

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

10006 HOUSE STATE AFFAIRS



ALASKA STATE LEGISLATURE

REPRESENTATIVE GARY DAVIS

HOUSE BILL 159

SECTIONAL ANALYSIS

"An Act granting certain employees in correctional facilities status as peace officers under the public employees' retirement system."

- Section 1: Amends AS 39.35.680(28) to include employees of a correctional facility, other than correctional officers or superintendents in the definition of peace officer as it relates to the public employees' retirement system.
- Section 2: Allows an employee with prior credited service as a correctional facility employee to convert this to service as a peace officer by claiming that service before the employee retires. Upon claiming the prior service, the employee will owe an indebtedness equal to the contributions the employee would have made had the prior service counted toward peace officer service minus the contributions the employee actually made. Interest on this indebtedness accrues beginning July 1, 1999. Any outstanding indebtedness existing at the time of retirement will require an actuarial adjustment to the benefits payable.

or state government pays the employer's contributions. If the amount that the federal government may legally contribute to the system is lower than the required employer's contribution, the state government shall contribute the difference. If the employer's contributions are not paid when due, service credit for the period of delinquency may not be granted until the contributions are paid. (§ 1 ch 53 SLA 1965)

Sec. 39.35.154. North Pacific Fishery Management Council employees. An employee of the North Pacific Fishery Management Council appointed under 16 U.S.C. 1852(f)(1) (§ 302(f)(1) of P. L. 94-265), whose compensation is paid from allotted federal funds, is included in the system if the council pays the employer's contributions. If the employer's contributions are not paid when due, credited service for the period of delinquency may not be granted until the contributions are paid. (§ 1 ch 86 SLA 1977)

Legislative history reports. — For report on ch. 86, SLA 1977 (CSSB 135), see 1977 House Journal, p. 1206; 1977 Senate Journal, p. 535.

Secs. 39.35.155 and 39.35.157. Former magistrates; Tokyo office employees. [Repealed, § 60 ch 21 SLA 1985.]

Sec. 39.35.158. Administrative director of courts. An administrative director of the Alaska court system who withdraws from the judicial retirement system under AS 22.25.012 is eligible for membership in the system and shall receive credited service in the system for service rendered as administrative director. To be eligible for membership in the system under this subsection, the administrative director must contribute to the system

(1) the amount the director would have contributed if the director had been a member during the director's period of membership in the judicial retirement system; and

(2) any contributions for services as administrative director refunded by the system at the time the director became a member of the judicial retirement system. (§ 30 ch 146 SLA 1980)

Article 3. Contributions by Employees.

Section

- 160. Amount of employee contributions
- 170. Employment contributions mandatory
- 190. Voluntary contributions by employee
- 200. Refund upon termination of employment for reason other than death

Section

- 230. Refund upon death of retired employee
- 240. Withdrawal of voluntary contributions

→ **Sec. 39.35.160. Amount of employee contributions.** (a) Beginning January 1, 1987, each peace officer or fire fighter shall contribute to the system an amount equal to seven and one-half percent of the peace officer's or fire fighter's compensation. Beginning January 1, 1987, each other employee shall contribute to the system an amount equal to six and three-quarters percent of the employee's compensation. The contributions shall be deducted by the employer at the end of each payroll period. The contributions shall be deducted from employee compensation before computation of applicable federal taxes, and the contributions shall be treated as employer contributions under 26 U.S.C. 414(h)(2).

(b) *[Repealed, § 6 ch 135 SLA 1980 and § 39 ch 146 SLA 1980.]* (§ 8 a ch 143 SLA 1960; am § 2 ch 235 SLA 1968; am § 3 ch 35 SLA 1969; am § 5 ch 109 SLA 1970; am § 5 ch 159 SLA 1972; am § 2 ch 58 SLA 1979; § 6 ch 135 SLA 1980; am § 39 ch 146 SLA 1980; am § 15 ch 82 SLA 1986)

(2) *[Repealed, § 60 ch 137 SLA 1982.]*

(3) *[Repealed, § 60 ch 137 SLA 1982.]*

(4) the adjustment was not the result of erroneous information supplied by the member or beneficiary;

(5) before the adjustment was made, the member or beneficiary received confirmation from the administrator that the employee's or beneficiary's records were correct; and

(6) the member or beneficiary had no reasonable grounds to believe the employee's or beneficiary's records were incorrect before the adjustment was made.

(b) In order to obtain consideration of a waiver under this section, the affected member or beneficiary must appeal to the board in writing within 30 days after receipt of notice that the records have been adjusted. The board shall rule on the appeal in writing within 120 days after its receipt.

(c) The board may, at its discretion, conduct a hearing on an appeal under this section. In reaching a decision on an appeal, the board may issue subpoenas, administer oaths, compel the attendance and testimony of witnesses, compel the taking of depositions and the submission of affidavits, and compel the production of documents and records.

(d) The board may impose conditions on the granting of a waiver which it considers equitable. These conditions may include requiring the member or beneficiary to make additional contributions to the system.

(e) The board may reconsider a ruling under this section upon request of the member or beneficiary or the administrator if the request is received within 30 days after the initial ruling. Any modification of the initial ruling must be made within 30 days after receipt of a request for reconsideration.

(f) Rulings and modifications of rulings under this section shall be by a majority of a quorum of the board.

(g) Rulings on appeals and requests for reconsideration under this section may be appealed by an aggrieved member or beneficiary to the superior court for abuse of discretion. (§ 9 ch 174 SLA 1978; am § 41 ch 13 SLA 1980; am § 60 ch 137 SLA 1982)

Sec. 39.35.525. Limitation on use of credited service as peace officer or fireman. [Repealed, § 37 ch 106 SLA 1988.]

→ **Sec. 39.35.527. Election to terminate coverage as a peace officer or fire fighter.** (a) Any active member may elect to irrevocably relinquish peace officer or fire fighter status with the system and to retain all credited service as if it had been acquired as a member other than a peace officer or fire fighter.

(b) In order to relinquish peace officer or fire fighter status with the system, a person must be an active member and must file a written request with the administrator by July 1, 1984, or within six months after employment as a peace officer or fire fighter, whichever occurs later. No person has more than one opportunity to exercise this option.

(c) As soon as possible after the relinquishment, the administrator shall refund to a person who relinquishes peace officer or fire fighter status under this section a refund equal to the amount by which the balance of the person's accumulated mandatory contributions plus interest exceeds the balance which would exist if all service credit had been acquired as a member other than a peace officer or fire fighter.

(d) A written request to relinquish peace officer or fire fighter status is irrevocable upon filing with the administrator. (§ 1 ch 27 SLA 1983)

Revisor's notes. — In 1989, the term "fire fighter" was substituted for "fireman" in this section under § 60, ch. 50, SLA 1989.

Sec. 39.35.530. Limit on pension. An employee may not simultaneously receive a pension under more than one section of this chapter. However, benefits under AS

Article 8. General Provisions.

Section	Section
660. Nonguarantee of employment	680. Definitions
670. Fraud	690. Short title
675. Inclusion of cost-of-living differentials in compensation and benefits	

Sec. 39.35.660. Nonguarantee of employment. This chapter is not a contract of employment between an employer and an employee, nor does it confer a right of an employee to be continued in the employment of an employer, nor is it a limitation of the right of an employer to discharge an employee with or without cause. (§ 38 ch 143 SLA 1960)

Sec. 39.35.670. Fraud. A person who knowingly makes a false statement, or falsifies or permits to be falsified a record of this system, in an attempt to defraud the system, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than twelve months, or by both. (§ 41 ch 143 SLA 1960)

Sec. 39.35.675. Inclusion of cost-of-living differentials in compensation and benefits. (a) An employee shall make contributions to the system based on compensation including a cost-of-living differential.

(b) The amount of a cost-of-living differential may not be included in the employee's compensation for purposes of calculating benefits paid under this chapter unless the employee has received a cost-of-living differential in a comparable amount or of at least that many steps for at least 50 percent of the employee's credited service.

(c) When an employee receives a benefit, and if the employee's compensation for purposes of calculating the benefit does not include a cost-of-living differential, then the administrator shall refund to the employee the amount of contributions the employee made based on the differential.

(d) In this section "cost-of-living differential" means an adjustment to salary based on the cost of living in the geographic region where the employee works and includes a pay step differential under AS 39.27.020. (§ 46 ch 82 SLA 1986)

Editor's notes. — Section 58, ch. 82, SLA 1986, first hired under the Public Employees' Retirement System after December 31, 1986. provides that this section applies "only to members

→ **Sec. 39.35.680. Definitions.** In this chapter, unless the context otherwise requires,

(1) "active member" means an employee who is employed by an employer, is receiving compensation for seasonal, permanent full-time, or permanent part-time services, and is making contributions to the system;

(2) "actuarial adjustment" means equality in value of the aggregate expected payments under two different forms of pension payments, considering expected mortality and interest earnings on the basis of tables adopted from time to time by the board;

(3) "administrator" means the person appointed by the commissioner of administration under AS 39.35.050;

(4) "average monthly compensation" means the result obtained by dividing the compensation earned by an employee during a considered period by the number of months, including fractional months, for which compensation was earned; the considered period consists of (A) for employees first hired before July 1, 1996, the three consecutive payroll years during the period of credited service that yields the highest average, and (B) for employees first hired on or after July 1, 1996, the five consecutive payroll years during the period of credited service that yield the highest average, or if the employee does not have the required number of consecutive payroll years, the employee's period of credited

(27) "payroll year" means the period that includes the first pay period ending in January of a year through the last pay period ending in December of that year;

→ (28) "peace officer" or "fire fighter" means an employee occupying a position as a peace officer, chief of police, correctional officer, correctional superintendent, fire fighter, fire chief, or probation officer;

(29) "pension fund" or "fund" means the fund in which the assets of the system are deposited and held;

(30) "permanent full-time" means an employee who is occupying a permanent position that regularly requires working 30 or more hours a week;

(31) "permanent part-time" means an employee who is occupying a permanent position that regularly requires working at least 15 hours but less than 30 hours a week;

(32) "prescribed rate of interest" means the rate of interest used for computing employer contributions, for preparing actuarial tables used by the system and for crediting interest to employee contributions and savings accounts, and for charging interest on employee indebtedness accounts;

(33) "public organization" means an organization or entity

(A) created by the constitution or laws of the state for the purpose of administering state programs;

(B) whose officers and employees are paid by a method other than by the state payroll prepared by the Department of Administration; and

(C) whose employees are not required by law to participate in the system;

(34) "qualified domestic relations order" means a divorce or dissolution judgment under AS 25.24, including an order approving a property settlement, that

(A) creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to an employee;

(B) sets out the name and last known mailing address, if any, of the employee and of each alternate payee covered by the order;

(C) sets out the amount or percentage of the employee's benefit, or of any survivor's benefit, to be paid to the alternate payee, or sets out the manner in which that amount or percentage is to be determined;

(D) sets out the number of payments or period to which the order applies;

(E) does not require any type or form of benefit or any option not otherwise provided by this chapter;

(F) does not require an increase of benefits in excess of the amount provided by this chapter, determined on the basis of actuarial value; and

(G) does not require the payment to an alternate payee of benefits that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

(35) "retired member" means an employee who is terminated, who has not received a refund from the system and is receiving a benefit other than disability, from the system;

(36) "retirement" means that period of time from the first day of the month following (A) the date of termination and (B) application for retirement, in which a person is appointed to receive a retirement benefit, other than occupational or nonoccupational disability benefit;

(37) "seasonal" refers to an employee who is occupying a position for less than 12 months each year where it is anticipated that the same employee will return to the position when needed and includes a temporary employee of the legislature if part of the service for the legislature during each calendar year is performed during a legislative session;

(38) "surviving spouse" means the spouse of an employee who has been married to the employee for at least one year at the time of the employee's death; the one-year marriage requirement does not apply when the employee's death was an occupational or accidental death;

Date: April 2, 1999
To: All House and Senate Representatives
From: Byron A. Loomis - Trades Leadman - SCCC
Regarding: House Bill 159

Greetings:

I am writing you this letter to let you know how strongly I feel about this bill. Not only is it the right thing to do, it is well overdue.

I work side by side, day in and day out, with inmates who have tools of all types and descriptions at their disposal. I supervise, hire and fire these same felons and have a major impact on their quality of life in this institution.

My life and well being are every bit affected by this close proximity to these people, as are the correctional officers who work here at Spring Creek. For me to have to work 10 years longer than the corrections staff with the same conditions to receive a full pension is nothing short of a travesty.

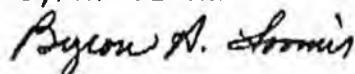
I realize there is a shortcoming in payments as to an early out on this issue, but I have no problem in making up the difference in wage compensation until a retirement bank has been satisfied.

Again I would like to state that this bill is only right and fair to those few of us who work under the same conditions but receive less compensation.

Thank you for your time and consideration on this Bill 159.

Respectfully submitted,

Byron A. Loomis



Clifton Reagle
P O BOX 3066
Seward, AK 99664

April 2, 1999

House and Senate Representatives

Dear Sir or Madam:

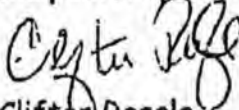
I am writing to you in regards to HB 159.

I am a maintenance employee at Spring Creek Correctional Center. I have been employed there since it opened in 1988. I have been required to work around inmates with infectlous diseases and have been threatened in the line of duty by inmates. Altercations have occurred in our maintenance shop resulting in severe physical harm to inmates and maintenance staff who were required to respond. Kitchen staff has been exposed to the same conditions and have been physically attacked by inmates. Some have been hurt so bad they were forced to retire for medical reasons.

HB 159 provides those of us who work under the same hazardous conditions as correctional and law enforcement officers with the same benefits. I am not asking for anything more than equal compensation for working under hazardous conditions.

Please support this bill sponsored by Senator Davis. Thank you for your time and consideration on this issue.

Respectfully submitted,


Clifton Reagle

Mary A. Sandy
PO Box 32
Moose Pass, AK 99631

April 2, 1999

All House and Senate Representatives

Dear Sir or Madam:

I am writing in regards to House Bill 159.

I have been an employee at Spring Creek Correctional Center for 3½ years at as an Admin Clerk. For the last two years I have been the reception desk at the facility. I believe, and have been told, that the worst case scenario in a prison take over would be to take out the front person, me, and then proceed to take over the prison. Every day I come to work I am aware of this, as is my family. When I was interviewed one of the questions they asked me was "if you were abducted by the prisoners, we could not give up the key to the prison to get you back. How do you feel about that?"

As part of my job I am required to be in prisoner areas and the food in our staff dining area is prepared by prisoners. We are given infectious diseases training and are allowed a yearly TB test and hepatitis vaccination as well. This is for a good reason. Eighty-eight percent of the prisoners here at SCCC have hepatitis. I am not only worried about diseases but bodily harm as well. A prisoner who is in here for murdering a woman followed me into a walk in cooler during lunchtime in the Staff Dining area. I could have been next. This particular prisoner had just been cutting up food with a butcher knife when I walked past him. Did I feel threatened, you bet I did. I reported the incident; he lost his job in the kitchen only to get it back a few months down the road.

I deal with prisoner families on a regular basis. I believe I am just as much in jeopardy with them, being on the outside, as I am with the prisoners here. Due to

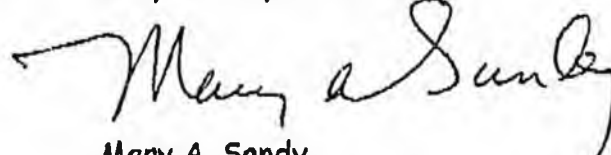
gang activity here in the prison I believe their people on the outside would do anything they ask.

So you can see that I believe I am just as much in risk as the correctional officers who only have to do 20 years to retire. I do not believe it is fair that we have to do 30 years in the same environment.

Please support this bill sponsored by Senator Davis.

Thank you for your time and consideration on this issue.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary A. Sandy". The signature is written in black ink and is positioned above the printed name.

