

ALASKA LEGISLATIVE COMMITTEE ON GOVERNMENT

2063 SSA SB 165 - SB 167

2063

SUGGESTED AMENDMENTS TO SENATE BILL 165

1. Page 1, line 13, following "amendment" insert "is"
2. Page 3, line 5, change "lieutenant governor" to "director of elections"  
line 27, change "lieutenant governor" to "director of elections"
3. Page 4, line 5, remove "to the lieutenant governor"  
line 8, remove "to the lieutenant governor"  
line 14, remove "to the lieutenant governor"  
line 20, remove "by the lieutenant governor"  
line 26, insert a new section (c) to read as follows:  
  
"A candidate for delegate to the constitutional convention shall file either with the director or an election supervisor. If the candidate files his declaration with an election supervisor, the election supervisor shall immediately forward the declaration to the director."  
  
line 26, change "(c)" to "(d)"  
  
lines 26-29 remove first sentence and insert the following:  
  
"If the declaration filed under (a)(3) of this section is not received within seven calendar days, the candidate shall be notified of non-receipt."
4. Page 5, line 7, remove "lieutenant governor" and insert "director of elections"
5. Set December 15 as the first day that a declaration of candidacy may be filed.
6. Question: Do you want legislators to serve as delegates to the convention?
7. Question: Shall we add requirement for an Election Pamphlet for delegate selection election and also one for ratification election? (Fiscal note includes this.)
8. Question: Is the required APOC statement (Sec. 7, A's 59.50.020(b)) necessary at the time of filing a declaration for delegate candidates?
9. Question: Should we remove Sec. 15.50.900 delegation by lieutenant governor in lieu of these amendments?

*Sen. Fischer  
Sen. State Affairs*

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 165  
 Title "An Act relating to constitutional conventions; and providing for an effective date"  
 Requested by Senate State Affairs Date February 11, 1981

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Legislative and Elective Operations  
 BRU, Program, or Subprogram(s) Affected Division of Elections

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

|                          | FY 81      | FY 82      | FY 83         | FY 84         | FY 85      | FY 86      |
|--------------------------|------------|------------|---------------|---------------|------------|------------|
| 100 PERSONAL SERVICES    | -0-        | -0-        | 199.6         | 223.6         | -0-        | -0-        |
| 200 TRAVEL               | -0-        | -0-        | 27.2          | 30.5          | -0-        | -0-        |
| 300 CONTRACTUAL          | -0-        | -0-        | 863.2         | 966.3         | -0-        | -0-        |
| 400 COMMODITIES          | -0-        | -0-        | 34.4          | 38.5          | -0-        | -0-        |
| 500 EQUIPMENT            | -0-        | -0-        | -0-           | -0-           | -0-        | -0-        |
| 600 LAND & STRUCTURES    |            |            |               |               |            |            |
| 700 GRANTS, CLAIMS, ETC. |            |            |               |               |            |            |
| <b>TOTAL</b>             | <b>-0-</b> | <b>-0-</b> | <b>1124.4</b> | <b>1259.4</b> | <b>-0-</b> | <b>-0-</b> |

FUNDING (Thousands of Dollars)

|                             |     |     |        |        |     |     |
|-----------------------------|-----|-----|--------|--------|-----|-----|
| GENERAL FUND                | -0- | -0- | 1124.4 | 1259.4 | -0- | -0- |
| FEDERAL FUNDS               |     |     |        |        |     |     |
| OTHER (Specify Fund Source) |     |     |        |        |     |     |

POSITIONS

|           |  |  |     |     |  |  |
|-----------|--|--|-----|-----|--|--|
| FULL TIME |  |  |     |     |  |  |
| PART TIME |  |  |     |     |  |  |
| TEMPORARY |  |  | 5.5 | 5.5 |  |  |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assume:

- 1) FY 81 - no additional cost
- 2) FY 82 - no additional cost
- 3) FY 83
  - a) Full cost of special election for Constitutional Convention delegate selection;
  - b) Full cost of Official Election Pamphlet pertaining to special election in four regional issues (at request of Senate State Affairs);
  - c) Preparation costs for ratification election to be held early in FY 84
- 4) FY 84
  - a) Full cost of ratification election;
  - b) Full cost of Official Election Pamphlet in four regional issues pertaining to constitutional amendment ratification (at request of Senate State Affairs);
  - c) 12% inflation over FY 83

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson  
 AGENCY Division of Elections  
 Original: Legislative Finance PHONE 586-6181  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

SB 165 -- Fiscal Note Supplementary Information

(100) Personal Services

Includes overtime (average of \$20,000/month for 1980 elections plus 12% inflation) for 3-month period; cost of 22 total temporary employees (19 at Range 8 and 3 at Range 10) for Anchorage, Fairbanks, Juneau and Nome offices for 3-month period (\$1,393/month x 19 x 3) + (\$1,564/month x 3 x 3); cost of Election Pamphlet and public information staff (based on 1980 costs and 12% inflation).

(200) Travel

Includes in-state airfare for public information officer and election supervisor coordination; travel for election pamphlet staff (based on 1980 costs and 12% inflation); travel for absentee voting officials for pipeline assistance, data processing systems personnel (\$350/airfare + \$500/trip x 32 trips).

(300) Contractual Services (Total of \$863,200)

(310) Includes Zenith line, long-distance and telegram service, postage (82.2 with 40.0 allocated for Election Pamphlet).

(320) Printing and Advertising Including cost of printing ballots (80.0) (25 sets of data vote ballots, 15 sets of paper ballots, assuming 40 election districts), declarations of candidacy forms, tally books, registers, notices of election, certificates and return booklets; plus Election Pamphlet printing costs (based on 1980 costs with 12% inflation -- 165.0) and general advertising.

(330) Rents and Leases Additional office space in Juneau and Anchorage for election related activities.

(360) Equipment Rental Includes 10 Mag Card II typewriters at \$300. each x 3 months = \$9,000; data processing equipment rental (card reader, 6 display stations, 4 printers); copier expense.

(380) Professional Services Including data processing consulting (20.0)

(390) Other fees and expenses (460.0)  
Election Night Expense (100.0)  
Miscellaneous (20.0)  
Election Board Payments (340.0)

(400) Commodities Includes all election-related materials (31.9) for 500 precincts, election night activities, temporary employees, absentee voting officials (50 total) and election pamphlet staff (2.5).

(500) Equipment No additional equipment expenses required.

SECTIONAL ANALYSIS OF SB 165

RELATING TO CONSTITUTIONAL CONVENTION

- Section 1: Directs the Lt. Governor to place either constitutional amendments by the Legislature or by a Constitutional Convention on the ballot for the next statewide general election.
- Removes the 120 day requirement for placing amendments proposed by a constitutional convention.
- Section 2: Spells out how to place question of whether or not to have a constitutional convention every 10 years, on the ballot.
- Section 3: Provides that if a majority of the votes are in the affirmative for holding a convention, that the Lt. Governor shall provide for a convention under the provisions of this bill.
- Section 4(a): 15.50.091: Sets the date for calling for a special election for selecting delegates. Third Tuesday of May following the vote on the question.
- Section 4 (b): Provides if a convention is called by the Legislature the date for selection of delegates will be set out in the call.
- 15.50.101: Provides for the number of delegates; 60 from same election districts as provided for Legislators and 5 at large.
- 15.50.111: Provides that the 60 shall be elected from the same districts as each house of the legislature, according to the apportionment schedule in effect at the time the election is held.
- 15.50.120: Sets out the qualifications of the delegates:
- (a) Registered voter, three year resident of the state and one year resident in the district from which the delegate is to be selected.
- (b) At large delegate shall be a registered voter of the state who has been a resident of the state for the three years preceeding the first day of the convention.

15.50.130: Declaration and withdrawal of candidacy:

(a) Basically the same manner as a candidate for the Legislature except there are no provisions for a partisan election.

(b) Candidates must withdraw 40 days before election in order to have name removed from the ballot.

15.50.140: 1. Manner and date of filing declaration:

(a) Must file at or before 5:00 p.m. local time on February 15 of the year in which the special election is held for the office.

(b) Provides for filing by telegram.

(c) Provides for filing by registered mail, postmarked at or before 5:00 p.m. local time February 15.

2. Provides for extension if February 15 falls on a Saturday or Sunday.

3. Sets forth what a person must do, as follow-up if the filing is by telegram.

15.50.150: Provides for a nonpartisan election.

15.50.160: Requires the Lt. Governor to place the names of qualified candidates on the special election ballot.

15.50.170: Ballots: Provides that a separate ballot shall be prepared for each election district. The ballot shall contain the names of the candidates from the house district, senate district and the candidates at large.

15.50.180: Certification of election: Provides that the Lt. Governor shall certify the person receiving the largest number of votes for the office for which he was a candidate, as elected.

Section 5: Adds a new section to A.S. 15.50, Article 9:

15.50.900: Allows the Lt. Governor to delegate the duties imposed by this Chapter to the director.

Section 6: Adds a new chapter to A.S. 44:

Chapter 90 Constitutional Convention:

44.90.010: Call:

Provides that within 60 days after an affirmative vote to call a constitutional convention within 60 days of the calling of a convention by the Legislature if specific appropriations have not been made for the special election for delegates, the Lt. Governor shall include in his call an appropriation which he determines adequate. He shall deliver a copy of the call to the Commissioner of Revenue.

The Commissioner shall establish special accounts within the general fund for which money for the special election can be drawn. The monies shall be dispersed for the special election, the work of the convention, and the ratification election following the convention.

44.90.020: Establishes the location of the convention and the convening time:

University of Alaska at College, Alaska at 10:00 a.m. the second Monday in September following the special election or at a time specified in the call.

Provides that the convention shall meet for not more than 90 days, but may at its discretion recess for 15 days or less for public hearings.

44.90.030: Provides that the Governor shall open and preside until temporary officers are selected.

44.90.040: Provides that all meetings are open to the public unless an executive session is called under provisions set forth in Alaska Statutes.

44.90.050: Provides that the convention is the judge of the qualification and election of its members, may elect officers, prescribe their functions, powers and duties and may make the rules to conduct its business; may request and shall receive assistance and information from any state agency; may employ various staff and consultants and enter into contracts; have plenary power to revise the constitution subject only to ratification by the people.

44.90.060: Provides if a convention submits amendments or revisions to the constitution the Lt. Governor shall call a special election for the purpose of ratifying the amendments or revisions not less than 40 nor more than 120 days after the adjournment of the constitutional convention.

44.90.070: Immunities: Provides immunities similar to legislative immunities.

44.90.080: Provides for expenses, travel and per diem allowances as a Legislator, although no salaries.

44.90.090: Provides that the Governor shall appoint a qualified person to fill any vacancies.

Sections 7 -14: Provides for disclosure, conflict of interest, and lobbying activities similar to the requirements for Boards and Commissions, the Legislature and the Administration.

Section 15: Repeals the sections dealing with how a constitutional convention shall be called.

Section 16: Effective date.

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

*Brew*

I. REQUEST

Bill/Resolution No. Senate Bill No. 165  
Title "An Act relating to constitutional conventions: and providing for an effective date"  
Requested by Senate State Affairs Date February 11 1981

II. FISCAL DETAIL

Agency Affected Office of the Governor  
Program Category Affected Legislative and Elective Operations  
BRU, Program, or Subprogram(s) Affected Division of Elections

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

|                          | FY 81 | FY 82 | FY 83  | FY 84  | FY 85 | FY 86 |
|--------------------------|-------|-------|--------|--------|-------|-------|
| 100 PERSONAL SERVICES    | -0-   | -0-   | 199.6  | 223.6  | -0-   | -0-   |
| 200 TRAVEL               | -0-   | -0-   | 27.2   | 30.5   | -0-   | -0-   |
| 300 CONTRACTUAL          | -0-   | -0-   | 868.2  | 966.8  | -0-   | -0-   |
| 400 COMMODITIES          | -0-   | -0-   | 34.4   | 38.5   | -0-   | -0-   |
| 500 EQUIPMENT            | -0-   | -0-   | -0-    | -0-    | -0-   | -0-   |
| 600 LAND & STRUCTURES    |       |       |        |        |       |       |
| 700 GRANTS, CLAIMS, ETC. |       |       |        |        |       |       |
| TOTAL                    | -0-   | -0-   | 1124.4 | 1259.4 | -0-   | -0-   |

FUNDING (Thousands of Dollars)

|                             |     |     |        |        |     |     |
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POSITIONS

|           |  |  |     |     |  |  |
|-----------|--|--|-----|-----|--|--|
| FULL TIME |  |  |     |     |  |  |
| PART TIME |  |  |     |     |  |  |
| TEMPORARY |  |  | 5.5 | 5.5 |  |  |

*full cost of convention*

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  - c) 12% inflation over FY 83

*Soundly bill doesn't require any approval*

*only 1/2 of cost*

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson  
AGENCY Division of Elections  
PHONE 586-6181  
Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

*Danith D. Anderson*  
*I called 2/13 approx 9:25am*

SB 165 — Fiscal Note Supplementary Information

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(500) Equipment No additional equipment expenses required.

