

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3643 HSTA APOC REGULATIONS, 1986 - APOC

519

Register

1978

2 AAC 50.401  
2 AAC 50.450

~~Campaign Disclosure Law~~

(Eff. / / , Register )

Authority: ~~AS 15.13.010(b)~~ ~~AS 15.13.030(2F)~~  
~~AS 15.13.030(8)~~ 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(1e)  
~~AS 15.13.130(2)~~ ~~AS 15.13.130(3)~~  
~~AS 15.13.130(4)~~

2 AAC 50.405(4) is repealed.

~~2 AAC 50.405(4)~~ / /   
 *repealed*

(EFF 7/22/78, Register 67; am 6/29/84, Register 90; am / / , Register )

Authority: AS 15.13.030(10)  
AS 15.13.130

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 it 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)

~~11/25/85 399-069-85~~

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)

*Publisher:  
pls set out unchanged  
all of § 470 to which amendments  
are disapproved.  
TRX  
PBF  
12/5/85*

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 44.62.260 and AS 44.62.370.~~ *Disapp PBF 12/5/85*

~~(b) Notice of a hearing will be provided to all parties under AS 44.62.~~

~~(c) 2 AAC 50.470(c) is Repealed. / / .~~ *Approved*

~~(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.~~ *Disapp PBF 12/5/85*

~~(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 in AS 44.62.460. In addition *Approved*

(1) ~~documentary evidence may be presented in the form of copies if the original is not readily available.~~

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12/5/85

(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.

← approved

(3) ~~2 AAC 50.470(g)(3) is repealed.~~

(h) ~~2 AAC 50.470(h) is repealed.~~ Repealed / / ← approved

(i) ~~2 AAC 50.470(i) is repealed.~~

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12/5/85

(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.~~

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(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) ~~2 AAC 50.470(n) is repealed.~~ Repealed / /

(o) ~~2 AAC 50.470(o) is repealed.~~ Repealed / /

(p) ~~2 AAC 50.470(p) is repealed.~~ Repealed / /

← Approved

(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;~~

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All changes on this page are Disapproved  
 12/15/85

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

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

~~(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 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, 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.~~

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

Dis. PBF 12/15/85

- 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)

Publisher: 11/15 and new 1985 to the 3rd ART. 5. PBF 12/15/85

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 Conflicts of Interest Law (AS 39.50), or the Lobbying Act (AS 24.45),~~ <sup>of this chapter.</sup>

(b) Each advisory opinion request must describe ~~set forth~~ a specific transaction or activity that the requesting <sup>person or group</sup> ~~party~~ <sup>plans to undertake</sup> 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 ~~2 AAC 50.905(a) - (b)~~ <sup>of this section.</sup> If the staff determines a request is incomplete or does not qualify ~~under (a) or (b)~~ <sup>for consideration</sup> ~~of this section.~~ it shall notify the requesting person or ~~political~~ group and specify the deficiencies in the request.

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

(e) The Commission staff shall issue <sup>the proposed</sup> ~~an~~ advisory opinion approving or disapproving of the activity, and may make other recommendations ~~it will make~~ to the Commission.

(f) ~~At its next regularly scheduled meeting, the Commission may~~ <sup>The commission will review the proposed advisory opinion and will,</sup> in its discretion, review ~~the staff recommendations~~ <sup>written or oral comments</sup> by any person, or any other relevant evidence. ~~The Commission may, in its discretion,~~ <sup>The Commission will,</sup> approve, disapprove, or modify the ~~staff recommendation~~ <sup>proposed advisory opinion</sup>. ~~The Commission must will~~ approve an advisory opinion by the affirmative vote of ~~the~~ <sup>at least four</sup> members, or ~~the advisory opinion will be deemed disapproved.~~ <sup>else</sup>

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

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

(h) The <sup>will, in its discretion,</sup> 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 ~~its~~ <sup>at least four</sup> 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 ~~shall~~ <sup>may</sup> not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i), or 2 AAC 50.507(i). (Eff. / /, Register )

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 / /86, 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)

2 AAC 50. is amended by adding a new section 313 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 any 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.

(3) 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.

(4) For purposes of 2 AAC 50.313(a), the term "anything of value" includes all in-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.

(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.

(5) 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.

(6) 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.

(B) No contribution results where an employee engages in political activity during what would otherwise be normal working hours 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.

(C) No contribution results for time used by the employee to engage in political activity if the time used is bona fide, although compensable, vacation or other earned leave time.

(7) The extension of credit by any person to a candidate or political group for a length of time beyond normal business or trade 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.

(8) 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 a 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.

(iii) 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.

(iv) Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or his or her campaign agents.

(B) For purposes of 2 AAC 50.313(8), "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.

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

(1) Funds received and payments made solely for the purpose of determining whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions, and requirements of the law, and shall be reported on the first Campaign Disclosure Statement filed by the candidate, regardless of when the funds were received or the payments made.

(2) Any costs incurred in covering or carrying a news story, commentary or editorial 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 which case the cost of the news story is a contribution unless the news story represents a bona fide news account communicated in a publication of general circulation or on a licensed broadcasting facility. Further, 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.

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

(4) The value of services provided without compensation by any individual other than one who volunteers services for which one would ordinarily be paid, or a payment made by any individual for his or her own travel expenses if such payments are voluntary and without any understanding that they will be directly or indirectly repaid.

(5) No contribution is 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 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 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.

(6) 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.

(c) Any contribution or payments 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 15.13.070  
AS 15.13.030(2) & (10) AS 15.13.110  
AS 15.13.040 AS 15.13.130(2) & (4)

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) & (4)

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

(A) 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:

- (i) Legal and rightful title; or
- (ii) An equitable interest.

(B) 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 trust 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.

(2) 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.

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

(4) 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)

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 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 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(b)
	AS 15.13.030(8)	AS 15.13.070(c)
	AS 15.13.010(10)	AS 15.13.070(h)
	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 / / .

2 AAC 50 is admended to add a new section to read:

2 AAC 50.356. GROUP. (a) The word "group" is defined as including

(1) every 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 any 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 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 employment for the purpose of influencing an election;

(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. (Eff. / / ,  
Register )

Authority: AS 15.13.010  
AS 15.13.030(1)  
AS 15.13.030(2)  
AS 15.13.030(10)  
AS 15.13.040(b), (c),  
(d) and (e)  
AS 15.13.070(d)  
AS 15.13.070(h)  
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.

(c) 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 15.13.130(2)  
AS 15.13.030(2) AS 15.13.130(3)  
AS 15.13.030(10) AS 15.13.130(4)  
AS 15.13.040 AS 15.13.130(5)  
AS 15.13.050  
AS 15.13.070(a)  
AS 15.13.070(d)  
AS 15.13.070(h)

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 APOC 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.

(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(b) and (c). (Eff. 5/16/76, Register 58; am / / , Register )

Authority: AS 15.13.010  
AS 15.13.030(10)  
AS 15.13.060  
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. 4/28/79, 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, 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.

(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 15.13.130(3)

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

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.

(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:

(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.

(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

2 AAC 50.401  
2 AAC 50.450

Campaign Disclosure Law.

(Eff. / / , Register )

Authority: AS 15.13.010(b)  
AS 15.13.030(2)  
AS 15.13.030(8)  
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)

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 must be provided to all parties at least 30 days before a hearing.

(c) 2 AAC 50.470(c) 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) repealed.

(h) 2 AAC 50.470(h) repealed.

(i) 2 AAC 50.470(i) 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.

(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) repealed.

(o) 2 AAC 50.470(o) repealed.

(p) 2 AAC 50.470(p) 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) 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 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 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, 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

(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) Any advisory opinion request shall 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 if the staff determines a request is incomplete or otherwise not qualified under (a)-(b), it shall notify the requesting person or political group and specify the deficiencies in the request.

(d) Advisory opinion requests are public records.

(e) The Commission staff shall issue a staff advice letter approving or disapproving of the activity, and set forth any staff recommendations it will make to the Commission.

(f) At its next regularly scheduled meeting, the Commission shall review the staff recommendation, written or oral 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 shall be disapproved.

(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(i), or 2 AAC 50.507(i) of:

(1) any 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 received written notice of reconsideration shall not be the subject of a preliminary investigation under 2 AAC 50.460, 2 AAC 50.390(i) or 2 AAC 50.507(i). (Eff. / /, Register )

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)



# 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

APOC

NOTES AND

CORRESPONDENCE

*Enclosure*

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## ALASKA PUBLIC OFFICES COMMISSION

REPLY TO:

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

JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4854

August 30, 1983

RECEIVED  
JUL 31 1983  
ALASKA PUBLIC OFFICES COMMISSION

Lisa Rudd, Commissioner  
Department of Administration  
State of Alaska  
Pouch C  
Juneau, Alaska 99811

Dear Commissioner Rudd:

The members of the Alaska Public Offices Commission have reviewed "A Performance Report on the Department of Administration, Alaska Public Offices Commission, June 24, 1983" and asked that I convey their response as follows.

This is the first time since the Commission was created nine years ago that a performance audit has been conducted on its economy, efficiency, and effectiveness. The Commission was pleased at the prospect of an objective, professional assessment, especially in light of the seemingly endless controversy which surrounds its work. That the audit produced only four recommendations (two directly related to budget support and two which are interpretation/policy matters) is most gratifying. The volume and complexity of work for the Commission which is generated by the disclosure requirements is hard to comprehend -- unless someone has the familiarity which the auditors acquired -- and yet the audit does not suggest major defects in the agency's operation.

### Recommendation No. 1

The Commission's interpretations concerning the applicability of the requirement to file a Conflict of Interest Statement for particular state employees has consistently relied upon counsel of the Attorney General's office (see attachments) concerning the need to interpret a criminal statute literally. In light of the recent creation of positions such as assistant commissioner, which post-date the "public official" definition in the law, the Commission will seek voluntary filings from those in comparable positions where it is plainly arguable that the original intent of the statute would be served thereby. It continues to be the case that the Commission's Counsel in the Attorney General's office advises that such individuals could not be compelled to file should they refuse, nor could civil penalties for late reports be enforced for those persons.

That portion of the recommendation which deals with Executive Directors of particular agencies is not wholly clear. The Executive Director of the

Commissioner Lisa Rudd  
August 30, 1983; Page Two

Permanent Fund does file as required by statute, but in the case of the Alaska Industrial Development Authority the members themselves are not designated as subject to the filing requirement. There are 42 boards or commissions whose members are subject to AS 39.50 and 81 whose members are not. (Lists of those entities are attached.) It's unlikely that all of those agencies have an Executive Director, and prior to reviewing the question of possible regulations requiring such staff members to file, the Commission would appreciate confirmation concerning the positions which the audit staff feels should be included.

#### Recommendation No. 2

The Commission supports whole-heartedly the thesis that improvement is needed in enforcement of disclosure laws and applauds the audit team for the documentation of some of the problems. The Commission's available staff resources suffer greatly due to the two and four-year state election cycles and the perception that no harm will be done by a see-saw budget allocation. Funding cuts inevitably mean tough decisions about how to use limited resources. Honesty would not be served by promising that the five exceptions cited will be remedied in the immediate future.

In fact, should the auditors return at the end of FY 84 when the Commission will have been staffed by six full-time and two part-time positions, rather than seven full-time and four part-time as it was in FY 83, it is likely that more rather than fewer exceptions would be found.

Item 1: Two of the four are advisory members of the Board of Education who were not requested to file in light of the AG's advice, one person was a division director in a division which has experienced considerable reorganization in the last two years (the position in question did not exist on April 15) and the fourth person was not included by the department in the annual update the Commission requests from all departments. Four out of 520 represents less than 1%.