Mary A. Sandy
Concerned Employee

04/13/99
09:16:24

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:90555 SCHEDULED FOR:04/13/99 08:00 TO 10:00
PUBLIC HEARING HOUSE STATE AFFAIRS

JTN1150
BY:JNU
FOR:ALL

LOCATION: ANCHORAGE

HB 16		KAY	BURROWS	TESTIFY
HB 16		SHELBY	LARSON	TESTIFY

LOCATION: FAIRBANKS

HB 16	MS.	MONTA FAYE	LANE	AK CAREGIVERS	TESTIFY
HB 16	MR.	LESTER	WESTLING	AK CAREGIVERS	TESTIFY
HB 159	MR.	VINNIE	O'CONNOR	ASEA/AFSCME	TESTIFY

LOCATION: HOMER

HB 16	MR	FRED	LAU	HOMER SENIORS	TESTIFY
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LOCATION: KENAI LIO

HB 159	MS	FRANCES	REILLY	GGUF	TESTIFY
HB 159	MR.	HAL	FIMPLE	SELF	TESTIFY
HB 159	MR.	GREG	HORTON	LOCAL 71	TESTIFY
HB 159	MR.	ED	LINDQUIST	SELF	TESTIFY
HB 159	MR.	LORREL	LU DY	GGU	TESTIFY

LOCATION: SEWARD

HB 159	MS.	MARY	SANDY	TESTIFY
HB 159	MR	RANDY	BLUM	TESTIFY
HB 159	MR	WAYNE	ROMBERG	TESTIFY
HB 159	MS.	CAREY	QUIRING	TESTIFY
HB 159	MS.	SHERRY	APPEL	TESTIFY
HB 159	MRS.	GAIL	SELA	TESTIFY
HB 159	MR.	CLIFTON	REAGLE	TESTIFY
HB 159	MR.	CHARLES	PALMER ✓	TESTIFY
HB 159	MR.	RICHARD	SLAGLE ✓	TESTIFY
HB 159	MR	MIKE	HARBAUGH ✓	TESTIFY

04/13/99
08:08:45

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:90555 SCHEDULED FOR 04/13/99 08:00 TO 10:00
PUBLIC HEARING HOUSE STATE AFFAIRS

LTN1150
BY:JNU
FOR:ALL

LOCATION: ANCHORAGE

HB 16 KAY BURROWS TESTIFY

LOCATION: HOMER

HB 16 MR FRED LAU HOMER SENIORS TESTIFY

LOCATION: KENAI LIO

HB 159 MS FRANCES REILLY ✓ GGUF TESTIFY
HB 159 MR. HAL FIMPLE ✓ SELF TESTIFY
HB 159 MR. GREG HORTON ✓ LOCAL 71 TESTIFY
HB 159 MR. ED LINDQUIST ✓ SELF TESTIFY
HB 159 MR. LORREL LUDY ✓ GGU TESTIFY

LOCATION: SEWARD

HB 159 MS. MARY SANDY ✓ TESTIFY
HB 159 MR RANDY BLUM ✓ TESTIFY
HB 159 MR WAYNE ROMBERG ✓ TESTIFY
HB 159 MS. CAREY QUIRING ✓ TESTIFY
HB 159 MS. SHERRY APPEL ✓ TESTIFY
HB 159 MRS. GAIL SELA ✓ TESTIFY
HB 159 CLIFTON REAGLE ✓ TESTIFY

(12)

Limit 3 minutes

Kelly Marten
Seward

HB159

Whole Peninsula
Taking leave from
work!

(Fate did this!)

907-258-7267



21st Alaska State Legislature
First Session, 1999

HB 159
Teleconf.
Wayne

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224-8105

Helmer Kaiser
Ron Jackson
Cliff Regal
Wayne Romburg
Byron Loomes

Doc.

Call 224-8600 after
4.00 about
teleconference from
Seward.

I gave them the LHC in
Seward.

April 13, 1999

They want to also get PERS, but will take care of it in a separate bill drafted by Cowdery. (I suggested they not do it in this bill.)

ANCHORAGE POLICE DEPARTMENT



PAMELA J. PROVOST
EMERGENCY COMMUNICATIONS

4501 SOUTH BRAGAW ST.
ANCHORAGE, ALASKA 99507

PHONE: (907) 786-8900
FAX: (907) 786-8991

ANCHORAGE POLICE DEPARTMENT

CONNIE HETTINGA
DISPATCH SUPERVISOR

4501 SOUTH BRAGAW ST.
ANCHORAGE, ALASKA 99507-1599

TEL: (907) 786-8926
FAX: (907) 786-8991

FISCAL NOTE

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. HB 150

Revision Date/Time (Note if correction) _____ Dept. Affected Administration
 Title An Act granting certain employees in correctional BRU Centralized Administrative Services
facilities status as peace officers under PERS. Component Retirement and Benefits
 Sponsor Rep. Davis
 Requester House State Affairs Component Serial No. 64

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	375.0	375.0	375.0	375.0	375.0	375.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	375.0	375.0	375.0	375.0	375.0	375.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	375.0	375.0	375.0	375.0	375.0	375.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	375.0	375.0	375.0	375.0	375.0	375.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Approximately 274 employees of the Department of Corrections are affected by this bill. HB 159 will increase the State of Alaska's total contributions to PERS by approximately \$375.0 per year. This cost will change as salaries change. HB 159 will also affect other political subdivisions which have correctional facilities.

Prepared by Guy Bell, Director Phone _____
 Division Retirement and Benefits Date/Time _____
 Approved by Commissioner [Signature] Date 4/19/99
 Agency Department of Administration

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Re: one more fiscal note

Subject: ~~Re: one more fiscal note~~

Date: Thu, 08 Apr 1999 16:02:52 -0800

From: Shari Kochman <shari_kochman@gov.state.ak.us>

Organization: Alaska Office of the Governor

To: Barbara Cotting <Barbara_Cotting@legis.state.ak.us>

ok

fyi - this would come from doa, not labor

Barbara Cotting wrote:

>

> Add one more bill to the list for April 13:

>

> **HB 159** PERS peace officer Status Correction Employee Labor

HB

163

ALASKA STATE LEGISLATURE

REPRESENTATIVE
JEANNETTE JAMES
PO Box 56622
North Pole, Alaska 99705
(907) 456-1546
FAX (907) 488-4271



While in Juneau
State Capitol
Juneau, Alaska
99801-1182
(907) 465-3743
FAX (907) 465-2381

House of Representatives
House District 34

Sponsor Statement for HB 163 Changes to Election Law

House Bill 163 is primarily a housekeeping bill that will update current election law to conform with the optical scanning ballot tabulation system.

The goal of House Bill 163 is to make the electoral process more efficient while continuing to maintain the integrity of the process.

In addition to housekeeping measures which are outlined in an accompanying sectional analysis, House Bill 163 contains three policy changes which will help make the election process more efficient for both the electorate and the Division of Elections.

- *Write-in Candidates*

It became apparent after the 1998 gubernatorial election that the state needs clear procedures for the qualification of write-in candidates and for the counting of votes. House Bill 163 will prohibit the use of stickers by write-in candidates. Write-in stickers cannot be used with the state's optical scan ballot tabulation system. The Division has been advised by the manufacturer, Global Elections Systems, that stickers could damage the Accu-Vote machines.

- *Revision of Absentee by Personal Representative Process*

The current statutory process is too cumbersome and the resulting mistakes by people attempting to assist other voters have resulted in the disqualification of many ballots. Current law requires the personal representative to deliver an application to the voter, return the application to an election official, pick up the ballot and voting material, deliver the material to the voter and then return the voted ballot and material to an election official, and multiple signatures on a complex form. The new process would allow the personal representative to deliver an application and voting material at one time and then return the voted ballot and material to an election official. The same checks and balances remain in place to protect the integrity of the electoral process.

♦ *Change to the Absentee In-Person Voting Process*

Early voting would apply to absentee voting in the regional election office absentee voting stations. Voters registered in a house district in which the regional election office has jurisdiction would no longer be required to complete an absentee oath and affidavit envelope. This will significantly reduce the number of absentee ballots requiring review by the division of elections. If a voter's residence address information is different from that which appears on the division's records at the time of voting, the voter will be required to complete an oath and affidavit envelope.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 26, 1999

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/8/00

The STATE AFFAIRS Committee considered:

HB 163

HOUSE BILL NO. 163

DIVISION OF ELECTIONS

"An Act relating to qualifications of voters; relating to the registration of voters; relating to election districts and officials; relating to election procedures and ballots; relating to special procedures for elections; relating to nomination of candidates; relating to national elections; relating to special elections and appointments; relating to constitutional amendments; relating to election offenses and corrupt practices; relating to election pamphlets; relating to the deferral of jury service for certain election officials; relating to an exemption from the State Procurement Code regarding election ballots; relating to the provision and use of mailing addresses on permanent fund dividend applications for election purposes; relating to the inclusion of voter registration forms with permanent fund dividend applications; making conforming amendments in references to 'election district' and 'chairman'; and providing for an effective date."

recommends it be replaced the same title
with the following committee substitute CSHB 163(S+A) a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal note(s) Elections

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Jeannette James</i>	✓			
<i>J. Hall Smolles</i>	✓			
<i>Beth Herttala</i>	✓			
<i>Bill Hudson</i>			✓	
<i>M. A. [Signature]</i>	✓			

CHAIR'S SIGNATURE *Jeannette James*

1-LS0769\N
Kurtz
2/2/00

Rep James
Att
Rick
02/02/00

CS passed.

CS FOR HOUSE BILL NO. 163()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications of voters; relating to the registration of voters;
2 relating to election districts and officials; relating to election procedures and
3 ballots; relating to special procedures for elections; relating to nomination of
4 candidates; relating to national elections; relating to special elections and
5 appointments; relating to constitutional amendments; relating to election offenses
6 and corrupt practices; relating to election pamphlets; relating to the deferral of
7 jury service for certain election officials; relating to an exemption from the State
8 Procurement Code regarding election ballots; relating to the provision and use of
9 mailing addresses on permanent fund dividend applications for election purposes;
10 relating to the inclusion of voter registration forms with permanent fund dividend
11 applications; relating to financial statements by public officials and candidates for
12 public office; making conforming amendments in references to 'election district,'

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1 'chairman,' and similar terms; and providing for an effective date."

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

3 * Section 1. AS 09.20.035 is amended to read:

4 Sec. 09.20.035. Deferral of jury service. A person may have jury service
5 deferred if the person shows that jury service at the time for which the person is
6 summoned will cause hardship to that person or another, [OR] that transportation
7 problems make it temporarily impossible for the person to serve, or that the person
8 summoned is employed as a full-time or temporary election official and the jury
9 service is during the month in which a primary or general election is held. Jury
10 service may be deferred under this section only if the person seeking the deferment
11 agrees to a deferred date. Jury service may not be deferred for more than 10 months
12 from the date the initial jury service was to begin.

13 * Sec. 2. AS 15.07.010 is amended to read:

14 Sec. 15.07.010. Registration of voters. The precinct election officials
15 [JUDGES] at any election shall allow a person to vote whose name is on the official
16 registration list for that precinct and who is qualified under AS 15.05. A person whose
17 name is not on the official registration list shall be allowed to vote a questioned ballot.

18 * Sec. 3. AS 15.07.064(e) is amended to read:

19 (e) The director shall review the information contained within an application
20 by a voter for registration. The director may not reject an application of a voter who
21 qualifies under (d) of this section because the voter provided information in excess of
22 that required to establish qualifications, including excess information qualifying as a
23 mailing address. The director may consider an application for registration within a
24 municipality or established village described in (d) of this section to comply with law
25 based on other information contained in the application, including evidence that

26 (1) the application was made in person before a voting registrar,
27 election official [JUDGE], or absentee voting official appointed to serve in the
28 municipality or established village;

29 (2) the application of a voter registering by mail was postmarked by
30 the postal official in the municipality or established village; and

1 (3) other information contained in the application does not negate the
2 presumption of residency provided under (a) of this section.

3 * Sec. 4. AS 15.07.064 is amended by adding a new subsection to read:

4 (h) Notwithstanding (a) - (g) of this section, the director may substitute a
5 mailing address provided by the voter for the permanent fund dividend program under
6 AS 43.23 as the mailing address for the voter on the registration records of the director
7 under procedures specified in regulations of the director if necessary to maintain
8 accuracy of voting registration records.

9 * Sec. 5. AS 15.07.081 is amended to read:

10 **Sec. 15.07.081. Registration officials.** The director shall appoint one or more
11 registration officials to serve in each precinct polling place in all elections during the
12 hours the polling places are open. An election official [CLERK OR ELECTION
13 JUDGE] appointed under AS 15.10 may also serve as a registration official. [IF
14 MORE THAN ONE REGISTRATION OFFICIAL IS APPOINTED TO SERVE IN A
15 POLLING PLACE, EACH POLITICAL PARTY SHALL BE REPRESENTED.]

16 * Sec. 6. AS 15.07.100(a) is amended to read:

17 (a) A [THE DIRECTOR SHALL APPOINT ONE OR MORE
18 REGISTRATION OFFICIALS IN EACH PRECINCT. WHEN MORE THAN ONE
19 REGISTRATION OFFICIAL IS APPOINTED TO SERVE IN A PRECINCT, EACH
20 POLITICAL PARTY SHALL BE REPRESENTED. HOWEVER, ANY PRECINCT
21 CONTAINING MORE THAN 250 VOTERS MUST HAVE AT LEAST TWO
22 REGISTRATION OFFICIALS, ONE FROM EACH POLITICAL PARTY. THE]
23 registration official shall be a qualified state voter and shall take an oath to honestly,
24 faithfully, and promptly perform the duties of the office.

25 * Sec. 7. AS 15.07.140 is amended to read:

26 **Sec. 15.07.140. General administrative supervision by director.** The
27 director shall provide general administrative supervision over the registration and
28 reregistration of voters. The director shall, no later than 120 [40] days before any
29 general election, arrange to have the list of registered voters in a usable electronic
30 format provided free of charge to each political party [OF THE PRECINCT
31 PUBLICLY DISPLAYED. THE DIRECTOR SHALL INSTRUCT REGISTRATION

1 OFFICIALS TO POST THE LIST OF REGISTERED VOTERS IN A NUMBER OF
2 LOCATIONS CALCULATED TO OBTAIN MAXIMUM RECOGNITION]. Upon
3 request by the mayor or manager of a municipality, the director shall furnish
4 registration information for all precincts all or part of which are within the boundaries
5 of the local government unit.

6 * Sec. 8. AS 15.10.107 is amended to read:

7 **Sec. 15.10.107. Staff training.** The director shall, before each primary
8 election in even-numbered years, provide for a comprehensive training program for
9 election officials, both the full-time members of the staff of the division of elections
10 and those who are appointed as members of election boards [BOARD JUDGES,
11 CLERKS, AND COUNTERS] under AS 15.10.120 - 15.10.140 [AS 15.10.120 -
12 15.10.150] and other temporary election employees. The director shall annually
13 prepare and, not later than January 10, file with the lieutenant governor a plan that
14 describes the comprehensive training program for election officials to be provided to
15 those officials during that calendar year.

16 * Sec. 9. AS 15.10.120 is repealed and reenacted to read:

17 **Sec. 15.10.120. Appointment of election board.** (a) An election supervisor
18 shall appoint in each precinct within the election supervisor's district an election board
19 composed of at least three qualified voters registered to vote in that precinct.

20 (b) On or before April 15 in each regular election year, or at least 60 days
21 before a special election, a party district committee or state party central committee of
22 each political party may nominate two candidates for each election board.
23 Nominations shall be presented in writing to the election supervisor for the district in
24 which the precinct is located.

25 (c) An election supervisor shall appoint one nominee of the political party of
26 which the governor is a member and one nominee of the political party that received
27 the second largest number of votes statewide in the preceding gubernatorial election.
28 The election supervisor shall appoint at least one additional qualified individual
29 registered to vote in the precinct. If a party district committee or state party central
30 committee of the party of which the governor is a member or the party that received
31 the second largest number of votes statewide in the preceding gubernatorial election

1 fails to present the names prescribed by (b) of this section by April 15 of a regular
2 election year or at least 60 days before a special election, the election supervisor may
3 appoint any qualified individual registered to vote in that precinct.

4 (d) An election supervisor shall appoint a chairperson for each election board
5 within the election supervisor's district.