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

April 10, 1981

Hon. Vic Fischer  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: Constitutional convention  
preparatory commission  
Our file: J-66-557-81

Dear Senator Fischer:

You have asked whether we can find any kind of joint executive-legislative appointment of a commission to prepare for a constitutional convention to be legally acceptable. We regret to advise that we cannot.

There are at least two cases, each of which includes a compelling dissent, which hold that a legislator's serving as a delegate to a constitutional convention is not holding a dual office. Harvey v. Ridgeway, 450 S.W.2d 281 (Ark. 1970); Bd. of Supervisors of Elections v. Attorney General, 229 A.2d 388 (Md. 1967). Both cases ignore the case authority in their own and other states in arriving at their decisions. Accordingly, neither is persuasive. Our own court takes a broad view on what is an office. Larson v. State, 564 P.2d 356 (Alaska 1977). And the cases uniformly hold that an office is "'a public charge or employment, the duties of which are prescribed by law, and he who performs the duties is an officer.'" State v. Dunn, 496 S.W.2d 480, 490 (Tenn. 1973), quoting from State v. Bratton, 253 S.W. 705 (Tenn. 1923). See also Warwick v. State ex rel. Chance, 548 P.2d 384 (Alaska 1976); Begich v. Jefferson, 441 P.2d 27 (Alaska 1968) (prohibition against dual-office holding literally applied). The Alaska Constitution expressly makes employment by or election to a constitutional convention an exception from the prohibition against legislators' holding dual office. Alaska Const., art. II, § 5. In Begich, the court stated that these (and other) express exceptions in the constitution necessarily result in the prohibition's extending to all other offices. 441 P.2d at 30-33.

It might be argued that legislative appointees to the preparatory commission are employees of the convention.

April 10, 1981

However, while the legislature is empowered to make provision for the convention, "by law," Alaska Const., art. XIII, § 3, the constitution does not make an exception for the legislature to appoint either its members or its agents to be the officers or employees of the convention or for either to serve on a commission appointed by the legislature in whole or in part. Absent constitutional provision to the contrary, the chief executive is the appointing authority for those charged with carrying out a law. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976).

Either on an informal basis or on a basis formalized by law, resolution, or interbranch agreement, the agencies of the two branches -- including duly established permanent or ad hoc interim committees -- can certainly cooperate in studies and gathering information to prepare for a convention. So too, the legislature, through existing or duly established interim committees can study the needs for constitutional reformation. But the legislature cannot write a public law and then appoint a commission of its own members or agents to carry it out. Book v. State Office Bldg. Comm'n, 149 N.E.2d 273 (Ind. 1958).

Sincerely yours,

WILSON L. CONDON  
ATTORNEY GENERALBy: Rodger W. Tegues  
Assistant Attorney General

RWP/pjg

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 165  
 Title "An Act relating to constitutional conventions: and providing for an effective date"  
 Requested by Senate State Affairs Date February 11 1981

II. FISCAL DETAIL

Agency Affected Office of the Governor  
 Program Category Affected Legislative and Elective Operations  
 BRU, Program, or Subprogram(s) Affected Division of Elections  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

|                          | FY 81 | FY 82 | FY 83  | FY 84  | FY 85 | FY 86 |
|--------------------------|-------|-------|--------|--------|-------|-------|
| 100 PERSONAL SERVICES    | -0-   | -0-   | 199.6  | 223.6  | -0-   | -0-   |
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| 300 CONTRACTUAL          | -0-   | -0-   | 862.2  | 960.8  | -0-   | -0-   |
| 400 COMMODITIES          | -0-   | -0-   | 34.4   | 38.5   | -0-   | -0-   |
| 500 EQUIPMENT            | -0-   | -0-   | 0-     | 0-     | -0-   | -0-   |
| 600 LAND & STRUCTURES    |       |       |        |        |       |       |
| 700 GRANTS, CLAIMS, ETC. |       |       |        |        |       |       |
| <b>TOTAL</b>             | -0-   | -0-   | 1124.4 | 1259.4 | -0-   | -0-   |

FUNDING (Thousands of Dollars)

|                             |     |     |        |        |     |     |
|-----------------------------|-----|-----|--------|--------|-----|-----|
| GENERAL FUND                | -0- | -0- | 1124.4 | 1259.4 | -0- | -0- |
| FEDERAL FUNDS               |     |     |        |        |     |     |
| OTHER (Specify Fund Source) |     |     |        |        |     |     |

POSITIONS

|           |  |  |     |     |  |  |
|-----------|--|--|-----|-----|--|--|
| FULL TIME |  |  |     |     |  |  |
| PART TIME |  |  |     |     |  |  |
| TEMPORARY |  |  | 5/5 | 5/5 |  |  |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Assume:

- 1) FY 81 - no additional cost
- 2) FY 82 - no additional cost
- 3) FY 83
  - a) Full cost of special election for Constitutional Convention delegate selection;
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  - c) Preparation costs for ratification election to be held early in FY 84
- 4) FY 84
  - a) Full cost of ratification election;
  - b) Full cost of Official Election Pamphlet in four regional issues pertaining to constitutional amendment ratification (at request of Senate State Affairs);
  - c) 12% inflation over FY 83

ONLY IF YES IN 1982

IV. DATE February 13, 1981 PREPARED BY Danith D. Anderson  
 AGENCY Division of Elections  
 Original: Legislative Finance PHONE 586-6181  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL 165

Title "An Act relating to constitutional conventions; providing for eff. date."

Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_

Program Category Affected \_\_\_\_\_

BRU, Program, or Subprogram(s) Affected \_\_\_\_\_

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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| 200 TRAVEL               |       |       |       |       |       |       |
| 300 CONTRACTUAL          |       |       |       |       |       |       |
| 400 COMMODITIES          |       |       |       |       |       |       |
| 500 EQUIPMENT            |       |       |       |       |       |       |
| 600 LAND & STRUCTURES    |       |       |       |       |       |       |
| 700 GRANTS, CLAIMS, ETC. |       |       |       |       |       |       |
| <b>TOTAL</b>             | 0     | 0     | 0     | 0     | 0     | 0     |

FUNDING (Thousands of Dollars)

|                             | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------------------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND                |       |       |       |       |       |       |
| FEDERAL FUNDS               |       |       |       |       |       |       |
| OTHER (Specify Fund Source) |       |       |       |       |       |       |
|                             |       |       |       |       |       |       |
|                             | 0     | 0     | 0     | 0     | 0     | 0     |

POSITIONS

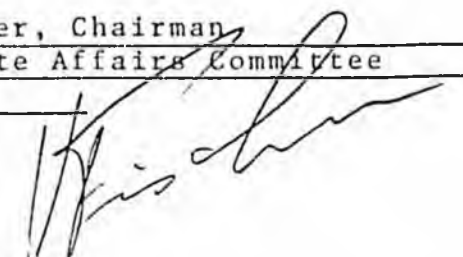
|           | FY 81 | FY 82 | FY 83 | FY 84 | FY 85 | FY 86 |
|-----------|-------|-------|-------|-------|-------|-------|
| FULL TIME | 0     | 0     | 0     | 0     | 0     | 0     |
| PART TIME | 0     | 0     | 0     | 0     | 0     | 0     |
| TEMPORARY | 0     | 0     | 0     | 0     | 0     | 0     |

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III) SB 165 is for an enabling act. It provides a standby process in case voters or the Legislature approve a constitutional convention call by referendum. The next referendum is in November 1982. If the voters approve a convention call, major expenses will ensue. If the voters oppose a convention call, there will be no costs. In either case, the convention enabling legislation would, unless changed by law, apply to future referenda and convention calls.

Possible costs of a convention -- delegate election, constitution revision process, ratification election, and other expenses -- are ascribable to the referenda or a legislative call and not to this bill. Essentially the same expenditures will occur in case of a convention call even if this bill is not enacted.

Accordingly, the fiscal note for this bill is zero.

IV. DATE March 1, 1981 PREPARED BY Sen. Fischer, Chairman  
 AGENCY Senate State Affairs Committee  
 PHONE 465-4954  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)



ENABLING ACT FOR AN  
ALASKA CONSTITUTIONAL CONVENTION

Prepared by:

GUY A. VAN DOREN,  
ADMINISTRATIVE ASSISTANT  
CONSTITUTIONAL CONVENTION COMMITTEE

1981

## INTRODUCTION

to

## ENABLING ACT

In preparation for a constitutional convention, one of the first things that the Legislature must do is pass legislation providing the basis for establishing the convention. Great care should be taken in writing this act for its purpose is to enable this convention to get under way, not to control the convention. No better word of warning on this score has come than that from the Judiciary Committee of the New York Convention of 1894:

"It is of the greatest importance that a body chosen by the people of this state to revise the organic law of this state should be as free from interference from the several departments of government as the legislative executive and judiciary are from interference by each other. Unless this were so, the will of the people might easily be nullified by the existing judiciary or legislature. Should the latter attempt to enact a law prohibiting the constitutional convention from restricting

the existing power of the legislature the act would be at once be recognized as an unwanted invasion of the rights of the people." <sup>1</sup>

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1. Quoted in Walter F. Dodd, "The Revision and Amendment of State Constitutions" (Baltimore, The John Hopkins Press, 1910), pp 79 - 80.

The purpose of an enabling act is to facilitate the selection of delegates and the operation of the convention, nothing more. The following items are suggested as matters which must be settled before the convention can get under way. Decision on the following subjects must be made:

- I. Selection of delegates:
  - A. Number
  - B. Qualifications
  - C. Basis of thier selection (district, at large, etc.)
  - D. Method of their nomination an/or election
  - E. Date of the election
  - F. Administration of the election
  - G. Method of filling vacancies
- II. Date and procedure of convening the delegates
- III. Site of the Convention
- IV. Provision for pre-convention planning and accumulation of materials
- V. Appropriation (Can be a separate bill)
  - A. Amount adequate to finance all convention needs, including official pre-convention activities
  - B. Post-convention activities
  - C. Accounting practices

VI. Compensation of delegates

- A. Basis of payment, per diem, monthly or flat amount for the whole convention
- B. Amount of expenses allowed, if any, and for what purposes
- C. Any special compensation for offices

The above has usually been sufficient. Three other matters, however, might be dealt with. These should be considered inherent powers of a convention, but, if there is any doubt or if there is the possibility that critics may seek to exploit the fact of their absence from the enabling act, then they should be included.

- VII. Authority to require any officer of the state to furnish information or to appear before the convention or any committee thereof (this includes the authority to seek opinions from the attorney general or other legal officer of the state;

- VIII. Authority to use the facilities of the state or any local government when such use is not disruptive of regular governmental activities. (This becomes particularly important if hearings by committees are conducted regionally);

- IX. A schedule for the convention's work
- A. Provisions for a recess during the life of the convention
  - B. Dates of the completion of the convention's work

C. Dates for submission of the convention's  
proposal to the people

X. Immunity clause

The enabling act need not go deeply into matters of organization, procedure and personnel and generally should avoid statements that may hamper the convention in carrying out its assigned functions. The convention should be free to determine how it will organize and manage itself.

In the areas of personnel and materials, the convention should have full control over its needs. The power to hire and fire personnel and within its own budgetary limits, their rate of compensation, as well as the power to purchase material and equipment and to contract for services falls in this category. The convention needs to be free to seek its personnel where it wants. It should not be required to borrow its staff from existing state agencies, nor use existing facilities. No compromise should be made which will in any sense make the convention beholden to anyone outside itself. If the convention chooses to borrow state personnel for its staff, or to use the legislative council or the attorney general for assistance and advice, it may do so. But to require the convention to use these sources is to give an external element a role in the convention. A role potentially detrimental to the objectivity which the convention seeks to achieve.

1. Delegate selection: The first Alaska Constitutional Convention in 1955-56 had 55 delegates (the number of delegates who drafted the United States Constitution in 1787).

Unless otherwise provided by law, Article XII Sec. 3 requires that a call for a constitutional convention shall conform as nearly as possible to the Act, calling the Alaska Constitutional Convention of 1955 including but not limited to, number of members, districts, election and certification of delegates.

In 1955, delegates were elected on a three level apportionment system, seven delegates were elected at large; thirty-three were elected at large within four judicial divisions; and fifteen came from newly delineated single delegate districts.

HB 117, introduced in 1971, provided for 65 delegates. Sixty delegates were to be apportioned among the election districts of both houses of the Legislature in accordance with reapportionment, pursuant to the 1970 U.S. Census. Five delegates were to be selected on a statewide basis.

