

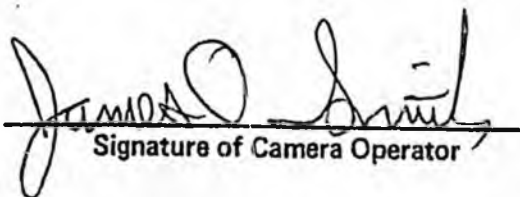
ALASKA LEGISLATURE COMMITTEE FILES 1985-1988 00/2  
3642 HSTA APOC RACKETEERING - APOC REGULATIONS, 1986 5/8



# RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

  
Signature of Camera Operator

  
Date

APOCC -

RACKETEERING

3.4.85

mtg. w/ Hank Ostrosky 11:45 AM

FED FACILETIES ACT CAMPAIGN  
1962 w/ relation to financing

APOC doesn't have the powers to  
investigate

PERHAPS A BILL done w/ HSA & APOC

WB 184 in 100 then fin  
Ostrosky says it is weak - ~~should be~~

Use Utah statutes as guide  
for HSA bill

perhaps an initiative

**tobacco — Ejection of passenger.** (1) A person is guilty of a class C misdemeanor, if he:

(a) Threatens a breach of the peace, is disorderly, or uses obscene, profane or vulgar language on a bus; or

(b) Is in or upon any bus while unlawfully under the influence of a controlled substance as defined in section 58-37-2; or

(c) Fails to obey a reasonable request or order of a bus driver, bus company representative or other person in charge or control of a bus or terminal; or

(d) Ingests any controlled substance, unless prescribed by a physician or medical facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered bus; or

(e) Smokes tobacco or other products in or upon any bus, except a chartered bus.

(2) If any person violates the preceding subsection, the driver of the bus or person in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove such person, using only such force as may be necessary to accomplish the removal, and the driver or person in charge may request the assistance of passengers to assist in the removal, and the driver or person in charge may cause the person so removed to be detained and delivered to the proper authorities.

History: L. 1979, ch. 72, § 6.

**76-10-1507. Exclusion of persons without bona fide business from terminal — Firearms and dangerous materials — Surveillance devices and seizure of offending materials — Detention of violators — Private security personnel.** (1) In order to provide for the safety, welfare and comfort of passengers, a bus company may refuse admission to terminals to any person not having bona fide business within the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws or regulations, or to any ordinance of the political subdivision in which the terminal is located. An authorized bus company representative may require any person in a terminal to identify himself and state his business. Failure to comply with such request or to state an acceptable business purpose shall be grounds for the representative to request that the person depart the terminal. Any person who refuses to comply with such a request shall be guilty of a class C misdemeanor.

(2) Any person who carries a concealed dangerous weapon, firearm, or any explosive, highly inflammable or hazardous materials or devices into a terminal or aboard a bus shall be guilty of a third degree felony. The bus company may employ reasonable means, including mechanical, electronic or x-ray devices to detect such items concealed in baggage or upon the person of any passenger. Upon the discovery of any such item, the company may obtain possession and retain custody thereof until it is transferred to law enforcement officers.

(3) An authorized bus company representative may detain within a terminal or bus any person violating the provisions of this act for a reasonable time until law enforcement authorities arrive. Such detention shall not constitute unlawful imprisonment and neither the bus company nor the representative shall be civilly or criminally liable upon grounds of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against any person so detained.

(4) A bus company may employ or contract for private security personnel. Such personnel may detain within a terminal or bus any person violating the provisions of this act for a reasonable time until law enforcement authorities arrive, and may

use reasonable and necessary force in subduing or detaining any person violating this act.

History: L. 1979, ch. 72, § 7.

Cross-References.

Loitering, 76-9-703.

**76-10-1508. Theft of baggage or cargo.** Any person who removes any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of the property or the bus company, or its duly authorized representative is guilty of theft and shall be punished pursuant to section 76-6-412.

History: L. 1979, ch. 72, § 8.

**76-10-1509. Obstructing operation of bus.** Any person who unlawfully obstructs or impedes by force or violence, or any means of intimidation, the regular operation of a bus is guilty of a class C misdemeanor.

History: L. 1979, ch. 72, § 9.

**76-10-1510. Obstructing operation of bus — Conspiracy.** Two or more persons who willfully or maliciously combine or conspire to violate section 76-10-1509 shall each be guilty of a class C misdemeanor.

History: L. 1979, ch. 72, § 10.

**76-10-1511. Cumulative and supplemental nature of act.** The provisions of this act shall be cumulative and supplemental to the provisions of any other law of the state.

History: L. 1979, ch. 72, § 11.

## PART 16

### RACKETEERING ENTERPRISES

#### Section

76-10-1601. Short title.

76-10-1602. Definitions.

76-10-1603. Unlawful acts — Felony — Forfeitures.

76-10-1604. Enforcement authority of peace officers.

76-10-1605. Remedies of person injured by pattern of racketeering activity — Authorized orders of district court.

76-10-1606. Payments to general fund of state.

76-10-1607. Evidentiary value of criminal judgment in civil proceeding.

76-10-1608. Separability clause.

**76-10-1601. Short title.** This act shall be known and may be cited as the "Utah Racketeering Influences and Criminal Enterprise Act."

History: C. 1953, 76-10-1601, enacted by L. 1981, ch. 94, § 1.

Title of Act.

An act relating to organized fraudulent and illegal enterprise crime; designating the following activities as unlawful: to use or invest proceeds from a pattern of racketeering conduct in an enterprise; to

acquire or maintain an interest in, or to conduct an enterprise through a pattern of racketeering conduct; or to conspire to engage in such conduct; providing criminal penalties; providing for enforcement; providing civil and equitable remedies; providing for the rights of innocent persons; and providing that any aggrieved person may insti-

tute civil proceedings to seek damages; and providing an effective date.

This act enacts part 16, chapter 10, Title 76, Utah Code Annotated 1953. — Laws 1981, ch. 94.

**76-10-1602. Definitions.** As used in this part:

(1) "Racketeering" means any act committed for financial gain which is illegal under the laws of Utah regardless of whether such act is in fact charged or indicted, involving:

- (a) Criminal homicide;
- (b) Aggravated robbery or robbery;
- (c) Aggravated kidnapping or kidnapping;
- (d) Forgery;
- (e) Aggravated burglary or burglary;
- (f) Asserting false claims including, but not limited to, false claims asserted through fraud, arson, unlawful public assistance, or Medicaid fraud;
- (g) Theft, including theft by deception, theft by extortion, theft of lost, mislaid or mistakenly delivered property, receiving stolen property, theft of services and theft by any person having custody of property pursuant to repair or rental agreement;
- (h) Bribery;
- (i) Gambling;
- (j) Illegal kickbacks, including bribery to influence official or political actions and receiving a bribe or bribery for endorsement of a person as a public servant;
- (k) Extortionate extension, collection and financing of credit;
- (l) Trafficking in controlled substances, explosives, weapons or stolen property;
- (m) Aggravated arson or arson;
- (n) Promoting prostitution;
- (o) Obstructing or hindering criminal investigations or prosecutions;
- (p) False statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands;
- (q) Resale of realty with intent to defraud;
- (r) Sale of unregistered securities or real property securities or transactions involving such securities by unregistered dealers or salesmen;
- (s) A scheme or artifice to defraud;
- (t) Perjury;
- (u) Fraud in purchase or sale of securities;
- (v) The soliciting, requesting, commanding, encouraging, or intentionally aiding another in commission of any of the above enumerated offenses;
- (w) Conspiracy to commit any of the above enumerated offenses; or
- (x) An attempt to commit any of the above enumerated offenses.

(2) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property.

(3) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities.

(4) "Pattern of racketeering activity" means engaging in at least two episodes of racketeering conduct which have the same or similar objectives, results, participants, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated events, provided at least one of such episodes occurred after the effective date of this part and the last of which occurred within five years after the commission of a prior episode of racketeering conduct.

History: C. 1953, 76-10-1602, enacted by L. 1981, ch. 94, § 1.

**76-10-1603. Unlawful acts — Felony — Forfeitures.** (1) It shall be unlawful for any person who has received any proceeds derived, whether directly or indirectly, from a pattern of racketeering activity in which such person has participated, as a principal, to use or invest, directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any interest in, or the establishment or operation of, any enterprise.

(2) It shall be unlawful for any person through a pattern of racketeering activity to acquire or maintain, directly or indirectly any interest in or control of any enterprise.

(3) It shall be unlawful for any person employed by or associated with any enterprise to conduct or participate, whether directly or indirectly, in the conduct of such enterprise's functions through a pattern of racketeering activity.

(4) It shall be unlawful for any person to attempt or to conspire to violate any provision of subsections (1), (2), or (3) of this section, or to solicit, request, command, encourage, or intentionally aid another in the violation of any of the provisions of subsections (1), (2), or (3) of this section.

(5) Whoever violates any subsection of section 76-10-1603 shall be guilty of a second degree felony and in addition to the penalties prescribed by law shall forfeit to the state of Utah:

- (a) any interest acquired or maintained in violation of section 76-10-1603; and
- (b) any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise which he has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 76-10-1603 of this act.

(6) In any action brought by the state of Utah or, any county in the state under this part, the district court shall have jurisdiction to enter such restraining orders or prohibitions, and to take such other actions, including but not limited to, the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to forfeiture under this section, as it shall deem proper.

(7) Upon conviction of a person under this part, the court shall authorize the attorney general or the county attorney to seize all property or other interest declared forfeited under this section upon such terms and conditions as the court shall deem proper. If a property right or other interest is not exercisable or transferable for value by the convicted person it shall expire, and shall not revert to the convicted person.

History: C. 1953, 76-10-1603, enacted by L. 1981, ch. 94, § 1.

**76-10-1604. Enforcement authority of peace officers.** Notwithstanding any law to the contrary, peace officers in the state of Utah shall have authority to enforce the criminal provisions of this act by initiating investigations, assisting grand juries, obtaining indictments, filing informations, and assisting in the prosecution of criminal cases through the attorney general or county attorneys' offices.

History: C. 1953, 76-10-1604, enacted by L. 1981, ch. 94, § 1.

**76-10-1605. Remedies of person injured by pattern of racketeering activity — Authorized orders of district court.** (1) A person who sustains injury to his person, business, or property by a pattern of racketeering activity, in which he is not a participant, may file an action in the district court for the recovery of treble damages, the costs of the suit, including reasonable attorney's fees, and any punitive damages the court may deem reasonable. The state or any county may file an action on behalf of these persons injured or to prevent, restrain or remedy racketeering as defined by this part.

(2) The district court has jurisdiction to prevent, restrain and remedy racketeering as defined by this part after making provision for the rights of all innocent persons affected by such violation and after hearing or trial, as appropriate, by issuing appropriate orders. The court shall determine issues by a preponderance of the evidence, and proceedings under this section shall be independent of any other proceedings, whether civil or criminal, under the laws of this state.

(3) Prior to a determination of liability such orders may include, but are not limited to, entering restraining orders or prohibitions or such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other restraints pursuant to this section as the court deems proper.

(4) Following a determination of liability such orders may include, but are not limited to:

(a) Ordering any person to divest himself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of Utah, to the extent the constitutions of the United States and Utah permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of treble damages to those persons who are not found to be participants and are injured by the racketeering.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of any offenses included in the definition of racketeering, incurred by the state, to be paid to the general fund of the state.

History: C. 1953, 76-10-1605, enacted by L. 1981, ch. 94, § 1.

**76-10-1606. Payments to general fund of state.** The court may order payment to the general fund of the state as appropriate, to the extent not already ordered to be paid in other damages, of:

(1) Any interest acquired or maintained by a person in violation of section 76-10-1603.

(2) Any interest in, security of, claims against or property or contractual rights of any kind affording a source of influence over any enterprise which a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 76-10-1603.

(3) An amount equal to the gain a person has acquired or maintained through an offense included in the definition of racketeering.

History: C. 1953, 76-10-1606, enacted by L. 1981, ch. 94, § 1.

**76-10-1607. Evidentiary value of criminal judgment in civil proceeding.** A final judgment or decree rendered in favor of the state or a county in any criminal proceeding brought by this state or a county shall preclude the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding.

History: C. 1953, 76-10-1607, enacted by L. 1981, ch. 94, § 1.

**76-10-1608. Separability clause.** If any part of application of the Utah Racketeering Influences and Criminal Enterprises Act is held invalid, the remainder of this part, or its application to other situations or persons, shall not be affected.

History: C. 1953, 76-10-1608, enacted by L. 1981, ch. 94, § 1.

Effective Date.  
Section 2 of Laws 1981, ch. 94 provided:  
"This act shall take effect July 1, 1981."

## PART 17

## CABLE TELEVISION PROGRAMMING DECENCY ACT

## Section

- 76-10-1701. Short title — Application.  
76-10-1702. Definitions.  
76-10-1703. Distribution of indecent material as nuisance.  
76-10-1704. Enforcement — Civil penalties.  
76-10-1705. Application limited to cable and pay-for-viewing programming.  
76-10-1706. Defenses — Expert testimony as to indecency not required.  
76-10-1707. Local regulation and application of other state laws not precluded.  
76-10-1708. Separability.

**76-10-1701. Short title — Application.** This act shall be known and may be cited as the "Cable Television Programming Decency Act." This act shall apply to cable television systems and pay-for-viewing television programming.

History: L. 1983, ch. 207, § 1.

## Title of Act.

An act relating to the regulation of indecent material; enacting the cable television programming decency act; prohibiting the

distribution of indecent material over certain television systems; defining indecent material and other terms; providing civil penalties and enforcement procedures; and providing an effective date. — Laws 1983, ch. 207.

**76-10-1702. Definitions.** As used in this act:

(1) "Knowingly" means an awareness, whether actual or constructive, of the character of the material involved. A person has constructive knowledge if a reasonable inspection or observation under the circumstances would have disclosed the nature of the material involved and if a failure to inspect or observe is either for the purpose of avoiding the disclosure or is negligent.

(2) "Distribute" means to send, transmit, retransmit, telecast, disseminate, or cablecast by any means, including by wire or satellite, or to provide material to send, transmit, retransmit, telecast, disseminate, or cablecast.

(3) "Contemporary community standards" means those current standards in the vicinage where a nuisance alleged under this act has occurred or is occurring.

(4) "Indecent material" means a visual or verbal depiction, display, representation, dissemination, or verbal description of:

(a) A human sexual or excretory organ or function; or

(b) A state of undress so as to expose the human male or female genitals, pubic area, or buttocks, with less than a fully opaque covering, or showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple; or

(c) An ultimate sexual act, normal or perverted, actual or simulated; or

(d) Masturbation

which the average person applying contemporary community standards for cable television or pay-for-viewing television programming would find is presented in a patently offensive way for the time, place, manner and context in which the material is presented.

History: L. 1983, ch. 207, § 2.

**76-10-1703. Distribution of indecent material as nuisance.** A person shall be deemed to have maintained a nuisance when, as a continuing course of conduct, he knowingly distributes indecent material within this state over any cable television system or pay-for-viewing television programming.

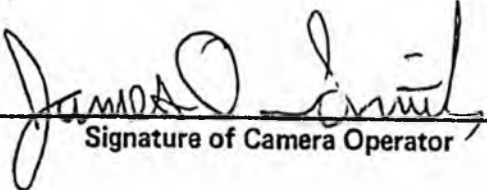
History: L. 1983, ch. 207, § 3.



