for which  
12 charge is ordinarily made, and includes the payment by a person other than a  
13 candidate or political party, or compensation for the personal services of  
14 another person, that is rendered to the candidate or political party, and that is  
made for the purpose of

15 (i) influencing the nomination or election of a  
16 candidate;

17 (ii) influencing a ballot proposition or question; or

18 (iii) supporting or opposing an initiative proposal  
19 application filed with the lieutenant governor under AS 15.45.020;

20 (B) does not include

21 (i) services provided without compensation by  
22 individuals volunteering a portion or all of their time on behalf of a  
23 political party, candidate, or ballot proposition or question;

1 (ii) ordinary hospitality in a home;

2 (iii) two or fewer mass mailings before each election by  
3 each political party describing the party's slate of candidates for  
4 election, which may include photographs, biographies, and information  
5 about the party's candidates;

6 (iv) the results of a poll limited to issues and not  
7 mentioning any candidate, unless the poll was requested by or designed  
8 primarily to benefit the candidate;

9 (v) any communication in the form of a newsletter from  
10 a legislator to the legislator's constituents, except a communication  
11 expressly advocating the election or defeat of a candidate or a  
12 newsletter or material in a newsletter that is clearly only for the private  
13 benefit of a legislator or a legislative employee; [OR]

14 (vi) a fundraising list provided without compensation  
15 by one candidate or political party to a candidate or political party; or

16 (vii) an opportunity to participate in a candidate  
17 forum provided to a candidate without compensation by another  
18 person and for which a candidate is not ordinarily charged;"

19  
20 Renumber the following bill sections accordingly.