

ALASKA LEGISLATURE COMMITTEE FILES, 2005-2006 86/2
11650 HOUSE STATE AFFAIRS

1 President of the United States, equal to the number of senators and representatives to
2 which the state is entitled in Congress;

3 (2) the name of a candidate for Vice-President, selected by the
4 independent candidate; and

5 (3) the name, Alaska mailing address, and signature of the candidate's
6 state campaign chair, who must be an Alaska resident.

7 * Sec. 27. AS 15.30.050 is amended to read:

8 **Sec. 15.30.050. Interpretation of votes cast for candidates for President**
9 **and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote
10 marked for the candidates for President and **Vice-President [VICE PRESIDENT]** is
11 considered and counted as a vote for the presidential electors of the party **or for the**
12 **presidential electors named under AS 15.30.026, as appropriate.**

13 * Sec. 28. AS 15.30.090 is amended to read:

14 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the
15 electors shall proceed to cast their votes for the candidates for the office of President
16 and **Vice-President [VICE PRESIDENT]** of the party **that [WHICH]** selected them as
17 candidates for electors, **or for the candidates for the office of President and Vice-**
18 **President under AS 15.30.026 if the electors were named under AS 15.30.026,** and
19 shall perform the duties of electors as required by the constitution and laws of the
20 United States. The director shall provide administrative services and the Department
21 of Law shall provide legal services necessary for the electors to perform their duties

22 * Sec. 29. AS 15.45.030 is amended to read:

23 **Sec. 15.45.030. Form of application.** The application **must [SHALL]**
24 include **the**

25 (1) [THE] proposed bill [TO BE INITIATED],

26 (2) **printed name, the signature, the address, and a numerical**
27 **identifier of not fewer than 100 qualified voters who will serve as sponsors; each**
28 **signature page must include** a statement that the sponsors are qualified voters who
29 signed the application with the proposed bill attached; **and [.]**

30 (3) [THE] designation of an initiative committee **consisting** of three **of**
31 **the** sponsors who **subscribed to the application and** [SHALL] represent all sponsors

1 and subscribers in matters relating to the initiative; the designation must include the
2 name, mailing address, and signature of each committee member [, AND (4)
3 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED
4 VOTERS].

5 * Sec. 30. AS 15.45.060 is amended to read:

6 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe
7 to the application in support of the proposed bill are designated as sponsors. The
8 initiative committee may designate additional sponsors by giving written notice to the
9 lieutenant governor of the names, [AND] addresses, and numerical identifiers of
10 those so designated.

11 * Sec. 31. AS 15.45.090 is repealed and reenacted to read:

12 **Sec. 15.45.090. Preparation of petition.** (a) If the application is certified,
13 the lieutenant governor shall prepare a sufficient number of sequentially numbered
14 petitions to allow full circulation throughout the state. Each petition must contain

15 (1) a copy of the proposed bill if the number of words included in both
16 the formal and substantive provisions of the bill is 500 or less;

17 (2) an impartial summary of the subject matter of the bill;

18 (3) a statement of minimum costs to the state associated with
19 certification of the initiative application and review of the initiative petition, excluding
20 legal costs to the state and the costs to the state of any challenge to the validity of the
21 petition;

22 (4) an estimate of the cost to the state of implementing the proposed
23 law;

24 (5) the statement of warning prescribed in AS 15.45.100;

25 (6) sufficient space for the printed name, a numerical identifier, the
26 signature, the date of signature, and the address of each person signing the petition;
27 and

28 (7) other specifications prescribed by the lieutenant governor to ensure
29 proper handling and control.

30 (b) Upon request of the initiative committee, the lieutenant governor shall
31 report to the committee the number of persons who voted in the preceding general

1 election.

2 * **Sec. 32.** AS 15.45 is amended by adding a new section to read:

3 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,
4 a person shall be

5 (1) a citizen of the United States;

6 (2) 18 years of age or older; and

7 (3) a resident of the state as determined under AS 15.05.020.

8 * **Sec. 33.** AS 15.45.120 is amended to read:

9 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

10 Any qualified voter may subscribe to the petition by printing the voter's name, a
11 numerical identifier, and an address, by signing the voter's name, and by dating
12 the signature [AND ADDRESS]. A person who has signed the initiative petition
13 may withdraw the person's name only by giving written notice to the lieutenant
14 governor before the date the petition is filed.

15 * **Sec. 34.** AS 15.45.130 is repealed and reenacted to read:

16 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition
17 shall be certified by an affidavit by the person who personally circulated the petition.
18 In determining the sufficiency of the petition, the lieutenant governor may not count
19 subscriptions on petitions not properly certified at the time of filing or corrected before
20 the subscriptions are counted. The affidavit must state in substance

21 (1) that the person signing the affidavit meets the residency, age, and
22 citizenship qualifications for circulating a petition under AS 15.45.105;

23 (2) that the person is the only circulator of that petition;

24 (3) that the signatures were made in the circulator's actual presence;

25 (4) that to the best of the circulator's knowledge, the signatures are the
26 signatures of the persons whose names they purport to be;

27 (5) that, to the best of the circulator's knowledge, the signatures are of
28 persons who were qualified voters on the date of signature;

29 (6) that the circulator has not entered into an agreement with a person
30 or organization in violation of AS 15.45.110(c),

31 (7) that the circulator has not violated AS 15.45.110(d) with respect to

1 that petition; and

2 (8) whether the circulator has received payment or agreed to receive
3 payment for the collection of signature: on the petition, and, if so, the name of each
4 person or organization that has paid or agreed to pay the circulator for collection of
5 signatures on the petition.

6 * Sec. 35. AS 15.45.200 is amended to read:

7 **Sec. 15.45.200. Display of proposed law.** The director shall provide each
8 election board with at least five [10] copies of the proposed law being initiated, and
9 the election board shall display at least one copy [THREE COPIES] of the proposed
10 law in a conspicuous place in the room where the election is held.

11 * Sec. 36. AS 15.45.270 is amended to read:

12 **Sec. 15.45.270. Form of application.** The application must [SHALL]
13 include

14 (1) the act to be referred;

15 (2) a statement of approval or rejection;

16 (3) the printed name, the signature, the address, and a numerical
17 identifier of not fewer than 100 qualified voters who will serve as sponsors; each
18 signature page must include a statement that the sponsors are qualified voters who
19 signed the application with the act to be referred and the statement of approval or
20 rejection [PROPOSED BILL] attached; and

21 (4) [(3)] the designation of a referendum committee consisting of three
22 of the sponsors who subscribed to the application and [SHALL] represent all
23 sponsors and subscribers in matters relating to the referendum; the designation must
24 include the name, mailing address, and signature of each committee member
25 [AND

26 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER
27 THAN 100 QUALIFIED VOTERS].