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Signature of Camera Operator

9/11/89  
Date

APOC

REGULATIONS,

1986

JAN 10 1986

ALASKA PUBLIC OFFICES COMMISSION

Administrative Regulations

AS 15.13 - Campaign Disclosure,  
Complaints and Hearings, General Provisions

January 4, 1986

ALASKA ADMINISTRATIVE CODE  
Title 2. DEPARTMENT OF ADMINISTRATION  
ALASKA PUBLIC OFFICES COMMISSION REGULATIONS

CHAPTER 50. CONFLICT OF INTEREST, CAMPAIGN  
DISCLOSURE AND REGULATION OF LOBBYING

Articles 2, 3. & 5.

Section

310.	Filing.....	1
313.	Defn. of Contribution.....	1
314.	Defn. of group; reporting by business.....	4
315.	Contribution limitation exemption.....	5
316.	Personal contribution by a candidate.....	6
319.	Designated campaign depository.....	7
320.	General recordkeeping requirements for candidates and groups.....	7
321.	Reporting contributions and expenditures.....	8
322. & 323.	(Repealed).....	10
324.	Shared campaign reporting.....	10
325.	(Repealed).....	11
326.	Recordkeeping requirements and exemptions when reporting a fund-raiser.....	11
330.	(Repealed).....	13
332.	Reporting zero contribution or expenditure activity.....	13
333.	Reportable date of a contribution.....	14
334.	Persons who may accept contributions.....	14
340.	Expenditures to advertising agencies or campaign management services	14
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351.	Independent expenditures.....	15
355.	(Repealed).....	16
357.	Contributions in the name of another.....	16
360.	Municipalities.....	16
361.	(Repealed).....	17
362.	Draft groups.....	17
363.	Subcommittees of a candidate's campaign committee or of a controlled group.....	18
369.	Proper identification of political communications.....	18
370.	Objects too small to contain the proper identification.....	19
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390.	Civil penalty assessments for late filing of a campaign disclosure report.....	20
395.	(Repealed).....	22
397.	Reporting by persons outside the state.....	23
400.	Disbursement of a surplus balance in a campaign account.....	23
401.	Post-election fundraising by candidates and controlled groups.....	24
405.	Definitions for secs. 310-405.....	24
450.	Complaints.....	25
460.	Preliminary investigation.....	27
470.	Hearings.....	28
905.	Advisory opinions.....	30
910.	Availability of reports.....	31

APOC

REGULATIONS,

1986

In 1985, the Alaska Public Offices Commission added or amended seventeen administrative regulations, deleting seven. The new regulation on CONTRIBUTIONS, 2 AAC 50.313, replaces information previously found under NON-MONETARY CONTRIBUTIONS, TRANSPORTATION EXPENDITURES, PROFESSIONAL SERVICES, and LOANS. Language about GROUPS, 2 AAC 50.314, replaces REPORTING BY BUSINESS AND TRADE ASSOCIATIONS and REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION.

New concepts were introduced in three specific instances. DESIGNATED CAMPAIGN DEPOSITORY, 2 AAC 50.319, requires campaigns to label, identify, report, and limit activity to specific bank accounts, if their transactions exceed \$5000. POST ELECTION CAMPAIGN FUNDRAISING, 2 AAC 50.410, establishes a requirement for commission review of post-election fundraising if campaign debts are not paid off in the calendar year after an election. ADVISORY OPINIONS, 2 AAC 50.905, establishes a procedure for opinion requests of proposed activity.

Several policy changes were made of varying impact. MUNICIPALITIES, 2 AAC 50.360, now permits municipal entities to report their ballot issue and bond information efforts on the same forms used by individuals. PERSONAL CONTRIBUTIONS BY A CANDIDATE, 2 AAC 50.316, in addition to clarifying the use of personal assets, funds from property sales, jointly owned goods by a candidate, now requires that candidates report their own non-monetary contributions, such as goods from a prior campaign. EARLY CAMPAIGNING, 2 AAC 50.380, now permits state candidates to begin campaigning once they have filed a "letter of intent" with the Commission (formerly, they had to first register with the Division of Elections). CONTRIBUTIONS IN THE NAME OF ANOTHER, 2 AAC 50.357, prohibits parent organizations from directing contributions through their subsidiaries, sub-chapters or local units; prohibits parents from contributing in the name of their children; and prohibits employers from contributing in the name of their employees. Prior to 1986 corporate parent-subsidiary contributions had been permitted if the relationship was disclosed when the contributions were reported.

Of special interest to campaigns which have had difficulty meeting filing deadlines is CIVIL PENALTY ASSESSMENTS 2 AAC 50.390: the minimum initial CPA has been raised to \$10 per day for all reports, except the 7 Day Pre-election and the 24 Hour reports, where the minimum has been raised to \$50 per day.

The remainder of the regulation changes were either limited in their impact or clarifications or formalization of prior policies. Please note the changes below: PROPER IDENTIFICATION, 2 AAC 50.369 - formalizes prior policy that envelopes do not have to be identified as "paid for by". OBJECTS TOO SMALL TO BE IDENTIFIED, 2 AAC 50.370, - formalizes that objects smaller than 3 & 1/2" x 5" need not be identified, and that all media advertizing must be identified. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION 2 AAC 50.910 - formalizes policy that reports filed with the Commission may be obtained at cost (usually 10¢ per page). COMPLAINTS, PRELIMINARY INVESTIGATION, and HEARINGS, 2 AAC 50.450, .460 and .470 deal with procedures to be followed in the event that a complaint is filed, a preliminary investigation is made, and a hearing results.

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ALASKA PUBLIC OFFICES COMMISSION

Administrative Regulations

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905.	Advisory opinions.....	30
910.	Availability of reports.....	31

2 AAC 50.310. FILING. (a) All reports that are required to be filed under the provisions of AS 15.13 and this chapter must be received by the commission on or before the due date. Except for the 24 Hour Report, "received" means either

(1) hand-carried to the commission's central office or its branch office in the state capital; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) The 24 Hour Report required by AS 15.13. 110(b) must be filed with the commission's central office either by a collect telegram or by actual physical delivery within the prescribed time. 24 hour Reports may not be mailed.

(c) All forms will be available at the commission's central and branch offices, at district offices during state election years, and at the participating municipalities. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(j) and (k); AS 15.13.030(10)  
AS 15.13.110(a) and (b)

2 AAC 50.313. DEFINITION OF "CONTRIBUTION." (a) In 2 AAC 50.310 — 2 AAC 50.405, except as otherwise provided in this section, "contribution" includes a payment, gift, subscription, loan, advance, transfer, deposit of money, services, or anything of value made by a person or group for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; and includes a personal contribution as described in 2 AAC 50.316.

(b) In this section and in 2 AAC 50.321, "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

(1) A loan that exceeds the contribution limitations of AS 15.13.070 is unlawful, whether or not it is repaid.

(2) A loan is a contribution at the time it is made.

(3) Except for a personal contribution loan as described in 2 AAC 50.316(d), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered to have contributed that portion of the total amount for which he or she agreed to be liable in a written agreement. If the agreement does not state the portion of the loan for which each endorser or guarantor is liable, the loan is considered a loan by each endorser or guarantor in the same proportion that each endorser or guarantor bears to the total number of endorsers or guarantors.

(c) In this section, "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) In this section, "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) The provision of goods or services without charge, or at a charge which is less than the usual and normal charge for the goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the nonmonetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) The payment by a person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) when an employee paid on an hourly or salaried basis engages in political activity during what would otherwise be a regular work period, if the time spent is made up by the employee within a reasonable period of time;

(2) when an employee paid on a commission or piecework basis, or an employee paid only for work actually performed whose time is considered the employee's own, engages in political activity during normal working hours;

(3) if time used by the employee during normal working hours to engage in political activity is bona fide vacation or other earned leave time.

(h) The extension of credit by a person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(i) A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The commission will, in its discretion, consider the following factors before directing staff to commence a preliminary investigation:

(1) whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) whether the campaign has made a good faith effort to repay all outstanding debts;

(3) whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) An expenditure made by a person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. The financing by a person of the issuance, republication, or distribution of a broadcast or of a written, graphic, or other form of campaign material provided by the candidate, the candidate's campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes an expenditure:

(1) based on information about the candidate's plans, projects, or needs provided by the candidate or the candidate's campaign agents;

(2) made by or through a person who is, or has been, authorized to raise or expend money for the candidate, who is, or has been, an agent of a candidate's campaign, or who has received any form of compensation or reimbursement from the candidate, members of the candidate's campaign committee, campaign agents, or campaign consultants;

(3) made by any person or group based on data from a candidate's pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

(4) made by a political group for soliciting contributions to be paid or delivered directly to a candidate or the candidate's campaign agents.

(k) In (j) of this section, "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(1) In 2 AAC 50.310 — 2 AAC 50.405, "contribution" does not include the following payments, services, or other things of value:

(1) costs incurred in covering or carrying a news story by a broadcasting station, newspaper, or periodical of regular publication, unless the

facility is owned by or controlled by a political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story is a bona fide news account that is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) a non-monetary contribution or in-kind donation of a single item with a usual and normal cost of \$50.00 or less.

(3) a payment made by any individual for his or her own travel expenses, if such payments are voluntary and are made without any understanding that they will be directly or indirectly repaid.

(4) a payment is made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections to communicate directly with its members or employees, or their families, on any subject, if the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to do anything other than exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

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

(m) A contribution made by a married individual is not attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.070  
AS 15.13.130

2 AAC 50.314. DEFINITION OF "GROUP"; REPORTING BY BUSINESS. (a) In 2 AAC 50.310 — 2 AAC 50.405, "group" includes

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or for directing or controlling those activities to secure or defeat the election to public office of an individual or candidate or to secure or defeat a ballot proposition;

(2) a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of a ballot proposition;

(3) two or more persons who jointly make a contribution in the name of another as described in 2 AAC 50.357.

(b) A corporation, partnership, sole proprietorship, trade association, fraternal or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as required by AS 15.13.040(d) and (e) as an individual\* if

(1) all contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) the organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) the organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.130(3)

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION. (a) Groups that nominated a candidate for governor who received at least three percent of the total vote cast at the 1982 general election for governor are considered to be exempt from the contribution limitation set out in AS 15.13.070(a).

(b) Until the effective date of a statutory definition of "political party" that replaces AS 15.60.010(20) as it exists on the effective date of this section (and was held invalid in Vogler v. Miller, 660 P.2d 1192 [Alaska 1983]), a group, other than a group described in (a) of this section, desiring an exemption from the contribution limitation set out in AS 15.13.070(a) must submit to the commission an application for exemption. In accordance with (c) of this section, the commission will review the application and, in its discretion and on a case-by-case basis, grant the exemption.

(c) Among the criteria which will be considered in deciding whether to grant an exemption are:

(1) an organized membership, composed of registered voters, which represents a political program;

\*APOC Note: Groups report on "Campaign Disclosure Statements." Individuals report on "Statement of Contributions" Form 15-5 or on "Statement of Expenditures" Form 15-6.

2 AAC 50.314  
2 AAC 50.315

(2) prior history as a political group under AS 15.13.050 including the receipt of substantial contributions and the disbursement of substantial expenditures made for the purpose of influencing the election of legislative candidates in more than one district; and

(3) the percentage of votes received by a statewide candidate nominated in the name of the group in the preceding general election.

(d) Groups satisfying the criteria of (a) of this section and groups granted exemptions under (b) of this section are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.070

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) A candidate may make unlimited personal contributions from assets which, under Alaska law, the candidate had legal right of access to or control over and to which the candidate had legal and rightful title at the time he or she became a candidate. These assets include salary and other earned income from bona fide employment; dividends; proceeds from the sale of investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy; and gifts of a personal nature which had been customarily received before candidacy.

(b) A candidate may use a portion of jointly owned assets as a personal contribution. The portion of the jointly owned assets that may be used is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used is considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, if there is no instrument of conveyance or ownership, the portion of the asset belonging to the candidate is the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the present value by the number of owners.

(c) A candidate's donation of goods remaining from a prior campaign is a personal contribution.

(d) A loan of money by a regulated banking institution to a candidate is a personal contribution if the loan is made in accordance with applicable banking laws and regulations; bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

2 AAC 50.315  
2 AAC 50.316

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing. Sale proceeds used by a candidate in a campaign must be reported as personal contributions. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.070  
AS 15.13.130

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than \$5,000 in a calendar year shall designate on a registration statement or on the first campaign disclosure statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. Each account title must indicate that it is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group must be deposited to or made from a designated campaign depository.

(c) A candidate or political group required by (a) of this section, to designate a campaign depository may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name must indicate that it is a campaign account.

(d) Contributions that appear to be illegal must, within ten days after receipt, be returned to the contributor.

(e) A campaign treasurer shall make his or her best efforts to determine the legality of a contribution. If a contribution cannot be determined to be legal, a refund must be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. Alternatively, the contribution may be deposited into the campaign depository and reported. If it is deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of the contribution is in question must be included in the next required report. (Eff 1/4/86, Register 97)

Authority: AS 15.13.030  
AS 15.13.050

AS 15.13.060  
AS 15.13.070

2 AAC 50.320. GENERAL RECORDKEEPING REQUIREMENTS FOR CANDIDATES AND GROUPS. (a) Every candidate and group required to report contributions or expenditures under the provisions of AS 15.13 shall maintain detailed records of all contributions received and expenditures made in accordance with the uniform methods of bookkeeping set out in the commission's bookkeeping guide.

(b) A candidate or his treasurer, and the treasurer of a group, may issue a receipt, and shall record the receipt of every contribution received, unless otherwise exempted by this chapter, regardless of the dollar amount or value of the contribution. While the identity of a person who has contributed no more than \$100 to a campaign is not required to be individually reported by the treasurer on a campaign disclosure report, the name of such a contributor, along with the amount and type of his contribution, must be recorded by the treasurer and maintained by the treasurer, for comparative purposes, in case that person makes additional contributions which total over \$100.

(c) The identity of a person who has contributed over \$100 in the aggregate per year to a candidate's or group's campaign must be reported in accordance with 2 AAC 50.321.

(d) Each bookkeeping record required under this section shall be maintained by the candidate or the treasurer of a group and may not be destroyed for a period of four years from the date of the contribution. The records shall be available for inspection by the commission upon request of the commission.  
(Eff. 5/14/80, Register 74)

Authority: AS 15.13.020(2)  
AS 15.13.030(10)

AS 15.13.040  
AS 15.13.120(e)

2 AAC 50.321. REPORTING CONTRIBUTIONS AND EXPENDITURES. (a) Each candidate or group filing reports under AS 15.13 must identify

(1) each monetary contribution, or aggregate of contributions from the same contributor, which totals in excess of \$100 by reporting

- (A) the date received;
- (B) the check number;
- (C) the name and address of the contributor;
- (D) the principal occupation and employer of the contributor; and
- (E) the amount;

(2) each non monetary contribution, or aggregate of non monetary contributions from the same contributor, valued at more than \$100 a year, by reporting

- (A) the date received;
- (B) the name and address of the contributor;

(C) the principal occupation and employer of the contributor;

(D) a description of the contributions; and

(E) its estimated fair market value;

(3) each loan, or aggregate of loans from the same contributor which totals in excess of \$100, by reporting

(A) the date received;

(B) the name and address of the lender, guarantor or cosigner;

(C) the principal occupation and employer of the lender, loan guarantor or cosigner;

(D) the interest rate; and

(E) the amount;

(4) each paid expenditure by reporting

(A) the date of the payment;

(B) the check number;

(C) the name and address of the payee;

(D) the purpose of the expenditure; and

(E) the amount;

(5) each accrued expenditure by reporting

(A) the date the expenditure was incurred;

(B) the name and address of the business or individual with whom the debt was incurred;

(C) the purpose of the accrued expenditure; and

(D) the amount.