In view of the 1980 Census, it can be assumed that delegate selection will be on the basis of the 1981 apportionment plan, and that any enabling legislation should contain a provision that delegates will be selected on the basis of the new apportionment plan. The use of the 60 delegates simplifies

the job of providing a basis for delegate elections. Having five delegates elected from the state at large will provide individuals of broader experience and familiarity with conditions throughout the state.

The enabling act should stipulate that the election of delegates be non-partisan and that any registered voter who has resided in the state and in the district from which he/she is running for the same period of time required of a candidate for the Legislature, is eligible.

The method of election should be a single special election with the person receiving the largest number of votes being elected as the delegate. The only problem with this is that if a district has a large number of delegates, one person may win by a small majority or by a very small percentage of the total vote. The only solution to this problem would be a run-off, but history has shown in other states that very few people vote in a run-off of this type and it can be expensive.

The date of the special election should be during an off-general-election year and should be held early enough in order that there will be sufficient time between the election of delegates and the convening of the convention for the delegates to familiarize themselves with the issues and what they are intending to accomplish. There also should be enough time to allow staff to prepare for the convention and complete the delegate materials.

The administration of the election should be carried out by the Division of Elections under the supervision of the Lt. Governor.

HB 117 required a nominating petition to be filed with the Lt. Governor consisting of not less than 50 legally qualified voters of an election district based on a house district, 100 legally qualified voters of an election district based on a senate district and 1,000 signatures for candidates seeking election on a statewide basis. The petition of a candidate seeking election for the state at large shall be subscribed by the signatures of at least 25 qualified voters from each of the senate election districts.

2. Date and Procedure of Convening the Delegates: As with the election for delegates, there should be enough time before the convening of the convention to allow delegates to familiarize themselves with what is ahead and to have an orientation session. The date of convening should also be early enough for a 90 day session and so that the convention will not be meeting simultaneously with the legislature.

In most states, the Governor convenes the convention and then turns the convention over to the temporary presiding officer. In some states, the Lt. Governor or the Secretary of State opens the convention, but usually the Governor has done this.

Most experts in constitutional conventions have recommended that staff develop a temporary set of rules under which the convention can convene until permanent rules can be adopted by the delegates.

Provision for pre-convention planning and the accumulation of materials: SB 723 which passed both houses of the Legislature in 1980, but was vetoed by the Governor, included a provision for the establishment of a constitutional convention commission made up of persons appointed by the Governor, Legislature, and the Chief Justice of the Supreme Court.

In his veto message, the Governor cited the creation of this commission as one of the reasons he vetoed the bill, claiming that the make-up of the commission violated the separation of powers. He felt the Governor should appoint members to the commission.

Most of the states who called conventions in the seventies established commissions in the way set forth in SB 723. There was usually a cooperative effort to insure a successful convention.

The legislature in Alaska feels they have the right to appoint members to any constitutional convention based on the premise that since the constitutional convention is a law-making function

and since the Legislature, by law, may provide for the calling of a constitutional convention, including procedures, it should have a say in the appointment of a preparatory commission.

Since there is disagreement regarding the commission and the appointment of its members between the two branches of government, perhaps, in order to successfully pass enabling legislation, this matter should be left out and addressed at a later date with a solution which will satisfy both parties.

Appropriation: There is no absolute formula for the funding of constitutional conventions. Conventions in the seventies ranged from \$20,000 appropriated to the Rhode Island Convention to \$3.8 million appropriated for the Texas Convention. The amount should be adequate to finance all convention needs, including official pre and post-convention activities, including but not limited to staff and consultant salaries and benefits, delegate compensation, travel, material preparation, and expenses for the functioning of the convention itself. It has been recommended that delegates be compensated at the same rate as Legislators during the legislative session.

Convention Site: The Alaska Constitutional Convention of 1955-'56, following the example of the New Jersey Convention of 1947, which was convened on a college campus, held its convention on the campus of the University of Alaska at Fairbanks.

In 1971 the legislature assigned two research persons to conduct a constitutional convention site survey. After visiting the Fairbanks campus, Anchorage and Juneau, and evaluating the three sites as to location, facilities, timing and other criteria, it was recommended that the University of Alaska at Fairbanks again be the convention site.

A preparatory commission or the legislature itself, should look into all the pros and cons of each possible site including conducting a site survey similar to the one held in 1971 to determine which place would best function physically to carry out the objectives and ideals of the convention. The changing times, technological advances and public perception since the 1955-56 convention necessitates a very thorough study of the choice for a proper site.

*no provision to hold an election*

Introduced: 2/9/81  
Referred: State Affairs, Judiciary and Finance

*fiscal note as cost of constitutional convention*  
*de-sex bill*

BY THE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE COUNCIL (for the Joint Interim Committee on the Constitutional Convention)

1 IN THE SENATE

SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to constitutional conventions; and  
7 providing for an effective date."

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

9 \* Section 1. AS 15.50.030 is amended to read:

10 Sec. 15.50.030. PLACING AMENDMENTS BY LEGISLATURE [PROPOSITION]  
11 ON BALLOT. The lieutenant governor shall direct the director to place  
12 the ballot title and proposition on the ballot for the next statewide  
13 general election held after the amendment proposed by the legislature  
14 [OR HELD 120 DAYS AFTER THE AMENDMENT PROPOSED BY A CONSTITUTIONAL  
15 CONVENTION]. If there is insufficient time to permit the proposition  
16 to be placed on the regular ballot by the director, the lieutenant  
17 governor shall direct the director to prepare a separate ballot for the  
18 proposition.

19 \* Sec. 2. AS 15.50.070 is amended to read:

20 Sec. 15.50.070. PLACING QUESTION OF CONSTITUTIONAL CONVENTION ON  
21 BALLOT. If during any 10-year period a constitutional convention has  
22 not [YET] been held, and the question of holding a constitutional con-  
23 vention has not been placed before the voters, the lieutenant governor  
24 shall direct the director to place [THE QUESTION] on the ballot for the  
25 next regular statewide general [OR PRIMARY] election the question:  
26 "Shall there be a Constitutional Convention?" Provision shall be made  
27 for marking the question "Yes" or "No".

28 \* Sec. 3. AS 15.50.080 is amended to read:

29 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes

*intent full cost*

1 cast on the question placed before the voters under AS 15.50.070 is  
2 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND  
3 SHALL] issue the call for the constitutional convention under the pro-  
4 visions of this chapter.

5 \* Sec. 4. AS 15.50 is amended by adding new sections to read:

6 Sec. 15.50.091. DATE FOR ELECTION OF DELEGATES. (a) If a majori-  
7 ty of the votes cast on the question put before the voters under  
8 AS 15.50.070 is in the affirmative, a special election for the selec-  
9 tion of delegates shall be held on the third Tuesday of May following  
10 the vote on the question.

11 (b) If the constitutional convention is called by the legis-  
12 lature, the date of the election of delegates shall be specified in the  
13 call.

14 Sec. 15.50.101. NUMBER OF DELEGATES. Sixty-five delegates shall  
15 be elected to a constitutional convention. Sixty delegates shall be  
16 elected under AS 15.50.111 and five delegates shall be elected at  
17 large.

18 Sec. 15.50.111. DELEGATE ELECTION DISTRICTS. Delegates to a  
19 constitutional convention, other than delegates elected at large, shall  
20 be elected from the same districts and in the same numbers as are  
21 elected to each house of the legislature according to the apportionment  
22 schedule in effect at the time that the election is held.

23 Sec. 15.50.120. QUALIFICATIONS OF CANDIDATES. (a) A candidate  
24 for delegate from a district shall be a registered voter of the state  
25 who has been a resident of the state for the three years preceding and  
26 of the district from which he seeks election for one year preceding the  
27 first day of the convention.

28 (b) A candidate for delegate at large shall be a registered voter  
29 of the state who has been a resident of the state for the three years

*What is deadline  
for filing*

1 preceding the first day of the convention.

2 Sec. 15.50.130. DECLARATION AND WITHDRAWAL OF CANDIDACY. (a) A  
3 person who seeks to be a candidate in the special election for delegate  
4 to a constitutional convention shall execute and file a declaration of  
5 candidacy with the lieutenant governor. The declaration shall be  
6 executed under oath before an officer authorized to take acknowledg-  
7 ments and shall state in substance:

8 (1) the full name of the candidate and the manner in which  
9 he wishes his name to appear on the ballot;

10 (2) the full resident address of the candidate;

11 (3) the full mailing address of the candidate;

12 (4) the election or senate district of which the candidate  
13 is a resident;

14 (5) the office for which the candidate seeks nomination;

15 (6) that the candidate meets the specific residency require-  
16 ments of the office for which he is a candidate;

17 (7) that the candidate is a qualified voter as required by  
18 law;

19 (8) that the candidate requests that his name be placed on  
20 the special election ballot; and

21 (9) that the required fee accompanies the declaration.

22 (b) A declaration of candidacy shall be accompanied by a filing  
23 fee of \$30 unless the person files a notarized affidavit that he is  
24 indigent.

25 (c) The name of a candidate will appear on the special election  
26 ballot unless notice of his withdrawal from the special election is  
27 received by the lieutenant governor at least 40 days before the date of  
28 the special election. Notice of withdrawal of candidacy must be in  
29 writing over the signature of the candidate.

1           Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A  
2 declaration of candidacy for delegate to a constitutional convention is  
3 filed by

4           (1) the actual physical delivery of the declaration in  
5 person to the lieutenant governor at or before 5:00 p.m., local time,  
6 February 15 of the year in which the special election is held for the  
7 office;

8           (2) the actual physical delivery of the declaration by mail  
9 to the lieutenant governor at or before 5:00 p.m., local time, Febru-  
10 ary 15 of the year in which the special election is held for the office;  
11 or

12           (3) the actual physical delivery

13           (A) by telegram of a declaration with the statements  
14 required in AS 15.50.130(a)(1) - (5) to the lieutenant governor  
15 at or before 5:00 p.m., local time, February 15 of the year in  
16 which the special election is held for the office; and

17           (B) by registered mail of a complete declaration of  
18 candidacy which is postmarked at or before 5:00 p.m., local time,  
19 February 15 of the year in which the special election is held for  
20 the office and received by the lieutenant governor not more than  
21 15 days after that time.

22           (b) If the postmark is illegible, a dated receipt from the post  
23 office where the declaration was dispatched is acceptable as evidence  
24 of mailing. If February 15 is a Sunday or holiday, the deadlines for  
25 postmarking and receipt of the declaration shall be extended 24 hours.

26           (c) If a candidate sends a telegram under (a)(3) of this section  
27 and the lieutenant governor does not receive a declaration of candidacy  
28 by registered mail within 15 days of February 15, the candidate shall  
29 be notified of the nonreceipt of the declaration. The candidate shall

1 have the opportunity to refile his declaration with proof that his  
2 previous declaration has been filed in a timely manner and in accord-  
3 ance with law.

4 Sec. 15.50.150. NONPARTISAN ELECTION. The election of the dele-  
5 gates to a constitutional convention shall be nonpartisan.

6 Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-  
7 TION BALLOT. The lieutenant governor shall place the names of the per-  
8 sons who have filed proper declarations of candidacy for delegate on  
9 the special election ballot.

10 Sec. 15.50.170. BALLOTS. A separate ballot shall be prepared for  
11 each election district. The ballot shall contain the names of the  
12 candidates for delegate from the house district, from the senate dis-  
13 trict, and the candidates running at large.

14 Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of his  
15 review of the votes, the lieutenant governor shall certify the person  
16 receiving the largest number of votes for the office for which he was a  
17 candidate as elected. The lieutenant governor shall issue each elected  
18 delegate a certificate of election.

19 \* Sec. 5. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 9. GENERAL PROVISIONS.

21 Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The  
22 lieutenant governor may delegate the duties imposed on him by this  
23 chapter to the director.

24 \* Sec. 6. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 90. CONSTITUTIONAL CONVENTION.

26 Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative  
27 vote under AS 15.50.070 or within 60 days after the legislature has  
28 called a constitutional convention, if specific appropriations have not  
29 been made for the special election to select delegates, to hold the

1 constitutional convention, or to conduct a special ratification elec-  
2 tion, the lieutenant governor shall include in his call for the consti-  
3 tutional convention an appropriation which he determines is adequate  
4 for those purposes. He shall deliver a copy of the call to the commis-  
5 sioner of revenue.

6 (b) When the commissioner of revenue receives the copy of a call  
7 under (a) of this section, he shall establish special accounts within  
8 the general fund from which money for the purposes stated in (a) of  
9 this section may be drawn.

10 (c) The amounts appropriated for elections to select delegates or  
11 to ratify an amendment or revision shall be spent and accounted for by  
12 the lieutenant governor.

13 (d) The amounts appropriated for the constitutional convention  
14 shall be spent and accounted for by the constitutional convention.