28 * Sec. 37. AS 15.45.290 is amended to read:

29 **Sec. 15.45.290. Designation of sponsors.** The qualified voters who subscribe
30 to the application in support of the referendum are designated as sponsors. The
31 referendum committee may designate additional sponsors by giving notice to the

1 lieutenant governor of the names, [AND] addresses, and numerical identifiers of
2 those so designated.

3 * **Sec. 38.** AS 15.45.320 is repealed and reenacted to read:

4 **Sec. 15.45.320. Preparation of petition.** (a) The lieutenant governor shall
5 prepare a sufficient number of sequentially numbered petitions to allow full circulation
6 throughout the state. Each petition must contain

7 (1) a copy of the act to be referred if the number of words included in
8 both the formal and substantive provisions of the act is 500 or less;

9 (2) the statement of approval or rejection;

10 (3) a statement of minimum costs to the state associated with
11 certification of the referendum application and review of the referendum petition,
12 excluding legal costs to the state and the costs to the state of any challenge to the
13 validity of the petition;

14 (4) an estimate of the cost to the state of voter approval or rejection of
15 the act.

16 (5) an impartial summary of the subject matter of the act;

17 (6) the statement of warning prescribed in AS 15.45.330;

18 (7) sufficient space for the printed name, a numerical identifier, the
19 signature, the date of signature, and the address of each person signing the petition;
20 and

21 (8) other specifications prescribed by the lieutenant governor to ensure
22 proper handling and control.

23 (b) Upon request of the referendum committee, the lieutenant governor shall
24 report to the committee the number of persons who voted in the preceding general
25 election.

26 * **Sec. 39.** AS 15.45 is amended by adding a new section to read:

27 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,
28 a person shall be

29 (1) a citizen of the United States;

30 (2) 18 years of age or older; and

31 (3) a resident of the state as determined under AS 15.05.020.

1 * Sec. 40. AS 15.45.340 is amended by adding new subsections to read:

2 (b) A circulator may not receive payment or agree to receive payment that is
3 greater than \$1 a signature, and a person or an organization may not pay or agree to
4 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
5 petition.

6 (c) A person or organization may not knowingly pay, offer to pay, or cause to
7 be paid money or other valuable thing to a person to sign or refrain from signing a
8 petition.

9 (d) A person or organization that violates (b) or (c) of this section is guilty of a
10 class B misdemeanor.

11 (e) In this section,

12 (1) "organization" has the meaning given in AS 11.81.900;

13 (2) "other valuable thing" has the meaning given in AS 15.56.030;

14 (3) "person" has the meaning given in AS 11.81.900.

15 * Sec. 41. AS 15.45.350 is amended to read:

16 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

17 Any qualified voter may subscribe to the petition by printing the voter's name, a
18 numerical identifier, and an address, by signing the voter's name, and by dating
19 the signature [AND ADDRESS]. A person who has signed the referendum petition
20 may withdraw the person's name only by giving written notice to the lieutenant
21 governor before the date the petition is filed.

22 * Sec. 42. AS 15.45.360 is repealed and reenacted to read:

23 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition
24 shall be certified by an affidavit by the person who personally circulated the petition.
25 In determining the sufficiency of the petition, the lieutenant governor may not count
26 subscriptions on petitions not properly certified at the time of filing or corrected before
27 the subscriptions are counted. The affidavit must state in substance

28 (1) that the person signing the affidavit meets the residency, age, and
29 citizenship qualifications for circulating a petition under AS 15.45.335;

30 (2) that the person is the only circulator of that petition;

31 (3) that the signatures were made in the circulator's actual presence;

1 (4) that to the best of the circulator's knowledge, the signatures are the
2 signatures of the persons whose names they purport to be;

3 (5) that, to the best of the circulators knowledge, the signatures are of
4 persons who were qualified voters on the date of signature;

5 (6) that the circulator has not entered into an agreement with a person
6 or organization in violation of AS 15.45.340(b);

7 (7) that the circulator has not violated AS 15.45.340(c) with respect to
8 that petition; and

9 (8) whether the circulator has received payment or agreed to receive
10 payment for the collection of signatures on the petition, and, if so, the name of each
11 person or organization that has paid or agreed to pay the circulator for collection of
12 signatures on the petition.

13 * Sec. 43. AS 15.45.430 is amended to read

14 Sec. 15.45.430. **Display of act being referred.** The director shall provide
15 each election board with at least five [10] copies of the act being referred, and the
16 election board shall display at least one copy [THREE COPIES] of the act in a
17 conspicuous place in the room where the election is held.

18 * Sec. 44. AS 15.45.500 is amended to read:

19 Sec. 15.45.500. **Form of application.** The application must include

20 (1) the name and office of the person to be recalled;

21 (2) the grounds for recall described in particular in not more than 200
22 words;

23 (3) the printed name, the signature, the address, and a numerical
24 identifier of qualified voters equal in number to 10 percent of those who voted in
25 the preceding general election in the state or in the senate or house district of the
26 official sought to be recalled, 100 of whom will serve as sponsors; each signature
27 page must include a statement that the [SPONSORS ARE] qualified voters [WHO]
28 signed the application with the name and office of the person to be recalled and the
29 statement of grounds for recall attached; and

30 (4) the designation of a recall committee consisting of three of the
31 qualified voters [SPONSORS] who subscribed to the application and shall

1 represent all sponsors and subscribers in matters relating to the recall: the designation
2 must include the name, mailing address, and signature of each committee
3 member

4 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS
5 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF
6 CIRCULATION; AND

7 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED
8 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN
9 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE
10 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

11 * **Sec. 45.** AS 15.45 is amended by adding a new section to read:

12 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe
13 to the application in support of the recall are designated as sponsors. The recall
14 committee may designate additional sponsors by giving notice to the lieutenant
15 governor of the names, addresses, and numerical identifiers of those so designated.

16 * **Sec. 46.** AS 15.45.560 is repealed and reenacted to read:

17 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a
18 sufficient number of sequentially numbered petitions to allow full circulation
19 throughout the state or throughout the senate or house district of the official sought to
20 be recalled. Each petition must contain

- 21 (1) the name and office of the person to be recalled;
- 22 (2) the statement of the grounds for recall included in the application;
- 23 (3) a statement of minimum costs to the state associated with
24 certification of the recall application, review of the recall petition, and conduct of a
25 special election, excluding legal costs to the state and the costs to the state of any
26 challenge to the validity of the petition;
- 27 (4) an estimate of the cost to the state of recalling the official;
- 28 (5) the statement of warning required in AS 15.45.570;
- 29 (6) sufficient space for the printed name, a numerical identifier, the
30 signature, the date of signature, and the address of each person signing the petition;
31 and

1 (7) other specifications prescribed by the director to ensure proper
2 handling and control.