(b) When reporting monetary and non-monetary contributions or loans, a cumulative total must be kept by each candidate or group of the contributions (including loans) made to it, regardless of the total, and reported pursuant to (a) of this section when

(1) monetary contributions by the same contributor bring the total to over \$100; or

(2) nonmonetary contributions by the same contributor bring the estimated total value to over \$100; or

(3) loans by the same lender, guarantor, or cosigner bring the total to over \$100; or

(4) a combination of monetary or nonmonetary contributions or loans by the same contributor brings the total to over \$100. (Eff. 7/22/78, Register 67)

Authority: AS 15.13.030(10)  
AS 15.13.040(a) and (b)

AS 15.13.130(2) and (4)

2 AAC 50.322. RECORDKEEPING REQUIREMENTS FOR AUCTIONS AND GARAGE SALES. Repealed 5/14/80.

2 AAC 50.323. RECORDKEEPING REQUIREMENTS FOR CONTRIBUTIONS RECEIVED FROM THE SALE OF CAMPAIGN MATERIAL. Repealed 5/14/80.

2 AAC 50.324. SHARED CAMPAIGN REPORTING. Except for expenditures by the candidates for governor and lieutenant governor of the same political party who have been nominated to run in the general election, the following provisions apply to all candidates and groups, other than a political party, subject to the provisions of AS 15.13 and this chapter:

(1) The use, by one candidate, of the money, goods or services raised or generated by his campaign, to influence the election of another candidate, is considered a contribution and cannot exceed the \$1000 limitation set by AS 15.13.070(a); nothing in AS 15.13 or this chapter, however, limits an individual's right to make any expenditure whatsoever to influence the election of a candidate, so long as that expenditure is not made at the suggestion of that candidate, directly or indirectly paid for by that candidate, or otherwise controlled by that candidate.

(2) An expenditure made by one group, other than a political party, on behalf of another group which is controlled by a candidate is considered a contribution and may not exceed the \$1000 limitation set by AS 15.13.070(a).

(3) A candidate may not join his campaign committee with that of one or more candidates in order that they may file a single report of their joint campaign, nor may a group join with one or more groups in order that they may file a single report of their joint efforts.

(4) Candidates or groups prohibited from forming a joint campaign under (3) of this section may share in campaign efforts, under (5) of this section, so long as they keep separate campaign accounts and file separate statements of their contributions and expenditures under AS 15.13 and 2 AAC 50.

(5) Two or more candidates, or two or more groups, may share in campaign efforts so long as the cost of, and receipts from, shared efforts are allocated equally to each participating candidate or group's campaign.

(6) So long as the costs of, and receipts from, shared efforts are allocated equally to each participant of a shared campaign, neither the costs or receipts are considered as a contribution from one participant to any of the other participants.

(7) Each candidate or group filing reports pursuant to AS 15.13 and 2 AAC 50 must complete an APOC Form 15-SA, the "Shared Campaign Activities" form, which represents his or its proportionate share of the receipts and expenditures of a shared campaign effort.

(8) A proportionate share of the amount of an expenditure benefiting one or more candidates, or one or more groups, of a shared campaign effort, but paid for in full by one of the candidates, or by one of the groups, will be considered a contribution by

(A) the paying candidate to the other candidates; or

(B) the paying group to the other groups.

(9) Media communications regarding a shared campaign activity are considered properly identified so long as the identification includes the words "paid for by" and the name of each candidate or group sharing in the cost of the communications. The address and treasurer\* of each participating candidate or group need not be listed. However, if a communication is paid for in its entirety by only one of the participants then, in accordance with 2 AAC 50.369, full and proper identification is required. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10) AS 15.13.070(a)  
AS 15.13.040(a) and (b) AS 15.13.090

2 AAC 50.325. RECORDKEEPING REQUIREMENTS FOR NONMONETARY CONTRIBUTIONS.  
Repealed 1/4/86.

2 AAC 50.326. RECORDKEEPING REQUIREMENTS AND EXEMPTIONS WHEN REPORTING A FUND-RAISER. (a) A candidate or his treasurer, and the treasurer of a group, shall report all the contribution and expenditure activity related to a campaign fund-raiser in a format designated by the commission, and in accordance with this section. Fund-raisers sponsored in conjunction with several candidates or groups are viewed as shared fund-raising activities and, while subject to the provisions of this section, must be reported separately on APOC Form 15-3SA and in accordance with 2 AAC 50.324.

\* has been changed to chairman in the statute.

(b) When reporting a fund-raiser, a candidate or his treasurer, and the treasurer of a group, shall state the total number of contributing participants, the date and place where the event was held, if applicable, a description of the type of fund-raising activity, and the total costs of, and receipts from, the event.

(c) For the purposes of this section, "fund-raiser" includes, but is not limited to, a garage sale; a raffle or drawing; an auction; a spaghetti feed or pot-luck dinner; the sale of campaign material, such as posters, buttons, stickers, clothing, key chains and ashtrays; or a sponsored concert.

(d) The requirement in AS 15.13.040 and 2 AAC 50.320 that a candidate or his treasurer, or the treasurer of a group, must record the name of every person making a contribution, regardless of the amount of that contribution, does not apply to events which meet the following criteria:

(1) fund-raisers, similar in nature to spaghetti feeds, bingo games, dances, or concerts, where

(A) there are 25 or more paying participants; and

(B) except as described in (f) of this section, the cash amount received from any one person does not exceed \$50;

(2) fund-raisers, such as a raffle, lottery or a drawing, where

(A) 25 or more tickets are sold; and

(B) except as described in (f) of this section, the price of a ticket or the amount received from any one person purchasing chances does not exceed \$50;

(3) fund-raisers, the income from which is based on the sale of campaign material, where, except as described in (g)

(A) the price of an item being sold does not exceed \$10; or

(B) the amount received from any one person purchasing items does not exceed \$50;

(4) fund-raisers, such as garage sales and auctions, where, except as described in (g)

(A) the fair market value of an item donated for sale or auction does not exceed \$50; or

(B) the amount received from any one person purchasing items at the garage sale or auction does not exceed \$50.

(e) When reporting receipts from a fund-raiser which meets the recording exemption set out in (d) of this section, the candidate or his treasurer, or

the treasurer of a group, need only report the total amount of contributions received from or generated by the fundraiser, along with the total number of paying participants, tickets sold, or items purchased, as applicable.

(f) If a person contributes in excess of the exempted amounts stated in (d)(1)(B) or (d)(2)(B) of this section, then the name of that person, and the amount and type of that contribution, must be recorded as set out in 2 AAC 50.320.

(g) If the cost of or value of an item exceeds the exempted amount, or if a person contributes or pays in excess of the exempted amounts stated in (d)(3) or (4), then the name of that contributor or buyer must be recorded as set out in 2 AAC 50.320.

(h) A contribution made by a person to attend or otherwise participate in a "fund-raiser," as defined in (c) of this section, whether or not exempted from full recording under this section, may not be received by or on behalf of a candidate in violation of AS 15.13.070(a). (Eff. 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90)

Authority: AS 15.13.030(10)  
AS 15.13.040

2 AAC 50.330 REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION.  
Repealed 1/4/86.

2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY.  
(a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign

contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 15.13.110  
AS 15.13.040(a) and (b)

2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION. A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(e) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)  
AS 15.13.070(e)

2 AAC 50.334. PERSONS WHO MAY ACCEPT CONTRIBUTIONS. (a) A candidate's campaign committee, or a group, may authorize a person who is not registered as a deputy treasurer to accept or solicit campaign contributions on its behalf for any single event. Campaign committees or groups are not in violation of AS 15.13.070(e) if contributions collected by the authorized person are turned over to a candidate, treasurer, or deputy treasurer of the intended committee or group within 72 hours.

(b) An individual who is, or will be, fund-raising on a regular basis throughout a political campaign must be registered as a deputy treasurer in accordance with AS 15.13.060(e).

(c) Individuals that have not been "authorized" to accept campaign contributions by either a candidate or his treasurer, or the treasurer of a group, are prohibited from collecting campaign contributions on behalf of a candidate's campaign committee or a group. (Eff. 4/28/79, Register 70; am 5/14/80, Register 74)

Authority: AS 15.13.030(10) AS 15.13.070(e)  
AS 15.13.060 AS 15.13.130(2)

2 AAC 50.340. EXPENDITURES TO ADVERTISING AGENCIES OR CAMPAIGN MANAGEMENT SERVICES. Whenever a required report includes an expenditure to an advertising agency, or to an individual or business which provides campaign

consultation or management services, the report shall be accompanied by a statement\* detailing all services rendered, including the identity of each business from which campaign goods or services were purchased or subcontracted, or media advertising placed, and their costs. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74).

\*Staff will request this information when clarification of a report is needed.

Authority: AS 15.13.030(10)  
AS 15.13.040(f)

2 AAC 50.342. REGISTRATION OF GROUPS SUPPORTING OR OPPOSING BALLOT ISSUES. Each group, before making an expenditure in support of or in opposition to a ballot proposition, shall register with the commission on forms provided by the commission. (Eff. 5/14/80, Register 74)

Authority: AS 15.13.010(b) AS 15.13.040(b)  
AS 15.13.030(10) AS 15.13.050

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES. Repealed  
1/4/86.

2 AAC 50.351. INDEPENDENT EXPENDITURES. (a) An independent expenditure is a disbursement of funds which is made expressly to support or oppose an individual's candidacy or a ballot issue. An independent expenditure is not made with the cooperation, consent, in consultation with or at the request or suggestion of, a candidate, a candidate's campaign committee, or a group, and must be reported in accordance with AS 15.13.040(d)(2) and (e) by the maker of the expenditure.

(b) An expenditure made at the request of, in consultation with, or at the suggestion of a candidate, a candidate's campaign committee, or a group supporting or opposing a ballot issue, is considered an in-kind contribution by the person making the expenditure, and must be reported in accordance with AS 15.13.040(a) by the candidate or group benefiting from the contribution, and by the "contributor" in accordance with AS 15.13.040 (d)(1) and (e).

(c) There is no limit on the amount or frequency of independent expenditures.

(d) The report of an expenditure to influence the outcome of a ballot issue required to be filed under AS 15.13.040(d)(2) will be closed to the public only if the commission determines, in response to a written request, that the individual who makes the expenditure would likely be subject to undue harassment, threats, or economic reprisals as the result of public disclosure. After publication, the person granted an exemption shall provide the commission with

a copy of the communication in order to enable the commission to verify which communications were sponsored by that person. (Eff. 5/14/80, Register 74; am 6/29/84, Register 90)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.090

2 AAC 50.355. LOANS. Repealed 1/4/86.

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by a person other than in the legal name of the original source of the contribution.

(b) No person, employer, principal, supervisor, or contractor may lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employee's, agent's, or other person's name, or in a name other than the original source of the contribution.

(c) A contribution made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. Contributions by two or more organizations to the same recipient are in the name of another if the organizations

- (1) share the majority of members of their board of directors;
- (2) share two or more corporate or organizational officers;
- (3) are owned or controlled by the same shareholders or members;
- (4) are in a parent-subsidiary relationship.

(d) If a minor makes a contribution of money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.040

AS 15.13.070  
AS 15.13.130

2 AAC 50.360. MUNICIPALITIES. (a) If a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report as an individual under AS 15.13.040(d) and (e).

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.



(D) except as provided in (c) of this section, make contributions to, contribute previously produced material to, or expend funds on behalf of, any person who has declared that he or she is seeking office or who has filed a declaration of candidacy or nominating petition or become a candidate by any other means.

(c) A draft group that expends more than 50 percent of its funds in an effort to draft one individual or, in the case of gubernatorial and lieutenant gubernatorial candidates, a team of individuals, to campaign for public office is, for the purposes of AS 15.13.130(3) and this chapter, considered a controlled group. If the person or team subject to the draft formally declares for public office, then the amount contributed to the draft group must be added to any contributions made the same year to the drafted candidate's or team's own campaign committee, in order to determine whether a contributor has made the maximum allowable contribution as outlined in AS 15.13.070(a). As a controlled group, the draft group may contribute the maximum allowed by law to the candidate or team of candidates. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90)

Authority:	AS 15.13.010	AS 15.13.040(b)	AS 15.13.100
	AS 15.13.030(10)	AS 15.13.070(a)	AS 15.13.130(2), (3) and (4)

2 AAC 50.363. SUBCOMMITTEES OF A CANDIDATE'S CAMPAIGN COMMITTEE OR OF A CONTROLLED GROUP. A subcommittee may be created within a candidate's campaign committee or within a controlled group. These subcommittees are not considered separate groups and shall not maintain separate bank accounts and records or file separate reports. The name of the candidate or controlled group must be a part of the name of the subcommittee. The name of the subcommittee shall not be used when identifying political advertising under AS 15.13.090 and 2 AAC 50.369. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74)

Authority:	AS 15.13.030(10)	AS 15.13.040(a)
	AS 15.13.050	AS 15.13.090

2 AAC 50.369. PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS. (a) Except as provided in (d) of this section, "proper identification" of a communication intended to influence the election of a candidate or the outcome of a ballot issue means that the communication is clearly identified with the words "paid for by," followed by the name and full address of the candidate, group, or individual actually paying for the advertising. The name of the campaign chairman must also be identified. If the candidate and the chairman are the same person, the name need not be repeated.

(b) Standard English abbreviations may be used in the written identification.

(c) "Clearly identified," as used in AS 15.13.090, means that

(1) in all printed communications, the proper identification must be visible, separate from the text of the advertisement itself, and large enough to be read by a person with average vision without the aid of corrective lenses;

(2) in all audio-visual communications, the proper identification must either

(A) be visual, and of sufficient size and duration to be read in full by the viewer; or

(B) be spoken, and played at the same audio level as the text of the communication itself; or

(C) be both visual and spoken, in accordance with (A) and (B) of this paragraph;

(3) in all audio communications, the proper identification must be spoken at the same audio level as the text of the communication itself.

(d) If the commission determines, under 2 AAC 50.351(d), that an expenditure report will not be made public, the political communication intended to influence the outcome of a ballot proposition or question is properly identified if, in place of the "paid for by" phrase, the communication includes, in the manner required by (c) of this section, the commission waiver identification number assigned by the Commission to that communication.

(e) In this section and in AS 15.13.090, "communications" include all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.370. OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION. If the size of an object used for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement must instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects that are smaller than 3 1/2" x 5" in size. All media advertisements must be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.375. COMMUNICATIONS BY INCUMBENT ELECTED OFFICIALS. (a) A communication by an incumbent state elected official, who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(b) A communication by an incumbent municipal elected officer who is also a declared candidate for elective office, with his constituency via a newsletter or other printed matter, or a paid radio or television spot, does not constitute a reportable campaign expense unless it specifically and expressly advocates the election or defeat of a candidate (including himself), or the passage or defeat of a ballot issue.

