

ALASKA LEGISLATURE COMMITTEE FILES

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(Drafted by Committee counsel, Gross and Burke)
- II. TITLE 15. ELECTIONS
(Alaska Statutes)

14-1708
Cook
2/3/86

1 IN THE SENATE

BY THE STATE AFFAIRS
COMMITTEE

2 SENATE BILL NO.

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act annulling regulations adopted by the Alaska
7 Public Offices Commission."

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

9 * Section 1. The following regulations are annulled: 2 AAC 50.310, 2
10 AAC 50.313, 2 AAC 50.314, 2 AAC 50.315, 2 AAC 50.316, 2 AAC 50.319, 2 AAC
11 50.320, 2 AAC 50.321, 2 AAC 50.324, 2 AAC 50.326, 2 AAC 50.332, 2 AAC
12 50.333, 2 AAC 50.334, 2 AAC 50.340, 2 AAC 50.342, 2 AAC 50.351, 2 AAC
13 50.357, 2 AAC 50.360, 2 AAC 50.362, 2 AAC 50.363, 2 AAC 50.369, 2 AAC
14 50.370, 2 AAC 50.375, 2 AAC 50.380, 2 AAC 50.390, 2 AAC 50.397, 2 AAC
15 50.400, 2 AAC 50.401, 2 AAC 50.405, 2 AAC 50.450, 2 AAC 50.460, 2 AAC
16 50.470, 2 AAC 50.905, 2 AAC 50.910.

Bill as introduced on Senate Floor.

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

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 356

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

10 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

11 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

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

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

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

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

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

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

12 (b) The commission consists of five members.

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

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

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

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

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

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

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

14 (1) hold or campaign for elective office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ARTICLE 2. REGISTRATION AND REPORTS.

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

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

15 (2) files for an elective office.

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

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

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

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

2 (2) makes

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

5 (B) an expenditure in support of or in opposition to
6 the election of an individual to an office covered by this chap-
7 ter, or on behalf of or in opposition to a ballot proposition or
8 question.

9 (b) A political interest group formed solely for the purpose of
10 sponsoring an initiative, a referendum or a recall shall register with
11 the commission within 30 days after it files a petition with the
12 lieutenant governor or with a municipal clerk.

13 (c) The registration of a political interest group is valid from
14 the date of registration until the following January 16.

15 (d) A political interest group may not use or file with the
16 commission a name that is the same as or materially similar to the
17 name of a political interest group whose registration is then on file
18 with the commission.

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

26 (f) A political interest group that makes expenditures or re-
27 ceives contributions with the authorization or consent, express or
28 implied, or under the control, direct or indirect, of a candidate is
29 controlled by the candidate. A political interest group whose major

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (4) a total of all contributions received;

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

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

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

1 34 days before the election;

2 (2) seven days before the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (4) a total of all contributions received;

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

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

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

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

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

19 (1) 30 days before the election;

20 (2) seven days before the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

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

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

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

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

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

5 (2) to a political party.

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

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

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

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

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

23 (2) a political party.

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

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

1 made on behalf of one of the candidates.

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

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

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

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

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

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

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

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

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

6 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 Sec. 15.14.240. CAMPAIGN FINANCING MISCONDUCT IN THE SECOND

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

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

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

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

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

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

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

29 (7) knowingly and intentionally makes a contribution in

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

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

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

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

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

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

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

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

1 publication;