6 (e) When appointments to the election board have been accepted by the
7 respective appointees, the election supervisor shall notify the director of the names and
8 mailing addresses of the designated chairperson and other election board officials.

9 (f) Election boards for municipal elections shall be appointed by the
10 appropriate municipality.

11 * Sec. 10. AS 15.10.170 is amended to read:

12 **Sec. 15.10.170. Appointment and privileges of watchers.** The precinct party
13 committee, where an organized precinct committee exists, or the party district
14 [PARTY] committee where no organized precinct committee exists, or the state party
15 chairperson [CHAIRMAN] where neither a precinct nor a party district committee
16 exists, may appoint one or more persons as watchers in each precinct and counting
17 center for any election. Each candidate not representing a political party may appoint
18 one or more watchers for each precinct or counting center in the candidate's respective
19 district or the state for any election. Any organization or organized group that
20 sponsors or opposes an initiative, referendum or recall may have one or more persons
21 as watchers at the polls and counting centers after first obtaining authorization from
22 the director. A [NO] state party chairperson, a [CHAIRMAN, NO] precinct party
23 committee, a party [NO] district committee, or a candidate not representing a political
24 party or organization or organized group may not have more than one watcher on duty
25 at a time in any precinct or counting center. The watcher may be present at a position
26 inside the place of voting or counting that [WHICH] affords a full view of all action
27 of the election officials [BOARD AND OTHER COUNTERS] taken from the time the
28 polls are opened until the ballots are finally counted and the results certified by the
29 election board or the data processing review board. The election board or the data
30 processing review board may require each watcher to present written proof showing
31 appointment by the precinct party committee, the party district [DISTRICT PARTY]

1 committee, the organization or organized group, or the candidate the watcher
2 represents that [WHICH] is signed by the chairperson [CHAIRMAN] of the precinct
3 party committee, the party district [DISTRICT PARTY] committee, the state party
4 chairperson [CHAIRMAN], the organization or organized group, or the candidate
5 representing no party.

6 * Sec. 11. AS 15.10.180 is amended to read:

7 **Sec. 15.10.180. Appointment of [PARTY REPRESENTATIVES FOR] state**
8 **ballot counting review board.** The director shall appoint two persons from the
9 political party of which the governor is a member and two persons from the
10 political party that received the second largest number of votes statewide in the
11 preceding gubernatorial election [EACH POLITICAL PARTY] to participate in the
12 state ballot counting review. The director may appoint additional individuals to
13 participate in the state ballot counting review. [EACH PERSON WHO IS
14 APPOINTED AND SERVES IS ENTITLED TO COMPENSATION AS PROVIDED
15 IN AS 15.15.380.] Each political party may present to the director a list of three or
16 more names from which the director shall select the persons to represent the party.
17 The list of names may be submitted in writing at least 30 days before the date of the
18 election. [THE PERSONS TO REPRESENT THE PARTY ON THE STATE
19 BALLOT COUNTING REVIEW BOARD MAY BE SELECTED BY THE STATE
20 PARTY CENTRAL COMMITTEE OR IN ANY OTHER MANNER PRESCRIBED
21 BY THE BYLAWS OF THE PARTY.] The list of names shall be certified by the
22 state chairperson [CHAIRMAN] of the political [STATE CENTRAL COMMITTEE
23 OF THE] party or by the person authorized by the party bylaws to act in the absence
24 of the chairperson [CHAIRMAN].

25 * Sec. 12. AS 15.15.030(8) is amended to read:

26 (8) The general or special election ballot shall be designed with the title
27 and proposition for any initiative, referendum, or constitutional amendment formulated
28 as prescribed by law and placed on the ballot in the manner prescribed by the director.
29 When placed on the ballot, a state ballot proposition or ballot question shall carry the
30 number that [WHICH] was assigned to the petition for the proposition or question.
31 Provision shall be made for marking the proposition "Yes" ["FOR"] or "No."

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["AGAINST."]

* Sec. 13. AS 15.15.030(11) is amended to read:

(11) When the legislature by law authorizes a state debt for capital improvements, the director shall place the question of whether the specific authorization shall be ratified by placing the ballot title and question on the next general election ballot, or on the special election ballot if a special election is held for the purpose of ratifying the state debt for capital improvements before the time of the next general election. Unless specifically provided otherwise in the Act authorizing the debt, the ballot title shall, by the use of a few words in a succinct manner, indicate the general subject of the Act. The question shall, by the use of a few sentences in a succinct manner, give a true and impartial summary of the Act authorizing the state debt. The question of whether state debt shall be contracted shall be assigned a letter of the alphabet on the ballot. Provision shall be made for marking the question substantially as follows:

"Bonds. Yes" or "Bonds No,"

followed by an appropriate oval [SQUARE].

* Sec. 14. AS 15.15.070(b) is amended to read:

(b) The notice shall be given by publication at least twice in one or more newspapers of general circulation in each of the four judicial [MAJOR ELECTION] districts. The printed notice must [SHALL] specifically include [BUT IS NOT LIMITED TO] the date of election, the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, and the subject of the propositions and questions that [WHICH] are to be voted on.

* Sec. 15. AS 15.15.070(c) is amended to read:

(c) Public notice shall also be given by posting notices in those communities that do not have newspapers of general circulation where posting of notice is considered necessary by the director [TWO OR MORE CONSPICUOUS PLACES IN EACH ELECTION PRECINCT]. The posted notice must [SHALL] specifically include [BUT IS NOT LIMITED TO] the date of election, the location of the polling places [PLACE], the hours between which the polling places will be open, the offices to which candidates are to be nominated or elected, [AND] the subject of the

1 propositions and questions that [WHICH] are to be voted on, and other information
2 considered necessary by the director.

3 * Sec. 16. AS 15.15.070(h) is amended to read:

4 (h) An abbreviated form of the notice published under (b) of this section shall
5 be broadcast on one or more radio or television stations in each of the four judicial
6 districts. The broadcast notice must include at a minimum the date of the election, the
7 hours between which the polling places will be open, and the address and phone
8 number of the election supervisor or supervisors for the judicial district in which
9 the notice is broadcast [THE NAMES OF THE NEWSPAPERS IN WHICH THE
10 NOTICE IS PUBLISHED, AND THE DATES OF PUBLICATION IN THE
11 NEWSPAPERS].

12 * Sec. 17. AS 15.15.110 is amended to read:

13 **Sec. 15.15.110. General duties and oath of election board [AND CLERKS].**
14 The election board shall supervise the election in the precinct. Before entering upon
15 the duties of office, each election official [JUDGE AND CLERK] shall take an oath
16 to honestly, faithfully, and promptly perform the duties of office. Any appointed
17 election official, including an appointed election official who has [JUDGE,
18 WHETHER OR] not [HAVING] personally subscribed to the oath, may administer the
19 oath to another election official [JUDGE]. The chairperson [CHAIRMAN] of the
20 election board shall rotate the time at which election officials [JUDGES AND
21 CLERKS] may be relieved for meals.

22 * Sec. 18. AS 15.15.120 is amended to read:

23 **Sec. 15.15.120. Filling vacancies in election board.** If an appointed election
24 board member [JUDGE OR CLERK] fails to appear and subscribe to the oath on
25 election day or becomes incapacitated during the time of the election or the counting
26 of the ballots, the election board members present shall elect, by a majority voice vote,
27 a qualified voter to fill the vacancy. The qualified voter elected to fill the vacancy
28 shall be of the same political party as the person for whom the substitution is made
29 unless, after reasonable effort, the election board members determine that a qualified
30 voter of the same political party is not available.

31 * Sec. 19. AS 15.15.130 is amended to read:

1 **Sec. 15.15.130. Majority decision of election board.** The decision of the
2 majority of election board members [JUDGES] determines the action that the election
3 board shall take regarding any question that [WHICH] arises during the course of the
4 election.

5 * **Sec. 20.** AS 15.15.140(c) is amended to read:

6 (c) On disclosure that unofficial ballots have been used without the
7 certification required under (b) of this section, the director shall notify the chairperson
8 [CHAIRMAN] of the election board by telephone or electronic transmission
9 [TELEGRAM] of the failure to certify the ballots properly.

10 * **Sec. 21.** AS 15.15.140(d) is amended to read:

11 (d) The director may accept a certificate made by electronic transmission
12 [TELEGRAM] and count the ballots if the certificate is proper and actually received
13 by the director within 10 days after [OF] the date that the chairperson [CHAIRMAN]
14 of the election board was notified under (c) of this section.

15 * **Sec. 22.** AS 15.15.160 is amended to read:

16 **Sec. 15.15.160. Prohibition of political discussion by election board.** During
17 the hours that the polls are open, an election board member [A JUDGE OR CLERK]
18 may not discuss any political party, candidate, or issue while on duty.

19 * **Sec. 23.** AS 15.15.170 is amended to read:

20 **Sec. 15.15.170. Prohibition of political persuasion near election polls.**
21 During the hours the polls are open, a person who is in the polling place or within 200
22 feet of any entrance to the polling place may not attempt to persuade a person to vote
23 for or against a candidate, proposition, or question. The election officials [JUDGES]
24 shall post warning notices at the required distance in the form and manner prescribed
25 by the director.

26 * **Sec. 24.** AS 15.15.180 is amended to read:

27 **Sec. 15.15.180. Keeping of register.** The election officials [JUDGES] shall
28 keep a register or registers in which each voter before receiving a ballot shall sign the
29 voter's name and give both a residence [RESIDENT] and mailing address. A record
30 shall be kept in the registration book in space provided of the names [NAME] of
31 persons who offer to vote but who actually do not vote, and a brief statement of

1 explanation. The signing of the register constitutes a declaration by the voter that the
2 voter is qualified to vote.

3 * Sec. 25. AS 15.15.195 is amended to read:

4 **Sec. 15.15.195. Voters on official registration list.** An election official
5 [JUDGE] in a precinct shall allow a voter on the official registration list to vote in the
6 precinct unless the voter is questioned in accordance with AS 15.15.210.

7 * Sec. 26. AS 15.15.198 is amended to read:

8 **Sec. 15.15.198. Voters not on official registration list.** (a) If a voter's name
9 does not appear on the official registration list in the precinct in which the voter seeks
10 to vote, the election official [JUDGE] shall affirmatively advise the voter that the voter
11 may cast a questioned ballot, and the voter shall be allowed to vote a questioned
12 ballot.

13 (b) A person whose registration is inactive under AS 15.07.130(b) and who
14 votes a questioned or absentee ballot shall have the ballot counted if

15 (1) the person was registered to vote in the last four calendar years
16 [FOR EITHER OF THE TWO MOST RECENT GENERAL ELECTIONS];

17 (2) the person signs a statement to that effect; and

18 (3) the earlier registration is verified by the director.

19 * Sec. 27. AS 15.15.210 is amended to read:

20 **Sec. 15.15.210. Questioning of voters of suspect qualification.** Every
21 election official [JUDGE AND ELECTION CLERK] shall question, and every watcher
22 and any other person qualified to vote in the precinct may question, a person
23 attempting to vote if the questioner has good reason to suspect that the questioned
24 person is not qualified under AS 15.05 [TO VOTE]. All questions regarding a
25 person's qualifications to vote shall be made in writing setting out the reason the
26 person has been questioned. A questioned person shall, before voting, [SHALL]
27 subscribe to a declaration in a form provided by the director attesting to the fact that
28 in each particular the person meets all the qualifications of a voter, is not disqualified,
29 and has not voted at the same election, and certifying that the person understands that
30 a false statement on the declaration may subject the person to prosecution for a
31 misdemeanor under this title or AS 11. [THE QUESTIONED PERSON SHALL

1 ALSO STATE THE PLACE FROM WHICH THAT PERSON CAME
2 IMMEDIATELY BEFORE LIVING IN THE PRECINCT WHERE OFFERING TO
3 VOTE AND THE LENGTH OF TIME OF RESIDENCE IN THE FORMER PLACE.]

4 After the questioned person has executed the declaration, the person may vote. If the
5 questioned person refuses to execute the declaration, the person may not vote.

6 * **Sec. 28.** AS 15.15.215(a) is amended to read:

7 (a) A voter who casts a questioned ballot shall vote the ballot in the same
8 manner as prescribed for other voters. The voter shall insert the ballot into a secrecy
9 sleeve and [, THE ELECTION JUDGE SHALL REMOVE THE NUMBERED STUB
10 FROM THE BALLOT, AND THE VOTER SHALL] put the secrecy sleeve into an
11 envelope on which the statement the voter previously signed is located. The envelope
12 shall be sealed and deposited in the ballot box. When the ballot box is opened, the
13 envelopes shall be segregated, counted, compared to the voting list, and delivered to
14 the official or body supervising the election. The merits of the question shall be
15 determined by this official or body in accordance with the procedure prescribed for
16 questioned votes in AS 15.20.207.

17 * **Sec. 29.** AS 15.15.220 is amended to read:

18 **Sec. 15.15.220. Administration of oaths.** Any election official [JUDGE] may
19 administer to a voter any oath that is necessary in the administration of the election.

20 * **Sec. 30.** AS 15.15.225(a) is amended to read:

21 (a) Before being allowed to vote, each voter shall exhibit to an election official
22 [JUDGE] one form of identification, including [BUT NOT LIMITED TO] an official
23 voter registration card, driver's license, birth certificate, passport, [OR] hunting or
24 fishing license, or other form of identification as prescribed by regulation.

25 * **Sec. 31.** AS 15.15.225(b) is amended to read:

26 (b) An election official [JUDGE] may waive the identification requirement if
27 the election official [JUDGE] knows the identity of the voter.

28 * **Sec. 32.** AS 15.15.230 is amended to read:

29 **Sec. 15.15.230. Providing ballot to voter.** When the voter has qualified to
30 vote, the election official [JUDGE] shall give the voter an official ballot. The voter
31 shall retire to a booth or private place to mark the ballot.

1 * Sec. 33. AS 15.15.240 is amended to read:

2 Sec. 15.15.240. Voter assistance [ASSISTING VOTER BY JUDGE]. A
3 qualified voter needing assistance in voting [WHO CANNOT READ, MARK THE
4 BALLOT, OR SIGN THE VOTER'S NAME] may request an election official
5 [JUDGE], a person, or not more than two persons of the voter's choice to assist. If the
6 election official [JUDGE] is requested, the election official [JUDGE] shall assist the
7 voter. If any other person is requested, the person shall state upon oath before the
8 election official [JUDGE] that the person will not divulge the vote cast by the person
9 assisted.

10 * Sec. 34. AS 15.15.250 is amended to read:

11 Sec. 15.15.250. Disposition of spoiled [IMPROPERLY MARKED] ballot.
12 If a voter improperly marks, [OR OTHERWISE] damages, or otherwise spoils a
13 ballot, the voter may request and the election board shall provide another ballot, with
14 a maximum of three. The [, AND THE] board shall record on the precinct register
15 that there was a spoiled [THE NUMBER OF THE IMPROPERLY MARKED OR
16 DAMAGED] ballot and destroy the spoiled ballot [IT] immediately without
17 examining it.

18 * Sec. 35. AS 15.15.260 is amended to read:

19 Sec. 15.15.260. Placing ballot in ballot box by voter. When the voter has
20 marked a ballot, the voter shall inform the election official [JUDGE]. The
21 [DIRECTOR MAY REQUIRE THAT THE VOTER RETURN THE BALLOT TO
22 THE ELECTION JUDGE TEMPORARILY SO THAT ANY STUB WHICH MAY BE
23 PART OF THE BALLOT MAY BE REMOVED BY THE ELECTION JUDGE. ANY
24 SUCH REQUIREMENT SHALL PROTECT THE SECRECY OF THE BALLOT. IN
25 ALL CASES THE] ballot shall be deposited in the ballot box by the voter in the
26 presence of the election official [JUDGE] unless the voter requests the election official
27 [JUDGE] to deposit the ballot on the voter's behalf. Separate ballot boxes may be
28 used for separate ballots.

29 * Sec. 36. AS 15.15.330 is amended to read:

30 Sec. 15.15.330. Commencement of ballot count. When the polls are closed
31 and the last vote has been cast in a hand-count precinct, the election board [AND

1 CLERKS OR COUNTERS] shall immediately proceed to open the ballot box and to
2 count the votes cast. In all cases, the election board shall cause the count to be
3 continued without adjournment until the count is complete.