Item 2: The only problem identified here is insufficient resources which might be solved by either additional staff or access to data processing. This process gets as much attention as is reasonable, given its relative priority to such things as candidate and group reports. The voluntary return rate is increasing steadily.

Item 3: There is no effective remedy for a late registration statement. In the case of candidates, the law was probably amended because removal from the ballot was too harsh a penalty. HB 165 proposed a prohibition against an individual acting like a treasurer until the appointment was filed with the Commission, but does not suggest civil penalties.

Item 4: The Commission has not used its delinquency notice procedures for Year-end reports for two reasons. By statute, Year-end reports are

Commissioner Lisa Rudd  
August 30, 1983; Page Three

required only of those who had activity and a certified letter saying, "Your report has not been received" has seemed excessive since there's very little basis for predicting who will be required to file. Secondly, the December 31 deadline is impractical and even a delinquency of 30 days causes relatively little harm since there's at least seven months before the next election date when public interest in the material is most intense.

Item 5: The measure which has been used to assess the delinquency of lobbyist/employer reports is to calculate the total number of reports due based on the number of registrations each period, count the number of late reports for each period and calculate a percentage. Using that technique the 1981 figures showed 11-13% delinquencies for lobbyists and employers; it seems improbable that the figures would have changed that much, but the extent to which the auditor's method differs from the internal method is not clear either.

#### Recommendation No. 3

Item 1: Staff discussion with the auditors suggests that this particular problem is subject to remedy by a re-wording of the certification statement; such has already been done for the amendment forms and will also be done on the initial statement form. That solution is more practical and less harrassing to those required to file than requesting that "N/A" be entered into any and every blank part of the Statement.

Item 2: No qualification is provided concerning the nature or extent of the incompleteness and, hence, an informed response is not possible. It is true, however, that this Spring the Commission approved specific guidelines on the question of what constitutes acceptable completeness for "occupation and employer" and that staff discussions have begun on audit guidelines which would aim to specify when "incomplete" is regarded as "substantially incomplete."

#### Recommendation No. 4

There can be little quarrel that guidelines should be written. What is not apparent is that discussion of the criteria for affidavit review almost always follows the periodic appointment of a new member to the Commission. At its last meeting, the Commission noted that such a discussion was due and in all probability the next couple of meetings will produce reworked guidelines.

One observation should be made about the dollar amount of the civil penalty assessments which are discussed in this recommendation. The value of potential fines has increased dramatically in the last two years with the revision of regulations concerning reports that are more than 30 days overdue and subject to a maximum assessment. However, if a particular fine has a maximum of \$12,000 possible and the Commission finds that there were legitimate mitigating circumstances, then the law and the public are well served by a Commission waiver of the assessment regardless of the fact that \$12,000 in potential revenue to the General Fund is eliminated.

Commissioner Lisa Rudd  
August 30, 1983; Page Four

In conclusion, the Commission members ask that I emphasize their appreciation for the opportunity to respond to the audit as well as the perspective it provided them about their efforts to administer the disclosure laws.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

On behalf of the Commission:

THEDA S. PITTMAN  
Executive Director

Enclosures

cc: Alaska Public Offices Commission Members

bcc: Elizabeth Page Kennedy, Assistant Attorney General  
Brooke Miles, Juneau Branch Administrator

TSP/deh

X Theda Pittman

ARRIVED

MAR 14 1984

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HC

3/12-84

*Admin.*

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF ADMINISTRATION  
ALASKA PUBLIC OFFICES COMMISSION

June 24, 1983

Commissioner, Department of  
Administration

Lisa Rudd

Members of the  
Alaska Public Offices Commission

Chairman  
Vice-Chairman  
Member  
Member  
Member

Mildred Opland  
Jean Rogers  
George White  
Frank Hustin  
Arlayne Klein

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

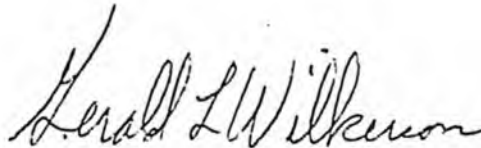
June 24, 1983

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review:

A PERFORMANCE REPORT ON THE  
DEPARTMENT OF ADMINISTRATION  
ALASKA PUBLIC OFFICES COMMISSION

June 24, 1983



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE OF THE REPORT

In accordance with the provisions of Title 24 of the Alaska Statutes, a performance examination of the Department of Administration, Alaska Public Offices Commission was conducted to determine if:

1. The Commission complied with applicable State statutes and regulations governing its activities.
2. The performance of the Commission is acceptable in terms of economy, efficiency, and effectiveness.

The policy and audit approach utilized by the Division of Legislative Audit for performance reports can best be described as "audit by exception".

This methodology focuses audit effort on areas of an auditee's operations that have been identified by a preliminary survey as having a high degree of probability for needing improvements.

Therefore, by design, finite audit resources are used to identify where and how improvement can be made and little time is devoted to reviewing well run operations or programs. Consequently, this report highlights those areas needing improvement and does not emphasize those operations and programs that are properly functioning.

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## ORGANIZATION AND FUNCTION

The Alaska Public Offices Commission (APOC) was created by AS 15.13.020 within the Department of Administration. The Commission consists of five members, four of which are appointed by the Governor. The fifth member is selected by a majority vote of the four appointed members.

APOC is responsible for the administration and enforcement of Alaska's three disclosure laws: Campaign Disclosure (AS 15.13), Regulation of Lobbying (AS 24.45), and Conflict of Interest (AS 39.50). Campaign disclosure requires the reporting of contributions and expenditures by individuals, candidates, and groups attempting to influence the outcome of elections. Regulation of lobbying requires the disclosure of information relative to the identity, income, and expenditures of lobbyists and their employers. Conflict of interest requires appointed or elected public officials to disclose their personal, financial, and business interest.

The primary objective of the disclosure laws is to guarantee the "public's right to know". Under the direction of an Executive Director, APOC staff (consisting of six full-time and four part-time positions) has been assigned the duty of ensuring that this objective is achieved.

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## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

APOC should revise its conflict of interest filing requirements.

Our review of APOC filing requirements for conflict of interest (COI) statements showed that APOC is interpreting the COI law too literally. It is APOC's current policy to require Commissioners, Deputy Commissioners, and Directors of agencies with the word "Division" included in their title to file COI statements. Although AS 39.50.050 gives APOC the authority to interpret the statutes, it stipulates that the interpretation must be within the intent and purposes of the COI law.

As stated in AS 39.50.010(a) the purposes of the Statutes are: (1) to discourage public officials from acting upon a private or business interest in the performance of a public duty, (2) to assure that public officials in their official acts are free from the influence of undisclosed private or business interests, (3) to develop public confidence in persons seeking or holding public office and, (4) to develop accountability in government by permitting public access to information necessary to judge the credentials and performance of those who seek and hold public office.

Thus, it is clear that the intent of the law is to require disclosure by public officials with significant power and influence over the State's operations. However, as a result of APOC's interpretation, several directors with significant influence are not required to file. For example, the Executive Directors of the following Agencies within the Executive Branch are not required to file COI statements:

- \* Alaska Housing Finance Corporation
- \* Alaska Industrial Development Authority
- \* Alaska Municipal Bond Bank
- \* Alaska Permanent Fund Corporation
- \* Alaska Power Authority

In addition, the Executive Directors of applicable State boards and commissions and other State agencies denoted by the title "Office of" are not required to file.

We recommend that APOC, with the assistance of the Attorney General's Office, promulgate regulations which define the meaning of the word "Division" to include all agencies within the Executive Branch regardless of title. If, in the opinion of the Attorney General, certain agencies cannot be included by regulation, APOC should seek necessary statutory changes.

Recommendation No. 2.

Improvement is needed in APOC's enforcement of disclosure laws.

Filing deadlines for disclosure reports and statements are set by AS 15.13, AS 24.45, and AS 39.50. The primary purpose of the deadlines are to ensure that the information is readily available for public review. Our review of files for compliance in meeting those deadlines disclosed the following exceptions:

1. Four public officials did not file a 1983 conflict of interest statement as required. The individuals may be unaware of the filing requirement. APOC did not discover the non-compliance and was not certain whether three of the four individuals were applicable under the law (see Recommendation No. 1).
2. Contribution statements were not filed timely. AS 15.13.080 requires that a person or group contributing over \$250 to a candidate to file a signed statement with APOC. According to APOC staff, approximately 3000 delinquency notices were sent to non-filers of which less than 50% responded.
3. Notification of campaign treasurers were not made timely. Six of 26 (23%) of the files reviewed showed that the notifications were delinquent. Late days ranged from 2 to 90 days.
4. Campaign disclosure year-end reports were not filed timely. Five of eleven applicable files reviewed showed that the reports were filed late. Late days ranged from 3 to 31 days.
5. Lobbyist/employer reports were not filed timely. Per our review of 25 lobbyist/employer files, we found that 36% had at least one late report. Late days ranged from 1 to 60 days.

We recognize the limitations in obtaining full compliance, however, the deadlines were established by statute to guarantee timely public access. Therefore, APOC should increase its enforcement efforts.

Recommendation No. 3

APOC should strengthen its review procedures of disclosure statements and reports.

APOC is mandated by AS 15.13.030(8) to examine, investigate, and compare all reports and statements required under the three disclosure laws. However, our review of APOC's files

disclosed that several reports and statements were incomplete as follows:

1. Seven of 26 (27%) COI statements reviewed were incomplete. Three to four parts of the statements were left blank per each file. Ordinarily, the omission of a section could imply that the information requested is not applicable. However, considering the intent and sensitivity of the COI statutes, APOC should ensure all sections are complete or clearly marked "not applicable".
2. Of 30 campaign disclosure files reviewed we found that 5 (17%) had incomplete contribution statements, and 8 (27%) had incomplete expenditure statements. Information such as the address of contributors and payees, occupation of contributors, check numbers, and cumulative contribution amounts were omitted.

Little benefit is obtained by reviewing incomplete documents. Therefore, APOC should require all statements to be complete to protect the public's "right to know" and to enable a thorough review by the Commission.

Recommendation No. 4

APOC should develop written guidelines to be utilized in the review and evaluation of affidavits.

When individuals or groups are delinquent in filing their disclosure statements, a civil penalty is assessed by APOC. The actual amount assessed is based on the number of days delinquent, and the type of statement filed. A notarized affidavit stating the mitigating facts may be submitted to the Commission to appeal the assessment. Based on the facts submitted, the Commission may waive, reduce, or uphold the assessment. Our review of commission proceedings and discussions with staff showed that the Commission has not developed any written guidelines which set the criteria for the review and evaluation of the affidavits. Per our review of 25 penalty assessments, we found that 9 (36%) were waived by the Commission based on the individual's statement that the report was lost in the mail. It is questionable whether postal failure warrants a waiver. Other questionable reasons given include: Forgot to mail statements; oversight, mailed other reports; did not receive reminder notice; and delayed report in the interest of clarity and accuracy because figures were not available.

Our review showed that from August, 1981 to February, 1983 the Commission reviewed 287 affidavits totalling \$79,119 in penalty assessments resulting in \$73,351 (93%) being waived by the Commission.

The Commission's leniency in the appeal process hinders the effectiveness of the agency and does little to promote timely filing (see Recommendation No. 2).