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

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

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

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

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

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

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

- 1 (4) fails to register as a candidate or political interest
2 group at the time required under AS 15.14.040 or 15.14.050;
- 3 (5) fails to include information in a report, statement, or
4 registration required to be included under this chapter or includes
5 false or misleading information as to the identity of a contributor,
6 the purpose of an independent expenditure, or as to the amount of a
7 contribution received or independent expenditure made;
- 8 (6) makes or accepts a contribution or makes an expenditure
9 other than an independent expenditure in excess of the contribution
10 limitations provided under AS 15.14.120(b) or (c) or 15.14.130;
- 11 (7) makes or accepts a contribution in the form of a cash
12 payment in excess of \$100 in violation of AS 15.14.140;
- 13 (8) makes a contribution, or accepts a contribution made,
14 anonymously, in a fictitious name, or under the name of another;
- 15 (9) solicits or accepts a contribution or makes an expendi-
16 ture, other than a disposition of surplus funds, after the date that
17 campaign accounts are required to be closed under AS 15.14.190;
- 18 (10) uses campaign funds for a purpose not permitted under
19 AS 15.14.180;
- 20 (11) uses surplus campaign funds for a purpose not permitted
21 under AS 15.14.200;
- 22 (12) disposes of surplus funds after the date required for
23 disposition under AS 15.14.200(b);
- 24 (13) acts as a campaign officer and the name of the cam-
25 paign officer has not been filed with the commission as the holder of
26 the campaign office;
- 27 (14) fails to include in a communication intended to influ-
28 ence the election of a candidate or the outcome of a ballot proposi-
29 tion or question the information required to be included under

1 AS 15.14.220.

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

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

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

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

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

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

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

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

1 if the candidate is a candidate for governor or lieutenant governor;
2 (3) AS 29.20.170, if the candidate is a candidate for
3 borough assembly;
4 (4) AS 29.20.280, if the candidate is a candidate for
5 borough mayor;
6 (5) AS 29.20.170, if the candidate is a candidate for city
7 council;
8 (6) AS 29.20.280(a), if the candidate is a candidate for
9 city mayor;
10 (7) the provisions of the call for the constitutional
11 convention, if the candidate is a candidate for constitutional conven-
12 tion delegate;
13 (8) art. IV., sec. 10, Constitution of the State of Alaska,
14 if the candidate is a candidate for judicial retention.
15 (b) Information developed by the commission under AS 15.14.290
16 shall be considered during a proceeding under (a) of this section.
17 (c) When, after being sworn into office, a successful candidate
18 is charged with a misdemeanor or felony under AS 15.14.230 or 15.14.-
19 240, the court shall promptly try the case and accord it a preferred
20 position for purposes of argument and decision so as to assure a
21 speedy disposition of the matter.
22 Sec. 15.14.280. LIMITATIONS ON ACTIONS. (a) A prosecution
23 under AS 15.14.230 must be commenced within four years from the date
24 of the alleged offense.
25 (b) A prosecution under AS 15.14.240 must be commenced within
26 two years from the date of the alleged offense.
27 (c) Proceedings by the commission under AS 15.14.250 must be
28 commenced within 18 calendar months from the date of the alleged
29 violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ARTICLE 6. GENERAL PROVISIONS.

12 Sec. 15.14.900. DEFINITIONS. In this chapter

13 (1) "candidate" means an individual who

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

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

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

23 (2) "contribution"

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

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

4 (B) does not include

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

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

14 (iii) ordinary hospitality in a home;

15 (3) "expenditure"

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

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

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

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

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

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

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

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

11 (8) "political party"

12 (A) means a group of organized voters that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) resigns and the resignation is accepted;

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

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

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

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

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

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

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

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

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

1 election or appointment;

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

4 (3) resigns and the resignation is accepted;