3 (b) Upon request of the recall committee, the lieutenant governor shall report
4 to the committee the number of persons who voted in the preceding general election,
5 in the state or in the district of the official sought to be recalled by the recall
6 committee.

7 * **Sec. 47.** AS 15.45.570 is amended to read:

8 **Sec. 15.45.570. Statement of warning.** Each petition must [AND
9 DUPLICATE COPY SHALL] include a statement of warning that a person who signs
10 a name other than the person's own to the petition, or who knowingly signs more than
11 once for the same proposition at one election, or who signs the petition while
12 knowingly not a qualified voter, is guilty of a class B misdemeanor.

13 * **Sec. 48.** AS 15.45 is amended by adding a new section to read:

14 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,
15 a person shall be

- 16 (1) a citizen of the United States;
17 (2) 18 years of age or older; and
18 (3) a resident of the state as determined under AS 15.05.020.

19 * **Sec. 49.** AS 15.45.580 is amended by adding new subsections to read:

20 (b) A circulator may not receive payment or agree to receive payment that is
21 greater than \$1 a signature, and a person or an organization may not pay or agree to
22 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
23 petition.

24 (c) A person or organization may not knowingly pay, offer to pay, or cause to
25 be paid money or other valuable thing to a person to sign or refrain from signing a
26 petition.

27 (d) A person or organization that violates (b) or (c) of this section is guilty of a
28 class B misdemeanor.

29 (e) In this section,

- 30 (1) "organization" has the meaning given in AS 11.81.900;
31 (2) "other valuable thing" has the meaning given in AS 15.56.030;

1 (3) "person" has the meaning given in AS 11.81.900.

2 * Sec. 50. AS 15.45.590 is amended to read:

3 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

4 Any qualified voter may subscribe to the petition by printing the voter's name, a
5 numerical identifier, and an address, by signing the voter's name, and by dating
6 the signature [AND ADDRESS]. A person who has signed the petition may
7 withdraw the person's name only by giving written notice to the director before the
8 date the petition is filed.

9 * Sec. 51. AS 15.45.600 is repealed and reenacted to read:

10 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition
11 shall be certified by an affidavit by the person who personally circulated the petition.
12 In determining the sufficiency of the petition, the lieutenant governor may not count
13 subscriptions on petitions not properly certified at the time of filing or corrected before
14 the subscriptions are counted. The affidavit must state in substance

15 (1) that the person signing the affidavit meets the residency, age, and
16 citizenship qualifications for circulating a petition under AS 15.45.575:

17 (2) that the person is the only circulator of that petition;

18 (3) that the signatures were made in the circulator's actual presence;

19 (4) that to the best of the circulator's knowledge, the signatures are the
20 signatures of the persons whose names they purport to be;

21 (5) that, to the best of the circulator's knowledge, the signatures are of
22 persons who were qualified voters on the date of signature;

23 (6) that the circulator has not entered into an agreement with a person
24 or organization in violation of AS 15.45.580(b);

25 (7) that the circulator has not violated AS 15.45.580(c) with respect to
26 that petition; and

27 (8) whether the circulator has received payment or agreed to receive
28 payment for the collection of signatures on the petition, and, if so, the name of each
29 person or organization that has paid or agreed to pay the circulator for collection of
30 signatures on the petition.

31 * Sec. 52. AS 15.45.680 is amended to read:

1 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The
2 director shall provide each election board in the state or in the senate or house district
3 of the person subject to recall with at least five [10] copies of the statement of the
4 grounds for recall included in the application and at least five [10] copies of the
5 statement of not more than 200 words made by the official subject to recall in
6 justification of the official's conduct in office. The person subject to recall may,
7 provide the director with the statement within 10 days after the date the director gave
8 notification that the petition was properly filed. The election board shall post at least
9 one copy [THREE COPIES] of the statements for and against recall in a [THREE]
10 conspicuous place [PLACES] in the polling place.

11 * **Sec. 53.** AS 15.58.020 is amended to read:

12 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

13 (1) photographs and campaign statements submitted by eligible
14 candidates for elective office in the region;

15 (2) information and recommendations filed under AS 15.58.050 on
16 judicial officers subject to a retention election in the region;

17 (3) a map of the house district or districts of the region;

18 (4) sample ballots for house districts of the region;

19 (5) an absentee ballot application;

20 (6) for each ballot proposition submitted to the voters by initiative or
21 referendum petition or by the legislature,

22 (A) the full text of the proposition specifying constitutional or
23 statutory provisions proposed to be affected;

24 (B) the ballot title and the summary of the proposition prepared
25 by the director or by the lieutenant governor;

26 (C) a statement of the costs to the state of implementing the law
27 proposed in an initiative, or of voter approval or rejection of the act that is the
28 subject of a referendum;

29 (D) a neutral summary of the proposition prepared by the
30 Legislative Affairs Agency;

31 (E) statements submitted that advocate voter approval or

1 rejection of the proposition not to exceed 500 words;

2 (7) for each bond question, a statement of the scope of each project as
3 it appears in the bond authorization;

4 (8) a maximum of two pages of material submitted by each political
5 part;

6 (9) additional information on voting procedures that the lieutenant
7 governor considers necessary;

8 (10) for the question whether a constitutional convention shall be
9 called,

10 (A) a full statement of the question placed on the ballot;

11 (B) statements not to exceed 500 words that advocate voter
12 approval or rejection of the question;

13 (11) under AS 37.13.170, the Alaska permanent fund annual income
14 statement and balance sheet for the two fiscal years preceding the publication of the
15 election pamphlet;

16 (12) under AS 15.10.090, notice of

17 (A) the establishment or abolition of a precinct;

18 (B) the designation, abolition, or modification of precinct
19 boundaries; and

20 (C) a change in the location of a polling place.

21 * **Sec. 54.** AS 15.60 is amended by adding a new section to read:

22 **Sec. 15.60.008. Recognized political party status.** (a) A political group that
23 the director has not recognized as a political party may obtain recognized political
24 party status if, on or before May 31 of the election year for which the political group
25 seeks recognition, the political group

26 (1) files an application with the director;

27 (2) submits bylaws to the director and the United States Department of
28 Justice as required of political parties in AS 15.25.014; and

29 (3) meets the definition of a political party in AS 15.60.010.

30 (b) The director shall verify that each political group seeking recognized
31 political party status under (a) of this section and each recognized political party meets

1 the definition of a political party in AS 15.60.010.

2 (c) The director shall perform a verification described in (b) of this section at
3 least once a month after the date of certification of the preceding general election,
4 except that the director may suspend the monthly verifications on and after June 1 and
5 before November 30 of a general election year. For purposes of (b) of this section, the
6 director shall verify that the voters who have submitted registration forms to the
7 division of elections are qualified under AS 15.65.010 and have declared affiliation
8 with the political group or recognized political party for which the verification is
9 performed.