(c) The commission will, in its discretion, review a communication by an incumbent elected official when a question concerning whether or not the communication is a reportable campaign expense arises. (Eff. 7/22/78, Register 67)

Authority: AS 15.13.010                      AS 15.13.045                      AS 15.13.130(4)  
                 AS 15.13.030(10)                      AS 15.13.090

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy only if the filing period has not yet opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent filed under (a) of this section is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
                 AS 15.13.100

2 AAC 50.385. REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS. Repealed 1/4/86.

2 AAC 50.390. CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT. (a) A report required to be filed within the time required by AS 15.13.110(a) and (b) is delinquent if not received, in accordance with 2 AAC 50.310, on or before the due date.

(b) The report continues to be delinquent and subject to a civil penalty until received.

(c) Commission staff will send notice to each candidate or group of his or its delinquency under AS 15.13.110(a) within five working days after the due date of the report.

(d) Upon receipt of a delinquent campaign disclosure report of contributions received by a candidate or a group, commission staff will

(1) calculate the initial civil penalty, for each day of delinquency, as follows:

- (A) \$10 a day for each 30 day report or 10 day report;
- (B) \$10 a day for each year-end report received after January 16;
- (C) \$50 a day for each 7 day report; and
- (D) \$50 a day up to a maximum of \$300 for each 24 Hour Report;

(2) send notice of the civil penalty assessed against the candidate or group within five working days after receipt of a delinquent report, or in the case of non-receipt of a report required by AS 15.13.110(b), within 15 working days after receiving the information, and include

- (A) a statement of the amount of the assessment; and
- (B) an affidavit appeal form.

(e) A candidate or group subject to a civil penalty assessment may

(1) submit, within 30 days after receipt of the assessment notice described in (d)(2) of this section, an affidavit stating reasons for the late filing to show why a civil penalty should not be assessed; an affidavit

(A) is a statement in writing made under oath and upon penalty of perjury; and

(B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster, or any other person authorized to administer oaths or, if none of the preceding alternatives is available, may be signed by the official without benefit of the oath so long as the official states, in writing, that the affidavit is signed under penalty of perjury; or

(2) pay, within 30 days after receipt of the assessment notice described in (d)(2) of this section, the civil penalty assessed.

(f) If a candidate or group subject to a civil penalty assessment for the late filing of a campaign disclosure report refuses, or fails, within the time

required, to submit an affidavit or make payment, then commission staff will refer the matter to the attorney general for appropriate action. The commission will not hear an appeal if an affidavit is not filed within the time required.

(g) An affidavit timely filed with the commission will be considered at the next regular meeting of the commission. If a candidate or group's appeal is

(1) denied by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the civil penalty originally assessed be paid within 30 days after the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify the candidate or group of its decision within 15 days, informing him or it that the civil penalty assessment has been waived and that the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify the candidate or group of its decision within 15 days, and require that the reduced civil penalty assessment be paid within 30 days after the date of the letter containing notification of the commission's decision.

(h) A candidate or group may appeal the commission's decision to deny or partially accept reasons for lateness to the superior court within 30 days after his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action.

(i) If, upon review of a report required by AS 15.13.110(a), (b), or (e), the commission's staff finds substantial or continuous noncompliance with AS 15.13 or any provision of this chapter, or with requests by staff for information required to be reported under this chapter, the matter must be brought to the commission for review. The commission will, in its discretion, reduce or waive any initial civil penalty, uphold any initial civil penalty, increase the amount of any initial civil penalty to an amount not exceeding the maximum amount established in AS 15.13.125, or instruct its staff to begin preliminary investigation into the matter. Where no initial civil penalty has been assessed, the commission will, in its discretion, assess a civil penalty up to the maximum amount established in AS 15.13.125 if the candidate or group in question does not comply. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 10/18/81, Register 80; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.010  
AS 15.13.030(10)

AS 15.13.125

2 AAC 50.395. REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION.  
Repealed 1/4/86.

2 AAC 50.397. REPORTING BY PERSONS OUTSIDE THE STATE. Persons residing outside the State of Alaska are subject to the same reporting requirements, restrictions, and responsibilities under AS 15.13 as those placed upon persons residing within the state. (Eff. 4/28/79, Register 70)

Authority: AS 15.13.030(10)

2 AAC 50.400. DISBURSEMENT OF A SURPLUS BALANCE IN A CAMPAIGN ACCOUNT.

(a) The disbursement of a surplus balance of a candidate or group's campaign account must be reported to the commission within 10 days after final disposition of the balance.

(b) A candidate disbursing the surplus balance in his campaign account may

- (1) give the money to charity;
- (2) repay his contributors;
- (3) repay himself, if he made contributions to his own campaign;
- (4) take, as income, any money which exceeds the amount which he personally contributed to his campaign;
- (5) leave the money in a campaign account until the next time he campaigns for elective office; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of him when he is again a candidate for elective office;
- (6) contribute the money to another candidate or a group controlled by a candidate, not to exceed the \$1000 limitation, or to a political party or group supporting a ballot proposition or question; or

(7) transfer the money to his office allowance fund.

(c) A group disbursing the surplus balance in its campaign account may

- (1) give the money to charity; or
- (2) repay its contributors; or
- (3) leave the money in a campaign account until the following election, if the group plans to remain active; however, any interest realized from a surplus in a campaign account must remain in the account and be reported on the first report required of the group when it is again active in an election; or
- (4) contribute the money to a candidate or a group controlled by a candidate, subject to the \$1,000 limitation and other prohibitions under AS 15.13 and 2 AAC 50, or to a political party or group supporting a ballot proposition or question.

(d) Any candidate or group wishing to disburse the surplus balance in a campaign account in a manner not described in (b) or (c) of this section may request commission review and approval of the manner in which he or it wishes to disburse the surplus. (Eff. 7/22/78, Register 67; am 10/18/81, Register 80)

Authority: AS 15.13.030(10)

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or a candidate's controlled group may make post-election expenditures for the purpose of raising money to discharge a debt from a prior campaign, in accordance with (c) of this section.

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion issued under (c) of this section and 2 AAC 50.905.

(c) A candidate who is in debt from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory opinion request, the commission staff may commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) A debt arising from a prior campaign includes

(1) a candidate's personal contributions made before the date of the prior election;

(2) campaign debts to others that were reported on a 10 day post-election campaign disclosure statement;

(3) post-election expenditures made for the purpose of discharging a debt arising from a prior campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees reasonably incurred to comply with AS 15.13 and 2 AAC 50.310 — 2 AAC 50.405. (Eff. 1/4/86, Register 97)

Authority: AS 15.13.030(10)      AS 15.13.070      AS 15.13.110  
                                 AS 15.13.040      AS 15.13.100      AS 15.13.130

2 AAC 50.405. DEFINITIONS For 2 AAC 50.310 — 2 AAC 50.405 and AS 15.13.  
In 2 AAC 50.310 — 2 AAC 50.405 and in AS 15.13

(1) "business entity" means a sole proprietorship, partnership, corporation or professional corporation, company, firm, business trust, or any other business entity or a combination of these;

(2) "draft group" means a group of two or more persons organized for the purpose of drafting one or more individuals to run for elective office by becoming a candidate as defined in AS 15.13.130(1);

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

(4) "contribution" -- Repealed 1/4/86. (Eff. 7/22/78, Register 67; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(10)  
AS 15.13.130

2 AAC 50.450. COMPLAINTS. (a) A complaint filed with the commission must be in writing and must contain the following:

(1) the full name and mailing address of the person making the complaint;

(2) the name of the person or group alleged to be in violation;

(3) allegations of specific facts which, if true, would constitute

(A) a violation of AS 15.13 or of a provision of 2 AAC 50.310 - 2 AAC 50.405;

(B) a violation of AS 24.45 or of a provision of 2 AAC 50.505 - 2 AAC 50.545;

(C) a violation of AS 39.50 or of a provision of 2 AAC 50.010 - 2 AAC 50.200;

(4) the basis of the complainant's knowledge of the alleged facts, differentiating between statements made upon personal knowledge and those made upon other sources of information and belief;

(5) any documentation, relevant to the facts alleged, which is available to the complainant.

(b) The complaint shall be signed by the complainant and the signature shall be verified by a notary public, municipal clerk, court clerk, postmaster, or any person authorized to administer oaths. Notarial service will be provided by the commission without cost.

(c) Upon receipt of a complaint properly filed and sworn, the commission staff shall promptly

(1) acknowledge receipt to the complainant; and

(2) determine whether the complaint sets out facts which, if true, would constitute a violation of law.

(d) If the staff determines that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote

(A) uphold the staff's determination and close the matter;

or

(B) determine that the complaint is sufficient on its face, and it will be handled under (e) of this section.

(e) If the staff or the commission under (d)(2)(B) of this section determines that a complaint sets out facts which, if true, would constitute a violation of the law, the staff will

(1) notify the complainant;

(2) notify the respondent, providing a copy of the complaint, any accompanying documents, and a copy of the commission's investigative and hearing procedures;

(3) inform the commission that a complaint has been filed, providing a copy of the complaint and any accompanying documents; and

(4) begin a preliminary investigation.

(f) A person against whom a complaint is filed may file an answer. The answer must

(1) specifically admit or deny all material allegations of the complaint;

(2) state any defenses expected to be raised by the respondent;

(3) include any relevant documentation in the possession of the respondent; and

(4) be a signed and sworn statement. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8) AS 15.13.045 AS 24.45.021(b)  
AS 15.13.030(10) AS 15.13.120(d) AS 24.45.131  
AS 39.50.050(b)

2 AAC 50.460. PRELIMINARY INVESTIGATION. (a) The commission staff shall undertake a preliminary investigation if

(1) a properly filed and sworn complaint has been found to be sufficient; or

(2) information has been obtained by the commission or staff in the normal course of business which, if true, would constitute a violation of the law.

(b) When the staff initiates an investigation based on (a)(2) of this section, it shall set out in writing the facts, information, and law involved, along with documentation, and process this material in accordance with 2 AAC 50.450(e).

(c) In conducting a preliminary investigation, the staff may use any of the methods set out in AS 15.13.045. It may also

(1) request written and sworn statements from any party, witness, or other person which are relevant to the investigation; and

(2) use the services of the Alaska State Troopers or private investigators to secure factual information pertinent to the investigation.

(d) Upon completion of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8); AS 15.13.030(10); AS 15.13.045(a); AS 15.13.120(d)  
AS 18.65.090; AS 24.45.021(b); AS 24.45.131; AS 39.50.050(b)

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, notice of hearing will be sent to the respondent by personal service or by certified mail, return receipt requested. If the respondent cannot be found after diligent effort, service will be made by publishing notice of the hearing in a newspaper of general circulation once a week for four weeks, the final notice appearing at least 30 days before the hearing.

(b) Notice of a hearing must be provided to all parties at least 30 days before a hearing. The time and place of the hearing will be set with due regard and consideration for the convenience of the parties, and the commission will consider a party's request for a change in the time or place of a hearing. The commission will, in its discretion, for any good cause and upon proper notice, change the time and place of a hearing.

(c) Repealed 1/4/86.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, but will be considered as a party to the hearing.

(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are the same as in AS 44.62.460. In addition

(1) documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original;

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut;

(3) depositions or affidavits may be presented if a witness is unable to testify at a hearing.

(h) Repealed 1/4/86.

(i) Depositions must be taken according to AS 44.62.440(a).

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. If a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310. If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place.

(n) Repealed 1/4/86.

(o) Repealed 1/4/86.

(p) Repealed 1/4/86.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) a verbatim transcript of the proceedings before the commission; and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A request for reconsideration must be filed within 10 days after the vote under (o) of this section has been taken, and must state specific grounds upon which reconsideration is requested. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member feels, and states on the public record, that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business, or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, must be publicly disclosed by a member, and the member's participation is subject to approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business, or business associate is similar to that possessed by a large class of persons; or

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90; am 1/4/86, Register 97)

Authority: AS 15.13.030(8); AS 15.13.030(10); AS 15.13.045; AS 15.13.120(d)  
AS 24.45.021(b); AS 24.45.131; AS 39.50.050(b)

2 AAC 50.905. ADVISORY OPINIONS. (a) A person or group may request an advisory opinion concerning AS 15.13, AS 39.50, AS 24.45, or this chapter.

(b) Each advisory opinion request must describe a specific transaction or activity that the requesting person or group is presently engaged in, or intends to undertake in the future. Advisory opinion requests must include a complete description of all relevant facts. Requests posing a hypothetical situation, or regarding the activities of third parties, will not be considered by the commission staff.

(c) The commission staff shall review all requests for advisory opinions submitted under this section. If the staff determines a request is incomplete or does not qualify for consideration under (a) and (b) of this section, it shall notify the requesting person or group and specify the deficiencies in the request.

(d) Advisory opinion requests and advisory opinions are public records.

(e) The commission staff shall issue a proposed advisory opinion approving or disapproving of the activity, and may make other recommendations to the commission.

(f) The commission will review the proposed advisory opinion and will, in its discretion, review written or oral comments by any person, or any other relevant evidence. The commission will approve, disapprove, or modify the proposed advisory opinion. The commission will approve an advisory opinion by the affirmative vote of at least four members, or else the advisory opinion will be considered disapproved.

(g) An advisory opinion rendered by the Commission may be relied upon to the extent that commission staff may not commence a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i) of

(1) any person involved in the specific transaction or activity with respect to which an advisory opinion approving of the activity was rendered.

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which an advisory opinion was rendered.

(h) The commission will, in its discretion, reconsider an advisory opinion at any time upon the motion of a commissioner who voted with the majority that originally approved the opinion, and if the commission adopts the motion to reconsider by the affirmative vote of at least four members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates. Actions taken in good faith reliance by the requesting party before they receive written notice of reconsideration may not be the subject of a preliminary investigation under 2 AAC 50.390(i), 2 AAC 50.460, or 2 AAC 50.507(i). (Eff. 1/4/86, Register 97)

Authority: A.S. 15.13.030

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am 1/4/86, Register 97)

Authority: AS 15.13.030(10); AS 15.13.040(f); AS 15.13.110(c);  
AS 39.50.020(b); AS 39.50.050(c)

INDEX

Sec. Page

ADVISORY OPINIONS.....	905	30
AVAILABILITY OF REPORTS.....	910	31
CIVIL PENALTY ASSESSMENTS FOR LATE FILING.....	390	20
COMMUNICATIONS BY INCUMBENT ELECTED OFFICIALS.....	375	20
COMPLAINTS.....	450	25
CONTRIBUTION LIMITATION EXEMPTION.....	315	5
CONTRIBUTIONS IN NAME OF ANOTHER.....	357	16
DEFINITION OF CONTRIBUTION.....	313	1
DEFINITION OF GROUP.....	314	4
DEFINITIONS FOR SECS. 310-405.....	405	24
DESIGNATED CAMPAIGN DEPOSITORY.....	319	7
DISBURSEMENT OF A SURPLUS BALANCE.....	400	23
DRAFT GROUPS.....	362	17
EARLY CAMPAIGNING.....	380	20
EXPENDITURES TO ADVERTISING AGENCIES.....	340	14
FILING.....	310	1
GENERAL RECORDKEEPING REQUIREMENTS.....	320	7
HEARINGS.....	470	28
INDEPENDENT EXPENDITURES.....	351	15
INVESTIGATION OF COMPLAINTS.....	460	27
MUNICIPALITIES.....	360	16
OBJECTS TOO SMALL FOR PROPER IDENTIFICATION.....	370	19
PERSONAL CONTRIBUTIONS BY CANDIDATE.....	316	6
PERSONS WHO MAY ACCEPT CONTRIBUTIONS.....	334	14
POST-ELECTION FUNDRAISING.....	401	24
PROPER IDENTIFICATION: POLITICAL COMMUNICATION.....	369	18
RECORDKEEPING FOR FUND-RAISERS.....	326	11
REGISTRATION OF GROUPS ON BALLOT ISSUES.....	342	15
REPORTABLE DATE OF A CONTRIBUTION.....	333	14
REPORTING BY PERSONS OUTSIDE THE STATE.....	397	23
REPORTING CONTRIBUTIONS & EXPENDITURES.....	321	8
REPORTING ZERO ACTIVITY.....	332	13
SHARED CAMPAIGN REPORTING.....	324	10
SUBCOMMITTEES.....	363	18

# Alaska State Legislature



Senator Mitch Abood  
CHAIRMAN

INTERIM OFFICE  
1024 WEST SIXTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 274-2843

IN SESSION:  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4714

## Senate Committee on State Affairs

In this packet are the A.P.O.C. Administrative Regulations discussed during Senate State Affairs' January 17, 1986 hearing.

