

LEG. FINANCE - BILLS 1985 - 1986 2244

SB 356 cont. 2244

Introduced: 1/22/86
Referred: State Affairs, Community and
Regional Affairs and Finance

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 356

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaign financing; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 15 is amended by adding a new chapter to read:

10 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

11 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

12 Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in
13 each election for governor, lieutenant governor, a member of the state
14 legislature, a delegate to a constitutional convention, and a judge
15 seeking electoral retention.

16 (b) This chapter applies to each election for mayor, assembly,
17 or school board in a municipality with a population of more than 1,000
18 according to the latest United States census figures or estimates of
19 population certified by the Department of Community and Regional
20 Affairs under with AS 29.60.020. A municipality may exempt its elec-
21 tions from the requirements of this chapter if a majority of the
22 voters voting on the question at a regular election as defined by
23 AS 29.71.800 or a special municipality-wide election called for that
24 purpose vote to exempt its elections from the requirements of this
25 chapter. The question of exemption from the requirements of this
26 chapter may be submitted to the voters by initiative or by the city
27 council or borough assembly by ordinance.

28 (c) This chapter does not prohibit a municipality from addition-
29 al regulation of campaign contributions and expenditures by ordinance.

1 (d) Except as otherwise provided, this chapter applies to a
2 contribution, an expenditure or a communication made by a candidate, a
3 political interest group, a municipality, or a person for the purpose
4 of influencing the outcome of a ballot proposition or question as well
5 as that made to influence the nomination or election of a candidate.

6 (e) This chapter does not apply to contributions or expenditures
7 made for the sole purpose of acquiring signatures on a state or munic-
8 ipal initiative or referendum petition.

9 Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
10 Alaska Public Offices Commission is established in the Department of
11 Administration.

12 (b) The commission consists of five members.

13 (c) The governor shall appoint two members from each of the two
14 political parties whose candidates for governor received the highest
15 and second highest number of votes in the most recent preceding gener-
16 al election at which a governor was elected. The governor shall
17 appoint each member from a party from a list of two or more names
18 submitted to the governor by the central committee or other governing
19 body of the party.

20 (d) The four members who were appointed by the governor from
21 nominations submitted by political parties shall, by a majority vote,
22 appoint the fifth member.

23 (e) The governor shall fill a vacancy or appoint a successor to
24 a member appointed under (c) of this section within 30 days after
25 receiving the nominations from the central committee or other govern-
26 ing body of the party. An appointment may be made in anticipation of
27 an impending vacancy, and the appointment takes effect on the actual
28 vacancy.

29 (f) When the term of the member appointed under (d) of this

1 section expires or the position becomes vacant, a majority of the four
2 members appointed under (c) of this section shall appoint a successor
3 within 30 days after the position becomes vacant. An appointment may
4 be made in anticipation of an impending vacancy, and the appointment
5 takes effect on the actual vacancy.

6 (g) The term of office for each member of the commission is five
7 years and until a successor is appointed and qualifies. If a vacancy
8 occurs before the expiration of a member's term, the member appointed
9 to fill the vacancy serves for the remainder of the unexpired term. A
10 commission member may not serve more than one term, but a person
11 appointed to fill an unexpired term may be appointed to a successive
12 full five-year term.

13 (h) A member of the commission, during tenure, may not

14 (1) hold or campaign for elective office;

15 (2) be an officer of a political party, political commit-
16 tee, or political interest group;

17 (3) publicly support or oppose or make a contribution in
18 support of or in opposition to a candidate or proposition or question
19 that appears on a state, municipal or other ballot in the state;

20 (4) participate in an election campaign or participate in
21 or contribute to a political party; or

22 (5) lobby, employ, or assist a lobbyist.

23 (i) Members of the commission are entitled to receive compen-
24 sation of \$100 a day while attending commission meetings and are
25 entitled to travel expenses and per diem authorized by law for state
26 employees.

27 (j) The members of the commission shall elect a chairman. A
28 majority of the commission constitutes a quorum. The vote of at least
29 three members is required to take official action. A vacancy does not

1 impair the power of the remaining members to exercise the powers of
2 the commission.

3 (k) The commission may employ an executive director and other
4 employees it considers necessary. The executive director and an
5 employee of the commission may not, during tenure, serve as a member
6 of the commission.

7 (l) The commission shall establish a central office and shall
8 establish or designate a commission office in each election district
9 of the state for the filing and public inspection of the reports,
10 registrations, or statements required to be filed with the commission.
11 Only one commission office may be established or designated in a
12 municipality that contains more than one election district. A dis-
13 trict office designated under this section may be a municipal or other
14 public office.

15 (m) The forms and material required for compliance with this
16 chapter shall be made available in each commission office to candi-
17 dates, persons, and political interest groups required to file reports
18 under this chapter.

19 (n) The commission shall promptly forward a copy of each report
20 filed by a statewide candidate to each district office and it shall
21 promptly forward a copy of each report filed by a legislative candi-
22 date to the district office in the election district where the candi-
23 date is seeking office.

24 (o) The commission shall ensure that copies of each report filed
25 by a candidate for municipal office are made available for public
26 inspection in the municipality in which the candidate is seeking
27 office.

28 Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

29 (1) develop and provide forms for the reports,

1 registrations, and statements required under this chapter, AS 24.45,
2 and AS 39.50;

3 (2) prepare and publish a manual setting out uniform meth-
4 ods of bookkeeping and reporting for use by persons required to make
5 reports, registrations, and statements under this chapter and other-
6 wise assist candidates, political interest groups, and persons in
7 complying with this chapter;

8 (3) receive and hold open for public inspection reports,
9 registrations, and statements required to be filed under this chapter
10 and, upon request, furnish copies to an interested person at cost;

11 (4) compile and maintain a current list of each report,
12 registration, and statement filed with the commission;

13 (5) prepare a summary of each report, registration, or
14 statement filed under this chapter and make a copy of the summary
15 available to an interested person at cost;

16 (6) notify, by registered or certified mail, each person
17 whom the commission or its staff has probable cause to believe is
18 delinquent in filing a report, registration, or statement required
19 under this chapter;

20 (7) compile within 60 days after each election a list of
21 the names of all persons, candidates, and political interest groups
22 who have failed to timely file a report, registration, or statement
23 required under this chapter and make the list available to the public;

24 (8) examine, investigate, and compare reports, registra-
25 tions, statements, and actions required by this chapter, AS 24.45, and
26 AS 39.50 and report to the attorney general the names of each person
27 or political interest group that the commission has probable cause to
28 believe has committed a crime under this chapter, AS 24.45, or AS 39.-
29 50;

1 (9) prepare and publish an annual report to the legislature
2 concerning the activities of the commission, the effectiveness of this
3 chapter, its enforcement by the attorney general's office, and recom-
4 mendations and proposals for change;

5 (10) adopt regulations necessary to implement and clarify
6 the provisions of this chapter, AS 24.45, and AS 39.50, subject to the
7 provisions of the Administrative Procedure Act (AS 44.62).

8 ARTICLE 2. REGISTRATION AND REPORTS.

9 Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual
10 shall register with the commission on a form prescribed by the commis-
11 sion within 10 days after the individual either

12 (1) accepts contributions of \$1,000 or more in the aggre-
13 gate from persons or from political interest groups for the purpose of
14 seeking elective office; or

15 (2) files for an elective office.

16 (b) The registration under (a) of this section must designate
17 the year of the election for which the campaign will be conducted, and
18 designate whether the election is for a state or a municipal office.
19 If a candidate has filed for office at the time of registration, the
20 registration must designate the office. An individual who registers
21 under this section before having filed for an elective office shall,
22 within 10 days after filing for the office, file a supplemental regis-
23 tration with the commission designating the office.

24 (c) An individual required to register under this section shall
25 include with the registration information required under AS 15.14.170.

26 Sec. 15.14.050. REGISTRATION BY POLITICAL INTEREST GROUPS. (a)
27 A political interest group shall register with the commission on a
28 form prescribed by the commission within 10 days after the political
29 interest group either

- 1 (1) accepts contributions of \$1,000 in the aggregate; or
2 (2) makes
3 (A) a contribution to an individual who has registered
4 with the commission under AS 15.14.040; or
5 (B) an expenditure in support of or in opposition to
6 the election of an individual to an office covered by this chap-
7 ter, or on behalf of or in opposition to a ballot proposition or
8 question.
9 (b) A political interest group formed solely for the purpose of
10 sponsoring an initiative, a referendum or a recall shall register with
11 the commission within 30 days after it files a petition with the
12 lieutenant governor or with a municipal clerk.
13 (c) The registration of a political interest group is valid from
14 the date of registration until the following January 16.
15 (d) A political interest group may not use or file with the
16 commission a name that is the same as or materially similar to the
17 name of a political interest group whose registration is then on file
18 with the commission.
19 (e) If a political interest group intends to support or oppose
20 only one candidate or to contribute to or expend more than 50 percent
21 of its funds on behalf of or in opposition to one candidate, the name
22 of the candidate must be part of the name of the political interest
23 group. On receipt of the registration, the commission shall promptly
24 notify the candidate of the political interest group's organization
25 and its intent.
26 (f) A political interest group that makes expenditures or re-
27 ceives contributions with the authorization or consent, express or
28 implied, or under the control, direct or indirect, of a candidate is
29 controlled by the candidate. A political interest group whose major

1 purpose is to further the nomination, election, or candidacy of only
2 one candidate or that intends to expend more than 50 percent of its
3 money on one candidate, is controlled by the candidate and its actions
4 done with the knowledge and consent of the candidate unless the candi-
5 date, within 10 days from the date the candidate learns of the exis-
6 tence of the group, files with the commission, on a form provided by
7 the commission, an affidavit that the group is operating without the
8 control of the candidate.

9 (g) A group organized for more than one year preceding an elec-
10 tion and endorsing candidates for more than one office or more than
11 one political party is not controlled by a candidate, but a group that
12 contributes more than 50 percent of its money to or on behalf of one
13 candidate is considered to support only one candidate for purposes of
14 (f), whether or not control of the group has been disclaimed by the
15 candidate.

16 (h) A political interest group required to register under this
17 section shall include with the registration the information required
18 under AS 15.14.170 and shall designate the year of the election for
19 which the campaign will be conducted or shall indicate that it antici-
20 pates continuing existence.

21 Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS AND
22 LOANS. (a) A candidate shall make full reports upon a form pre-
23 scribed by the commission of the contributions and loans received by
24 the candidate for the designated election campaign, including

25 (1) the full name, complete address, principal occupation,
26 and employer of each individual and the full name and complete address
27 of each other person or political interest group from which contribu-
28 tions in the aggregate amount of \$250 or more were received, and the
29 date and amount of the contributions;

1 (2) for each person or political interest group that lent
2 \$250 or more in the aggregate to the candidate or that guaranteed or
3 otherwise agreed to assume a financial obligation of \$250 or more in
4 the aggregate for or on behalf of a candidate,

5 (A) the full name, complete address, principal occupa-
6 tion, and employer of each individual;

7 (B) the full name and complete address of each other
8 person or political interest group;

9 (C) the date and total value of the loan or financial
10 obligation;

11 (D) the interest rate of the loan or financial obliga-
12 tion;

13 (E) the date the loan or financial obligation is due;
14 and

15 (F) the security, if any, for the loan or financial
16 obligation;

17 (3) the total number and amount of all contributions re-
18 ceived of less than \$250;

19 (4) a total of all contributions received;

20 (5) the total amount of all funds that the candidate con-
21 tributed or lent to the campaign of the candidate.

22 (b) A report containing the information required under (a) of
23 this section must list the contributions and loans received during the
24 period ending three days before the due date of the report and beginn-
25 ing on the last day covered by the most recent previous report. The
26 report shall be filed in the central office or a district office of
27 the commission at the following times:

28 (1) 30 days before the election unless the deadline for
29 filing a nominating petition or declaration of candidacy is less than

1 34 days before the election;

2 (2) seven days before the election.

3 (c) A candidate shall file a special contribution or loan report
4 with the commission for each contribution or loan of \$500 or more that
5 is received within the last 10 days before the election. The report
6 must include the full name, complete address, principal occupation and
7 employer of the contributor or lender and the date and amount of the
8 contribution or loan. The report shall be filed within 24 hours after
9 the contribution or loan is received.

10 (d) A candidate shall file an annual report on or before Janu-
11 ary 16 of each year. The annual report must include all of the infor-
12 mation required under (a) of this section for contributions and loans
13 received between January 1 and December 31 of the immediately preced-
14 ing year, except that an annual report covering contributions and
15 loans received during the year in which an election designated under
16 AS 15.14.040(b) is held need include only the contributions and loans
17 that were not reported to the commission in the reports required under
18 (b) and (c) of this section.

19 (e) The report required under (d) of this section covering
20 contributions and loans received during the year in which an election
21 designated under AS 15.14.040(b) is held is the final report for
22 contributions and loans of a candidate.

23 Sec. 15.14.070. REPORTS BY CANDIDATES OF EXPENDITURES. On
24 January 16 of each year after a candidate registers with the commis-
25 sion under AS 15.14.040(a), the candidate shall file in the central
26 office or a district office of the commission a report listing the
27 date, amount, purpose, and recipient of each expenditure made by the
28 candidate between January 1 and December 31 of the preceding year.
29 The report required under this section that follows the year in which

1 an election designated under AS 15.14.040(b) is held must also include
2 the amount and disposition of surplus campaign funds and is the final
3 report for expenditures of the candidate.

4 Sec. 15.14.080. REPORTS BY POLITICAL INTEREST GROUPS OF CONTRI-
5 BUTIONS, LOANS, AND EXPENDITURES. (a) A political interest group
6 shall make a report on a form prescribed by the commission of contri-
7 butions and loans received by the political interest group, including

8 (1) the full name, complete address, principal occupation,
9 and employer of each individual, and the full name and complete ad-
10 dress of each other person and political interest group from which
11 contributions in the aggregate amount of \$250 or more were received,
12 and the date and amount of the contributions;

13 (2) for each person or other political interest group that
14 lent \$250 or more in the aggregate to the reporting political interest
15 group or that guaranteed or otherwise agreed to assume a financial
16 obligation of \$250 or more in the aggregate for or on behalf of the
17 reporting political interest group,

18 (A) the full name, complete address, principal occupa-
19 tion, and employer of each individual;

20 (B) the full name and complete address of each other
21 person or political interest group;

22 (C) the date and total value of the loan or financial
23 obligation;

24 (D) the interest rate of the loan or financial obli-
25 gation;

26 (E) the date the loan or financial obligation is due;
27 and

28 (F) the security, if any, for the loan or financial
29 obligation;

1 (3) the total number and amount of all contributions re-
2 ceived of less than \$250;

3 (4) a total of all contributions received;

4 (5) a total of all expenditures made or obligated;

5 (6) the date, check number, full name of each payee, and
6 the purpose of each expenditure including

7 (A) for each expenditure that is a contribution to a
8 candidate or a political interest group, the name of the candi-
9 date or political interest group; and

10 (B) for each expenditure that is an independent expen-
11 diture, the name of the candidate or ballot proposition or ques-
12 tion supported or opposed by the independent expenditure.