10 (d) Within 10 days after a verification under (c) of this section, the director
11 shall provide to a political group seeking recognized political party status under (a) of
12 this section written notification when the political group has obtained recognized
13 political party status.

14 (e) The director may not withdraw recognized political party status from a
15 political group that no longer qualifies as a political party until after the first
16 verification after a general election. The director shall notify the political group in
17 writing of the withdrawal of recognition.

18 * Sec. 55. AS 15.60.010(23) is amended to read:

19 (23) "political party" means an organized group of voters that
20 represents a political program and that

21 (A) [THAT] nominated a candidate for governor who received
22 at least two [THREE] percent of the total votes cast for governor at the
23 preceding general election [OR HAS REGISTERED VOTERS IN THE
24 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE
25 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING
26 GENERAL ELECTION];

27 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE
28 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE
29 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]
30 nominated a candidate for United States senator who received at least two
31 [THREE] percent of the total votes cast for United States senator at the

1 preceding general election or at the most recent general election at which
 2 a governor was elected; [THAT GENERAL ELECTION OR HAS
 3 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT
 4 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED
 5 STATES SENATOR AT THAT GENERAL ELECTION; OR]

6 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE
 7 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT
 8 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate
 9 for United States representative who received at least two [THREE] percent of
 10 the total votes cast for United States representative at the preceding general
 11 election or at the most recent general election at which a governor was
 12 elected; [THAT GENERAL ELECTION] or

13 (D) has registered voters in the state equal in number to at least
 14 two [THREE] percent of the total number of voters registered in the state in
 15 the month that the director performs verification of party status as set out
 16 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES
 17 REPRESENTATIVE AT THAT GENERAL ELECTION];

18 * Sec. 56. AS 15.60.010 is amended by adding new paragraphs to read:

19 (40) "numerical identifier" means a voter's date of birth, the last four
 20 digits of a voter's social security number, a voter's Alaska driver's license number, or a
 21 voter's Alaska identification card number or voter identification number;

22 (41) "reregistration" means the submission of a registration form by a
 23 voter whose registration was inactivated on the master register maintained under
 24 AS 15.07 and the director's reactivation of that registration in accordance with that
 25 chapter; in this paragraph, "a voter whose registration was inactivated" does not
 26 include a voter whose registration was inactivated under AS 15.07.130 and whose
 27 ballot may be counted under AS 15.15.198.

28 * Sec. 57. AS 29.05.110(b) is amended to read:

29 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT
 30 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the
 31 date of the election order may vote.

1 * Sec. 58. AS 29.05.110(c) is amended to read:

2 (c) Areawide borough powers included in an incorporation petition are
3 considered to be part of the incorporation question. In an election for the
4 incorporation of a second class borough, each nonareawide power to be exercised is
5 placed separately on the ballot. Adoption of a nonareawide power requires a majority
6 of the votes cast on the question, and the vote is limited to the qualified voters who
7 are registered to vote [RESIDING] in the proposed borough but outside all cities in
8 the proposed borough.

9 * Sec. 59. AS 29.05.110 is amended by adding a new subsection to read:

10 (f) In this section, "qualified voter" has the meaning given in AS 15.60.010.

11 * Sec. 60. AS 15.10.020(b) and AS 15.20.048 are repealed.

12 * Sec. 61. The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. The changes made by secs. 29 - 52 of this Act apply to an
15 application for an initiative, referendum, or recall filed with the lieutenant governor on or
16 after the effective date of this Act.

17 * Sec. 62. The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION. An initiative, referendum, or recall for which an application was filed
20 with the lieutenant governor before the effective date of this Act is subject to the provisions of
21 AS 15.45 as they existed on the day before the effective date of this Act.

SCS HB 94(STA) "R" version vs. CSHB 94 (FIN) am

A. Senate changes "oath" to "attestation" in the section dealing with voter registration requirements. See page 7 line 20 of "R" version.

ATTESTATION: The act of witnessing a person's signing of a written instrument. Some states require that a deed be witnessed by at least two witnesses one of whom may need to be an official witness such as a notary. Without the attestation the deed is void in those states that have this requirement. Some deeds may require a witnessing in cases involving grantors who have not learned to write or are paralyzed. Such a grantor would be required to make a mark or at least a thumbprint, which manifests intent to sign. Both the marking and the statement or declaration of intent by the grantor would need to be witnessed.

Oath: An attestation by a person which binds him or her legally and morally. Usually attesting to the truth of something, as an affidavit, or the validity of one's signature. A promise to tell the truth. Also, a promise to carry out a duty with high morality (oath of office). An oath has religious connotations and usually involves the word swear, and may contain the phrase so help me God, or require the one taking the oath to put his or her hand on a bible. An affirmation (see which) is still legally binding.

B. Senate changes "January 1" to "June 1" in the section dealing with the director designating locations for early elections. See page 13 line 20 of "R" version.

New Sections added in Senate

A. Section 11 beginning on page 9 line 20 of "R" version adds to the definition of "contribution" by excluding:

" a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of party building; "

B. Section 12 beginning on page 10 line 20 of "R" version adds to the definition of "expenditure" by excluding:

" a purchase, or a transfer of money or anything of value a promise or agreement to purchase or transfer money or anything of value incurred or made and for the purpose of party building; "

C. Section 13 beginning on page 11 line 10 of "R" version adds the following definition of party building:

(17) "party building" means the activities of a political party to register voters, organize precincts, districts, and regions and otherwise engage in activities that build, maintain, or strengthen a political party in this state, but does not include an express communication or electioneering communication. "

Senate deletes from the House version the following language from a new subsection dealing with preparation and distribution of ballots.

If the voter did not indicate affiliation with a political party or group when registering to vote, the director shall provide the voter with the ballot offering the greatest range of candidates from different political parties and groups.

Senate deletes from the House version the section defining a political party which is Section 57 CSHB 94 (FIN) am and reads as follows:

* Sec. 57. AS 15.60.010(23) is amended to read:

15 (23) "political party" means an organized group of voters that
16 represents a political program and that

17 (A) [THAT] nominated a candidate for governor who received
18 at least two [THREE] percent of the total votes cast for governor at the
19 preceding general election [OR HAS REGISTERED VOTERS IN THE
20 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE
21 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING

22 GENERAL ELECTION];
23 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE
24 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE
25 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]
26 nominated a candidate for United States senator who received at least two
27 [THREE] percent of the total votes cast for United States senator at the
28 preceding general election or at the most recent general election at which
29 a governor was elected; [THAT GENERAL ELECTION OR HAS
30 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT
31 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED
01 STATES SENATOR AT THAT GENERAL ELECTION; OR]
02 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE
03 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT
04 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate
05 for United States representative who received at least two [THREE] percent of
06 the total votes cast for United States representative at the preceding general
07 election or at the most recent general election at which a governor was
08 elected; [THAT GENERAL ELECTION] or
09 (D) has registered voters in the state equal in number to at least
10 two [THREE] percent of the total number of voters registered in the state in
11 the month that the director performs verification of party status as set out
12 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES
13 REPRESENTATIVE AT THAT GENERAL ELECTION];

What does APOC cover?