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA PUBLIC OFFICES  
COMMISSION

Notice is hereby given that the Alaska Public Offices Commission, under authority vested in AS 15.13.030(10), proposes to adopt, amend and repeal regulations in Title 50 of the Alaska Administrative Code, dealing with Campaign Disclosure, complaints, Preliminary Investigations, and Hearings to interpret AS 15.13, AS 24.45 and AS 39.50 as follows:

2 AAC 50.313. CONTRIBUTIONS is proposed to consolidate the definition of reportable contributions. It would include treatment of loans, non-monetary contributions, donation of in-kind services, media broadcasting, extensions of credit for an unreasonable time, and expenditures made in cooperation with a campaign. It would exclude from reporting volunteer services, internal business or organizational communications, non-monetary contributions of small value, and contributions for an election recount. It also provides treatment for a married person's contribution from joint funds.

2 AAC 50.325. RECORDKEEPING REQUIREMENTS FOR NON-MONETARY CONTRIBUTIONS is repealed.

2 AAC 50.330. REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION is repealed.

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES is repealed.

2 AAC 50.355. LOANS is repealed.

2 AAC 50.405(4). "contribution" is repealed.

2 AAC 50.315. CONTRIBUTION LIMITATION EXEMPTION is amended by adopting a new subsection (d) which clarifies that political parties must report all contributions and expenditures.

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE is proposed to clarify and define when a candidate may make unlimited contributions of his or her personal funds and assets in the form of money, goods, loan proceeds, and proceeds from a sale of assets.

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY is proposed for candidates or groups contemplating raising or spending more than \$5,000.00 in a calendar year. They shall deposit all contributions and make all expenditures from a designated campaign depository. Campaigns shall designate on a report the bank or banks in which funds are held or which credit cards for travel expenses are issued. The proposal sets forth an accounting and reporting procedure for contributions that cannot be determined to be legal.

2 AAC 50.360. MUNICIPALITIES is amended in section (a) by providing that municipalities engaged in political activity using budgeted funds shall report in

the same fashion as individuals. Section (d) is added to provide that municipalities shall report as groups when they receive contributions for political activity.

2 AAC 50.356. GROUP is proposed to define a political group required to file periodic Campaign Disclosure Statements and to provide exceptions for those entities or organizations permitted to report their political activity as individuals.

2 AAC 50.385. REPORTING BY ORGANIZATIONS and BUSINESS OR TRADE ASSOCIATIONS is repealed.

2 AAC 50.395. REPORTING BY A BUSINESS ENTITY OR LABOR ORGANIZATION is repealed.

2 AAC 50.357. CONTRIBUTIONS IN THE NAME OF ANOTHER is proposed to prohibit voluntary or involuntary transfers of money or other things of value between persons for the purpose of making contributions to candidates or political groups unless the persons engaged in the activity register with the Alaska Public Offices Commission and report on periodic Campaign Disclosure Statements as a group.

2 AAC 50.369. PROPER IDENTIFICATION OF COMMUNICATION is amended by adopting a new subsection (e) which proposes to define campaign materials that must bear the paid for by disclaimer and providing that envelopes need not bear the disclaimer if they contain properly identified campaign material.

2 AAC 50.370. OBJECTS TOO SMALL TO CONTAIN THE PROPER IDENTIFICATION is amended by adopting a proposal that objects not more than 3 1/2" x 5" need not bear the paid for by disclaimer. However, all media advertisements shall contain the paid for by disclaimer.

2 AAC 50.380. EARLY CAMPAIGNING is amended by adopting a new subsection (b) and deleting inconsistent portions of subsection (a). It proposes to provide that a state candidate may begin making expenditures upon filing a letter of intent with the Alaska Public Offices Commission certifying the individual and his or her campaign will comply with AS 15.13.

2 AAC 50.390. CIVIL PENALTY ASSESSMENTS FOR THE LATE FILING OF A CAMPAIGN DISCLOSURE REPORT is amended by changing subsections (d)(1)(A), (d)(1)(B), (d)(1)(C), and (d)(1)(D) to raise civil penalty assessments to the amount permitted by law. Further, the proposal deletes the Commission's case-by-case review of reports over 30 days delinquent in the aforementioned sections.

2 AAC 50.401. POST ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS is proposed to permit limited post-election fundraising to discharge an indebtedness from a prior campaign, including such items as reported personal contributions before the election, disclosed debts to others, and the costs of winding up the campaign.

2 AAC 50.450. COMPLAINTS would be amended to specify notifying the subject of a complaint where a complaint file is closed for failure to state a violation.

2 AAC 50.460. PRELIMINARY INVESTIGATION would be amended to clarify that a staff recommendation may include assessment of civil penalties.

2 AAC 50.470. HEARINGS would be amended to specify that a hearing officer will conduct the hearing.

2 AAC 50.905. ADVISORY OPINIONS is proposed to assist persons or groups who are or may be subject to the Conflict of Interest Law, Campaign Disclosure Law or Regulation of Lobbying Law by written advisory opinions issued by the Alaska Public Offices Commission and providing when a requesting party may rely upon an advisory opinion.

2 AAC 50.910. AVAILABILITY OF REPORTS FILED WITH THE COMMISSION is an amendment providing that all reports filed with the Alaska Public Offices Commission may be provided at cost except for those reports filed by persons who have shown to the satisfaction of the Alaska Public Offices Commission they would be the subject of undue harassment, threats, or economic reprisals.

Notice is also given that any person interested may present oral or written comments relevant to the proposed action at a hearing to be held in the Quadrant Room at the Captain Cook Hotel, 5th Avenue and K Street, Anchorage, Alaska, at 1:30 p.m. on August 22, 1985. Individuals wishing to testify by telephone may do so by making arrangements with the Commission staff by August 19, 1985. The Alaska Public Offices Commission telephone number is 276-4176. In addition, written comments to be considered by the Alaska Public Offices Commission, must be received no later than August 19, 1985.

It is estimated this action will require an increased appropriation as follows:

FY 1986, \$24,747.50; FY 87, \$24,747.50; FY 88, \$24,747.50; FY 89, \$24,747.50

Copies of the proposed regulations may be obtained by writing to the Alaska Public Offices Commission, 610 C Street, Suite 211, Anchorage, Alaska 99501 or by calling 276-4176.

The Alaska Public Offices Commission, upon its own motion or at the instance of any interested person, may at the hearing or after it adopt proposals within the scope of this notice without further notice or may decide to take no action on them.

Date: *July 12, 1985*

*Theda S. Pittman*  
\_\_\_\_\_  
Theda S. Pittman  
Executive Director

1985 LEGISLATIVE PROPOSAL - DRAFT  
Alaska Public Offices Commission  
August 21, 1984

AS 15.13 - Campaign Disclosure

1. Increase contribution limitation in AS 15.13.070(a) to a maximum of \$2,000.

Rationale - Inflation is the simplest and most direct explanation. In addition, allowing contributions in larger amounts may simplify reports and make it somewhat easier to track large contributors. The issue of whether its appropriate for a campaign to accept \$2,000 contributions should be largely left up to the campaigns and the voters.

2. Increase threshold for disclosure of itemized information about contributors to \$250.

Rationale - The first \$100 of an individual's contribution or the first \$200 of a couple's contribution is rebated by the state under the political contribution credit. The ever-increasing size of state campaigns makes contributions of \$250 or less almost negligible in terms of potential influence. The burden on the campaigns is not justified in terms of the goal of public information on the most significant contributors.

3. Reverse "expenditures before filing" prohibition and require that those who act like candidates are subject to AS 15.13 even though they've not filed a declaration of candidacy.

Rationale - The original prohibition against pre-filing expenditures (except for personal travel and opinion polls) was germane to the limitation on expenditures which has subsequently been determined to be unconstitutional. In fact, it is almost impossible to enforce a prohibition on pre-filing expenditures especially since incumbents are not precluded from using campaign surpluses for office expenses or personal income. Public access to information about campaigns and the potential candidates themselves would be better served by allowing campaign expenditures before filing, but requiring that they be reported at year-end even though the individual has not filed for office at year-end.

4. Consolidate and expand the requirements of group registration (AS 15.13.050) with the concept of controlled groups [AS 15.13.130(3)]. Require more detail on group registration and require annual renewal if group contributors are to be eligible for political contribution credits. Require groups which employ lobbyists to segregate their AS 15.13 funds from their AS 24.45 funds to assure that political contribution credits are not used to lobby. Establish civil penalties for failure to update registration on an annual basis.

Rationale - The two major types of groups in Alaska (PACs and political party subdivisions) are expanding their activity at a substantial rate. Although Alaska's PAC phenomena doesn't approach that in federal elections, it is clear that the trend toward more and larger groups is irreversible. AS 15.13's require-

ments for groups are primitive and do not give the Commission the authority it needs to assure that groups disclose the relevant information. Particularly frustrating is the lack of ability to prevent PACs or organizations which employ lobbyists from subsidizing their lobbying with funds for which political contribution credits are paid.

5. Establish reporting requirement for employers who withhold payroll for political contributions.

Rationale - Employer willingness to provide payroll withholding can encourage participation in campaigns without allowing the employer to exert undisclosed influence. Labor laws are such that employees are protected from dismissal for not participating and it might be easier to establish the conditions under which payroll withholding for political contributions is allowed than to ban it entirely.

#### AS 05.15 - Games of Chance and Skill

Remove political organizations from those eligible to raise funds through raffles, bingo, monte carlo, etc., by amending the definition of "qualified organization" in AS 05.15.210(15).

Rationale - There are two aspects of this kind of fund-raising by candidates and political groups which are almost impossible to control: compliance with the detailed reporting requirements of AS 15.13 and the difficulty in separating out the funds used for political activity from those use for other purposes. In the case of candidates, the difficulty in complying honestly with the contribution limit and the itemized information about contributors leaves uncontrollable loopholes in the requirements of AS 15.13. Presumably the Department of Revenue has similar difficulties in screening applications for political contribution credits in order to avoid inappropriate payments to those who made their political contribution by buying a raffle ticket or attending a monte carlo night.

#### AS 39.50 - Conflict of Interest

1. Amend § .145 to exempt communities with populations of 1,000 or less.

Rationale - The requirement for second class cities is not meaningful because the communities are small and the financial interests of residents are already well known. The requirement is unevenly enforced in part because of the Commission's limited resources and in part because the cities are struggling with other provisions of the municipal code. A universal exemption based on population would parallel the Campaign Disclosure Law and should include a provision allowing a community to "vote its way in" for towns where citizens wanted their officials to file.

2. Amend § .200(a)(1) and (6) to clarify those required to file COI Statements.

Rationale - On the state level new positions have been created since enactment of the requirement. The definition of those required to file should be based on the ability to exert significant influence on public policy and resource allocation. Require filing by assistant commissioners, assistants to commissioners, the administrator of the Court System and its division directors, the President of the University and its chief administrators, as well as the directors of all state offices. Eliminate the inartful language which presently requires service area board representatives and elected fire board members to file when they are candidates.

# MEMORANDUM

# State of Alaska

TO: Alaska Public Offices  
Commission Members

DATE: June 13, 1984

*Reviewed  
8/16/84  
See Legis  
8/21 draft*

TELEPHONE NO: 276-4176

FROM: <sup>TSP</sup> Theda S. Pittman  
Executive Director  
Alaska Public Offices Commission

SUBJECT: Legislative Recommendations

Attached to this memo is a brief history of statutory amendment efforts to the disclosure laws in the last five years. In keeping with your responsibility to make recommendations and proposals for change, the following suggestions are offered by staff. In some instances, you may wish to actively recommend change; in others, simply indicate a problem which does not appear likely to receive favorable attention at the present.

