

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

4367 SSTA SB 356

1244

TSP: use debt

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

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

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

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

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

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

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

Just unclear and unnecessary

TSP phone: (d) can probably be resolved

2 AAC 50.401
2 AAC 50.450

Campaign ~~Disclosure~~ Law.

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~
~~AS 15.13.030(2)~~
~~AS 15.13.030(8)~~
✓ AS 15.13.030(10)
✓ AS 15.13.040
~~AS 15.13.050~~
✓ AS 15.13.070
~~AS 15.13.100~~
✓ AS 15.13.110
~~AS 15.13.130(1)~~
~~AS 15.13.130(2)~~
~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~

2 AAC 50.450(d) is amended to read:

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

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

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

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

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

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

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

OK

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

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

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

2 AAC 50.470, HEARINGS, is amended to read:

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

(b) Notice of a hearing ^{will} ~~must~~ be provided to all parties ~~at least 30 days~~ ^{under AS 44.62.470} before a hearing.

(c) 2 AAC 50.470(c) ^{is} repealed.

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

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

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

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

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

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

(3) 2 AAC 50.470(g)(3) ³repealed.

(h) 2 AAC 50.470(h) ³repealed.

(i) 2 AAC 50.470(i) ⁵repealed.

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

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

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

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

(n) 2 AAC 50.470(n) ⁶repealed.

(o) 2 AAC 50.470(o) ⁷repealed.

(p) 2 AAC 50.470(p) ⁷repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Advisory opinion requests are public records. ^{considered in the}

(e) The Commission staff shall issue ^{an advisory opinion} ~~staff advice~~ approving or disapproving of the activity, and ~~set forth any staff recommendations it will~~ ^{may, make other} ~~make to the Commission.~~ ^{in its discretion,}

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

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

① and may, in its discretion, consider

Insert so as not to trigger hearing procedures!

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

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

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

before

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

2 AAC 50.910 is amended to read:

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

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

Publisher:
pls add new §§ 313, 314, 316, 319, 357, + 401
to the Register
The content of Art. 2.
1/25/95

Carols

2 AAC 50. is amended by adding a new section 313^{and 314} to read:
~~DEFINITION OF~~ In 2 AAC 50.310-2 AAC 50.315 except as otherwise provided in this section

2 AAC 50.313 CONTRIBUTION (a) ~~The term "contribution" includes the following payments, of money, services, or anything of value:~~
~~of money (services), gift, subscription, loan, advance, payments, transfer, of funds~~
or deposit, or anything of value made by any person or group for the purpose of influencing any election for state or municipal office or influencing the passage or defeat of a ballot proposition or question; ~~and includes a personal contribution.~~
as described in 2 AAC 50.316.

(b) IN this section and in 2 AAC 50.314, "loan" includes a guarantee, endorsement, and any other form of security. The following apply to loans:

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

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

(3) ~~(C)~~ Except ~~as provided in 2 AAC 50.316~~ ^{for a personal contribution loan as described in} a loan is a contribution by each endorser or guarantor. Each endorser or guarantor is considered shall be deemed to have contributed that portion of the total amount for of the loan which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. ~~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.~~ ^{Disagree with 12.}

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) ~~(1)~~ 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~~ ^{committee, campaign,} ~~the candidate~~ ^{her} campaign, ~~his or her~~ ^{committee, campaign,} agents, or campaign consultants is a contribution to the candidate. The financing by ~~any~~ person of the issuance, republication, or distribution of ~~any~~ broadcast or ~~any~~ written, graphic, or other form of campaign material provided by the candidate, ~~his or her~~ ^{the candidate's} campaign committee, campaign agents, or campaign consultants is a contribution to the candidate. This includes ~~any~~ expenditure:

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

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

~~(3) (4)~~ Made by any person or group based on data from a candidate's ~~former~~ pollster or campaign consultant or any other person who has received, or is receiving, compensation or reimbursement from the campaign;

~~(4) (8)~~ Made by a political group for soliciting contributions to be paid or delivered directly to a candidate or ~~his or her~~ ^{the candidate} campaign agents.

(k) In (j) of this section, ~~(5) For purposes of 2 AAC 50.313(8),~~ "campaign agents" includes all officers, campaign managers, treasurers, deputy treasurers, campaign consultants, and persons who reasonably appear to have authority to make expenditures and solicit contributions for a candidate's campaign.

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

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

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

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

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

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

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

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

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

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

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

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

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

T.M.
PBF
12/14/85

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

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

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

A

2 AAC 50.316. PERSONAL CONTRIBUTIONS BY A CANDIDATE. (a) ~~Candidate~~ ^{personal} for state or municipal office may make unlimited contributions from any assets which, under Alaska law, at the time he or she ~~became a candidate~~ ^{became a candidate} elective office, ~~the candidate had legal right of access to or control over~~ ^{and with respect to which the candidate had legal and rightful title} including salary and other earned income from bona fide employment; dividends; and proceeds from the sale of ~~the candidate's stock or other investments~~; bequests to the candidate; income from trusts established before he or she intended to ~~become a candidate~~ ^{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~~ ^{before} candidacy.

These assets include

(b) A candidate may use a portion of ~~assets jointly owned~~ ^a as a personal contribution, ~~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~~ ^{shall} be considered the personal funds of the candidate. In the case of property jointly owned by a non-spouse, ~~where~~ ^{where} if there is no instrument of conveyance or ownership, the ~~portion~~ ^{portion} of the asset belonging to the candidate ~~shall be~~ ^{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~~ ^{the value} by the number of owners.

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

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

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

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

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

2 AAC 50.319. DESIGNATED CAMPAIGN DEPOSITORY; (a) Each candidate and political group intending to raise or spend more than \$5,000~~00~~ in a calendar year shall designate on a Registration Statement or the first Campaign Disclosure Statement filed with the commission, one or more regulated banking institutions as its campaign depository or depositories. ~~The~~ ^(each) account title shall ~~must~~ ^{must} indicate ~~it~~ ^{that} is a campaign account.

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

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

(d) Contributions ~~which~~ ^{that} appear to be illegal ~~shall~~ ^{must}, within ten days ^{after receipt} be returned to the contributor ~~or~~ deposited into the campaign depository and reported. If ~~deposited~~ ^{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~~ ^{must} be included in ~~the report~~ ^{next required report}.
A campaign ~~the~~ treasurer shall make his or her best efforts to determine the legality of a contribution.

