

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86 / 2

3876 SCRA SB 356 (FILE 3)

752



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James O. Smith
Signature of Camera Operator

10/31/89
Date

SB

356

FILE 3



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members

Senator Ferguson, Vice Chairman

Senator Cochill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

March 21, 1986

MEMORANDUM

To: Sandy Nussbaum
Sen. Bennett's Office

From: Trudie Alford
Sen. DeVries' Office

Subject: Statement dated 3/19/86
from Gross & Burke, Attys

Senator DeVries asked me to send this statement through your office for Senator Bennett's information.

After he signs off on the statement, please forward it on to Legislative Accounting.

Thank you.

Atchs



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Senator Edna DeVries, Chairman
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Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

March 21, 1986

SB 356

MEMORANDUM

TO: Senator Mitch Abood
Chairman
Senate State Affairs Committee

FROM: Edna DeVries *Edna*
Chair, Senate C&RA Committee

SUBJECT: GROSS & BURKE STATEMENT FOR SERVICES
DATED 3-19-86

The subject statement for services with cover letter
is attached for your consideration as project chairman.

Atchs

LAW OFFICES
GROSS & BURKE
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

MAR 20 1986

AVRUM M. GROSS
SUSAN A. BURKE

(907) 586-2777

March 19, 1986

The Honorable Edna B. DeVries
Alaska State Legislature
Box V
Juneau, Alaska 99811

Dear Senator DeVries:

Enclosed is our bill for services provided in the campaign finance revision before the Senate Community and Regional Affairs Committee. Although the hours that we spent exceeded the \$3,000 maximum left on the contract, we are seeking payment only for the \$3,000. I am sending a copy of this billing to Senator Abood, who remains the project chairman. I assume that as project chairman he will have to approve the bill before it can be paid. At the same time, I am sure that he will want your approval before he does so.

It was a pleasure working with you and the Committee.

Sincerely,



Susan A. Burke

SAB:yw

Encl.

STATEMENT
LAW OFFICES
GROSS & BURKE
A PROFESSIONAL CORPORATION
424 NORTH FRANKLIN STREET
JUNEAU, ALASKA 99801

(907) 586-2777

March 19, 1986

The Honorable Mitch Abood
Alaska State Legislature
Box V
Juneau, Alaska 99811

Legal Services Rendered February 25 Through March 13, 1986:

2/24	SAB	Revise sectional analysis to conform to CSSB 356 (State Affairs)	5.25 Hrs.
2/25	AMG	Meet w/Sen. DeVries, Sturgulewski; attend CRA committee hearing	1.25
2/26	AMG	T/C Y. Alford re hearing	.25
2/27	AMG	Preparation for and attendance at Committee hearing	1.25
2/27	SAB	Prepare for and attend Committee hearing	1.50
2/28	SAB	Prepare for and attend Committee hearing	1.50
2/28	AMG	Attend teleconference; preparation for mtg. w/Senate Community and Regional Affairs	1.50
3/3	AMG	T/C Y. Alford; confer w/S. Burke re meeting on 3/4	.50
3/4	AMG	Attend CRA hearing; review revision of amendments drafted by S. Burke	1.25
3/4	SAB	Prepare amendments for Committee hearing; attend hearing	2.00
3/5	SAB	Redraft effective date and transition sections; T/C Sen. DeVries	1.00
3/6	AMG	Attend hearing re SB 356	1.25

3/6	SAB	Attend Committee hearing; T/C Sen. Sturgulewski staff re amendments	1.50
3/7	SAB	Prepare revised bill for re- typing; review amendments	1.75
3/13	SAB	Prepare for and attend Committee hearing; T/C D. Bradley re changes in bill	<u>1.50</u>
Total Hours			23.25

23.25 HRS. AT \$135 PER HOUR - \$3,138.75

TOTAL AMOUNT DUE - \$3,000.00

cc: Senator DeVries

*Approved
for Payment
Edw DeVries*

*Approved for Payment 3/21/86
Senator Melvin Good*

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

2/24/86

Date March 13, 1986

Mr. President

The Committee on C&RA considered SB 356
relating to election campaign financing; efd.

and (a majority of the committee) ~~(the committee)~~ reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/~~or adopt~~ CS for SB 356 (C&RA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

Willis Sturgis

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature] *no recommendation*

Edna McVie
Chairman

Do Pass
Chairman recommendation

COMMITTEE REPORT
SENATE

FURTHER:

C&RA
FINANCE

1/22/86

Date Feb 21, 1986

Mr. President

The Committee on STATE AFFAIRS considered SB 356
relating to election campaign financing; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 356 (SA)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

1 Edw McVie
1 Tom Kelly

2 Bill Kay, DO NOT PASS
3 V. Fischer NR

1 [Signature]
Chairman
[Signature]
Chairman recommendation

Note: Page and line references
are to State Affairs CS

-J-

Amendments to SB 356 -- Campaign Financing -- Made in Senate C&RA

Gross & Burke Amendments

Amend #1 Page 1, line 19, delete "United States census figures or"

COGHILL MOVED, UNANIMOUS CONSENT 3/4/86

Amend #2 Page 20, line 24, delete "solicits a contribution and"

FISHER MOVED UNANIMOUS CONSENT 3/6/86

Amend #3 Page 24, lines 24-29 through page 25, lines 1-2, amend subsection
(a) -- (see atch #1)

STURGULEWSKI MOVED, 3-Y, 1-N 3/4/86

Amend #4 Page 25, lines 3-10, amend subsection (b) as follows:
(see atch #2)

STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/4/86

Amend #5 Page 32, lines 27-28, amend subsection (b) to read:

(b) a proceeding [PROSECUTION] alleging a violation of AS 15.14.230
must be commenced within two years from the date of the alleged
violation [OFFENSE].

FISCHER MOVED, UNANIMOUS CONSENT 3/4/86

Amend #6 Page 44, lines 7-8 and lines 27-28, amend subparagraph (7)
in both instances to read:

(7) is convicted of a misdemeanor under former AS 15.13 or is found
to have committed a violation in the first degree under AS.15.14.220
[VIOLATION OF AS 15.13]

COGHILL MOVED, UNANIMOUS CONSENT 3/4/86

Amend #7 Page 49, lines 11-16, delete Sec. 17 and insert the following:
and (see atch #3)

Amend #8

COGHILL MOVED, UNANIMOUS CONSENT 3/6/86

Senator Sturgulewski Amendment

Amend #9 Page 1, lines 17 & 18

(b) This chapter applies to each election for mayor, municipal governing
body, [ASSEMBLY] and [OR] school board ...

STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/4/86

By error
left out of
revised CS

Senator Vic Fischer Amendments

Amend #10 Change contribution limit from \$2,000 to \$1,000 throughout bill

FISCHER MOVED, UNANIMOUS CONSENT 3/4/86

Amend #11 Change disclosure requirement from \$250 to \$100 throughout bill

FISCHER MOVED, UNANIMOUS CONSENT 3/4/86

Amend #12 Change reporting requirement limit from \$500 to \$250 for special contributions, loans, or expenditures made or received within the last 10 days before the election.

Page 9, line 29, delete [\$500], insert \$250

FISCHER MOVED, UNANIMOUS CONSENT 3/4/86

Amend #13 Delete Political Action Committee contribution limit of \$25,000.
(see atch #4)

FISCHER MOVED, UNANIMOUS CONSENT 3/6/86

Amend #14 Page 21, line 29 -- delete ["legislative candidate"]

Page 22, line 3 -- add new subsection (2) and renumber sections accordingly

"(2) for a legislative candidate in the general election, 30 days after the date of the election;"

Page 22, line 4 add after "the election;" or 30 days after the date of a run-off election in the case of candidates in a run-off election.

(amend is combination of wording from Fischer & Sturgulewski)
STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/6/86

Amend #15 Page 23, Line 26, subsection (b)

Delete [..public officer or employee of the state], insert person

FISCHER MOVED, UNANIMOUS CONSENT 3/6/86

Senator Sturgulewski Amendments

Amend #16 Throughout bill change ["over \$100"] to read more than \$100

STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/6/86

Amend #17 Page 10, lines 10 & 11

delete ["filed by January 31 following"]

insert "must be filed no later than 30 days after the date on which campaign accounts must be closed under 15.14.180. An annual report for the year in which an election designated under AS 15.14.040(b)"

*Amend # 17
clarified by
Counsel*

STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/6/86

Amend #18 Page 15, line 14

change to read "...as correct by the candidate, campaign treasurer of the candidate, by the campaign..."

STURGULEWSKI MOVED, UNANIMOUS CONSENT 3/6/86

PROPOSED AMENDMENTS TO CSSB 356 (SA)

- (1) Page 1, line 19, delete "United States census figures or"
(2) Page 20, lines 24-27, delete subsection (1) and substitute the following:

(1) the person transfers or delivers contributions of others of \$4,000 or less in the aggregate during a year to a candidate, a campaign officer of a candidate, a political action committee, or an officer of a political action committee and discloses to the candidate or political action committee the identity of the contributors;

AMEND. # 3. Page ~~23~~²⁴, lines 24-29 through page ~~26~~²⁵, lines 1-2, amend subsection (a) to read:

(a) A person who, with intent to avoid disclosure, fails to file a report of contributions, expenditures, or loans [CONTRIBUTIONS OR EXPENDITURES] required to be filed 30 days or seven days before an election under AS 15.14.060(b) or fails to file a report within 24 hours after receiving a contribution or making an expenditure under AS 15.14.060(c) is subject to a civil penalty of not less than \$500 [\$100] nor more than \$2,000 [\$300] for each day that the report is due but not filed up to a maximum of \$25,000 for each report.

Attach #2

AMEND #4

Page 25, lines 3-10, amend subsection (b) as follows:

(b) A political action committee that, with intent to avoid disclosure, fails to file a report of contributions, expenditures or loans [CONTRIBUTIONS OR EXPENDITURES] required to be filed 30 days or seven days before an election under AS 15.14.070(b) or fails to file a report within 24 hours after receiving a contribution or making an expenditure under AS 15.14.070(c) is subject to a civil penalty of not less than \$500 [\$100] nor more than ^{\$2,000} ~~\$1,000~~ [300] for each day that the report is due but not filed up to a maximum of \$25,000 for each report.

~~(5) Page 32, lines 27-28, amend subsection (b) to read:~~

~~(b) A proceeding [PROSECUTION] alleging a violation of AS 15.14.230 must be commenced within two years from the date of the alleged violation [OFFENSE].~~

~~(6) Page 44, lines 7-8 and lines 27-28, amend subparagraph~~

~~(7) in both instances to read:~~

~~(7) is convicted of a misdemeanor under former AS 15.13 or is found to have committed a violation in the first degree under AS 15.14.220 [VIOLATION OF AS 15.13].~~

AMEND #7

Atch #3

Page 49, lines 11-16, delete sec. 17 and insert the following:

*Sec. 17. In accordance with AS 15.14.180 enacted in sec. 1 of this Act, a candidate shall, no later than January 31, 1987, close each campaign account relating to a campaign for an election held before the effective date of this Act unless the campaign has outstanding debts. If the campaign has outstanding debts, the candidate may keep campaign accounts open after January 31, 1987, but shall close each campaign account within 30 days after all debts have been paid and in no event later than January 1, 1988, whether or not there are outstanding debts remaining on that date. During the time that an an account remains open under this section, contributions may be solicited and accepted and expenditures made only for the purpose of retiring outstanding debts of a campaign for an election held before the effective date of this Act. An outstanding campaign debt remaining on January 1, 1988 becomes the personal debt of the candidate.

Page 49, lines 17-19, amend sec. 18 to read:

*Sec. 18. This Act applies to election campaign activities that take place afater January 1, 1987 [AND THAT RELATE TO STATE OR MUNICIPAL ELECTIONS HELD AFTER JANUARY 1, 1987].

Attach # 4

A M E N D M E N T

CSSB 356(SA)
2/24/86

By V. Fischer

AMEND[#] 13

Deletes PAC contribution limit of \$25,000

Page 16, lines 26 - 28:

Delete "and may not contribute more than \$25,000 in the aggregate during a calendar year to candidates or political action committees generally,"

Page 26, lines 7 - 8:

Delete "or in excess of the \$25,000 limitation under AS 15.14.120 (b)"

Page 29, lines 25 - 26:

Delete "or in excess of the \$25,000 limitation under AS 15.14.120 (b)"



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

Committee Meeting March 4, 1986

SB 356 -- An Act relating to election campaign financing

Note: The minutes from the February 28 meeting wherein testimony was taken from the Alaska Public Offices Commissioners, have been transcribed verbatim.