Enclosed is the following material:

11/14/85 Department of Law letter and edited A.P.O.C. regulations.

11/25/85 Letter from Chairman Abood - giving A.P.O.C. notice that the State Affairs Committee intended to review proposed regulations prior to promulgation.

Additional regulations edited by Department of Law on 12/5/85.

A.P.O.C. regulations adopted by Lt. Governors' office on 1/4/86.

Note: The Committee on State Affairs never received a written reply from A.P.O.C. to their 11/25/85 letter.

# Alaska State Legislature

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ANCHORAGE, ALASKA 99501  
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JUNEAU, ALASKA 99811  
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Senator Mitch Abood  
CHAIRMAN

## Senate Committee on State Affairs

November 25, 1985

Jean Rogers, Chairman  
Alaska Public Offices Commission  
1790 Evergreen Drive  
Juneau, Alaska 99801

*file*

Dear Ms. Rogers:

On behalf of the Senate Committee on State Affairs, I would like to give notice under AS 44.62.190 and AS 24.37.010, of the Committee's intent to review the administrative regulations which have been recently proposed by the Alaska Public Offices Commission.

My intent is to take up the APOC regulations as one of the first orders of business during the 1986 legislative session.

Very truly yours,

*Mitch Abood/CA*

Senator Mitch Abood

MEA:tdd  
Enclosures

cc: Members of the Committee on State Affairs  
Commissioner Eleanor Andrews, Dept. of Admin.  
Billy G. Berrier, Director, Division of Legal Services

*Document #2*

**Chapter 37. Review of Administrative Regulations by Standing Committees of the Legislature**

**Section**

**10. Review of administrative regulations by standing committees of the legislature**

Sec. 24.37.010. Review of administrative regulations by standing committees of the legislature. (a) A standing committee of the legislature furnished notice of a proposed action under AS 44.62.190 shall review the proposed regulation, amendment of a regulation, or repeal of a regulation before the date the regulation is scheduled by the department or agency to be adopted, amended, or repealed.

(b) A standing committee conducting a review of a regulation under (a) of this section shall determine whether the regulation properly implements legislative intent.

(c) A standing committee shall conduct preliminary reviews under this section while the legislature is in session and during the interim between legislative sessions.

(d) If a standing committee determines that a regulation, amendment to a regulation, or repeal of a regulation does not properly implement legislative intent, the standing committee's findings shall be transmitted to the Administrative Regulation Review Committee. (§ 4 ch 1 SLA 1982; AS 24.99.001)

Editor's notes. — This chapter and section were enacted as AS 24.99 and AS 24.99.001 but were renumbered by the revisor of statutes pursuant to AS 01.05.031.

**Chapter 45. Regulation of Lobbying.**

**Article**

- 2. Administration (§ 24.45.031)
- 3. Disclosure: Registration and Reports (§ 24.45.051)
- 4. Enforcement (§ 24.45.121)
- 5. General Provisions (§ 24.45.171)

**NOTES TO DECISIONS**

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

**Section**

**31. Powers and duties**

Sec. 24.45.031. I duties under this ch

(1) prescribe the and other document

(2) prepare and accounting, bookkee late compliance wit the duties of perso: instructions shall be

(3) provide assist: this chapter;

(4) prepare and p and recommendation: able to the governor. calendar year;

(5) report suspec: general.

(b) The commissio (1) hold hearings: provisions of this ch

(2) in conjunctio pel the attendance a affirmations, and re documents or other it: under this chapter;

(3) prepare, public at least quarterly a reports received; th lobbyists and emplo:

Editor's notes. — This above to correct an error i. phlet.

**Article 3. D**

**Section**

**51. Reports**

Sec. 24.45.051. R. 24.45.041 shall file activities during eac: long as the lobbyist

Supplement

Sec. 44.62.180. Effective date. A regulation or an order of repeal filed by the lieutenant governor becomes effective on the 30th day after the date of filing unless

(1) otherwise specifically provided by the statute under which the regulation or order of repeal is adopted, in which event it becomes effective on the day prescribed by the statute;

(2) it is a regulation prescribing the organization or procedure of an agency, in which event it becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(3) it is an emergency regulation or order of repeal adopted under AS 44.62.250, in which case the finding and the statement of the facts constituting the emergency shall be submitted to the lieutenant governor, together with the emergency regulation or order of repeal, which, in that event only, becomes effective upon filing by the lieutenant governor or upon a later date specified by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal;

(4) a later date is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal. (§ 3 art IV (ch 1) ch 143 SLA 1959; am § 7 ch 40 SLA 1969)

NOTES TO DECISIONS

Cited in *Mukluk Freight Lines v. Nabors Alaska Drilling, Inc.*, No. 967 (File No. 1870), 516 P.2d 411, Sup. Ct. Op. (1973).

Sec. 44.62.190. Notice of proposed action. (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation, or trade or industry publication, which the state agency prescribes;

(2) mailed to every person who has filed a request for notice of proposed action with the state agency;

(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

(4) when appropriate in the judgment of the agency, (A) mailed to a person or group of persons whom the agency believes is interested in the proposed action, and (B) published in the additional form and manner the state agency prescribes;

(5) furnished the Department of Law together with a copy of the proposed regulation, amendment, or order of repeal for the department's use in preparing the opinion required after adoption and before filing by AS 44.62.060;

(6) furnished to all Legislative Affairs

(7) furnished to the structure having legal authority, together with the regulation or order of repeal prescribed by AS

(8) furnished to the Corr

§ 44.62.190

The Adm. Rep. P

Ex

amendment to substitute

Opinion.

There are two opinions on the sufficiency of the regulation for adoption of rule.

Op. Att'y Gen., No. 26.

Where a lengthy regulation on one subject is to be proposed the best policy would be to briefly summarize the content and purpose of the regulation. 1959 Op. Att'y Gen., No. 26.

If only a very short regulation is proposed then ordinarily it would be most practicable to set forth the regulation in full. 1959 Op. Att'y Gen., No. 26.

Where a great many regulations are to be promulgated which are of a varied nature, such as fish and game regulations, or oil leasing regulations, then the only practical thing to do would be to give a general listing of the subjects to be covered, a reference to any other existing body of regulations which are being adopted, amended or superseded which might be informative to the particular public or industry concerned (such as a reference to existing regulations of a state agency or department or to existing federal regulations) and a brief listing of

the sufficiency of the regulation for adoption of rule. 1959

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§ 44.62.190

§ 44.62.190

STATE GOVERNMENT

§ 44.62.19

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am § 7 ch 40 SLA 1969.

AS

File No. 18701, 516 P.M. 1969

tion. (a) At least 30 days  
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together with a copy of the  
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ed after adoption and before

(6) furnished to all incumbent State of Alaska legislators and the  
Legislative Affairs Agency;

(7) furnished to the standing committee of each house of the legis-  
lature having legislative jurisdiction over the subject matter treated in  
the regulation under the Uniform Rules of the Alaska State Legis-  
lature, together with a copy of the proposed regulation, amendment,  
order of repeal for the committee's use in conducting the review auth-  
orized by AS 24.37.010;

(8) furnished to the staff of the Administrative Regulation Revi-  
sion Committee.

(b) If the form or manner of notice is prescribed by statute, in ad-  
dition to the requirements of filing and mailing notice under this ch-  
apter, the notice shall be published, posted, mailed, filed or other-  
wise publicized as prescribed by the statute.

(c) The failure to mail notice to a person as provided in this sec-  
tion does not invalidate an action taken by an agency under AS 44.62  
— 44.62.290. (§ 5 art IV (ch 1) ch 143 SLA 1959; am § 2 ch 149 SLA  
1962; am § 1 ch 3 SLA 1968; am § 16 ch 143 SLA 1968; am § 4 ch 64  
SLA 1978; am § 5 ch 1 SLA 1982)

Effect of amendments. — The 1982  
amendment added paragraphs (7) and (8)  
to subsection (a).

Opinions of attorney general. —  
There are few cases and little text discus-  
sion of the requirements of notice and the  
sufficiency of notice in proceedings for  
adoption of rules and regulations. 1959  
Op. Att'y Gen., No. 26.

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practical thing to do would be to give a  
general listing of the subjects to be  
covered, a reference to any other existing  
body of regulations which are being  
adopted, amended or superseded which  
might be informative to the particular  
public or industry concerned (such as a  
reference to existing regulations of a state  
agency or department or to existing  
federal regulations) and a brief listing of

any significant changes which are  
proposed if an existing body of regulations  
is to be effected. In such case it would be  
well to indicate that copies of the proposed  
regulations can be obtained from the  
agency in order to indicate the agency has  
done everything reasonably possible to  
give the public affected by its regulations  
an opportunity to familiarize itself with  
the regulations and to prepare itself to  
submit its views at the hearing. This  
should constitute substantial compliance  
with the Administrative Procedure Act  
and would serve the purpose of the act.  
1959 Op. Att'y Gen., No. 26.

And when a summary of a large number  
of proposed regulations is to be used it  
would be safe for the departments and  
agencies of the state government to follow  
the Ohio and federal practice and to give  
notice of the areas in which regulations  
may or may not be promulgated by listing  
the subject matter to which the proposed  
rules would relate. 1959 Op. Att'y Gen.,  
No. 26.

Public notice referring only to regu-  
lation numbers and subject headings. —  
See 1959 Op. Att'y Gen., No. 26.

For illustrations of the notice required  
by this section, see 1959 Op. Att'y Gen.,  
No. 26, Exhibits A, B, C and D.

# MEMORANDUM

State of Alaska [28]

TO: Theda Pittman  
Executive Director  
Alaska Public Offices Commission  
Department of Administration

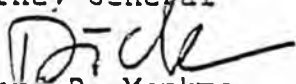
DATE: November 14, 1985

FILE NO: 399-069-35

TELEPHONE NO: 465-3600

FROM: Harold M. Brown  
Attorney General

SUBJECT: Regulations

By:   
Richard D. Monkman  
Assistant Attorney General

Attached are the edited version of your regulations. There has been drastic pruning, especially of the definitions within definitions. Hopefully, the corrections will be self-explanatory and will not outrage your staff.

The regulations need to be retyped and a new adoption order written signed. Although the changes are drastic in terms of deletions, additions to the text are minor. Thus, Peter Froehlich and I concur that the regulations will not need to be re-noticed. If the regulations are back here by November 25, there should be no problem filing them in time for a January 1, 1986 effective date.

Aside from the editing, two points. The present definition of "contribution" 2 AAC 50.405(4), was not repealed by the regulations as adopted and sent down. Looking over the notice, it appears that 50.405(4) was intended to be repealed -- which explains why a new section 50.313 was adopted. However, the place for a definition of statutory terms is in the definition section of your regulations. Thus, I reorganized what was left of 50.313 after editing as several subsections of 50.405. Secondly, the proposed regulations repeal 50.355, "loans," and spread the "loans" sections out in several different places. This, according to Art, is a mistake. We recommend that the Commission not repeal 50.355. The present language seems to me to accomplish everything the reorganized language does, and it is better to have it in one spot.

Unfortunately, I will be out of state (on business this time) during the Commission meeting of November 19 - 20, and will be unable to go over the changes in detail with the Commission. Hopefully Pat Kennedy will be available to answer any questions the Commission might have.

HMB:RDM:ckk  
Attachment  
cc w/attach.: Pat Kennedy  
Assistant Attorney General  
Anchorage AGO

15

2 AAC 50.313 is amended by adding a new section <sup>sub (5)(b)(7)</sup> to read:

~~2 AAC 50.313 CONTRIBUTION (a) The term "contribution" includes the following: payments of money, services, or anything of value:~~

~~(1) A gift, subscription, loan, advance, payment, transfer of funds, deposit, or anything of value made by any person or group for the purpose of influencing an election for state or municipal office or influencing the passage or defeat of a ballot proposition or question.~~

~~(2) For purposes of 2 AAC 50.313(a)(1), the term "loan" includes a guarantee, endorsement, and any other form of security.~~

~~(A) A loan which exceeds the contribution limitations of AS 15.13.070 shall be unlawful whether or not it is repaid.~~

~~(B) A loan is a contribution at the time it is made, and is a contribution to the extent it remains unpaid. A loan, to the extent it is repaid, is no longer a contribution.~~

(C) Except as provided in 2 AAC 50.316(1)(C), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

~~(b) For purposes of 2 AAC 50.313(a), the term "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.~~

~~(7) For purposes of 2 AAC 50.313(a), the term "anything of value" includes all kind or non-monetary contributions. Examples of such in kind goods or services include facilities, equipment, polling information, supplies, personnel, advertising services, membership lists, mailing lists, and any item of tangible or intangible real or personal property, but does not include volunteer services specified in 2 AAC 50.313(b)(4), other than paid personal services. "Paid personal services" are personal services of every kind and nature the cost or consideration for which is paid or provided by a person other than the candidate or group for whom the services are rendered.~~

9/9/85 399-132-85

NOV 15 1985

APOC-ANOH  
PM (HC)

Not should they in right place.  
HAC 50.405 (+)

As duplicate  
15.13.130(2)

Letter to keep  
50.355  
as is  
Unclear

2 AAC 50.405(4) is amended by adding new subsections to read:

(A) The provision of any goods or services without charge or at a charge which is less than the usual and normal charge for such goods and services is a contribution. If goods or services are provided at less than the usual or normal charge, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(B) For purposes of 2 AAC 50.313(a)(4)(A), the "usual and normal charge" for goods means the price of those goods in the market which they ordinarily would have been purchased at the time of the contribution; and "usual and normal charge" for any services, other than those provided by unpaid volunteers, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

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unnecessary  
unclear

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(B) ~~As~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate is a contribution.

(C) ~~As~~ The payment by any person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No compensation is considered paid to any employee under any of the following circumstances:

(A) If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable period of time.