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

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

2 AAC 50.325 is repealed.

2 AAC 50.325 / / .

2 AAC 50.330 is repealed.

2 AAC 50.330 / / .

2 AAC 50.350 is repealed.

2 AAC 50.350 / / .

2 AAC 50.355 is repealed.

2 AAC 50.355 / / .

LOANS. Repealed

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

Thx
PBF
12/4/85

Publisher:
Pls move new
§ 314 to p. 5.
The
POT
12/4/85

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

314 DEFINITION OF "GROUP"; REPORTING BY BUSINESSES.

2 AAC 50.358. ~~GROUP~~ (a) The word "group" is defined as including ^{es}
~~(in 2 AAC 50.310 -- 2 AAC 50.405)~~

(1) every combination of two or more persons who are elected, appointed, or otherwise chosen, or who cooperate for the purpose of raising, soliciting, collecting, or disbursing money or anything of value, or directing or controlling the ~~raising, solicitation, or disbursement of money or anything~~ ^{of value} to ~~of value for securing or defeating the election to public office of an individual or candidate or securing or defeating a ballot proposition;~~ ~~A group includes~~ a political action committee, draft group, association, club, corporation, partnership, trade association, incorporated or unincorporated association, or labor organization ^{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; ~~(2) Two or more persons who~~ ^{jointly} make a contribution in the name of another as ~~provided in 2 AAC 50.357.~~ ^{described} ~~create a political group.~~

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

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

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

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

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

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

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

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

(c) ~~Any~~ 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. ^{Two or more} ~~Two or more~~ ~~organizations~~ ^{corporations} ~~are controlled for purposes of this paragraph when such organi-~~ ~~zations~~ ^{corporations} ~~to the same recipient are in the name of another if the~~ ^{organizations}

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

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

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

(4) ~~Any~~ are in a parent-subsidary relationship.

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

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

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

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

(a) ~~When~~ ^{IF} 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 1986 forms 15-5 and 15-2~~ ^{as an individual}

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

(d) ^{IF} 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 ^{WPC} ~~in accordance with 2 AAC 50.342, and AS 15.13.050~~ .040(b) and (c) ^{and 15/13} (Eff. 5/16/76, Register 58; am / / , Register)

Authority: AS 15.13.010
AS 15.13.030(10)
~~AS 15.13.060~~ ^{AS 15.13.040}
AS 15.13.090 ^{AS 15.13.050}

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

^{IN THIS SECTION AND IN AS 15.13.090,}
(e) ~~"Communications"~~ ^{as used in AS 15.13.030} include all material related to campaign fund-raisers, campaign letterhead, thank you notes, and press releases but does not include envelopes paid for by the campaign which are used solely to convey the campaign's properly identified communications. (Eff. 4/28/79, Register 70; am 10/18/81, Register 80; am 6/29/84; Register 90; am / / , 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:

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

Authority: AS 15.13.030(10)
AS 15.13.090

2 AAC 50.380 EARLY CAMPAIGNING is amended to read:

2 AAC 50.380. EARLY CAMPAIGNING. (a) An individual wishing to campaign for municipal elective office shall ~~comply with AS 15.13.100 by providing~~ ^{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 ^{yet} opened. An individual wishing to campaign for state elective office shall ~~comply with AS 15.13.100 by filing~~ ^{comply with} a declaration of candidacy with the lieutenant governor or a letter of intent with the commission.

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

Authority: AS 15.13.030(10)
AS 15.13.100

2 AAC 50.385 is Repealed:

2 AAC 50.385. / / 2

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

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

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

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

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

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

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

(D) \$50 a day up to a maximum of \$300 for each 24-Hour Report ^{of contributions received by a candidate or a group;} (Eff. 7/22/78; Register 67; am 5/14/80, Register 74; am 5/24/81, Register 78; am 6/29/84, Register 90, am / / , Register)

Authority: AS 15.13.010

AS 15.13.030(10)

~~AS 15.13.040(b), (c), (d) & (e)~~

~~AS 15.13.130(2)~~

AS 15.13.125

2 AAC 50.395 is repealed.

2 AAC 50.395. / / 2

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

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

2 AAC 50.401. POST-ELECTION FUNDRAISING BY CANDIDATES AND CONTROLLED GROUPS. (a) A candidate or ~~candidate~~ ^{a candidate} controlled group may make ~~expenditures~~ ^{expenditures} for the purpose of raising ~~money~~ ^{money} to discharge a ~~reported indebtedness~~ ^{reported indebtedness} from a prior campaign, ~~in accordance with (c) of this section.~~ ^{in accordance with (c) of this section.}

(b) Absent a debt arising from a prior campaign, a candidate may not spend money for the purpose of seeking public office unless the individual ~~is~~ ^{has} is in compliance with AS 15.13.100, the early campaigning provisions of 2 AAC 50.380, or an advisory opinion ~~issued under 2 AAC 50.401(c) of this section and 2 AAC 50.905.~~ ^{issued under 2 AAC 50.401(c) of this section and 2 AAC 50.905.}

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

(d) ~~For purposes of 2 AAC 50.401(a) (c), an indebtedness arising from a prior campaign shall include~~ ^{A debt}

(1) a candidate's personal contributions ~~or loans made from his or her personal funds or assets~~ ^{or loans made from his or her personal funds or assets} before the date of the prior election;

(2) ~~any~~ ^{any} campaign debts to others ~~remaining unpaid after the candidate or group has reported the same on a 10-Day Post-election Campaign Disclosure Statement;~~ ^{that were remaining unpaid after the candidate or group has reported the same on a 10-Day Post-election Campaign Disclosure Statement;}

(3) ~~any~~ ^{any} post-election expenditures made for the purpose of discharging ~~an indebtedness~~ ^{an indebtedness} arising from a ~~previous~~ ^{previous} campaign; and

(4) the costs reasonably associated with winding up the affairs of the prior campaign, including social events held immediately after the election for the benefit of campaign workers or volunteers, communications of acknowledgement, and legal and accounting fees ~~to comply with the AS 15.13 and~~ ^{reasonably incurred}

2 AAC 50.310 -- 2 AAC 50,405.

Register

1977

2 AAC 50.401
2 AAC 50.450

~~Campaign Disclosure Law~~

(Eff. / / , Register)

Authority: ~~AS 15.13.010(b)~~ ~~AS 15.13.030(2)~~
~~AS 15.13.030(9)~~ ~~AS 15.13.030(10)~~
AS 15.13.040 → ~~AS 15.13.050~~
AS 15.13.070 → AS 15.13.100
AS 15.13.110 → AS 15.13.130(10)
~~AS 15.13.130(2)~~ ~~AS 15.13.130(3)~~
~~AS 15.13.130(4)~~

2 AAC 50.405(4) is repealed.

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

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

Authority: AS 15.13.030(10)
AS 15.13.130

2 AAC 50.450(d) is amended to read:

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

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

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

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

(B) determine that the complaint is sufficient on its face, and it will be handled under (e) ~~(1), (2), and (3)~~ of this section.