State Candidates, elections, recalls referendums, ballot initiatives and propositions, municipal elections.

What does FEC cover?

Federal Candidates

Absentee Ballots --- e.g.

Issues – should McCain Feingold apply? -- yes if it includes a Federal Candidates.

AMENDMENT

OFFERED IN THE SENATE
TO SCS CSHB 94(STA)

Page 34, line 6

Insert:

AS 15.60.010(23) is amended to read:

15 (23) "political party" means an organized group of voters that
16 represents a political program and ~~that~~

17 (A) [THAT] nominated a candidate for governor who received
18 at least ~~two~~ [THREE] percent of the total votes cast for governor at the
19 preceding general election [OR HAS REGISTERED VOTERS IN THE
20 STATE EQUAL IN NUMBER TO AT LEAST THREE PERCENT OF THE
21 TOTAL VOTES CAST FOR GOVERNOR AT THE PRECEDING
22 GENERAL ELECTION];

23 (B) [IF THE OFFICE OF GOVERNOR WAS NOT ON THE
24 BALLOT AT THE PRECEDING GENERAL ELECTION BUT THE OFFICE
25 OF UNITED STATES SENATOR WAS ON THAT BALLOT, THAT]
26 nominated a candidate for United States senator who received at least ~~two~~
27 [THREE] percent of the total votes cast for United States senator at ~~the~~
28 preceding general election or at the most recent general election at which
29 a governor was elected; [THAT GENERAL ELECTION OR HAS
30 REGISTERED VOTERS IN THE STATE EQUAL IN NUMBER TO AT
31 LEAST THREE PERCENT OF THE TOTAL VOTES CAST FOR UNITED
01 STATES SENATOR AT THAT GENERAL ELECTION; OR]

02 (C) [IF NEITHER THE OFFICE OF GOVERNOR NOR THE
03 OFFICE OF UNITED STATES SENATOR WAS ON THE BALLOT AT
04 THE PRECEDING GENERAL ELECTION, THAT] nominated a candidate
05 for United States representative who received at least ~~two~~ [THREE] percent of
06 the total votes cast for United States representative at the preceding general
07 election or at the most recent general election at which a governor was
08 elected; [THAT GENERAL ELECTION] or

09 (D) has registered voters in the state equal in number to at least
10 ~~two~~ [THREE] percent of the total number of voters registered in the state in
11 the month that the director performs verification of party status as set out
12 in AS 15.60.008(c) [VOTES CAST FOR UNITED STATES
13 REPRESENTATIVE AT THAT GENERAL ELECTION];

⊕ 2 AAC 50.327. Political party reporting of donations and money spent on communications

⊕ (a) This section applies to political party reporting requirements for a donation received by a political party that does not qualify as a contribution under AS 15.13.400 and for money spent by a political party that does not qualify as an expenditure under AS 15.13.400.

(b) A political party shall file a full report, in accordance with the contribution reporting requirements for a group in AS 15.13.040 and 15.13.110, of a donation consisting of a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services, other than volunteer services provided by an individual, that the political party receives from an individual or person and that does not qualify as a contribution.

(c) A political party shall file a full report, in accordance with the expenditure reporting requirements for a group in AS 15.13.040 and 15.13.110, of all money spent by a political party on a communication and all money spent that does not qualify as an expenditure.

⊕ History: Eff. 12/20/2002, Register 164

⊕ Authority: AS 15.13.010

AS 15.13.030

AS 15.13.040

AS 15.13.110

AS 15.13.400

SENATE CS FOR CS FOR HOUSE BILL NO. 94(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/6/05

Referred: Judiciary, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to qualifications of voters, requirements and procedures regarding
2 independent candidates for President and Vice-President of the United States, voter
3 registration, ^{and voter registration records} voter residence, precinct boundary and polling place designation and
4) ^{Voter Regis} modification, political parties, voters unaffiliated with a political party, early voting, ^{absentee ballot request thru a power of attorney, voter registration use}
5 ^{absentee voting, ballot design, ballot counting, voting by mail, voting machines, vote} tally systems, qualifications for elected office, initiative, referendum, recall, and
6 definitions in the Alaska Election Code; and relating to incorporation elections."
7

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

9 * Section 1. AS 13.26.332 is amended to read:

10 Sec. 13.26 332. Statutory form power of attorney. A person who wishes to
11 designate another as attorney-in-fact or agent by a power of attorney may execute a
12 statutory power of attorney set out in substantially the following form:

13 GENERAL POWER OF ATTORNEY

1 THE POWERS GRANTED FROM THE PRINCIPAL TO THE
 2 AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE
 3 VERY BROAD. THEY MAY INCLUDE THE POWER TO
 4 DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND
 5 PERSONAL PROPERTY, AND THE POWER TO MAKE YOUR
 6 HEALTH CARE DECISIONS. ACCORDINGLY, THE
 7 FOLLOWING DOCUMENT SHOULD ONLY BE USED AFTER
 8 CAREFUL CONSIDERATION. IF YOU HAVE ANY QUESTIONS
 9 ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT
 10 ADVICE.

11 YOU MAY REVOKE THIS POWER OF ATTORNEY AT
 12 ANY TIME.

13 Pursuant to AS 13.26.338 - 13.26.353, I, (Name of principal)
 14 . of (Address of principal), do hereby appoint (Name and
 15 address of agent or agents), my attorney(s)-in-fact to act as I have
 16 checked below in my name, place, and stead in any way which I myself
 17 could do, if I were personally present, with respect to the following
 18 matters, as each of them is defined in AS 13.26.344, to the full extent
 19 that I am permitted by law to act through an agent:

20 THE AGENT OR AGENTS YOU HAVE APPOINTED WILL
 21 HAVE ALL THE POWERS LISTED BELOW UNLESS YOU
 22 DRAW A LINE THROUGH A CATEGORY; AND
 23 INITIAL THE BOX OPPOSITE THAT CATEGORY.

- 24 (A) real estate transactions
- 25 (B) transactions involving tangible personal
 26 property, chattels, and goods
- 27 (C) bonds, shares, and commodities transactions
- 28 (D) banking transactions
- 29 (E) business operating transactions
- 30 (F) insurance transactions
- 31 (G) estate transactions

- 1 (H) gift transactions ()
 2 (I) claims and litigation ()
 3 (J) personal relationships and affairs ()
 4 (K) benefits from government programs and military service ()
 5 (L) records, reports, and statements ()
 6 (M) delegation ()
 7 (N) voter registration and absentee ballot requests ()
 8 (O) all other matters, including those specified as follows: ()
-
-
-

12 IF YOU HAVE APPOINTED MORE THAN ONE AGENT,
 13 CHECK ONE OF THE FOLLOWING:

- 14 () Each agent may exercise the powers conferred separately, without
 15 the consent of any other agent.
 16 () All agents shall exercise the powers conferred jointly, with the
 17 consent of all other agents.