4 * Sec. 37. AS 15.15.340 is amended to read:

5 **Sec. 15.15.340. Report, oath, and vacancies of additional election officials**
6 **[COUNTERS]. Additional election officials [COUNTERS] shall report to the**
7 **election board at the polls at the time designated by the election supervisor or the**
8 **chairperson [CHAIRMAN] of the election board to assume their duties to assist the**
9 **election board in counting the vote. Before undertaking the duties of office, each**
10 **additional election official [COUNTER] shall subscribe to an oath to honestly,**
11 **faithfully, impartially, and promptly carry out the duties of the position. [AN**
12 **ELECTION JUDGE MAY ADMINISTER THE OATH.] If an additional election**
13 **official [APPOINTED COUNTER] fails to appear and subscribe to the oath at the time**
14 **designated by the election supervisor, the election board shall appoint any qualified**
15 **voter to fill the vacancy.**

16 * Sec. 38. AS 15.15.350(a) is amended to read:

17 (a) The director may adopt regulations prescribing the manner in which the
18 precinct ballot count is accomplished so as to assure accuracy in the count and to
19 expedite the process. The election board shall account for all ballots by completing
20 a ballot statement containing (1) the number of official ballots received; (2) the number
21 of official ballots voted; (3) the number of official ballots spoiled; (4) the number of
22 official ballots unused and destroyed. The board shall count the number of questioned
23 ballots and shall compare that number to the number of questioned voters in the
24 register. Discrepancies shall be noted and the numbers included in the certificate
25 prescribed by AS 15.15.370. The election board, **in hand-count precincts**, shall count
26 the ballots in a manner that allows watchers to see the ballots when opened and read.
27 **A [NO] person handling the ballot after it has been taken from the ballot box and**
28 **before it is placed in the envelope for mailing may not have a marking device in hand**
29 **or remove a ballot from the immediate vicinity of the polls.**

30 * Sec. 39. AS 15.15.360 is amended to read:

31 **Sec. 15.15.360. Rules for counting [HAND-MARKED] ballots in hand-**

1 count precincts. (a) The election board shall count [HAND-MARKED] ballots in
2 hand-count precincts according to the following rules: [.]

3 (1) A voter may mark a ballot only by filling in, making [THE USE
4 OF CROSS-MARKS,] "X" marks, diagonal, horizontal, or vertical marks, solid marks,
5 stars, circles, asterisks, checks, or plus signs that are clearly spaced in the oval
6 [SQUARE] opposite the name of the candidate, proposition, or question that the
7 voter desires to designate.

8 (2) A failure to properly mark a ballot as to one or more candidates
9 does not itself invalidate the entire ballot.

10 (3) If a voter marks fewer names than there are persons to be elected
11 to the office, a vote shall be counted for each candidate properly marked.

12 (4) If a voter marks more names than there are persons to be elected
13 to the office, the votes for candidates for that office may not be counted.

14 (5) The mark specified in (1) of this subsection shall be counted only
15 if it is substantially inside the oval [SQUARE] provided, or touching the oval
16 [SQUARE] so as to indicate clearly that the voter intended the particular oval
17 [SQUARE] to be designated.

18 (6) Improper marks on the ballot may not be counted and do not
19 invalidate marks for candidates properly made.

20 (7) An erasure or correction invalidates only that section of the ballot
21 in which it appears.

22 (8) A vote marked for the candidate for President or Vice-President of
23 the United States is considered and counted as a vote for the election of the
24 presidential electors.

25 (9) Write-in votes are not invalidated by writing in the name of a
26 candidate whose name is printed on the ballot unless the election board determines, on
27 the basis of other evidence, that the ballot was so marked for the purpose of
28 identifying the ballot.

29 (10) [STICKERS BEARING A CANDIDATE'S NAME MAY BE
30 AFFIXED TO THE BALLOT IN PLACE OF WRITING IN A CANDIDATE'S
31 NAME IF WRITE-IN VOTES ARE OTHERWISE PERMITTED. STICKERS MAY

1 NOT BE ISSUED BY MEMBERS OF THE ELECTION BOARD WHILE SERVING
2 AT THE POLLS. STICKERS MAY NOT BE OFFERED TO VOTERS WITHIN 200
3 FEET OF THE POLLING PLACE.

4 (11)] In order to vote for a write-in candidate, the voter must write in
5 the candidate's name in the space provided [OR PLACE A STICKER IN THE SPACE]
6 and fill in [, IN ADDITION, MARK] the oval [SQUARE] opposite the candidate's
7 name in accordance with (1) of this subsection.

8 (11) A vote for a write-in candidate, other than a write-in vote for
9 governor and lieutenant governor, shall be counted if the oval is filled in for that
10 candidate and if the name, as it appears on the write-in declaration of candidacy,
11 of the candidate or the last name of the candidate is written in the space
12 provided.

13 (12) If the write-in vote is for governor and lieutenant governor, the
14 vote shall be counted if the oval is filled in and the names, as they appear on the
15 write-in declaration of candidacy, of the candidates for governor and lieutenant
16 governor or the last names of the candidates for governor and lieutenant
17 governor, or the name, as it appears on the write-in declaration of candidacy, of
18 the candidate for governor or the last name of the candidate for governor is
19 written in the space provided.

20 (b) The rules set out in this section are mandatory and there are [SHALL BE]
21 no exceptions to them. A ballot may not be counted unless marked in compliance
22 with these rules.

23 (c) The rules set out in this section apply to [HAND-MARKED PUNCH-
24 CARD] ballots used in hand-count precincts where precinct tabulators [IF PUNCH-
25 CARD MACHINES] are not available [IN A PRECINCT].

26 * Sec. 40. AS 15.15.361 is repealed and reenacted to read:

27 Sec. 15.15.361. Stickers. The use of stickers in an election to vote for a
28 write-in candidate is prohibited.

29 * Sec. 41. AS 15.15.390 is amended to read:

30 Sec. 15.15.390. Certifying election expenses. The director shall prescribe the
31 manner of certifying, auditing, and paying election expenses, including the cost of

1 giving notice, renting polling places, paying election officials [JUDGES, CLERKS,
2 AND COUNTERS], securing a ballot box, postage, and stationery, and obtaining
3 similar election necessities.

4 * Sec. 42. AS 15.15.430 is repealed and reenacted to read:

5 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review of
6 ballot counting by the director shall include only a review of

7 (1) the precinct registers, tallies, and ballots cast; and

8 (2) absentee and questioned ballots as prescribed by law.

9 (b) If, following the ballot review set out in (a) of this section, the director
10 finds an unexplained discrepancy in the ballot count in any precinct, the director may
11 count the ballots from that precinct. The director shall certify in writing to the state
12 ballot counting review board any changes resulting from the count.

13 * Sec. 43. AS 15.15.470 is amended to read:

14 **Sec. 15.15.470. Preservation of election ballots, papers, and materials.** The
15 director shall preserve all precinct election certificates, tallies, and registers for four
16 years after the election. All ballots and stubs for elections other than national
17 elections may be destroyed 30 days after the certification of the state ballot counting
18 review unless an application for recount has been filed and not completed, or unless
19 their destruction is stayed by an order of the court. All ballots for national elections
20 may be destroyed in accordance with federal law. The director may permit the
21 inspection of election materials upon call by the Congress, the state legislature, or a
22 court of competent jurisdiction.

23 * Sec. 44. AS 15.20.015 is amended to read:

24 **Sec. 15.20.015. Moving from house [ELECTION] district just before**
25 **election.** A person who meets all voter qualifications except the requirement [THAT
26 LISTED] in AS 15.05.010(4) is qualified to vote by absentee ballot in the house
27 [ELECTION] district in which the person formerly resided if the person lived in that
28 house [ELECTION] district for at least 30 days immediately before changing
29 residence, except that the person may vote only for

30 (1) statewide ballot measures and questions;

31 (2) candidates for federal or statewide offices;

1 (3) candidates for the state senate if the voter's former residence
2 and present residence are in the same senate district; and

3 (4) candidates for judicial retention if the voter's former residence
4 and present residence are in the same judicial district.

5 * Sec. 45. AS 15.20.020 is amended to read:

6 **Sec. 15.20.020. Provision for general administrative supervision.** The
7 director shall provide general administrative supervision over the conduct of absentee
8 voting. The director shall make available instructions to absentee voters regarding the
9 procedure for absentee voting. [ONE SET OF INSTRUCTIONS SHALL
10 ACCOMPANY EACH ABSENTEE BALLOT.]

11 * Sec. 46. AS 15.20.061(a) is amended to read:

12 (a) A qualified voter may apply in person for an absentee ballot to the
13 following election officials at the times specified:

14 (1) to an absentee voting official [IN THE ELECTION DISTRICT IN
15 WHICH THE VOTER RESIDES] on or after the 15th day before an election up to and
16 including [THE DAY BEFORE] the date of the election;

17 (2) to an election supervisor

18 (A) after a date announced by the director under
19 AS 15.20.048(b); and

20 (B) on or after the 15th day before an election up to and
21 including the date of the election;

22 (3) to an absentee voting official at an absentee voting station
23 designated under AS 15.20.045(b) at any time when the absentee voting station is
24 operating;

25 (4) [TO AN ABSENTEE VOTING OFFICIAL IN THE PRECINCT
26 IN WHICH THE VOTER RESIDES WHEN DISTANCES PRECLUDE EASY
27 ACCESS TO THE POLLING PLACE ON OR AFTER THE 15TH DAY BEFORE
28 AN ELECTION UP TO AND INCLUDING ELECTION DAY;

29 (5)] to an absentee voting official in the precinct in which no volunteers
30 can be located to serve on the election board on or after the 15th day before an
31 election up to and including election day.

1 * Sec. 47. AS 15.20.061(d) is amended to read:

2 (d) The election official may not accept a marked ballot that has been
3 exhibited by an absentee voter with intent to influence other voters. If the absentee
4 voter spoils [IMPROPERLY MARKS OR OTHERWISE DAMAGES] a ballot, the
5 voter may request and the election official shall provide another ballot up to a
6 maximum of three. Exhibited or spoiled [, IMPROPERLY MARKED, OR
7 DAMAGED] ballots shall be destroyed. The numbers of all ballots destroyed shall be
8 noted on the ballot statement.

9 * Sec. 48. AS 15.20 is amended by adding a new section to read:

10 **Sec. 15.20.064. Early voting.** (a) A qualified voter who meets the
11 requirements set out in this section may vote early in the office of an election
12 supervisor on or after the 15th day before an election up to and including election day.

13 (b) The election supervisor or other election official shall issue a ballot to the
14 voter upon

15 (1) exhibition of proof of identification as required in AS 15.15.225;

16 (2) verification that the voter's residence address appearing on the
17 official registration list is current and within the election supervisor's jurisdiction; and

18 (3) the voter's signing the early voting register.

19 (c) After the voter has marked the ballot, the voter shall place the ballot in the
20 secrecy sleeve and inform the election supervisor or other election official. The voter
21 shall deposit the ballot in the ballot box in the presence of the election supervisor or
22 other election official unless the voter requests the election supervisor or other election
23 official to deposit the ballot on the voter's behalf. The tabulation of early voting
24 ballots may not begin before 8:00 p.m. prevailing time on election day.

25 * Sec. 49. AS 15.20 is amended by adding a new section to read:

26 **Sec. 15.20.072. Special needs voting.** (a) A qualified voter with a disability
27 who, because of that disability, is unable to go to a polling place to vote may vote a
28 special needs ballot.

29 (b) The voter may, through a representative, request a special needs ballot
30 from the following election officials at the times specified:

31 (1) from an absentee voting official on or after the 15th day before an

- 1 election, up to and including election day;
- 2 (2) from an election supervisor
- 3 (A) after a date announced by the director under
- 4 AS 15.20.048(b); and
- 5 (B) on or after the 15th day before an election up to and
- 6 including election day;
- 7 (3) from an absentee voting official at an absentee voting station
- 8 designated under AS 15.20.045(b) at a time when the absentee voting station is in
- 9 operation; or
- 10 (4) from a member of the precinct election board on election day.
- 11 (c) If the request for a special needs ballot is made through a representative,
- 12 the representative shall sign a register provided by an election official. The register
- 13 must include the following information:
- 14 (1) the representative's name;
- 15 (2) the representative's residence and mailing address;
- 16 (3) the representative's social security number, voter number, or date
- 17 of birth;
- 18 (4) the name of the voter on whose behalf the representative is
- 19 requesting a ballot and voting materials;
- 20 (5) an oath that the representative
- 21 (A) is receiving a ballot and voting materials on behalf of the
- 22 voter;
- 23 (B) will not vote the ballot for the voter;
- 24 (C) will not coerce the voter;
- 25 (D) will not divulge the vote cast by the voter; and
- 26 (E) has been notified that unlawful interference with voting is
- 27 punishable under AS 15.56.030;
- 28 (6) the representative's signature.
- 29 (d) The representative shall deliver the special needs ballot and other voting
- 30 materials to the voter as soon as practicable. The voter shall mark the ballot in secret,
- 31 place the ballot in the secrecy sleeve, and place the secrecy sleeve in the envelope

1 provided. The voter shall provide the information on the envelope that would be
2 required for absentee voting if the voter voted in person. The voter shall sign the
3 voter's certificate in the presence of the representative. The representative shall sign
4 as attesting official and date the voter's signature.

5 (e) The representative shall deliver the ballot and voter certificate to an
6 election official not later than 8:00 p.m. Alaska time on election day.

7 (f) If a qualified voter's disability precludes the voter from performing any of
8 the requirements of (d) of this section, the representative may perform those
9 requirements, except making the voting decision, on the voter's behalf.

10 (g) The voter's employer, an agent of the voter's employer, or an officer or
11 agent of the voter's union may not act as a representative for the voter. A candidate
12 for office at an election may not act as a representative for a voter in the election.

13 * **Sec. 50.** AS 15.20.082(c) is amended to read:

14 (c) A special state absentee ballot prepared for the state general election or for
15 a state special election shall, if the names of candidates are not yet certified, permit
16 a voter to cast a ballot for all the candidates of a particular political party that expects
17 to have candidates appear on the ballot; for this purpose, the director shall prepare the
18 ballot with party boxes and a blank line for each office to be voted on in that election.
19 The voter may vote for a candidate for that office by writing in the name of a person
20 and filling in [MARKING] the oval [BOX] to the right of that name, or the voter may
21 mark one of the party boxes. If the voter puts a mark in a party box for that office,
22 the director shall count the mark as a vote cast for the candidate for that office
23 nominated by that party. If the voter writes in a name for an office, the vote shall be
24 counted as a write-in vote for that office. The director shall count the ballots under
25 AS 15.15.360. The director shall provide the voter with the names of each candidate
26 appearing on the primary election ballot and the names of any candidates who have
27 qualified by petition to appear on the general election ballot.

28 * **Sec. 51.** AS 15.20.190(a) is amended to read:

29 (a) Thirty days before the date of an election, the election supervisors shall
30 appoint, in the same manner provided for the appointment of election officials
31 [JUDGES] prescribed in AS 15.10 [AS 15.10.150], district absentee ballot counting

1 boards and district questioned ballot counting boards, each composed of at least four
 2 members. At least one member of each board must be a member of the same political
 3 party of which the governor is a member, and at least one member of each board must
 4 be a member of the political party whose candidate for governor received the second
 5 largest number of votes in the preceding gubernatorial election. The district boards
 6 shall assist the election supervisors in counting the absentee and questioned ballots and
 7 shall receive the same compensation paid election officials [JUDGES] under
 8 AS 15.15.380.

9 * Sec. 52. AS 15.20.205(c) is amended to read:

10 (c) The district questioned ballot counting board may [SHALL] certify the
 11 questioned ballot totals as soon as the count is completed but no later than the 15th
 12 [10TH] day following the election.