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

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

~~11/25/85 399-069 95~~

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

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

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

*Publisher:
pls set out unchanged
all of 5470 to which amendments
are disapproved.
TAX
PBF
12/5/85*

2 AAC 50.470, HEARINGS, is amended to read:

~~2 AAC 50.470. HEARINGS. (a) If the commission decides that a hearing will be held, a notice of hearing will be issued in place of the accusation or statement of issues required by AS 44.62.260 and AS 44.62.370.~~ *Disapp PBF 12/5/85*

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

~~(c) 2 AAC 50.470(c) is Repealed.~~ *1 / . ← Approved*

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

~~(e) The only parties to the hearing will be the staff, representing the complainant or itself, and the respondent.~~ *Disapp PBF 12/5/85 ←*

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

(g) The rules of evidence are in AS 44.62.460. In addition *← Approved*

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

Disapp
PBF
12/5/85

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

← approved

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

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

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

← Disapp
PBF
12/5/85

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

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

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

Disapp
PBF
12/5/85

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

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

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

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

↑
← Approved
←

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

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

← Disapp
PBF
12/5/85

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dist. 12/18/85

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

Publ. 12/18/85
is and new
to the
Art. 5
PBF

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

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

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

(c) The Commission staff shall review all requests for advisory opinions submitted under ~~2 AAC 50.905(a) or (b)~~ ^{2 AAC 50.905(a) or (b)}. If the staff determines a request is incomplete or does not qualify ~~under (a) or (b)~~ ^{under (a) or (b)}, it shall notify the requesting person or ~~political~~ group and specify the deficiencies in the request.

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

(e) The Commission staff shall issue ~~an~~ ^{a proposed} advisory opinion approving or disapproving of the activity, and may make other recommendations ~~it will make~~ to the Commission.

~~The Commission will review the proposed advisory opinion and will, at its next regularly scheduled meeting, the Commission may, in its discretion, review the staff recommendations written or oral comments by any person, or any other relevant evidence. The Commission will, in its discretion, approve, disapprove, or modify the staff recommendations. The Commission must will approve an advisory opinion by the affirmative vote of 4 members, or the advisory opinion will be deemed disapproved.~~ ^{The Commission will review the proposed advisory opinion and will, in its discretion, approve, disapprove, or modify the proposed advisory opinion. The Commission will approve an advisory opinion by the affirmative vote of 4 members, or the advisory opinion will be deemed disapproved.}

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

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

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

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

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

2 AAC 50.910 is amended to read:

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

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

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 Aboud
CHAIRMAN

Senate Committee on State Affairs

Subject: APOC Reality Check (a sampling of criminal penalties)

CLASS C FELONIES

Criminally negligent homicide
Sexual abuse of a minor in the 3rd degree
Incest
Endangering the welfare of a minor
Escape in the 3rd degree
Promoting contraband in the 3rd degree
Terrorist threatening
Riot
Distribution of child pornography
Promoting prostitution in the 3rd degree
Jury tampering
Tampering with a witness in the 3rd degree
Misconduct involving a controlled substance in the 4th degree
Assault in the 3rd degree
Coercion
Theft in the 2nd degree (more than \$500 but less than \$25,000)
Custodial interference in the 1st degree (causing the victim to be removed from the State)
Issuing a bad check (more than \$500 but less than \$25,000)
Obtaining a credit card by fraudulent means
Burglary in the 2nd degree
Commercial bribe receiving

CLASS A MISDEMEANORS

Sexual abuse of a minor in the 4th degree
Assault in the 4th degree
Theft in the 3rd degree
Criminal nonsupport
Unlawful marrying
Tampering with a witness in the 2nd degree
Driving while intoxicated
Resisting or interfering with arrest
Misuse of confidential information
Interference with constitutional rights
Misconduct involving a corpse

CLASS B MISDEMEANORS

Indecent exposure
Prostitution

Theda 276-4176

During this morning's meeting, the Committee asked for a detailed analysis of the specific areas of SB 356 that the APOC does not support. *Sections*

Sen. Abood also wants to obtain the copy of the communication to or from the Commission members showing that they do not support these provisions.

Please send the information by telecopy
AS SOON AS POSSIBLE

called
1/31/84
1:25 pm

Bradley
2/20/86

Original sponsor: State Affairs
Committee

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
 2 CS FOR SENATE BILL NO. 356 (State Affairs)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 FOURTEENTH LEGISLATURE - SECOND SESSION
 5 A BILL

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

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

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

11 CHAPTER 14. ELECTION CAMPAIGN FINANCING.

12 ARTICLE 1. ALASKA PUBLIC OFFICES COMMISSION.

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

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

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

1 additional regulation of campaign contributions and expenditures by
2 ordinance.

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

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

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

15 (b) The commission consists of five members.

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

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

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

1 an impending vacancy, and the appointment takes effect on the actual
2 vacancy.

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

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

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

17 (1) hold or campaign for elective office;

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

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

23 (4) participate in an election campaign or participate in
24 or contribute to a political party; or

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

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

1 (j) The members of the commission shall elect a chairman. A
2 majority of the commission constitutes a quorum. The affirmative vote
3 of at least three members is required to take official action. A
4 vacancy does not impair the power of the remaining members to exercise
5 the powers of the commission.

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

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

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

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

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

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

28 (o) The commission shall ensure that copies of each report filed
29 by a candidate for municipal office are made available for public

1 inspection in the municipality in which the candidate is seeking
2 office.

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

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

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

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

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

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

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

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

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

1 AS 39.50;

2 (9) prepare and publish an annual report to the legislature
3 concerning the activities of the commission, the effectiveness of this
4 chapter, and recommendations 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 action committees for the purpose
14 of seeking elective office; or

15 (2) files for an elective office.