13 (b) A report containing the information required under (a) of
14 this section must list the contributions and loans received during the
15 period ending three days before the due date of the report and begin-
16 ning on the last day covered by the most recent previous report. The
17 report shall be filed in the central office or a district office of
18 the commission at the following times:

19 (1) 30 days before the election;

20 (2) seven days before the election.

21 (c) A political interest group shall file a special contribution
22 or loan report with the commission for each contribution or loan of
23 \$500 or more that is received within the last 10 days before the
24 election. The report must include the full name, complete address,
25 principal occupation and employer of the contributor or lender and the
26 date and amount of the contribution or loan. The report shall be
27 filed within 24 hours after the contribution or loan is received.

28 (d) A political interest group shall file an annual report on or
29 before January 16 of each year. The annual report must include all of

1 the information required under (a) of this section for contributions
2 and loans received and expenditures made between January 1 and Decem-
3 ber 31 of the immediately preceding year, except that an annual report
4 covering contributions and loans received and expenditures made during
5 the year in which an election designated under AS 15.14.050(f) is held
6 need include only those contributions, loans, and expenditures that
7 were not reported to the commission in the reports required under (b)
8 and (c) of this section. If the political interest group has not
9 indicated a continuing existence under AS 15.14.050(h), the report
10 filed under this section is the final report.

11 Sec. 15.14.090. STATEMENT BY PERSON MAKING CONTRIBUTION OR
12 EXPENDITURE. (a) A person who makes a contribution of \$250 or more
13 in goods, services, or money to a candidate or political interest
14 group or who makes an independent expenditure described in AS 15.14.-
15 100 with a value of \$250 or more to influence the election of a candi-
16 date or the passage of a ballot proposition or question shall make and
17 file in the central or a district office of the commission a signed
18 statement on a form made available by the commission reporting the
19 activity within 10 days after the contribution or expenditure is made.

20 (b) The statement must list the name, address, principal occupa-
21 tion, and employer of the person who paid for the contribution or
22 expenditure and include the date, amount, payee, and purpose of the
23 contribution or expenditure.

24 (c) The statement must include a certification by the person
25 making the statement that the contribution or expenditure consists of
26 funds or property belonging to the contributor and that the funds have
27 not been given or furnished by another person or political interest
28 group.

29 (d) The person filing the statement shall furnish a copy of the

1 statement to the candidate or the campaign treasurer of the political
2 interest group at the time the statement is filed with the commission.

3 Sec. 15.14.100. INDEPENDENT EXPENDITURE. (a) An independent
4 expenditure is an expenditure by a person or political interest group
5 for a communication expressly advocating the election or defeat of a
6 clearly identified candidate that is made without arrangement, coordi-
7 nation, or direction with or by the candidate or the agent of the
8 candidate before the publication, distribution, display, or broadcast
9 of the communication. An expenditure is a contribution and not an
10 independent expenditure if it is based on information about the candi-
11 date's plans, projects, or needs provided to the expending person or
12 political interest group by the candidate or by an agent of the candi-
13 date with a view toward having an expenditure made.

14 (b) An expenditure is made in coordination with the candidate or
15 the agent of the candidate if it is made by or in consultation with a
16 person

17 (1) who is or within one year before the date of the expen-
18 diture has been authorized by the candidate or by a campaign officer
19 to raise or expend funds on behalf of the candidate;

20 (2) who is or within one year before the date of the expen-
21 diture has been an officer of a campaign committee of the candidate;
22 or

23 (3) who is or within one year before the date of the expen-
24 diture has been receiving any form of compensation or reimbursement
25 from the candidate or from campaign funds for professional services
26 that require the exercise of discretion or judgment relating to the
27 conduct of the campaign.

28 (c) In this section, an "agent of the candidate" means an indi-
29 vidual

1 (1) who has actual oral or written authority, either ex-
2 press or implied, to make or to authorize the making of an expenditure
3 on behalf of a candidate; or

4 (2) who has been placed in a position within the campaign
5 organization where it would reasonably appear that in the ordinary
6 course of campaign related activities the individual may authorize an
7 expenditure.

8 Sec. 15.14.110. CERTIFICATION OF REPORTS. Each report, regis-
9 tration, or statement required under this chapter shall be certified
10 as correct by the campaign treasurer of the candidate, by the campaign
11 treasurer of the political interest group, or by the person making the
12 report, registration, or statement. The report, registration, or
13 statement must include or be accompanied by the following affidavit
14 signed by the individual filing the report, registration, or state-
15 ment:

16 "I do solemnly swear or affirm that the foregoing state-
17 ment is in all respects true and correct, and fully shows
18 all information required to be reported by me under AS 15.14."

19 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

20 Sec. 15.14.120. CONTRIBUTIONS BY A PERSON. (a) A person may
21 not make a contribution in the form of a cash payment in excess of
22 \$100 in the aggregate during a calendar year to a candidate or a
23 political interest group.

24 (b) A person may not contribute more than \$2,000 in the aggre-
25 gate during a calendar year in money, goods, or services to a candi-
26 date.

27 (c) Except as provided in (d) of this section, a person may not
28 contribute more than \$1,000 in the aggregate during a calendar year
29 money, goods, or services to a political interest group.

1 (d) Except as provided in (a) of this section, a person may
2 contribute any amount in money, goods, or services

3 (1) to a political interest group formed solely for the
4 purpose of sponsoring or opposing an initiative or referendum; or

5 (2) to a political party.

6 Sec. 15.14.130. CONTRIBUTIONS BY A POLITICAL INTEREST GROUP.

7 (a) A political interest group may not make a contribution in the
8 form of a cash payment in excess of \$100 in the aggregate during a
9 calendar year to a candidate or political interest group.

10 (b) Except as provided in (c) of this section, a political
11 interest group may not contribute or make an expenditure, other than
12 as an independent expenditure, of more than \$1,000 in the aggregate
13 during a year to a candidate or to a political interest group, and may
14 not contribute more than \$25,000 in the aggregate during a calendar
15 year to candidates or political interest groups generally, other than
16 to political interest groups formed solely for the purpose of support-
17 ing or opposing a ballot proposition or question.

18 (c) Except as provided in (a) of this section, a political
19 interest group may contribute any amount in money, goods, or services
20 to

21 (1) a political interest group formed solely for the pur-
22 pose of sponsoring or opposing an initiative or referendum; or

23 (2) a political party.

24 (d) Two or more political interest groups sharing a majority of
25 their officers are considered to be a single group for purposes of the
26 contribution limitations under (a) and (b) of this section.

27 (e) An expenditure for a communication in support of the elec-
28 tion of more than one candidate shall be prorated equally among the
29 candidates for purposes of calculating the amount of the expenditure

1 made on behalf of one of the candidates.

2 (f) A political party and its state, regional, and local subdi-
3 visions are not subject to the limitations prescribed in this section,
4 but they are subject to the reporting requirements of AS 15.14.080,
5 15.14.090, and 15.14.100.

6 Sec. 15.14.140. LIMITATIONS ON ACCEPTING CASH CONTRIBUTIONS. A
7 candidate or a political interest group may not accept a contribution
8 in the form of a cash payment in excess of \$100 in the aggregate
9 during a year from a person or a political interest group.

10 Sec. 15.14.150. EXPENDITURES. (a) A political party may make a
11 contribution or expenditure of money, goods, or services without
12 limitation as to amount or value.

13 (b) Except as provided under AS 15.14.180, a candidate may make
14 expenditures of money, goods, or services on behalf of the candidate's
15 own campaign without limitation as to amount or value.

16 (c) A person or political interest group may make an independent
17 expenditure as defined in AS 15.14.100 of money, goods, or services
18 without limitation as to amount or value on behalf of or in opposition
19 to a candidate or ballot proposition.

20 Sec. 15.14.160. PROHIBITED CONTRIBUTIONS. (a) A contribution
21 may not be made and an expenditure may not be made or incurred either
22 directly or indirectly in a fictitious name, anonymously, or by one
23 person or political interest group in the name of another.

24 (b) A contribution made by a person wishing to remain anonymous
25 and received by a candidate or political interest group may not be
26 used or expended, but shall be returned to the donor if the identity
27 of the donor is known. If the identity of the donor is not known, the
28 contribution shall be disposed of under AS 15.14.200(a)(1).

29 (c) A candidate or political interest group may not accept a

1 contribution described in this section. A contribution under this
2 section is accepted unless it is returned or disposed of under
3 AS 15.14.200(a)(1) within 10 days after the candidate or political
4 interest group knows or should have known that the contribution is
5 prohibited under this section.

6 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

7 Sec. 15.14.170. CAMPAIGN OFFICERS. (a) Each candidate may and
8 each political interest group shall appoint a campaign chairman. Each
9 candidate and each political interest group shall appoint a campaign
10 treasurer who is responsible for receiving, holding, and disbursing
11 all contributions and expenditures, and for filing all reports and
12 statements required by law. Each candidate and each political inter-
13 est group may appoint deputy campaign treasurers at any time. A
14 candidate may be a campaign treasurer.

15 (b) At the time a candidate registers with the commission under
16 AS 15.14.040, the candidate shall file a statement in the central or a
17 district office of the commission listing the name, address, and
18 telephone number of the candidate's campaign treasurer. At the time a
19 political interest group registers with the commission under AS 15.-
20 14.050, the political interest group shall file a statement in the
21 central or a district office of the commission listing the name,
22 address, and telephone number of the political interest group's cam-
23 paign treasurer. Each candidate who appoints a campaign chairman and
24 each political interest group shall include in the statement the name,
25 address, and telephone number of the campaign chairman.

26 (c) An individual may not act as the campaign chairman, campaign
27 treasurer, or deputy campaign treasurer for a candidate or political
28 interest group until the name, address, and telephone number of the
29 individual has been filed with the commission. The address of a

1 candidate's campaign treasurer is the address of the candidate unless
2 the candidate files a different mailing address with the commission.

3 (d) In the case of the death, resignation, or removal of a
4 campaign officer required to be appointed under this section, the
5 candidate or political interest group shall file the name, address,
6 and telephone number of the successor in the central or a district
7 office of the commission within 10 days after the vacancy occurs.

8 (e) A candidate may receive contributions and make expenditures
9 only in person or through a campaign chairman, a campaign treasurer,
10 or a deputy campaign treasurer. A political interest group may re-
11 ceive contributions and make expenditures only through the campaign
12 chairman, campaign treasurer, or deputy campaign treasurer of the
13 political interest group. A person does not receive or make a contri-
14 bution under this section on behalf of a candidate or political inter-
15 est group if

16 (1) the person solicits a contribution and transfers or
17 delivers that contribution to a candidate or a campaign officer of a
18 candidate or political interest group and discloses to the candidate
19 or political interest group the identity of the contributor;

20 (2) the person does not exercise discretion or control as
21 to the amount or as to the identity of the recipient of the contribu-
22 tion; an

23 (3) the person is not a campaign officer of the candidate
24 or political interest group ultimately receiving the contribution.

25 (f) The candidate is responsible for the performance of the
26 campaign officers of the candidate. The campaign chairman of a polit-
27 ical interest group is responsible for the performance of the other
28 officers of the political interest group. A default or violation by
29 the officer is considered a default or violation by the candidate if

1 the candidate knew or had reason to know of the default or violation.
2 A default or violation by the officer of the political interest group
3 is considered a default or violation by the campaign chairman of the
4 political interest group if the campaign chairman knew or had reason
5 to know of the default or violation.

6 Sec. 15.14.180. USE OF CAMPAIGN FUNDS. (a) Campaign funds
7 received by a candidate or by a political interest group may be used
8 only to

9 (1) influence or attempt to influence the actions of the
10 voters for or against the election of a candidate or the passage or
11 defeat of a ballot proposition or question; or

12 (2) repay a loan made to the campaign of the candidate.

13 (b) Campaign funds may not be used to repay a loan not timely
14 reported as a loan under AS 15.14.060(a)(2).

15 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
16 200.

17 Sec. 15.14.190. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF
18 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account
19 relating to a designated election campaign on or before one of the
20 following dates:

21 (1) for a legislative or statewide candidate in the general
22 election, the date on which the successful candidate in the designated
23 election is sworn into office;

24 (2) for a candidate in a municipal election, 30 days after
25 the date of the election;

26 (3) for a candidate who loses in a primary election, 30
27 days after the date of the election;

28 (4) for a candidate who withdraws before an election, 30
29 days after filing a notice of withdrawal; or

1 (5) for a candidate who withdraws after registering under
2 AS 15.40.040 but before filing for office, 30 days after the deadline
3 for filing a declaration of candidacy or a nominating petition.

4 (6) for a judicial candidate or a delegate to a constitu-
5 tional convention, 30 days after the date of the election.

6 (b) A candidate may not solicit or accept a contribution for the
7 designated election campaign after the date on which the candidate is
8 required to close campaign accounts under (a) of this section.

9 (c) A candidate may not make expenditures of any kind, except
10 for the disposition of surplus funds, after the date on which the
11 candidate is required to close campaign accounts under (a) of this
12 section for

13 (1) goods or services provided to the candidate with re-
14 spect to the designated election campaign;

15 (2) the payment of campaign debts to an individual, person,
16 or political interest group; or

17 (3) the payment of loans made by the candidate to the
18 campaign of the candidate.

19 Sec. 15.14.200. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
20 dispose of campaign funds that are not spent during the designated
21 election campaign by

22 (1) donating the funds to an organization that qualifies as
23 a charitable organization under 26 U.S.C. 501(c);

24 (2) donating the funds to the general fund of the state or
25 of a municipality organized under AS 29;

26 (3) after registering with the commission under AS 15.14.-
27 040, transferring the funds to a newly designated election campaign
28 account for a designated state election to be held not more than four
29 years after the election designated under AS 15.14.040(b);

1 (4) paying an individual who worked in the candidate's
2 designated election campaign;

3 (5) transferring the funds to an account for the office, in
4 the case of a successful candidate only, and using the funds only for
5 communication with constituents and other voters in the state by
6 telephone or newsletter;

7 (6) returning the funds to contributors on a pro rata
8 basis.

9 (b) A candidate shall dispose of surplus funds under (a) of this
10 section before the date on which a final report of expenditures is
11 required to be filed under AS 15.14.070.

12 Sec. 15.14.210. SOLICITATION OF CONTRIBUTIONS. (a) A candi-
13 date, a political interest group, or a campaign officer of a candidate
14 or a political interest group may not solicit or receive a campaign
15 contribution obtained through a threat of physical force, job dis-
16 crimination, or financial reprisal.

17 (b) A public officer or employee of the state or of a municipal-
18 ity of the state may not, while on the premises of a state or municipi-
19 pal office, solicit or request a contribution to a candidate, politi-
20 cal interest group or political party.

21 (c) A public officer or employee of the state may not solicit or
22 request another public officer or employee to contribute to a candi-
23 date, political interest group, or political party while the other
24 public officer or employee is on the premises of a state or municipal
25 office.

26 (d) The provisions of (b) - (c) of this section do not apply to
27 a public officer elected to office by popular vote.