15 Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)

16 If a majority of the votes cast under AS 15.50.070 is in the affirma-  
17 tive, the constitutional convention shall <sup>be at the place of the specified</sup> assemble at the University of  
18 <sup>in the call</sup> Alaska, College, Alaska at 10:00 a. m. or as soon as a quorum is present  
19 on the second Monday in September following the special election or at  
20 a time specified in the call for the purpose of considering amendments  
21 or revisions to the Constitution of the State of Alaska.

22 (b) The constitutional convention shall meet for not more than 90  
23 days but may, in its discretion, recess for 15 days or less for public  
24 hearings on proposed amendments or revisions to the constitution.

25 Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The  
26 governor shall open the constitutional convention and shall preside  
27 until temporary officers are selected.

28 Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All  
29 meetings of the constitutional convention shall be held in accordance

1 with AS 44.62.310 - 44.62.312.

2 Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)  
3 The constitutional convention is the judge of the qualification and  
4 election of its members.

5 (b) The constitutional convention may by a majority vote of its  
6 members choose officers, prescribe their functions, powers and duties,  
7 and make rules for the conduct of its business.

8 (c) The constitutional convention may request and shall receive  
9 assistance and information from any state department or agency.

10 (d) The constitutional convention may employ professional, legal,  
11 and other staff assistants and enter into contracts for goods and ser-  
12 vices.

13 (e) The constitutional convention has plenary power to amend or  
14 revise the constitution subject only to ratification by the people.

15 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If  
16 the constitutional convention submits amendments or revisions to the  
17 people for ratification, the lieutenant governor shall call a special  
18 election for the purpose of ratifying the amendments or revisions not  
19 less than 40 or more than 120 days after the adjournment of the consti-  
20 tutional convention.

21 (b) The ratification election shall be conducted under AS 15.

22 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-  
23 vention may not be held to answer before any tribunal for any statement  
24 made in the exercise of his duties as a delegate to the constitutional  
25 convention while the convention is in session. A delegate attending,  
26 going to or returning from convention sessions is not subject to civil  
27 process and is privileged from arrest except for felony or breach of  
28 the peace.

29 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A

1 delegate to the constitutional convention is entitled to expenses, per  
2 diem, and travel allowances provided by law for legislators while the  
3 legislature is in session. A delegate does not receive salary for ser-  
4 vice as a delegate.

5 Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the  
6 office of delegate, the governor shall appoint a qualified person to  
7 fill the vacancy.

8 \* Sec. 7. AS 39.50.020(b) is amended to read:

9 (b) The governor, lieutenant governor, members of the legislature,  
10 delegates to a constitutional convention, and candidates for these  
11 offices, judicial officers, each commissioner, head or deputy head of,  
12 or director of a division within, a department in the executive branch,  
13 assistant to the governor or chairman or member of a commission or  
14 board required to report under this chapter, shall file the statement  
15 with the Alaska Public Offices Commission. Municipal officers, and  
16 candidates for elective municipal office, shall file with the municipal  
17 clerk or other municipal official designated to receive their filing  
18 for office. All statements required to be filed under this chapter are  
19 public records.

20 \* Sec. 8. AS 39.50.200(a)(1) is amended to read:

21 (1) "public official" means a judicial officer, a member of  
22 the legislature, a delegate to a constitutional convention, the gover-  
23 nor, the lieutenant governor, a person hired or appointed as the head  
24 or deputy head of, or director of a division within, a department in  
25 the executive branch, an assistant to the governor, chairman or member  
26 of a state commission or board, and each appointed or elected municipal  
27 officer;

28 \* Sec. 9. AS 39.50.200(a) is amended by adding a new paragraph to read:

29 (10) "candidate for state elective office" includes a candi-

1 date for election as a delegate to a constitutional convention.

2 \* Sec. 10. AS 24.45.081 is amended to read:

3 Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under  
4 this chapter shall be filed during the calendar month following each  
5 calendar month during any part of which the legislature was in session  
6 and during the month following each calendar quarter when the legisla-  
7 ture was not in session.

8 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has  
9 declared that he seeks only to influence administrative action and not  
10 legislative action he need only file a report required under this  
11 chapter for each calendar quarter. If a lobbyist registered under this  
12 chapter has declared that he seeks to influence legislative action but  
13 does not intend to influence legislative action at a constitutional  
14 convention, he need only file the reports required under (a) of this  
15 section. If a lobbyist registered under this section has declared that  
16 he seeks to influence legislative action at a constitutional conven-  
17 tion, he need only file reports during the calendar month following  
18 a calendar month during which the constitutional convention was in  
19 session.

20 (c) The period covered shall be the calendar month or the calen-  
21 dar quarter, as applicable, and shall in any event cover the period  
22 from the date of the last report filed under this chapter to the date  
23 of the end of the calendar month or quarter, as applicable, for which  
24 the report is being filed. The period covered shall not include any  
25 months covered in previous reports filed by the same person. When  
26 total amounts are required to be reported, totals shall be stated both  
27 for the period covered by the statement and for the entire calendar  
28 year to date.

29 \* Sec. 11. AS 24.45.161(a)(1)(B) is amended to read:

1 (3) who limits his lobbying activities to appearances  
2 before public sessions of the legislature or before public ses-  
3 sions of a constitutional convention, or their [ITS] committees or  
4 subcommittees, or to public hearings or other public proceedings  
5 of state agencies;

6 \* Sec. 12. AS 24.45.161(b) is amended to read:

7 (b) Nothing in this chapter may be construed as prohibiting or  
8 affecting the rendering of professional services in drafting legis-  
9 lative measures or in advising clients and in rendering opinions as to  
10 the construction or effect of proposed or pending legislative or admin-  
11 istrative action when these professional services are not otherwise  
12 connected with influencing or attempting to influence legislative or  
13 administrative action. Nor does anything in this chapter prevent  
14 members of the legislature or delegates to a constitutional convention  
15 from discussing with constituents the advisability of passing legis-  
16 lation or proposals for amendments or revisions then pending before, or  
17 proposed to be presented to, the legislature or a constitutional con-  
18 vention.

19 \* Sec. 13. AS 24.45.161(c) is amended to read:

20 (c) Either house of the legislature or a constitutional con-  
21 vention [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT  
22 RESOLUTION,] may by resolution invite a person to appear to speak  
23 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any  
24 pending matter. A standing, special or interim committee of either  
25 house of the legislature or of a constitutional convention may, upon  
26 the concurrence of a majority of its members, extend an invitation to  
27 any person to appear before the committee to give information in regard  
28 to, or explain, any matter pending before the committee.

29 \* Sec. 14. AS 24.45.171(7) is amended to read:

1           (7) "legislative action" means the preparation, research,  
2 drafting, introduction, consideration, modification, amendment, ap-  
3 proval, passage, enactment, defeat or rejection of any bill, resolution,  
4 proposition, amendment, revision, motion, report, nomination, appoint-  
5 ment or other matter by the legislature or by a constitutional conven-  
6 tion, or by a standing, interim or special committee of the legislature  
7 or of a constitutional convention, or by a member or employee of the  
8 legislature or of a constitutional convention acting in his official  
9 capacity; it includes, but is not limited to, the action of the governor  
10 in approving or vetoing a bill or the action of the legislature in  
11 considering, overriding or sustaining that veto and the action of the  
12 legislature in considering, confirming or rejecting an executive  
13 appointment of the governor;

14 \* Sec. 15. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

15 \* Sec. 16. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).

Tues

Introduced: 2/9/81  
Referred: State Affairs, Judiciary  
and Finance

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL (for  
the Joint Interim Committee on  
the Constitutional Convention)

*De-cess* ✓

1 IN THE SENATE

2 SENATE BILL NO. 165

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

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5 A BILL

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23 vention has not been placed before the voters, the lieutenant governor  
24 shall direct the director to place [THE QUESTION] on the ballot for the  
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26 "Shall there be a Constitutional Convention?" Provision shall be made  
27 for marking the question "Yes" or "No".

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29 Sec. 15.50.080. CERTIFICATION OF VOTE. If a majority of the votes

*Proposed by Committee*

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2 [ARE] in the affirmative, the lieutenant governor shall [SO CERTIFY AND  
3 SHALL] issue the call for the constitutional convention under the pro-  
4 visions of this chapter.

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8 AS 15.50.070 is in the affirmative, a special election for the selec-  
9 tion of delegates shall be held on the third Tuesday of May following  
10 the vote on the question.

11 (b) If the constitutional convention is called by the legis-  
12 lature, the date of the election of delegates shall be specified in the  
13 call.

14 ✓ Sec. 15.50.101. NUMBER OF DELEGATES. Sixty-five delegates shall  
15 be elected to a constitutional convention. Sixty delegates shall be  
16 elected under AS 15.50.111 and five delegates shall be elected at  
17 large.

18 ✓ Sec. 15.50.111. DELEGATE ELECTION DISTRICTS. Delegates to a  
19 constitutional convention, other than delegates elected at large, shall  
20 be elected from the same districts and in the same numbers as are  
21 elected to each house of the legislature according to the apportionment  
22 schedule in effect at the time that the election is held.

23 ✓ Sec. 15.50.120. QUALIFICATION'S OF CANDIDATES. (a) A candidate  
24 for delegate from a district shall be a registered voter of the state  
25 who has been a resident of the state for the three years preceding and  
26 of the district from which he seeks election for one year preceding the  
27 first day of the convention.

28 (b) A candidate for delegate at large shall be a registered voter  
29 of the state who has been a resident of the state for the three years

1 preceding the first day of the convention.

2 Sec. 15.50.130. DECLARATION AND WITHDRAWAL OF CANDIDACY. (a) A  
3 person who seeks to be a candidate in the special election for delegate  
4 to a constitutional convention shall execute and file a declaration of  
5 candidacy with the lieutenant governor. The declaration shall be  
6 executed under oath before an officer authorized to take acknowledge-  
7 ments and shall state in substance:

8 (1) the full name of the candidate and the manner in which  
9 he wishes his name to appear on the ballot;

10 (2) the full resident address of the candidate;

11 (3) the full mailing address of the candidate;

12 (4) the election or senate district of which the candidate  
13 is a resident;

14 (5) the office for which the candidate seeks nomination;

15 (6) that the candidate meets the specific residency require-  
16 ments of the office for which he is a candidate;

17 (7) that the candidate is a qualified voter as required by  
18 law;

19 (8) that the candidate requests that his name be placed on  
20 the special election ballot; and

21 (9) that the required fee accompanies the declaration.

22 (b) A declaration of candidacy shall be accompanied by a filing  
23 fee of \$30 unless the person files a notarized affidavit that he is  
24 indigent.

25 (c) The name of a candidate will appear on the special election  
26 ballot unless notice of his withdrawal from the special election is  
27 received by the lieutenant governor at least 40 days before the date of  
28 the special election. Notice of withdrawal of candidacy must be in  
29 writing over the signature of the candidate.

1 ✓ Sec. 15.50.140. MANNER AND DATE OF FILING DECLARATION. (a) A  
2 declaration of candidacy for delegate to a constitutional convention is  
3 filed by

4 (1) the actual physical delivery of the declaration in  
5 person to the lieutenant governor at or before 5:00 p.m., local time,  
6 February 15 of the year in which the special election is held for the  
7 office;

8 (2) the actual physical delivery of the declaration by mail  
9 to the lieutenant governor at or before 5:00 p.m., local time, Febru-  
10 ary 15 of the year in which the special election is held for the office;  
11 or

12 (3) the actual physical delivery

13 (A) by telegram of a declaration with the statements  
14 required in AS 15.50.130(a)(1) - (5) to the lieutenant governor  
15 at or before 5:00 p.m., local time, February 15 of the year in  
16 which the special election is held for the office; and

17 (B) by registered mail of a complete declaration of  
18 candidacy which is postmarked at or before 5:00 p.m., local time,  
19 February 15 of the year in which the special election is held for  
20 the office and received by the lieutenant governor not more than  
21 15 days after that time.

22 (b) If the postmark is illegible, a dated receipt from the post  
23 office where the declaration was dispatched is acceptable as evidence  
24 of mailing. If February 15 is a Sunday or holiday, the deadlines for  
25 postmarking and receipt of the declaration shall be extended 24 hours.

26 (c) If a candidate sends a telegram under (a)(3) of this section  
27 and the lieutenant governor does not receive a declaration of candidacy  
28 by registered mail within 15 days of February 15, the candidate shall  
29 be notified of the nonreceipt of the declaration. The candidate shall

1 have the opportunity to refile his declaration with proof that his  
2 previous declaration has been filed in a timely manner and in accord-  
3 ance with law.

4 ✓ Sec. 15.50.150. NONPARTISAN ELECTION. The election of the dele-  
5 gates to a constitutional convention shall be nonpartisan.