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

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

22 Sec. 15.14.050. REGISTRATION BY POLITICAL ACTION COMMITTEES.

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

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

27 (2) makes

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

1 (B) an expenditure in support of or in opposition to
2 the election of an individual to an office covered by this chap-
3 ter, or on behalf of or in opposition to a ballot proposition or
4 question.

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

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

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

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

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

28 (g) A political action committee required to register under this
29 section shall include with the registration the information required

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

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

9 (1) for each individual, person, or political action com-
10 mittee from which contributions in the aggregate amount of \$250 or
11 more were received:

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

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

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

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

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

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

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

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

29 (D) the purpose of the loan;

1 (E) the date and total value of the loan or financial
2 obligation;

3 (F) the interest rate of the loan or financial obliga-
4 tion;

5 (G) the date the loan or financial obligation is due;
6 and

7 (H) the security, if any, for the loan or financial
8 obligation;

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

11 (4) a total of all contributions received;

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

14 (6) the date, amount, and purpose of each expenditure.

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

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

24 (2) seven days before the election.

25 (c) A candidate shall file a special contribution or loan report
26 with the commission for each contribution or loan of \$500 or more that
27 is received within the last 10 days before the election. The report
28 must include the full name, complete address, principal occupation and
29 employer of the contributor or lender and the date and amount of the

1 contribution or loan. The report shall be filed within 24 hours after
2 the contribution or loan is received.

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

10 (1) need include only the contributions, loans, and expen-
11 ditures that were not reported to the commission in the reports
12 required under (b) and (c) of this section;

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

16 (3) must include the amount and the disposition of surplus
17 funds.

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

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

28 (1) for each individual, person, or political action com-
29 mittee from which contributions in the aggregate amount of \$250 or

1 more were received:

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

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

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

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

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

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

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

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

20 (D) the purpose of the loan;

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

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

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

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

29 (3) the total number and amount of all contributions

1 received of less than \$250;

2 (4) a total of all contributions received;

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

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

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

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

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

18 (1) 30 days before the election;

19 (2) seven days before the election.

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

27 (d) A political action committee shall file an annual report on
28 or before January 31 of each year. The annual report must include all
29 of the information required under (a) of this section for

1 contributions and loans received and expenditures made between Janu-
2 ary 1 and December 31 of the immediately preceding year, except that
3 an annual report covering contributions and loans received and expen-
4 ditures made during the year in which an election designated under
5 AS 15.14.050(f) is held need include only those contributions, loans,
6 and expenditures that were not reported to the commission in the
7 reports required under (b) and (c) of this section. If the political
8 action committee has not indicated a continuing existence under AS 15.-
9 14.050(h), the report filed under this section is the final report.

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

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 action committee at the time the statement is filed with the commis-
3 sion.

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

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

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

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

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

29 (c) In this section, an "agent of the candidate" means an

1 individual

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

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

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

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

19 ARTICLE 3. CONTRIBUTIONS AND EXPENDITURES.

20 Sec. 15.14.110. 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 action committee.

24 (b) A person may not make a contribution in excess of \$2,000 in
25 the aggregate during a calendar year in money, goods, or services to a
26 candidate.

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

1 committee.

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

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

6 (2) to a political party.

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

10 (1) a contribution in the form of a loan by a candidate or
11 the spouse, parent, or child of the candidate to the campaign of the
12 candidate; or

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

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

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

20 (b) Except as provided in (c) of this section, a political
21 action committee may not contribute or make an expenditure, other than
22 as an independent expenditure, of more than \$2,000 in the aggregate
23 during a year to a candidate or to a political action committee, and
24 may not contribute more than \$25,000 in the aggregate during a calen-
25 dar year to candidates or political action committees generally, other
26 than to political action committees formed solely for the purpose of
27 supporting or opposing a ballot proposition or question.

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

1 services to

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

4 (2) a political party.

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

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

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

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

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

23 (b) A candidate and a campaign officer of a candidate may not
24 accept a contribution in excess of \$2,000 in the aggregate during a
25 calendar year in money, goods, or services.

26 (c) Except as provided in this subsection, a political action
27 committee and an officer of a political action committee may not
28 accept a contribution in excess of \$2,000 in the aggregate during a
29 calendar year in money, goods, or services. A political action

1 committee formed solely for the purpose of sponsoring or opposing an
2 initiative or a referendum may

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

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

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

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

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

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

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

25 (b) A contribution made by a person wishing to remain anonymous
26 and received by a candidate or political action committee may not be
27 accepted, but shall be returned to the donor if the identity of the
28 donor is known. If the identity of the donor is not known, the con-
29 tribution shall be donated to an organization that qualifies as a
charitable organization under 26 U.S.C. 501(c).

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

8 ARTICLE 4. CAMPAIGN CONDUCT AND ADMINISTRATION.

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

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

28 (c) An individual may not act as the campaign chairman, campaign
29 treasurer, or deputy campaign treasurer for a candidate or political

1 action committee until the name, address, and telephone number of the
2 individual has been filed with the commission. The address of a
3 candidate's campaign treasurer is the address of the candidate unless
4 the candidate files a different mailing address with the commission.

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

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

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

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

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

27 (f) The candidate is responsible for the performance of the
28 campaign officers of the candidate. The campaign chairman of a polit-
29 ical action committee is responsible for the performance of the other

1 officers of the political action committee. A default or violation by
2 the officer is considered a default or violation by the candidate if
3 the candidate knew or had reason to know of the default or violation.
4 A default or violation by the officer of the political action commit-
5 tee is considered a default or violation by the campaign chairman of
6 the political action committee if the campaign chairman knew or had
7 reason to know of the default or violation.

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

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

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

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

17 (c) Surplus campaign funds shall be disposed of under AS 15.14.-
18 190.

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

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

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

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

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

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

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

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

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

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

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

20 (3) the payment of loans made by the candidate to the
21 campaign of the candidate.

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

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

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

29 (3) after registering with the commission under

1 AS 15.14.040, transferring the funds to a newly designated election
2 campaign account for a designated state election to be held not more
3 than four years after the election designated under AS 15.14.040(b);

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

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

10 (6) returning the funds to contributors on a pro rata
11 basis.

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

15 Sec. 15.14.200. SOLICITATION OF CONTRIBUTIONS. (a) A public
16 officer or employee of the state or of a municipality of the state may
17 not, while on the premises of a state or municipal office, solicit or
18 request a contribution to a candidate, political action committee or
19 political party.