28 Sec. 15.14.220. IDENTIFICATION OF COMMUNICATION. (a) An adver-
29 tisement, billboard, handbill, paid-for television or radio

1 announcement, or other communication intended to influence the elec-
2 tion of a candidate or the outcome of a ballot proposition or question
3 shall be clearly identified by the words "paid for by" followed by the
4 name and address of the candidate, political interest group, or the
5 person or persons paying for the communication.

6 (b) A person or political interest group making an independent
7 expenditure for an item described in (a) of this section shall, within
8 the printed material or during a broadcast, state: "This communication
9 was not authorized by any candidate."

10 (c) The information required under (a) and (b) of this section
11 need not be included on an object used for a campaign advertisement,
12 if the object is one that the commission, by regulation, has deter-
13 mined is too small to practicably include the information.

14 ARTICLE 5. UNLAWFUL CONDUCT, PENALTIES, AND PROCEDURES.

15 Sec. 15.14.230. CAMPAIGN FINANCING MISCONDUCT IN THE FIRST
16 DEGREE. (a) A person commits the crime of campaign financing miscon-
17 duct in the first degree if the person

18 (1) knowingly and intentionally fails to file before an
19 election a report of contributions or independent expenditures re-
20 quired to be filed under AS 15.14.060(b) or 15.14.080(b) and the
21 aggregate amount of contributions or independent expenditures that
22 should have been reported is in excess of \$5,000;

23 (2) knowingly and intentionally fails to file before an
24 election a report of a contribution or independent expenditure re-
25 quired to be filed within 24 hours under AS 15.14.060(c) or 15.14.-
26 080(c) and the contribution or expenditure is in excess of \$5,000;

27 (3) knowingly and intentionally files a report required to
28 be filed under this chapter containing false and misleading informa-
29 tion as to the identity of a contributor, and the amount of the

1 aggregate contributions received from the contributor is in excess of
2 \$5,000;

3 (4) knowingly and intentionally files a report required to
4 be filed under this chapter containing false information as to the
5 amount of a contribution from a single contributor, and the difference
6 between the amount reported and the actual amount of the aggregate
7 contributions from the contributor is in excess of \$5,000;

8 (5) knowingly and intentionally files a report or statement
9 required to be filed under this chapter that contains false or mis-
10 leading information as to the purpose or amount of an independent
11 expenditure and the aggregate amount of the expenditure is in excess
12 of \$5,000;

13 (6) knowingly and intentionally makes or accepts a contri-
14 bution, or makes an expenditure other than an independent expenditure,
15 in violation of the contribution limitations under AS 15.14.120(b) or
16 (c) or 15.14.130, and the total aggregate amount of the contribution
17 or expenditure is more than \$5,000 in excess of the limitation;

18 (7) knowingly and intentionally makes or accepts a contri-
19 bution in excess of \$5,000 in the form of a cash payment in violation
20 of AS 15.14.120(a), 15.14.130(a), or 15.14.140;

21 (8) knowingly and intentionally makes or accepts a contri-
22 bution in excess of \$5,000 made anonymously, in a fictitious name, or
23 under the name of another; or

24 (9) knowingly and intentionally solicits or accepts a
25 contribution obtained by threat of physical force, job discrimination,
26 or financial reprisal in violation of AS 15.14.210(a).

27 (b) Campaign financing misconduct in the first degree is a class
28 C felony.

29 Sec. 15.14.240. CAMPAIGN FINANCING MISCONDUCT IN THE SECOND

1 DEGREE. (a) A person commits the crime of campaign financing miscon-
2 duct in the second degree if the person

3 (1) knowingly and intentionally fails to file before an
4 election a report of contributions or independent expenditures re-
5 quired to be filed under AS 15.14.060(b) or 15.14.080(b) and the
6 aggregate amount of contributions or independent expenditures that
7 should have been reported is \$5,000 or less;

8 (2) knowingly and intentionally fails to file before an
9 election a report of a contribution or independent expenditure
10 required to be filed within 24 hours under AS 15.14.060(c) or 15.14.-
11 080(c) and the contribution or expenditure is \$5,000 or less;

12 (3) knowingly and intentionally fails to file a report,
13 statement or registration required under AS 15.14.040, 15.14.050,
14 15.14.060(d), 15.14.070, 15.14.080(d), or 15.14.090(a) on or before
15 the date the report, statement, or registration is due;

16 (4) knowingly and intentionally files a report required to
17 be filed under this chapter containing false and misleading informa-
18 tion as to the identity of a contributor and the amount of the aggre-
19 gate contributions received from that contributor is \$5,000 or less;

20 (5) knowingly and intentionally files a report required to
21 be filed under this chapter containing false information as to the
22 amount of a contribution from a single contributor, and the difference
23 between the amount reported and the actual amount of the aggregate
24 contributions from that contributor is \$5,000 or less;

25 (6) knowingly and intentionally files a report or statement
26 required to be filed under this chapter containing false and mislead-
27 ing information as to the purpose or amount of an independent expendi-
28 ture and the aggregate amount of the expenditure is \$5,000 or less;

29 (7) knowingly and intentionally makes a contribution in

1 violation of the contribution limitations under AS 15.14.120(b) or
2 (c), or makes an expenditure other than an independent expenditure in
3 violation of the limitation under AS 15.14.130, and the total aggregate
4 amount of the contribution or expenditure in excess of the limitation
5 is \$5,000 or less;

6 (8) knowingly and intentionally makes or accepts a contribution
7 in the form of a cash payment in violation of AS 15.14.120(a),
8 15.14.130(a), or 15.14.140 and the total amount of the contribution is
9 \$5,000 or less;

10 (9) knowingly and intentionally makes or accepts a contribution
11 of \$5,000 or less made anonymously, in a fictitious name, or
12 under the name of another;

13 (10) knowingly and intentionally solicits a contribution
14 from a state or municipal employee in a manner prohibited under
15 AS 15.14.210(b) or (c);

16 (11) knowingly and intentionally solicits or accepts a
17 contribution or makes an expenditure, other than a disposition of
18 surplus funds, after the date that campaign accounts are required to
19 be closed under AS 15.14.190;

20 (12) knowingly and intentionally uses campaign funds for a
21 purpose not permitted under AS 15.14.180;

22 (13) knowingly and intentionally uses surplus campaign funds
23 for a purpose not permitted under AS 15.14.200;

24 (14) knowingly and intentionally circulates or has written,
25 printed, or circulated a letter, circular, or publication intended to
26 influence the election or defeat of a candidate, or the outcome of a
27 ballot proposition or question without the name and address of the
28 candidate, the political interest group or person or persons paying
29 for the advertising appearing on the face of the letter, circular, or

1 publication;

2 (15) knowingly and intentionally prints or publishes an
3 advertisement, billboard, placard, poster, handbill, paid-for tele-
4 vision or radio announcement, or other communication intended to
5 influence the election of a candidate or the outcome of a ballot
6 proposition or question without the words "paid for by" followed by
7 the name and address of the candidate, political interest group, or
8 individual paying for the communication and, if a political group,
9 with the name of the campaign chairman; or

10 (16) with respect to an independent expenditure only, know-
11 ingly and intentionally prints or publishes an advertisement, bill-
12 board, placard, poster, handbill, paid-for television or radio an-
13 nouncement, or other communication intended to influence the election
14 of a candidate without the statement, "This communication was not
15 authorized by any candidate."

16 (b) Campaign financing misconduct in the second degree is a
17 class A misdemeanor.

18 Sec. 15.14.250. CAMPAIGN FINANCING VIOLATIONS. (a) A person
19 commits a campaign financing violation if the person negligently or
20 inadvertently

21 (1) fails to file on or before the date that the report is
22 due a report of contributions or independent expenditures required to
23 be filed before the election under AS 15.14.060(b), (c), or 15.14.-
24 080(b), or (c);

25 (2) fails to file on or before the date that the report or
26 statement is due a report or statement required to be filed under
27 AS 15.14.070, 15.14.090(a), or 15.14.100;

28 (3) fails to timely appoint or file the name of a campaign
29 officer as required under AS 15.14.170(a), (b), or (d);

1 (4) fails to register as a candidate or political interest
2 group at the time required under AS 15.14.040 or 15.14.050;

3 (5) fails to include information in a report, statement, or
4 registration required to be included under this chapter or includes
5 false or misleading information as to the identity of a contributor,
6 the purpose of an independent expenditure, or as to the amount of a
7 contribution received or independent expenditure made;

8 (6) makes or accepts a contribution or makes an expenditure
9 other than an independent expenditure in excess of the contribution
10 limitations provided under AS 15.14.120(b) or (c) or 15.14.130;

11 (7) makes or accepts a contribution in the form of a cash
12 payment in excess of \$100 in violation of AS 15.14.140;

13 (8) makes a contribution, or accepts a contribution made,
14 anonymously, in a fictitious name, or under the name of another;

15 (9) solicits or accepts a contribution or makes an expendi-
16 ture, other than a disposition of surplus funds, after the date that
17 campaign accounts are required to be closed under AS 15.14.190;

18 (10) uses campaign funds for a purpose not permitted under
19 AS 15.14.180;

20 (11) uses surplus campaign funds for a purpose not permitted
21 under AS 15.14.200;

22 (12) disposes of surplus funds after the date required for
23 disposition under AS 15.14.200(b);

24 (13) acts as a campaign officer and the name of the cam-
25 paign officer has not been filed with the commission as the holder of
26 the campaign office;

27 (14) fails to include in a communication intended to influ-
28 ence the election of a candidate or the outcome of a ballot proposi-
29 tion or question the information required to be included under

1 AS 15.14.220.

2 (b) A person found to have committed a campaign financing vio-
3 lation under (a)(1) of this section is subject to a fine of not less
4 than \$25 nor more than \$300 per day for each day a report is due but
5 not filed, up to a maximum fine of \$5,000 for each violation under
6 (a)(1) of this section with respect to a designated election campaign.

7 (c) A person found to have committed a campaign financing viola-
8 tion under (a)(2), (3), or (4) of this section is subject to a fine of
9 not less than \$10 nor more than \$20 a day for each day a report,
10 statement or registration is due but not filed, up to a maximum fine
11 of \$2,000 for each violation under (a)(2), (3), or (4) of this section
12 with respect to a designated election campaign.

13 (d) A person found to have committed a violation under (a)(5),
14 (6), (7), (8), or (9) of this section is subject to a fine of four
15 times the amount of the contribution or expenditure involved in the
16 violation, not to exceed \$2,500.

17 (e) A person found to have committed a violation under (a)(10),
18 (11), (12), (13), or (14) of this section is subject to a fine of not
19 less than \$100 nor more than \$2,000.

20 Sec. 15.14.260. PAYMENT OF FINES. Fines imposed by the commis-
21 sion under AS 15.14.250 or by a court upon conviction under AS 15.14.-
22 230 or 15.14.240 may not be paid from campaign funds.

23 Sec. 15.14.270. REMOVAL FROM OFFICE. (a) If, after being sworn
24 into office, a person who was a successful candidate is convicted of a
25 crime under AS 15.14.230 or 15.14.240, proceedings shall be held and
26 appropriate action taken under

27 (1) art. II, sec. 12, Constitution of the State of Alaska,
28 if the candidate is a candidate for the state legislature;

29 (2) art. II, sec. 20, Constitution of the State of Alaska.

1 if the candidate is a candidate for governor or lieutenant governor;

2 (3) AS 29.20.170, if the candidate is a candidate for
3 borough assembly;

4 (4) AS 29.20.280, if the candidate is a candidate for
5 borough mayor;

6 (5) AS 29.20.170, if the candidate is a candidate for city
7 council;

8 (6) AS 29.20.280(a), if the candidate is a candidate for
9 city mayor;

10 (7) the provisions of the call for the constitutional
11 convention, if the candidate is a candidate for constitutional conven-
12 tion delegate;

13 (8) art. IV., sec. 10, Constitution of the State of Alaska,
14 if the candidate is a candidate for judicial retention.

15 (b) Information developed by the commission under AS 15.14.290
16 shall be considered during a proceeding under (a) of this section.

17 (c) When, after being sworn into office, a successful candidate
18 is charged with a misdemeanor or felony under AS 15.14.230 or 15.14.-
19 240, the court shall promptly try the case and accord it a preferred
20 position for purposes of argument and decision so as to assure a
21 speedy disposition of the matter.

22 Sec. 15.14.280. LIMITATIONS ON ACTIONS. (a) A prosecution
23 under AS 15.14.230 must be commenced within four years from the date
24 of the alleged offense.

25 (b) A prosecution under AS 15.14.240 must be commenced within
26 two years from the date of the alleged offense.

27 (c) Proceedings by the commission under AS 15.14.250 must be
28 commenced within 18 calendar months from the date of the alleged
29 violation.

1 (d) For the purposes of this section, an offense or violation
2 involving the failure to file a report, statement, or registration is
3 considered to have been committed on the day after the report, state-
4 ment or registration was due.

5 Sec. 15.14.290. INVESTIGATIONS. (a) The commission may inves-
6 tigate alleged misconduct and alleged violations of AS 15.14.230,
7 15.14.240, 15.14.250, AS 24.50 and AS 39.50, on its own motion or upon
8 receiving a signed and sworn complaint from any person.

9 (b) If an investigation is commenced by a signed and sworn
10 complaint by a person other than a member of the commission or its
11 employees, the commission shall, within five days after receiving the
12 complaint, mail a copy of the complaint to each person named in the
13 complaint. If the commission terminates an investigation without
14 filing an accusation or without referring the matter to the attorney
15 general or special prosecutor, the commission shall, within five days
16 after terminating the investigation, inform the complainant and each
17 person named in the complaint only of the fact that the commission has
18 terminated the investigation and will not be taking further action
19 concerning the complaint.

20 (c) If the commission, following its investigation, has probable
21 cause to believe a felony or misdemeanor has been committed, the
22 commission shall promptly refer the matter and any evidence the com-
23 mission has compiled concerning the matter to the attorney general or
24 to a special prosecutor if a special prosecutor has been appointed.
25 After a matter has been referred to the attorney general or a special
26 prosecutor, the commission may not take further action concerning the
27 matter.

28 (d) If, after an investigation, the commission determines that
29 there is probable cause to believe that a person has committed a

1 violation and if the commission has not referred the matter to the
2 attorney general or special prosecutor for criminal prosecution, the
3 commission may commence violation proceedings by filing and serving an
4 accusation on the person alleged to have committed the violation. The
5 commission shall serve an accusation in the manner provided by court
6 rules for serving a complaint in a civil action.

7 Sec. 15.14.300. ACCUSATIONS. (a) The accusation must be a
8 written statement of the charges setting out in ordinary and concise
9 language the acts or omissions with which the respondent is charged,
10 so that the respondent is able to prepare a defense. The accusation
11 must also specify the statute or regulation that the respondent is
12 alleged to have violated, and the maximum penalty provided for the
13 violation. The accusation may not consist merely of charges phrased
14 in the language of the statute and regulation.

15 (b) The commission shall include in or with the accusation a
16 statement in substantially the following form:

17 "To the Respondent: Unless you deliver or mail a written
18 request for a hearing signed by you or on your behalf to
19 the commission within 15 days after this accusation was
20 personally served on you or mailed to you, the commission
21 may proceed upon the accusation without a hearing. You
22 may request a hearing by delivering or mailing the en-
23 closed form entitled 'Notice of Defense,' or by delivering
24 or mailing a notice of defense under AS 15.14.310 to the
25 commission at its central office address (insert central
26 office address)."