The committee requested a written copy from the Commission of Chairman Rogers' comments; and also written comments from Jeff Bowman of AKPIRG. A telephone contact with Theda Pittman and Jeff Bowman this morning elicited the information that written comments will be forthcoming from both sometime this week.

Attached are proposed amendments to SB 356 from Gross & Burke.

March 13, 1986

SB-356 - Campaign Financing

Loans as raised by APOC
are ²internally confusing - NO (Burke)

if "loans" not included in definition of
contributions -- you cannot deal with
enforcement of maximum contributions

Loans - intent of lender -- is loan personal
or to finance campaign - is difficult,
but must be dealt w/ by Commission on
case by case basis

Sturg If it cannot be proved is it unfair burden
on APOC?

Burke No more so than how law presently written
statute cannot do more to help definitely
determine loan vs. contribution

Pg 10, lines 13-14 - Moved Stur - Unan -
line 4

Pg 22. line 2 - o.k. drafting change

Coghill pg 2, line 2
communication) of v influencing an election

Sturg

Pg 32, Statute of limitations 2 yrs & 4 yrs
lines 20 - 27 -

Burke has looked over bill for inconsistencies

Fischer

moved C & PA Substitute for SB 356.
with Sturg amendment and technical change
w/individual recommendations

3 do pass
1 no rec - Coghill

Changes made by Susan Burke
hand-delivered
3/7/86

Offered: 2/24/86
Referred: Community and Regional
Affairs and Finance
Original sponsor: State Affairs
Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 356 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

11 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

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

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

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

A#9
Amndt#1

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

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

9 (1) for each individual, person, or political action com-
10 mittee from which contributions in the aggregate amount of ^{more than \$100} ~~9250~~
11 ^{more} were received:

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

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

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

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

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

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

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

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

29 (D) the purpose of the loan;

- 1 (E) the date and total value of the loan or financial
 2 obligation;
- 3 (F) the interest rate of the loan or financial obliga-
 4 tion;
- 5 (G) the date the loan or financial obligation is due;
 6 and
- 7 (H) the security, if any, for the loan or financial
 8 obligation;
- 9 (3) the total number and amount of all contributions re-
 10 ~~ceived of less than \$250;~~ ^{\$100 or} ~~less than \$250;~~
- 11 (4) a total of all contributions received;
- 12 (5) the total of all expenditures made or obligated;
- 13 (6) the total amount of all funds that the candidate con-
 14 tributed or lent to the campaign of the candidate; and
- 15 (7) the date, check number, the amount of the check, the
 16 full name of the payee, and the purpose of each expenditure.
- 17 (b) A report containing the information required under (a) of
 18 this section must list the contributions and loans received and the
 19 expenditures made during the period ending three days before the due
 20 date of the report and beginning on the last day covered by the most
 21 recent previous report. The report shall be filed in the central
 22 office or a district office of the commission at the following times:
- 23 (1) 30 days before the election unless the deadline for
 24 filing a nominating petition or declaration of candidacy is less than
 25 34 days before the election;
- 26 (2) seven days before the election.
- 27 (c) A candidate shall file a special contribution, loan, or
 28 expenditure report with the commission for each contribution, loan, or
 29 expenditure of ~~more than \$250~~ ^{more than \$250} that is received within the last 10 days

except that a candidate shall file an annual report covering contributions and loans received and expenditures made during the year in which an election designated under AS 15.14.040 (b) is held no later than 30 days after the date on

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

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

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

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

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

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

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

campaign account under AS 15.14.19

made during

1 including

2 (1) for each individual, person, or political action com-
3 mittee from which contributions in the aggregate amount of ^{more than \$100} ~~7250 or e~~
4 ~~more~~ were received:

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

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

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

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

12 (2) for each person or other political action committee
13 that lent any amount to the reporting political action committee or
14 that guaranteed or otherwise agreed to assume a financial obligation
15 in any amount for or on behalf of the reporting political action
16 committee,

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

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

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

23 (D) the purpose of the loan;

24 (E) the date and total value of the loan or financial
25 obligation;

26 (F) the interest rate of the loan or financial obli-
27 gation;

28 (G) the date the loan or financial obligation is due;

29 and

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

3 (3) the total number and amount of all contributions re-
4 ceived of less ~~than \$250;~~ ^{\$100 or}

5 (4) a total of all contributions received;

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

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

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

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

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

21 (1) 30 days before the election;

22 (2) seven days before the election.

23 (c) A political action committee shall file a special contribu-
24 tion ^{or expenditure} ~~or~~ loan report with the commission for each contribution, ^{or} loan, ^{or}
25 ^{expenditure} ~~of \$500 or more~~ ^{of \$250 or more} that is received within the last 10 days before the
26 election. The report must include the full name, complete address,
27 principal occupation and employer of the contributor or lender and the
28 date and amount of the contribution ^{or the purpose of the expenditure} or loan. The report shall be
29 filed within 24 hours after the contribution or loan is received. ^{on the expenditure} ~~made~~

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

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

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

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

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

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

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

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

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

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

22 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

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

27 (b) A person may not make a contribution in excess of ^{\$1,000}~~\$2,000~~ in
28 the aggregate during a calendar year in money, goods, or services to a
29 candidate...

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

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

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

9 (2) to a political party.

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

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

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

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

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

23 (b) Except as provided in (c) of this section, a political
24 action committee may not contribute or make an expenditure, other than
25 as an independent expenditure, of more than ~~\$2,000~~ ^{\$1,000} in the aggregate
26 during a year to a candidate or to a political action committee, and

27 ~~may not contribute more than \$25,000 in the aggregate during a calen-~~
28 ~~dar year to candidates or political action committees generally, other~~
29 ~~than to political action committees formed solely for the purpose of~~

1 ~~Supporting or opposing a ballot proposition or question~~

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

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

7 (2) a political party.