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

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

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

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

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

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

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

17 Sec. 15.14.220. CAMPAIGN FINANCING VIOLATIONS IN THE FIRST
18 DEGREE. (a) A person who, with intent to avoid disclosure, fails to
19 file a report of contributions or expenditures required to be filed 30
20 days or seven days before an election under AS 15.14.060(b) or fails
21 to file a report within 24 hours after receiving a contribution or
22 making an expenditure under AS 15.14.060(c) is subject to a civil
23 penalty of not less than \$100 nor more than \$300 for each day that the
24 report is due but not filed up to a maximum of \$25,000 for each
25 report.

26 (b) A political action committee that, with intent to avoid
27 disclosure, fails to file a report of contributions or expenditures
28 required to be filed 30 days or seven days before an election under
29 AS 15.14.070(b) or fails to file a report within 24 hours after

1 receiving a contribution or making an expenditure under AS 15.14.-
2 070(c) is subject to a civil penalty of not less than \$100 nor more
3 than \$300 for each day that the report is due but not filed up to a
4 maximum of \$25,000 for each report.

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

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

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

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

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

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

23 (e) A person who knowingly makes a contribution in excess of the
24 \$2,000 limitation under AS 15.14.110(b) or (c) is subject to a civil
25 penalty

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

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

29 (f) A political action committee that knowingly makes a

1 contribution in excess of the \$2,000 limitation under AS 15.14.120(b)
2 or in excess of the \$25,000 limitation under AS 15.14.120(b) is sub-
3 ject to a civil penalty

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

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

7 (g) Except as provided in AS 15.14.130(c), a political action
8 committee that knowingly accepts a contribution in excess of the
9 \$2,000 limitation established in AS 15.14.130(c) is subject to a civil
10 penalty

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

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

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

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

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

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

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

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

1 aggregate.

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

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

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

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

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

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

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

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

28 (n) A person or political action committee that knowingly
29 accepts a contribution from a public officer or employee of the state

1 or a municipality of the state in a manner prohibited under AS 15.14.-
2 200(a) or (b) is subject to a civil penalty of not less than \$500 nor
3 more than \$5,000.

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

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

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

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

29 (1) of not less than \$50 nor more than \$500 for each false

1 or misleading statement; and

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

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

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

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

13 (f) A person who makes a contribution in excess of the \$2,000
14 limitation under AS 15.14.110(b) or (c) is subject to a civil penalty

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

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

18 (g) A political action committee that makes a contribution in
19 excess of the \$2,000 limitation under AS 15.14.120(b) or in excess of
20 the \$25,000 limitation under AS 15.14.120(b) is subject to a civil
21 penalty

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

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

25 (h) A person who makes a contribution in the form of cash during
26 the year of more than \$100 in the aggregate in violation of AS 15.14.-
27 110(a) is subject to a civil penalty

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

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

1 the limitation.

2 (i) A person who knowingly makes a contribution in the form of
3 cash during the year of more than \$100 in the aggregate in violation
4 of AS 15.14.110(a) is subject to a civil penalty of not to exceed the
5 amount of the cash contribution.

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

10 (k) A candidate or political action committee that knowingly
11 accepts a contribution in the form of cash during the year of more
12 than \$100 in the aggregate in violation of AS 15.14.130(a) is subject
13 to a civil penalty of not to exceed the amount of the cash contribu-
14 tion.

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

19 (m) A person who fails to dispose of surplus funds by the date
20 established in AS 15.14.190(b) is subject to a civil penalty of not
21 less than \$25 nor more than \$100 per day for each day that the surplus
22 funds should have been but were not disposed of, up to a maximum of
23 \$2,000.

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

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

29 (2) uses campaign funds for a purpose not permitted under

1 AS 15.14.170;

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

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

6 (5) fails to include in a communication intended to influ-
7 ence the election of a candidate or the outcome of a ballot proposi-
8 tion or question the information required under AS 15.14.210(a) or
9 (b).

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

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

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

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

21 (3) AS 29.20.170, if the candidate is a candidate for
22 borough assembly;

23 (4) AS 29.20.280, if the candidate is a candidate for
24 borough mayor;

25 (5) AS 29.20.170, if the candidate is a candidate for city
26 council;

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

29 (7) the provisions of the call for the constitutional

1 convention, if the candidate is a candidate for constitutional conven-
2 tion delegate;

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

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

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

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

15 (b) A prosecution alleging a violation of AS 15.14.230 must be
16 commenced within two years from the date of the alleged offense.

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

21 Sec. 15.14.270. INVESTIGATIONS. (a) The commission may inves-
22 tigate a violation of AS 15.14.220, 15.14.230, AS 24.50 and AS 39.50
23 on its own motion or upon receiving a signed and sworn complaint from
24 any person.

25 (b) If an investigation is commenced by a signed and sworn
26 complaint by a person other than a member of the commission or its
27 employees, the commission shall, within five days after receiving the
28 complaint, mail a copy of the complaint to each person named in the
29 complaint.

1 (c) If, after an investigation, the commission determines that
2 there is probable cause to believe that a person has committed a
3 violation, the commission may commence violation proceedings by filing
4 and serving an accusation on the person alleged to have committed the
5 violation. The commission shall serve an accusation in the manner
6 provided by court rules for serving a complaint in a civil action.

7 (d) If the commission terminates an investigation without filing
8 an accusation, the commission shall, within five days after terminat-
9 ing the investigation, inform the complainant and each person named in
10 the complaint only of the fact that the commission has terminated the
11 investigation and will not be taking further action concerning the
12 complaint.

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

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

23 "To the Respondent: Unless you deliver or mail a written
24 request for a hearing signed by you or on your behalf to
25 the commission within 15 days after this accusation was
26 personally served on you or mailed to you, the commission
27 may proceed upon the accusation without further notice to
28 you. You may request a hearing by delivering or mailing
29 the enclosed form entitled 'Notice of Defense,' or by

1 delivering or mailing a notice of defense under AS 15.14.290
2 to the commission at its central office address (insert central
3 office address)."