27 (c) The commission shall include with the accusation served upon
28 the respondent a post card or other form entitled, "Notice of Defense"
29 that, when signed by or on behalf of the respondent and returned to

1 the commission constitutes a notice of defense under AS 15.14.310.

2 Sec. 15.14.310. NOTICE OF DEFENSE. (a) Within 15 days after
3 service upon the respondent of the accusation, the respondent may file
4 with the commission a notice of defense. In the notice the respondent
5 may

6 (1) deny the accusation in whole or in part and request a
7 hearing;

8 (2) object to the accusation on the ground that it does not
9 state acts or omissions upon which the commission may proceed;

10 (3) object to the form of the accusation on the ground that
11 it is so indefinite or uncertain that the respondent cannot identify
12 the transaction or prepare a defense;

13 (4) present new matter by way of defense;

14 (5) admit or plead no contest to the accusation in whole or
15 in part, and present material in mitigation of penalty.

16 (b) Within the time specified in (a) of this section, the re-
17 spondent may file one or more notices of defense upon any or all of
18 the grounds set out in (a) of this section but all of the notices must
19 be filed within the period unless the commission in its discretion
20 authorizes the filing of a later notice.

21 (c) The respondent is entitled to a hearing on the merits if the
22 respondent files a notice of defense. The notice of defense is con-
23 sidered a specific denial of all parts of the accusation not expressly
24 admitted. Failure to file a notice of defense within the time spec-
25 ified in (a) of this section constitutes a waiver of the respondent's
26 right to a hearing, but the commission in its discretion may neverthe-
27 less grant a hearing. Unless objection is taken as provided in (a)(3)
28 of this section, all objections to the form of the accusation are
29 waived.

1 (d) The notice of defense must be in writing, signed by or on
2 behalf of the respondent, and must state the respondent's address.
3 The notice of defense need not be verified or follow a particular
4 form.

5 Sec. 15.14.320. HEARINGS. (a) If a respondent requests a
6 hearing on a contested accusation or, in the absence of a request, the
7 commission in its discretion decides to hold a hearing, the commission
8 shall mail or deliver a notice of hearing to the respondent at least
9 10 days before the hearing. The hearing may not be held before the
10 expiration of the time within which the respondent is entitled to file
11 a notice of defense. The notice to respondent must be consistent with
12 the form for notice of hearing under AS 44.62.420.

13 (b) The commission shall conduct its hearings under AS 44.62.-
14 440 - 44.62.500, except that

15 (1) the commission may, but is not required to, appoint a
16 hearing officer under AS 44.62.350; and

17 (2) if a hearing officer is not appointed, the chairman of
18 the commission, or the commission member designated by the chairman,
19 shall preside at the hearing, and the attorney general shall assign an
20 assistant attorney general to the commission to advise it on matters
21 of law during the hearing.

22 (c) A hearing under this section shall be open to the public
23 except that a respondent may request and the hearing officer or the
24 presiding commission member may order that the hearing be closed if
25 one or more of the requirements for holding an executive session under
26 AS 44.62.310(c) is met.

27 Sec. 15.14.330. IMPOSITION OF PENALTY. (a) The commission may
28 impose the penalty provided by law for the violation only if the
29 accused person, having been advised of the rights to a hearing, admits

1 or pleads no contest to the allegations contained in the accusation,
2 or if the commission

3 (1) holds a hearing at which the person accused is afforded
4 the right to appear, with or without counsel, the right to present
5 witnesses or other evidence and the right to cross examine witnesses;
6 and

7 (2) following the hearing, determines by clear and convinc-
8 ing evidence that the person has committed the violation of which the
9 person was accused.

10 (b) The executive director and an employee of the commission may
11 make a recommendation to the commission for the imposition of a par-
12 ticular penalty in a matter, provided that the respondent is first
13 given notice of the recommendation and is afforded an opportunity to
14 respond to the staff's recommendation in person or in writing.

15 (c) The executive director and an employee of the commission may
16 not formally or informally make a recommendation to the commission as
17 to a particular penalty in a pending matter or make a commitment to
18 the respondent to make a particular recommendation to the commission
19 in the future until after the respondent has admitted or pleaded no
20 contest to the accusation or until after a hearing and a final deter-
21 mination by the commission that the respondent has committed the acts
22 charged in the accusation.

23 (d) In imposing a penalty, the commission shall consider

24 (1) the seriousness of the violation in terms of the extent
25 to which the violation has impeded public disclosure of information
26 required to be filed with the commission as to the amount and source
27 of contributions that are large enough to be of significant interest
28 to voters; and

29 (2) the extent to which the respondent's conduct, including

1 prior violations of this chapter, AS 24.50, AS 39.50, or of former
2 AS 15.13 shows a continuing disregard for the law.

3 Sec. 15.14.340. SUMMARY DISPOSITION OF VIOLATIONS. (a) Not-
4 withstanding the provisions of AS 15.14.300 - 15.14.330, the commis-
5 sion may establish by regulation the violations under AS 15.14.250
6 that are amenable to summary disposition without formal accusation or
7 hearing and may establish a schedule of fines, not to exceed \$500, for
8 each violation.

9 (b) If an investigation by the commission discloses that a
10 person has committed a violation included in the schedule of fines
11 established under (a) of this section, the commission may, in lieu of
12 serving an accusation on the person, mail a notice of fine to the
13 person indicating the circumstances of the violation and the amount of
14 the fine established in the schedule for the violation. The person to
15 whom the notice is directed may pay the fine within 15 days after
16 receiving the notice or may file a notice of defense under AS 15.14.-
17 310.

18 (c) If the person does not pay the fine under (b) of this sec-
19 tion, the notice of fine constitutes an accusation under AS 15.14.300
20 and the commission shall proceed against the person under AS 15.14.-
21 300 - 15.14.330 and, upon determining that the person committed the
22 violation, may impose a penalty for the violation not to exceed the
23 maximum provided for the violation under AS 15.14.250.

24 Sec. 15.14.350. CONFIDENTIALITY. (a) An investigation by the
25 commission under AS 15.14.290 is confidential unless and until the
26 investigation results in the filing of an accusation under AS 15.-
27 14.300.

28 (b) A member or a former member of the commission and an em-
29 ployee or a former employee of the commission may not divulge the fact

1 of or any particular concerning a pending, past, or contemplated
2 investigation by the commission unless and until the filing of an
3 accusation by the commission.

4 (c) Knowing violation of the provisions of (b) of this section
5 is a class A misdemeanor.

6 Sec. 15.14.360. JUDICIAL REVIEW. Judicial review of a final
7 order of the commission may be had by filing a notice of appeal under
8 applicable rules of court governing appeals from administrative agen-
9 cies.

10 Sec. 15.14.370. POWERS OF THE COMMISSION. (a) In connection
11 with an investigation or hearing under AS 15.14.290 - 15.14.330, the
12 commission may compel the attendance of witnesses and production of
13 papers, books, records, accounts, documents, and testimony, and may
14 have the depositions of witnesses taken in a manner prescribed by
15 court rule or law for the taking of depositions in civil actions when
16 consistent with the powers and duties assigned to the commission by
17 law.

18 (b) The commission may examine the papers, books, records,
19 accounts and documents of a person subject to this chapter to deter-
20 mine the correctness of a report filed with the commission or in
21 conjunction with an investigation or inspection conducted under (a) of
22 this section.

23 (c) Subpoenas may be issued and shall be served in the manner
24 prescribed by AS 44.62.430 and court rule. The failure, refusal, or
25 neglect to obey a subpoena is punishable as contempt in the manner
26 prescribed by law or court rule. The superior court may compel obedi-
27 ence to the commission's subpoena in the same manner as prescribed for
28 obedience to a subpoena issued by the court.

29 Sec. 15.14.380. LEGAL COUNSEL. (a) The attorney general is

1 legal counsel for the commission. The attorney general shall advise
2 the commission in legal matters arising out of the discharge of its
3 duties and represent the commission in actions to which it is a party.
4 If, in the opinion of the commission, the public interest warrants,
5 the commission may request the attorney general to appoint a special
6 prosecutor to prosecute alleged misconduct under AS 15.14.230 or
7 15.14.240.

8 (b) When the public interest warrants, and if the attorney
9 general concurs, the commission may employ temporary legal counsel
10 from time to time in matters in which the commission is involved.

11 ARTICLE 6. GENERAL PROVISIONS.

12 Sec. 15.14.900. DEFINITIONS. In this chapter

13 (1) "candidate" means an individual who

14 (A) files for election to the state legislature, for
15 governor, for lieutenant governor, for municipal office, for
16 retention in judicial office, or for constitutional delegate;

17 (B) campaigns as a write-in candidate for an elective
18 office; or

19 (C) accepts contributions totalling \$1,000 or more in
20 the aggregate from another person or political group for the
21 purpose of seeking elective office or retention in judicial
22 office;

23 (2) "contribution"

24 (A) means the purchase, payment, promise or obligation
25 to pay, loan or loan guarantee, deposit or gift of money, goods
26 or services for which charge is ordinarily made and that is made
27 for the purpose of influencing the nomination or election of a
28 candidate or for the purpose of influencing a ballot proposition
29 or question, including the payment by a person other than a

1 candidate or political party, of compensation for the personal
2 services of another person that are rendered to the candidate or
3 political party;

4 (B) does not include

5 (i) services provided without compensation by an
6 individual volunteering on behalf of a candidate or ballot
7 proposition or question, unless the services are volunteered
8 by an individual who would ordinarily be paid a fee or wage
9 for the services and the services are of an aggregate value
10 of \$1,000 or more;

11 (ii) services provided by an accountant or other
12 person to prepare reports and statements required by this
13 chapter;

14 (iii) ordinary hospitality in a home;

15 (3) "expenditure"

16 (A) means a purchase or a transfer of money or any-
17 thing of value or a promise or agreement to purchase or transfer
18 money or anything of value, incurred or made for the purpose of

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

22 (ii) influencing the outcome of a ballot proposi-
23 tion or question; or

24 (iii) providing payment of compensation for the
25 personal services of another person that are rendered to a
26 candidate or political party;

27 (B) does not include a candidate's filing fee or the
28 cost of preparing reports and statements required by this chap-
29 ter;

1 (4) "individual" means a natural person;
2 (5) "municipality" has the meaning given by AS 01.10.-
3 060(4);

4 (6) "person" has the meaning given in AS 01.10.060 but does
5 not include an entity organized to influence an election;

6 (7) "political interest group" means a person or combina-
7 tion of persons, including a political party and its state, regional,
8 or local subdivisions that accepts contributions for the purpose of
9 influencing an election and exercises discretion over the expenditure
10 of the contributions;

11 (8) "political party"

12 (A) means a group of organized voters that

13 (i) claims to represent a political program; and

14 (ii) nominated a candidate for governor who received
15 at least five percent of the total vote cast at the preced-
16 ing general election for governor;

17 (B) does not include the campaign committee of a
18 candidate.

19 * Sec. 2. AS 11.56.130 is amended to read:

20 Sec. 11.56.130. DEFINITION. In AS 11.56.100 - 11.56.130, "bene-
21 fit" has the meaning given [ASCRIBED TO IT] in AS 11.81.900 but does
22 not include

23 (1) political campaign contributions reported under AS 15.-
24 14 [IN ACCORDANCE WITH AS 15.13];

25 (2) concurrence in official action in the cause of legiti-
26 mate compromise between public servants; or

27 (3) support, including a vote, solicited by a public ser-
28 vant or offered by any person in an election.

29 * Sec. 3. AS 15.56.130 is amended to read:

1 Sec. 15.56.130. TIME LIMITATION. Except as provided in AS 15.-
2 14.280, a [A] prosecution for an offense described in the Alaska
3 Election Code (AS 15.05 - 15.60) may not be maintained unless it is
4 begun within one year after the date of the election in connection
5 with which the offense is alleged to have been committed.

6 * Sec. 4. AS 24.45.021(a) is amended to read:

7 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be
8 administered by the Alaska Public Offices Commission established
9 [CREATED] under AS 15.14.020 [AS 15.13.020(a)].

10 * Sec. 5. AS 24.45.091 is amended to read:

11 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the state-
12 ments and reports filed under this chapter shall be made available to
13 the public at the commission's central office, the office of the
14 lieutenant governor, the legislative reference library of the Legisla-
15 tive Affairs Agency, and at the commission's district offices [PRE-
16 SCRIBED IN AS 15.13.020(j)] as soon as practicable after each re-
17 porting period.

18 * Sec. 6. AS 24.60.080 is amended to read:

19 Sec. 24.60.080. GIFTS. Unless otherwise provided for under
20 AS 24.60.030, a person to whom this chapter applies may not solicit a
21 gift in any amount, or accept or receive, directly or indirectly, a
22 gift, whether in the form of money, services, a loan, travel, enter-
23 tainment, hospitality, or other form, if the gift was intended as a
24 reward or inducement for an official action by the person. A gift of
25 travel and hospitality within the state received by a member of the
26 legislature in obtaining information on matters of legislative concern
27 is not prohibited by this section, nor are political contributions
28 received and reported under AS 15.14 [AS 15.13.040].

29 * Sec. 7. AS 29.20.170 is amended to read:

1 Sec. 29.20.170. VACANCIES. The governing body may provide by
2 ordinance the manner in which a vacancy occurs in any elected office
3 except the office of mayor or school board member. Unless otherwise
4 provided by ordinance, the governing body shall declare an elective
5 office, other than the office of mayor or school board member, vacant
6 when the person elected

7 (1) fails to qualify or take office within 30 days after
8 election or appointment;

9 (2) is physically absent from the municipality for 90
10 consecutive days unless excused by the governing body;

11 (3) resigns and the resignation is accepted;

12 (4) is physically or mentally unable to perform the duties
13 of office as determined by two-thirds vote of the governing body;

14 (5) is convicted of a felony or of an offense involving a
15 violation of the oath of office;

16 (6) is convicted of a felony or misdemeanor described in
17 AS 15.56 and two-thirds of the members of the governing body concur in
18 expelling the person elected;

19 (7) is convicted of a violation of AS 15.14 or former
20 AS 15.13;

21 (8) no longer physically resides in the municipality and
22 the governing body by two-thirds vote declares the seat vacant; or

23 (9) if a member of the governing body, misses three con-
24 secutive regular meetings and is not excused.

25 * Sec. 8. AS 29.20.280(a) is amended to read:

26 Sec. 29.20.280. VACANCY IN THE OFFICE OF MAYOR. (a) The gov-
27 erning body shall, by two-thirds concurring vote, declare the office
28 of mayor vacant only when the person elected

29 (1) fails to qualify or take office within 30 days after

1 election or appointment;

2 (2) unless excused by the governing body, is physically
3 absent for 90 consecutive days;

4 (3) resigns and the resignation is accepted;

5 (4) is physically or mentally unable to perform the duties
6 of office;

7 (5) is convicted of a felony or of an offense involving a
8 violation of the oath of office;

9 (6) is convicted of a felony or misdemeanor described in
10 AS 15.56;

11 (7) is convicted of a violation of AS 15.14 or former
12 AS 15.13;

13 (8) no longer physically resides in the municipality; or

14 (9) if a member of the governing body in a second class
15 city, misses three consecutive regular meetings and is not excused.