6 ✓ Sec. 15.50.160. PLACEMENT OF NAMES OF CANDIDATES ON SPECIAL ELEC-  
7 TION BALLOT. The lieutenant governor shall place the names of the per-  
8 sons who have filed proper declarations of candidacy for delegate on  
9 the special election ballot.

10 ✓ Sec. 15.50.170. BALLOTS. A separate ballot shall be prepared for  
11 each election district. The ballot shall contain the names of the  
12 candidates for delegate from the house district, from the senate dis-  
13 trict, and the candidates running at large.

14 ✓ Sec. 15.50.180. CERTIFICATION OF ELECTION. On completion of his  
15 review of the votes, the lieutenant governor shall certify the person  
16 receiving the largest number of votes for the office for which he was a  
17 candidate as elected. The lieutenant governor shall issue each elected  
18 delegate a certificate of election.

19 \* Sec. 5. AS 15.50 is amended by adding a new section to read:

20 ARTICLE 9. GENERAL PROVISIONS.

21 ✓ Sec. 15.50.900. DELEGATION BY THE LIEUTENANT GOVERNOR. The  
22 lieutenant governor may delegate the duties imposed on him by this  
23 chapter to the director.

24 \* Sec. 6. AS 44 is amended by adding a new chapter to read:

25 CHAPTER 90. CONSTITUTIONAL CONVENTION.

26 ✓ Sec. 44.90.010. CALL. (a) Within 60 days after an affirmative  
27 vote under AS 15.50.070 or within 60 days after the legislature has  
28 called a constitutional convention, if specific appropriations have not  
29 been made for the special election to select delegates, to hold the

1 constitutional convention, or to conduct a special ratification elec-  
2 tion, the lieutenant governor shall include in his call for the consti-  
3 tutional convention an appropriation which he determines is adequate  
4 for those purposes. He shall deliver a copy of the call to the commis-  
5 sioner of revenue.

6 (b) When the commissioner of revenue receives the copy of a call  
7 under (a) of this section, he shall establish special accounts within  
8 the general fund from which money for the purposes stated in (a) of  
9 this section may be drawn.

10 (c) The amounts appropriated for elections to select delegates or  
11 to ratify an amendment or revision shall be spent and accounted for by  
12 the lieutenant governor.

13 (d) The amounts appropriated for the constitutional convention  
14 shall be spent and accounted for by the constitutional convention.

15 ✓ Sec. 44.90.020. PLACE AND TIME OF CONSTITUTIONAL CONVENTION. (a)  
16 If a majority of the votes cast under AS 15.50.070 is in the affirma-  
17 tive, the constitutional convention shall assemble at the University of  
18 Alaska, College, Alaska ] at 10:00 a.m. or as soon as a quorum is present  
19 on the second Monday in September following the special election or at  
20 a time specified in the call for the purpose of considering amendments  
21 or revisions to the Constitution of the State of Alaska.

22 (b) The constitutional convention shall meet for not more than 90  
23 days but may, in its discretion, recess for 15 days or less for public  
24 hearings on proposed amendments or revisions to the constitution.

25 ✓ Sec. 44.90.030. OPENING OF THE CONSTITUTIONAL CONVENTION. The  
26 governor shall open the constitutional convention and shall preside  
27 until temporary officers are selected.

28 ✓ Sec. 44.90.040. MEETINGS OF THE CONSTITUTIONAL CONVENTION. All  
29 meetings of the constitutional convention shall be held in accordance

*at a place specified in the call*

1 with AS 44.62.310 - 44.62.312.

2 ✓ Sec. 44.90.050. POWERS OF THE CONSTITUTIONAL CONVENTION. (a)  
3 The constitutional convention is the judge of the qualification and  
4 election of its members.

5 (b) The constitutional convention may by a majority vote of its  
6 members choose officers, prescribe their functions, powers and duties,  
7 and make rules for the conduct of its business.

8 (c) The constitutional convention may request and shall receive  
9 assistance and information from any state department or agency.

10 (d) The constitutional convention may employ professional, legal,  
11 and other staff assistants and enter into contracts for goods and ser-  
12 vices.

13 (e) The constitutional convention has plenary power to amend or  
14 revise the constitution subject only to ratification by the people.

15 Sec. 44.90.060. RATIFICATION OF AMENDMENTS OR REVISIONS. (a) If  
16 the constitutional convention submits amendments or revisions to the  
17 people for ratification, the lieutenant governor shall call a special  
18 election for the purpose of ratifying the amendments or revisions not  
19 less than 40 nor more than 120 days after the adjournment of the consti-  
20 tutional convention.

21 (b) The ratification election shall be conducted under AS 15.

22 Sec. 44.90.070. IMMUNITIES. A delegate to a constitutional con-  
23 vention may not be held to answer before any tribunal for any statement  
24 made in the exercise of his duties as a delegate to the constitutional  
25 convention while the convention is in session. A delegate attending,  
26 going to or returning from convention sessions is not subject to civil  
27 process and is privileged from arrest except for felony or breach of  
28 the peace.

29 Sec. 44.90.080. EXPENSES, TRAVEL, AND PER DIEM OF DELEGATES. A

*Not for revisions of AFOL Law*

1 delegate to the constitutional convention is entitled to expenses, per  
2 diem, and travel allowances provided by law for legislators while the  
3 legislature is in session. A delegate does not receive salary for ser-  
4 vice as a delegate.

5 ✓ Sec. 44.90.090. DELEGATE VACANCY. If a vacancy occurs in the  
6 office of delegate, the governor shall appoint a qualified person to  
7 fill the vacancy.

8 \* Sec. 7. AS 39.50.020(b) is amended to read:

9 (b) The governor, lieutenant governor, members of the legislature,  
10 delegates to a constitutional convention, and candidates for these  
11 offices, judicial officers, each commissioner, head or deputy head of,  
12 or director of a division within, a department in the executive branch,  
13 assistant to the governor or chairman or member of a commission or  
14 board required to report under this chapter, shall file the statement  
15 with the Alaska Public Offices Commission. Municipal officers, and  
16 candidates for elective municipal office, shall file with the municipal  
17 clerk or other municipal official designated to receive their filing  
18 for office. All statements required to be filed under this chapter are  
19 public records.

20 \* Sec. 8 AS 39.50.200(a)(1) is amended to read:

21 (1) "public official" means a judicial officer, a member of  
22 the legislature, a delegate to a constitutional convention, the gover-  
23 nor, the lieutenant governor, a person hired or appointed as the head  
24 or deputy head of, or director of a division within, a department in  
25 the executive branch, an assistant to the governor, chairman or member  
26 of a state commission or board, and each appointed or elected municipal  
27 officer;

28 \* Sec. 9. AS 39.50.200(a) is amended by adding a new paragraph to read:

29 (10) "candidate for state elective office" includes a candi-

1 date for election as a delegate to a constitutional convention.

2 \* Sec. 10. AS 24.45.081 is amended to read:

3 ✓ Sec. 24.45.081. REPORTING PERIODS. (a) Reports required under  
4 this chapter shall be filed during the calendar month following each  
5 calendar month during any part of which the legislature was in session  
6 and during the month following each calendar quarter when the legisla-  
7 ture was not in session.

8 (b) If [HOWEVER, IF] a lobbyist registered under this chapter has  
9 declared that he seeks only to influence administrative action and not  
10 legislative action he need only file a report required under this  
11 chapter for each calendar quarter. If a lobbyist registered under this  
12 chapter has declared that he seeks to influence legislative action but  
13 does not intend to influence legislative action at a constitutional  
14 convention, he need only file the reports required under (a) of this  
15 section. If a lobbyist registered under this section has declared that  
16 he seeks to influence legislative action at a constitutional conven-  
17 tion, he need only file reports during the calendar month following  
18 a calendar month during which the constitutional convention was in  
19 session.

20 (c) The period covered shall be the calendar month or the calen-  
21 dar quarter, as applicable, and shall in any event cover the period  
22 from the date of the last report filed under this chapter to the date  
23 of the end of the calendar month or quarter, as applicable, for which  
24 the report is being filed. The period covered shall not include any  
25 months covered in previous reports filed by the same person. When  
26 total amounts are required to be reported, totals shall be stated both  
27 for the period covered by the statement and for the entire calendar  
28 year to date.

29 \* Sec. 11. AS 24.45.161(a)(1)(B) is amended to read:

1 (B) who limits his lobbying activities to appearances  
2 before public sessions of the legislature or before public ses-  
3 sions of a constitutional convention, or their [ITS] committee or  
4 subcommittees, or to public hearings or other public proceedings  
5 of state agencies;

6 \* Sec. 12. AS 24.45.161(b) is amended to read:

7 (b) Nothing in this chapter may be construed as prohibiting or  
8 affecting the rendering of professional services in drafting legis-  
9 lative measures or in advising clients and in rendering opinions as to  
10 the construction or effect of proposed or pending legislative or admin-  
11 istrative action when these professional services are not otherwise  
12 connected with influencing or attempting to influence legislative or  
13 administrative action. Nor does anything in this chapter prevent  
14 members of the legislature or delegates to a constitutional convention  
15 from discussing with constituents the advisability of passing legis-  
16 lation or proposals for amendments or revisions then pending before, or  
17 proposed to be presented to, the legislature or a constitutional con-  
18 vention.

19 \* Sec. 13. AS 24.45.161(c) is amended to read:

20 (c) Either house of the legislature or a constitutional con-  
21 vention [BY RESOLUTION, OR BOTH HOUSES OF THE LEGISLATURE BY CONCURRENT  
22 RESOLUTION,] may by resolution invite a person to appear to speak  
23 before it [THE LEGISLATURE OR EITHER HOUSE] with reference to any  
24 pending matter. A standing, special or interim committee of either  
25 house of the legislature or of a constitutional convention may, upon  
26 the concurrence of a majority of its members, extend an invitation to  
27 any person to appear before the committee to give information in regard  
28 to, or explain, any matter pending before the committee.

29 \* Sec. 14. AS 24.45.171(7) is amended to read:

1           (7) "legislative action" means the preparation, research,  
2 drafting, introduction, consideration, modification, amendment, ap-  
3 proval, passage, enactment, defeat or rejection of any bill, resolution,  
4 proposition, amendment, revision, motion, report, nomination, appoint-  
5 ment or other matter by the legislature or by a constitutional conven-  
6 tion, or by a standing, interim or special committee of the legislature  
7 or of a constitutional convention, or by a member or employee of the  
8 legislature or of a constitutional convention acting in his official  
9 capacity; it includes, but is not limited to, the action of the governor  
10 in approving or vetoing a bill or the action of the legislature in  
11 considering, overriding or sustaining that veto and the action of the  
12 legislature in considering, confirming or rejecting an executive  
13 appointment of the governor;

14 \* Sec. 15. AS 15.50.090, 15.50.100, and 15.50.110 are repealed.

15 \* Sec. 16. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).

S

B

16

7

working with APOC to remove some of the more onerous reporting provisions of the conflict of interest law

CONFLICT OF INTEREST REVISIONS NOW BEING DRAFTED

Title 39, Chapter 50

e.g., increase from \$100 to \$5,000 threshold at which income sources will have to be reported -- elim. problem for most doctors and other professionals

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

REPLY TO:

- 610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176
- JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4864

February 15, 1982

The Honorable Tim Kelly  
Alaska State Senate  
State Capitol Bldg.  
Pouch V  
Juneau, AK 99811

Dear Senator Kelly:

The Alaska Public Offices Commission urges passage of the Rules Committee Substitute for SB 167. Since the enactment of AS 15.13 in 1974, the Commission has sought various changes to make the Campaign Disclosure Law more effective and more reasonable; no substantive amendments have been accomplished since 1977. 1978 was the first gubernatorial election year after expenditure limitations were struck down by the courts. Experience in dealing with the volume of paperwork generated during that year, as well as subsequent elections, has made the Commission painfully aware of the need for statutory amendments.

Many of the changes included in the present bill were worked out in the 1980 Free Conference Committee and can be characterized as "fine tuning" while others are more substantive in nature. Although these changes would reduce reporting requirements substantially, they also preserve the public's right to know about the sources and uses of campaign funds.

The latest amendments in the present bill include:

- 1) increasing the maximum contribution to \$2,000;
- 2) raising the threshold at which a contributor's name must be reported to over \$250;
- 3) allowing expenditures of \$250 or less to be reported as a lump sum on each report;
- 4) restoring the four-year statute of limitations; and
- 5) simplifying a candidate's "paid for by" requirement.

Several of these changes are a natural consequence of inflation; others, such as shortening the "paid for by" requirement are the result of public input and Commission administration of the existing Law.