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

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

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

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

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

26 (b) A candidate and a campaign officer of a candidate may not
27 accept a contribution in excess of \$2,000^{\$1,000} in the aggregate during a
28 calendar year in money, goods, or services from a person or a politi-
29 cal action committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 tion; and

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

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

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

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

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

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

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

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

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

(2) for a legislative candidate in the general election, 30 days after the date of the election;

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

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

5 ⁴ in the case of a candidate in a run-off election
6 days after the date of the election;

7 ⁵ for a candidate who withdraws before an election, 30
8 days after filing a notice of withdrawal; or

9 ⁶ for a candidate who withdraws after registering under
10 AS 15.40.040 but before filing for office, 30 days after the deadline
11 for filing a declaration of candidacy or a nominating petition;

12 ⁷ for a judicial candidate or a delegate to a constitu-
13 tional convention, 30 days after the date of the election.

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

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

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

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

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

28 Sec. 15.14 190. SURPLUS CAMPAIGN FUNDS. (a) A candidate shall
29 dispose of campaign funds that are not spent during the designated

1 election campaign by

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

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

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

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

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

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

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

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

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

1 office.

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

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

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

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

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

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

23 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
24 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
25 file a report of contributions, ^{or} expenditures ^{or loans} required to be filed 30
26 days or seven days before an election under AS 15.14.060(b) or fails
27 to file a report within 24 hours after receiving a contribution or
28 making an expenditure under AS 15.14.060(c) is subject to a civil
29 penalty of not less than ~~\$100~~ ^{\$500}, nor more than ~~\$500~~ ^{\$2,000} for each day that the

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

3 (b) A political action committee that, with intent to avoid
4 disclosure, fails to file a report of contributions, ^{or} expenditures, ⁱⁿ ^{loa}
5 required to be filed 30 days or seven days before an election under
6 AS 15.14.070(b) or fails to file a report within 24 hours after re-
7 ceiving a contribution or making an expenditure under AS 15.14.070(c)
8 is subject to a civil penalty of not less than ~~\$100~~ ^{\$500} nor more than ~~\$300~~
9 ^{\$2,000} for each day that the report is due but not filed up to a maximum of
10 \$25,000 for each report.

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

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

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

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

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

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

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

1 ~~\$22,000~~ ^{\$1,000} limitation under AS 15.14.110(b) or (c) is subject to a civil
2 penalty

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

6 (f) A political action committee that knowingly makes a contri-
7 bution in excess of the ~~\$2,000~~ ^{\$1,000} limitation under AS 15.14.120(b) or ~~in~~
8 ~~excess of the \$25,000 limitation under AS 15.14.120(d)~~ is subject to a
9 civil penalty

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

13 (g) Except as provided in AS 15.14.130(c), a political action
14 committee that knowingly accepts a contribution in excess of the
15 ~~\$2,000~~ ^{\$1,000} limitation established in AS 15.14.130(c) is subject to a civil
16 penalty

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

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

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

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

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

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

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

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

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

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

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

19 (f) A person who makes a contribution in excess of the ~~\$2,000~~ ^{\$1,000}
20 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

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

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

24 (g) A political action committee that makes a contribution in
25 excess of the ~~\$2,000~~ ^{\$1,000} limitation under AS 15.14.120(b) ~~or in excess of~~
26 ~~the \$25,000 limitation under AS 15.14.100(b)~~ is subject to a civil
27 penalty

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

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

1 the limitation.

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

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

10 (j) A candidate or an officer of a candidate that accepts a
11 contribution in excess of the ~~\$2,000~~^{\$1,000} limitation under AS 15.14.130(b)
12 is subject to a civil penalty

13 (1) of not less than \$50 nor more than \$500; and
14 (2) not to exceed the amount that the contribution exceeds
15 the limitation.

16 (k) A political action committee that accepts a contribution in
17 excess of the ~~\$2,000~~^{\$1,000} limitation under AS 15.14.130(c) is subject to a
18 civil penalty

19 (1) of not less than \$50 nor more than \$500; and
20 (2) not to exceed the amount that the contribution exceeds
21 the limitation.

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

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

- 1 if the candidate is a candidate for the state legislature;
- 2 (2) art. II, sec. 20, Constitution of the State of Alaska,
- 3 if the candidate is a candidate for governor or lieutenant governor;
- 4 (3) AS 29.20.170, if the candidate is a candidate for
- 5 borough assembly;
- 6 (4) AS 29.20.280, if the candidate is a candidate for
- 7 borough mayor;
- 8 (5) AS 29.20.170, if the candidate is a candidate for city
- 9 council;
- 10 (6) AS 29.20.280(a), if the candidate is a candidate for
- 11 city mayor;
- 12 (7) the provisions of the bill for the constitutional
- 13 convention, if the candidate is a candidate for constitutional conven-
- 14 tion delegate;
- 15 (8) art. IV., sec. 10, Constitution of the State of Alaska,
- 16 if the candidate is a candidate for judicial retention.

17 (b) Information developed by the commission under AS 15.14.270

18 shall be considered during a proceeding under (a) of this section.

19 (c) When, after being sworn into office, a successful candidate

20 is charged with a violation in the first degree under AS 15.14.220(a),

21 the commission shall promptly hear the matter and accord it a pre-

22 ferred position for purposes of argument and decision so as to assure

23 a speedy disposition of the matter.

24 Sec. 15.14.260. LIMITATIONS ON ACTIONS. (a) A proceeding

25 alleging a violation of AS 15.14.220 must be commenced within four

26 years from the date of the alleged violation.

27 (b) A ~~prosecution~~ ^{proceeding} alleging a violation of AS 15.14.230 must be

28 commenced within two years from the date of the alleged ~~offense~~ ^{violation}.

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

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1 of office as determined by two-thirds vote of the governing body;

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

4 (6) is convicted of a felony or misdemeanor described in
5 AS 15.56 and two-thirds of the members of the governing body concur in
6 expelling the person elected; misdemeanor under former AS 15.13 or is

7 (7) is convicted of a ~~violation of AS 15.14 or former~~
8 ~~AS 15.13~~ found to have committed a violation in the first
9 degree under AS 15.14.220 [VIOLATION OF AS 15.13];

(8) no longer physically resides in the municipality and

10 the governing body by two-thirds vote declares the seat vacant; or

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

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

14 (a) The governing body shall, by two-thirds concurring vote,
15 declare the office of mayor vacant only when the person elected

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

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

20 (3) resigns and the resignation is accepted;

21 (4) is physically or mentally unable to perform the duties
22 of office;

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

25 (6) is convicted of a felony or misdemeanor described in
26 AS 15.56; misdemeanor under former AS 15.13 or is found

27 (7) is convicted of a ~~violation of AS 15.14 or former~~
28 ~~AS 15.13~~ found to have committed a violation in the first degree
29 under AS 15.14.220 [VIOLATION
OF AS 15.13];

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

1 * Sec. 14. AS 15.56.010(1) and (2) are repealed.