16 * Sec. 9. AS 39.50.050(a) is amended to read:

17 Sec. 39.50.050. ADMINISTRATION AND INSPECTION. (a) The Alaska
18 Public Offices Commission established [CREATED] under AS 15.14.020
19 [AS 15.13.020(a)] shall administer the provisions of this chapter. The
20 commission shall prepare and keep available for distribution, stan-
21 dardized forms on which the reports required by this chapter shall be
22 filed.

23 * Sec. 10. AS 39.50.200(a) is amended to read:

24 (a) In this chapter:

25 (1) "assistant to the governor" includes any executive,
26 legislative, special, administrative or press assistant to the gover-
27 nor, and any person similarly employed;

28 (2) "child" includes a biological child, an adoptive
29 child, and a stepchild;

1 (3) "commission" means the Alaska Public Offices Commis-
2 sion established [CREATED] under AS 15.14.020 [AS 15.13.020(a)];

3 (4) "instrumentality of the state" means a state depart-
4 ment or agency, whether in the legislative, judicial, or executive
5 branch, including such entities as the University of Alaska and the
6 Alaska State Housing Authority;

7 (5) "judicial officer" means a person appointed as a
8 justice to the supreme court or as a judge to the court of appeals,
9 superior court, district court, or magistrate court;

10 (6) "mother or father" includes a biological parent, an
11 adoptive parent, and a step-parent;

12 (7) "municipal officer" includes a borough or city mayor,
13 borough assemblyman, city councilman, school board member, elected
14 utility board member, city or borough manager, members of a city or
15 borough planning or zoning commission within a home rule or general
16 law city or borough, or a unified municipality;

17 (8) "public official" means a judicial officer, a member
18 of the legislature, the fiscal analyst of the legislative finance
19 division, the legislative auditor of the legislative audit division,
20 the executive director of the Legislative Affairs Agency and the
21 directors of the divisions within the Legislative Affairs Agency, the
22 governor, the lieutenant governor, a person hired or appointed as the
23 head or deputy head of, or director of a division within, a department
24 in the executive branch, and assistant to the governor, chairman or
25 member of a state commission or board, and each appointed or elected
26 municipal officer;

27 (9) "source of income" means the entity for which service
28 is performed or which is otherwise the origin of payment; if the
29 person whose income is being reported is employed by another, the

1 employer is the source of income; but if the person is self- employed
2 by means of a sole proprietorship, partnership, professional corpora-
3 tion, or a corporation in which the person, the person's spouse or
4 children, or a combination of them, hold a controlling interest, the
5 "source" is the client or customer of the proprietorship, partnership
6 or corporation, but if the entity which is the origin of payment is
7 not the same as the client or customer for whom the service is per-
8 formed, both are considered the source;

9 * Sec. 11. AS 39.50.200(b) is repealed and reenacted to read:

10 (b) In this chapter "state commission or board" means the

11 (1) Agricultural Revolving Loan Fund Board (created admin-
12 istratively to assist in administration of AS 03.10);

13 (2) Alaska Coastal Policy Council members and their alter-
14 nates (AS 44.19.155);

15 (3) Alaska Commercial Fisheries Entry Commission (AS 16.-
16 43.020);

17 (4) Alaska Commission on Postsecondary Education (AS 14.-
18 42.015);

19 (5) Alaska Energy Center (AS 46.12);

20 (6) Alaska Housing Finance Corporation (AS 18.56.010 -
21 18.56.210);

22 (7) Alaska Judicial Council (art. IV, sec. 8, Alaska Con-
23 stitution);

24 (8) Alaska Medical Facility Authority (AS 18.26.010 -
25 18.26.900);

26 (9) Alaska Municipal Bond Bank Authority (AS 44.85.020);

27 (10) Alaska Power Authority public directors (AS 44.83.030);

28 (11) Alaska Oil and Gas Conservation Commission (AS 31.05.-
29 005 - 31.05.170);

- 1 (12) Alaska Public Broadcasting Commission (AS 44.21.256);
2 (13) Alaska Public Offices Commission (AS 15.14.020);
3 (14) Alaska Public Utilities Commission (AS 42.05.010);
4 (15) Alaska Resources Corporation (AS 37.12.010);
5 (16) Alaska Royalty Oil and Gas Development Advisory Board
6 (AS 38.06.020);
7 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
8 (18) Alaska State Council on the Arts (AS 44.27.040);
9 (19) Alaska State Housing Authority (AS 18.55.020);
10 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
11 (21) Alcoholic Beverage Control Board (AS 04.06.010);
12 (22) Board of Education (AS 14.07.075);
13 (23) Board of Fisheries (AS 16.05.221(a));
14 (24) Board of Game (AS 16.05.221(b));
15 (25) Board of Parole (AS 33.16.020);
16 (26) Board of Trustees and executive director of the Alaska
17 Permanent Fund Corporation (AS 37.13.040);
18 (27) Commission on Judicial Conduct (art. IV, sec. 10,
19 Alaska Constitution);
20 (28) Council on Domestic Violence and Sexual Assault
21 (AS 18.66.010);
22 (29) Employment Security Advisory Council (AS 23.20.025);
23 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
24 35.010);
25 (31) Governor's Commission on the Administration of Justice
26 (AS 4' 19.110);
27 (32) Local Boundary Commission (AS 44.47.565);
28 (33) Occupational Safety and Health Review Board (AS 18.60.-
29 057);

- 1 (34) Public Employees' Retirement Board (AS 39.35.030);
2 (35) State Assessment Review Board (AS 43.56.040);
3 (36) State Commission for Human Rights (AS 18.80.010);
4 (37) State Personnel Board (AS 39.25.060);
5 (38) University of Alaska Board of Regents (AS 14.40.120);
6 (39) Workers' Compensation Board (AS 23.30.005).

7 * Sec. 12. AS 15.13 is repealed.

8 * Sec. 13. AS 15.56.010(1) and (2) are repealed.

9 * Sec. 14. Alaska Public Office Commission members serving on the
10 effective date of this Act continue to serve out their terms as provided
11 under AS 15.13.020, repealed in sec. 12 of this Act. Vacancies occurring
12 after the effective date of this Act shall be filled in accordance with
13 AS 15.14.020 enacted in sec. 1 of this Act.

14 * Sec. 15. Notwithstanding AS 15.14.010(b) as enacted in sec. 1 of this
15 Act, the election of a municipality held under former AS 15.13.010(a) to
16 exempt its officers from the application of AS 15.13 is confirmed as an
17 exemption from the application of AS 15.14.

18 * Sec. 16. AS 15.14.190 as enacted in sec. 1 of this Act does not apply
19 to campaign accounts for election campaigns held before the effective date
20 of this Act and does not apply to contributions solicited or accepted and
21 to expenditures made for the purpose of retiring campaign debts incurred by
22 a candidate in an election campaign held before the effective date of this
23 Act.

24 * Sec. 17. This Act applies to election campaign activities that take
25 place after January 1, 1987, and that relate to state or municipal elec-
26 tions held after January 16, 1987.

27 * Sec. 18. This Act takes effect January 16, 1987.

Offered: 2/24/86
Referred: Community and Regional
Affairs and Finance

Original sponsor: State Affairs
Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 356 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to election campaign financing and
7 the Alaska Public Offices Commission; and providing
8 for an effective date."

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

10 * Section 1. AS 15 is amended by adding a new chapter to read:

11 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

13 Sec. 15.14.010. APPLICABILITY. (a) This chapter applies in
14 each election for governor, lieutenant governor, a member of the state
15 legislature, a delegate to a constitutional convention, and a judge
16 seeking electoral retention.

17 (b) This chapter applies to each election for mayor, assembly,
18 or school board in a municipality with a population of more than 1,000
19 according to the latest United States census figures or estimates of
20 population certified by the Department of Community and Regional
21 Affairs under AS 29.60.020. A municipality may exempt its elections
22 from the requirements of this chapter if a majority of the voters
23 voting on the question at a regular election as defined by AS 29.71.-
24 800 or a special municipality-wide election called for that purpose
25 vote to exempt its elections from the requirements of this chapter.
26 The question of exemption from the requirements of this chapter may be
27 submitted to the voters by initiative or by the city council or bor-
28 ough assembly by ordinance.

29 (c) This chapter does not prohibit a municipality from

1 additional regulation of campaign contributions and expenditures by
2 ordinance.

3 (d) Except as otherwise provided, this chapter applies to a
4 contribution, an expenditure or a communication made by a candidate, a
5 political action committee, a municipality, or a person for the pur-
6 pose of influencing the outcome of a ballot proposition or question as
7 well as that made to influence the nomination or election of a candi-
8 date.

9 (e) This chapter does not apply to contributions or expenditures
10 made for the sole purpose of acquiring signatures on a state or munic-
11 ipal initiative or referendum petition.

12 Sec. 15.14.020. ALASKA PUBLIC OFFICES COMMISSION. (a) The
13 Alaska Public Offices Commission is established in the Department of
14 Administration.

15 (b) The commission consists of five members.

16 (c) The governor shall appoint two members from each of the two
17 political parties whose candidates for governor received the highest
18 and second highest number of votes in the most recent preceding gener-
19 al election at which a governor was elected. The governor shall
20 appoint each member from a party from a list of four names submitted
21 to the governor by the central committee or other governing body of
22 the party.

23 (d) The four members who were appointed by the governor from
24 nominations submitted by political parties shall, by a majority vote,
25 appoint the fifth member.

26 (e) The governor shall fill a vacancy or appoint a successor to
27 a member appointed under (c) of this section within 30 days after
28 receiving the nominations from the central committee or other govern-
29 ing body of the party. An appointment may be made in anticipation of

1 an impending vacancy, and the appointment takes effect on the actual
2 vacancy.

3 (f) When the term of the member appointed under (d) of this
4 section expires or the position becomes vacant, a majority of the four
5 members appointed under (c) of this section shall appoint a successor
6 within 30 days after the position becomes vacant. An appointment may
7 be made in anticipation of an impending vacancy, and the appointment
8 takes effect on the actual vacancy.

9 (g) The term of office for each member of the commission is five
10 years and until a successor is appointed and qualifies. If a vacancy
11 occurs before the expiration of a member's term, the member appointed
12 to fill the vacancy serves for the remainder of the unexpired term. A
13 commission member may not serve more than one term, but a person
14 appointed to fill an unexpired term may be appointed to a successive
15 full five-year term.

16 (h) A member of the commission, during tenure, may not

17 (1) hold or campaign for elective office;

18 (2) be an officer of a political party, political commit-
19 tee, or political action committee;

20 (3) publicly support or oppose or make a contribution in
21 support of or in opposition to a candidate or proposition or question
22 that appears on a state, municipal or other ballot in the state;

23 (4) participate in an election campaign or participate in
24 or contribute to a political party; or

25 (5) lobby, employ, or assist a lobbyist.

26 (i) Members of the commission are entitled to receive compen-
27 sation of \$100 a day while attending commission meetings and are
28 entitled to travel expenses and per diem authorized by law for state
29 employees.

1 (j) The members of the commission shall elect a chairman. A
2 majority of the commission constitutes a quorum. The affirmative vote
3 of at least three members is required to take official action. A
4 vacancy does not impair the power of the remaining members to exercise
5 the powers of the commission.

6 (k) The commission may employ an executive director and other
7 employees it considers necessary. The executive director and an
8 employee of the commission may not, during tenure,

9 (1) serve as a member of the commission;

10 (2) engage in an activity described in (h) of this section.

11 (1) The commission shall establish a central office and shall
12 establish or designate a commission office in each election district
13 of the state for the filing and public inspection of the reports,
14 registrations, or statements required to be filed with the commission.
15 Only one commission office may be established or designated in a
16 municipality that contains more than one election district. A dis-
17 trict office designated under this subsection may be a municipal or
18 other public office.

19 (m) The forms and material required for compliance with this
20 chapter shall be made available in each commission office to candi-
21 dates, persons, and political action committees required to file
22 reports under this chapter.

23 (n) The commission shall promptly forward a copy of each report
24 filed by a statewide candidate to each district office and it shall
25 promptly forward a copy of each report filed by a legislative candi-
26 date to the district office in the election district where the candi-
27 date is seeking office.

28 (o) The commission shall ensure that copies of each report filed
29 by a candidate for municipal office are made available for public

1 inspection in the municipality in which the candidate is seeking
2 office.

3 Sec. 15.14.030. DUTIES OF THE COMMISSION. The commission shall

4 (1) develop and provide forms for the reports, registra-
5 tions, and statements required under this chapter, AS 24.45, and
6 AS 39.50;

7 (2) prepare and publish a manual setting out uniform meth-
8 ods of bookkeeping and reporting for use by persons required to make
9 reports, registrations, and statements under this chapter and other-
10 wise assist candidates, political action committees, and persons in
11 complying with this chapter;

12 (3) receive and hold open for public inspection reports,
13 registrations, and statements required to be filed under this chapter
14 and, upon request, furnish copies to an interested person at cost;

15 (4) compile and maintain a current list of each report,
16 registration, and statement filed with the commission;

17 (5) prepare a summary of each report, registration, or
18 statement filed under this chapter and make a copy of the summary
19 available to an interested person at cost;

20 (6) notify, by registered or certified mail, each person
21 whom the commission or its staff has probable cause to believe is
22 delinquent in filing a report, registration, or statement required
23 under this chapter;

24 (7) compile within 60 days after each election a list of
25 the names of all persons, candidates, and political action committees
26 who have failed to timely file a report, registration, or statement
27 required under this chapter and make the list available to the public;

28 (8) examine, investigate, and compare reports, registra-
29 tions, statements, and actions required by this chapter, AS 24.45, and

1 AS 39.50;

2 (9) prepare and publish an annual report to the legislature
3 concerning the activities of the commission, the effectiveness of this
4 chapter, and recommendations and proposals for change;

5 (10) adopt regulations necessary to implement and clarify
6 the provisions of this chapter, AS 24.45, and AS 39.50, subject to the
7 provisions of the Administrative Procedure Act (AS 44.62).

8 ARTICLE 2. REGISTRATION AND REPORTS.

9 Sec. 15.14.040. REGISTRATION BY CANDIDATES. (a) An individual
10 shall register with the commission on a form prescribed by the commis-
11 sion within 10 days after the individual either

12 (1) accepts contributions of \$1,000 or more in the aggre-
13 gate from persons or from political action committees for the purpose
14 of seeking elective office; or

15 (2) files for an elective office.

16 (b) The registration under (a) of this section must designate
17 the office and the year of the election for which the campaign will be
18 conducted, and designate whether the election is for a state or a
19 municipal office.

20 (c) An individual required to register under this section shall
21 include with the registration information required under AS 15.14.160.

22 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

23 (a) A political action committee shall register with the commission
24 on a form prescribed by the commission within 10 days after the polit-
25 ical action committee either

26 (1) accepts contributions of \$1,000 in the aggregate; or

27 (2) makes

28 (A) a contribution to an individual who has registered
29 with the commission under AS 15.14.040; or

1 (B) an expenditure in support of or in opposition to
2 the election of an individual to an office covered by this chap-
3 ter, or on behalf of or in opposition to a ballot proposition or
4 question.