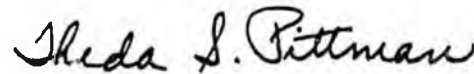
While the Commission strongly endorses the passage of this bill, we are under no illusions that this will result in a "perfect" law. Circumstances

surrounding campaigning for office are bound to change over the years and that, coupled with the Commission's experience in enforcement, will mandate future amendments. However, with such an extraordinarily large campaign year underway already, the Commission hopes to have CSSB 167 (Rules) passed quickly and implemented as soon as possible.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

SHARI T. HOLMES, CHAIRMAN  
GEORGE H. WHITE, VICE-CHAIRMAN  
RICHARD F. LISTOWSKI  
MILDRED O. OPLAND  
JERRY L. WHITE



by: THEDA S. PITTMAN  
Executive Director

TSP/mab

ALASKA PUBLIC OFFICES COMMISSION  
CHECKLIST OF CSSB 167(R1s) CHANGES IN AS 15.13, CAMPAIGN DISCLOSURE  
February 15, 1982

- increasing the maximum annual contribution from \$1,000 to \$2,000;
- raising the threshold at which a contributor's name must be reported to over \$250;
- allowing expenditures of \$250 or less to be reported as a lump sum on each report;
- exempting candidates for service area boards from campaign disclosure requirements;
- allowing deputy treasurers, as well as treasurers and candidates, to certify reports;
- allowing candidates who plan to accept no more than \$250 in total contributions and to spend no more than \$250 to file one Campaign Exemption Report;
- allowing contributions which exceed \$100 in cash to be accepted if receipted;
- allowing candidates to use a "short form" of identification on political communications, i.e., "paid for by Pat Candidate;"
- allowing expenditures before filing;
- establishing January 10 as the due date for Year-end Reports;
- deleting the requirement to report expenditures on 24 Hour Reports as well as changing such to "48 hour" reports;
- specifying which violations of AS 15.13 may result in criminal penalties;
- eliminating the requirement to record and report contributions returned within 72 hours;
- deleting the requirement that suppliers of services file reports;
- restoring the four-year statute of limitations for AS 15.13;
- requiring that APOC hearing process regulations be promulgated;
- prohibiting new regulations from taking effect later than 30 days before the filing deadline.

## SECTIONAL ANALYSIS OF CSSB 167 (RULES)

Prepared by the Alaska Public Offices Commission

"An Act relating to election campaigns..."

Section 1: Amends AS 15.13.010(a) to exempt municipal candidates for service area boards.

Sections 2, 3, and 4: Amends AS 15.13.020 to provide selection of the fifth member of the Commission by the Governor; retains present 5-year term; no longer limits members to one term.

Sections 5 and 6: Amends AS 15.13.030 to make the Commission's authority to issue orders explicit; prohibits the application of new or amended regulations in a particular election, if the effective date is later than 30 days before the final date for filing.

Section 7: Amends AS 15.13.040(a) by raising the threshold at which a contributor's name must be reported to over \$250; specifies that only expenditures exceeding \$250 need be itemized; allows deputy treasurers to certify reports if the Commission has received notice of their appointment.

Sections 8 and 9: Amends AS 15.13.040(b) to make group reporting requirements consistent with those set for candidates by section 7.

Sections 10 and 11: Amends AS 15.13.040(d) and (e) to eliminate a Statement of Contributions from those who have contributed more than \$100; retains the requirement for a Statement of (Independent) Expenditures.

Section 12: Adds AS 15.13.042 to allow candidates limiting the financial activity of their campaigns to \$250 or less to file one certified exemption report.

Section 13: Amends AS 15.13.045 to require hearing process regulations which are consistent with the Administrative Procedures Act.

Section 14: Housekeeping which amends AS 15.13.050 by transferring language from .130(3) concerning groups which support or oppose only one candidate; specifies that groups supporting or opposing ballot issues must register before expending funds.

Section 15: Amends 15.13.060(c) to require submission of the name of a campaign chairman (if any).

Sections 16, 17, and 18: Amends 15.13.070 to allow a maximum contribution of \$2,000 to a candidate; removes reference to expenditure limitations which have been ruled unconstitutional; allows cash contributions over \$100 if receipted.

Sections 19 and 20: Amends AS 15.13.090 to permit candidates to use an abbreviated identification on their political communications, i.e., "paid for by Pat Candidate."

Section 21: Amends AS 15.13.100 to permit "candidates" (see section 28) to expend money before filing formally for office.

Section 22: Amends AS 15.13.110(a)(4) to establish January 10 as due date for year-end reports.

Section 23: Amends AS 15.13.110(b) to change 24 Hour Reports to 48 hour reports; limits such reports to contributions over \$250; closes a 3-day gap between the 7-Day reporting period and the proposed 48 Hour reporting period.

Section 24: Adds AS 15.13.110(f) to clarify that the 10-Day Post-election Report is the final report if a campaign has ceased and all debts are paid.

Section 25: Moves the present language in AS 15.13.120(d) concerning the right of a person to file a complaint.

Section 26: Amends AS 15.13.120(a), the criminal penalty section of the statute, to specify which violations should be viewed as Class A misdemeanors.

Section 27: Amends AS 15.13.120(c) to clarify that the Commission shall report to the Attorney General the names of both candidates and groups which have failed to file a report.

Section 28: Repeals and reenacts AS 15.13.130(1), expanding the definition of candidate to include not only those who file or campaign as write-ins, but also those who receive contributions or make expenditures, or who consent to such activities on their behalf.

Section 29: Amends AS 15.13.120(2) to exclude from the definition of "contribution" one that is returned within 72 hours of its receipt by a candidate or group.

Section 30: Amends AS 15.13.130(3) by deleting language now included in section 14 concerning groups.

Section 31: Amends AS 15.56.130 to restore the original four-year statute of limitations for Chapter 13 which was reduced to one-year as part of a recent Elections Code revision.

Section 32: Repealers include:

- AS 15.13.020(c), the selection of the 5th Commission member by the other four;
- 15.13.040(f), the Supplier of Services report,
- 15.13.070(f) and (g), language on spending limits;
- 15.13.110(d), the Supplier of Services report; and
- 15.13.120(d), complaint language moved by Section 25.

Section 33: Establishes an immediate effective date.

SENATOR  
PATRICK M. RODEY  
3271 MONTCLAIRE COURT  
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER  
CHAIRMAN  
SENATE JUDICIARY COMMITTEE  
CHAIRMAN  
SENATE SPECIAL COMMITTEE  
ON BANKING

ALASKA STATE LEGISLATURE

POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3717

MEMORANDUM

To: All Senators

From: Senator Rodey

Re: CSSB167(Rules)

Please find attached a sectional analysis, and brief informational sheet on the bill appearing on Monday's calender. This bill cleans up many of the provisions which have made campaign disclosure reporting somewhat difficult in the past.

I hope you will join me in supporting this needed legislation.

## SECTIONAL ANALYSIS OF CSSB 167 (RULES)

Prepared by the Alaska Public Offices Commission

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- 15.13.070(f) and (g), language on spending limits;
- 15.13.110(d), the Supplier of Services report; and
- 15.13.120(d), complaint language moved by Section 25.

Section 33: Establishes an immediate effective date.

ALASKA PUBLIC OFFICES COMMISSION  
CHECKLIST OF CSSB 167(R1s) CHANGES IN AS 15.13, CAMPAIGN DISCLOSURE  
February 15, 1982

- increasing the maximum annual contribution from \$1,000 to \$2,000;
- raising the threshold at which a contributor's name must be reported to over \$250;
- allowing expenditures of \$250 or less to be reported as a lump sum on each report;
- exempting candidates for service area boards from campaign disclosure requirements;
- allowing deputy treasurers, as well as treasurers and candidates, to certify reports;
- allowing candidates who plan to accept no more than \$250 in total contributions and to spend no more than \$250 to file one Campaign Exemption Report;
- allowing contributions which exceed \$100 in cash to be accepted if receipted;
- allowing candidates to use a "short form" of identification on political communications, i.e., "paid for by Pat Candidate;"
- allowing expenditures before filing;
- establishing January 10 as the due date for Year-end Reports;
- deleting the requirement to report expenditures on 24 Hour Reports as well as changing such to "48 hour" reports;
- specifying which violations of AS 15.13 may result in criminal penalties;
- eliminating the requirement to record and report contributions returned within 72 hours;
- deleting the requirement that suppliers of services file reports;
- restoring the four-year statute of limitations for AS 15.13;
- requiring that APOC hearing process regulations be promulgated;
- prohibiting new regulations from taking effect later than 30 days before the filing deadline.

SENATE AMENDMENT ~~116~~

By RAY

To: CS SENATE BILL No. 167 (Rules)

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 1      LINE: 20

Put period • after word "board" and  
delete rest of sentence.

A M E N D M E N T

#5



Offered in the SENATE

By Dinkworth

TO: CSSB 167 (Rules)

Page 14, line 4:

Delete "15.13.120(d)" and insert "15.13.120(b) and (d)"

SENATE AMENDMENT

~~2/4~~

By Fischer

To: \_\_\_\_\_ SENATE BILL No. 167

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 7                      LINE: 11, 17, and 22

delete \$2,000 and brackets around \$1,000

*El*  
*Scoble*  
*Stinson*  
*VTT*

SENATE AMENDMENT

#3



By ~~Fischer~~ FISCHER

To: \_\_\_\_\_ SENATE BILL No. 167

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

|       |   |       |    |
|-------|---|-------|----|
| PAGE: | 5 | LINE: | 29 |
| "     | 6 | "     | 2  |
| "     | 6 | "     | 3  |

after " candidate" add "or ballot issue"

① - to -10 ~~Coalition~~  
 → (favored proposition on closing bar hours)

② Committee for Informed  
 Choice  
 → (opposed proposition on closing bar hours)

SENATE AMENDMENT

#2

By Senator Robert H. Ziegler, Sr.

To: Amend SENATE BILL No. CSSB 167 (R1s.)

To: \_\_\_\_\_ HOUSE BILL No. \_\_\_\_\_

PAGE: 4      LINE: 28

After the word "made", change the period (.) to a comma (,) and insert the following:

"or the indebtedness is incurred, whichever first occurs."

AMENDMENT # 1  
CSSB 167 (Rules)

✓  
AM #1  
leg: Rodery

Page 12, line 1

Amended by inserting a new section on page 12: line 1

Section 27. AS 15.13.120(b)

(b) The nomination for, or election to, an office of a candidate who violates a provision of this chapter, or whose campaign treasurer or deputy campaign treasurer violates a provision of this chapter, is void, and, if he is elected, the successful candidate may not hold office and the office shall be filled as required by law in the case of vacancy. When a violation of this chapter is alleged, the candidate's right to the nomination of the office may be tested in an action brought in the superior [supreme] court as a matter of original jurisdiction. All cases of this nature shall be in a preferred position for purposes of argument and decision, so as to assure a speedy disposition of the matter.

Renumber remaining sections.

SENATE AMENDMENT

BY PARR

To: Amend #7

SENATE BILL No. CS SB 167 (Rules)

To: \_\_\_\_\_

HOUSE BILL No. \_\_\_\_\_

PAGE:

LINE:

line 3 of amendment 7:  
delete " for a state office or "

Page 12, line 10

AS 15.13 is amended by adding a new section to read: Sec. 15.13.121. EFFECT OF CERTAIN CONVICTIONS. (a) If a successful candidate for a state office or for a seat on a city council or borough assembly or for borough or city mayor is convicted of a misdemeanor described in AS 15.13.120(a)(1), (3), or (6), the election is void and the successful candidate may not hold the office to which the candidate was elected. A vacancy occurring under this section shall be filled as required by law.

(b) When a candidate or a nominee is charged with a misdemeanor described in (a) of this section, the case shall be promptly tried and the case shall be accorded a preferred status by the courts to ensure a speedy disposition of the matter.

Renumber sections accordingly

*Failed a-1*  
*reinserted*

Line 14, Page 11:

Insert the word "knowingly" between the word "or" and the word "failing".

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 25, 1982

SUBJECT: Effect of certain convictions  
(Amendment to AS 15.13.120(b) in SB 167)

TO: Senator Charles H. Parr

FROM: Richard A. Bradley  
Legislative Counsel

You have provided us with an amendment prepared for Senator Rodey which would (apparently) cause the repeal of AS 15.13.120(b) and its replacement with a new Sec. 121. The section had been viewed as moribund until recently; when I had been asked to draft a bill cleaning up the invalid provisions of AS 15.13, it was my usual custom to include the repeal of Sec. 120(b). And it is fair to note that until last fall, the commission has not sought to implement the provision.

But at that time, the commission filed a complaint in the Supreme Court against Joseph Marshall, a successful candidate for election to municipal office in Fairbanks. The Supreme Court enforced AS 15.13.120(b) according to its terms.