2 * Sec. 15. Alaska Public Office Commission members serving on the
3 effective date of this Act continue to serve out their terms as provided
4 under AS 15.13.020, repealed in sec. 13 of this Act. Vacancies occurring
5 after the effective date of this Act shall be filled in accordance with
6 AS 15.14.020 enacted in sec. 1 of this Act.

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

11 ~~* Sec. 17. AS 15.14.180 as enacted in sec. 1 of this Act does not apply~~
12 ~~to campaign accounts for election campaigns held before the effective date~~
13 ~~of this Act and does not apply to contributions solicited or accepted and~~
14 ~~to expenditures made for the purpose of retiring campaign debts incurred by~~
15 ~~a candidate in an election campaign held before the effective date of this~~
16 ~~Act.~~

17 * Sec. 18. This Act applies to election campaign activities that take
18 place after January 1, 1987, ~~and that relate to state or municipal elec-~~
19 ~~tions held after January 1, 1987.~~

20 * Sec. 19. This Act takes effect January 1, 1987.

*Sec. 17. In accordance with AS 15.14.180
enacted in sec. 1 of this Act, a candidate shall,
no later than January 31, 1987, close each
campaign account relating to a campaign for an
election held before the effective date of this
Act unless the campaign has outstanding debts. If
the campaign has outstanding debts, the candidate
may keep campaign accounts open after January 31,
1987, but shall close each campaign account within
30 days after all debts have been paid and in no

event later than January 1, 1988, whether or not
there are outstanding debts remaining on that
date. During the time that an account remains
open under this section, contributions may be
solicited and accepted and expenditures made only
for the purpose of retiring outstanding debts of a
campaign for an election held before the effective
date of this Act. An outstanding campaign debt
remaining on January 1, 1988 becomes the personal
debt of the candidate.

2 technical changes in work draft pages 1 and 10 alt 3-13-86

CS being ordered by Susan Burke 3/13/86 - JJA

Bradley
3/10/86.

Original sponsor: State Affairs Committee

1 IN THE SENATE

BY THE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 356 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

11 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

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

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

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

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

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

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

13 (b) The commission consists of five members.

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

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

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

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

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

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

15 (1) hold or campaign for elective office;

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

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

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

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

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

28 (j) The members of the commission shall elect a chairman. A
29 majority of the commission constitutes a quorum. The affirmative vote

1 of at least three members is required to take official action. A
2 vacancy does not impair the power of the remaining members to exercise
3 the powers of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (8) examine, investigate, and compare reports, registra-
27 tions, statements, and actions required by this chapter, AS 24.45, and
28 AS 39.50;

29 (9) prepare and publish an annual report to the legislature

1 concerning the activities of the commission, the effectiveness of this
2 chapter, and recommendations and proposals for change;

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

6 ARTICLE 2. REGISTRATION AND REPORTS.

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

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

13 (2) files for an elective office.

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

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

20 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

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

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

25 (2) makes

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

28 (B) an expenditure in support of or in opposition to
29 the election of an individual to an office covered by this

1 chapter, or on behalf of or in opposition to a ballot proposition
2 or question.

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

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

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

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

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

26 (g) A political action committee required to register under this
27 section shall include with the registration the information required
28 under AS 15.14.160 and shall designate the year of the election for
29 which the campaign will be conducted or shall indicate that it

1 anticipates continuing existence.

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

7 (1) for each individual, person, or political action com-
8 mittee from which contributions in the aggregate amount of more than
9 \$100 were received:

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

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

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

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

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

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

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

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

27 (D) the purpose of the loan;

28 (E) the date and total value of the loan or financial
29 obligation;

1 (F) the interest rate of the loan or financial obliga-
2 tion;

3 (G) the date the loan or financial obligation is due;
4 and

5 (H) the security, if any, for the loan or financial
6 obligation;

7 (3) the total number and amount of all contributions re-
8 ceived of \$100 or less;

9 (4) a total of all contributions received;

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

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

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

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

21 (1) 30 days before the election unless the deadline for
22 filing a nominating petition or declaration of candidacy is less than
23 34 days before the election;

24 (2) seven days before the election.

25 (c) A candidate shall file a special contribution, loan, or
26 expenditure report with the commission for each contribution, loan, or
27 expenditure of more than \$250 that is received within the last 10 days
28 before the election. The report must include the full name, complete
29 address, principal occupation and employer of the contributor or

1 lender and the date and amount of the contribution or loan, or the
 2 purpose of the expenditure. The report shall be filed within 24 hours
 3 after the contribution or loan is received or the expenditure is made.

4 (d) A candidate shall file an annual report on or before Janu-
 5 ary 31 of each year, except that a candidate shall file a final report
 6 covering contributions and loans received and expenditures made during
 7 the year in which an election designated under AS 15.14.040(b) is
 8 held. The final report shall be filed no later than 30 days after the
 9 date on which the candidate must close campaign accounts under AS 15.-
 10 14.180. The annual report must include all of the information re-
 11 quired under (a) of this section for contributions and loans received
 12 and expenditures made between January 1 and December 31 of the immedi-
 13 ately preceding year, except that ^{final report covering} ~~an annual report filed by~~ January 31
 14 ~~following~~ the year in which an election designated under AS 15.14.-
 15 040(b) is held

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

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

22 (3) must include the amount and the disposition of surplus
 23 funds.

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

29 (1) for each individual, person, or political action

1 committee from which contributions in the aggregate amount of more
2 than \$100 were received:

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

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

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

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

10 (2) for each person or other political action committee
11 that lent any amount to the reporting political action committee or
12 that guaranteed or otherwise agreed to assume a financial obligation
13 in any amount for or on behalf of the reporting political action
14 committee,

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

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

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

21 (D) the purpose of the loan;

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

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

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

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

1 (3) the total number and amount of all contributions re-
2 ceived of \$100 or less;

3 (4) a total of all contributions received;

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

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

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

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

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

19 (1) 30 days before the election;

20 (2) seven days before the election.