13 * Sec. 53. AS 15.20.211(a) is amended to read:

14 (a) If a qualified voter of the state votes a ballot for a house [AN ELECTION]
 15 district other than the house [ELECTION] district in which the voter is registered, that
 16 person may vote only for

17 (1) statewide ballot measures and questions;

18 (2) candidates for federal or statewide offices;

19 (3) candidates for the state senate if the voter's former residence
 20 and present residence are in the same senate district; and

21 (4) candidates for judicial retention if the voter's former residence
 22 and present residence are in the same judicial district [THE VOTES CAST FOR
 23 STATEWIDE CANDIDATES AND FOR STATEWIDE BALLOT PROPOSITIONS
 24 AND STATEWIDE QUESTIONS SHALL BE COUNTED. IF THE QUALIFIED
 25 VOTER VOTED FOR A CANDIDATE FOR THE STATE SENATE FROM THE
 26 SENATE DISTRICT IN WHICH THE VOTER IS A RESIDENT, THE VOTE
 27 SHALL BE COUNTED. THE VOTES CAST FOR CANDIDATES OR BALLOT
 28 PROPOSITIONS OR QUESTIONS NOT APPEARING ON THE BALLOT OF THE
 29 DISTRICT IN WHICH THE VOTER IS A RESIDENT MAY NOT BE COUNTED].

30 * Sec. 54. AS 15.20.480 is amended to read:

31 **Sec. 15.20.480. Procedure for recount.** In conducting the recount, the

1 director shall review all ballots, whether the ballots were counted at the precinct or by
2 computer or by the district absentee counting board or the questioned ballot counting
3 board, to determine which ballots, or part of ballots, were properly marked and which
4 ballots are to be counted in the recount, and shall check the accuracy of the original
5 count, the precinct certificate, and the review. [THE DIRECTOR SHALL CHECK
6 THE NUMBER OF BALLOTS AND QUESTIONED BALLOTS CAST IN A
7 PRECINCT AGAINST THE REGISTERS AND SHALL CHECK ABSENTEE
8 BALLOTS VOTED AGAINST ABSENTEE BALLOTS DISTRIBUTED.] The
9 director shall count absentee ballots received before the completion of the recount. For
10 administrative purposes, the director may join and include two or more applications
11 in a single review and count of votes. The rules in AS 15.15.360 governing the
12 counting of [HAND-MARKED] ballots in hand-count precincts [AND THE RULES
13 IN AS 15.20.730 GOVERNING THE COUNTING OF PUNCH-CARD BALLOTS]
14 shall be followed in the recount when a ballot is challenged on the basis of a
15 question regarding the voter's intent to vote for the candidate, proposition, or
16 question. The ballots and other election material must remain in the custody of the
17 director during the recount, and the highest degree of care shall be exercised to protect
18 the ballots against alteration or mutilation. The recount shall be completed within 10
19 days. The director may employ additional personnel necessary to assist in the recount.

20 * Sec. 55. AS 15.20.800(e) is amended to read:

21 (e) The director shall review ballots voted under this section under procedures
22 established for the review of absentee ballots under AS 15.20.201 and 15.20.203. The
23 director shall establish the schedule for counting ballots in an election conducted
24 by mail.

25 * Sec. 56. AS 15.25.040(a) is amended to read:

26 (a) The declaration is filed by either

27 (1) the actual physical delivery of the declaration in person or by mail
28 at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election
29 is held for the office; or

30 (2) reliable electronic transmission [THE ACTUAL PHYSICAL
31 DELIVERY BY TELEGRAM] of a copy in substance of the statements made in

1 paragraphs (1) - (5) of the declaration as required by AS 15.25.030(a) at or before 5:00
2 p.m., prevailing time, June 1 of the year in which a general election is held for the
3 office and also the actual physical delivery of the declaration containing paragraphs
4 (1) - (16) as required by AS 15.25.030(a) by [REGISTERED] mail that [WHICH] is
5 received not more than 15 days after that time.

6 * Sec. 57. AS 15.25.100 is amended to read:

7 **Sec. 15.25.100. Placement of nominees on general election ballot.** The
8 director shall place the name of the candidate receiving the highest number of votes
9 for an office by a political party on the general election ballot. However, the director
10 may not place on the general election ballot the name of the candidate from a
11 political party receiving the greatest number of votes for the office of

12 (1) governor unless there is also a candidate for lieutenant governor
13 of that political party;

14 (2) lieutenant governor unless there is also a candidate for governor
15 of that political party.

16 * Sec. 58. AS 15.25 is amended by adding a new section to read:

17 **Sec. 15.25.105. Write-in candidates.** (a) If a candidate does not appear on
18 the primary election ballot or is not successful in advancing to the general election and
19 wishes to be a candidate in the general election, the candidate may file as a write-in
20 candidate. Votes for a write-in candidate may not be counted unless that candidate has
21 filed a letter of intent with the director stating

22 (1) the full name of the candidate;

23 (2) the full residence address of the candidate and the date on which
24 residency at that address began;

25 (3) the full mailing address of the candidate;

26 (4) the name of the political party or political group of which the
27 candidate is a member, if any;

28 (5) if the candidate is for the office of state senator or state
29 representative, the house or senate district of which the candidate is a resident;

30 (6) the office that the candidate seeks;

31 (7) the date of the election at which the candidate seeks election;

1 (8) the length of residency in the state and in the house district of the
2 candidate;

3 (9) the name of the candidate as the candidate wishes it to be written
4 on the ballot by the voter;

5 (10) that the candidate meets the specific citizenship requirements of
6 the office for which the person is a candidate;

7 (11) that the candidate will meet the specific age requirements of the
8 office for which the person is a candidate by the time that the candidate, if elected, is
9 sworn into office;

10 (12) that the candidate is a qualified voter as required by law; and

11 (13) that the candidate is not a candidate for any other office to be
12 voted on at the general election and that the candidate is not a candidate for this office
13 under any other nominating petition or declaration of candidacy.

14 (b) If a write-in candidate is running for the office of governor, the candidate
15 must file a joint letter of intent together with a candidate for lieutenant governor. Both
16 candidates must be of the same political party or group.

17 (c) A letter of intent under (a) of this section must be filed not later than five
18 days before the general election.

19 * Sec. 59. AS 15.25.130 is amended to read:

20 **Sec. 15.25.130. Selection of nominees for party petition.** The nominees of
21 political parties by party petition may be selected for statewide offices by the state
22 party central committee or in any other manner prescribed by the party bylaws, and
23 the petition for statewide offices shall be signed by the state chairperson
24 [CHAIRMAN] of the political party [CENTRAL COMMITTEE,] or, in the absence
25 of the state chairperson [CHAIRMAN], by any two members of the state party
26 central committee. The nominees of political parties by party petition may be selected
27 for district-wide offices by the respective party district committee or in any other
28 manner prescribed by the party bylaws, and the petition for district-wide offices shall
29 be signed by the chairperson [CHAIRMAN] of the party district committee, or in the
30 absence of the chairperson [CHAIRMAN], by any two members of the party district
31 committee, or in any other manner prescribed by the party bylaws. The petition may

1 be delivered in person, or by mail, telegraph, [OR] facsimile, or other reliable
2 electronic transmission.

3 * Sec. 60. AS 15.25.180(a) is amended to read:

4 (a) The petition must state in substance

5 (1) the full name of the candidate;

6 (2) the full residence address of the candidate [,] and the date on which
7 residency at that address began;

8 (3) the full mailing address of the candidate;

9 (4) the name of the political group, if any, supporting the candidate;

10 (5) if the candidacy is for the office of state senator or state
11 representative, the house [ELECTION] or senate district of which the candidate is a
12 resident;

13 (6) the office for which the candidate is nominated;

14 (7) the date of the election at which the candidate seeks election;

15 (8) the length of residency in the state and in the district of the
16 candidate;

17 (9) that the subscribers are qualified voters of the state or house
18 [ELECTION] or senate district in which the candidate resides;

19 (10) that the subscribers request that the candidate's name be placed on
20 the primary election ballot;

21 (11) that the proposed candidate accepts the nomination and will serve
22 if elected, with the statement signed by the proposed candidate;

23 (12) the name of the candidate as the candidate wishes it to appear on
24 the ballot; [AND]

25 (13) that the candidate is not a candidate for any other office to be
26 voted on at the primary or general election and that the candidate is not a candidate
27 for this office under any other nominating petition or declaration of candidacy;

28 (14) that the candidate meets the specific citizenship requirements
29 of the office for which the person is a candidate;

30 (15) that the candidate will meet the specific age requirements of
31 the office for which the person is a candidate by the time that the candidate, if

1 elected, is sworn into office: and

2 (16) that the candidate is a qualified voter.

3 * Sec. 61. AS 15.30.020 is amended to read:

4 Sec. 15.30.020. Number and manner of selecting candidates. Each political
5 party shall select a number of candidates for electors of President and Vice-President
6 [VICE PRESIDENT] of the United States equal to the number of senators and
7 representatives to which the state is entitled in Congress. The candidates for electors
8 shall be selected by the state party convention or in any other manner prescribed by
9 the bylaws of the party. The chairperson [CHAIRMAN] and secretary of the state
10 convention or any other party official designated by the party bylaws shall certify a
11 list of the names of candidates for electors to the director on or before September 1
12 in presidential election years.

13 * Sec. 62. AS 15.40.300 is amended to read:

14 Sec. 15.40.300. Selection of party nominees. The nominees of political
15 parties may be selected by state convention or in any other manner prescribed by the
16 party bylaws, and the petition shall be signed by the chairperson [CHAIRMAN] and
17 secretary of the state convention, or, if the nominees are selected by the party central
18 committee, the petition shall be signed by the state chairperson of the political party
19 [CHAIRMAN OF THE CENTRAL COMMITTEE] or in any other manner prescribed
20 by the party bylaws.

21 * Sec. 63. AS 15.50.040 is amended to read:

22 Sec. 15.50.040. Display of resolution. The director shall provide each
23 election board with one copy [10 COPIES] of the resolution proposing the
24 constitutional amendment by the legislature or by the convention, and the election
25 board shall display the copy [THREE COPIES] of the resolution in a conspicuous
26 place in the room where the election is held.

27 * Sec. 64. AS 15.56.016(a) is amended to read:

28 (a) A person commits the crime of campaign misconduct in the third degree
29 if

30 (1) the person violates a provision of AS 15.13 or a regulation adopted
31 under AS 15.13; or

1 (2) during the hours the polls are open and after election officials
2 [JUDGES] have posted warning notices as required by AS 15.15.170 or at the required
3 distance in the form and manner prescribed by the chief municipal elections official
4 in a local election, the person is within 200 feet of an entrance to a polling place, and

5 (A) violates AS 15.15.170; or

6 (B) circulates cards, handbills, or marked ballots, or posts
7 political signs or posters relating to a candidate at an election or election
8 proposition or question.

9 * Sec. 65. AS 15.56.030(d) is amended to read:

10 (d) For purposes of (a)(2) and (3) of this section, "other valuable thing"

11 (1) includes [, BUT IS NOT LIMITED TO,]

12 (A) an entry in a game of chance in which a prize of money or
13 other present or future pecuniary gain or advantage may be awarded to a
14 participant wherein the total of the prizes offered is greater than \$2 per
15 participant with a maximum of \$100; and

16 (B) government employment or benefits;

17 (2) does not include

18 (A) materials having a nominal value bearing the name,
19 likeness, or other identification of a candidate, political party, political group,
20 party district committee, or organization, or stating a position on a ballot
21 proposition or question;

22 (B) food and refreshments provided incidental to an activity that
23 is nonpartisan in nature and directed at encouraging persons to vote, or
24 incidental to a gathering in support of or in opposition to a candidate, political
25 party, political group, party district committee, organization, or ballot question
26 or proposition;

27 (C) care of the voter's dependents provided in connection with
28 the absence of a voter from home for the purpose of voting;

29 (D) services provided by a person acting as a [PERSONAL]
30 representative under AS 15.20.072 [AS DEFINED IN AS 15.20.071];

31 (E) services provided by an election official as defined in

1 AS 15.60.010; and

2 (F) transportation of a voter to or from the polls without charge.

3 * Sec. 66. AS 15.58.030(b) is amended to read:

4 (b) No later than July 22 [JULY 15] of a year in which a state general
5 election will be held, an individual who becomes a candidate for the office of United
6 States senator, United States representative, governor, lieutenant governor, state
7 senator, or state representative under AS 15.25.030 or 15.25.180 [UNDER
8 AS 15.25.180] may file with the lieutenant governor a photograph and a statement
9 advocating the candidacy. An individual who becomes a candidate for the office of
10 United States senator, United States representative, governor, lieutenant governor, state
11 senator, or state representative by party petition filed under AS 15.25.110 may file
12 with the lieutenant governor a photograph and a statement advocating the candidacy
13 within 10 days of becoming a candidate.

14 * Sec. 67. AS 15.58.080(a) is amended to read:

15 (a) Not less than 22 [30] days before the general election, the lieutenant
16 governor shall mail to every registered voter one copy of the pamphlet prepared for
17 the region in which the voter resides. Additional pamphlets may be obtained from the
18 director, the office of the lieutenant governor, and the area election offices.

19 * Sec. 68. AS 15.60.010(2) is amended to read:

20 (2) "ballot" means any document provided by the director on which
21 votes may be cast for candidates, propositions, or questions [A HAND-MARKED
22 BALLOT AND A PUNCH-CARD BALLOT];

23 * Sec. 69. AS 15.60.010(4) is amended to read:

24 (4) "election board" means the board appointed in accordance with
25 AS 15.10.120 [LOCAL PRECINCT BOARD COMPOSED OF THE THREE
26 ELECTION JUDGES];

27 * Sec. 70. AS 15.60.010(6) is amended to read:

28 (6) "election official" means election board members [JUDGES,
29 CLERKS, COUNTERS], members of counting or review boards, employees of the
30 division of elections, and absentee voting officials;

31 * Sec. 71. AS 15.60.010(8) is repealed and reenacted to read:

1 (8) "felony involving moral turpitude" includes those crimes that are
2 immoral or wrong in themselves such as murder, manslaughter, assault, sexual assault,
3 sexual abuse of a minor, unlawful exploitation of a minor, robbery, extortion, coercion,
4 kidnapping, incest, arson, burglary, theft, forgery, criminal possession of a forgery
5 device, offering a false instrument for recording, scheme to defraud, falsifying business
6 records, commercial bribe receiving, commercial bribery, bribery, receiving a bribe,
7 perjury, perjury by inconsistent statements, endangering the welfare of a minor, escape,
8 promoting contraband, interference with official proceedings, receiving a bribe by a
9 witness or a juror, jury tampering, misconduct by a juror, tampering with physical
10 evidence, hindering prosecution, terroristic threatening, riot, criminal possession of
11 explosives, unlawful furnishing of explosives, promoting prostitution, criminal
12 mischief, misconduct involving a controlled substance or an imitation controlled
13 substance, permitting an escape, promoting gambling, possession of gambling records,
14 distribution of child pornography, and possession of child pornography;

15 * Sec. 72. AS 15.60.010(10) is amended to read:

16 (10) "hand-counted [HAND-MARKED] ballot" means a ballot
17 designated to be counted [MARKED] by hand in precincts where precinct
18 tabulators are not available [WITH A PEN OR PENCIL];

19 * Sec. 73. AS 15.60.010(28) is amended to read:

20 (28) "senate district" means one of the [TERRITORY INCLUDED IN
21 THE ELECTION] districts described in [AS DESIGNATED IN ART. XIV, SEC. 2,
22 OF THE STATE CONSTITUTION, AS MAY BE MODIFIED UNDER] art. VI,
23 sec. 2, Constitution of the State of Alaska [OF THE STATE CONSTITUTION];

24 * Sec. 74. AS 15.60.010(31) is amended to read:

25 (31) "state chairperson [CHAIRMAN]" or "state party chairperson"
26 means the political party official elected as the highest ranking statewide party
27 executive;

28 * Sec. 75. AS 15.60.010 is amended by adding new paragraphs to read:

29 (37) "house district" means one of the districts described in art. VI, sec.
30 1, Constitution of the State of Alaska;

31 (38) "judicial district" means one of the districts defined in

1 AS 22.10.010;

2 (39) "precinct tabulators" means an electronic optical scanning ballot
3 tabulation system or other tabulator designated by the director to electronically count
4 ballots.