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

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

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

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

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

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

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

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

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

24 (a) In this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (12) Alaska Public Broadcasting Commission (AS 44.21.256);
2 (13) Alaska Public Offices Commission (AS 15.14.020);
3 (14) Alaska Public Utilities Commission (AS 42.05.010);
4 (15) Alaska Resources Corporation (AS 37.12.010);
5 (16) Alaska Royalty Oil and Gas Development Advisory Board
6 (AS 38.06.020);
7 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
8 (18) Alaska State Council on the Arts (AS 44.27.040);
9 (19) Alaska State Housing Authority (AS 18.55.020);
10 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
11 (21) Alcoholic Beverage Control Board (AS 04.06.010);
12 (22) Board of Education (AS 14.07.075);
13 (23) Board of Fisheries (AS 16.05.221(a));
14 (24) Board of Game (AS 16.05.221(b));
15 (25) Board of Parole (AS 33.16.020);
16 (26) Board of Trustees and executive director of the Alaska
17 Permanent Fund Corporation (AS 37.13.040);
18 (27) Commission on Judicial Conduct (art. IV, sec. 10,
19 Alaska Constitution);
20 (28) Council on Domestic Violence and Sexual Assault
21 (AS 18.66.010);
22 (29) Employment Security Advisory Council (AS 23.20.025);
23 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
24 35.010);
25 (31) Governor's Commission on the Administration of Justice
26 (AS 44.19.110);
27 (32) Local Boundary Commission (AS 44.47.565);
28 (33) Occupational Safety and Health Review Board (AS 18.60.-
29 057);

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

7 * Sec. 12. AS 15.13 is repealed.

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

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

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

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

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

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

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

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

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

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

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

2 AAC 50.350. CONTRIBUTION OF PROFESSIONAL SERVICES is repealed.

2 AAC 50.355. LOANS is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

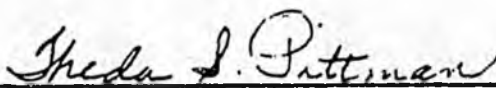
It is estimated this action will require an increased appropriation as follows:

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

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

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

Date: July 12, 1985



Theda S. Pittman
Executive Director

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



RECEIVED
FEB 11 1986

TO: Senator Mitch Abood, Chair
Senate State Affairs

FR: Senator Vic Fischer *Vic Fischer*

RE: February 12, 1986 State Affairs Committee meeting on SB
356 Campaign Finance

DT: February 11, 1986

I will not be able to attend Wednesday's committee meeting on SB 356. Therefore, I'm using this means of bringing to your attention a problem I see in the bill.

Sec. 15.14.170 (e) (page 19, lines 8-24) doesn't seem to carry out committee intent. As I remember the discussion, we wanted to exclude the courier type activity from requiring registration as a deputy treasurer.

The way the draft reads, "A person does not receive ... a contribution .. if ... the person solicits a contribution ..." Aside from this not making logical sense, I don't think that solicitors should be excluded from registration requirements. If making them deputy treasurer seems too onerous, maybe a category of "solicitor" could be created (and all attorneys would be automatically included).

cc. Members of Senate State Affairs Committee

ALASKA STATE AFL-CIO

2501 Commercial Dr.
Anchorage, Alaska 99501
(907) 338-6284



819 1st Ave.
Fairbanks, Alaska 99701
(907) 456-2030

MANO FREY
Executive President

By Dixie Hudish
AFL-CIO Legislative
Representative

AFL-CIO POSITION PAPER ON SB 356, CAMPAIGN FINANCING

SB 356 proposes a complete revision of the present campaign disclosure law, therefore one needs to look at the goals of the campaign disclosure law.

The two major goals for the State Campaign Financing Practices Act, as pointed out in the report to the Senate Finance Affairs Committee by the Gross & Burke report, was to limit individuals' contributions to candidates in order to limit the amount of influence that any one contributor could have over a particular candidate. The second goal was to provide public disclosure of the source of funds for campaigns.

Major changes have been proposed, many that would not be in keeping with the above goals.

SECTION 15.14.050 REGISTRATION BY POLITICAL GROUPS

This section now refers to political action committees as political interest groups (PIGS).

Political groups I represent take strong exception to the acronym "PIGS". I believe PACs or PAGs are preferable and much more appropriate terms.

SECTION 15.14.060 (1) REPORTS BY CANDIDATES OF CONTRIBUTIONS AND LOANS

This section changes the disclosure of contributors to \$250.00 or more. Current law requires disclosure of contributors in excess of \$100.00.

This proposal does not enhance the goal of more public disclosure but inhibits it instead. The record would not reflect contributors who have given between \$100 and \$250.