21 (c) A political action committee shall file a special contribu-
22 tion, loan, or expenditures report with the commission for each con-
23 tribution, loan, or expenditure of more than \$250 that is received
24 within the last 10 days before the election. The report must include
25 the full name, complete address, principal occupation and employer of
26 the contributor or lender and the date and amount of the contribution
27 or loan or the purpose of the expenditure. The report shall be filed
28 within 24 hours after the contribution or loan is received or the
29 expenditure is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

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

27 (b) A person may not make a contribution in excess of \$1,000 in
28 the aggregate during a calendar year in money, goods, or services to a
29 candidate.

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

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

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

9 (2) to a political party.

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

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

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

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

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

23 (b) Except as provided in (c) of this section, a political
24 action committee may not contribute or make an expenditure, other than
25 as an independent expenditure, of more than \$1,000 in the aggregate
26 during a year to a candidate or to a political action committee.

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

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

3 (2) a political party.

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

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

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

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

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

22 (b) A candidate and a campaign officer of a candidate may not
23 accept a contribution in excess of \$1,000 in the aggregate during a
24 calendar year in money, goods, or services from a person or a politi-
25 cal action committee.

26 (c) Except as provided in this subsection, a political action
27 committee and an officer of a political action committee may not
28 accept a contribution in excess of \$1,000 in the aggregate during a
29 calendar year in money, goods, or services from a person or a

1 political action committee. A political party or a political action
2 committee formed solely for the purpose of sponsoring or opposing an
3 initiative or a referendum may

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

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

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

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

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

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

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

26 (b) A contribution made by a person wishing to remain anonymous
27 and received by a candidate or political action committee may not be
28 accepted, but shall be returned to the donor if the identity of the
29 donor is known. If the identity of the donor is not known, the

1 contribution shall be donated to an organization that qualifies as a
2 charitable organization under 26 U.S.C. 501(c).

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

10 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

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

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

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

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

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

20 (1) the person transfers or delivers a contribution to a
21 candidate or a campaign officer of a candidate or political action
22 committee and discloses to the candidate or political action committee
23 the identity of the contributor;

24 (2) the person does not exercise discretion or control as
25 to the amount or as to the identity of the recipient of the contribu-
26 tion; and

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

29 (f) The candidate is responsible for the performance of the

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

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

13 (1) influence or attempt to influence the actions of the
14 voters for or against the election of a candidate or the passage or
15 defeat of a ballot proposition or question; or

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

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

19 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
20 190.

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

25 (1) for a statewide candidate in the general election, the
26 date on which the successful candidate in the designated election is
27 sworn into office;

28 (2) for a legislative candidate in the general election, 30
29 days after the date of the election;

1 (3) for a candidate in a municipal election, 30 days after
2 the date of the election or, in the case of a run-off election, 30
3 days after the date of a run-off election;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (b) A person may not solicit or request a public officer or
26 employee to contribute to a candidate, political action committee, or
27 political party while the public officer or employee is on the prem-
28 ises of a state or municipal office.

29 (c) A candidate, an officer of a candidate, a political action

1 committee, and an officer of a political action committee may not
2 knowingly accept a contribution obtained in violation of this section.

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

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

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

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

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

21 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
22 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
23 file a report of contributions, loans, or expenditures required to be
24 filed 30 days or seven days before an election under AS 15.14.060(b)
25 or fails to file a report within 24 hours after receiving a contribu-
26 tion or making an expenditure under AS 15.14.060(c) is subject to a
27 civil penalty of not less than \$500 nor more than \$2,000 for each day
28 that the report is due but not filed up to a maximum of \$25,000 for
29 each report.

1 (b) A political action committee that, with intent to avoid
2 disclosure, fails to file a report of contributions, loans, or expen-
3 ditures required to be filed 30 days or seven days before an election
4 under AS 15.14.070(b) or fails to file a report within 24 hours after
5 receiving a contribution or making an expenditure under AS 15.14.-
6 070(c) is subject to a civil penalty of not less than \$500 nor more
7 than \$2,000 for each day that the report is due but not filed up to a
8 maximum of \$25,000 for each report.

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

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

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

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

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

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

27 (e) A person who knowingly makes a contribution in excess of the
28 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

29 (1) of not less than \$1,000 nor more than \$5,000; and

1 (2) not to exceed twice the amount that the contribution
2 exceeds the limitation.

3 (f) A political action committee that knowingly makes a contri-
4 bution in excess of the limitation under AS 15.14.120(b) is subject to
5 a civil penalty

6 (1) of not less than \$1,000 nor more than \$5,000; and

7 (2) not to exceed twice the amount that the contribution
8 exceeds the limitation.

9 (g) Except as provided in AS 15.14.130(c), a political action
10 committee that knowingly accepts a contribution in excess of the
11 limitation established in AS 15.14.130(c) is subject to a civil
12 penalty

13 (1) of not less than \$1,000 nor more than \$5,000; and

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

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

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

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

24 (i) A political action committee that knowingly makes a contri-
25 bution in the form of cash during the year of more than \$100 in the
26 aggregate in violation of AS 15.14.120(a) is subject to a civil penal-
27 ty of

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

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

4 (j) A person or political action committee that knowingly ac-
5 cepts a contribution in the form of cash during the year of more than
6 \$100 in the aggregate in violation of AS 15.14.130(a) is subject to a
7 civil penalty of

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

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

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

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

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

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

25 (m) A person or political action committee that intentionally
26 solicits or requests a contribution from a public officer or employee
27 of the state or a municipality of the state in a manner prohibited
28 under AS 15.14.200(a) or (b) is subject to a civil penalty of not less
29 than \$500 nor more than \$5,000.

1 (n) A person or political action committee that knowingly ac-
2 cepts a contribution from a public officer or employee of the state or
3 a municipality of the state in a manner prohibited under AS 15.14.-
4 200(a) or (b) is subject to a civil penalty of not less than \$500 nor
5 more than \$5,000.