5 (b) A political action committee formed solely for the purpose
6 of sponsoring an initiative, a referendum or a recall shall register
7 with the commission within 30 days after it files a petition with the
8 lieutenant governor or with a municipal clerk.

9 (c) The registration of a political action committee is valid
10 from the date of registration until the following January 31.

11 (d) A political action committee may not use or file with the
12 commission a name that is the same as or materially similar to the
13 name of a political action committee whose registration is then on
14 file with the commission.

15 (e) If a political action committee intends to support or oppose
16 only one candidate or to contribute to or expend more than 50 percent
17 of its funds on behalf of or in opposition to one candidate, the name
18 of the candidate must be part of the name of the political action
19 committee. On receipt of the registration, the commission shall
20 promptly notify the candidate of the political action committee's
21 organization and its intent.

22 (f) A political action committee that makes expenditures or re-
23 ceives contributions with the authorization or consent, express or
24 implied, or under the control, direct or indirect, of a candidate is
25 controlled by the candidate. A contribution to a political action
26 committee controlled by a candidate is a contribution to the candi-
27 date.

28 (g) A political action committee required to register under this
29 section shall include with the registration the information required

1 under AS 15.14.160 and shall designate the year of the election for
2 which the campaign will be conducted or shall indicate that it antici-
3 pates continuing existence.

4 Sec. 15.14.060. REPORTS BY CANDIDATES OF CONTRIBUTIONS, LOANS,
5 AND EXPENDITURES. (a) A candidate shall make full reports upon a
6 form prescribed by the commission of the contributions and loans
7 received and the expenditures made by the candidate for the designated
8 election campaign, including

9 (1) for each individual, person, or political action com-
10 mittee from which contributions in the aggregate amount of \$250 or
11 more were received:

12 (A) the full name, complete address, principal occupa-
13 tion, and employer of each individual;

14 (B) the full name, complete address, and principal
15 business activity of each person other than an individual;

16 (C) the full name, complete address, and principal
17 area of interest of each political action committee; and

18 (D) the date and amount of each contribution;

19 (2) for each person or political action committee that lent
20 any amount to the candidate or that guaranteed or otherwise agreed to
21 assume a financial obligation in any amount for or on behalf of a
22 candidate,

23 (A) the full name, complete address, principal occupa-
24 tion, and employer of each individual;

25 (B) the full name, complete address, and principal
26 business activity of each person other than an individual;

27 (C) the full name, complete address, and principal
28 area of interest of each political action committee;

29 (D) the purpose of the loan;

1 (E) the date and total value of the loan or financial
2 obligation;

3 (F) the interest rate of the loan or financial obliga-
4 tion;

5 (G) the date the loan or financial obligation is due;
6 and

7 (H) the security, if any, for the loan or financial
8 obligation;

9 (3) the total number and amount of all contributions re-
10 ceived of less than \$250;

11 (4) a total of all contributions received;

12 (5) the total of all expenditures made or obligated;

13 (6) the total amount of all funds that the candidate con-
14 tributed or lent to the campaign of the candidate; and

15 (7) the date, check number, the amount of the check, the
16 full name of the payee, and the purpose of each expenditure.

17 (b) A report containing the information required under (a) of
18 this section must list the contributions and loans received and the
19 expenditures made during the period ending three days before the due
20 date of the report and beginning on the last day covered by the most
21 recent previous report. The report shall be filed in the central
22 office or a district office of the commission at the following times:

23 (1) 30 days before the election unless the deadline for
24 filing a nominating petition or declaration of candidacy is less than
25 34 days before the election;

26 (2) seven days before the election.

27 (c) A candidate shall file a special contribution, loan, or
28 expenditure report with the commission for each contribution, loan, or
29 expenditure of \$500 or more that is received within the last 10 days

1 before the election. The report must include the full name, complete
2 address, principal occupation and employer of the contributor or
3 lender and the date and amount of the contribution or loan, or the
4 purpose of the expenditure. The report shall be filed within 24 hours
5 after the contribution or loan is received.

6 (d) A candidate shall file an annual report on or before Janu-
7 ary 31 of each year. The annual report must include all of the infor-
8 mation required under (a) of this section for contributions and loans
9 received and expenditures made between January 1 and December 31 of
10 the immediately preceding year, except that an annual report filed by
11 January 31 following the year in which an election designated under
12 AS 15.14.040(b) is held

13 (1) need include only the contributions, loans, and expen-
14 ditures that were not reported to the commission in the reports re-
15 quired under (b) and (c) of this section;

16 (2) must include contributions and loans received and
17 expenditures made through the date that a campaign account is required
18 to be closed under AS 15.14.180; and

19 (3) must include the amount and the disposition of surplus
20 funds.

21 (e) The report required under (d) of this section covering
22 contributions and loans received and expenditures made during the year
23 in which an election designated under AS 15.14.040(b) is held is the
24 final report for contributions, loans, and expenditures of a candi-
25 date.

26 Sec. 15.14.070. REPORTS BY POLITICAL ACTION COMMITTEES OF CON-
27 TRIBUTIONS, LOANS, AND EXPENDITURES. (a) A political action commit-
28 tee shall make a report on a form prescribed by the commission of
29 contributions and loans received by the political action committee,

1 including
2 (1) for each individual, person, or political action com-
3 mittee from which contributions in the aggregate amount of \$250 or
4 more were received:
5 (A) the full name, complete address, principal occupa-
6 tion, and employer of each individual;
7 (B) the full name, complete address, and principal
8 business activity of each person other than an individual;
9 (C) the full name, complete address, and principal
10 area of interest of each political action committee; and
11 (D) the date and amount of each contribution;
12 (2) for each person or other political action committee
13 that lent any amount to the reporting political action committee or
14 that guaranteed or otherwise agreed to assume a financial obligation
15 in any amount for or on behalf of the reporting political action
16 committee,
17 (A) the full name, complete address, principal occupa-
18 tion, and employer of each individual;
19 (B) the full name, complete address, and principal
20 business activity of each person other than an individual;
21 (C) the full name, complete address, and principal
22 area of interest of each political action committee;
23 (D) the purpose of the loan;
24 (E) the date and total value of the loan or financial
25 obligation;
26 (F) the interest rate of the loan or financial obli-
27 gation;
28 (G) the date the loan or financial obligation is due;
29 and

1 (H) the security, if any, for the loan or financial
2 obligation;

3 (3) the total number and amount of all contributions re-
4 ceived of less than \$250;

5 (4) a total of all contributions received;

6 (5) a total of all expenditures made or obligated;

7 (6) the date, check number, the amount of the check, full
8 name of each payee, and the purpose of each expenditure including

9 (A) for each expenditure that is a contribution to a
10 candidate or a political action committee, the name of the candi-
11 date or political action committee; and

12 (B) for each expenditure that is an independent expen-
13 diture, the name of the candidate or ballot proposition or ques-
14 tion supported or opposed by the independent expenditure.

15 (b) A report containing the information required under (a) of
16 this section must list the contributions and loans received and
17 expenditures made during the period ending three days before the due
18 date of the report and beginning on the last day covered by the most
19 recent previous report. The report shall be filed in the central
20 office or a district office of the commission at the following times:

21 (1) 30 days before the election;

22 (2) seven days before the election.

23 (c) A political action committee shall file a special contribu-
24 tion or loan report with the commission for each contribution or loan
25 of \$500 or more that is received within the last 10 days before the
26 election. The report must include the full name, complete address,
27 principal occupation and employer of the contributor or lender and the
28 date and amount of the contribution or loan. The report shall be
29 filed within 24 hours after the contribution or loan is received.

1 (d) A political action committee shall file an annual report on
2 or before January 31 of each year. The annual report must include all
3 of the information required under (a) of this section for contribu-
4 tions and loans received and expenditures made between January 1 and
5 December 31 of the immediately preceding year, except that an annual
6 report covering contributions and loans received and expenditures made
7 during the year in which an election designated under AS 15.14.050(f)
8 is held need include only those contributions, loans, and expenditures
9 that were not reported to the commission in the reports required under
10 (b) and (c) of this section. If the political action committee has
11 not indicated a continuing existence under AS 15.14.050(g), the report
12 filed under this section is the final report.

13 Sec. 15.14.080. STATEMENT BY PERSON MAKING CONTRIBUTION OR
14 EXPENDITURE. (a) A person who makes contributions of \$250 or more in
15 the aggregate in goods, services, or money to a candidate or political
16 action committee or who makes independent expenditures described in
17 AS 15.14.090 with a value of \$250 or more in the aggregate to influ-
18 ence the election of a candidate or the passage of a ballot proposi-
19 tion or question shall make and file in the central or a district
20 office of the commission a signed statement on a form made available
21 by the commission reporting the activity within 10 days after the
22 contribution or expenditure is made.

23 (b) The statement must list the name, address, principal occupa-
24 tion, and employer of the person who paid for the contribution or
25 expenditure and include the date, amount, payee, and purpose of the
26 contribution or expenditure.

27 (c) The statement must include a certification by the person
28 making the statement that the contribution or expenditure consists of
29 funds or property belonging to the contributor and that the funds have

1 not been given or furnished by another person or political action
2 committee.

3 (d) The person filing the statement shall furnish a copy of the
4 statement to the candidate or the campaign treasurer of the political
5 action committee at the time the statement is filed with the commis-
6 sion.

7 Sec. 15.14.090. INDEPENDENT EXPENDITURE. (a) An independent
8 expenditure is an expenditure by a person or political action commit-
9 tee for a communication expressly advocating the election or defeat of
10 a clearly identified candidate that is made without arrangement,
11 coordination, or direction with or by the candidate or the agent of
12 the candidate before the publication, distribution, display, or broad-
13 cast of the communication. An expenditure is a contribution and not
14 an independent expenditure if it is based on information about the
15 candidate's plans, projects, or needs provided to the expending person
16 or political action committee by the candidate or by an agent of the
17 candidate with a view toward having an expenditure made.

18 (b) An expenditure is made in coordination with the candidate or
19 the agent of the candidate if it is made by or in consultation with a
20 person

21 (1) who is or within one year before the date of the expen-
22 diture has been authorized by the candidate or by a campaign officer
23 to raise or expend funds on behalf of the candidate;

24 (2) who is or within one year before the date of the expen-
25 diture has been an officer of a campaign committee of the candidate;
26 or

27 (3) who is or within one year before the date of the expen-
28 diture has been receiving any form of compensation or reimbursement
29 from the candidate or from campaign funds for professional services

1 that require the exercise of discretion or judgment relating to the
2 conduct of the campaign.

3 (c) In this section, an "agent of the candidate" means an indi-
4 vidual

5 (1) who has actual oral or written authority, either ex-
6 press or implied, to make or to authorize the making of an expenditure
7 on behalf of a candidate; or

8 (2) who has been placed in a position within the campaign
9 organization where it would reasonably appear that in the ordinary
10 course of campaign related activities the individual may authorize an
11 expenditure.

12 Sec. 15.14.100. CERTIFICATION OF REPORTS. Each report, regis-
13 tration, or statement required under this chapter shall be certified
14 as correct by the campaign treasurer of the candidate, by the campaign
15 treasurer of the political action committee, or by the person making
16 the report, registration, or statement. The report, registration, or
17 statement must include or be accompanied by the following certifica-
18 tion signed by the individual filing the report, registration, or
19 statement:

20 "I certify that, to the best of my knowledge, this report
21 is true, correct, and complete."

22 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

23 Sec. 15.14.110. CONTRIBUTIONS BY A PERSON. (a) A person may
24 not make a contribution in the form of a cash payment in excess of
25 \$100 in the aggregate during a calendar year to a candidate or a
26 political action committee.

27 (b) A person may not make a contribution in excess of \$2,000 in
28 the aggregate during a calendar year in money, goods, or services to a
29 candidate.

1 (c) Except as provided in (d) of this section, a person may not
2 make a contribution in excess of \$2,000 in the aggregate during a
3 calendar year in money, goods, or services to a political action
4 committee.

5 (d) Except as provided in (a) of this section, a person may
6 contribute any amount in money, goods, or services

7 (1) to a political action committee formed solely for the
8 purpose of sponsoring or opposing an initiative or referendum; or

9 (2) to a political party.

10 (e) An individual or person may not make a contribution in any
11 amount to a candidate or political action committee in the form of a
12 loan or loan guarantee. This subsection does not prohibit

13 (1) a contribution in the form of a loan by a candidate or
14 the spouse, parent, or child of the candidate to the campaign of the
15 candidate; or

16 (2) an extension of credit by a person providing goods or
17 services in the normal course of business to a political action com-
18 mittee, a candidate, or a candidate's campaign.

19 Sec. 15.14.120. CONTRIBUTIONS BY A POLITICAL ACTION COMMITTEE.

20 (a) A political action committee may not make a contribution in the
21 form of a cash payment in excess of \$100 in the aggregate during a
22 calendar year to a candidate or political action committee.

23 (b) Except as provided in (c) of this section, a political
24 action committee may not contribute or make an expenditure, other than
25 as an independent expenditure, of more than \$2,000 in the aggregate
26 during a year to a candidate or to a political action committee, and
27 may not contribute more than \$25,000 in the aggregate during a calen-
28 dar year to candidates or political action committees generally, other
29 than to political action committees formed solely for the purpose of

1 supporting or opposing a ballot proposition or question.

2 (c) Except as provided in (a) of this section, a political
3 action committee may contribute any amount in money, goods, or ser-
4 vices to

5 (1) a political action committee formed solely for the pur-
6 pose of sponsoring or opposing an initiative or referendum; or

7 (2) a political party.

8 (d) A political action committee may not make a loan or a loan
9 guarantee to a candidate or to another political action committee.

10 (e) Two or more political action committees sharing a majority
11 of their officers are considered to be a single group for purposes of
12 the contribution limitations under (a) and (b) of this section.

13 (f) An expenditure for a communication in support of the elec-
14 tion of more than one candidate shall be prorated equally among the
15 candidates for purposes of calculating the amount of the expenditure
16 made on behalf of one of the candidates.

17 (g) A political party and its state, regional, and local subdi-
18 visions are not subject to the limitations prescribed in this section,
19 but each is subject to the reporting requirements of AS 15.14.070.

20 Sec. 15.14.130. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
21 candidate, a campaign officer of a candidate, a political action
22 committee, and an officer of a political action committee may not
23 accept a contribution in the form of a cash payment in excess of \$100
24 in the aggregate during a year from a person or a political action
25 committee.

26 (b) A candidate and a campaign officer of a candidate may not
27 accept a contribution in excess of \$2,000 in the aggregate during a
28 calendar year in money, goods, or services from a person or a politi-
29 cal action committee.

1 (c) Except as provided in this subsection, a political action
2 committee and an officer of a political action committee may not
3 accept a contribution in excess of \$2,000 in the aggregate during a
4 calendar year in money, goods, or services from a person or a politi-
5 cal action committee. A political party or a political action com-
6 mittee formed solely for the purpose of sponsoring or opposing an
7 initiative or a referendum may

8 (1) accept any amount in money, goods, or services;

9 (2) not accept a contribution in the form of a cash payment
10 in excess of \$100 in the aggregate during a calendar year from a
11 person.