Recommendation is to keep the current law, allowing for disclosure of contributors in excess of \$100.

SECTION 15.14.070 REPORTS BY CANDIDATES OF EXPENDITURES

This section decreases the expenditure reports to one annual report following the election.

An expenditure disclosure is not only important to the public but to those who contribute money to the candidate. One should be allowed to see where the contributions are being spent while the campaign is in progress and not after the campaign. Chances are, if the public knew for example, that Joe Smith is spending money on "outside" firms for media, consulting, etc., less contributions would be forthcoming. Most contributors would like to know where, what and on whom the candidate's money is being spent and public disclosure laws should provide for this.

The AFL-CIO is opposed to eliminating the expense reports during the campaign to one following the election.

Recommendation is to keep the current law.

SECTION 15.14.100 REPORTS OF EXPENDITURES BY PERSONS OR GROUPS INDEPENDENT OF THE CANDIDATE

Independent expenditure definition in this section is very confusing as to what exactly is an independent expenditure versus an expenditure.

Recommendation is to rework this area.

SECTION 15.14.120 CONTRIBUTIONS BY A PERSON

This section increases the contribution limit from \$1,000 to \$2,000 to a candidate.

A \$2,000 contribution is a substantial amount in most campaigns for one person to give to a candidate, and whether or not that amount could have great influence over a particular candidate, it certainly would have the appearance of undue influence.

As representing many unions which have PAC's (Political Action Committees) comprised of volunteer member contributions, it would seem fairer by far to raise the contribution limit for PAC's, yet we stand opposed to any increase in contribution limits.

Recommendation is to keep the current law.

SECTION 15.14.130 CONTRIBUTIONS BY POLITICAL INTEREST GROUPS

(b) This section limits to \$1,000 the allowable contribution to a political group that another political group can

The AFL-CIO finds it unreasonable to place such an unfair limit on groups when in fact, political groups are comprised of many individuals. If one looks back

in the records, I'm sure this area has not been abused by political groups.

Recommendation is to keep the current law.

(b) This section also limits to \$25,000 per year the allowable contributions by a political group.

Again the argument is that an unfair limit is being imposed on groups. Groups are made up of many individuals and, as long as one candidate cannot receive more than \$1,000, there is already a built-in threshold as to what a political group can give.

Recommendation is to delete this section.

(d) This section essentially eliminates a PAC from forming sub-PAC's, if the groups share a majority of the same officers.

The present law allows for subgroups of a statewide group to form as long as they are autonomous units and have completely separate accounting systems.

Recommendation is that this section should remain as the present law reads.

SECTION 15.14.170 (e) CAMPAIGN OFFICERS

This section exempts a person from registering as a deputy campaign treasurer if the person's only activity is soliciting and transferring contribution checks from contributors to candidates.

This section is a very confusing and contradictory area. If one solicits and accepts a contribution only to transfer or deliver it to a candidate or campaign officer of a candidate or political group, one doesn't need to register. Yet 15.14.170 states that only a campaign treasurer is responsible for receiving and disbursing all contributions and expenditures. Does this also mean that a candidate might appoint him/herself as the person responsible, yet hire someone who never has to register who actually disburses the funds?

This section needs clarification.

SECTION 15.14.190 TERMINATION OF CAMPAIGN ACTIVITY AND CLOSING OF CAMPAIGN ACCOUNTS

This section requires candidates to close their campaign books as of the date a candidate is sworn in.

This will be found to be insufficient time to raise money for a debt to a campaign.

SECTION 15.14.200 SURPLUS FUNDS

This section eliminates the use of surplus funds for one's own personal use. The section further describes permissible uses of surplus campaign funds.

This is a most appropriate new section and a long time coming.

SECTION 15.14.210 SOLICITATION OF CONTRIBUTION

This is a new section that restricts soliciting contributions from state and municipal officers and employees from other public officials or employees while either the person soliciting or the person being solicited is on the premises of a state or municipal office.