OUT  
unsubstantiated

(i) ~~As~~ No contribution results where an employee engages in political activity during what would otherwise be normal working hours, only if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(ii) ~~As~~ No contribution results <sup>where</sup> time used by the employee to engage in political activity <sup>if</sup> the time used is bona fide, although compensable, vacation or other earned leave time.

if not the  
substantiated

(D) ~~As~~ The extension of credit by any person to a candidate or political group for a length of time beyond normal business ~~or practice~~ practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(A) A debt owed by a political group or candidate which is forgiven or settled for less than the amount owed is a contribution unless the negotiated settlement receives the prior approval of the Commission, which will be granted when it is convinced the following conditions are met:

(i) At the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(ii) The campaign has made a good faith effort to repay all outstanding debts;

(iii) The creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(iv) The proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(v) The campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(vi) The proposed settlement agreement is similar to others proposed by the campaign.

(E) ~~or~~ An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, his or her campaign, its agents, or campaign consultants is a contribution to the candidate, and the financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, his or her campaign committee, campaign agents, or campaign consultants is a contribution to ~~the~~ candidate.

(A) For purposes of 2 AAC 50.314(8), "cooperation, consultation, or in concert with, or at the request of" means any arrangement, coordination, course of communication or direction by or with the candidate or his or her campaign agents prior to the publication, distribution, display or broadcast of any communication. Any expenditure is presumed to be so made when it is:

(i) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or his or her campaign agents with a view to having an expenditure made;

(ii) Made by or through any person who is, or has been, authorized to raise or expend funds for the candidate, who is, or has been, an agent of a candidate's campaign, or has received any form of compensation or reimbursement from the candidate, members of his campaign committee, campaign agents or campaign consultants.

*OUT*  
*no authority*  
*inconsistent with*  
*AS 15.13.130(A)*

*OUT*  
*unclear*  
*unnecessary*

*no definition of "in concert with"*  
*which is defined as "in concert with"*  
*by a candidate or his or her campaign agents*



communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to provide goods and services to a campaign other than to exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(iii) ~~for~~ A gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election is not a contribution.

(F) ~~for~~ ~~any~~ contribution ~~or payment~~ made by a married individual shall not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / ,

Register )

Authority: ~~AS 15.13.010(b)~~  
~~AS 15.13.030(2) & (10)~~  
~~AS 15.13.040~~

~~AS 15.13.070~~  
~~AS 15.13.110~~  
~~AS 15.13.130(2) & (3)~~

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

(d) Groups satisfying the criteria of subsection (a) and groups granted an exemption under subsection (b) are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register )

Authority: ~~AS 15.13.030(10)~~  
~~AS 15.13.040~~  
~~AS 15.13.070~~

~~AS 15.13.130(2) & (3)~~

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) Candidates for state or municipal office may make unlimited contributions from ~~their personal funds or assets.~~

~~(1) For purposes of this section, "personal funds or assets" means~~

~~(1) Any assets which, under Alaska law, at the time he or she intended to seek elective office, the candidate had legal right of access to or control over, and with respect to which the candidate had~~

~~either~~ ~~(1) legal and rightful title, or~~ ~~(2) in equitable interest~~ including

~~(a)~~ Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stock or other investments; bequests to the candidate; income from trusts established before he or she intended to become a candidate; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; and gifts of a personal nature which had been customarily received prior to candidacy.

~~(b)~~ A candidate may use a portion of assets jointly owned as personal funds. The portion of the jointly owned assets that shall be considered as personal funds shall be that portion which is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse where there is no instrument of conveyance or ownership, the percent of the asset belonging to the candidate shall be the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the value by the number of owners.

~~(c)~~ A candidate's personal donation of goods remaining from a prior campaign are not a contribution.

~~(d)~~ No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations and made in the ordinary course of business. A loan is made in the ordinary course of business if it: bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. ~~Loans under this section are reported as a candidate's personal contribution.~~

(5) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, and all or a portion of the proceeds are used in a campaign. Sale proceeds used by a candidate in a campaign are reported as personal contributions. (Eff. / / , Register )

- Authority: AS 15.13.010(~~b~~)  
~~AS 15.13.030(2)~~  
~~AS 15.13.030(10)~~  
~~AS 15.13.040~~  
~~AS 15.13.070(a)(1)~~  
 AS 15.13.110  
~~AS 15.13.130(1)~~  
~~AS 15.13.130(2)~~  
~~AS 15.13.130(4)~~  
~~AS 15.13.130(5)~~

unnecessary  
 2 AAC  
 50.315  
 (a) covers

if  
 not reported  
 as  
 contribution

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY. (a) Each candidate and political group intending to raise or spend more than \$5,000.00 in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission one or more regulated banking institutions as its campaign depository or depositories. ~~whose~~ <sup>The account</sup> title shall indicate it is a campaign account.

(b) All monetary contributions to and expenditures by a candidate or political group shall be deposited to or made from a designated campaign depository.

(c) Any candidate or political group required to designate a campaign account may obtain and use credit cards in making travel-related campaign expenditures, transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. ~~and~~ <sup>The credit card account name</sup> shall indicate it is a campaign account.

(d) Contributions which appear to be illegal shall, within ten days, be returned to the contributor or deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question shall be included in the report. The treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) When a contribution cannot be determined to be legal, refunds shall be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register )

Authority:

~~AS 15.13.030(1)~~ ~~AS 15.13.060~~  
~~AS 15.13.030(2)~~ ~~AS 15.13.070(5)~~  
~~AS 15.13.050(2)~~ ~~AS 15.13.070(6)~~  
~~AS 15.13.070(10)~~ ~~AS 15.13.070(12)~~  
AS 15.13.050

2 AAC 50.325 is repealed.  
2 AAC 50.325 / / .

2 AAC 50.330 is repealed.  
2 AAC 50.330 / / .

2 AAC 50.350 is repealed.  
2 AAC 50.350 / / .

2 AAC 50.355 is repealed.  
2 AAC 50.355 / / .

405  
2 AAC 50<sup>is</sup> amended to add a new <sup>sub</sup> section to read:

~~2 AAC 50.356. GROUP~~ <sup>(?)</sup> ~~the word~~ "group" <sup>(?)</sup> is ~~defined as~~ <sup>es</sup> including

<sup>combination of</sup>  
(1) every <sup>^</sup>two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition. A group includes a political action committee, ~~political party (or the official subdivisions thereof), draft group, association, club, or two or more persons that receive contributions or make expenditures to support or oppose any person for election or defeat or passage of any ballot proposition.~~ A group is ~~not~~ corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition. Two or more persons who <sup>jointly</sup> make a contribution in the name of another as provided in 2 AAC 50.357 create a political group.

(2) A corporation, partnership, sole proprietorship, trade association, fraternal, charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as an individual pursuant to AS 15.13.040(d) and (e) on APOC Forms ~~15-5 and 15-6~~ if

(A) All contributions and expenditures to influence the outcome of an election are made from the organization's general day to day operating account;

(B) The organization does not conduct a fundraising drive or assessment among those ~~satisfying the conditions of~~ membership or employees for the purpose of influencing an election; <sup>ees</sup>

<sup>necessary</sup>  
(C) The organization does not exercise direction, control, or discretion over the ~~choice of the recipient candidate or group with~~ money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. An organization ~~exercises direction and control over a contribution or expenditure, and then must file as a group, when it makes the final selection of the recipient candidate or group.~~ (E.R. / / , Register )

- Authority: ~~AS 15.13.310 a~~  
✓ AS 15.13.030(10)  
~~AS 15.13.030(2)~~  
~~AS 15.13.030(10)~~  
✓ AS 15.13.040(4) <sup>(10)</sup>  
~~(4) and (5)~~  
~~AS 15.13.070(a)~~  
~~AS 15.13.070(b)~~  
✓ AS 15.13.130(3)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(1) No person, employer, principal, supervisor or contractor shall lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(2) A contribution controlled by or made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another.

(A) Two or more organizations are controlled for purposes of 2 AAC 50.357(a)(2) when such organizations

(i) Share the majority of members of their board of directors;

(ii) Share two or more corporate or organizational officers;

(iii) Are owned or controlled by the same shareholders or members;

(iv) Are in a parent subsidiary relationship.

(b) Unless a group registration statement is filed with the Commission, no persons, acting alone or with or through any other person may directly or indirectly subject any person to undue influence, command, coercion, direction or control with the result of inducing a contribution to a clearly identified candidate or political group.

(1) "Undue influence" occurs when a person secures a contribution from another by physical or economic threats, making contributions to candidates a term or condition of employment, or use of a reverse check-off in a payroll deduction plan.

(b) If a minor makes a contribution the source of which is money or a thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register )

- Authority: ~~AS 15.13.010(b)~~
- ~~AS 15.13.030(2)~~
- AS 15.13.030(10)
- ~~AS 15.13.040~~
- AS 15.13.050
- AS 15.13.070
- ~~AS 15.13.070(d)~~
- ~~AS 15.13.070(h)~~

- ~~AS 15.13.130(2)~~
- ~~AS 15.13.130(3)~~
- ~~AS 15.13.130(4)~~
- ~~AS 15.13.130(5)~~

*no undue coercion*

*political*

*ix  
can coercion*

*definition  
in statute*

(a)  
2 AAC 50.360, MUNICIPALITIES, is amended to read:

(a) When a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e), on ~~AROC forms 15-5 and 15-6~~

(b) All communications which are paid for by a municipality and which are related to an election are considered to be intended to influence the outcome of an election unless they are only notices of the election or unless they are required by statute, charter, or ordinance.

(c) The municipality shall file with the commission a list of candidates and their mailing addresses within seven days following the deadline for filing for municipal office.

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) When a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group, in accordance with 2 AAC 50.342, and AS 15.13.050, .040(d) and (e) (Eff. 5/16/76, Register 58; am / / , Register )

Authority: ~~AS 15.13.010~~  
AS 15.13.030(10)  
~~AS 15.13.050~~  
~~AS 15.13.090~~

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

(e) "Communications" as used in AS 15.13.090 includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/29/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.370, OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION, is amended to read:

If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement shall instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects which are smaller than 3 1/2" x 5" in size. Television, radio, cable or other electronic media advertisements shall be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register ).

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.380. EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall comply with AS 15.13.100 by providing written notification to the commission of his or her candidacy for a particular municipal office only if the filing period has not opened. An individual wishing to campaign for state elective office shall comply with AS 15.13.100 by filing a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

OK

(b) A letter of intent is valid only for the next election or until withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file.

(Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register )

Authority: ~~AS 15.13.030(10)~~  
~~AS 15.13.100~~

2 AAC 50.385 is repealed.  
2 AAC 50.385 / / .

2 AAC 50.390(d)(1) CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty as follows:

- (A) \$10 a day for each 30 Day Report or 10 Day Report
- (B) \$10 a day for each Year-end Report received after January 16;
- (C) \$50 a day for each 7 Day Report; and
- (D) \$50 a day up to a maximum of \$300 for each 24 Hour Report of contributions received by a candidate or a group;

(Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am / / , Register )

Authority: ~~AS 15.13.010~~  
~~AS 15.13.030(10)~~  
~~AS 15.13.040(b)~~ (c) (d) & (e)  
~~AS 15.13.100(3)~~

2 AAC 50.395 is repealed.  
2 AAC 50.395 / / .

AS 15,13,125

TSP: "like debt"

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or his or her controlled group may make expenditures for the purpose of raising funds to discharge a ~~reported indebtedness~~ from his or her ~~own previous~~ campaign.

Assets candidate

(b) Absent an ~~indebtedness~~ arising from a prior campaign, a person may not spend money for the purpose of seeking public office unless the individual is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or ~~is in compliance with~~ an advisory opinion under 2 AAC 50.401(c).

(c) A person who ~~has not extinguished his or her indebtedness~~ from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to ~~extinguish his or her indebtedness~~. Absent ~~such an advisory request~~, the Commission staff ~~will~~ commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the ~~person~~. Among the ~~criteria which may be considered are~~ in its discretion,

- (1) whether the indebtedness to vendors or suppliers of campaign goods or services should be considered a contribution under 2 AAC 50.313(a)(7);
- (2) whether personal funds or assets are included in the indebtedness; and
- (3) the nature and extent of efforts which have been made to discharge the indebtedness.

unnecessary

(d) For purposes of 2 AAC 50.401(a)-(c), an indebtedness arising from a previous campaign shall include

- (1) a candidate's personal contributions or loans made from his or her personal funds or assets before the date of the prior election;
- (2) any campaign debts to others remaining unpaid after the candidate or controlled group has reported the same on a 10 Day Post-election Campaign Disclosure Statement;
- (3) any post-election expenditures made for the purpose of discharging an indebtedness arising from a previous campaign; and
- (4) the costs reasonably associated with winding up the affairs of the prior campaign including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees to comply with the

not include unnecessary

TSP: (d) can probably be resolved

2 AAC 50.401  
2 AAC 50.450

Campaign ~~Disclosure~~ Law.

(Eff. / / , Register )

Authority: ~~AS 15.13.010(1)~~

~~AS 15.13.030(2)~~

~~AS 15.13.030(3)~~

✓AS 15.13.030(10)

✓AS 15.13.040

~~AS 15.13.050~~

✓AS 15.13.070

~~AS 15.13.100~~

✓AS 15.13.110

~~AS 15.13.130(1)~~

~~AS 15.13.130(2)~~

~~AS 15.13.130(3)~~

~~AS 15.13.130(4)~~

2 AAC 50.450(d) is amended to read:

(d) If the staff determines, that a complaint does not set out facts which, if true, would constitute a violation of the law, it shall promptly inform the complainant, inform the respondent, and close the file. Following a determination under this subsection,

(1) the staff, upon request of the respondent, shall furnish a copy of all of the information in its file on the complaint to the respondent;

(2) the complainant may request that the commission review the staff's determination; the review will be conducted in closed session; following the review, the commission will, by majority vote:

(A) uphold the staff's determination and close the matter; or

(B) determine that the complaint is sufficient on its face, and will be handled under (e), (1), (2), and (4) of this section.

(Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / , Register )

Authority: ~~AS 15.13.030(8)~~

✓AS 15.13.030(10)

✓AS 15.13.045

✓AS 15.13.120(d)

✓AS 24.45.021(b)

✓AS 24.45.131

✓AS 39.50.050(b)

*OK*

2 AAC 50.460(d) ~~PRELIMINARY INVESTIGATION~~, is amended to read:

(d) Upon ~~completion~~ of a preliminary investigation, the staff shall provide a written summary of the investigation to the commission at the next regularly scheduled meeting, or at a special meeting. The summary must include a staff recommendation for dismissal, for continued investigation, that the matter be addressed in a hearing, or that civil penalties be assessed subject to appeal as provided in 2 AAC 50.110(e), 2 AAC 50.135(f), 2 AAC 50.390(e), or 2 AAC 50.507(e). Notice of the meeting and a copy of the summary must be provided to the respondent and complainant in advance of the meeting. The decision of the commission with respect to the findings of the preliminary investigation will be sent by certified mail to the complainant and respondent. (Eff. 5/16/76, Register 58; am 12/29/77, Register 64; am 6/29/84, Register 90; am / / , Register )

Authority: AS 15.13.030(8)  
AS 15.13.030(10)  
AS 15.13.045(a)  
AS 15.13.120(d)  
AS 18.65.090  
AS 24.45.021(b)  
AS 24.45.131  
AS 39.50.050(b)

2 AAC 50.470, HEARINGS, is amended to read:

2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.360 and AS 44.62.370.