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

8 Sec. 15.14.290. NOTICE OF DEFENSE. (a) Within 15 days after
9 service upon the respondent of the accusation, the respondent may file
10 with the commission a notice of defense. In the notice the respondent
11 may

12 (1) deny the accusation in whole or in part and request a
13 hearing;

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

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

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

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

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

27 (c) The respondent is entitled to a hearing on the merits if the
28 respondent files a notice of defense. The notice of defense is con-
29 sidered a specific denial of all parts of the accusation not expressly

1 admitted. Failure to file a notice of defense within the time spec-
2 ified in (a) of this section constitutes a waiver of the respondent's
3 right to a hearing, but the commission in its discretion may neverthe-
4 less grant a hearing. Unless objection is taken as provided in (a)(3)
5 of this section, all objections to the form of the accusation are
6 waived.

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

11 Sec. 15.14.300. HEARINGS. (a) If a respondent requests a
12 hearing on a contested accusation or, in the absence of a request, the
13 commission in its discretion decides to hold a hearing, the commission
14 shall mail or deliver a notice of hearing to the respondent at least
15 10 days before the hearing. The hearing may not be held before the
16 expiration of the time within which the respondent is entitled to file
17 a notice of defense. The notice to respondent must be consistent with
18 the form for notice of hearing under AS 44.62.420.

19 (b) The commission shall conduct its hearings under AS 44.62.-
20 440 - 44.62.500, except that

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

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

28 (c) A hearing under this section shall be open to the public
29 except that a respondent may request and the hearing officer or the

1 presiding commission member may order that the hearing be closed if
2 one or more of the requirements for holding an executive session under
3 AS 44.62.310(c) is met.

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

9 (1) holds a hearing at which the person accused is afforded
10 the right to appear, with or without counsel, the right to present
11 witnesses or other evidence and the right to cross examine witnesses;
12 and

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

16 (b) The executive director of the commission may not formally or
17 informally make a recommendation to the commission as to a particular
18 penalty in a pending matter or make a commitment to the respondent to
19 make a particular recommendation to the commission in the future until
20 after the respondent has admitted or pleaded no contest to the accusa-
21 tion or until after a hearing and a final determination by the com-
22 mission that the respondent has committed the acts charged in the
23 accusation.

24 (c) Before the executive director of the commission may make a
25 recommendation to the commission for the imposition of a particular
26 penalty in a matter, the respondent must first be given notice of the
27 recommendation and afforded an opportunity to respond to the recom-
28 mendation in person or in writing.

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

1 (1) the seriousness of the violation in terms of the extent
2 to which the violation has impeded public disclosure of information
3 required to be filed with the commission as to the amount and source
4 of contributions that are large enough to be of significant interest
5 to voters; and

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

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

15 (b) If an investigation by the commission discloses that a
16 person has committed a violation included in the schedule of fines
17 established under (a) of this section, the commission may, in lieu of
18 serving an accusation on the person, mail a notice of fine to the
19 person indicating the circumstances of the violation and the amount of
20 the fine established in the schedule for the violation. The person to
21 whom the notice is directed may pay the fine within 15 days after
22 receiving the notice or may file a notice of defense under AS 15.14.-
23 290.

24 (c) If the person does not pay the fine under (b) of this sec-
25 tion, the notice of fine constitutes an accusation under AS 15.14.280
26 and the commission shall proceed against the person under AS 15.14.-
27 280 - 15.14.310 and, upon determining that the person committed the
28 violation, may impose a penalty for the violation not to exceed the
29 maximum provided for the violation under AS 15.14.230.

1 Sec. 15.14.330. CONFIDENTIALITY. (a) An investigation by the
2 commission under AS 15.14.270 is confidential unless and until the
3 investigation results in the filing of an accusation under AS 15.-
4 14.280.

5 (b) A member or a former member of the commission and an em-
6 ployee or a former employee of the commission may not divulge the fact
7 of or any particular concerning a pending, past, or contemplated
8 investigation by the commission unless and until the filing of an
9 accusation by the commission.

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

12 Sec. 15.14.340. JUDICIAL REVIEW. Judicial review of a final
13 order of the commission may be had by filing a notice of appeal under
14 applicable rules of court governing appeals from administrative agen-
15 cies.

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

24 (b) The commission may examine the papers, books, records,
25 accounts and documents of a person subject to this chapter to deter-
26 mine the correctness of a report filed with the commission or in
27 conjunction with an investigation or inspection conducted under (a) of
28 this section.

29 (c) Subpoenas may be issued and shall be served in the manner

1 prescribed by AS 44.62.430 and court rule. The failure, refusal, or
2 neglect to obey a subpoena is punishable as contempt in the manner
3 prescribed by law or court rule. The superior court may compel obedi-
4 ence to the commission's subpoena in the same manner as prescribed for
5 obedience to a subpoena issued by the court.

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

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

13 ARTICLE 6. GENERAL PROVISIONS.

14 Sec. 15.14.900. DEFINITIONS. In this chapter

15 (1) "candidate" means an individual who

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

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

21 (C) accepts contributions totalling \$1,000 or more in
22 the aggregate from another person or political action committee
23 for the purpose of seeking elective office or retention in judi-
24 cial office;

25 (2) "contribution"

26 (A) means the purchase, payment, promise or obligation
27 to pay, loan or loan guarantee, deposit or gift of money, goods
28 or services for which charge is ordinarily made and that is made
29 for the purpose of influencing the nomination or election of a

1 candidate or for the purpose of influencing a ballot proposition
2 or question, including the payment by a person other than a
3 candidate or political party, of compensation for the personal
4 services of another person that are rendered to the candidate or
5 political party;

6 (B) does not include

7 (i) services provided without compensation by an
8 individual volunteering on behalf of a candidate or ballot
9 proposition or question, unless the services are volunteered
10 by an individual who would ordinarily be paid a fee or wage
11 for the services;

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

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

17 (iv) ordinary hospitality in a home;

18 (3) "expenditure"

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

22 (i) influencing the nomination or election of a
23 candidate or of any individual who files for nomination at a
24 later date and becomes a candidate;

25 (ii) influencing the outcome of a ballot proposi-
26 tion or question; or

27 (iii) providing payment of compensation for the
28 personal services of another person that are rendered to a
29 candidate or political party;

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

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

5 (5) "municipality" has the meaning given by AS 01.10.-
6 060(4);

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

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

14 (8) "political party"

15 (A) means a group of organized voters that

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

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

20 (B) does not include the campaign committee of a
21 candidate.

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

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

26 (1) political campaign contributions reported under AS 15.-
27 14 [IN ACCORDANCE WITH AS 15.13];

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

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

3 * Sec. 3. AS 24.45.021(a) is amended to read:

4 (a) This chapter shall be administered by the Alaska Public
5 Offices Commission established [CREATED] under AS 15.14.020 [AS 15.-
6 13.020(a)].