12 (d) A candidate and a political action committee may not accept
13 a contribution in the form of a loan or a loan guarantee.

14 Sec. 15.14.140. EXPENDITURES. (a) A political party may make a
15 contribution or expenditure of money, goods, or services without
16 limitation as to amount or value.

17 (b) Except as provided under AS 15.14.170, a candidate may make
18 expenditures of money, goods, or services on behalf of the candidate's
19 own campaign without limitation as to amount or value.

20 (c) A person or political action committee may make an indepen-
21 dent expenditure as defined in AS 15.14.090 of money, goods, or ser-
22 vices without limitation as to amount or value on behalf of or in
23 opposition to a candidate or ballot proposition.

24 Sec. 15.14.150. PROHIBITED CONTRIBUTIONS. (a) A contribution
25 may not be made and an expenditure may not be made or incurred either
26 directly or indirectly in a fictitious name, anonymously, or by one
27 person or political action committee in the name of another. A con-
28 tribution made by a corporation is not a contribution in the name of a
29 shareholder of the corporation for the purposes of this subsection.

1 (b) A contribution made by a person wishing to remain anonymous
2 and received by a candidate or political action committee may not be
3 accepted, but shall be returned to the donor if the identity of the
4 donor is known. If the identity of the donor is not known, the con-
5 tribution shall be donated to an organization that qualifies as a
6 charitable organization under 26 U.S.C. 501(c).

7 (c) A candidate, a campaign officer of a candidate, political
8 action committee, and a campaign officer of a political action commit-
9 tee may not accept a contribution described in this section. A con-
10 tribution under this section is accepted unless it is returned or
11 donated under (b) of this section within 10 days after the candidate
12 or political action committee knows or should have known that the con-
13 tribution is prohibited under this section.

14 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

15 Sec 15.14.160. CAMPAIGN OFFICERS. (a) Each candidate may and
16 each political action committee shall appoint a campaign chairman.
17 Each candidate and each political action committee shall appoint a
18 campaign treasurer who is responsible for receiving, holding, and
19 disbursing all contributions and expenditures, and for filing all
20 reports and statements required by law. Each candidate and each
21 political action committee may appoint deputy campaign treasurers at
22 any time. A candidate may be a campaign treasurer.

23 (b) At the time a candidate registers with the commission under
24 AS 15.14.040, the candidate shall file a statement in the central or a
25 district office of the commission listing the name, address, and
26 telephone number of the candidate's campaign treasurer. At the time a
27 political action committee registers with the commission under AS 15.-
28 14.050, the political action committee shall file a statement in the
29 central or a district office of the commission listing the name,

1 address, and telephone number of the political action committee's
2 campaign treasurer. Each candidate who appoints a campaign chairman
3 and each political action committee shall include in the statement the
4 name, address, and telephone number of the campaign chairman.

5 (c) An individual may not act as the campaign chairman, campaign
6 treasurer, or deputy campaign treasurer for a candidate or political
7 action committee until the name, address, and telephone number of the
8 individual has been filed with the commission. The address of a
9 candidate's campaign treasurer is the address of the candidate unless
10 the candidate files a different mailing address with the commission.

11 (d) In the case of the death, resignation, or removal of a
12 campaign officer required to be appointed under this section, the
13 candidate or political action committee shall file the name, address,
14 and telephone number of the successor in the central or a district
15 office of the commission within 10 days after the vacancy occurs.

16 (e) A candidate may receive contributions and make expenditures
17 only in person or through a campaign chairman, a campaign treasurer,
18 or a deputy campaign treasurer. A political action committee may re-
19 ceive contributions and make expenditures only through the campaign
20 chairman, campaign treasurer, or deputy campaign treasurer of the
21 political action committees. A person does not receive or make a
22 contribution under this section on behalf of a candidate or political
23 action committee if

24 (1) the person solicits a contribution and transfers or
25 delivers that contribution to a candidate or a campaign officer of a
26 candidate or political action committee and discloses to the candidate
27 or political action committee the identity of the contributor;

28 (2) the person does not exercise discretion or control as
29 to the amount or as to the identity of the recipient of the contribu-

1 tion; and

2 (3) the person is not a campaign officer of the candidate
3 or political action committee ultimately receiving the contribution.

4 (f) The candidate is responsible for the performance of the
5 campaign officers of the candidate. The campaign chairman of a polit-
6 ical action committee is responsible for the performance of the other
7 officers of the political action committee. A default or violation by
8 the officer is considered a default or violation by the candidate if
9 the candidate knew or had reason to know of the default or violation.
10 A default or violation by the officer of the political action commit-
11 tee is considered a default or violation by the campaign chairman of
12 the political action committee if the campaign chairman knew or had
13 reason to know of the default or violation.

14 Sec. 15.14.170. USE OF CAMPAIGN FUNDS. (a) Campaign funds
15 received by a candidate or by a political action committee may be used
16 only to

17 (1) influence or attempt to influence the actions of the
18 voters for or against the election of a candidate or the passage or
19 defeat of a ballot proposition or question; or

20 (2) repay a loan made to the campaign of the candidate.

21 (b) Campaign funds may not be used to repay a loan not timely
22 reported as a loan under AS 15.14.060(a)(2).

23 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
24 190.

25 Sec. 15.14.180. TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF
26 CAMPAIGN ACCOUNTS. (a) A candidate shall close each campaign account
27 relating to a designated election campaign on or before one of the
28 following dates:

29 (1) for a legislative or statewide candidate in the general

1 election, the date on which the successful candidate in the designated
2 election is sworn into office;

3 (2) for a candidate in a municipal election, 30 days after
4 the date of the election;

5 (3) for a candidate who loses in a primary election, 30
6 days after the date of the election;

7 (4) for a candidate who withdraws before an election, 30
8 days after filing a notice of withdrawal; or

9 (5) for a candidate who withdraws after registering under
10 AS 15.40.040 but before filing for office, 30 days after the deadline
11 for filing a declaration of candidacy or a nominating petition;

12 (6) for a judicial candidate or a delegate to a constitu-
13 tional convention, 30 days after the date of the election.

14 (b) A candidate and a campaign officer of a candidate may not
15 solicit or accept a contribution for the designated election campaign
16 after the date on which the candidate is required to close campaign
17 accounts under (a) of this section.

18 (c) A candidate and a campaign officer of a candidate may not
19 make expenditures of any kind, except for the disposition of surplus
20 funds, after the date on which the candidate is required to close
21 campaign accounts under (a) of this section for

22 (1) goods or services provided to the candidate with re-
23 spect to the designated election campaign;

24 (2) the payment of campaign debts to an individual, person,
25 or political action committee; or

26 (3) the payment of loans made by the candidate to the
27 campaign of the candidate.

28 Sec. 15.14.190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
29 dispose of campaign funds that are not spent during the designated

1 election campaign by

2 (1) donating the funds to an organization that qualifies as
3 a charitable organization under 26 U.S.C. 501(c);

4 (2) donating the funds to the general fund of the state or
5 of a municipality organized under AS 29;

6 (3) after registering with the commission under AS 15.14.-
7 040, transferring the funds to a newly designated election campaign
8 account for a designated state election to be held not more than four
9 years after the election designated under AS 15.14.040(b);

10 (4) paying an individual who worked in the candidate's
11 designated election campaign;

12 (5) transferring the funds to an account for the office, in
13 the case of a successful candidate only, and using the funds only for
14 communication with constituents and other voters in the state by
15 telephone or newsletter;

16 (6) returning the funds to contributors on a pro rata
17 basis.

18 (b) A candidate shall dispose of surplus funds under (a) of this
19 section before the date on which a final report of expenditures is
20 required to be filed under AS 15.14.070.

21 Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public
22 officer or employee of the state or of a municipality of the state may
23 not, while on the premises of a state or municipal office, solicit or
24 request a contribution to a candidate, political action committee or
25 political party.

26 (b) A public officer or employee of the state may not solicit or
27 request another public officer or employee to contribute to a candi-
28 date, political action committee, or political party while the other
29 public officer or employee is on the premises of a state or municipal

1 office.

2 (c) A candidate, an officer of a candidate, a political action
3 committee, and an officer of a political action committee may not
4 knowingly accept a contribution obtained in violation of this section.

5 (d) Subsections (a) and (b) of this section do not apply to a
6 public officer elected to office by popular vote.

7 Sec. 15.14.210. IDENTIFICATION OF COMMUNICATION. (a) An adver-
8 tisement, billboard, handbill, paid-for television or radio announce-
9 ment, or other communication intended to influence the election of a
10 candidate or the outcome of a ballot proposition or question shall be
11 clearly identified by the words "paid for by" followed by the name and
12 address of the candidate, political action committee, or the person or
13 persons paying for the communication.

14 (b) A person or political action committee making an independent
15 expenditure for an item described in (a) of this section shall, within
16 the printed material or during a broadcast, state: "This communication
17 was not authorized by any candidate."

18 (c) The information required under (a) and (b) of this section
19 need not be included on an object used for a campaign advertisement,
20 if the object is one that the commission, by regulation, has deter-
21 mined is too small to practicably include the information.

22 ARTICLE 5. VIOLATIONS, CIVIL PENALTIES, AND PROCEDURES.

23 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
24 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
25 file a report of contributions or expenditures required to be filed 30
26 days or seven days before an election under AS 15.14.060(b) or fails
27 to file a report within 24 hours after receiving a contribution or
28 making an expenditure under AS 15.14.060(c) is subject to a civil
29 penalty of not less than \$100 nor more than \$300 for each day that the

1 report is due but not filed up to a maximum of \$25,000 for each
2 report.

3 (b) A political action committee that, with intent to avoid
4 disclosure, fails to file a report of contributions or expenditures
5 required to be filed 30 days or seven days before an election under
6 AS 15.14.070(b) or fails to file a report within 24 hours after re-
7 ceiving a contribution or making an expenditure under AS 15.14.070(c)
8 is subject to a civil penalty of not less than \$100 nor more than \$300
9 for each day that the report is due but not filed up to a maximum of
10 \$25,000 for each report.

11 (c) A person who, with intent to avoid disclosure, files a
12 report of contributions or expenditures containing a false or mislead-
13 ing statement as to a contributor, contribution, loan, or expenditure
14 required to be included in a report under AS 15.14.060(a) is subject
15 to a civil penalty

16 (1) of not less than \$500 nor more than \$5,000 for each
17 false or misleading statement; and

18 (2) not to exceed twice the amount of the contribution or
19 expenditure involving the false or misleading statement.

20 (d) A political action committee that, with intent to avoid
21 disclosure, files a report of contributions or expenditures containing
22 a false or misleading statement as to a contributor, contribution,
23 loan, or expenditure required to be included in a report under AS 15.-
24 14.070(a) is subject to a civil penalty

25 (1) of not less than \$500 nor more than \$5,000 for each
26 false or misleading statement; and

27 (2) not to exceed twice the amount of the contribution or
28 expenditure involving the false or misleading statement.

29 (e) A person who knowingly makes a contribution in excess of the

1 \$2,000 limitation under AS 15.14.110(b) or (c) is subject to a civil
2 penalty

- 3 (1) of not less than \$1,000 nor more than \$5,000; and
4 (2) not to exceed twice the amount that the contribution
5 exceeds the limitation.

6 (f) A political action committee that knowingly makes a contri-
7 bution in excess of the \$2,000 limitation under AS 15.14.120(b) or in
8 excess of the \$25,000 limitation under AS 15.14.120(b) is subject to a
9 civil penalty

- 10 (1) of not less than \$1,000 nor more than \$5,000; and
11 (2) not to exceed twice the amount that the contribution
12 exceeds the limitation.

13 (g) Except as provided in AS 15.14.130(c), a political action
14 committee that knowingly accepts a contribution in excess of the
15 \$2,000 limitation established in AS 15.14.130(c) is subject to a civil
16 penalty

- 17 (1) of not less than \$1,000 nor more than \$5,000; and
18 (2) not to exceed twice the amount that the contribution
19 exceeds the limitation.

20 (h) A person who knowingly makes a contribution in the form of
21 cash during the year of more than \$100 in the aggregate in violation
22 of AS 15.14.110(a) is subject to a civil penalty of

- 23 (1) not less than \$100 nor more than \$1,000 if the contri-
24 bution is less than \$500, in the aggregate; and
25 (2) an additional civil penalty of not to exceed twice the
26 amount of the cash contribution if it amounts to \$500 or more in the
27 aggregate.

28 (i) A political action committee that knowingly makes a contri-
29 bution in the form of cash during the year of more than \$100 in the

1 aggregate in violation of AS 15.14.120(a) is subject to a civil
2 penalty of

3 (1) not less than \$100 nor more than \$1,000 if the contri-
4 bution is less than \$500, in the aggregate; and

5 (2) an additional civil penalty of not to exceed twice the
6 amount of the cash contribution if it amounts to \$500 or more in the
7 aggregate.

8 (j) A person or political action committee that knowingly ac-
9 cepts a contribution in the form of cash during the year of more than
10 \$100 in the aggregate in violation of AS 15.14.130(a) is subject to a
11 civil penalty of

12 (1) not less than \$100 nor more than \$1,000 if the contri-
13 bution is less than \$500, in the aggregate; and

14 (2) an additional civil penalty of not to exceed twice the
15 amount of the cash contribution if it amounts to \$500 or more in the
16 aggregate.

17 (k) A person or political action committee that, with intent to
18 avoid disclosure, makes or accepts a contribution in violation of
19 AS 15.14.150(a) or (c) is subject to a civil penalty of

20 (1) not less than \$500 nor more than \$5,000; and

21 (2) if the contribution amounts to \$500 or more, an addi-
22 tional civil penalty of not to exceed twice the amount of the contri-
23 bution.

24 (l) A person or political action committee that knowingly ac-
25 cepts a contribution obtained in violation of AS 15.56.025 through a
26 threat of physical force, job discrimination, or financial reprisals
27 is subject to a civil penalty of not less than \$1,000 nor more than
28 \$10,000.

29 (m) A person or political action committee that intentionally

1 solicits or requests a contribution from a public officer or employee
2 of the state or a municipality of the state in a manner prohibited
3 under AS 15.14.200(a) or (b) is subject to a civil penalty of not less
4 than \$500 nor more than \$5,000.

5 (n) A person or political action committee that knowingly ac-
6 cepts a contribution from a public officer or employee of the state or
7 a municipality of the state in a manner prohibited under AS 15.14.-
8 200(a) or (b) is subject to a civil penalty of not less than \$500 nor
9 more than \$5,000.

10 Sec. 15.14.230. CAMPAIGN FINANCING VIOLATIONS IN THE SECOND
11 DEGREE. (a) A person who fails to file a report of contributions or
12 expenditures required to be filed 30 days or seven days before an
13 election under AS 15.14.060(b) or fails to file a report within 24
14 hours after receiving a contribution or making an expenditure under
15 AS 15.14.060(c) is subject to a civil penalty of not less than \$25 nor
16 more than \$100 for each day that the report is due but not filed up to
17 a maximum of \$5,000 for each report.