\* \* \*

AS 15.13 - Campaign Disclosure - Recommended Priorities:

1. Apply civil penalties to late or improperly completed group and candidate registration, and to failure to properly identify political communications: \$10/day except for the seven days prior to an election which should be subject to \$50/day.

Rationale - Present misdemeanor penalties are not effective. The majority of violations which go to hearing are cases of negligence where civil penalties would be more appropriate than referral to the Attorney General. Enforcement of the law is undermined by the fact that "misdemeanor violations" are seldom prosecuted.

2. Reverse "expenditures before filing" prohibition and require that those who act like candidates are subject to AS 15.13 even though they've not filed.

Rationale - Despite the cool reception among some members of Senate Finance this year, such a provision favors the concept of public access to information over the concept of unenforceable prohibitions. The original language was germane to the limitation of expenditures which has subsequently been determined to be unconstitutional.

3. Consolidate and expand the requirements of group registration (AS 15.13.050) with the concept of controlled groups [AS 15.13.130(3)]. Require more detail on group registration and require annual renewal if group contributors are to be eligible for political contribution credits. Require groups which employ lobbyists to segregate their AS 15.13 funds from their AS 24.45 funds to assure that political contribution credits are not used to lobby.

Rationale - The two major types of groups in Alaska (PACs and political party subdivisions) are expanding their activity at a substantial rate. Although

Alaska's PAC phenomena doesn't approach that in federal elections, it is clear that the trend toward more and larger groups is irreversible. AS 15.13's requirements for groups are primitive and do not give the Commission the authority it needs to assure that groups disclose the relevant information. Particularly frustrating is the lack of ability to prevent PACs which employ lobbyists from lining their coffers with funds for which political contribution credits are paid.

4. Give candidates and groups the option of itemizing only those expenditures which exceed \$100 (others would be reported as a lump sum). Some campaign treasurers would find such a provision to be a relief measure; others would prefer to list each item for easier verification.

Rationale - Given the failure of the proposal to raise the threshold for itemizing contributors, this proposal would offer relief for the largest campaigns. Implementation would make the Commission's desk audits somewhat more difficult. But, there is no realistic expectation that APOC's resources will expand in proportion to campaign expenditures. The Commission will depend more on random in-depth audits than on universal desk audits and such will allow appropriate monitoring of the lump sum expenditures reported.

AS 15.13 - Campaign Disclosure - Technical Provisions:

There are technicalities which, in staff's opinion, need change but should not be pursued at the expense of bigger problems.

5. Add "issue orders" to AS 15.13.030(10).
6. Add "ballot proposition" to AS 15.13.070(d).
7. Make January 15 the due date for year-end reports.
8. Add "groups" to AS 15.13.120(C).

AS 15.13 - Campaign Disclosure - Problem Areas for Information, Not Action:

There are two problem areas which have the potential for seriously undermining the effectiveness of campaign disclosure enforcement, but which are unlikely to be received favorably until the potential problems have become concrete through an event such as a court ruling. Hence, staff suggests that the Commission may want to mention the problems without recommending that they be addressed by proposed legislation.

9. The definition of contribution and expenditure appear to rely too heavily upon the intent of the donor. This ignores the fact that campaigns have developed new techniques of fund-raising which require no more commitment on the part of the contributor than the fact that he or she doesn't mind if the funds are used for a campaign. Without a sufficient definition of contribution, the \$1000 limitation is meaningless. Those who wish not be hampered by the limitation can simply structure their fund-raising to rely upon the kinds of "contributions" which aren't "contributions."

P. 4 :

10. Statute of limitations - AS 15.13 says "four years," the larger Election Code of which AS 15.13 is a portion says "one year" and other periods are listed in the criminal code for misdemeanors of particular types. The Commission has only limited resources to conduct investigations. It isn't prudent to spend those resources on a potential case which is likely to be destroyed in court by a statute of limitations question.

AS 15.13 - Campaign Disclosure - Potential Regulations

In the first draft of this paper, staff had the following items listed as potential recommendations, but counsel has suggested that they might be approached through regulation instead.

JR? 11. Specify that individuals who make contributions (i.e., family members) must be able to demonstrate that the contribution was made of his or her free choice from funds which belong to the individual.

Rationale - The 1982 campaigns saw an increased number of multiple contributions from parents and children. Since AS 15.13.070(d) prohibits parents or spouses from contributing in the name of another, the criteria for individual contributions should be clear.

12. Clarify the requirement to continue filing until a "final" report has been filed. Specify the conditions which must exist for a final report to be allowable.

Rationale - Increased campaign size and the ongoing interest in contributing to winners means that some campaigns never end. Reporting should continue so long as campaign war chests are accumulating. Losers are noticeably unenthusiastic about continuing to report the payoff of their debts. It must be clear that they are required to do so even though they are not "candidates" according to the Division of Elections' definition.

JR! 13. Exempt municipal candidates who certify they will accept or spend no more than \$250, including their own funds.

JR! 14. Exempt state candidates who certify they will accept or spend no more than \$1000, including their own funds.

AS 39.50 - Conflict of Interest - Recommended Priorities:

There are a number of amendments to AS 39.50 which would be beneficial regardless of the fate of employee ethics provisions.

Theda  
15. Revise the definition of public official based on the individual's ability to exert significant influence on public policy and resource allocation. Require filing by assistant commissioners, assistants to commissioners, the administrator of the Court System and its division directors, the President of the University and its chief administrative officers, as well as the directors of all state offices.

P.5

Rationale - As pointed out by Legislative Budget and Audit in 1983, some positions with significant discretionary authority have been created since the initiative passed. A definition based on functionally equivalent positions would allow new positions to come under the act without amending it each time.

16. Require candidates who file before the year in which the election will be held to file the annual statement due on April 15.

Rationale - Campaigns for statewide office, for some legislative seats, and for a few municipal offices (e.g., Anchorage Mayor) are beginning to start earlier and earlier. Incumbents must submit an annual COI statement each April 15, but a challenger who begins a campaign early enough does not need to submit the annual statement. The result is that the incumbent and the challenger do not have equivalent statements on file.

17. Exempt all municipalities with a population of 1,000 or less from the chapter unless the community votes in favor of subjecting its candidates and public officials to the requirements.

Rationale - In many of the second class cities, the requirement is not meaningful because the communities are small and the financial or business interests of public officials are already well known without the forms. The requirement is unevenly enforced due to the Commission's limited resources; in some locations the requirement is simply ignored. A universal exemption based on population would parallel the Campaign Disclosure Law and allow enforcement to focus on the larger communities where citizens are less likely to know their public officials personally. A flexible provision allowing a community to vote its way into the chapter would provide protection in areas where citizens wanted their public officials to file.

18. Under contents of statements, require public officials to disclose financial holdings (partnerships, real property, etc.) held with other public officials or with lobbyists.

Rationale - A personal financial holding shared with a lobbyist or another public official has the potential to exert significant influence on a public official and should not go undisclosed.

AS 39.50 - Conflict of Interest - Problem Areas for Information, Not Action

19. Language in the definition of "source of income" should be clarified so that the requirement to file names of clients is more easily understood.

Rationale - The poor drafting causes confusion and anger among those who read it and assume that the phrase "controlling interest" applies to partnerships and professional corporations as well as corporations. There are good reasons why the phrase applies only to corporations, but the confusion engendered by the language tends to obscure that fact.

f. 6:

SR - increase further?  
20. Establish a \$250 threshold for disclosing sources of income.

Rationale - At the existing level, \$100, significant clients are obscured by the names of virtually every client of a business.

AS 39.50 - Conflict of Interest - Potential Regulations

21. Apply civil penalties to municipal Conflict of Interest Statements which are not filed.

Rationale - The procedure presently prescribes fines once a report is filed. Since the state cannot direct a municipality to take action such as withhold pay against a municipal official, the official who doesn't file is in less jeopardy than the one who files late. The only existing punishment is the unlikely prosecution for wilful failure to file.

22. Revise the exemption process to include either federal tax clients or some phrase like "or equivalent legally prohibited grounds of identification of clients."

Rationale - The Commission has allowed this exemption and people should have access to that information in the regulations.

23. Revise retail business section to incorporate current guidelines on clients who represent ongoing business.

Rationale - The existing regulation is incompatible with the current audit practice.

\* \* \*

# MEMORANDUM

State of Alaska

TO: Julianna Guy  
Deputy Commissioner  
of Telecommunications  
Department of Administration

DATE: December 27, 1983

FILE NO:

TELEPHONE NO: 276-4176

FROM: Theda Pittman  
Executive Director  
Alaska Public Offices Commission

SUBJECT: AkPIRG Report

Enclosed is an excerpt from the Alaska Public Interest Research Group's publication, From Abood to Ziegler: The Dollars and Cents of the '82 Elections, detailing errors they found in the APOC 1983 Contributors' Listing and a press release which AkPIRG distributed to reporters. I've also included newspaper clippings from the Anchorage papers and a letter from Maureen Kennedy of AkPIRG disclaiming the conclusions of one of the reporters.

Although I received several press calls the day that reporters received the AkPIRG material, I've had none on the subject since that time. In the meantime I've been able to review our card files and have concluded that all the errors are attributable to an inadequate cross-check system as well as inadequate supervision of the clerical workers.

Using a temporary clerk could work better than it did, if the other two areas were remedied, but the task is both complex and tedious; hence, it is susceptible to the kinds of errors encountered. Interestingly enough, it wasn't just inexperience that caused problems. The typing was done by someone who had worked here three years and had considerable familiarity with both the candidates and the reports; nonetheless, more cross-checking and proofing should have been required.

The AkPIRG researchers found ten mistakes each in the listings for contributors to Rep. Mike M. Miller of Juneau and to Rep. Mike W. Miller of North Pole; six of the ten in each case are the same error - six contributors to Rep. Mike W. Miller were shown as contributors to Rep. Mike M. Miller. I thought we had solved that problem fairly early in the process with the agreement that "Mike Miller" would be the Juneau Representative and "Michael W. Miller" the individual from North Pole. Regardless of the way the initial errors occurred, we should have been forewarned about the difficulties two Mike Millers were going to provide and done some extra cross-checking, especially on those two candidates.

Of the four mistakes cited in listings of Rep. Ward's contributors, two were caused by the same typing error. He received \$250 each from AK Build PAC and AK Business PAC; in typing from the cards for Build PAC and moving on to the Business PAC cards, the typist failed to notice that a new contributor was involved, added the two contributions together, and typed "AK Build PAC \$500." The other two errors are variances from our ground rule that corporate

Julianna Guy  
Page Two

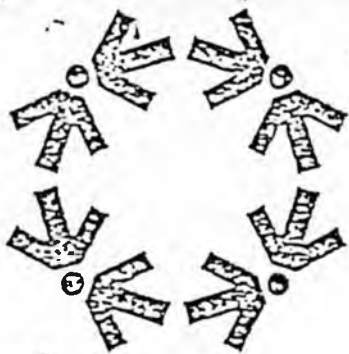
or individual contributions would not be listed unless they exceeded \$250. AkPIRG is correct in saying that these are inconsistencies. However, the narrative in their report uses the phrase "required reporting limits," confusing the legally required reporting threshold with our discretionary publication of the Listing and editorial decisions on its content.