5 * Sec. 76. AS 29.26.050(b) is amended to read:

6 (b) Voter registration by the municipality may not be required. However, in
7 order to vote for a candidate or on a ballot measure relating to a specific local election
8 district or service area, a municipality may by ordinance require that a person be
9 registered to vote in state elections at least 30 days before the municipal election at an
10 address within the boundaries of that local election district or service area. The
11 municipality has the responsibility to determine if a voter meets the requirements
12 of the ordinance and this section.

13 * Sec. 77. AS 36.30.850(b)(7) is amended to read:

14 (7) contracts for the preparation and transportation of ballots under
15 AS 15 [AS 15.15.030];

16 * Sec. 78. AS 39.50.020(a) is amended to read:

17 (a) A public official other than the governor or the lieutenant governor shall
18 file a statement giving income sources and business interests, under oath and on
19 penalty of perjury, within 30 days after taking office as a public official. Candidates
20 for state elective office other than a candidate who is subject to AS 24.60 shall file the
21 statement with the director of elections at the time of filing a declaration of candidacy
22 or a nominating petition or becoming a candidate by any other means. Candidates for
23 elective municipal office shall file the statement at the time of filing a nominating
24 petition, declaration of candidacy, or other required filing for the elective municipal
25 office. Refusal or failure to file within [30 DAYS AFTER] the time prescribed shall
26 require that the candidate's filing fees, if any, and filing for office be refused or that
27 a previously accepted filing fee be returned and the candidate's name removed from
28 the filing records. A statement shall also be filed by public officials no later than
29 March 15 in each following year. Persons who are members of boards or commissions
30 not named in AS 39.50.200(b) are not required to file financial statements.

31 * Sec. 79. AS 43.23.016 is amended to read:

1 **Sec. 43.23.016. Voter registration.** The commissioner shall include, at the
2 department's expense, voter registration forms prepared under AS 15.07.070(b) in the
3 [WITH] permanent fund dividend application packet. The forms must include a
4 notice that an individual is not required to register to vote in order to be eligible
5 to receive a permanent fund dividend. For purposes of maintaining accurate
6 voter registration records, the commissioner shall provide the director of
7 elections with the mailing addresses of all applicants for a permanent fund
8 dividend [APPLICATIONS].

9 * **Sec. 80.** AS 15.10.130, 15.10.150; AS 15.15.030(12); 15.15.070(e); 15.15.070(f);
10 AS 15.20.190(b), 15.20.590, 15.20.600, 15.20.609, 15.20.610, 15.20.620, 15.20.630, 15.20.640,
11 15.20.650, 15.20.660, 15.20.670, 15.20.680, 15.20.685, 15.20.690, 15.20.700, 15.20.710,
12 15.20.720, 15.20.730, 15.20.740; AS 15.58.070; AS 15.60.010(5), and 15.60.010(24) are
13 repealed.

14 * **Sec. 81.** AS 15.20.071 is repealed.

15 * **Sec. 82.** The uncodified law of the State of Alaska is amended by adding a new section
16 to read:

17 **TRANSITION: REGULATIONS.** Notwithstanding sec. 86 of this Act, the director
18 of elections may proceed to adopt regulations necessary to interpret or implement this Act.
19 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before
20 July 1, 2000.

21 * **Sec. 83.** The uncodified law of the State of Alaska is amended by adding a new section
22 to read:

23 **REVISOR'S INSTRUCTION.** In the following statute sections, the revisor shall
24 change

25 (1) references to "election district," "electoral district," or "house election
26 district" to read "house district": AS 03.20.050, AS 15.05.010(4), 15.05.012, AS 15.07.030(b),
27 15.07.090(c), 15.07.090(d), 15.07.120, AS 15.10.040, 15.10.090, AS 15.13.020(j),
28 15.13.400(10), AS 15.15.030(6), 15.15.060(d), AS 15.20.081(e), 15.20.430(a), 15.20.440(a),
29 15.20.450, AS 15.25.030(a)(3), 15.25.043, 15.25.170, AS 15.40.440, AS 15.45.500,
30 AS 15.45.530, 15.45.560, 15.45.580, 15.45.610, 15.45.680, AS 15.58.020(3), AS 44.62.430(b),
31 and AS 46.03.313(d);

1 (2) references to "election districts" to read "house districts": AS 03.20.020(a),
2 AS 15.10.110, AS 15.20.045(b), AS 15.45.140, 15.45.160, 15.45.370, 15.45.390(2), and
3 AS 15.58.020(4);

4 (3) references to "chairman" to read "chairperson": AS 15.10.140,
5 AS 15.13.020(g), 15.13.090(a), AS 15.15.090, AS 15.20.470, AS 15.40.210, 15.40.460, and
6 AS 15.58.040(b); and

7 (4) references to "chairmen" to read "chairpersons": AS 15.15.050 and
8 15.15.380.

9 * Sec. 84. Section 82 of this Act takes effect immediately under AS 01.10.070(c).

10 * Sec. 85. Sections 48, 49, 65, and 81 of this Act take effect January 1, 2001.

11 * Sec. 86. Except as provided in secs. 84 and 85 of this Act, this Act takes effect July 1,
12 2000.

HB163
Sectional Analysis for Work Draft D dated 2/2/00
Prepared by the Division of Elections

<u>SECTION</u>	<u>EXPLANATION</u>
1	Election employees exempt from jury service during the months of a primary or general election.
2, 3, 5, 8, 10, 17-25, 29, 31-33, 37, 41, 51, 59, 61-62, 64,	Change the term election judges and clerks to election officials or board members. Change term chairman to chairperson.
4, 79	Allow permanent fund dividend mailing address to be used on the official voter registration record. Requires the PFD division to pay for the printing of the voter registration form.
6	Remove requirement to have registrars. This is outdated due to the NVRA.
7	Remove requirement that Division of Elections post names of voters 40 days prior to an election. Allow for political parties to have one free list per year. This is not an efficient way for voters to identify whether or not they are properly registered. The division will be looking into other methods, such as adding more information to the present Interactive Voice Response (IVR) system that was used to locate a voter's polling place during the 1998 primary and general elections. We are also researching a secure way of posting the voter list on the internet.
9, 11	Revise wording on election board appointments. Board names will continue to be solicited from the party district committees and state central party committees. The member from the which the governor is a member and the party from which the candidate receiving the second highest number of votes may both submit two names. The election supervisor will appoint one from each of the above political parties.

12	Change the wording which appears for a ballot initiative from "For or Against" to "Yes or No." This will make the wording for ballot questions consistent throughout Title 15.
13, 50	Revise to conform to the ballot layout of optical scan ballots. Replace square with oval.
14	Change "major election districts" to "four judicial districts."
15	Change requirement mandating that posters, which provide notice of an election, be placed in each election precinct. This works in rural Alaska but not in urban Alaska. People in urban Alaska rely more on the newspaper for the notice of an election. Posting notices in rural Alaska is an adequate method of providing notice.
16	Remove requirement to include in a broadcast notice the name of the newspaper and the date the newspaper was published.
26	Update to make consistent with the new list maintenance law.
27	Remove requirement for voter to provide former address when voting a questioned ballot. This information is not used to determine the voter's eligibility and is not printed on the questioned oath and affidavit.
28	Deletes reference to a second ballot stub. Optical scan ballots only have one stub.
30	Expands the list of acceptable identification which can be provided by a voter when voting.
34, 47	Change improperly marked ballot to spoiled ballot.

35	<p>Remove the requirement that a voter, after voting, return the ballot to an election official for removal of the stub.</p> <p>Accu-Vote ballots only have one stub, which is removed by the election official when issuing the ballot.</p>
36, 38	Clarifies that this section applies to hand-count precincts.
39	<p>Clarifies that this section applies to hand-count precincts. Makes conforming changes to the ballot layout of optical scan ballots. Repeals the reference to stickers. Clarifies what name variations will be counted for write-in candidates.</p>
40	Prohibits the use of stickers by write-in candidates.
42	Updates the scope of review by the state review board. The terminology in present statute is outdated.
43	Clarifies when ballots and stubs for national and other elections can be destroyed.
44, 53	Clarifies what portions of a ballot will count if someone moves from one house district to another after the 30-day cutoff.
45	Delete requirement that an instruction sheet be provided with each absentee ballot. This is only done with by-mail ballots.
46	<p>Removes requirement that a voter may only vote absentee in-person through an Absentee Voting Official (AVO) in the voter's election district.</p> <p>Allows AVOs to conduct absentee in-person voting on election day.</p>
48	This is a new section on early voting. Applies to absentee in-person at the regional election offices. This would only apply to voters residing in house districts for which the regional office has

	<p>jurisdiction. Voters registered in HD 1-9 could vote in this manner at the Juneau office absentee voting station. Voters in HD 10-28 at the Anchorage absentee voting station. Voters registered in HD 29-36 at the Fairbanks office absentee voting station. Voters registered in HD 37-40 at the Nome office absentee voting station.</p> <p>The voter would verify that the registration information on file with the division is current and sign an early voting register. After voting the ballot, the voter would insert their ballot into the Accu-Vote precinct tabulator. Ballots would not be counted until after 8:00 p.m. on election day.</p> <p>If the voter's residence is different from that on the official registration file, the voter will be required to complete an absentee in-person oath and affidavit envelope. The voted ballot would be placed in this envelope and held for review by the regional office.</p> <p>This could significantly reduce the number of absentee ballots requiring review by the regional office. In the 1998 general election, there were 13,646 absentee in-person ballots cast. Of those, 12,038 were full count ballots.</p>
49	<p>Special needs voting. This is a replacement for the current absentee voting by personal representative. Although the division was successful in passing legislation last year to change the personal representative voting process, it is still not working.</p> <p>This would eliminate the requirement of the voter to complete an application. The voter would make a request to an elections official or through a personal contact (family member or friend) to get a special needs ballot.</p> <p>The representative would sign an oath, take the ballot and voting materials to the voter. After voting, the voter completes an oath and affidavit envelope similar to that as required by absentee in-person voting.</p> <p>The representative would serve as a witness and return the ballot to the election official.</p>
52	<p>Allows the questioned review board to finish their review of questioned ballots up to 15 days after the election. Current law</p>

	says the review must be completed by the 10 th day.
54	Clarifies that hand-count rules apply to challenges which arise during a recount concerning the voter's intent.
55	Allows the director to set the counting schedule for all by-mail elections.
56	Allows a declaration of candidacy to be filed by any reliable electronic means.
57	Requires that in order to appear on the general election ballot, each candidate for governor must have a lieutenant governor candidate and vice versa.
58	Requires that write-in candidates file a declaration with the division.
60	Make the requirements of a nominating petition the same as for declaration of candidacy.
63	Eliminate the requirement to have 10 copies of a constitutional amendment at the polling place. One copy will be posted in each precinct.
65	References new section on special needs voting.
66	Change the date material is required from candidates for the Official Election Pamphlet (OEP) from 7/15 to 7/22.
67	Change the mailing date of the OEP from 30 days before the election to 22 days.
68-70	Update definitions to conform with statute changes.

71	Update definition of felony involving moral turpitude to make it broader and easier to administer.
72-75	Update definitions to conform with statute changes.
76	Clarifies that it is the responsibility of local governments to determine if a voter qualifies to vote in a local election.
77	Adds the transportation of ballots to be exempt from state procurement procedures.
78	Makes conforming change to Title 39. Candidate must file a financial disclosure statement under AS 39.50 simultaneously with filing a declaration of candidacy.
80-81	Repealer section. Repeals Article 4 – Punch Card Voting and other outdated sections.
82	Gives authority to the director to adopt regulations to implement this Act.
83	Revisor's Instructions Global changes in Titles 3, 15, 44 and 46: "election district, electoral district or house election district" to "house district" "election districts" to "house districts" "chairman" to "chairperson"
84-86	Effective date clauses.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 163

Revision Date/Time (Note if correction) _____ Dept. Affected Office of the Governor
 Title An Act relating to voters and elections BRU Elective Operations
 Component Elections
 Sponsor Representative James
 Requester House State Affairs Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	(12.5)					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	(12.5)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	(12.5)					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	(12.5)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The division will no longer be required to pay for the printing of the voter registration form in the annual permanent fund dividend booklet.

Prepared by: Gail Fenumai *Gail Fenumai* Phone 465-3935
 Division Division of Elections Date/Time 2/3/00 2:53 PM
 Approved by: Lt. Governor Fran Ulmer *Fran Ulmer* Date 02/03/2000
 Agency Office of the Lieutenant Governor

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HB

179

Alaska State Legislature

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Session:
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Juneau, AK 99801
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Representative John Coghill

HB 179 Makes Candidates Tell All on the Web Coghill Measure Calls for Full Disclosure and Full Accountability

I introduced this legislation to repeal the Alaska Public Offices Commission. . The press has asked me what my impetus for introducing this was. I have emphasized to them that I am not being critical of APOC. They were handed an impossible task when the legislature passed the campaign reform laws of 1996. I just want all campaign activities out in the open. I also want allegations, investigations, and decisions on candidates to be conducted openly in a court of law in an expeditious manner.

The aim of HB 179 is three major things: (1) require each candidate to sign an affidavit of residency, (2) establish full disclosure with as few restrictions as possible, and (3) insure speedy court action.

The purpose of campaign disclosure is to make available to Alaskan voters all information concerning all contributions and all expenses of political candidates. But existing campaign disclosure laws have become too ambiguous, burdensome, and counterproductive to both the candidates and to their supporters.

HB 179 puts into place a simplified reporting system that is less intrusive and gives optimal freedom with fair accountability. Candidates will be required to make full disclosure reports semi-monthly and those reports will be made available immediately on the Division of Election's Internet Page.

I want to insure that the voters have qualified candidates and this bill requires quick judicial action during an election cycle. The current system of an appointed commission addressing complaints behind closed doors and taking six months or more to make a determination is unsatisfactory and unfair to the voting public. HB 179 requires campaign disclosure violations to be handled by the judicial system in a fair and expeditious manner.

Alaska State House of Representatives
STATE AFFAIRS COMMITTEE

Representative Jeannette James, Chair



Rm 102, Capitol Building, Juneau

Phone 465-3743, Fax 465-2381

Members:
Rep. John Coghill, Vice-Chair
Rep. Bill Hudson
Rep. Beth Kerttula
Rep. Scott Ogan
Rep. Harold Smalley
Rep. Jim Whitaker

MEETING AGENDA

Thursday, May 6, 1999, 8:00 a.m.

HB 179 APOC Repeal: Campaign/Disclosure/Lobbyist
Representative Coghill

Bills held from previous calendars

Interim:
no sub committee
may have
STA
for it.

5/6/99

"revised"

CS FOR SS HOUSE BILL 179(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor: REPRESENTATIVE COGHILL

A BILL

FOR AN ACT ENTITLED

Goals:

- ① Sep. of powers
- ② open disclosure, remove limits
- ③ quick penalties

"An Act eliminating the Alaska Public Offices Commission and all campaign contribution and expenditure limits; ^①establishing the Alaska Public Offices Center; relating to the definition of 'center', 'lobby,' 'lobbying,' and 'lobbyist'; ^②relating to reporting of campaign contributions and expenditures; ^③amending the definition of 'contribution,' 'group,' and 'political party'; and providing for civil and criminal penalties for violation of these provisions."

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

* Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that, under existing laws,

- (1) the purpose of campaign disclosure is to make available to Alaskan voters all information concerning contributions and expenses of political candidates;
- (2) the purpose of this legislation is to make campaign laws less ambiguous and burdensome to both the candidates and to their supporters;
- (3) the purpose of this Act is to produce a simplified reporting system that is less intrusive and gives optimal freedom with fair accountability. The aim is to arrive at full disclosure

1 with as few restrictions as possible and provide a facilitator for the information that
2 preserves the separation of powers.

3 *Sec. 2. AS 15.13.010(b) is amended to read:

4 (b) Except as otherwise provided, this chapter applies to contributions, expenditures,
5 and communications made by a candidate, group, political party, municipality, or
6 individual for the purpose of influencing the outcome of a ballot proposition or question
7 as well as those made to influence the nomination or election of a candidate.