18 (b) A political action committee that fails to file a report of
19 contributions or expenditures required to be filed 30 days or seven
20 days before an election under AS 15.14.070(b) or fails to file a
21 report within 24 hours after receiving a contribution or making an
22 expenditure under AS 15.14.070(c) is subject to a civil penalty of not
23 less than \$25 nor more than \$100 for each day that the report is due
24 but not filed up to a maximum of \$5,000 for each report.

25 (c) A person who fails to file a report, registration, or state-
26 ment required to be filed under this chapter, other than a report
27 described in (a) or (b) of this section, is subject to a civil penalty
28 of not less than \$10 nor more than \$100 per day for each day that the
29 report, registration, or statement is due but not filed, up to a

1 maximum fine of \$3,000 for each report, registration, or statement.

2 (d) A person who files a report of contributions or expenditures
3 containing a false or misleading statement as to a contributor, con-
4 tribution, loan, or expenditure required to be included in a report
5 under AS 15.14.060(a) is subject to a civil penalty

6 (1) of not less than \$50 nor more than \$500 for each false
7 or misleading statement; and

8 (2) not to exceed the amount of the contribution or expen-
9 diture involving the false or misleading statement.

10 (e) A political action committee that files a report of contri-
11 butions or expenditures containing a false or misleading statement as
12 to a contributor, contribution, loan, or expenditure required to be
13 included in a report under AS 15.14.070(a) is subject to a civil
14 penalty of

15 (1) not less than \$50 nor more than \$500 for each false or
16 misleading statement; and

17 (2) not to exceed the amount of the contribution or expen-
18 diture involving the false or misleading statement.

19 (f) A person who makes a contribution in excess of the \$2,000
20 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

21 (1) of not less than \$50 nor more than \$500; and

22 (2) not to exceed the amount that the contribution exceeds
23 the limitation.

24 (g) A political action committee that makes a contribution in
25 excess of the \$2,000 limitation under AS 15.14.120(b) or in excess of
26 the \$25,000 limitation under AS 15.14.120(b) is subject to a civil
27 penalty

28 (1) of not less than \$50 nor more than \$500; and

29 (2) not to exceed the amount that the contribution exceeds

1 the limitation.

2 (h) A person who makes a contribution in the form of cash during
3 the year of more than \$100 in the aggregate in violation of AS 15.14.-
4 110(a) is subject to a civil penalty of not to exceed the amount of
5 the cash contribution.

6 (i) A political action committee that makes a contribution in
7 the form of cash during the year of more than \$100 in the aggregate in
8 violation of AS 15.14.120(a) is subject to a civil penalty of not to
9 exceed the amount of the cash contribution.

10 (j) A candidate or an officer of a candidate that accepts a
11 contribution in excess of the \$2,000 limitation under AS 15.14.130(b)
12 is subject to a civil penalty

13 (1) of not less than \$50 nor more than \$500; and

14 (2) not to exceed the amount that the contribution exceeds
15 the limitation.

16 (k) A political action committee that accepts a contribution in
17 excess of the \$2,000 limitation under AS 15.14.130(c) is subject to a
18 civil penalty

19 (1) of not less than \$50 nor more than \$500; and

20 (2) not to exceed the amount that the contribution exceeds
21 the limitation.

22 (l) A candidate, an officer of a candidate, a political action
23 committee, or an officer of a political action committee that accepts
24 a contribution in the form of cash during the year of more than \$100
25 in the aggregate in violation of AS 15.14.130(a) is subject to a civil
26 penalty of not to exceed the amount of the cash contribution.

27 (m) A candidate who fails to close a campaign account by the
28 date established in AS 15.14.180(a) is subject to a fine of not less
29 than \$25 nor more than \$100 per day for each day that the account

1 should have been but was not closed, up to a maximum of \$2,000.

2 (n) A person who fails to dispose of surplus funds by the date
3 established in AS 15.14.190(b) is subject to a civil penalty of not
4 less than \$25 nor more than \$100 per day for each day that the surplus
5 funds should have been but were not disposed of, up to a maximum of
6 \$2,000.

7 (o) A person is subject to a civil penalty of not less than \$100
8 nor more than \$2,000 if the person

9 (1) solicits or accepts a contribution or makes an expendi-
10 ture, other than a disposition of surplus funds, after the date that
11 campaign accounts are required to be closed under AS 15.14.180;

12 (2) uses campaign funds for a purpose not permitted under
13 AS 15.14.170;

14 (3) uses surplus funds for a purpose not permitted under
15 AS 15.14.190;

16 (4) acts as a campaign officer at a time when the name of
17 the person has not been filed with the commission; or

18 (5) fails to include in a communication intended to influ-
19 ence the election of a candidate or the outcome of a ballot proposi-
20 tion or question the information required under AS 15.14.210(a) or
21 (b).

22 Sec. 15.14.240. PAYMENT OF CIVIL PENALTY. A civil penalty
23 imposed by the commission under AS 15.14.220 or 15.14.230 may not be
24 paid from campaign funds.

25 Sec. 15.14.250. REMOVAL FROM OFFICE. (a) If, after being sworn
26 into office, a person who was a successful candidate is found to have
27 committed a violation in the first degree under AS 15.14.220, proceed-
28 ings shall be held and appropriate action taken under

29 (1) art. II, sec. 12, Constitution of the State of Alaska,

1 if the candidate is a candidate for the state legislature;

2 (2) art. II, sec. 20, Constitution of the State of Alaska,
3 if the candidate is a candidate for governor or lieutenant governor;

4 (3) AS 29.20.170, if the candidate is a candidate for
5 borough assembly;

6 (4) AS 29.20.280, if the candidate is a candidate for
7 borough mayor;

8 (5) AS 29.20.170, if the candidate is a candidate for city
9 council;

10 (6) AS 29.20.280(a), if the candidate is a candidate for
11 city mayor;

12 (7) the provisions of the call for the constitutional
13 convention, if the candidate is a candidate for constitutional conven-
14 tion delegate;

15 (8) art. IV., sec. 10, Constitution of the State of Alaska,
16 if the candidate is a candidate for judicial retention.

17 (b) Information developed by the commission under AS 15.14.270
18 shall be considered during a proceeding under (a) of this section.

19 (c) When, after being sworn into office, a successful candidate
20 is charged with a violation in the first degree under AS 15.14.220(a),
21 the commission shall promptly hear the matter and accord it a pre-
22 ferred position for purposes of argument and decision so as to assure
23 a speedy disposition of the matter.

24 Sec. 15.14.260. LIMITATIONS ON ACTIONS. (a) A proceeding
25 alleging a violation of AS 15.14.220 must be commenced within four
26 years from the date of the alleged violation.

27 (b) A prosecution alleging a violation of AS 15.14.230 must be
28 commenced within two years from the date of the alleged offense.

29 (c) For the purposes of this section, a violation involving the

1 failure to file a report, statement, or registration is considered to
2 have been committed on the day after the report, statement or regis-
3 tration was due.

4 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may inves-
5 tigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and AS 39.50
6 on its own motion or upon receiving a signed and sworn complaint from
7 any person.

8 (b) If an investigation is commenced by a signed and sworn
9 complaint by a person other than a member of the commission or its
10 employees, the commission shall, within five days after receiving the
11 complaint, mail a copy of the complaint to each person named in the
12 complaint.

13 (c) If, after an investigation, the commission determines that
14 there is probable cause to believe that a person has committed a
15 violation, the commission may commence violation proceedings by filing
16 and serving an accusation on the person alleged to have committed the
17 violation. The commission shall serve an accusation in the manner
18 provided by court rules for serving a complaint in a civil action.

19 (d) If the commission terminates an investigation without filing
20 an accusation, the commission shall, within five days after terminat-
21 ing the investigation, inform the complainant and each person named in
22 the complaint only of the fact that the commission has terminated the
23 investigation and will not be taking further action concerning the
24 complaint.

25 Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a
26 written statement of the charges setting out in ordinary and concise
27 language the acts or omissions with which the respondent is charged,
28 so that the respondent is able to prepare a defense. The accusation
29 must also specify the statute or regulation that the respondent is

1 alleged to have violated, and the maximum penalty provided for the
2 violation. The accusation may not consist merely of charges phrased
3 in the language of the statute and regulation.

4 (b) The commission shall include in or with the accusation a
5 statement in substantially the following form:

6 "To the Respondent: Unless you deliver or mail a written
7 request for a hearing signed by you or on your behalf to
8 the commission within 15 days after this accusation was
9 personally served on you or mailed to you, the commission
10 may proceed upon the accusation without further notice to
11 you. You may request a hearing by delivering or mailing
12 the enclosed form entitled 'Notice of Defense,' or by
13 delivering or mailing a notice of defense under AS 15.14.290
14 to the commission at its central office address (insert central
15 office address)."

16 (c) The commission shall include with the accusation served upon
17 the respondent a post card or other form entitled, "Notice of Defense"
18 that, when signed by or on behalf of the respondent and returned to
19 the commission constitutes a notice of defense under AS 15.14.290.

20 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
21 service upon the respondent of the accusation, the respondent may file
22 with the commission a notice of defense. In the notice the respondent
23 may

24 (1) deny the accusation in whole or in part and request a
25 hearing;

26 (2) object to the accusation on the ground that it does not
27 state acts or omissions upon which the commission may proceed;

28 (3) object to the form of the accusation on the ground that
29 it is so indefinite or uncertain that the respondent cannot identify

1 the transaction or prepare a defense;

2 (4) present new matter by way of defense;

3 (5) admit or plead no contest to the accusation in whole or
4 in part, and present material in mitigation of penalty.

5 (b) Within the time specified in (a) of this section, the re-
6 spondent may file one or more notices of defense upon any or all of
7 the grounds set out in (a) of this section but all of the notices must
8 be filed within the period unless the commission in its discretion
9 authorizes the filing of a later notice.

10 (c) The respondent is entitled to a hearing on the merits if the
11 respondent files a notice of defense. The notice of defense is con-
12 sidered a specific denial of all parts of the accusation not expressly
13 admitted. Failure to file a notice of defense within the time spec-
14 ified in (a) of this section constitutes a waiver of the respondent's
15 right to a hearing, but the commission in its discretion may neverthe-
16 less grant a hearing. Unless objection is taken as provided in (a)(3)
17 of this section, all objections to the form of the accusation are
18 waived.

19 (d) The notice of defense must be in writing, signed by or on
20 behalf of the respondent, and must state the respondent's address.
21 The notice of defense need not be verified or follow a particular
22 form.

23 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
24 hearing on a contested accusation or, in the absence of a request, the
25 commission in its discretion decides to hold a hearing, the commission
26 shall mail or deliver a notice of hearing to the respondent at least
27 10 days before the hearing. The hearing may not be held before the
28 expiration of the time within which the respondent is entitled to file
29 a notice of defense. The notice to respondent must be consistent with

1 the form for notice of hearing under AS 44.62.420.

2 (b) The commission shall conduct its hearings under AS 44.62.-
3 440 - 44.62.500, except that

4 (1) the commission may, but is not required to, appoint a
5 hearing officer under AS 44.62.350; and

6 (2) if a hearing officer is not appointed, the chairman of
7 the commission, or the commission member designated by the chairman,
8 shall preside at the hearing, and the attorney general shall assign an
9 assistant attorney general to the commission to advise it on matters
10 of law during the hearing.

11 (c) A hearing under this section shall be open to the public
12 except that a respondent may request and the hearing officer or the
13 presiding commission member may order that the hearing be closed if
14 one or more of the requirements for holding an executive session under
15 AS 44.62.310(c) is met.

16 Sec. 15.14.310. IMPOSITION OF PENALTY. (a) The commission may
17 impose the penalty provided by law for the violation only if the
18 accused person, having been advised of the right to a hearing, admits
19 or pleads no contest to the allegations contained in the accusation,
20 or if the commission

21 (1) holds a hearing at which the person accused is afforded
22 the right to appear, with or without counsel, the right to present
23 witnesses or other evidence and the right to cross examine witnesses;
24 and

25 (2) following the hearing, determines by clear and convinc-
26 ing evidence that the person has committed the violation of which the
27 person was accused.

28 (b) The executive director of the commission may not formally or
29 informally make a recommendation to the commission as to a particular

1 penalty in a pending matter or make a commitment to the respondent to
2 make a particular recommendation to the commission in the future until
3 after the respondent has admitted or pleaded no contest to the accusa-
4 tion or until after a hearing and a final determination by the com-
5 mission that the respondent has committed the acts charged in the
6 accusation.

7 (c) Before the executive director of the commission may make a
8 recommendation to the commission for the imposition of a particular
9 penalty in a matter, the respondent must first be given notice of the
10 recommendation and afforded an opportunity to respond to the recom-
11 mendation in person or in writing.

12 (d) In imposing a penalty, the commission shall consider

13 (1) the seriousness of the violation in terms of the extent
14 to which the violation has impeded public disclosure of information
15 required to be filed with the commission as to the amount and source
16 of contributions that are large enough to be of significant interest
17 to voters; and

18 (2) the extent to which the respondent's conduct, including
19 prior violations of this chapter, AS 24.50, AS 39.50, or of former
20 AS 15.13 shows a continuing disregard for the law.

21 Sec. 15.14.320. SUMMARY DISPOSITION OF VIOLATIONS. (a) Not-
22 withstanding the provisions of AS 15.14.280 - 15.14.310, the commis-
23 sion may establish by regulation the violations under AS 15.14.230
24 that are amenable to summary disposition without formal accusation or
25 hearing and may establish a schedule of fines, not to exceed \$500, for
26 each violation.

27 (b) If an investigation by the commission discloses that a
28 person has committed a violation included in the schedule of fines
29 established under (a) of this section, the commission may, in lieu of

1 serving an accusation on the person, mail a notice of fine to the
2 person indicating the circumstances of the violation and the amount of
3 the fine established in the schedule for the violation. The person to
4 whom the notice is directed may pay the fine within 15 days after
5 receiving the notice or may file a notice of defense under AS 15.14.-
6 290.

7 (c) If the person does not pay the fine under (b) of this sec-
8 tion, the notice of fine constitutes an accusation under AS 15.14.280
9 and the commission shall proceed against the person under AS 15.14.-
10 280 - 15.14.310 and, upon determining that the person committed the
11 violation, may impose a penalty for the violation not to exceed the
12 maximum provided for the violation under AS 15.14.230.

13 Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the
14 commission under AS 15.14.270 is confidential unless and until the
15 investigation results in the filing of an accusation under AS 15.-
16 14.280.

17 (b) A member or a former member of the commission and an em-
18 ployee or a former employee of the commission may not divulge the fact
19 of or any particular concerning a pending, past, or contemplated
20 investigation by the commission unless and until the filing of an
21 accusation by the commission.

22 (c) Knowing violation of the provisions of (b) of this section
23 is a class A misdemeanor.

24 Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final
25 order of the commission may be had by filing a notice of appeal under
26 applicable rules of court governing appeals from administrative agen-
27 cies.

28 Sec. 15.14.350. POWERS OF THE COMMISSION. (a) In connection
29 with an investigation or hearing under AS 15.14.270 - 15.14.310,