18 TO INDICATE WHEN THIS DOCUMENT SHALL
 19 BECOME EFFECTIVE, CHECK ONE OF THE FOLLOWING:

- 20 () This document shall become effective upon the date of my
 21 signature.
 22 () This document shall become effective upon the date of my
 23 disability and shall not otherwise be affected by my disability.

24 IF YOU HAVE INDICATED THAT THIS DOCUMENT
 25 SHALL BECOME EFFECTIVE ON THE DATE OF YOUR
 26 SIGNATURE, CHECK ONE OF THE FOLLOWING:

- 27 () This document shall not be affected by my subsequent disability.
 28 () This document shall be revoked by my subsequent disability.

29 IF YOU HAVE INDICATED THAT THIS DOCUMENT
 30 SHALL BECOME EFFECTIVE UPON THE DATE OF YOUR
 31 SIGNATURE AND WANT TO LIMIT THE TERM OF THIS

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DOCUMENT, COMPLETE THE FOLLOWING:

This document shall only continue in effect for _____ ()
years from the date of my signature.

NOTICE OF REVOCATION OF THE POWERS
GRANTED IN THIS DOCUMENT

You may revoke one or more of the powers granted in this document. Unless otherwise provided in this document, you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney.

NOTICE TO THIRD PARTIES

A third party who relies on the reasonable representations of an attorney-in-fact as to a matter relating to a power granted by a properly executed statutory power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the attorney-in-fact to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the attorney-in-fact, the principal's heirs, assigns, or estate for a civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the disability of the principal, the disability of the principal is established by an affidavit, as required by law.

IN WITNESS WHEREOF, I have hereunto signed my name
this ___ day of _____, ____.

Signature of Principal

Acknowledged before me at _____

1 _____ on _____.

2 Signature of Officer or Notary

3 * **Sec. 2.** AS 13.26.344 is amended by adding a new subsection to read:

4 (p) In a statutory form power of attorney, the language conferring general
5 authority with regard to voter registration and absentee ballot requests shall be
6 construed to mean that the principal authorizes the agent to register the principal to
7 vote or request an absentee ballot for the principal.

8 * **Sec. 3.** AS 15.05.020 is amended to read:

9 **Sec. 15.05.020. Rules for determining residence of voter.** For the purpose
10 of determining residence for voting, the place of residence is governed by the
11 following rules:

12 (1) A person may not be considered to have gained a residence solely
13 by reason of presence nor may a person lose it solely by reason of absence while in the
14 civil or military service of this state or of the United States or of absence because of
15 marriage to a person engaged in the civil or military service of this state or the United
16 States, while a student at an institution of learning, while in an institution or asylum at
17 public expense, while confined in public prison, while engaged in the navigation of
18 waters of this state or the United States or of the high seas, while residing upon an
19 Indian or military reservation, or while residing in the Alaska Pioneers' Home or the
20 Alaska Veterans' Home.

21 (2) The residence of a person is that place in which the person's
22 habitation is fixed, and to which, whenever absent, the person has the intention to
23 return. If a person resides in one place, but does business in another, the former is the
24 person's place of residence. Temporary work sites [CONSTRUCTION CAMPS] do
25 not constitute a dwelling place.

26 (3) A change of residence is made only by the act of removal joined
27 with the intent to remain in another place. There can only be one residence.

28 (4) A person does not lose residence if the person leaves home and
29 goes to another country, state, or place in this state for temporary purposes only and
30 with the intent of returning.

31 (5) A person does not gain residence in any place to which the person

1 comes without the present intention to establish a permanent dwelling at that place.

2 (6) A person loses residence in this state if the person votes in another
3 state's election, either in person or by absentee ballot, and will not be eligible to vote
4 in this state until again qualifying under AS 15.05.010.

5 (7) The term of residence is computed by including the day on which
6 the person's residence begins and excluding the day of election.

7 (8) The address of a voter as it appears on the [AN] official voter
8 registration record [CARD] is presumptive evidence of the person's voting residence.
9 This presumption is negated only if the voter notifies the director in writing of a
10 change of voting residence.

11 * Sec. 4. AS 15.07.050 is amended to read:

12 **Sec. 15.07.050. Manner of registration.** Registration may be made

13 (1) in person before a registration official or through a voter
14 registration agency;

15 (2) by another individual on behalf of the voter if the voter has
16 executed a written general power of attorney or a written special power of
17 attorney authorizing that other individual to register the voter;

18 (3) by mail; or

19 (4) [(3)] by facsimile transmission, scanning, or another method of
20 electronic transmission that the director approves.

21 * Sec. 5. AS 15.07.050 is amended by adding new subsections to read:

22 (b) Except as provided in (c) of this section, only the voter or the individual
23 authorized by the voter in a written power of attorney under (a) of this section may
24 mark the voter's choice of party affiliation on the voter registration application form.

25 (c) A person may supply a voter registration application form with a
26 political party or group affiliation indicated to a voter only if the voter is
27 already registered as affiliated with the political party or group indicated.

28 * Sec. 6. AS 15.07.060(a) is amended to read:

29 (a) Each applicant who requests registration or reregistration shall supply the
30 following information:

31 (1) the applicant's name and sex;

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1 (2) if issued, the applicant's State of Alaska driver's license number or
 2 State of Alaska identification card number, or the last four digits of the applicant's
 3 social security number;

4 (3) the applicant's date of birth;

5 (4) the applicant's Alaska residence address [AND OTHER
 6 NECESSARY INFORMATION ESTABLISHING RESIDENCE, INCLUDING THE
 7 TERM OF RESIDENCE IN THE STATE AND IN THE DISTRICT, IF
 8 REQUESTED];

9 (5) a statement of whether the applicant has previously been
 10 registered to vote in another jurisdiction, and, if so, the jurisdiction and the address of
 11 the previous registration;

12 (6) a declaration that the applicant [REGISTRANT] will be 18 years
 13 of age or older within 90 days after [OF] the date of registration;

14 (7) a declaration that the applicant [REGISTRANT] is a citizen of the
 15 United States;

16 (8) the date of application;

17 (9) the applicant's signature or mark;

18 (10) any former name under which the applicant was registered to vote
 19 in the state;

20 (11) an attestation that the information provided by the applicant in (1)
 21 - (10) of this subsection is true; and

22 (12) a certification that the applicant understands that a false statement
 23 on the application may make the applicant subject to prosecution for a misdemeanor
 24 under this title or AS 11.