(b) Notice of a hearing <sup>will</sup> ~~must~~ be provided to all parties ~~at least 30 days~~ <sup>under AS 44.62.470</sup> before a hearing.

(c) 2 AAC 50.470(c) <sup>is</sup> repealed.

(d) The commission staff is responsible for presenting the facts, verified by investigation, which it has determined appear to constitute a violation of the law. In the course of the hearing, the staff will be given no special consideration, ~~but~~ will be considered as a party to the hearing.

(e) ~~The only~~ parties to the hearing will be the staff, representing the complainant or itself, and the respondent.

(f) A party has the right to present evidence and be represented by an attorney. Entities may be represented by an official within the entity, an authorized agent, counsel, or a combination of these.

(g) The rules of evidence are ~~the same as~~ in AS 44.62.460. In addition

(1) ~~documentary evidence may be presented in the form of copies if the original is not readily available; upon request, the parties will be given the opportunity to compare the copy to the original.~~

(2) in the discretion of the hearing officer, nonparties may present a sworn statement; if such a statement is presented, all parties will be given an opportunity to challenge, cross-examine, or rebut.

(3) 2 AAC 50.470(g)(3) <sup>3</sup>repealed.

(h) 2 AAC 50.470(h) <sup>3</sup>repealed.

(i) 2 AAC 50.470(i) <sup>3</sup>repealed.

(j) Before the hearing, upon request during regular business hours, the respondent will have access to read or copy at cost any information contained in the case file held by the staff, with the exception of internal memos and documents privileged under the attorney-client privilege.

(k) At the discretion of the hearing officer, all or part of the hearing may be conducted by telephone, audio or video teleconferencing, or other electronic means, provided the parties have an opportunity to participate in the hearing while it is taking place.

(l) The hearing will be recorded by tape recording or stenographic notes at the commission's expense. The recording will be maintained with the public file of the proceedings. The commission will not prepare a transcript unless such a requirement is imposed by law. If the hearing is open, and at the commission's discretion, any person may pay for additional recordings or for a transcript from the commission's recording. ~~if a transcript is prepared by the commission, the respondent may have access to it for the purpose of duplication.~~

necessary  
public access  
→

(m) A hearing will be open to the public except when the respondent requests a closed hearing and the hearing officer finds that it should be closed under AS 44.62.310, ~~or when the hearing officer, for any good cause, determines that a closed hearing is appropriate.~~ If the hearing is open but is conducted by telephone, audio or video teleconferencing, or other electronic means, the public notice will designate at least one public access place, ~~and whatever recording is made by the commission will be made available to the public.~~

(n) 2 AAC 50.470(n) <sup>3</sup>repealed.

(o) 2 AAC 50.470(o) <sup>3</sup>repealed.

(p) 2 AAC 50.470(p) <sup>3</sup>repealed.

(q) If the commission decides to forward a case to the attorney general's office for prosecution, the staff shall prepare and send to the attorney general's office a record comprised of

(1) a copy of the commission's hearing decision, including its findings of fact and conclusions of law;

(2) ~~the~~ verbatim transcript of the proceedings before the commission;  
and

(3) copies of all documentary evidence, memoranda, exhibits, correspondence, and other tangible evidence contained in the public file of the proceeding.

(r) The commission will, in its discretion, reconsider its decision in accordance with AS 44.62.540. A decision will be reconsidered only if

(1) there was a substantial procedural error in the original proceeding;

(2) the commission acted without jurisdiction in the original proceeding;

(3) the original vote was based on fraud, misrepresentation, material mistake of fact or law; or

(4) new evidence has come to light which, if presented at hearing, would have substantially altered a material finding of fact.

(s) Contempt before the commission will be handled under AS 44.62.590.

(t) A commission member is disqualified from participation in a hearing if the member has a substantial financial relationship with the complainant or with the alleged violator. A commission member is disqualified from participation in a hearing if the member ~~facts, and~~ states on the public records that he or she is unable to consider the complaint in an unbiased manner and reach a fair and impartial decision.

(u) A commission member has a conflict of interest if the member, a person in the member's immediate family, or the member's employer, business, or business associate has a financial relationship with the complainant or the alleged violator or with an immediate family member, business or business associate of the complainant or alleged violator. The commission member shall state publicly the nature of the conflict and a majority of the remaining members present may authorize the member to participate. Other relationships with the principals of the hearing, which may cause an appearance of impropriety or conflict, ~~must be~~ publicly disclosed by a member, and the member's participation is subject ~~to~~ approval by the majority of the remaining members present. In conflict cases, approval to participate will depend upon whether

(1) the financial relationship or interest is relatively insignificant; and

(2) the interest held by the member or the member's family, business or business associate is similar to that possessed by a large class of persons; or

(1) ~~any~~ <sup>33.</sup> person involved in the specific transaction or activity with respect to which an advisory opinion is rendered approving the activity, or

(2) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(h) The Commission may reconsider an advisory opinion at any time upon the motion of a Commissioner who voted with the majority that originally approved the opinion, and the Commission adopts the motion to reconsider by the affirmative vote of 4 members. Adoption of a motion to reconsider vacates the advisory opinion to which it relates, ~~and~~ actions taken in good faith reliance by the requesting party ~~until~~ they receive written notice of reconsideration shall not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(1) or 2 AAC 50.507(1). (Eff. / /, Register )

*before*

Authority: A.S. 15.13.030(2)  
A.S. 15.13.030(10)

2 AAC 50.910 is amended to read:

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION. Except as provided under 2 AAC 50.351(d), copies of any report required to be filed with the commission may be obtained at cost. (Eff. 5/16/76, Register 58; am / /85, Register )

Authority: AS 15.13.030(10)  
AS 15.13.040(f)  
AS 15.13.110(c)  
AS 39.50.020(b)  
AS 39.50.050(c)

(3) the nonfinancial relationship is such that a reasonable person would believe the member capable of fair and impartial judgment. (Eff. 6/29/84, Register 90, am / / , Register )

Authority: AS 15.13.030(8)  
AS 15.13.030(10)  
AS 15.13.045  
AS 15.13.120(d)  
AS 24.45.021(b)  
AS 24.45.131  
AS 39.50.050(b)

2 AAC 50. is amended by adding a new section 905 to read:

2 AAC 50.905. ADVISORY OPINIONS (a) Any person or group may request an advisory opinion concerning the Campaign Disclosure Law (AS 15.13), the Conflict of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45).

(b) <sup>Each</sup> ~~any~~ advisory opinion request shall <sup>must describe</sup> ~~set forth~~ a specific transaction or activity that the requesting party plans to undertake, is presently engaged, or intends to undertake in the future. Advisory opinion requests shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made. ~~Requests representing a general description of interpretation or posing a hypothetical situation, or regarding the activities of third parties, do not qualify as advisory opinion requests.~~

(c) The Commission staff shall review all requests for advisory opinions submitted under 2 AAC 50.905(a)-(b). ~~and~~ <sup>if</sup> the staff determines a request is incomplete or otherwise <sup>not</sup> qualified under (a)-(b), it shall notify the requesting person or political group and specify the deficiencies in the request. ~~Requests which are incomplete will not be~~

(d) Advisory opinion requests are public records.

(e) The Commission staff shall issue <sup>an advisory opinion</sup> ~~a staff advice letter~~ approving or disapproving of the activity, and ~~set forth any staff recommendations in writing~~ <sup>may make other</sup> ~~make~~ to the Commission. <sup>in its discretion</sup>

(f) At ~~its next~~ <sup>its</sup> regularly scheduled meeting, the Commission shall review the ~~staff recommendation~~ <sup>written or oral</sup> comments by any person ~~and~~ any other relevant evidence, ~~and~~ shall approve, disapprove or modify the staff recommendation. ~~If the Commission is unable to approve an advisory opinion by the affirmative vote of 4 members, the staff recommendation will be disapproved~~ <sup>or the advisory opinion will be deemed disapproved</sup>

(g) An advisory opinion rendered by the Commission may be relied upon to the extent Commission staff shall not commence a preliminary investigation pursuant to 2 AAC 50.460, 2 AAC 50.390(1), or 2 AAC 50.507(1) of:

① and may, in its discretion, consider

Insert so as not to trigger a PA hearing procedure!

Publisher: new §§ 313, 314, 316, 319, 357, + 401  
pls add to the register  
list for Art. 2.  
The PBT 12/15/85

1986

ADMINISTRATION

2 AAC 50.313

2 AAC 50. is amended by adding a new section 313<sup>1</sup> to read:

~~DEFINITION OF~~ <sup>and 314</sup> ~~IN 2 AAC 50.310--2 AAC 50.316~~ ~~except as otherwise provided in this section~~

2 AAC 50.313 ~~CONTRIBUTION~~ (a) ~~The term "contribution" includes the following payments of money, services, or anything of value:~~

~~of money or services~~, subscription, loan, advance, ~~payments~~ transfer, ~~of funds~~ or deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; ~~and includes a personal contribution as described in 2 AAC 50.316.~~

(b) ~~IN this section~~ <sup>section and in 2 AAC 50.316</sup> ~~the term~~ "loan" includes a guarantee, endorsement, and any other form of security. ~~The following apply to loans:~~

(1) ~~A~~ A loan ~~that~~ <sup>is</sup> exceeds the contribution limitations of AS 15.13.070 shall be unlawful, whether or not it is repaid.

(2) ~~A~~ A loan is a contribution at the time it is made.

(3) ~~Except~~ <sup>for a personal contribution loan as described in</sup> ~~as provided in 2 AAC 50.316~~, a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered shall be deemed to have contributed that portion of the total amount for of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. <sup>Disapproved PBT 12</sup> ~~If~~ In the event the agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsees or guarantors.

(c) ~~IN this section~~, (3) ~~The term~~ "money" includes currency of the United States or of any foreign nation, checks, money orders, or any negotiable instruments payable on demand.

(d) ~~IN this section~~, (4) ~~The term~~ "anything of value" includes facilities, equipment, polling information, supplies, advertising services, membership lists, mailing lists, any item of real or personal property, and personal services of any kind, the cost or consideration for which is paid by a person other than the candidate or group for whom the services are rendered.

(e) ~~(5)~~ The provision of ~~any~~ goods or services without charge, or at a charge which is less than the usual and normal charge for ~~such~~ goods and services in the market, is a contribution. If goods or services are provided at less than the usual or normal charge in the market, the amount of the non-monetary contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged.

(f) ~~(6)~~ The entire amount paid to attend or participate in a fundraiser or other political event, and the entire amount paid as the purchase price for a fundraising item sold by a group or candidate, is a contribution.

(g) ~~(7)~~ The payment by ~~any~~ person of compensation for the personal services of another person to a group or candidate for any purpose, except for legal and accounting services necessary to complete reports, is a contribution. No contribution results in the following circumstances:

(1) ~~(A)~~ <sup>when</sup> ~~where~~ an employee ~~who is~~ paid on an hourly or salaried basis ~~and is expected to work a particular number of hours per period, engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed~~ <sup>is</sup> by the employee within a reasonable period of time;

(2) ~~(B)~~ <sup>when</sup> ~~where~~ an employee ~~engages in political activity during normal working hours only if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own, to use as he or she sees fit~~ <sup>engages in political activity during normal working hours;</sup>

(3) ~~(C)~~ <sup>if</sup> ~~where~~ time used by the employee during normal working hours to engage in political activity is bona fide ~~although compensable~~ vacation or other earned leave time.

(h) ~~(8)~~ The extension of credit by ~~any~~ person to a candidate or political group for a length of time beyond normal business practice is a contribution, unless the creditor has made a commercially reasonable attempt to collect the debt, or pursued its remedies in a manner similar in intensity to that employed by the creditor in pursuit of a non-political debtor, including lawsuits if filed in similar circumstances.

(1) ~~(10)~~ A debt owed by a political group or candidate, which is forgiven or settled for less than the amount owed is a contribution. The Commission will, in its discretion, ~~may~~ consider the following factors before directing staff to commence a preliminary investigation:

(1) ~~(1)~~ Whether, at the time the debt was incurred, both the creditor and the candidate or political group expected full repayment within a reasonable period of time;

(2) ~~(2)~~ Whether the campaign has made a good faith effort to repay all outstanding debts;

(3) ~~(3)~~ Whether the creditor has taken steps it normally takes against debtors in the same financial condition as the campaign;

(4) ~~(4)~~ Whether the proposed settlement agreement between the creditor and the campaign is similar to previous settlements made by the creditor and other debtors;

(5) ~~(5)~~ Whether the campaign has treated equally all creditors since it became aware of the difficulty in repaying all debts;

(6) ~~(6)~~ Whether the proposed settlement agreement is similar to others proposed by the campaign.

(j) ~~(10)~~ An expenditure made by any person in cooperation, consultation, or in concert with, or at the request or suggestion of a candidate, his or her campaign committee, ~~his or her~~ agents, or campaign consultants is a contribution to the candidate. The financing by any person of the issuance, republication, or distribution of any broadcast or any written, graphic, or other form of campaign material provided by the candidate, his or her campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes any expenditure:

(1) ~~(A)~~ Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or his or her campaign agents; with a view to having an expenditure made;

(2) ~~(B)~~ Made by or through any person who is, or has been, authorized to raise or expend funds for the candidate, who is, or has been, an agent of a candidate's campaign, or who has received any form of compensation or reimbursement from the candidate, members of his campaign committee, campaign agents, or campaign consultants;

~~(3) (c)~~ Made by any person or group based on data from a candidate's ~~former~~ pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

~~(4) (d)~~ Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or ~~his or her~~ the candidate's campaign agents.

(k) In (j) of this section, ~~(E) For purposes of 2 AAC 50.313(9)~~ "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

(l) In 2 AAC 50.310--2 AAC 50.405,

~~(b)~~ The term "contribution" does not include the following payments, services, or other things of value:

(1) ~~Any~~ costs incurred in covering or carrying a news story by ~~any~~ broadcasting station, newspaper, or periodical of regular publication, unless the facility is owned by or controlled by ~~any~~ political party, political group, or candidate; in that case, the cost of the news story is a contribution, unless the news story ~~represents~~ a bona fide news account ~~and it~~ is part of a general pattern of campaign-related news accounts which gives reasonably equal coverage to all opposing candidates in the circulation or listening area.

(2) ~~Any~~ <sup>a</sup> non-monetary contribution or in-kind donation of a single item with a usual and normal ~~charge~~ <sup>cost</sup> of \$50.00 or less.

(3) ~~A~~ <sup>a</sup> payment made by any individual for his or her own travel expenses, if such payments are voluntary <sup>are made</sup> and without any understanding that they will be directly or indirectly repaid.

(4) ~~No contribution is~~ <sup>a payment</sup> made by a business, corporation, trade association, labor organization, or other organization not organized primarily to influence elections ~~when it makes payments~~ to communicate directly with its members or employees, or their families, on any subject, ~~provided that~~ if

the communication is of the same format and nature used by the organization when it has communicated in the past on nonpolitical subjects, does not request members or their families to ~~provide goods and services to a campaign,~~ <sup>do anything</sup> other than ~~to~~ exercise the right to vote, and does not solicit individual contributions to a clearly identified candidate or group chosen by the organization.