It has always been assumed that the legislature could by general law establish the requirement found in AS 15.13.-120(b) as to municipal elections. Municipalities are generally viewed as creatures of the state and the legislature may establish what qualifications it wishes for election to municipal office. In that context, what the Court said about the provisions is significant for members of the legislature as the section is reconsidered.

The Supreme Court analyzed the law under two premises: (1) the separation of powers concept; and (2) the exclusive qualifications test. See, State v. Marshall, 633 P.2d 227 (Alaska 1981).

Both were held inapplicable to Marshall.

Under the separation of powers concept, a body given by the constitution the authority to determine the qualifications of its members is the exclusive determiner of those qualifications. And it follows that if the judiciary intervenes to determine a state legislator's qualifications under a law similar to Sec. 120(b), a violation of the separation of powers doctrine is presented.

The Court noted that candidates elected to municipal office had no similar constitutional protection.

The Court said, in this context:

~~Thus even if the forfeiture sanction conflicts with art. 11, sec. 12, of the Alaska constitution insofar as state legislative elections are concerned, a question we do not reach, (footnote) it can nonetheless constitutionally apply to local elections.~~

633 P.2d at 231.

The footnote is somewhat cryptic; it notes that if the separation of powers argument is held applicable, Sec. 120(b) still applies to "local elections, the governor, lieutenant governor and to a 'judge seeking electoral confirmation'. AS 15.13.010. This possible inconsistency argues for a uniform application."

There may be a reason to treat legislators differently; the legislature possesses the constitutional mechanism to determine the qualifications of its members and the others mentioned do not.

But it is possible that the judiciary is concerned that the constitutional procedures for the retention of judges may be invaded and compromised by legislation such as that under consideration. Since the constitutional judges of the supreme and superior courts have a constitutionally established comprehensive scheme for their retention elections, there may be some belief on the Court that those procedures are the outer edges of legislative authority to regulate the election of judges. The argument I suggest is not stated, of course, and I may be wrong about the Court's hints regarding "inconsistency".

Senator Charles H. Parr  
Page 3  
February 25, 1982

The second reason considered by the Court in the Marshall case was the suggestion that the grounds stated in the constitution for the election of officers are the only (the exclusive) qualifications that may be established. Under that analysis, laws such as Sec. 120(b) add additional qualifications. The Court stated that a "majority of the courts have rejected this view". [633 P.2d at 232]

Note that the Court's analysis is pure dicta; municipal officers have no constitutionally established qualifications for the offices they hold. To the extent that the Court considered legislative office and municipal office as presenting identical arguments, the Court misunderstood the argument. And another fact situation must be presented to the Court before a useful interpretation can be expected.

In my view, therefore, the argument that the legislature may (or may not) establish additional qualifications for election to constitutionally established public office in addition to those qualifications established constitutionally remains open. A copy of the opinion is enclosed for your review.

RAB:ljb

Enclosure

MEMO

TO: Senator Vic

FROM.: NJG *[Signature]*

DATE: 2/21/51

RE: CS SB 167 (Rules) relating to election campaigns & the APOC; and providing for an effective date.

This is the bill in which you stated to the APOC Commissioners that you would protect increasing the maximum contribution to \$2000, <sup>(a change from \$1000)</sup> & raising the threshold at which a contributor's name must be reported to over \$250 (a change from the current over \$100). APOC said these changes were in keeping with inflation. I think this weakens the intent behind reporting campaign contributions which is basically "who owes (owns) whom". I will draft an amendment in the morning if you wish.

Refer to the sectional analysis prepared by APOC for an explanation of the bill. It's basically accurate but not detailed. This bill amends Chapter 13 entitled "State Election Campaigns" of Title 15 entitled "Elections". ( This chapter and the chapter in the supplement is marked with a 3" x 5" card).

The bill is also peppered with male pronouns and CHAIRMAN's.

Other highlights - no longer limits members <sup>of commission</sup> to one term & allows candidates to expend money before filing. Under current law , candidates are limited to expenditures for personal travel expenses or for opinion surveys or polls.

~~I believe a change in this law could allow an alleged candidate to spend a lot of money doing a lot of damage & clearing the field & then never filing for public office. The law does not state that you have to file for public office once money is expended. This amendment was also in our SB 167 and I didn't catch it. <sup>page 9, line 8-19.</sup>~~

~~This last paragraph is~~ <sup>This is not correct as definition of candidate.</sup>

*delete*

Another proposed amendment (this is for me to get the Right to Life people on the abortion proposition. I want them to have to organize a new group because the Right to Life people have 501(c)(3) status i.e. IRS tax deductible.) See page 5, line 29 - Add "or ballot issue" after "candidate" and before "or" on page 6, line 1. On page 6, line 2, add "or ballot issue" after "candidate" and before "the". On page 6, line 3, add "or ballot issue" after "candidate." You can sell this amendment by stating it will help the voters in the up-coming election because the ballot will be so long and complicated, <sup>and there will be so</sup> You can mention "capital move", "constitutional convention", etc. but please stay away from the abortion issue.

→ many ads, direct mail, etc. and it will be less confusing for the voter if the groups state in their name that they oppose or favor a ballot issue.

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

JAY S. HAMMOND, GOVERNOR

REPLY TO:

610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176

JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4864

February 15, 1982

The Honorable Vic Fischer  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fischer:

The members of the Alaska Public Offices Commission and its staff would like to thank you for the opportunity to discuss recommended changes in the Campaign Disclosure Law during a recent trip to Juneau.

It is our understanding that a Rules Committee Substitute for SB 167 will be up for full Senate consideration shortly and, as promised, included herein is a sectional analysis and a brief checklist highlighting the proposed changes.

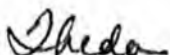
While the Commission is aware that adoption of CSSB 167 (Rules) will not solve all the problems associated with the Campaign Disclosure Law, it feels the bill would both preserve the intent of disclosure and make the Law more "livable" in many respects.

Your indication of support for constructive changes in the Campaign Disclosure Law is most appreciated and we look forward to hearing from you should you have any questions.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

SHARI T. HOLMES, CHAIRMAN  
GEORGE H. WHITE, VICE-CHAIRMAN  
RICHARD F. LISTOWSKI  
MILDRED A. OPLAND  
JERRY L. WHITE

  
by: THEDA S. PITTMAN  
Executive Director

TSP:VLR/mab

enclosures

ALASKA PUBLIC OFFICERS COMMISSION  
CHECKLIST OF CSSB 167(R1s) CHANGES IN AS 15.13, CAMPAIGN DISCLOSURE  
February 15, 1982

- increasing the maximum annual contribution from \$1,000 to \$2,000;
- raising the threshold at which a contributor's name must be reported to over \$250;
- allowing expenditures of \$250 or less to be reported as a lump sum on each report;
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- allowing deputy treasurers, as well as treasurers and candidates, to certify reports;
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- allowing contributions which exceed \$100 in cash to be accepted if receipted;
- allowing candidates to use a "short form" of identification on political communications, i.e., "paid for by Pat Candidate;"
- allowing expenditures before filing;
- establishing January 10 as the due date for Year-end Reports;
- deleting the requirement to report expenditures on 24 Hour Reports as well as changing such to "48 hour" reports;
- specifying which violations of AS 15.13 may result in criminal penalties;
- eliminating the requirement to record and report contributions returned within 72 hours;
- deleting the requirement that suppliers of services file reports;
- restoring the four-year statute of limitations for AS 15.13;
- requiring that APOC hearing process regulations be promulgated;
- prohibiting new regulations from taking effect later than 30 days before the filing deadline.

## SECTIONAL ANALYSIS OF CSSB 167 (RULES)

Prepared by the Alaska Public Offices Commission

"An Act relating to election campaigns..."

Section 1: Amends AS 15.13.010(a) to exempt municipal candidates for service area boards.

Sections 2, 3, and 4: Amends AS 15.13.020 to provide selection of the fifth member of the Commission by the Governor; retains present 5-year term; no longer limits members to one term.

Sections 5 and 6: Amends AS 15.13.030 to make the Commission's authority to issue orders explicit; prohibits the application of new or amended regulations in a particular election, if the effective date is later than 30 days before the final date for filing.

Section 7: Amends AS 15.13.040(a) by raising the threshold at which a contributor's name must be reported to over \$250; specifies that only expenditures exceeding \$250 need be itemized; allows deputy treasurers to certify reports if the Commission has received notice of their appointment.

Sections 8 and 9: Amends AS 15.13.040(b) to make group reporting requirements consistent with those set for candidates by section 7.

Sections 10 and 11: Amends AS 15.13.040(d) and (e) to eliminate a Statement of Contributions from those who have contributed more than \$100; retains the requirement for a Statement of (Independent) Expenditures.

Section 12: Adds AS 15.13.042 to allow candidates limiting the financial activity of their campaigns to \$250 or less to file one certified exemption report.

Section 13: Amends AS 15.13.045 to require hearing process regulations which are consistent with the Administrative Procedures Act.

Section 14: Housekeeping which amends AS 15.13.050 by transferring language from .130(3) concerning groups which support or oppose only one candidate; specifies that groups supporting or opposing ballot issues must register before expending funds.

Section 15: Amends 15.13.060(c) to require submission of the name of a campaign chairman (if any).

Sections 16, 17, and 18: Amends 15.13.070 to allow a maximum contribution of \$2,000 to a candidate; removes reference to expenditure limitations which have been ruled unconstitutional; allows cash contributions over \$100 if receipted.

Sections 19 and 20: Amends AS 15.13.090 to permit candidates to use an abbreviated identification on their political communications, i.e., "paid for by Pat Candidate."

Section 21: Amends AS 15.13.100 to permit "candidates" (see section 28) to expend money before filing formally for office.

Section 22: Amends AS 15.13.110(a)(4) to establish January 10 as due date for year-end reports.

Section 23: Amends AS 15.13.110(b) to change 24 Hour Reports to 48 hour reports; limits such reports to contributions over \$250; closes a 3-day gap between the 7-Day reporting period and the proposed 48 Hour reporting period.

Section 24: Adds AS 15.13.110(f) to clarify that the 10-Day Post-election Report is the final report if a campaign has ceased and all debts are paid.

Section 25: Moves the present language in AS 15.13.120(d) concerning the right of a person to file a complaint.

Section 26: Amends AS 15.13.120(a), the criminal penalty section of the statute, to specify which violations should be viewed as Class A misdemeanors.

Section 27: Amends AS 15.13.120(c) to clarify that the Commission shall report to the Attorney General the names of both candidates and groups which have failed to file a report.

Section 28: Repeals and reenacts AS 15.13.130(1), expanding the definition of candidate to include not only those who file or campaign as write-ins, but also those who receive contributions or make expenditures, or who consent to such activities on their behalf.

Section 29: Amends AS 15.13.120(2) to exclude from the definition of "contribution" one that is returned within 72 hours of its receipt by a candidate or group.

Section 30: Amends AS 15.13.130(3) by deleting language now included in section 14 concerning groups.

Section 31: Amends AS 15.56.130 to restore the original four-year statute of limitations for Chapter 13 which was reduced to one-year as part of a recent Elections Code revision.

Section 32: Repealers include:

- AS 15.13.020(c), the selection of the 5th Commission member by the other four;
- 15.13.040(f), the Supplier of Services report;
- 15.13.070(f) and (g), language on spending limits;
- 15.13.110(d), the Supplier of Services report; and
- 15.13.120(d), complaint language moved by Section 25.

Section 33: Establishes an immediate effective date.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 11, 1981

SUBJECT: Section 26 board status for APOC  
(CSSB 167 (State Affairs))

TO: Senator Vic Fischer, Chairman  
Senate State Affairs Committee

FROM: Richard A. Bradley   
Legislative Counsel

Nancy Groszek has asked that I make the members of the Public Offices Commission be confirmed by the legislature. This result may only occur if the APOC is established as a "section 26 board or commission". Bradner v. Hammond, 553 P.2d 1 (1976).

Sec. 26 [of Article III, Constitution of Alaska] provides that:

SECTION 26. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature . . .

Either the Public Offices Commission is already a "commission" "at the head of a . . . regulatory or quasi-judicial agency" -- in which case it already is a section 26 commission and the members as a matter of constitutional law are subject to confirmation -- or there is no power in the legislature to make it into a section 26 commission unless it recasts the powers of the commission such that it becomes a "regulatory or quasi-judicial agency" -- or unless the legislature establishes the commission as a department headed by a commission.

In a memorandum to the Speaker last year, I concluded that the commission did not qualify as a section 26 commission

Senator Vic Fischer  
Page 2  
May 11, 1981

for purposes of the confirmation of its members. Memorandum of June 1, 1980, copy enclosed.

Since the conclusions of that memorandum resulted from a conclusion that the functions of the commission were not properly describable as those of a "regulatory or quasi-judicial agency" and since the addition of the ethics responsibility does not change the nature of those functions, in my opinion there is no basis for conferring section 26 status on the commission.