25 * Sec. 7. AS 15.07.070(b) is amended to read:

26 (b) To register by mail or by facsimile, scanning, or other electronic
 27 transmission approved by the director under AS 15.07.050, the director, the area
 28 election supervisor, or a voter registration agency shall furnish, at no cost to the voter,
 29 forms prepared by the director on which the registration information required under
 30 AS 15.07.060 shall be inserted by the voter, by a person on behalf of the voter if
 31 that person is designated to act on behalf of the voter in a power of attorney, or

1 by a person on behalf of the voter if the voter is physically incapacitated. The director
 2 may require proof of identification of the applicant as required by regulations adopted
 3 by the director under AS 44.62 (Administrative Procedure Act). Upon receipt and
 4 approval of the completed registration forms, the director or the election supervisor
 5 shall forward to the voter an acknowledgment, and the voter's name shall immediately
 6 be placed on the master register. If the registration is denied, the voter shall
 7 immediately be informed in writing that registration was denied and the reason for
 8 denial. When identifying information has been provided by the voter as required by
 9 this chapter, the election supervisor shall forward to the voter a registration card.

10 * Sec. 8. AS 15.07 is amended by adding a new section to read:

11 **Sec. 15.07.075. Voters unaffiliated with a political party.** The director shall
 12 consider a voter to be a voter registered as

13 (1) "nonpartisan" and without a preference for a political party if the
 14 voter registers as nonpartisan on a voter registration form;

15 (2) "undeclared" if the voter

16 (A) registers as undeclared on a voter registration form;

17 (B) fails to declare an affiliation with a political group or
 18 political party on a voter registration form; or

19 (C) declares an affiliation with an entity other than a political
 20 party or political group on a voter registration form; or

21 (3) "other" if the voter declares on a voter registration form an
 22 affiliation with a political group. ~~That is the case for~~

23 * Sec. 9. AS 15.07.127 is amended to read:

24 **Sec. 15.07.127. Preparation of master register.** The director shall prepare
 25 both a statewide list and a list by precinct of the names and addresses of all persons
 26 whose names appear on the master register and their political party affiliation.
 27 Subject to the limitations of 15.07.195, any [ANY] person may obtain a copy of the
 28 list, or a part of the list, or an electronic format containing both residence and mailing
 29 addresses of voters, by applying to the director and paying to the state treasury a fee as
 30 determined by the director.

31 * Sec. 10. AS 15.10.090 is repealed and reenacted to read:

1 **Sec. 15.10.090. Notice of precinct boundary or polling place designation**
 2 **and modification.** The director shall give full public notice if a precinct is established
 3 or abolished, if the boundaries of a precinct are designated, abolished, or modified, or
 4 if the location of a polling place is changed. Public notice must include

5 (1) whenever possible, sending written notice of the change to each
 6 affected registered voter in the precinct;

7 (2) providing notice of the change

8 (A) by publication once in a local newspaper of general
 9 circulation in the precinct; or

10 (B) if there is not a local newspaper of general circulation in
 11 the precinct, by posting written notice in three conspicuous places as close to
 12 the precinct as possible; at least one posting location must be in the precinct;

13 (3) posting notice of the change on the Internet website of the division
 14 of elections;

15 (4) providing notification of the change to the appropriate municipal
 16 clerks, community councils, tribal groups, Native villages, and village regional
 17 corporations established under 43 U.S.C. 1606 (Alaska Native Claims Settlement
 18 Act); and

19 (5) inclusion in the official election pamphlet.

20 * **Sec. 11.** AS 15.13.400(4) is amended to read:

21 (4) "contribution"

22 (A) means a purchase, payment, promise or obligation to pay,
 23 loan or loan guarantee, deposit or gift of money, goods, or services for which
 24 charge is ordinarily made and that is made for the purpose of influencing the
 25 nomination or election of a candidate, and in AS 15.13.010(b) for the purpose
 26 of influencing a ballot proposition or question, including the payment by a
 27 person other than a candidate or political party, or compensation for the
 28 personal services of another person, that are rendered to the candidate or
 29 political party;

30 (B) does not include

31 (i) services provided without compensation by

1 individuals volunteering a portion or all of their time on behalf of a
2 political party, candidate, or ballot proposition or question;

3 (ii) ordinary hospitality in a home;

4 (iii) two or fewer mass mailings before each election by
5 each political party describing the party's slate of candidates for
6 election, which may include photographs, biographies, and information
7 about the party's candidates;

8 (iv) the results of a poll limited to issues and not
9 mentioning any candidate, unless the poll was requested by or designed
10 primarily to benefit the candidate; or

11 (v) any communication in the form of a newsletter from
12 a legislator to the legislator's constituents, except a communication
13 expressly advocating the election or defeat of a candidate or a
14 newsletter or material in a newsletter that is clearly only for the private
15 benefit of a legislator or a legislative employee;

16 (vi) a purchase, payment, promise or obligation to
17 pay, loan or loan guarantee, deposit or gift of money, goods, or
18 services for which charge is ordinarily made and that is made for
19 the purpose of party building;

20 * Sec. 12. AS 15.13.400(6) is amended to read:

21 (6) "expenditure"

22 (A) means a purchase or a transfer of money or anything of
23 value, or promise or agreement to purchase or transfer money or anything of
24 value, incurred or made for the purpose of

25 (i) influencing the nomination or election of a candidate
26 or of any individual who files for nomination at a later date and
27 becomes a candidate;

28 (ii) use by a political party;

29 (iii) the payment by a person other than a candidate or
30 political party of compensation for the personal services of another
31 person that are rendered to a candidate or political party; or

1 (iv) influencing the outcome of a ballot proposition or
2 question;

3 (B) does not include a candidate's filing fee; a purchase or a
4 transfer of money or anything of value, a promise or agreement to
5 purchase or transfer money or anything of value, incurred or made for
6 the purpose of party building; or the cost of preparing reports and statements
7 required by this chapter;

8 (C) includes an express communication and an electioneering
9 communication, but does not include an issues communication;

10 * Sec. 13. AS 15.13.400 is amended by adding a new paragraph to read:

11 (17) "party building" means the activities of a political party to register
12 voters, organize precincts, districts, and regions, and otherwise engage in activities
13 that build, maintain, or strengthen a political party in this state, but does not include an
14 express communication or electioneering communication.

15 * Sec. 14. AS 15.15.030(6) is repealed and reenacted to read:

16 (6) The names of the candidates for each office shall be set out in the
17 same order on ballots printed for use in each house district. The director shall
18 randomly determine the order of the names of the candidates for state representative
19 for each house district. The director shall rotate the order of placement of the names
20 of candidates for governor, lieutenant governor, United States senator, United States
21 representative, and state senator on the ballot for each house district.