Various union members work for the state or municipalities. As I interpret this section, it would prevent meeting with union employees on the premises for the purpose of soliciting contributions. In order to contact our members for various reasons, scheduled meetings are allowed on the premises and this would inhibit discussions of volunteer PAC payroll deductions.

Recommendation is to keep the present law.

ARTICLE 5 UNLAWFUL CONDUCT, CRIMINAL AND CIVIL PENALTIES; INVESTIGATIONS;
PROCEDURES; HEARINGS.

The various sections under this article would cause a higher burden of proof and of criminal intent for violators of APOC regulations. These regulations have gone from one extreme to the other. One who inadvertently is late or who makes a mistake on their APOC report will not only feel like a criminal but will be prosecuted as a criminal. The average lay person who wishes to run for office will have to hire a professional lawyer or accountant just to have the regulations interpreted. One surely will have second thoughts in running for a public office when regulations and violations become too complex. We don't think that this should be the purpose of this campaign reform bill.

Recommendation is that this section needs to be totally reworked.

SECTION 15.14.290 INVESTIGATIONS

This section does not allow the commission to take further action following an investigation.

As it is very important for political violations to be handled in a most expedient manner, referring all cases to the Attorney General's office will not encourage the above.

We cannot support this section.

1/31/86

PROPOSED AMENDMENTS TO SB 356, "An Act relating to campaign financing."

BY SEN. ABOOD

OKH
Amendment # 1

Page 4, line 6, after "commission." Add "The prohibitions against political activity by a member of the commission under (h) of this section apply to the executive director and non-clerical employees of the commission."

470
Amendment # 2

Page 15, line 16, after "affirm" Add " to the best of my knowledge"

Amendment # 3

480
Page 17, line 7, after "candidate" Add ", a campaign treasurer, deputy campaign treasurer"

520
Amendment # 4

Sec. _____ Conflict of interest. The executive director and non-clerical employees of the commission are subject to AS 39.50 (conflict of interest).

(This is patterned after the conflict of interest provision for the Ombudsman and the professional staff of the Ombudsman, AS 24.55.310.)

Amendments to APOC Bill (1/14 Draft)

(1) At page 7, line 9, add the following new subsection (b) and renumber remaining subsections accordingly:

(b) Two or more groups that share a common officer shall be treated as a single group for the purpose of determining whether the group has received contributions of \$1,000 in the aggregate.

Kelly

V. FISCHER

#1

Amendments to APOC Bill (1/14 Draft)

(3) Page 15, line 19, after "person" add "other than a corporation or labor union"

(4) Page 15, line 22, after "person" add "other than a corporation or labor union"

(5) Page 17, line 7, add the following new subsections (a) and (b), and renumber remaining subsections accordingly:

(a) A corporation or a labor union may not make a contribution in any amount to a candidate, political party or to a political interest group other than a political interest group formed solely for the purpose of supporting or opposing a ballot proposition or question.

(b) A candidate, a political party, and a political interest group other than a political interest group formed solely for the purpose of supporting or opposing a ballot proposition or question, may not accept a contribution from a corporation or a labor union.

Amendments to APOC Bill (1/14 Draft)

- (6) Page 16, line 10, after "group" add the following:

and may not contribute in the aggregate more than \$10,000 during a year to candidates or groups generally other than to groups formed solely for the purpose of supporting or opposing a ballot proposition or question.

- (7) Page 16, line 15, delete subsection (d) and replace it with the following:

A political party and its state, regional, and local subdivisions may not contribute in the aggregate more than \$5,000 to each candidate for political office.

#2

MEMORANDUM

State of Alaska

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

DATE: January 30, 1986

FILE NO: 366-209-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: SB 356

By: Richard D. Monkman
Assistant Attorney General

You have requested that this office review SB 356, "An Act relating to election campaign financing." This bill is presently before the Senate State Affairs Committee. It is our understanding that a substitute for this bill may be prepared by the House State Affairs Committee, using SB 356 as a starting point.