The AkPIRG report shows five instances where contributors to Rep. Adams were left off the APOC Listing and four additional instances where the amount of the contribution was incorrect. All nine of the mistakes can be traced to either errors which were made in transferring information to the card file or errors which were made in typing the information from the cards. In five instances where the information was taken off of Rep. Adams' report and put on a contributor's card, the "contribution amount this period" figure was used rather than the amount shown in the "cumulative" column of the report. In one instance we did not include a \$200 contribution from a PAC on the card for the PAC, contrary to our own ground rules for selecting items. The remaining three errors occurred in typing.

For the future, Chris Johansen will work on redesigning the system we use for processing the information in the Listing to see if we can build in ways to compensate for the use of temporary help and staff work which must occur on an irregular basis. We'll also look at whether to change the form of the publication, but it's not plain that the AkPIRG people are correct in their conclusion that it has to be arranged by candidate. They only looked at that publication, ignoring the question of accessibility to information organized by contributor. They also ignored any question of including information about unsuccessful candidates.

Enclosures

TSP:deh



ALASKA PUBLIC INTEREST RESEARCH GROUP

Post Office Box 1093/Anchorage, Alaska 99510/(907) 278-3661

DEC 20 1983

APOC-ANCH  
PM (HC)

by D. Skrup  
ANCH TIMES

FOR RELEASE WEDNESDAY, DECEMBER 20th  
(Please do not release before then)

FOR MORE INFORMATION CONTACT:  
Maureen Kennedy  
Chris Herberger  
278-3561

AKPIRG RELEASES CAMPAIGN CONTRIBUTIONS STUDY

The Alaska Public Interest Research Group (AkPIRG) today released From Abood to Ziebler, the Dollars and Cents of the '82 Elections. Relying on Alaska Public Offices Commission data, the study details reportable 1982 campaign contributions to successful campaigns for the state legislature.

"As we conducted our research and performed 4 spot checks, we found substantial errors in the APOC's Contributions Report," said Chris Herberger, who researched the study. "The APOC underreported one legislator's contributions by a disheartening 49%. Another legislator received and reported a \$600 contribution that is not reflected in the APOC's Report. In these cases and others, the APOC had the correct information in its files, but failed to report it accurately to the public," Herberger stated.

"The Alaska Campaign Disclosure Act, which established the APOC, was passed in response to citizen demands for clean campaigns and information on the financial interests behind political candidates," stressed Maureen Kennedy, AkPIRG Director. "Without accurate information from the APOC, this charge is not being fulfilled."

-MORE-

In addition to its voluminous contributions lists, the AkPIRG study analyzes campaign financing in Alaska. "We included tables on the percentage of small and large contributions and use of personal funds compared to total expenditures; information on the influence of special interests in individual campaigns; and general information on the escalating cost of a successful campaign in Alaska," explained Herberger.

"The cost of a successful legislative race has increased threefold since 1976," she continued. "It's close to impossible for an average citizen to run a campaign costing an average \$31,600 without being indebted to the special interests that can pay for it. Voluntary campaign expenditure limits or public financing of elections would help address the problem."

From Abood to Ziegler is available from AkPIRG, PO Box 1093, Anchorage, 99510 (513 W. 7th Ave.) at a cost of \$10 for individuals and \$25 for businesses, government and institutions.

AkPIRG is a non-profit, nonpartisan research and advocacy organization which is directed and supported by citizens of Alaska. In addition to reports such as From Abood to Ziegler, AkPIRG publishes quarterly consumer guides and works on utility issues and other social and economic issues.

# Research group criticizes Alaska campaign reports

By TERRY CARR  
Daily News reporter

The Alaska Public Offices Commission is not reporting accurate information on political campaign activities in Alaska, a research organization said Tuesday.

In a report of 1982 political campaign contributions, the Alaska Public Interest Research Group said spot checks of APOC's reporting of contributions to candidates showed dozens of errors that left an inaccurate picture of campaign financing.

"The Alaska Campaign Disclosure Act, which established the APOC, was passed in response to citizen demands for clean campaigns and information on financial interests behind political candidates," said Maureen Kennedy, research group executive director. "Without accurate information from the APOC, this charge is not being fulfilled."

Theda Pittman, APOC executive director, said the com-

See Back Page, GROUP

ANCHORAGE Daily News  
12/21/83

## Group says mistakes render campaign reports inaccurate

Continued from Page A-1

mission's annual contributions report published last summer might have contained errors, but "obviously, had I been aware of that many problems, we would have held it and not published."

Pittman called production of the report "a clerical nightmare" and said much of it is done with inadequate or inexperienced staff and without the help of computers. "We tried to do the best job we could, given that 1982 was a record year as far as volume of information we had," she said.

The research group based its conclusions on comparisons of campaign contributions reported to APOC by four successful candidates for the state House last year with the candidates' contributions reported in APOC's annual summary. The comparison showed 32 errors in the APOC report of the candidates' contributions, according to the

research group.

"It should be emphasized that the reporting discrepancies are the fault of APOC, not the candidates themselves," the report states.

Chris Herberger, who spent 2½ months compiling the research group's report of campaign financing in Alaska, said questions arose regarding the accuracy of APOC's list when it was discovered APOC showed Rep. Mike M. Miller, D-Juneau, receiving a contribution from a Fairbanks Republican district.

The discovery prompted a comparison of contributions reported by Mike M. Miller and Rep. Mike W. Miller, R-North Pole, with those legislators' contributions as reported in the APOC summary.

According to the research group's report, Mike W. Miller reported \$11,330 in contributions, while the APOC report listed \$5,680. Mike M. Miller reported \$10,018 in contributions, and the APOC re-

port listed \$12,400. A total of 20 errors were found in the APOC report of the two legislators' campaign financing.

The research group's report acknowledged that the similarity in names could have caused some confusion, but claims more care in compiling contribution records could have avoided the errors.

Herberger said the problems in the APOC report of the Millers' campaign contributions prompted subsequent checks of the APOC report for Reps. Al Adams, D-Kotzebue, and Jerry Ward, R-Anchorage.

Adams was selected because he received a lot of money (\$40,800) and represents a rural area and Ward was selected because he received a small amount of money (\$9,462) and represents an urban area, Herberger said.

The check showed eight errors in APOC's report of Adams' contributions and four errors in APOC's report on Ward, the research group's

report said.

"The inaccuracies vary from omissions of reported contributions (several as high as \$1,000), listing incorrect amounts for contributions, and listing contributions that are below the required reporting limits — sometimes in an inconsistent manner," the report said.

Herberger said that despite the errors in the APOC report, the commission is "serving a purpose. . . . We're just seeing some inaccurate reporting that we'd like to see changed."

Pittman said it is "appropriate to criticize work that needs to be criticized and offer suggestions for improvement."

"People who are seriously interested in addressing deficiencies of what exists now need to first of all address what the situation would be if none of the information presently required by law were available at all," she said.

## E. BUDGET

The Commission's FY '78 Budget (covering July 1, 1977 through June 30, 1978) and FY '79 Budget (covering July 1, 1978 through June 30, 1979) are printed below. As stated earlier, in FY '79 the Commission was authorized two additional, temporary employees to assist it during the summer and fall of 1978, when the candidates for State and municipal elective office would be filing their campaign disclosure reports. However, the unanticipated size and complexity of the campaigns and the number of investigations which had to be conducted, necessitated a supplemental for funds to pay for additional staff and materials to assist the Commission with its overwhelming workload.

The Commission's request was granted by the Office of the Governor in late September of 1978. Although the Commission's original request for additional funds totalled \$37,000, the final, actual administrative supplemental will total only \$27,000: \$4,500 for additional temporary help, and \$23,000 for numerous, added contractual expenses (e.g., phone, postage, attorney and subpoena fees, etc.).

The Commission, in its proposed FY '80 budget (submitted October 20, 1978), requested funds to hire one additional, permanent, full-time employee, and the ability to lease a word processor/computer for more accurate and efficient data collection. Its budget request totalled \$405,400. However, only a "continuation level" FY '80 budget request of \$334,700 was approved by the Governor. A continuation budget simply funds the same level of program as the previous budget year (in this case, FY '79), plus an allowance for inflation (approximately 6%).

Copies of the Commission's budget proposals are available upon request from the Governor's Office of Budget and Management or the Commission itself.

In summary:	<u>Authorized</u>	<u>Final</u>
FY '78	\$303,600	\$312,500
FY '79	\$316,500	\$352,500
FY '80	\$334,700*	

\*This figure reflects the Governor's proposed "continuation level" budget; it does not reflect Legislative approval or action.

OFFICE OF THE GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

FISCAL YEAR 1978 BUDGET (JULY 1, 1977 - JUNE 30, 1978)

<u>By Object</u>	<u>FY '78 Appropriation</u>	<u>Supplementals and Revisions</u>	<u>Actual Expenditures</u>	<u>Balance Lapsed</u>
Personal Services	\$164,600	\$8,900	\$171,900	\$1,600
Travel	38,400	(2,500)	27,600	8,300
Contractual Services	92,500	2,500	99,700	(4,700)
Commodities	6,900	(1,000)	4,800	1,100
Equipment	<u>1,200</u>	<u>1,000</u>	<u>2,300</u>	<u>(100)</u>
TOTAL	\$303,600	\$8,900	\$306,300	\$6,200

Total Authorized: \$303,600

Final Budget\*  
(After Revisions): \$312,500

Total Expenditures: \$306,300

Balance Returned \$ 6,200

Five Permanent Full-Time Staff (5 staff @ 12 months equals 60 man-months)

Three Permanent Part-Time Staff (3 staff @ 8 months equals 24 man-months)

\* \$8,900 was transferred into the Commission's budget to reflect pay raises approved by the Legislature in 1978 for partially-exempt employees

OFFICE OF THE GOVERNOR

ALASKA PUBLIC OFFICES COMMISSION

FISCAL YEAR 1979 BUDGET (JULY 1, 1978 - JUNE 30, 1979)

<u>By Object</u>	<u>FY '79 Appropriation</u>	<u>Supplementals and Revisions</u>	<u>Actual Expenditures*</u>	<u>Balance* Lapsed</u>
Personal Services	\$182,900	\$13,000**	--	--
Travel	34,500	Ø	--	--
Contractual Services	91,300	23,000***	--	--
Commodities	6,700	Ø	--	--
Equipment	<u>1,100</u>	<u>Ø</u>	--	--
TOTAL	\$316,500	\$36,000		

Total Authorized: \$316,500

Final Budget  
(After Revisions): \$352,500

Five Permanent Full-Time Staff (5 staff @ 12 months equals 60 man-months)

Three Permanent Part-Time Staff (3 staff @ 8 months equals 24 man-months)

Three Temporary Staff (3 staff @ 4 months equals 12 man-months)

\* Data not provided, in as much as the fiscal year had not yet ended when this report went to press

\*\* \$13,000 is arrived at as follows: \$8,500 in salary increases  
\$4,500 granted for additional temporary help  
An additional \$6,000 is being transferred into this category from the Contractual Services category

\*\*\* \$23,000 is the additional amount allowed the Commission by the Office of the Governor, through an administrative supplemental; \$6,000 of this amount is being transferred into Personal Services

## Budget

The Commission's FY '79 Budget (covering July 1, 1978 through June 30, 1979) and FY '80 budget (covering July 1, 1979 through June 30, 1980) are printed below. The Commission requested (and received approval for) a supplemental appropriation in FY '79 to help cover unanticipated costs related to the 1978 campaigns. These funds enabled the Commission to pay for additional staff and materials to assist the Commission with the unforeseen auditing and investigative functions as mandated by the disclosure laws.