8 *Sec. 3. AS 15.13.020. is repealed and reenacted to read:

9 AS 15.13.020. Alaska Public Offices Center [COMMISSION]. (a) there is created in
10 the Department of Administration the Alaska Public Offices Center

11 (b) an employee of Alaska Public Offices Center may not

12 (1) hold or campaign for elective office;

13 (2) be an officer of a political party, political committee or group;

14 (3) permit the member's name to be used, or make any contributions whatsoever, in
15 support of or in opposition to a candidate or proposition or question that appears on any
16 ballot in the state including but not limited to that of a municipality; however,
17 contributions may be made to a candidate for the office of president of the united states;

18 (4) participate in any way in an election campaign or participate in or contribute to any
19 political party; or

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

21 (c) The Alaska Public Offices Center shall consist of an executive director and staff for
22 four regional offices to be located adjacent to the regional offices of the Division of
23 Elections in Juneau, Anchorage, Fairbanks, and Nome.

24 (d) The Center shall ensure that copies of reports filed by candidates for municipal office
25 are made available for public inspection in the appropriate municipality.

26 *Sec. 4. AS 15.13.030 is repealed and reenacted to read:

27 Sec. AS 15.13.030. Duties of the Center. The Center shall

28 (1) develop and provide all forms for the reports and statements required to be made under
29 this chapter, as 24.45, and as 39.50;

30 (2) prepare and publish a manual setting out uniform methods of bookkeeping and
31 reporting for use by persons required to make reports and statements under this chapter

32

- 1 and otherwise assist candidates, groups, and individuals in complying with the
- 2 requirements of this chapter;
- 3 (3) receive and hold open for public inspection reports and statements required to be
- 4 made under this chapter and, upon request, furnish copies at cost to interested persons;
- 5 (4) compile and maintain a current list of all filed reports and statements;
- 6 (5) prepare a summary of each report filed under as 15.13.110 and make copies of this
- 7 summary available to interested persons at their actual cost;
- 8 (6) notify, by registered or certified mail, all persons who are delinquent in filing reports
- 9 and statements required to be made under this chapter;
- 10 (7) examine, investigate, and compare all reports, statements, and actions required by this
- 11 chapter, as 24.45, and as 39.50;
- 12 (8) all forms will be available at the Center's regional offices, on the Center's Home
- 13 Page, on a electronic filing floppy disk, and at the participating municipalities.
- 14 (9) the Center shall make available the capability for electronically filed reports and
- 15 shall charge an at cost fee for reports not electronically filed to cover the cost of
- 16 keying in the report.

is this fair?

Mostly from APC Regs

- 17 *Sec. 5. AS 15.13.040 is ~~repealed and reenacted to read:~~
- 18 **Sec. 15.13.040. Contributions, expenditures and supplying of services to be reported.**
- 19 (a) each candidate shall register with the Alaska Public Offices Center simultaneously
- 20 when filing for office in accordance with AS 15.13.110.
- 21 (b) each group, political party, or municipality shall register with the Alaska Public
- 22 Offices Center and include the name and group, political party, or municipality shall make
- 23 a full disclosure report which must include a list of:
- 24 (1) all expenditures, including method of payment, payee, description of expenditure, and
- 25 amount of expenditure;
- 26 (A) each paid expenditure by reporting
- 27 (i) the date of the payment;
- 28 (ii) the check number, credit card, or cash;
- 29 (iii) the name of the payee;
- 30 (iv) a detailed description of the expenditure; and
- 31 (v) the amount; and
- 32 (B) each accrued expenditure by reporting

- 1 (i) the date the expenditure was incurred;
- 2 (ii) the name of the business or individual with whom the debt was incurred;
- 3 (iii) a detailed description of the expenditure; and
- 4 (iv) the amount.
- 5 (2) all contributions over \$100, including the name, affiliation, and occupation of each
- 6 contributor and the amount contributed by each contributor.
- 7 (A) each monetary contribution, or aggregate of contributions from the same
- 8 contributor, which totals in excess of \$100 by reporting
- 9 (i) the date received;
- 10 (ii) the check number;
- 11 (iii) the name of the contributor;
- 12 (iv) the principal occupation and employer of the contributor; and
- 13 (v) the amount;
- 14 (B) each nonmonetary contribution, or aggregate of nonmonetary contributions from
- 15 the same contributor, valued at more than \$100 a year, by reporting
- 16 (i) the date received;
- 17 (ii) the name of the contributor;
- 18 (iii) the principal occupation and employer of the contributor;
- 19 (iv) a description of the contributions; and
- 20 (v) its estimated fair market value;
- 21 (C) ~~an aggregate of contributions valued at less than \$100.~~
- 22 (D) all loans, including the name of each lender and the amount loaned by each
- 23 lender. *same as control*
- 24 (i) the date received;
- 25 (ii) the name of the lender, guarantor or cosigner;
- 26 (iii) the principal occupation and employer of the lender, loan guarantor or cosigner;
- 27 (iv) the interest rate; and
- 28 (v) the amount;
- 29 (E) Every candidate, political party, and group required to report contributions or
- 30 expenditures under the provisions of AS 15.13 shall maintain detailed records of all
- 31 contributions received and expenditures made in accordance with the uniform methods
- 32 of bookkeeping set out in the Center's bookkeeping guide.

1 (1) A candidate or his treasurer, and the treasurer of a group or political party,
2 may issue a receipt, and shall record the receipt of every contribution received, unless
3 otherwise exempted by this chapter, regardless of the dollar amount or value of the
4 contribution.

5 (2) Each bookkeeping record required under this section shall be maintained by
6 the candidate or the treasurer of a group and may not be destroyed for a period of four
7 years from the date of the contribution.

8 (3) The records shall be available for inspection by the Center upon request of the
9 Center.

10 (d) Full disclosure reports shall be submitted electronically to the Center's campaign
11 disclosure web page or by hard copy hand delivered to the nearest regional office of the
12 Center or addressed to the nearest regional supervisor's office of the division of elections
13 and postmarked no later than the applicable deadline set out in (b) of this section. An at
14 cost fee will be charged for reports not electronically submitted to cover the cost of keying
15 in the report to the web site.

16 (e) Each candidate, group, political party, municipality, or individual subject to disclosure
17 of (a) of this section intending to raise or spend more than \$5,000 in a calendar year shall

18 (1) designate on a registration statement or on the first campaign disclosure
19 statement filed with the Center, one or more regulated banking institutions as its
20 campaign depository or depositories. Each account title must indicate that it is a
21 campaign account.

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

24 (f) each contribution that exceeds \$250 and that is made within fifteen days of the election
25 shall be reported to the Center by date, amount, and contributor within 24 hours of receipt
26 by the candidate, group, campaign treasurer, or deputy campaign treasurer either by a e-
27 mail, facsimile, collect telegram or by actual physical delivery within the prescribed time.
28 24 Hour Reports may not be mailed.

29 (g) The Center shall, upon receipt of a full disclosure report,

30 (1) prepare a summary of each report filed under this section; and

31 (2) make all of the information available to the public on the division of
32 elections' web page; and

1 (3) make copies available for a reasonable fee at the regional office of the Center where
2 the report was filed; and

3 (4) Examine, investigate, and compare all reports, statements, and actions
4 required by this chapter, AS 24.45, and AS 39.50.

5 (h) If a candidate, group, political party, municipality, or individual required to file a full
6 disclosure report fails to file a full disclosure report, the Center shall, within five business
7 days after the deadline, notify the candidate, group, political party, municipality, or
8 individual of that failure and post a notice on the Center's web site that the candidate,
9 group, political party, municipality, or individual has failed to file a report. The notice
10 must be bordered in red, at least four inches wide and four inches high, and contain the
11 name of the candidate, group, political party, municipality, or individual, as well as the
12 phrase "has failed to file a full disclosure report for this reporting period in a timely
13 manner. This is a violation of AS 15.13.110 and could result in a fine or imprisonment, or
14 both.

15 *Sec. 6. AS 15.13.050 is ~~repealed and reenacted~~ to read:

16 Sec. 15.13.050. **Registration before expenditure.** (a) Before making an expenditure in
17 support of or in opposition to a candidate or before making an expenditure in support of or
18 in opposition to a ballot proposition or question, each person other than an individual shall
19 register on forms provided by the Center, with the Center. *defined p. 20*

20 *Sec. 7. AS 15.13.060. ~~is amended~~ to read:

21 (a) Each candidate and group shall appoint a campaign treasurer who is responsible for
22 receiving, holding, and disbursing all contributions and expenditures, and for filing all
23 reports and statements required by law. A candidate may be a campaign treasurer.

24 (b) Each group shall file the name and address of its campaign treasurer with the Center
25 [COMMISSION] at the time it registers with the Center [COMMISSION] under AS
26 15.13.050.

27 (c) Each candidate for state office shall file the name and address of the campaign
28 treasurer with the Center [COMMISSION], or submit, in writing, the name and address
29 of the campaign treasurer to the director for filing with the Center [COMMISSION], no
30 later than 15 days after the date of filing the declaration of candidacy or the nominating
31 petition. Each candidate for municipal office shall file the name and address of the
32 campaign treasurer with the Center [COMMISSION] no later than seven days after the

1 date of filing the declaration of candidacy or the nominating petition. If the candidate does
2 not designate a campaign treasurer, the candidate is the campaign treasurer.

3 (d) In the case of the death, resignation or removal of a campaign treasurer, the candidate
4 shall appoint a successor as soon as practicable and file the successor's name and address
5 with the Center [COMMISSION] within 48 hours of the appointment. The candidate is
6 disqualified if found to have been in wilful violation of this subsection.

7 (e) A campaign treasurer may appoint as many deputy campaign treasurers as necessary.
8 The candidate shall file the names and addresses of the deputy campaign treasurers with
9 the Center [COMMISSION].

10 (f) The candidate is responsible for the performance of the campaign treasurer, and any
11 default or violation by the treasurer also shall be considered a default or violation by the
12 candidate if the candidate knew or had reason to know of the default or violation.

13 *Sec. 8. AS 15.13.045 is repealed and reenacted to read:

14 Sec. 15.13.045. Audits. (a) The Center may conduct audits.

15 (b) The Center may examine the papers, books, records, accounts and documents of any
16 person subject to this chapter to ascertain the correctness of a report filed with the Center
17 or in conjunction with an audit conducted under (a) of this section.

18 (c) The failure, refusal or neglect to cooperate, with the Center by a candidate, group,
19 political party, municipality, or individual could result a person being fined and/or
20 convicted under AS 15.13.125 and AS 15.13.170.

21 *Sec. 9. AS 15.13.050 is amended to read:

22 Sec. 15.13.050. Registration before expenditure. [(a)] Before making an
23 expenditure in support of or in opposition to a candidate or before making an expenditure
24 in support of or in opposition to a ballot proposition or question, each person other than an
25 individual shall register, on forms provided by the Alaska Public Offices Center
26 [COMMISSION], with the Center [COMMISSION].

27 *Sec. 10. AS 15.13.060 is amended to read:

28 Sec. 15.13.060. Campaign treasurers. (a) Each candidate, political party, and group
29 shall appoint a campaign treasurer who is responsible for receiving, holding, and
30 disbursing all contributions and expenditures, and for filing all reports and statements
31 required by law. A candidate may be a campaign treasurer.
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1 (b) Each group or political party shall file the name and address of its campaign
2 treasurer with the Alaska Public Offices Center [COMMISSION] at the time it registers
3 with the Center[COMMISSION] under AS 15.13.050.

4 (c) Each candidate for state office shall file the name and address of the campaign
5 treasurer with the Center [COMMISSION, OR SUBMIT, IN WRITING, THE NAME
6 AND ADDRESS OF THE CAMPAIGN TREASURER TO THE DIRECTOR FOR
7 FILING WITH THE COMMISSION], no later than 15 days after the date of filing the
8 declaration of candidacy or the nominating petition. Each candidate for municipal office
9 shall file the name and address of the campaign treasurer with the Alaska Public Offices
10 Center [COMMISSION] no later than seven days after the date of filing the declaration
11 of candidacy or the nominating petition. If the candidate does not designate a campaign
12 treasurer, the candidate is the campaign treasurer.

13 (d) In the case of the death, resignation or removal of a campaign treasurer, the candidate
14 shall appoint a successor as soon as practicable and file the successor's name and address
15 with the Center [COMMISSION] within 48 hours of the appointment. [THE
16 CANDIDATE IS DISQUALIFIED IF FOUND TO HAVE BEEN IN WILFUL
17 VIOLATION OF THIS SUBSECTION.] If the candidate has not reported an new
18 treasurer within 48 hours, the Center will list the candidate as the treasurer.

19 (e) A campaign treasurer may appoint as many deputy campaign treasurers as necessary.
20 The candidate shall file the names and addresses of the deputy campaign treasurers with
21 the Center [COMMISSION]. The candidate is responsible for the performance of the
22 campaign treasurer, and any default or violation by the treasurer also shall be considered a
23 default or violation by the candidate if the candidate knew or had reason to know of the
24 default or violation.

25 (b) A candidate or the treasurer of a candidate, group, or political party may
26 authorize a person who is not registered as a deputy treasurer to accept or solicit
27 campaign contributions on its behalf for any single event.

28 *Sec. 11. AS 15.13.067 us amended to read:

29 Sec. 15.13.067. Who may make expenditures. (a) Only the following may make an
30 expenditure in an election for candidates for elective office:

- 31 (1) the candidate;
32 (2) an individual; and

1 (3) a group or political party that has registered under AS 15.13.050.

2 (b) a person or group may not make an expenditure anonymously, using a fictitious
3 name, or using the name of another.

4 (c) a corporation, company, partnership, firm, association, organization, business
5 trust or surety, labor union, or publicly funded entity that does not satisfy the
6 definition of group in as 15.13.400 may not make a an expenditure to a candidate or
7 group.

8
9 *Sec. 12. AS 15.13.074 is repealed and reenacted to read:

10 Sec. 15.13.074. **Prohibited contributions.** (a) a person or group may not make a
11 contribution if the making of the contribution would violate this chapter.

12 (b) a person or group may not make a contribution anonymously, using a
13 fictitious name, or using the name of another.

14 (c) a corporation, company, partnership, firm, association, organization, business
15 trust or surety, labor union, or publicly funded entity that does not satisfy the
16 definition of group in as 15.13.400 may not make a contribution to a candidate or
17 group.

18 *Sec. 13. AS 15.13.076 is amended to read:

19 Sec. 15.13.076. **Authorized recipients of contributions.** A contribution to a

20 (1) candidate may be received only by

21 (A) the candidate; or

22 (B) the candidate's campaign treasurer or a deputy campaign treasurer;

23 (2) group or political party may be received only by the group's campaign treasurer or a
24 deputy treasurer.

25 *Sec. 14. AS 15.13.078 is repealed and reenacted to read:

26 Sec. 15.13.078. **Contributions and loans from the candidate.** (a) The provisions of this
27 chapter do not prohibit the individual who is a candidate from giving any amount of the
28 candidate's own money or other thing of value to the campaign of the candidate.
29 Donations made by the candidate to the candidate's own campaign shall be reported as
30 contributions in accordance with AS 15.13.040 and 15.13.110.

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1 (b) The provisions of this chapter do not prohibit the individual who is a candidate from
2 lending any amount to the campaign of the candidate. Loans made by the candidate shall
3 be reported as contributions in accordance with AS 15.13.040 and 15.13.110.

4 *Sec. 15. AS 15.13.084 is amended to read:

5 **Sec. 15.13.084. Prohibited expenditures.** A person may not make an expenditure

6 (1) anonymously, unless the expenditure is

7 [(A)] paid for by an individual acting independently of any group and independently of
8 any other individual;

9 [(B) MADE TO INFLUENCE THE OUTCOME OF A BALLOT PROPOSITION AS
10 THAT TERM IS DEFINED BY AS 15.13.065(C); AND

11 (C) MADE FOR

12 (I) A BILLBOARD OR SIGN; OR

13 (II) PRINTED MATERIAL, OTHER THAN AN ADVERTISEMENT MADE IN A
14 NEWSPAPER OR OTHER PERIODICAL;]

15 (2) using a fictitious name or using the name of another.

16 *Sec. 16. AS 15.13.086 is amended to read:

17 **Sec. 15.13.086. Authorized makers of expenditures.** An expenditure

18 (1) authorized by or in behalf of a candidate may be made only by

19 (A) the candidate; or

20 (B) the candidate's campaign treasurer or a deputy campaign treasurer;

21 (2) authorized by AS 15.13.067(3) by or in behalf of a group or political party may be
22 made only by the group's or political parties campaign treasurer.