There are several serious problems, and many minor areas of concern, with SB 356 in its present form. The bill is cleverly worded, with very complex interactions between different sections. As a result, many significant changes to present law are not readily apparent to the casual reader. We are still reviewing the bill and comparing it with present law. The following is, however, the most important of the issues we have identified from the Department of Law's perspective.

Enforcement and Penalties. SB 356 increases the penalties for violation of the disclosure laws. It also significantly decreases the probability that enforcement action will actually take place.

First, all violations which involve "knowing" or "intentional" violation of the disclosure laws are misdemeanors or felonies under SB 356. [AS 15.14.230; AS 15.14.240]. Once the Commission determines that "probable cause to believe a felony or misdemeanor had been committed" it must "promptly refer the matter ... to the attorney general." [AS 15.14.290(c)]. The Commission "may not take further action concerning the matter." [Id.].

As the Commission is well aware, the district attorney offices are swamped with criminal cases involving injury to persons and property. Disclosure cases are highly charged politically and involve relatively small amounts of money. Presently, disclosure cases are very low on any district attorney's list of priorities. There is no reason to believe

Theda Pittman, Executive Director
Alaska Public Offices Commission
File No.: 366-209-86

January 30, 1986
page 3

will require an additional full-time DA, a paralegal, and additional clerical help. 3/

More important from the public perspective will be the delay involved. A public figure charged with a crime will vigorously defend the case, using every means at hand to delay, postpone or defeat the charges. There will be charges of political motives behind every prosecution -- instead of defending against the staff of a bi-partisan, independent Commission, the candidates will be prosecuted by a District attorney responsible to the attorney general, who is appointed by the governor. Cries of connivance and persecution will obscure the issues; the intricacies of the criminal trial process will delay resolution of cases significantly.

In sum, SB 356 drastically limits the Commission's jurisdiction to investigate and administratively prosecute violations of the Campaign Disclosure Act. The administrative process of adjudicating complaints of campaign disclosure violations is swift and relatively inexpensive, and fully protects the rights of those involved to due process of law. In place of this process, SB 356 requires that all intentional violations of the disclosure laws be prosecuted by the Department of Law. This will result in fewer actions to enforce the law, greater delay in those cases filed, and an increasing politicization of the entire process. The end result is to significantly decrease the probability that violations of the disclosure law will be punished.

HMB:RDM:cck

cc: Art Peterson
Regulations Attorney
Department of Law/Juneau

3/ We will prepare a fiscal note concerning these costs. The best rough estimate we have now is about \$190,000. This does not include figures for investigative services of the State Troopers.

Theda Pittman, Executive Director
Alaska Public Offices Commission
File No.: 366-209-86

January 30, 1986
page 3

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Department of Law/Juneau

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Alaska State Legislature

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

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



Senator Mitch Abood
CHAIRMAN

Senate Committee on State Affairs

November 25, 1985

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

file

Dear Ms. Rogers:

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

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

Very truly yours,

Mitch Abood/CA

Senator Mitch Abood

MEA:tdd
Enclosures

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

Document #2

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

Section

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

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

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

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

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

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

Chapter 45. Regulation of Lobbying.

Article

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

NOTES TO DECISIONS

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

Section

31. Powers and duties

Sec. 24.45.031. duties under this c
(1) prescribe the and other documen
(2) prepare and accounting, bookke: tate compliance wit the duties of persc instructions shall b
(3) provide assist this chapter;

(4) prepare and p and recommendatio able to the governor calendar year;

(5) report suspec general.

(b) The commissi.

(1) hold hearings provisions of this ch.

(2) in conjunction pel the attendance : affirmations, and r documents or other i under this chapter;

(3) prepare, publi. at least quarterly s reports received; th lobbyists and emplo

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

Article 3. I

Section

31. Reports

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

Supplement

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

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

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

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

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

NOTES TO DECISIONS

Cited in *Mukluk Freight Lines v. No. 967 (File No. 1870)*, 516 P.2d 40-41, *Nabors Alaska Drilling, Inc., Sup. Ct. Op.* (1973).