For FY '80, however, the Commission and the general public, waited with trepidation as regards the future of the APOC when the Senate Finance Committee's original budget was released, authorizing a "zero" appropriation for the Commission. Reluctantly, several weeks later during Free Conference Committee, the Alaska Public Offices Commission was appropriated \$288,100, which amounted to a \$70,300 cut from the Commission's final FY '79 budget. The cuts meant that the program gains made in FY '78 and FY '79 could not now be expanded upon. Consequently, in FY '80, the APOC:

- 1) could not afford to fill one of its Permanent Part-Time audit positions;
- 2) had to cancel all contracts with municipalities that ordinarily act as regional offices and provide disclosure information across the State;
- 3) could not hold as many Commission meetings as were necessary;
- 4) held no administrative hearings outside of Anchorage;
- 5) could not travel to those municipalities that experience shows need field assistance; and
- 6) closed down its Juneau branch office near the end of October, 1979.

The FY '81 budget, submitted October 31, 1979, speaks most directly to the replacement of funds necessary to bring the Commission back in line with the objectives the APOC had begun addressing in FY '78 and FY '79. While the FY '81 APOC Budget has requested additional funds to hire another (much needed) professional employee and to lease a word-processor/computer for more accurate and efficient data collection, it is worth noting that the request totals only \$12,100 over the Commission's FY '79 final budget.

Copies of the Commission's budget proposals are available upon request from the Office of the Governor, Division of Budget and Management, or the Commission itself.

<u>Fiscal Year</u>	<u>Final Appropriation</u>
FY '79	\$358,400
FY '80	288,100
FY '81	370,500*

\*Requested

OFFICE OF THE GOVERNOR  
ALASKA PUBLIC OFFICES COMMISSION  
FISCAL YEAR 1979 BUDGET (JULY 1, 1978 - JUNE 30, 1979)

<u>By Object</u>	<u>FY '79 Appropriation</u>	<u>Supplementals and Revisions</u>	<u>Actual Expenditures</u>	<u>Balance Lapsed</u>
Personal Services	\$182,900	\$13,000*	\$201,569	331
Travel	34,500	Ø	34,208	292
Contractual Services	91,300	28,900**	109,618	4,582
Commodities	6,700	Ø	6,621	79
Equipment	1,100	Ø	1,411	311
TOTAL	<u>\$316,500</u>	<u>\$41,900</u>	<u>\$353,427</u>	<u>4,973</u>

Total Authorized:           \$316,500

Final Budget  
(After Revisions):       \$358,400

Five Permanent Full-Time Staff (5 staff @ 12 months equals 60 man-months)  
Three Permanent Part-Time Staff (3 staff @ 8 months equals 24 man-months)  
Three Temporary Staff (3 staff @ 4 months equals 12 man-months)

\* \$13,000 is arrived at as follows:   \$8,500 is salary increases;  
  \$4,500 is granted for additional temporary help.

An additional \$6,000 was transferred into this category from Contractual Services.

\*\* \$28,900 is arrived at as follows: \$23,000 of this figure is the additional amount allowed the Commission by the Office of the Governor, through an administrative supplemental; \$6,000 of this amount was transferred into Personal Services. \$5,900 was granted for the 87% intra-State phone increases.

OFFICE OF THE GOVERNOR  
ALASKA PUBLIC OFFICES COMMISSION  
FISCAL YEAR 1980 BUDGET (JULY 1, 1979 - JUNE 30, 1980)

<u>By Object</u>	<u>FY '80 Appropriation</u>	<u>Revised through Transfers and Revisions*</u>	<u>Actual Expenditures**</u>	<u>Balance** Lapsed</u>
Personal Services	\$178,900	\$184,400	—	—
Travel	25,900	30,900	—	—
Contractual Services	77,600	67,100	—	—
Commodities	5,700	5,700	—	—
Equipment	Ø	Ø		
TOTAL	<u>\$288,100</u>	<u>\$288,100</u>		

Total Authorized:           \$288,100

Final Budget                    \*

Five Permanent Full-Time Staff (5 staff @ 12 months equals 60 man-months)  
Three Permanent Part-Time Staff (3 staff @ 8 months equals 24 man-months)

\* The FY '80 appropriation of \$288,100 left the Commission with insufficient funding to continue all of the public services it had been providing as well as cope with the expenses created by the resignation of its Executive Director in November 1979. The Commission requested that \$10,500 be transferred from Contractual Services to Personal Services and Travel in order to meet the costs of the unexpected changes in personnel.

\*\* Data not provided, in as much as the fiscal year had not yet ended when this report went to press.

R E C O M M E N D A T I O N S

The Alaska Public Offices Commission (APOC) has, since its inception, worked hard to meet the objectives of Alaska's public disclosure legislation. In part, it has succeeded.

Five years have passed since the first disclosure law — Alaska's Campaign Disclosure Law — was enacted and the Commission itself was created. Since mid-1974, the APOC (a part-time Commission with a staff of only five permanent employees) has been given the responsibility of administering two additional disclosure laws [the Conflict of Interest Law (in 1975) and the Regulation of Lobbying Law (in 1976)]. It has survived the rigors of two intensely competitive and divisive gubernatorial elections, and developed systems to manage the increasingly complex and voluminous paperwork that results from the extraordinary number of reports filed by those persons subject to one or more of Alaska's three disclosure laws. The Commission has also become increasingly capable of fairly and efficiently reviewing and acting upon alleged violations of the various provisions of the disclosure laws. In addition, it has spent considerable time increasing the general public's awareness of the reporting requirements and value of disclosure legislation. Further, the Commission has attempted to stress the impact and importance of the information contained in the reports filed, by releasing in a more timely fashion, summaries and analyses of the data. Finally, the Commission has worked to clarify and refine the disclosure laws by suggesting substantive amendments.

The Commission takes pride in its accomplishments to date. But its goal is only imperfectly realized at this point. The APOC's ability to guarantee the "public's right to know" depends upon continuing the progress it has had to struggle to achieve so far. The full potential and value of public disclosure legislation has not yet been attained in Alaska. Public disclosure, if allowed to attain its full potential, can significantly affect citizenry viewpoint. The Alaska Public Offices Commission is strongly committed to actualizing the benefits of open government in this State. The Commission's effectiveness is obviously limited, in large part, by the size of its staff and the funds it receives to manage its problems and deliver its services.

The achievements described above partially result from the natural process of maturation but are primarily due to the funds available to the APOC in its FY '78 and FY '79 budgets.

The FY '80 Budget appropriation of \$288,100, however, was a cut of over \$70,000 from the final budget of FY '79. The impact of such a cut on the Commission's ability to continue -- let alone, improve upon -- the gains that had been made in 1978 is substantial. The process of developing its FY '81 budget request was used by the Commission as a method of enumerating recommendations for ways in which the Commission could work to improve the effectiveness of its administration of Alaska's disclosure laws.

## BUDGET

The Commission's FY 80 Budget (covering July 1, 1979 through June 30, 1980) and FY 81 Budget (covering July 1, 1980 through June 30, 1981) are summarized below.

The Commission's initial FY 80 budget request totalled \$334,700. This figure was approximately \$23,700 less than the actual expenditures for FY 79. The Commission felt the decrease was warranted since FY 80 was not a statewide election year and a portion of FY 79 funds had been granted in the form of a supplemental appropriation to cover costs generated by unanticipated size and complexity of the 1978 elections. However, when the budget finally was passed by the Free Conference Committee, the Commission was allocated \$288,100 -- 22% decrease from the amount originally authorized in FY 79. Of course, a decrease of this size placed a severe limitation on the Commission's activities. Subsequently, a \$27,281 appropriation was added to personal services to offset salary increases granted by the legislature in January of 1980.

The Commission's FY 81 Budget fared better in the trimming and pruning process than did its predecessor, with the initial appropriation falling only \$3,000 short of the total amount requested by the agency. Of particular import was the eventual approval of the Commission's request for word processing equipment and an administrative position for its Juneau Branch Office. In large measure these two acquisitions will permit the Commission to meet its legally mandated obligations more rapidly and effectively. As a state election campaign season corresponded with the first half of FY 81, the Commission also was allocated funds for two temporary staff members to assist with the auditing and processing of campaign disclosure reports.

The FY 82 budget request level seeks to foster the Commission's reputation as a reliable source of public information and a primary advocate of the public's "right to know." It requests that the Commission be granted a half-time data entry clerk position in order to speed the existing process of manual computation and summarization of the campaign disclosure reports and to release the information at a time when it will have the most impact. Other requests relate to promoting public awareness through education and replacing antiquated office equipment.

Copies of the Commission's budget proposals may be obtained from the Office of the Governor, Division of Budget and Management, or the Commission itself.

<u>Fiscal Year</u>	<u>Final Appropriation</u>
FY 80	\$315,381
FY 81	415,299
FY 82	487,900*

\*Requested

DEPARTMENT OF ADMINISTRATION  
ALASKA PUBLIC OFFICES COMMISSION  
FISCAL YEAR 1980 BUDGET (JULY 1, 1979 - JUNE 30, 1980)

<u>Program</u>	<u>FY 80 Appropriation</u>	<u>Revised Authorization*</u>	<u>Actual Expenditures</u>	<u>Balance Lapsed</u>
Personal Services	\$178,900	\$211,681	\$212,018	\$ <537 >
Travel	25,900	30,900	31,673	<773 >
Contractual Services	77,600	67,100	66,254	846
Commodities	5,700	5,700	5,422	278
Equipment	<u>Ø</u>	<u>Ø</u>	<u>Ø</u>	<u>Ø</u>
TOTAL	\$288,100	\$315,381	\$315,367	\$ 14