7 * Sec. 4. AS 24.45.091 is amended to read:

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

15 * Sec. 5. AS 24.60.080 is amended to read:

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

26 * Sec. 6. AS 29.20.170 is amended to read:

27 Sec. 29.20.170. VACANCIES. The governing body may provide by
28 ordinance the manner in which a vacancy occurs in any elected office
29 except the office of mayor or school board member. Unless otherwise

1 provided by ordinance, the governing body shall declare an elective
2 office, other than the office of mayor or school board member, vacant
3 when the person elected

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

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

8 (3) resigns and the resignation is accepted;

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

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

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

16 (7) is convicted of a violation of AS 15.14 or former
17 AS 15.13;

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

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

22 * Sec. 7. AS 29.20.280(a) is amended to read:

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

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

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

29 (3) resigns and the resignation is accepted;

1 (4) is physically or mentally unable to perform the duties
2 of office;

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

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

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

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

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

12 * Sec. 8. AS 39.50.050(a) is amended to read:

13 (a) The Alaska Public Offices Commission established [CREATED]
14 under AS 15.14.020 [AS 15.13.020(a)] shall administer the provisions
15 of this chapter. The commission shall prepare and keep available for
16 distribution, standardized forms on which the reports required by this
17 chapter shall be filed.

18 * Sec. 9. AS 39.50.200(a) is amended to read:

19 (a) In this chapter:

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

23 (2) "child" includes a biological child, an adoptive
24 child, and a stepchild;

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

27 (4) "instrumentality of the state" means a state depart-
28 ment or agency, whether in the legislative, judicial, or executive
29 branch, including such entities as the University of Alaska and the

1 Alaska State Housing Authority;

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

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

7 (7) "municipal officer" includes a borough or city mayor,
8 borough assemblyman, city councilman, school board member, elected
9 utility board member, city or borough manager, members of a city or
10 borough planning or zoning commission within a home rule or general
11 law city or borough, or a unified municipality;

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

22 (9) "source of income" means the entity for which service
23 is performed or which is otherwise the origin of payment; if the
24 person whose income is being reported is employed by another, the
25 employer is the source of income; but if the person is self-employed
26 by means of a sole proprietorship, partnership, professional corpora-
27 tion, or a corporation in which the person, the person's spouse or
28 children, or a combination of them, hold a controlling interest, the
29 "source" is the client or customer of the proprietorship, partnership

1 or corporation, but if the entity which is the origin of payment is
2 not the same as the client or customer for whom the service is per-
3 formed, both are considered the source;

4 * Sec. 10. AS 39.50.200(b) is repealed and reenacted to read:

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

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

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

10 (3) Alaska Commercial Fisheries Entry Commission (AS 16.-
11 43.020);

12 (4) Alaska Commission on Postsecondary Education (AS 14.-
13 42.015);

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

15 (6) Alaska Housing Finance Corporation (AS 18.56.010 -
16 18.56.210);

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

19 (8) Alaska Medical Facility Authority (AS 18.26.010 -
20 18.26.900);

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

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

23 (11) Alaska Oil and Gas Conservation Commission (AS 31.05.-
24 005 - 31.05.170);

25 (12) Alaska Public Broadcasting Commission (AS 44.21.256);

26 (13) Alaska Public Offices Commission, including the execu-
27 tive director and employees of the commission (AS 15.14.020);

28 (14) Alaska Public Utilities Commission (AS 42.05.010);

29 (15) Alaska Resources Corporation (AS 37.12.010);

- 1 (16) Alaska Royalty Oil and Gas Development Advisory Board
2 (AS 38.06.020);
- 3 (17) Alaska Seafood Marketing Institute (AS 16.51.010);
- 4 (18) Alaska State Council on the Arts (AS 44.27.040);
- 5 (19) Alaska State Housing Authority (AS 18.55.020);
- 6 (20) Alaska Teachers' Retirement Board (AS 14.25.035);
- 7 (21) Alcoholic Beverage Control Board (AS 04.06.010);
- 8 (22) Board of Education (AS 14.07.075);
- 9 (23) Board of Fisheries (AS 16.05.221(a));
- 10 (24) Board of Game (AS 16.05.221(b));
- 11 (25) Board of Parole (AS 33.16.020);
- 12 (26) Board of Trustees and executive director of the Alaska
13 Permanent Fund Corporation (AS 37.13.040);
- 14 (27) Commission on Judicial Conduct (art. IV, sec. 10,
15 Alaska Constitution);
- 16 (28) Council on Domestic Violence and Sexual Assault
17 (AS 18.66.010);
- 18 (29) Employment Security Advisory Council (AS 23.20.025);
- 19 (30) Fishermen's Fund Advisory and Appeals Council (AS 23.-
20 35.010);
- 21 (31) Governor's Commission on the Administration of Justice
22 (AS 44.19.110);
- 23 (32) Local Boundary Commission (AS 44.47.565);
- 24 (33) Occupational Safety and Health Review Board (AS 18.60.-
25 057);
- 26 (34) Public Employees' Retirement Board (AS 39.35.030);
- 27 (35) State Assessment Review Board (AS 43.56.040);
- 28 (36) State Commission for Human Rights (AS 18.80.010);
- 29 (37) State Personnel Board (AS 39.25.060);

1 (38) University of Alaska Board of Regents (AS 14.40.120);

2 (39) Workers' Compensation Board (AS 23.30.005).

3 * Sec. 11. AS 15.56 is amended by adding a new section to read:

4 Sec. 15.56.025. UNLAWFUL SOLICITATION OF CONTRIBUTIONS. (a) A
5 person commits the crime of unlawful solicitation of campaign contri-
6 butions if the person intentionally solicits a campaign contribution
7 through a threat of physical force, job discrimination, or financial
8 reprisal.

9 (b) Unlawful solicitation of campaign contributions is a class C
10 felony.

11 * Sec. 12. AS 15.13 is repealed.

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

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

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

22 * Sec. 16. AS 15.14.180 as enacted in sec. 1 of this Act does not apply
23 to campaign accounts for election campaigns held before the effective date
24 of this Act and does not apply to contributions solicited or accepted and
25 to expenditures made for the purpose of retiring campaign debts incurred by
26 a candidate in an election campaign held before the effective date of this
27 Act.