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

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

21 (c) A person who fails to file a report, registration, or state-
22 ment required to be filed under this chapter, other than a report
23 described in (a) or (b) of this section, is subject to a civil penalty
24 of not less than \$10 nor more than \$100 per day for each day that the
25 report, registration, or statement is due but not filed, up to a
26 maximum fine of \$3,000 for each report, registration, or statement.

27 (d) A person who files a report of contributions or expenditures
28 containing a false or misleading statement as to a contributor, con-
29 tribution, loan, or expenditure required to be included in a report

1 under AS 15.14.060(a) is subject to a civil penalty

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

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

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

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

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

15 (f) A person who makes a contribution in excess of the limita-
16 tion under AS 15.14.110(b) or (c) is subject to a civil penalty

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

18 (2) not to exceed the amount that the contribution exceeds
19 the limitation.

20 (g) A political action committee that makes a contribution in
21 excess of the limitation under AS 15.14.120(b) is subject to a civil
22 penalty

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

24 (2) not to exceed the amount that the contribution exceeds
25 the limitation.

26 (h) A person who makes a contribution in the form of cash during
27 the year of more than \$100 in the aggregate in violation of AS 15.14.-
28 110(a) is subject to a civil penalty of not to exceed the amount of
29 the cash contribution.

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

5 (j) A candidate or an officer of a candidate that accepts a
6 contribution in excess of the limitation under AS 15.14.130(b) is
7 subject to a civil penalty

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

9 (2) not to exceed the amount that the contribution exceeds
10 the limitation.

11 (k) A political action committee that accepts a contribution in
12 excess of the limitation under AS 15.14.130(c) is subject to a civil
13 penalty

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

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

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

22 (m) A candidate who fails to close a campaign account by the
23 date established in AS 15.14.180(a) is subject to a fine of not less
24 than \$25 nor more than \$100 per day for each day that the account
25 should have been but was not closed, up to a maximum of \$2,000.

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

1 \$2,000.

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

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

7 (2) uses campaign funds for a purpose not permitted under
8 AS 15.14.170;

9 (3) uses surplus funds for a purpose not permitted under
10 AS 15.14.190;

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

13 (5) fails to include in a communication intended to influ-
14 ence the election of a candidate or the outcome of a ballot proposi-
15 tion or question the information required under AS 15.14.210(a) or
16 (b).

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

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

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

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

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

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

3 (5) AS 29.20.170, if the candidate is a candidate for city
4 council;

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

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

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

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

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

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

22 (b) A proceeding alleging a violation of AS 15.14.230 must be
23 commenced within two years from the date of the alleged violation.

24 (c) For the purposes of this section, a violation involving the
25 failure to file a report, statement, or registration is considered to
26 have been committed on the day after the report, statement or regis-
27 tration was due.

28 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may inves-
29 tigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and AS 39.50

1 on its own motion or upon receiving a signed and sworn complaint from
2 any person.

3 (b) If an investigation is commenced by a signed and sworn
4 complaint by a person other than a member of the commission or its
5 employees, the commission shall, within five days after receiving the
6 complaint, mail a copy of the complaint to each person named in the
7 complaint.

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

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

20 Sec. 15.14.280. ACCUSATIONS. (a) The accusation must be a
21 written statement of the charges setting out in ordinary and concise
22 language the acts or omissions with which the respondent is charged,
23 so that the respondent is able to prepare a defense. The accusation
24 must also specify the statute or regulation that the respondent is
25 alleged to have violated, and the maximum penalty provided for the
26 violation. The accusation may not consist merely of charges phrased
27 in the language of the statute and regulation.

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

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

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

15 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
16 service upon the respondent of the accusation, the respondent may file
17 with the commission a notice of defense. In the notice the respondent
18 may

19 (1) deny the accusation in whole or in part and request a
20 hearing;

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

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

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

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

29 (b) Within the time specified in (a) of this section, the

1 respondent may file one or more notices of defense upon any or all of
2 the grounds set out in (a) of this section but all of the notices must
3 be filed within the period unless the commission in its discretion
4 authorizes the filing of a later notice.

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

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

18 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
19 hearing on a contested accusation or, in the absence of a request, the
20 commission in its discretion decides to hold a hearing, the commission
21 shall mail or deliver a notice of hearing to the respondent at least
22 10 days before the hearing. The hearing may not be held before the
23 expiration of the time within which the respondent is entitled to file
24 a notice of defense. The notice to respondent must be consistent with
25 the form for notice of hearing under AS 44.62.420.

26 (b) The commission shall conduct its hearings under AS 44.62.-
27 440 - 44.62.500, except that

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

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

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

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

16 (1) holds a hearing at which the person accused is afforded
17 the right to appear, with or without counsel, the right to present
18 witnesses or other evidence and the right to cross examine witnesses;
19 and

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

23 (b) The executive director of the commission may not formally or
24 informally make a recommendation to the commission as to a particular
25 penalty in a pending matter or make a commitment to the respondent to
26 make a particular recommendation to the commission in the future until
27 after the respondent has admitted or pleaded no contest to the accusa-
28 tion or until after a hearing and a final determination by the com-
29 mission that the respondent has committed the acts charged in the

1 accusation.

2 (c) Before the executive director of the commission may make a
3 recommendation to the commission for the imposition of a particular
4 penalty in a matter, the respondent must first be given notice of the
5 recommendation and afforded an opportunity to respond to the recom-
6 mendation in person or in writing.

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

8 (1) the seriousness of the violation in terms of the extent
9 to which the violation has impeded public disclosure of information
10 required to be filed with the commission as to the amount and source
11 of contributions that are large enough to be of significant interest
12 to voters; and

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

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

22 (b) If an investigation by the commission discloses that a
23 person has committed a violation included in the schedule of fines
24 established under (a) of this section, the commission may, in lieu of
25 serving an accusation on the person, mail a notice of fine to the
26 person indicating the circumstances of the violation and the amount of
27 the fine established in the schedule for the violation. The person to
28 whom the notice is directed may pay the fine within 15 days after
29 receiving the notice or may file a notice of defense under

1 AS 15.14.290.

2 (c) If the person does not pay the fine under (b) of this sec-
3 tion, the notice of fine constitutes an accusation under AS 15.14.280
4 and the commission shall proceed against the person under AS 15.14.-
5 280 - 15.14.310 and, upon determining that the person committed the
6 violation, may impose a penalty for the violation not to exceed the
7 maximum provided for the violation under AS 15.14.230.