Total Authorized: \$288,100

Final Budget  
(After Revisions): \$315,381

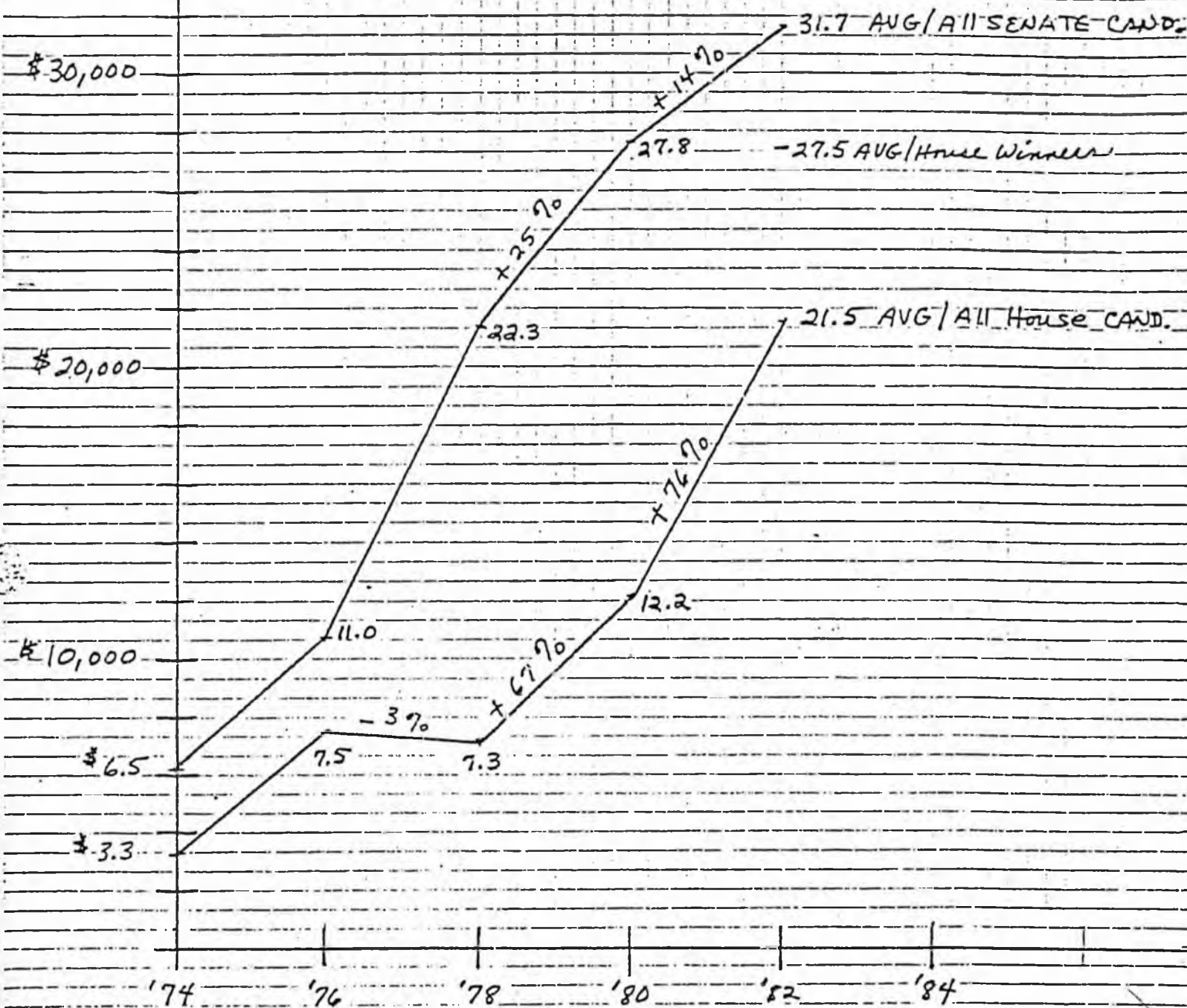
Five Permanent Full-Time Staff (5 persons @ 12 months equals 60 staff months)  
Three Permanent Part-Time Staff (3 persons @ 8 months equals 24 staff months)

\* Due to insufficient funding, the Commission found it necessary to transfer \$10,500 from Contractual Services to Travel (\$5,000) and Personal Services (\$5,500); the Commission received \$27,281 in additional Personal Services funds for salary increase purposes.

\$40,000

AVG / Senate Winners -

Legislative Races - 39.7  
Average Value of Expenditures (EXP + NMC)



# CAND. 171 166 158 173 187

Value OF EXPEN. (±NMC) \$559. \$1,063. \$1,169. \$1,949. \$3,538.

ALASKA Public Offices Commission - 2/7/84

# MEMORANDUM

# State of Alaska

TO: Alaska Public Offices  
Commission Members

DATE: June 13, 1984

TELEPHONE NO: 276-4176

FROM: Theda S. Pittman, Executive Director  
Alaska Public Offices Commission

SUBJECT: Legislative History

The following summary covers the major Legislative action concerning the Commission beginning in 1980. It is my understanding that prior to this time, bills which amended the disclosure laws were proposed, in response to court decisions or Commission request, by those who had helped establish the disclosure laws.

In 1980 Senator Glenn Hackney, on the floor of the Senate, successfully amended House Bill 230 dealing with initiative signatures so that AS 15.13 was abolished. The House declined the amended version and Governor Hammond vetoed FCCS HB 230 which had been frantically worked out in the remaining days of the Session and contained amendments to all three of the disclosure laws. The changes to Campaign Disclosure reporting deadlines which eliminated 30 Day Pre-election reports were highly objectionable and it appeared that reducing the complexity of reports, rather than the number, would be more helpful to campaigns without undermining the intent of disclosure.

In 1981, Senator Kelly, hoping to salvage the positive work of the free conference committee, introduced SB 167 which was a duplicate of the vetoed bill. The Commission worked with Senate State Affairs and Senate Judiciary on committee substitutes which contained only amendments to AS 15.13, but the bill was not sent to the Senate floor.

At the beginning of the 1982 Session, the Commission first recommended that the contribution limitation be raised to \$2,000 and that both contributions and expenditures be itemized on reports only if they exceeded \$250. Senate Rules agreed to incorporate the new recommendations into a rules substitute. CSSB 167 (R1s) am passed the Senate with a provision that a successful candidate must first be convicted of a misdemeanor violation before the election was voided by the Division of Elections. (In the fall of 1981 the Commission had petitioned the Supreme Court to void the election of Fairbanks municipal candidate Joe Marshall, but the court's decision to do so did not occur until the fall of 1982.) On the House side, the State Affairs committee chaired by Ray Metcalfe with Abood, Fanning, Martin and Mike M. Miller as members, produced a committee substitute which abolished the Commission; made the Director of Elections responsible for AS 15.13; made the Commissioner of Administration responsible for AS 24.45 and AS 39.50; and made Libertarians a political party under the provisions of AS 15.13.

The House Judiciary Committee Substitute removed only the section making limited political parties exempt from the contribution limitation and the bill was never put on the House floor.

In 1983 the Commission decided that it would continue to support an increase in

APOC Members  
Legislative History  
June 13, 1984

the contribution limitation and in the threshold for disclosing contributors' names, but would not push changes to expenditure reporting based on the suggestions of experienced treasurers. Rep. Uehling introduced HB 165 which deleted the 7-Day pre-election reporting deadline, but indicated a willingness to work with alternate proposals which the Commission might suggest. Subsequent versions included the \$250 disclosure threshold but increasing the limitation was not addressed.

The House Committee Substitute was amended on the floor of the House to delete the requirement to list occupation/employer of contributors and it passed. Senate State Affairs restored the requirement and the bill went to Senate Finance where an amended was added, without testimony, which exempted dentists, morticians, doctors, pharmacists, and veterinarians from reporting clients or customers when filing a Conflict of Interest Statement. The Governor's veto of SCS CSSSHB 165(Fin) was supported by the Commission.

In 1984 Senate Rules introduced SB 425, an Administration bill, which raised the contribution limitation to \$2,000, raised the threshold of disclosing contributor names to \$250, and repealed unconstitutional thresholds on expenditures by candidates. Senate State Affairs deleted the \$2,000 limitation change and the bill went to Senate Finance.

In Finance, Senators Vic Fischer and Joe Josephson discussed a proposed amendment reversing the prohibition against expenditures before filing and requiring those who made such expenditures to report as though they were candidates. The Commission supported the proposed amendment. Senate Finance took no action on any version of the bill. Senators Faiks, Ferguson and Sackett expressed the view that a declaration should be filed before making campaign expenditures.

SB 501, governing executive branch employee standards of conduct, was also introduced in 1984 at the request of the Governor. The bill had been drafted by the Administration in the Spring of 1983 and was initiated when it became clear that the proposal for a Legislative Ethics Committee would not apply to the executive branch. The bill was held in Senate State Affairs in recognition that further work would be required.



# RECORDS CERTIFICATION



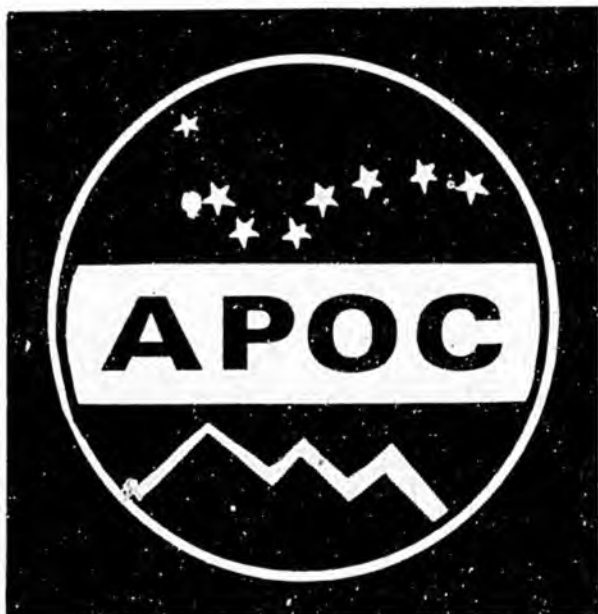
I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this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

  
Signature of Camera Operator

  
Date

ΑΡΧΗ

To Be added to LLIB file. JH 11/27/86



ALASKA  
PUBLIC  
OFFICES  
COMMISSION

ANNUAL REPORT:  
SUPPLEMENTAL TABLES  
FOR  
1981 AND 1982

Legislative Reference Library  
Legislative Affairs Agency  
Pouch Y State Capital  
Juneau, Alaska 99811

Senate State Affairs  
January 9, 1985  
APOC Attachment D

1984 State Senate Expenditures

	<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>	<u>SURPLUS/ [DEFICIT]</u>
B CLIFTON, JERRY (D)	0	- - -	0	0
B ELIASON, RICHARD (R)	6,100	6,100	12,200	10,500
B WILSON, JAMES (D)	2,300	2,400	4,700	200
D MAILE, JUSTIN (D)	1,400	5,300	6,700	0
DA DOUGLAS, JOHN (R)	43,000	- - -	43,000	[900]
DA FISCHER, PAUL (R)	22,600	15,900	38,500	[900]
EA KERTTULA, JALMAR (D)	109,200	104,200	213,400	[15,100]
EA LACHER, BARBARA (R)	41,400	71,100	113,500	[14,100]
EB ARNESS, JOSEPH (R)	4,700	- - -	4,700	600
EB DeVRIES, EDNA (R)	3,400	19,700	23,100	900
EB FROST, BEVERLY (R)	1,100	- - -	1,100	[100]
EB JOHNSON, ROBERT (R)	24,500	- - -	24,500	0
EB LEE, JESSE (D)	13,200	- - -	13,200	[2,700]
EB SANDVIK, ELDEN (D)	44,100	- - -	44,100	[900]
EB SASSARA, CHARLES (D)	31,600	37,000	68,600	4,400
EB ZAWACKI, JAMES (R)	18,000	- - -	18,000	0
FA STURGULEWSKI, ARLISS (R)	20,400	8,100	28,500	16,400
GA ABOOD, MITCH (R)	32,600	39,400	72,000	2,900
GA FLOOD, JOE (D)	46,800	70,800	117,600	2,700
HA JOSEPHSON, JOE (D)	40,600	59,800	100,400	[800]
HA RATCLIFF, WILLIE (D)	5,200	- - -	5,200	[1,800]
HA WARD, JERRY (R)	37,600	41,000	78,600	[11,500]
IA HALFORD, RICHARD (R)	5,600	[1,300]	4,300	16,900
IA SULLIVAN, NEAL (D)	0	0	0	0
J BLACK, HARVEY (D)	0	0	0	0
J COGHILL, JOHN (R)	78,000	21,500	99,500	1,500
J JOSS, H. PAPPY (R)	28,100	- - -	28,100	2,400
KA BENNETT, DON (R)	61,300	54,000	115,300	14,200
KA FALKE, WOLFGANG (R)	400	- - -	400	0
KA FRITH, PAUL (D)	1,500	17,000	18,500	[300]
N BEARDSLEY, ALAN (R)	14,400	8,200	22,600	9,200
N SUTCLIFFE, ERIC (D)	24,800	- - -	24,800	100
N ZHAROFF, FRED (D)	14,400	23,300	37,700	500

Senate Totals

\$778,300

\$603,500

\$1,382,800

33

21

Candidates

Candidates

APOC Attachment D (1 of 5)