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

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

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

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

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

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

(6) furnished to all Legislative Affairs

(7) furnished to the legislature having legislative authority, together with the regulation or order of repeal authorized by AS

(8) furnished to the Com-

§ 44.62.1

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Op. Att'y Gen., No

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as. 1959

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

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

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

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am § 7 ch 40 SLA 1969.

VS

File No. 1870), 516 P.2d 404

tion. (a) At least 30 days
a regulation, notice of the

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

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

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

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

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

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

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

Where a lengthy regulation on one sub-
ject is to be proposed the best policy would
be to briefly summarize the content and
purpose of the regulation. 1959 Op. Att'y
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If only a very short regulation is
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general listing of the subjects to be
covered, a reference to any other existing
body of regulations which are being
adopted, amended or superseded which
might be informative to the particular
public or industry concerned (such as a
reference to existing regulations of a state
agency or department or to existing
federal regulations) and a brief listing of

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

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

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

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

MEMORANDUM

State of Alaska [28]

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

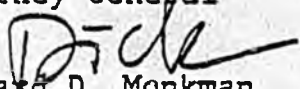
DATE: November 14, 1985

FILE NO: 399-069-85

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: Regulations

By: 
Richard D. Monkman
Assistant Attorney General

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

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

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

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

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

15

2 AAC 50.313 is amended by adding a new section ^{sub} 313 to read:

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

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

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

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

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

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

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

~~(7) For purposes of 2 AAC 50.313(a), the term "anything of value" includes all kind or non-monetary contributions. Examples of such in-kind goods or services include facilities, equipment, polling information, supplies, personnel, advertising services, membership lists, mailing lists, and any item of tangible or intangible real or personal property, but does not include volunteer services specified in 2 AAC 50.313(b)(1), other than paid personal services. "Paid personal services" are personal services of every kind and nature the cost or consideration for which is paid or provided by a person other than the candidate or group for whom the services are rendered.~~

Not should they be in the right place.
HAC 50.405 (4)

As duplicates of 15.13.130(2)

Letter to keep 50.355 as is unclear

ARRIVED

NOV 15 1985

9/9/85 399-132-85

APOC-ANOH PM (HC)

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

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

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

OUT unnecessary unclear

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1-7-2-1-1

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

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

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

OUT unworkable

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

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

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

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

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

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

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

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

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

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

*OUT
no authority
inconsistent with
AS 15.13.130 (2)*

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

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

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

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

*OUT
one year
unnecessary*

no definition within which are sufficient to

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

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

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

Register)

Authority: ~~AS 15.13.010(1)~~
~~AS 15.13.030(2) & (10)~~
~~AS 15.13.040~~

~~AS 15.13.070~~
~~AS 15.13.110~~
~~AS 15.13.130(2) & (10)~~

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

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

Authority: AS 15.13.030(10)

~~AS 15.13.040~~
~~AS 15.13.070~~
~~AS 15.13.130(2) & (10)~~

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

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

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

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

~~(i) legal and rightful title~~ including

~~(ii) an equitable interest~~

~~(b) (1)~~ salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stock or other investments; bequests to the candidate; income from trusts established before he or she intended to become a candidate; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; and gifts of a personal nature which had been customarily received prior to candidacy.

(b) ~~(1)~~ A candidate may use a portion of assets jointly owned as personal funds. The portion of the jointly owned assets that shall be considered as personal funds shall be that portion which is the candidate's share under the instruments of conveyance or ownership. With respect to spouses, if no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse where there is no instrument of conveyance or ownership, the percent of the asset belonging to the candidate shall be the pro rata share of the purchase price paid by the candidate, or, if no purchase was made, the amount determined by dividing the value by the number of owners.

(c) ~~(1)~~ A candidate's personal donation of goods remaining from a prior campaign are not a contribution.