8 Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the
9 commission under AS 15.14.270 is confidential unless and until the
10 investigation results in the filing of an accusation under AS 15.-
11 14.280.

12 (b) A member or a former member of the commission and an em-
13 ployee or a former employee of the commission may not divulge the fact
14 of or any particular concerning a pending, past, or contemplated
15 investigation by the commission unless and until the filing of an
16 accusation by the commission.

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

19 Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final
20 order of the commission may be had by filing a notice of appeal under
21 applicable rules of court governing appeals from administrative agen-
22 cies.

23 Sec. 15.14.350. POWERS OF THE COMMISSION. (a) In connection
24 with an investigation or hearing under AS 15.14.270 - 15.14.310,
25 AS 24.45, or AS 39.50, the commission may compel the attendance of
26 witnesses and production of papers, books, records, accounts, docu-
27 ments, and testimony, and may have the depositions of witnesses taken
28 in a manner prescribed by court rule or law for the taking of depo-
29 sitions in civil actions when consistent with the powers and duties

1 assigned to the commission by law.

2 (b) The commission may examine the papers, books, records,
3 accounts and documents of a person subject to this chapter to deter-
4 mine the correctness of a report filed with the commission or in
5 conjunction with an investigation or inspection conducted under (a) of
6 this section.

7 (c) Subpoenas may be issued and shall be served in the manner
8 prescribed by AS 44.62.430 and court rule. The failure, refusal, or
9 neglect to obey a subpoena is punishable as contempt in the manner
10 prescribed by law or court rule. The superior court may compel obedi-
11 ence to the commission's subpoena in the same manner as prescribed for
12 obedience to a subpoena issued by the court.

13 Sec. 15.14.360. LEGAL COUNSEL. (a) The attorney general is
14 legal counsel for the commission. The attorney general shall advise
15 the commission in legal matters arising out of the discharge of its
16 duties and represent the commission in actions to which it is a party.

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

20 ARTICLE 6. GENERAL PROVISIONS.

21 Sec. 15.14.900. DEFINITIONS. In this chapter

22 (1) "candidate" means an individual who

23 (A) files for election to the state legislature, for
24 governor, for lieutenant governor, for municipal office, for
25 retention in judicial office, or for constitutional delegate;

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

28 (C) accepts contributions totalling \$1,000 or more in
29 the aggregate from another person or political action committee

1 for the purpose of seeking elective office or retention in judi-
2 cial office;

3 (2) "contribution"

4 (A) means the purchase, payment, promise or obligation
5 to pay, loan or loan guarantee, deposit or gift of money, goods
6 or services for which charge is ordinarily made and that is made
7 for the purpose of influencing the nomination or election of a
8 candidate or for the purpose of influencing a ballot proposition
9 or question, including the payment by a person other than a
10 candidate or political party, of compensation for the personal
11 services of another person that are rendered to the candidate or
12 political party;

13 (B) does not include

14 (i) services provided without compensation by an
15 individual volunteering on behalf of a candidate or ballot
16 proposition or question, unless the services are volunteered
17 by an individual who would ordinarily be paid a fee or wage
18 for the services;

19 (ii) services provided by an accountant or other
20 person to prepare reports and statements required by this
21 chapter;

22 (iii) services provided by an attorney relating to
23 AS 15;

24 (iv) ordinary hospitality in a home;

25 (3) "expenditure"

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

29 (i) influencing the nomination or election of a

1 candidate or of any individual who files for nomination at a
2 later date and becomes a candidate;

3 (ii) influencing the outcome of a ballot proposition
4 or question; or

5 (iii) providing payment of compensation for the
6 personal services of another person that are rendered to a
7 candidate or political party;

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

11 (4) "individual" means a natural person;

12 (5) "municipality" has the meaning given by AS 01.10.-
13 060(4);

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

16 (7) "political action committee" means a person or combina-
17 tion of persons, including a political party and its state, regional,
18 or local subdivisions that accepts contributions for the purpose of
19 influencing an election and exercises discretion over the expenditure
20 of the contributions;

21 (8) "political party"

22 (A) means a group of organized voters that

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

24 (ii) nominated a candidate for governor who re-
25 ceived at least five percent of the total vote cast at the
26 preceding general election for governor;

27 (B) does not include the campaign committee of a
28 candidate.

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

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

4 (1) political campaign contributions reported under AS 15.-
5 14 [IN ACCORDANCE WITH AS 15.13];

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

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

10 * Sec. 3. AS 15.56 is amended by adding a new section to read:

11 Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A
12 person commits the crime of unlawful solicitation of campaign contri-
13 butions if the person intentionally solicits a campaign contribution
14 through a threat of physical force, job discrimination, or financial
15 reprisal.

16 (b) Unlawful solicitation of campaign contributions is a class C
17 felony.

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

19 (a) This chapter shall be administered by the Alaska Public
20 Offices Commission established [CREATED] under AS 15.14.020 [AS 15.-
21 13.020(a)].

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

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

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

2 Sec. 24.60.080. GIFTS. Unless otherwise provided for under
3 AS 24.60.030, a person to whom this chapter applies may not solicit a
4 gift in any amount, or accept or receive, directly or indirectly, a
5 gift, whether in the form of money, services, a loan, travel, enter-
6 tainment, hospitality, or other form, if the gift was intended as a
7 reward or inducement for an official action by the person. A gift of
8 travel and hospitality within the state received by a member of the
9 legislature in obtaining information on matters of legislative concern
10 is not prohibited by this section, nor are political contributions
11 received and reported under AS 15.14 [AS 15.13.040].

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

13 Sec. 29.20.170. VACANCIES. The governing body may provide by
14 ordinance the manner in which a vacancy occurs in any elected office
15 except the office of mayor or school board member. Unless otherwise
16 provided by ordinance, the governing body shall declare an elective
17 office, other than the office of mayor or school board member, vacant
18 when the person elected

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

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

23 (3) resigns and the resignation is accepted;

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

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

28 (6) is convicted of a felony or misdemeanor described in
29 AS 15.56 and two-thirds of the members of the governing body concur in