And since the Bradner case holds that the legislature may not require the confirmation of public officials not required to be confirmed under the constitution, the introduction of the language requiring confirmation is, in my view, unconstitutional.

If the committee wishes the language requiring confirmation, please return the bill and it will be added.

RAB:ljb

Enclosures

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 1, 1980

SUBJECT: Article III, sec. 26 and the APOC

TO: Representative Terry Gardiner  
Speaker of the House of Representatives

FROM: Richard A. Bradley  
Legislative Counsel

You have requested a memorandum on the applicability of Article III, sec. 26 of the Alaska Constitution to the appointment of the members of the Alaska Public Offices Commission established in AS 15.13.

Sec. 26 requires the governor to appoint members of boards or commissions which are at the head of a "regulatory or quasi-judicial agency" subject to legislative confirmation.

No provision of AS 15.13, AS 24.45, or AS 39.50 requires the legislative confirmation of the members of the commission.

The question, then, is whether the Alaska Public Offices Commission is a "regulatory or quasi-judicial agency."

The activities of the commission fall under three chapters of the Alaska Statutes.

Under AS 15.13, the commission receives the reports of candidates for political office. If reports are not filed timely or if there are defects in the reports, the commission may impose sanctions for the lateness or the other defects.

Under AS 24.45, the commission receives reports of lobbying activity and imposes sanctions for late or inadequate filings.

Under AS 39.50, the commission again receives reports of public officials concerned with the disclosure of conflicts of interest and establishes appropriate sanctions.

Under none of these laws does the activity of the commission truly partake of the concept of regulation. Rather the regulation in question has been accomplished by the legislature in its enactment of the three chapters. The role of the commission is to monitor compliance with the regulations established by the legislature and to set sanctions to the extent that it has the power and to forward cases to the Department of Law where its power is lacking or the sanctions are inadequate.

It seems clear that the aspect of regulation undertaken by the commission is of a lower level than that undertaken by the Public Utilities Commission, for example. And the difference between the regulation undertaken by APOC and APUC is so different that the distinction more closely approximates a distinction in kind rather than a distinction in degree.

Having said this, the question whether this limited aspect of "regulation" qualifies to establish the commission as a section 26 commission is close.

In my view, the legislature may determine this question itself. It may characterize the responsibilities of the commission as regulatory and require compliance with sec. 26 requirements; alternatively, it may determine that the responsibilities do not rise to the level of regulation for the purposes of sec. 26 and avoid the requirements of sec. 26.

It does this in close cases not by any affirmative statement in the law itself but rather by its determination to require confirmation of the members of the commission or not.

The Bradner v. Hammond case, 553 P.2d 1 (Alaska 1976) stands for the proposition that the legislature may not undertake to require legislative confirmation of public officers of the executive branch who are not within the sweep of the confirmation power [Article III, secs. 25 and 26] under the constitution. But the case does not limit the authority of the legislature to determine for itself close questions of whether a board or commission exercises "regulatory or quasi-judicial" powers where the legislature has the power to establish the commission and grant it "regulatory or quasi-judicial" power.

Representative Terry Gardiner  
Page 3  
June 1, 1980

The implicit legislative determination that the members of the commission do not require legislative confirmation constitutes, in the premises, an affirmative legislative determination that the commission does not exercise "regulatory or quasi-judicial" powers.

As I have suggested above, that conclusion is supportable by an analysis of the responsibilities of the commission.

And there is no legal significance to the submission by the governor of the names of appointees to the commission for legislative confirmation, if that has occurred. See, Bradner v. Hammond, supra, at 4, n.5.

RAB:ljb

Bradley ✓

Original sponsor: Kelly

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 'CS FOR SENATE BILL NO. 167 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns and to the  
7 composition and responsibilities of the Alaska Public  
8 Offices Commission; and providing for an effective  
9 date."

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

11 \* Section 1. AS 15.13.010(a) is amended to read:

12 (a) This chapter applies in every election for governor, lieuten-  
13 ant governor, a member of the state legislature, a delegate to a con-  
14 stitutional convention, or judge seeking electoral confirmation. It  
15 also applies to every candidate for election to a municipal office in a  
16 city or borough with a population of more than 1,000 inhabitants accord-  
17 ing to the latest United States census figures or estimates of popula-  
18 tion certified as correct for administrative purposes by the Department  
19 of Community and Regional Affairs. This chapter does not apply to a  
20 candidate for a service area board or to a candidate for a commission  
21 that serves only in an advisory capacity. A municipality may exempt  
22 candidates for municipal office and persons and groups active in  
23 municipal election campaigns [ITS ELECTED MUNICIPAL OFFICERS] from the  
24 requirements of this chapter if a majority of the voters voting on the  
25 question at any regular election, as defined by AS 29.78.010(14), or a  
26 special municipality-wide election called for that purpose, vote to  
27 exempt candidates for municipal office and persons and groups active  
28 in municipal election campaigns [ITS ELECTED MUNICIPAL OFFICERS] from  
29 the requirements of this chapter. The question of exemption from the

Handwritten initials and scribbles on the left margin.

CONFIRM BY LEGISL.



1 requirements of this chapter may be submitted by the city council or  
2 borough assembly by ordinance or by initiative ordinance. Nothing in  
3 this chapter prohibits a municipality from regulating by ordinance  
4 campaign contributions and expenditures.

5 \* Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

6 (b) The governor shall appoint two members of the commission from  
7 each of the two political parties whose candidates for governor re-  
8 ceived the highest and the second highest number of votes at the most  
9 recent preceding general election at which a governor was elected. The  
10 fifth member of the commission shall be appointed without regard to  
11 party affiliation.

12 Sec. 3. AS 15.13.020(d) is repealed and reenacted to read:

13 (d) Members of the commission serve five-year terms. A member of  
14 the commission serves until his successor is appointed and qualified.  
15 The terms of two commission members who are members of the same politi-  
16 cal party may not expire in consecutive years. The term of office of a  
17 member of the commission dates from February 1 of the year of appoint-  
18 ment.

19 \* Sec. 4. AS 15.13.020(h) is amended to read:

20 (h) A vacancy on the commission shall be filled by the governor  
21 [APPROPRIATE APPOINTING AUTHORITY] within 30 days of the occurrence of  
22 the vacancy. The appointee shall serve for the remaining term of his  
23 predecessor.

24 \* Sec. 5. AS 15.13.030(10) is amended to read:

25 (10) adopt regulations and issue orders necessary to implement  
26 and clarify the provisions of AS 24.45, AS 39.50 and this chapter,  
27 subject to the provisions of the Administrative Procedure Act (AS 44.-  
28 62).

29 \* Sec. 6. AS 15.13.040(a) is amended to read:

MAKES EXPLICIT

CHANGES  
since election  
Nov 27  
from 1 party in  
2 years

*Relieve burden of reporting small expenditures*

*new deputy can't*

1           Sec. 15.13.040. CONTRIBUTIONS AND [,] EXPENDITURES [AND SUPPLYING  
2 OF SERVICES] TO BE REPORTED. (a) Each candidate shall make a full  
3 report, upon a form prescribed by the commission, listing the total  
4 [DATE AND] amount of all expenditures made or incurred by the candidate,  
5 together with the date, amount, and check number for each expenditure  
6 exceeding \$100 in value, the total amount of all contributions, includ-  
7 ing all funds contributed by the candidate himself, and for all contri-  
8 butions in excess of \$100 in the aggregate a year, the name, address,  
9 principal occupation, and employer of the contributor and the date and  
10 amount contributed by each contributor. The report shall be filed in  
11 accordance with AS 15.13.110 and shall be certified correct by the  
12 candidate or campaign treasurer. A campaign treasurer or deputy  
13 treasurer may not certify a report under this section unless the ap-  
14 pointment of the campaign treasurer or deputy campaign treasurer by  
15 the candidate has been received by the commission.

\* Sec. 7. AS 15.13.040(b)(3) is amended to read:

17           (3) the date and amount of all contributions received [MADE  
18 BY IT] and all expenditures made, incurred or authorized by it includ-  
19 ing the date, amount and check number of any expenditure exceeding \$100  
20 in value.

\* Sec. 8. AS 15.13.040(d) is amended to read:

22           (d) Every individual or [,] person, and every [OR] group that is  
23 not required to report in accordance with (b) of this section, making  
24 an [A CONTRIBUTION OR] expenditure shall make a full report, upon a  
25 form prescribed by the commission, of [THE FOLLOWING CONTRIBUTIONS OR  
26 EXPENDITURES: (1) ANY CONTRIBUTION OF CASH, GOODS OR SERVICES VALUED  
27 AT MORE THAN \$100 A YEAR TO ANY GROUP OR CANDIDATE; OR (2)] any expen-  
28 diture whatsoever for advertising in newspapers, on radio or on televi-  
29 sion; or, for the publication, distribution or circulation of brochures.

1 flyers, or other campaign material for or against any candidate, [OR]  
2 ballot proposition or question.

3 \* Sec. 9. AS 15.13.040(e) is amended to read:

4 (e) The report required under (d) of this section shall contain  
5 the name, address, principal occupation and employer of the individual  
6 filing the report, and an itemized list of expenditures. The report  
7 shall be filed with the commission [BY THE CONTRIBUTOR] no later than  
8 10 days after the [CONTRIBUTION OR] expenditure is made. [A COPY OF  
9 THE REPORT SHALL BE FURNISHED TO THE CANDIDATE, CAMPAIGN TREASURER OR  
10 DEPUTY CAMPAIGN TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

11 \* Sec. 10. AS 15.13 is amended by adding a new section to read:

12 Sec. 15.13.042. LIMITED CAMPAIGN ACTIVITY. (a) A candidate who  
13 does not intend to accept contributions or make expenditures which  
14 exceed \$250 in total value may file a report, upon a form prescribed by  
15 the commission, informing the commission of his intent. The report may  
16 be filed only once and may be filed either before or at the time the  
17 candidate's first report is due under AS 15.13.110. The report shall  
18 be certified as correct by the candidate.

19 (b) A candidate who accepts a contribution or makes expenditures  
20 which total more than \$250 after filing a report under (a) of this  
21 section loses his exemption from the reporting requirements of this  
22 chapter and shall file reports due under AS 15.13.110. The first  
23 report is due three days after the acceptance of a contribution or the  
24 making of an expenditure of more than \$250 by the candidate. A candi-  
25 date who receives an unsolicited contribution and returns the contribu-  
26 tion to the contributor within 72 hours of its receipt does not lose  
27 the exemption provided in this section.

28 \* Sec. 11. AS 15.13.050 is repealed and reenacted to read:

29 Sec. 15.13.050. GROUPS. (a) Each group, before making an expen-

*old 9*

*work sheet*  
*best of you*  
*improvements*  
*candidate*

1           Sec. 15.13.040. CONTRIBUTIONS AND [,] EXPENDITURES [AND SUPPLYING  
2 OF SERVICES] TO BE REPORTED. (a) Each candidate shall make a full  
3 report, upon a form prescribed by the commission, listing the total  
4 [DATE AND] amount of all expenditures made or incurred by the candidate,  
5 together with the date, amount, and check number for each expenditure  
6 exceeding \$100 in value, the total amount of all contributions, includ-  
7 ing all funds contributed by the candidate himself, and for all contri-  
8 butions in excess of \$100 in the aggregate a year, the name, address,  
9 principal occupation, and employer of the contributor and the date and  
10 amount contributed by each contributor. The report shall be filed in  
11 accordance with AS 15.13.110 and shall be certified correct by the  
12 candidate or campaign treasurer. A campaign treasurer or deputy  
13 treasurer may not certify a report under this section unless the ap-  
14 pointment of the campaign treasurer or deputy campaign treasurer by  
15 the candidate has been received by the commission.

16 \* Sec. 7. AS 15.13.040(b)(3) is amended to read:

17           (3) the date and amount of all contributions received [MADE  
18 BY IT] and all expenditures made, incurred or authorized by it includ-  
19 ing the date, amount and check number of any expenditure exceeding \$100  
20 in value.

21 \* Sec. 8. AS 15.13.040(d) is amended to read:

22           (d) Every individual or [,] person, and every [OR] group that is  
23 not required to report in accordance with (b) of this section, making  
24 an [A CONTRIBUTION OR] expenditure shall make a full report, upon a  
25 form prescribed by the commission, of [THE FOLLOWING CONTRIBUTIONS OR  
26 EXPENDITURES: (1) ANY CONTRIBUTION OF CASH, GOODS OR SERVICES VALUED  
27 AT MORE THAN \$100 A YEAR TO ANY GROUP OR CANDIDATE; OR (2)] any expen-  
28 diture whatsoever for advertising in newspapers, on radio or on televi-  
29 sion; or, for the publication, distribution or circulation of brochures.