Senate State Affairs  
January 9, 1985  
APOC Attachment D

1984 State House Expenditures

		<u>PRIMARY</u>	<u>GENERAL</u>	<u>TOTAL</u>	<u>SURPLUS/ [DEFICIT]</u>
1A	NOVAK, HENRY (L)	300	800	1,100	0
1A	TAYLOR, ROBIN (R)	15,600	12,000	27,600	7,100
1A	WENDE, RONALD (D)	12,100	9,000	21,100	2,700
1B	ELKINS, JIM (R)	18,500	14,600	33,100	[500]
1B	SUND, JOHN (D)	16,700	19,200	35,900	600
1B	THOMPSON, JOHN (D)	5,000	- - -	5,000	0
2	GOLL, PETER (D)	6,400	10,300	16,700	700
2	HALLIWILL, JON (R)	12,500	- - -	12,500	[4,700]
2	MACKIE, JERALD (D)	11,500	- - -	11,500	[5,300]
2	ROSE, CARL (R)	7,300	17,000	24,300	2,000
2	STRONG, ANTHONY (D)	5,400	- - -	5,400	[100]
3	CRASKE, WILLIAM (L) WITHDREW				
3	GRUSSENDORF, BEN (D)	1,100	2,300	3,400	7,000
4A	MILLER, MIKE M. (D)	2,400	1,000	3,400	6,200
4B	DUNCAN, JAMES (D)	2,300	1,100	3,400	7,200
5A	DAVIS, JOHN (L)	2,400	14,400	16,800	[100]
5A	GLICK, BETTY (R)	8,400	- - -	8,400	[400]
5A	NAVARRE, MICHAEL (D)	5,600	17,900	23,500	[2,900]
5A	SIKORSKI, MERRILL (R)	15,700	12,800	28,500	4,500
5B	FRITZ, MILO (R)	1,900	8,800	10,700	6,100
5B	MARROU, ANDRE (L)	1,800	17,500	19,300	1,600
5B	MARTIN, CHRIS (D)	2,300	3,800	6,100	700
5B	SALATHE, ERNEST (R)	900	- - -	900	0
5B	SCHRADER, GLENN (R)	500	- - -	500	0
5B	WINN, DAN (D)	900	- - -	900	0
6	CATO, BETTE (D)	4,000	3,100	7,100	12,800
7	BRANDON, STEWART (L)	1,100	- - -	1,100	1,800
7	OBORN, PAXTON (R)	31,700	27,500	59,200	[7,300]
7	SZYMANSKI, MIKE (D)	40,500	64,500	105,000	[8,300]
8A	GREEN, CHRISTOPHER (D)	2,200	- - -	2,200	300
8A	HEDDERLY-SMITH, DAVID (D)	15,300	23,600	38,900	[6,100]
8A	PETTYJOHN, FRITZ (R)	12,500	10,800	23,300	100
8B	BRUCE, KEVIN (D)	41,300	32,100	73,400	[1,100]
8B	DEAN, BRENT (R)	3,100	- - -	3,100	0
8B	EVERSON, NORRIS (R)	5,200	- - -	5,200	700
8B	McMURTREY, BILL (D)	800	- - -	800	0
8B	RIEGER, STEVEN (R)	22,400	39,600	62,000	100
8B	SMITH, DON (R)	24,700	- - -	24,700	[8,600]
8B	WAGNER, JAMES (R)	100	- - -	100	0

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9A	DEAN, DAVID (R)	6,800	- - -	6,800	[3,200]
9A	DREAS, SHIRLEY (R)	10,400	- - -	10,400	0
9A	FLAVIN, FRANK (D)	17,600	- - -	17,600	200
9A	LYOU, CHRIS (D)	32,100	42,700	74,800	[2,600]
9A	PEARCE, DRUE (R)	49,000	65,500	114,500	[33,900]
9B	HANLEY, ALYCE (R)	9,900	16,800	26,700	700
9B	HENNESSEY, DONALD (D)	7,000	- - -	7,000	1,500
9B	PILLIFANT, LOIS (D)	13,400	11,100	24,500	300
9B	ZOBEL, RONALD (D) YE	7,400	- - -	7,400	0
10A	BOUCHER, HENRY (D)	40,700	34,400	75,100	[9,400]
10A	COWDERY, JOHN (R)	49,100	66,800	115,900	[35,700]
10B	COLLINS, VIRGINIA (R)	32,900	27,200	60,100	[8,600]
10B	ESSA, EDWARD (R)	2,900	- - -	2,900	0
10B	MASER, PHILIP (R)	7,800	- - -	7,800	100
10B	MUNSON, JOYCE (D)	16,000	30,900	46,900	300
11A	DONLEY, DAVID (D) YE	25,700	- - -	25,700	[700]
11A	JENKINS, ROGER (R) YE	3,500	15,900	19,400	1,300
11A	McKINNON, MARY (D)	25,900	28,400	54,300	[600]
11B	DAVIS, WILLIAM (D)	11,500	- - -	11,500	[500]
11B	GRUENBERG, JR., MAX (D) YE	18,700	38,300	57,000	600
11B	MYERS, MATTHEW (R)	700	- - -	700	100
11B	TISCHER, MAE (R)	10,200	26,900	37,100	200
12A	CHILDERS, BOB (D)	17,000	- - -	17,000	[1,600]
12A	LANCASTER, HENRY (D)	13,700	- - -	13,700	[4,300]
12A	OCZKUS, GREG (D) YE	13,400	- - -	13,400	[300]
12A	RATCLIFF, MARY (D)	5,100	29,700	34,800	[600]
12A	UEHLING, RICK (R)	47,200	39,400	86,600	1,100
12B	CLOCKSIN, DON (D)	6,900	8,700	15,600	5,100
12B	HENDRICKSON, JOHN (R)	1,900	- - -	1,900	0
12B	MOFFATT, WILLIAM (R)	2,700	6,900	9,600	[100]
13A	DOULGERAKIS, CHARLES (D)	3,700	- - -	3,700	0
13A	KROGSENG, MEL (R)	7,300	- - -	7,300	400
13A	LYNCH, KATHRYN (D)	100	- - -	100	0
13A	POURCHOT, PAT (D) YE	21,700	41,400	63,100	2,600
13A	WARD, MARGARET (R)	15,400	19,900	35,300	[9,800]
13B	BARNES, WILLIAM (D)	2,300	7,100	9,400	300
13B	MARTIN, TERRY (R) YE	7,700	14,500	22,200	0
14A	BARNES, RAMONA (R)	41,300	- - -	41,300	13,700
14A	DUNCAN, CHARLES (D)	0	0	0	0
14A	PIGNALBERI, MARCO (R)	60,700	57,100	117,800	[23,500]

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14B	FURNACE, WALTER	(R)	8,100	17,900	26,000	2,500
15A	COTTEN, SAMUEL	(D)	25,000	34,300	59,300	[700]
15A	DOWDEN, WARREN	(R)	11,600	- - -	11,600	[300]
15A	LISKA, JOHN	(R)	17,500	28,700	46,200	700
15A	POND, ROBERT	(D)	300	- - -	300	100
15B	FRANKLIN, BARBARA	(R) YE	17,700	- - -	17,700	0
15B	PHILLIPS, RANDY	(R)	11,700	11,000	22,700	1,400
15B	STAUDENMAIER, TOM	(R) 7G	7,700	- - -	7,700	2,500
15B	WATSON, JOHNNY	(D) 7G	600	2,200	2,800	1,800
16A	DOYLE, ROBERT	(R)	700	1,400	2,100	0
16A	HURLEY, KATHERINE	(D)	25,900	18,800	44,700	3,000
16A	JONES, DOROTHY	(D)	22,400	- - -	22,400	[1,300]
16B	LARSON, RONALD	(D)	6,400	9,000	15,400	13,800
16B	SMITH, THOMAS	(R)	200	700	900	0
17	HENDRICKS, REUBIN	(D)	1,100	- - -	1,100	0
17	JOHNSON, RICHARD	(D)	21,200	7,800	29,000	[8,300]
17	MCCRACKEN, DAVID	(R)	5,500	- - -	5,500	100
17	SHULTZ, RICHARD	(R)	6,100	12,500	18,600	4,100
18	BUSBEE, CHARLES	(D) 7G	200	300	500	0
18	DARSEY, WILBUR	(D)	6,800	400	7,200	800
18	MILLER, MICHAEL	(D)	8,400	7,800	16,200	5,300
19	BURGER, SAMUEL	(I)	0	0	0	100
19	DAVIS, MIKE	(D)	8,100	20,600	28,700	8,200
19	WARNER, HELEN	(R)	5,000	- - -	5,000	[700]
19	RIBAR, MICHAEL	(R)	13,800	20,000	33,800	[4,000]
20A	FRANK, STEPHEN	(R) YE	25,600	23,400	49,000	300
20A	NORDALE, JAMES	(D)	7,800	34,700	42,500	[12,200]
20A	RAHOI, URBAN	(R)	300	- - -	300	0
20A	SHUROS, WALTER	(D)	0	- - -	0	0
20B	RAYFIELD, CAROL	(D)	6,600	8,400	15,000	300
20B	RINGSTAD, JOHN	(R)	10,300	19,400	29,700	6,400
21	COPUS, GARY	(R)	7,700	19,000	26,700	700
21	GRIFFIN, JAMES	(R)	4,000	- - -	4,000	[300]
21	KEIM, MICHAEL	(R)	5,100	- - -	5,100	[800]
21	KOPONEN, NIILU	(D)	13,100	41,100	54,200	[6,400]
22	ADAMS, AL	(D)	27,900	20,300	48,200	27,600

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23 BROWN, RONALD (R)	0	0	0	0
23 FULLER, JOHN (D)	17,600	6,000	23,600	12,700
23 GREEN, SR., LOUIE (D)	1,800	- - -	1,800	0
24 ALBERTSON, LaMONT (D)	1,000	- - -	1,000	300
24 GURTLER, FRANK (R)	3,200	3,800	7,000	0
24 MAGNUSON, ROBERT (R)	2,000	- - -	2,000	0
24 PARENT, JOSEPH (R)	1,300	- - -	1,300	0
24 PETERSEN, LAWRENCE (D)	1,600	- - -	1,600	0
24 WALLIS, KAY (D)	7,300	8,200	15,500	3,200
24 WALTON, BYRON (D)	1,000	- - -	1,000	0
24 WRIGHT, JULES (R)	9,700	- - -	9,700	1,400
25 BINKLEY, JOHNE (R)	7,700	25,400	33,100	6,300
25 KAWAGLEY, OSCAR (R)	100	- - -	100	200
25 VASKA, ANTHONY (D)	4,700	11,500	16,200	5,700
26 GRONHOLDT, PAUL (R)	10,600	7,000	17,600	3,200
26 HERRMANN, ADELHEID (D)	10,400	8,400	18,800	8,000
26 SAMUELSEN, HARVEY (D)	3,500	- - -	3,500	1,700
26 TUTIAKOFF, VINCENT (D)	No reports as of 1/8/85			
27 BISHOP, WILLIAM (D)	4,400	- - -	4,400	0
27 NAUGHTON, EDWARD (D)	2,100	6,000	8,100	2,600
27 PARKER, FRANK (D)	2,600	- - -	2,600	400
27 PETERSON, THOMAS (D) YE	3,600	- - -	3,600	0
27 THOMPSON, DAVID (R)	800	3,400	4,200	700
House Totals	1,467,100	1,432,700	2,899,800	
	137 Candidates	79 Candidates		