28 * Sec. 17. This Act applies to election campaign activities that take
29 place after January 1, 1987, and that relate to state or municipal

1 elections held after January 16, 1987.

2 * Sec. 18. This Act takes effect January 1, 1987.

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situation, and one which may even cause her/him criminal liability if a bill over \$1000 becomes a contribution.

2AAC 50.316

6. It is unfeasible for the Kerttula campaign to discharge the remaining accrued campaign debts as you are prescribing. What can be done about them if it is impossible to pay them immediately as requested?

7. I feel you are placing an extreme hardship on candidates who are not wealthy. People with money can pay the bills, but those of us without a substantial private income will find it extremely difficult to do so. It could also be impossible to borrow this much from a lending institution without sufficient collateral.

8. This regulation will make it impossible for a person without private funds to run for office. While wealthy persons will find it easy to comply.

1984 was a difficult campaign year for all candidates. Not buying proper media could have meant defeat for many. I feel that good candidates may lose campaigns as a result of the regulation you are asking for since they will have to restrict their spending. Your requested regulation will simply have the effect of limiting spending in a campaign.

This rule will benefit the wealthy and hurt the poor candidates.

A criminal law should not be applied retroactively.

The fact that bills over \$1,000.00 are not due until the future does not overcome the fact that the law would be retroactive. Since candidates relied on the old regulations in planning and unless the time allowed to pay back bills is truly reasonable then candidates could find themselves criminally liable under the new regulations when their actions were legitimate under the old regulations.

The new regulations should only be applicable to future campaigns when all candidates can plan ahead and so no one will be caught by a personal inability to get a bank loan, thus subjecting themselves to possible criminal liability.

For the above stated reasons, I protest the passage of the "contribution" regulation, 2.AAC.50.(a)(7).

I would like the opportunity for Senator Kerttula or myself to be allowed to speak before the Commission when they meet on this subject.

[8A], 8/21/85

Page 4

Would you please notify me if this cannot be done, or if there are any changes in the meeting dates, times or places? Thank you.

Sincerely,
Joyce Kerttula
Joyce Kerttula
Campaign Manager
Kerttula for Senate

[18A], 8/21/85

Page 5

MEMORANDUM

State of Alaska

TO: Carol Horos
Staff Assistant
Senate State Affairs Committee

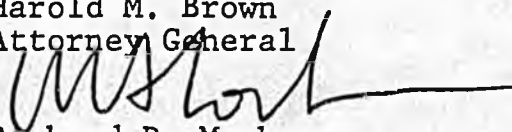
DATE: February 11, 1986

FILE NO: 366-209-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

SUBJECT: SB 356 (Election financing)

By: 
Richard D. Monkman
Assistant Attorney General

The attached list identifies some technical problems we have identified with SB 356. Most of these are minor and can be easily changed. Assuming the Committee has no objection, perhaps you could pass this list on to the legislative drafters when the next draft of the bill is drawn up.

As far as substance goes, we have identified nine areas of Department of Law concern which I will be prepared to address tomorrow morning. These are:

1. Enforcement;
2. Expenditure reports;
3. Solicitation of contributions from public officers;
4. Investigations;
5. Hearings;
6. Statutes of limitations/fine schedules;
7. Deputy campaign treasurers;
8. Candidate responsibility;
9. Definition of contribution.

These nine areas have been discussed in detail with Ms. Burke, and she has recommended that we take them up directly with the Committee.

Please give me a call if you have any questions or comments.

HMB:RDM:cck

Attachment

cc w/attach.:

Harold M. Brown
Attorney General
Department of Law

Theda S. Pittman, Executive Director
Alaska Public Offices Commission
Anchorage

Page	SECTION #	PROBLEM
3	15.14.020(c)	Changes number of nominees to 2 from 4
3	15.14.020(j)	Poorly worded re: number of votes required to take action. "The <u>affirmative</u> vote of at least three members..." would be better.
5	15.14.030(8)	Delete clause "and report to the AG," lines 26 - 29.
6	15.14.040(a)	Does not cover situation where a candidate spends \$1,000 of own money to begin campaign ("makes expenditures of \$1,000 or more..." would be better approach)
7	15.14.050	" <u>Political Interest Group</u> " is particularly unappealing acronym. "Political action committee" tracks federal practice and common use.
7-8	15.14.050(e) and (f)	These sections are poorly drafted, esp. (f). Could lead to confusion in interpretation.
8	15.14.060	No disclosure of line of business, occupation, or principal interest of PIGs and corporate contributors. Burke says unintentional and will be fixed.
13	15.14.090(a)	Should be "A person who makes contributions <u>with an aggregate amount of \$250 or more...</u> " to track present law.
15	15.14.110	If this is intended to be sworn under penalty of perjury, should so state in the text of "affidavit."
16	15.14.130(d)	"[s]haring a majority of officers" is very vague and probably unenforcable. "Sharing two or more common officers" or "with two or more officers in common" would be better.
17	15.14.160	Language in sections (a) and (b) does not match. (b) should read "a contribution made in violation of section (a) ...shall be returned." Section (c) contains left-over "acceptance/reciept" language from early drafts and should be deleted.
29	15.14.260	Delete "or by a court..."
30	15.14.280	Should change statutes of limitation to reflect de-criminalization. 2 years for 2cd degree and 4 years for 1st degree best.
31	15.14.290(b), (c), and (d)	Delete (b) lines 13 - 19; all of (c); and referral clause in (d) after de-criminalization
32-34	15.14.300-.340	Conflict with the Administrative Procedures Act, 44.62. Burke says will be fixed.
35	15.14.330(a)	No provision for default. If person does not appear, Comm'n can't fine. Conflicts with 15.14.300(b).
36	15.14.330(b)	Change in court established burden of proof may require 2/3ds vote of Legislature to stand up.

Page	Section #	Problem
37	15.14.370	Takes away present powers to subpoena documents etc. during investigation of lobbying and conflict of interest cases. Burke says unintentional and will be fixed.
38	15.14.380	Delete lines 4 - 7.
39	15.14.900(2) (B)(i)	Allows professionals \$3,000 contribution (\$2,000 cash and \$1,000 in-kind). Left over from original "no-limit" draft, should be deleted.
40	15.14.900(6)	Does not include PIGs. Enforcement section only refer to "persons," if Comm'n is to enforce limit etc. against PIGs, must include them in this definition.