(d) ~~(1)~~ No contribution is made from a loan of money by a regulated banking institution to a candidate if the loan is made in accordance with applicable banking laws and regulations and made in the ordinary course of business. A loan is made in the ordinary course of business if it: bears the usual and customary interest rate for the category of the loan involved; is evidenced by a written instrument; and is subject to a due date or amortization schedule. ~~Loans under this section are reported as a candidate's personal contribution.~~

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

unnecessary
2 AAC
50.316
(a) covers

not repealed, 50.316 is
not repealed, 50.316 is

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

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

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

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

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

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

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

Authority:

~~AS 15.13.030(1)~~ ~~AS 15.13.060~~
~~AS 15.13.050(2)~~ ~~AS 15.13.070(5)~~
~~AS 15.13.030(8)~~ ~~AS 15.13.070(7)~~
~~AS 15.13.070(10)~~ ~~AS 15.13.070(9)~~
 AS 15.13.050

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

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

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

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

405
2 AAC 50 is amended to add a new section to read:

~~2 AAC 50.356. GROUP~~ ^{sub (7)} ~~the "group" is defined as including~~ ^{es}

^{combination of}
(1) every two or more persons who are elected, appointed, or otherwise chosen or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the raising, solicitation, or disbursement of money or anything of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition. A group includes a political action committee, ~~political party (or the official subdivisions thereof), draft group, association, club, or two or more persons that receive contributions or make expenditures to support or oppose any person for election or defeat or passage of any ballot proposition.~~ A group is any corporation, partnership, trade association, incorporated or unincorporated association, or labor organization organized to aid or promote the nomination, election, defeat or recall, of any candidate for political office or to aid the passage or defeat of any ballot proposition. Two or more persons who make a contribution in the name of another as provided in 2 AAC 50.357 create a political group.

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

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

(B) The organization does not conduct a fundraising drive or assessment among those ~~satisfying the conditions of membership or employment~~ for the purpose of influencing an election; ^{its}

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

- Authority: ~~AS 15.13.010~~
✓ AS 15.13.030(10)
~~AS 15.13.030(2)~~
~~AS 15.13.050(10)~~
✓ AS 15.13.040(b), (c), (d) and (e)
~~AS 15.13.070(1)~~
~~AS 15.13.070(1)~~
✓ AS 15.13.130(7)

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

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

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

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

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

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

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

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

(iv) Are in a parent subsidiary relationship.

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

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

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

- Authority: ~~AS 15.13.010(b)~~
- ~~AS 15.13.030(2)~~
- AS 15.13.030(10)
- ~~AS 15.13.048~~
- AS 15.13.050
- AS 15.13.070(a)
- AS 15.13.070(d)
- AS 15.13.070(h)

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

no undue coercion

if registration can be made with definition

2 AAC 50.360, MUNICIPALITIES, is amended to read:

(a) When a municipality seeks to influence the outcome of an election, using budgeted municipal funds, it shall report under AS 15.13.040(d) and (e), on AROC forms 15-3 and 15-4

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

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

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

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

Authority: ~~AS 15.13.010~~
AS 15.13.030(10)
~~AS 15.13.060~~
~~AS 15.13.090~~

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

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

Authority: AS 15.13.030(10)
AS 15.13.090

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

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

Authority: AS 15.13.030(10)
AS 15.13.090

reports present language

2 AAC 50.380. EARLY CAMPAIGNING is amended to read:

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

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

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

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

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

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

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

(1) calculate the initial civil penalty as follows:

(A) \$10 a day for each 30 Day Report or 10 Day Report

(B) \$10 a day for each Year-end Report received after January 16;

(C) \$50 a day for each 7 Day Report; and

(D) \$50 a day up to a maximum of \$300 for each 24 Hour Report of contributions received by a candidate or a group;

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

Authority: ~~AS 15.13.010~~
~~AS 15.13.030(10)~~
~~AS 15.13.040(b), (c), (d) & (e)~~
~~AS 15.13.100(1)~~

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

AS 15.13.125