(5) <sup>a</sup> gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election, ~~is not a contribution.~~

(m) ~~for~~ A contribution made by a married individual ~~shall~~ <sup>is</sup> not be attributed to that individual's spouse, unless otherwise specified in writing by the spouse at the time the contribution is made. (Eff. / / , Register )

Authority: ~~AS 15.13.010(b)~~  
AS 15.13.030(2) & (10)  
AS 15.13.040

AS 15.13.070  
~~AS 15.13.110~~  
AS 15.13.130(2) & (4)

2 AAC 50.314. DEFINITION OF "GROUP". [Publisher, Pls insert new § 314 from p. P.]

2 AAC 50.315 CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which reads:

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(d) Groups satisfying the ~~criteria of subsection (a)~~ <sup>of this section</sup> and groups granted ~~an exemption under subsection (b)~~ <sup>of this section</sup> are subject to the requirement that political parties report contributions and expenditures as provided by AS 15.13. (Eff. 6/29/84; Register 90; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.040  
AS 15.13.070  
~~AS 15.13.130(2) & (4)~~

2 AAC 50. is amended to add a new section 316 to read:

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) <sup>A</sup> Candidate ~~for state or municipal office~~ may make unlimited <sup>personal</sup> contributions from any assets which, under Alaska law, at the time he or she ~~became a candidate~~ <sup>became a candidate</sup> ~~elective office,~~ ~~the candidate had legal right of access to or control over~~ ~~and with respect to which the candidate had legal and rightful title,~~ including salary and other earned income from bona fide employment; dividends; and proceeds from the sale of ~~the candidate's stock or other investments;~~ bequests to the candidate; income from trusts established before he or she ~~intended to candidacy~~ <sup>became a candidate</sup>; income from trusts established by bequest after candidacy; ~~of which the candidate is a beneficiary,~~ and gifts of a personal nature which had been customarily received ~~prior to~~ <sup>before</sup> candidacy.

These assets include

(b) A candidate may use a portion of ~~assets jointly owned~~ <sup>a</sup> as a personal contribution, ~~funds~~. The portion of the jointly owned assets that ~~shall be considered as~~ <sup>may be used</sup> ~~personal funds shall be that portion which~~ is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used ~~shall be~~ considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, ~~where~~ <sup>if</sup> there is no instrument of conveyance or ownership, the ~~percent~~ <sup>portion</sup> of the asset belonging to the candidate ~~shall be~~ the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the ~~value~~ <sup>present</sup> by the number of owners.

(c) A candidate's ~~personal~~ <sup>personal</sup> donation of goods remaining from a prior campaign is ~~not a~~ contribution.

(d) ~~No contribution is made from~~ <sup>is a personal contribution</sup> A loan of money by a regulated banking institution to a candidate ~~if the loan is made in accordance with applicable banking laws and regulations; and made in the ordinary course of business. A loan is made in the ordinary course of business if it~~ bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Loans under this section are reported as a candidate's personal contribution.

(e) The absolute sale of all legal and equitable interest of a candidate's real or personal property is not a contribution from the purchasers if the proceeds are received by a candidate in a legitimate arm's length transaction documented in writing, ~~and all or a portion of the proceeds are used in a campaign.~~ Sale proceeds used by a candidate in a campaign ~~are~~ <sup>must be</sup> reported as personal contributions. (Eff. / / , Register )

- Authority: ~~AS 15.13.010(b)~~  
~~AS 15.13.030(2)~~  
AS 15.13.030(10)  
AS 15.13.040  
AS 15.13.070(a)(1)  
~~AS 15.13.110~~  
AS 15.13.130(1)  
~~AS 15.13.130(2)~~  
~~AS 15.13.130(4)~~  
~~AS 15.13.130(5)~~

2 AAC 50 is amended to add a new section 319 to read:

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY; (a) Each candidate and political group intending to raise or spend more than \$5,000.00 in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. ~~The~~ <sup>Each</sup> account title shall ~~must~~ <sup>must</sup> indicate ~~it~~ <sup>that</sup> is a campaign account.

(b) All monetary contributions to, and expenditures by, a candidate or political group ~~shall~~ <sup>must</sup> be deposited to or made from a designated campaign depository.

(c) ~~Any~~ <sup>(by (a) of this section)</sup> candidate or political group required to designate a campaign depository account may obtain and use credit cards in making travel-related campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card account name ~~shall~~ <sup>must</sup> indicate ~~it~~ <sup>that</sup> is a campaign account.

(d) Contributions ~~which~~ <sup>that</sup> appear to be illegal ~~shall~~ <sup>must</sup>, within ten days <sup>after receipt</sup>, be returned to the contributor, ~~or~~ deposited into the campaign depository and reported. If deposited, the treasurer shall make and retain a written record noting the basis for the appearance of illegality. A statement noting that the legality of a contribution is in question ~~shall~~ <sup>must</sup> be included in ~~the report.~~ <sup>next report.</sup>

A campaign treasurer shall make his or her best efforts to determine the legality of a contribution.

(e) ~~If~~ <sup>if</sup> a contribution cannot be determined to be legal, <sup>a</sup> refund ~~shall~~ <sup>must</sup> be made within a reasonable time, and the treasurer shall note the refund by amending the current report or noting the change on the next required report. (Eff / / , Register Authority)

- Alternatively, the contribution may be
- AS 15.13.030(1) ~~X~~
- AS 15.13.030(2) ~~X~~
- AS 15.13.030(8) ~~X~~
- AS 15.13.030(10) ~~X~~
- AS 15.13.050
- AS 15.13.060
- AS 15.13.070(b) ~~X~~
- AS 15.13.070(c) ~~X~~
- AS 15.13.070(h) ~~X~~

- 2 AAC 50.3 is repealed.
- 2 AAC 50.325 / / .
- 2 AAC 50.330 is repealed.
- 2 AAC 50.330 / / .
- 2 AAC 50.350 is repealed.
- 2 AAC 50.350 / / .
- 2 AAC 50.355 is repealed.
- 2 AAC 50.355 / / .

LOANS. Repealed

Publisher: Please set out the section heading + "Repealed" for all repealed so as I have for §3

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Publisher:  
Pls move new  
§ 314 to p. 5.  
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2 AAC 50 is amended to add a new section to read:

314 DEFINITION OF "GROUP"; REPORTING by BUSINESSES.

2 AAC 50.314. ~~GROUPS~~ (a) ~~The word, "group" is defined as including~~  
~~in 2 AAC 50.310 -- 2 AAC 50.405,~~

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the <sup>or activities</sup> ~~raising, solicitation, or disbursement of money or anything~~ ~~of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition;~~ ~~A group includes~~ a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization <sup>organized</sup> ~~intended~~ to aid or promote the nomination, election, defeat, or recall, of any candidate for political office or to aid the passage or defeat of ~~an~~ ballot proposition; ~~(3) two or more persons who~~ <sup>jointly</sup> ~~create a political group,~~ ~~as provided in 2 AAC 50.357.~~ <sup>described</sup>

(b) ~~(2)~~ A corporation, partnership, sole proprietorship, trade association, fraternal, or charitable organization, incorporated or unincorporated association, firm, or business trust may report its contributions and expenditures as <sup>resulting from</sup> ~~an individual~~ pursuant to AS 15.13.040(d) and (e) ~~on APOC forms~~ <sup>as an individual</sup> ~~15-5 and 15-6 if~~

(1) ~~(A)~~ All contributions and expenditures to influence the outcome of an election are made from the organization's general day-to-day operating account;

(2) ~~(B)~~ The organization does not conduct a fundraising drive or assessment among its members or employees for the purpose of influencing an election;

(3) ~~(C)~~ The organization does not exercise direction, control, or discretion over the choice of the recipient candidate or group, and the organization does not exercise direction, control, or discretion over the expenditure of money or other things of value collected, pooled, solicited, or otherwise paid by others for the purpose of influencing an election. (Eff. / / , Register )

- Authority: ~~AS 15.13.010~~  
~~AS 15.13.030(1)e~~  
~~AS 15.13.030(2)e~~  
AS 15.13.030(10)  
~~AS 15.13.040(b), (c)e~~  
~~(d) and (e)e~~  
~~AS 15.13.070(d)~~  
~~AS 15.13.070(h)e~~  
AS 15.13.130(3)

2 AAC 50. is amended to add a new section 357 to read:

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER. (a) No contribution may be made, directly or indirectly, by any person other than in the legal name of the original source of the contribution.

(b) ~~11P~~ No person, employer, principal, supervisor, or contractor ~~shall~~ <sup>may</sup> lend, pay, advance, or reimburse employees, agents, or other persons for contributions to a candidate or group in the employees, agents, or other persons name, or in a name other than the original source of the contribution.

(c) ~~12P~~ A contribution ~~controlled by or~~ made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit, is a contribution in the name of another. <sup>Two or more</sup> ~~organizations~~ <sup>corporations</sup> are controlled for purposes of this paragraph when such ~~organiza-~~ <sup>organizations</sup> tions to the same recipient are in the name of another if the ~~corporations~~ <sup>organizations</sup>

(1) ~~1A~~ share the majority of members of their board of directors;

(2) ~~1B~~ share two or more corporate or organizational officers;

(3) ~~1C~~ are owned or controlled by the same shareholders or members;

(4) ~~1D~~ are in a parent-subsiidiary relationship.

(d) ~~1E~~ If a minor makes a contribution ~~the source of which is~~ money or any thing of value given to the child by a parent for that purpose, the parent has made a contribution in the name of another. (Eff. / / , Register )

Authority: ~~AS 15.13.010(b)~~  
~~AS 15.13.030(2)~~  
AS 15.13.030(10)  
AS 15.13.040  
~~AS 15.13.050~~  
AS 15.13.070(a)  
~~AS 15.13.070(d)~~  
~~AS 15.13.070(h)~~

AS 15.13.130(2)  
~~AS 15.13.130(3)~~  
~~AS 15.13.130(4)~~  
~~AS 15.13.130(5)~~

2 AAC 50.360(a), MUNICIPALITIES, is amended to read:

(a) ~~When~~ <sup>If</sup> a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e) ~~on APOC forms 15.5 and 15.2~~ <sup>as an individual</sup>

2 AAC 50.360, MUNICIPALITIES, is amended by adding a new subsection to read:

(d) <sup>If</sup> When a municipality seeks to influence the outcome of an election using funds contributed to it for that purpose, it shall register and report as a group ~~in accordance with 2 AAC 50.342, and AS 15.13.050~~ <sup>AS 15.13.040(b) and (c) and AS 15.13.040</sup> and AS 15.13.040(b) and (c) <sup>and AS 15.13.040</sup> (Eff. 5/16/76, Register 58; am / / , Register )

Authority: AS 15.13.01C  
AS 15.13.030(10) <sup>(AS 15.13.040)</sup>  
~~AS 15.13.060~~ <sup>(AS 15.13.050)</sup>  
AS 15.13.090

2 AAC 50.369, PROPER IDENTIFICATION OF POLITICAL COMMUNICATIONS, is amended by adding a new subsection (e) to read:

<sup>IN THIS SECTION AND IN AS 15.13.090,</sup>  
(e) "Communications" ~~as used in AS 15.13.090~~ includes all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.370 OBJECT: SMALL TO CONTAIN THE PROPER IDENTIFICATION. is amended to read:

2 AAC 50.370. <sup>sed</sup> If the size of an object utilized for a campaign advertisement is such that it is impractical to print the identification of the candidate, group, or person paying for the advertisement on the object, the advertisement ~~shall~~ <sup>must</sup> instead be identified in a regular expenditure report to the commission. Objects considered too small for full identification include pencils, pens, buttons, and other objects ~~which~~ <sup>that</sup> are smaller than 3 1/2" x 5" in size. All media advertisements ~~shall~~ be identified, regardless of size. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.090

2 AAC 50.380 EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall ~~comply with AS 15.13.100~~ <sup>comply with AS 15.13.100 by providing</sup> written notification to the commission of his or her candidacy ~~for a particular municipal office~~ only if the filing period has not ~~opened~~. An individual wishing to campaign for state elective office shall ~~comply with AS 15.13.100~~ <sup>comply with AS 15.13.100 by filing</sup> a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

(b) A letter of intent <sup>filed under (a) of this section</sup> is valid only for the next election or until it is withdrawn by the individual, whichever occurs first. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13 although he or she has not satisfied the filing requirements as a candidate. A letter of intent need not include the specific seat for which the individual may file. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.100

2 AAC 50.385 is Repealed:

2 AAC 50.385. / / e

~~REPORTING BY ORGANIZATIONS AND BUSINESS OR TRADE ASSOCIATIONS.~~

2 AAC 50.390(d)(1) ~~CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT~~ is amended to read:

(d) Upon receipt of a delinquent campaign disclosure report, commission staff will

(1) calculate the initial civil penalty <sup>(for each day of delinquency)</sup> as follows:

- (A) \$10 a day for each 30-Day Report or 10-Day Report
- (B) \$10 a day for each Year-end Report received after January 16;
- (C) \$50 a day for each 7-Day Report; and
- (D) \$50 a day up to a maximum of \$300 for each 24-hour

Report <sup>(of contributions received by a candidate or a group)</sup>; (Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90, am / / , Register )

Authority: AS 15.13.010  
AS 15.13.030(10)  
~~AS 15.13.040(b), (c), (d) & (e)~~  
~~AS 15.13.130(3)~~  
AS 15.13.125

2 AAC 50.395 is repealed.

2 AAC 50.395. / / e

~~REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION, Repealed~~

2 AAC 50. is amended to add a new section 401 to read:

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or <sup>a candidate</sup> ~~his or her~~ controlled group may make <sup>post-election</sup> expenditures for the purpose of raising <sup>money</sup> ~~fund~~ to discharge a ~~reported indebtedness~~ from a prior campaign, <sup>is in debt</sup> in accordance with (c) of this section.

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual <sup>has</sup> is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion <sup>is in debt</sup> issued under ~~2 AAC 50.401~~ (c) of this section and 2 AAC 50.

(c) A candidate who <sup>is in debt</sup> ~~has not extinguished his or her indebtedness~~ from a prior campaign and who has not complied with either AS 15.13.100 or 2 AAC 50.380 by December 31st of the year after the election, shall request an advisory opinion under 2 AAC 50.905 concerning the applicability of AS 15.13.100 to further expenditures to pay off the debt. Absent an advisory <sup>request</sup> request, the Commission staff may, ~~in its discretion~~ commence a preliminary investigation to review the applicability of AS 15.13.100 to expenditures by the candidate.

(d) <sup>A debt</sup> ~~For purposes of 2 AAC 50.401(a) (c), an indebtedness~~ arising from a prior ~~previous~~ campaign ~~shall~~ includes

(1) a candidate's personal contributions ~~or loans~~ made from his or ~~her personal funds or assets~~ before the date of the prior ~~election~~ <sup>election</sup>;

(2) ~~any~~ campaign debts to others <sup>that were</sup> ~~remaining unpaid after the candidate or controlled group has reported the same on a 10-day Post-election Campaign Disclosure Statement;~~

(3) ~~any~~ post-election expenditures made for the purpose of discharging ~~an indebtedness~~ arising from a ~~previous~~ <sup>previous</sup> campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees, <sup>reasonably incurred</sup> to comply with the AS 15.13 and 2 AAC 50.310 -- 2 AAC 50.405.