23 *Sec. 17. AS 15.13.090 is amended to read:

24 **Sec. 15.13.090. Identification of communications.** (a) All advertisements, billboards,
25 handbills, paid-for television and radio announcements and other communications
26 intended to influence the election of a candidate or outcome of a ballot proposition or
27 question shall be clearly identified by the words "paid for by" followed by the name
28 [AND ADDRESS] of the candidate, group or individual paying for the advertising. In
29 addition, candidates and groups must identify the name of their campaign chairman.

30 (b) "proper identification" of a communication intended to influence the election of a
31 candidate or the outcome of a ballot issue means that the communication is clearly
32 identified with the words "paid for by," followed by the name and full address of the

1 candidate, group, or individual actually paying for the advertising. The name of the
2 campaign chairman must also be identified. If the candidate and the chairman are
3 the same person, the name need not be repeated.

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

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

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

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

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

11 or

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

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

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

17 (f) In this section and in AS 15.13.090, "communications" include all material
18 related to campaign fund-raisers, campaign letterhead, thank you notes, and press
19 releases but does not include envelopes paid for by the campaign which are used
20 solely to convey the campaign's properly identified communications.

21 (g) [(b)] The provisions of (a) of this section do not apply when the advertisement [(1)] is
22 paid for by an individual acting independently of any group and independently of any
23 other individual;

24 ***Sec. 18.** AS 15.13 is amended by adding new sections that read:

25 **Sec. 15.13.092. Objects too small to contain the proper identification.** If the size
26 of an object used for a campaign advertisement is such that it is impractical to print the
27 identification of the candidate, group, or person paying for the advertisement on the
28 object, the advertisement must instead be identified in a regular expenditure report to the
29 commission. Objects considered too small for full identification include pencils, pens,
30 buttons, and other objects that are smaller than 3 1/2 " x 5" in size. All media
31 advertisements must be identified, regardless of size.

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1 **Sec. 15.13.093. Communications by incumbent elected officials.** (a) A
2 communication by an incumbent state elected official, who is also a declared
3 candidate for elective office, with his constituency via a newsletter or other printed
4 matter, or a paid radio or television spot, does not constitute a reportable campaign
5 expense unless it specifically and expressly advocates the election or defeat of a
6 candidate (including himself), or the passage or defeat of a ballot issue.

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

13 ***Sec. 19.** AS 15.13.100 is repealed and reenacted to read:

14 **Sec. 15.13.100. Expenditures before filing.** A political campaign expenditure may
15 not be made or incurred by a person in an election or by a person, [OR] group, or a
16 political party with the person's knowledge and on the person's behalf before [THE
17 DATE UPON WHICH] the person completes the registration and addidavit provisions
18 of AS 15.25.030 [FOR NOMINATION FOR THE OFFICE WHICH THE PERSON
19 SEEKS], except for personal travel expenses or for opinion surveys or polls. These
20 expenditures must be included in the first report required under this chapter after filing for
21 office.

22 ***Sec. 20.** AS 15.13.110 is repealed and reenacted to read:

23 **Sec. 15.13.110 Full disclosure reports.** (a) A candidate, group, political party,
24 municipality, or individual accepting a contribution or making an expenditure for the
25 purpose of influencing the outcome of an election shall fully disclose all contributions and
26 expenditures to the Center.

27 (b) A candidate, group, political party, municipality, or individual subject to the
28 disclosure requirement of (a) of this section shall make a full disclosure report semi-
29 monthly from the beginning of the campaign throughout the election year. The final
30 report is due on January 15th following the election. Full disclosure reports for
31 transactions conducted from the first day of each month through the 15th day of each
32 month shall be submitted by the 20th day of that month. Full disclosure reports for

1 transactions conducted from the 16th day of each month through the end of the month
2 shall be submitted by the fifth day of the following month.

3 (c) A judge who is a candidate for retention is not required to comply with this chapter
4 unless he or she has active opposition to the judge's candidacy and establishes a campaign
5 committee as provided for in Canon 5C(2) of the Code of Judicial Conduct.

6 *Sec. 21. AS 15.13.112 is amended to read:

7 **Sec. 15.13.112. Uses of campaign contributions held by candidate or group.** (a)

8 Except as otherwise provided, campaign contributions held by a candidate or group may
9 be used only to pay the expenses of the candidate or group, and the campaign expenses
10 incurred by the candidate or group, that reasonably relate to election campaign activities,
11 and in those cases only as authorized by this chapter.

12 (b) Campaign contributions held by a candidate or group may not be

13 (1) used to give a personal benefit to the candidate or to another person;

14 (2) converted to personal income of the candidate;

15 (3) loaned to a person;

16 (4) knowingly used to pay more than the fair market value for goods or services
17 purchased for the campaign;

18 (5) used to pay a criminal fine;

19 (6) used to pay civil penalties; however, campaign contributions held by a candidate or
20 group may be used to pay a civil penalty assessed under this chapter if authorized by the

21 Alaska Public Offices Center [COMMISSION] or a court after it first determines that

22 (A) the candidate, campaign treasurer, and deputy campaign treasurer did not cause or
23 participate in the violation for which the civil penalty is imposed and exercised a
24 reasonable level of oversight over the campaign; and

25 (B) the candidate, campaign treasurer, and deputy campaign treasurer cooperated in the
26 revelation of the violation and in its immediate correction; or

27 (7) used to make contributions to another candidate or to a group.

28 (c) A candidate may use up to a total of \$1,000 in campaign contributions in a year to pay
29 the cost of

30 (1) attending, or paying the cost for guests of the candidate to attend, an event or other
31 function sponsored by a political party or subordinate unit of a political party;

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- 1 (2) membership in a political party, subordinate unit of a political party, or other entity
2 within a political party, or subscription to a publication from a political party; and
3 (3) co-sponsorship of an event or other function sponsored by a political party or by a
4 subordinate unit of a political party.

5 *Sec. 22. AS 15.13.116(a)(7) is amended to read:

- 6 (7) transfer all or a portion of the unused campaign contributions to an account for a
7 future election campaign;

8 *Sec. 23. AS 15.13.120(c) is amended to read:

- 9 (c) Promptly after the final date for filing statements and reports, the Alaska Public
10 Offices Center [COMMISSION] shall notify all persons who have become delinquent in
11 filing them, including contributors who failed to file a statement in accordance with AS
12 15.13.025 and AS 15.13.035, [, AND SHALL MAKE AVAILABLE A LIST OF THESE
13 DELINQUENTS FOR PUBLIC INSPECTION.] The Center [COMMISSION] shall also
14 report to the attorney general the names of all candidates in an election whose campaign
15 treasurers have failed to file the reports required by this chapter.

16 *Sec. 24. AS 15.13.120 is repealed and reenacted to read:

- 17 (a) Alaska Public Offices Center or a person who believes a violation of this chapter has
18 occurred or is occurring may file a complaint with executive director of the Alaska
19 Public Offices Center within two years of the date of the alleged violation. If the Center
20 decides to open a preliminary investigation as provided for in AS 15.13.045, it shall do so
21 within 90 days of the filing date of the complaint and shall investigate the complaint.

- 22 (b) file a complaint with the executive director of the Alaska Public Offices Center
23 during an election year and the complaint is filed against a candidate and the Center
24 decides to open a preliminary investigation as provided for in AS 15.13.045, it shall do so
25 within 5 days of the filing date of the complaint and shall investigate the complaint.

- 26 (c) After affording the respondent notice and an opportunity to be heard, if the Center
27 finds that the respondent has engaged in an act or practice that constitutes or will
28 constitute a violation of this chapter, the executive director shall transmit his or her
29 findings and evidence to the attorney general who may enter an order requiring the
30 violation to be ceased or to be remedied, and shall assess civil penalties under as
31 15.13.125. An order may be appealed to the superior court by either the complainant
32 respondent within 30 days. The Center's executive director shall promptly report to the

1 attorney general concerning any acts or practices that may constitute violations of this
2 chapter or concerning the violation of any order of the Center.

3 (d) If the Center does not open a preliminary investigation within time specified in AS
4 15.13.120(a) and (b) days of the filing date of the complaint or complete action on the
5 complaint within 10 days of the filing in an election year or 180 days of the filing in a
6 non-election year, the complainant may file a complaint in superior court alleging a
7 violation of this chapter by a respondent in the administrative complaint. The complainant
8 may provide copies of the complaint filed in the superior court to the attorney general.
9 The state may intervene in a timely manner. A complaint may not be filed in superior
10 court under this subsection if more than two years have elapsed from the date of the
11 alleged violation. This subsection does not create a private cause of action against the
12 Center.

13 *Sec. 25. AS 15.13.120(g) & (h) are amended to read:

14 (g) Information developed by the Center [COMMISSION] under (d) of this section shall
15 be considered during a proceeding under (f) of this section.

16 (h) When, after being sworn into office, a successful candidate or the campaign treasurer
17 or deputy campaign treasurer of a person who was a successful candidate is charged with
18 a violation of this chapter, the case shall be promptly tried and accorded a preferred
19 position for purposes of argument and decision, so as to assure a speedy disposition of the
20 matter.

21 *Sec. 26. AS 15.13 is amended by adding a new section to read:

22 **Sec. 15.13.121. Enforcement by private citizens.** A qualified Alaska resident
23 may bring a civil action and/or filing a formal complaint for criminal action to enforce any
24 of the sections of this chapter.

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25 *Sec. 27. AS 15.13.122 is amended to read:

26 **Sec. 15.13.122. Legal counsel.** (a) The attorney general is legal counsel for the
27 Alaska Public Offices Center [COMMISSION] . The attorney general shall advise the
28 Center [COMMISSION] in legal matters arising in the discharge of its duties and
29 represent the Center [COMMISSION] in actions to which it is a party. If, in the opinion
30 of the Alaska Public Offices Center [COMMISSION], the public interest warrants, the
31 Center [COMMISSION] may request the chief justice of the supreme court to appoint a
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1 special prosecutor to represent the Alaska Public Offices Center [COMMISSION] in a
2 proceeding involving an alleged violation of this chapter and to prosecute that violation.

3 (b) When the public interest warrants, the Alaska Public Offices Center
4 [COMMISSION] may employ temporary legal counsel from time to time in matters in
5 which the Center [COMMISSION] is involved.

6 *Sec. 28. AS 15.13.125 is repealed and reenacted to read:

7 **Sec. 15.13.125. Civil penalty assessments for the late filing of a campaign**
8 **disclosure report.** (a) A report required to be filed within the time required by AS
9 15.13.025 is delinquent if not received on or before the due date.

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

11 (c) Center [DIVISION] staff will send notice to each candidate, political party, or group
12 of his or its delinquency under AS 15.13.025 within five working days after the due date
13 of the report.

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

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

17 (A) \$20 a day for each semi-monthly report;

18 (B) \$20 a day for each year-end report received after February 15;

19 (C) \$50 a day up to a maximum of \$450 for each 24-hour report;

20 (2) send notice of the civil penalty assessed against the candidate or group within five
21 working days after receipt of a delinquent report or the non-receipt of a report required
22 by AS 15.13.025 and include:

23 (A) a statement of the amount of the assessment; and

24 (B) an affidavit appeal form.

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

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

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

30 (B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster,
31 or any other person authorized to administer oaths or, if none of the preceding
32 alternatives is available, may be signed by the official without benefit of the oath so

1 long as the official states, in writing, that the affidavit is signed under penalty of
2 perjury; or

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

5 (f) If a candidate or group subject to a civil penalty assessment for the late filing of a
6 campaign disclosure report refuses, or fails, within the time required, to submit an
7 affidavit or make payment, then Center staff will refer the matter to the attorney general
8 for appropriate action.

9 (g) A candidate or group may appeal the Center's assessments to the superior court
10 within 30 days from the date the Center's decision is mailed or otherwise distributed to the
11 candidate, group, political party, municipality, or individual. If no appeal is made within
12 30 days and a payment is not made, the matter will be referred to the attorney general for
13 appropriate action.

14 *Sec. 29. AS 15.13 is amended by adding new sections to read:

15 **Sec. 15.13.160. Criminal Penalties and enforcement.** (a) A candidate, group,
16 political party, municipality, or individual who purposely fails to disclose a contribution
17 or expenditure as required in AS 15.13.025 or who provides false information on a full
18 disclosure report is guilty of a class B misdemeanor and upon conviction is punishable by
19 a fine of not less than \$1,000 or more than \$5,000, or imprisonment of not more than one
20 year, or both.

21 (b) In addition to other penalties imposed under this title, a candidate who misrepresents
22 or purposely omits a fact on an affidavit required under AS 15.13.015 is guilty of a class B
23 misdemeanor and upon conviction is punishable by a fine of not less than \$1,000 or more
24 than \$5,000, or imprisonment of not more than one year, or both.

25 (c) A candidate who has been convicted of perjury for making a false statement on an
26 affidavit required under AS 15.13.015 or who has been found in a civil action to have
27 misrepresented or purposely omitted a fact on an affidavit required under AS 15.13.015 is
28 disqualified from holding the office sought.

29 (d) The Alaska Public Offices Center shall immediately refer any suspected criminal
30 violation of this chapter to the district attorney for criminal prosecution. The district
31 attorney may file a complaint regarding a violation of this chapter up to 30 days before an
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1 election. The district attorney may file a complaint regarding a violation of this chapter
2 occurring within 30 days of an election immediately following the election.

3 (g)The attorney general may bring a civil action to enforce compliance with this chapter.
4 The attorney general may bring a civil action relating to violations under this chapter
5 seeking damages.

6 **Sec. 15.13.170 Regulations.** The director may not adopt regulations to implement
7 this chapter.

8 *Sec. 30. AS 15.13.400 is repealed and reenacted to read:.

9 In this chapter,

10 (1) "candidate" means an individual who qualifies for state office under AS 15.25.030 and
11 files for election to the state legislature, for governor, for lieutenant governor, for
12 municipal office, for retention in judicial office, or for constitutional convention delegate,
13 or who campaigns as a write-in candidate for any of these offices;

14 (2) "contribution"

15 (A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee,
16 deposit or gift of money, goods, or services for which charge is ordinarily made and that
17 is made for the purpose of influencing the nomination or election of a candidate, and in
18 AS 15.13.010(b) for the purpose of influencing a ballot proposition or question,
19 including the payment by a person other than a candidate or political party, or
20 compensation for the personal services of another person, that are rendered to the
21 candidate or political party;

22 (B) but does not include

23 (i) services provided without compensation by individuals volunteering a portion or
24 all of their time on behalf of a candidate or ballot proposition or question ;

25 (ii) services provided without compensation by an individual volunteering part-time or
26 full-time on behalf of a candidate, a group registered under AS 15.13.050, a political
27 party, or a ballot proposition;

28 (iii) ordinary hospitality in a home;

29 (iv) costs incurred in covering or carrying a news story by a broadcasting station,
30 newspaper, or periodical of regular publication, unless the facility is owned by or
31 controlled by a political party, political group, or candidate; in that case, the cost of the
32 news story is a contribution, unless the news story is a bona fide news account that is

1 part of a general pattern of campaign-related news accounts which gives reasonably
2 equal coverage to all opposing candidates in the circulation or listening area;

3 (v) a non-monetary contribution or in-kind donation of a single item with a usual and
4 normal cost of \$50.00 or less;

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

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

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

18 (ix) the permission of the owner of real or personal property to post political signs,
19 including bumper stickers, or to use space for an event or to store campaign-related
20 materials is not considered to be a contribution to a candidate under this chapter unless
21 the owner customarily charges a fee or receives payment for that activity. The fact that
22 the owner customarily charges a fee or receives payment for posting signs that are not
23 political signs is not determinative of whether the owner customarily does so for political
24 signs.

25 (C) A contribution made by a married individual is not attributed to that individual's
26 spouse, unless otherwise specified in writing by the spouse at the time the contribution is
27 made.

28 (D) in this section a "loan" includes a guarantee, endorsement, and any other forms of
29 security.

30 (E) a loan is a contribution at the time it is made.

31 (4) "expenditure"

32