22 * Sec. 15. AS 15.15.030(7) is amended to read:

23 (7) The general election ballot shall be designed with the names of
24 candidates of each political party, and of any independent candidates qualified
25 under AS 15.30.026, for the office of President and Vice-President of the United
26 States placed in the same section on the ballot rather than the names of electors of
27 President and Vice-President.

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

29 (a) The director may adopt regulations prescribing the manner in which the
30 precinct ballot count is accomplished so as to ensure [ASSURE] accuracy in the count
31 and to expedite the process. The election board shall account for all ballots by

1 completing a ballot statement containing (1) the number of official ballots received;
 2 (2) the number of official ballots voted; (3) the number of official ballots spoiled; (4)
 3 the number of official ballots unused and either destroyed or returned for
 4 destruction to the elections supervisor or the election supervisor's designee. The
 5 board shall count the number of questioned ballots and [SHALL] compare that
 6 number to the number of questioned voters in the register. Discrepancies shall be
 7 noted and the numbers included in the certificate prescribed by AS 15.15.370. The
 8 election board, in hand-count precincts, shall count the ballots in a manner that allows
 9 watchers to see the ballots when opened and read. A person handling the ballot after it
 10 has been taken from the ballot box and before it is placed in the envelope for mailing
 11 may not have a marking device in hand or remove a ballot from the immediate vicinity
 12 of the polls.

13 * Sec. 17. AS 15.15.430 is amended to read:

14 **Sec. 15.15.430. Scope of the review of ballot counting.** (a) The review of
 15 ballot counting by the director shall include only [A REVIEW OF]

16 (1) a review of the precinct registers, tallies, and ballots cast; [AND]

17 (2) a review of absentee and questioned ballots as prescribed by law;

18 and

19 (3) unless the ballot for the election district contains nothing but
 20 uncontested offices, a hand count of ballots from one randomly selected precinct
 21 in each election district that accounts for at least five percent of the ballots cast in
 22 that district.

23 (b) If, following the ballot review set out in (a) of this section, the director
 24 finds there is a discrepancy of more than one percent between the results of the
 25 hand count under (a)(3) of this section and the count certified by the election
 26 board, the director shall conduct a hand count of the ballots from that district
 27 [AN UNEXPLAINED DISCREPANCY IN THE BALLOT COUNT IN ANY
 28 PRECINCT, THE DIRECTOR MAY COUNT THE BALLOTS FROM THAT
 29 PRECINCT].

30 (c) If the director finds an unexplained discrepancy in the ballot count in
 31 any precinct, the director may count the ballots from that precinct.

1 (A) a commissioned or noncommissioned officer of the armed
2 forces of the United States;

3 (B) an official authorized by federal law or the law of the state
4 in which the absentee ballot is cast to administer an oath; or

5 (C) an individual [TWO UNITED STATES CITIZENS] who
6 is [ARE] 18 years of age or older.

7 * Sec. 21. AS 15.20.081(a) is amended to read:

8 (a) A qualified voter may apply by mail or by facsimile, scanning, or other
9 electronic transmission to the director for an absentee ballot. Another individual
10 may apply for an absentee ballot on behalf of a qualified voter if that individual
11 is designated to act on behalf of the voter in a written general power of attorney
12 or a written special power of attorney that authorizes the other individual to
13 apply for an absentee ballot on behalf of the voter. The application must include
14 the address or, if the application requests delivery of an absentee ballot by electronic
15 transmission, the telephone electronic transmission number, to which the absentee
16 ballot is to be returned, the applicant's full Alaska residence address, and the
17 applicant's signature. However, a person residing outside the United States and
18 applying to vote absentee in federal elections in accordance with AS 15.05.011 need
19 not include an Alaska residence address in the application. A person may supply to a
20 voter an absentee ballot application form with a political party or group
21 affiliation indicated only if the voter is already registered as affiliated with the
22 political party or group indicated. Only the voter or the individual designated by
23 the voter in a written power of attorney under this subsection may mark the
24 voter's choice of primary ballot on an application. A person supplying an
25 absentee ballot application form may not design or mark the application in a
26 manner that suggests choice of one ballot over another, except that ballot choices
27 may be listed on an application as authorized by the division.

28 * Sec. 22. AS 15.20.081(d) is amended to read:

29 (d) Upon receipt of an absentee ballot by mail, the voter, in the presence of a
30 notary public, commissioned officer of the armed forces including the National Guard,
31 district judge or magistrate, United States postal official, registration official, or other

1 person qualified to administer oaths, may proceed to mark the ballot in secret, to place
 2 the ballot in the secrecy sleeve, to place the secrecy sleeve in the envelope provided,
 3 and to sign the voter's certificate on the envelope in the presence of an official listed in
 4 this subsection who shall sign as attesting official and shall date the signature. If none
 5 of the officials listed in this subsection is reasonably accessible, an absentee voter
 6 shall sign the voter's certificate in the presence of an individual who is [TWO
 7 PERSONS OVER THE AGE OF] 18 years of age or older, who shall sign as a
 8 witness [WITNESSES] and attest to the date on which the voter signed the certificate
 9 in the individual's [THEIR] presence, and, in addition, the voter shall certify, as
 10 prescribed in AS 09.63.020, under penalty of perjury, that the statements in the
 11 voter's certification are true [PROVIDE THE CERTIFICATION PRESCRIBED IN
 12 AS 09.63.020].

13 * Sec. 23. AS 15.20.081(h) is amended to read:

14 (h) Except as provided in AS 15.20.480, an absentee ballot returned by mail
 15 from outside the United States or from an overseas voter qualifying under
 16 AS 15.05.011 [A MILITARY APO OR FPO ADDRESS] that has been marked and
 17 mailed not later than election day may not be counted unless the ballot is received by
 18 the election supervisor not later than the close of business on the 15th day following
 19 the election. *Added in H JWD*

20 * Sec. 24. AS 15.20.450 is amended to read:

21 **Sec. 15.20.450. Requirement of deposit.** The application must include a
 22 deposit in cash, by certified check, or by bond with a surety approved by the director.
 23 The amount of the deposit is \$1,000 [\$300] for each precinct, \$2,000 [\$750] for each
 24 house district, and \$15,000 [\$10,000] for the entire state. If the recount includes an
 25 office for which candidates received a tie vote, or the difference between the number
 26 of votes cast was 20 or less or was less than .5 percent of the total number of votes
 27 cast for the two candidates for the contested office, or a question or proposition for
 28 which there was a tie vote on the issue, or the difference between the number of votes
 29 cast in favor of or opposed to the issue was 20 or less or was less than .5 percent of the
 30 total votes cast in favor of or opposed to the issue, the application need not include a
 31 deposit, and the state shall bear the cost of the recount. If, on the recount, a candidate

1 other than the candidate who received the original election certificate is declared
 2 elected, or if the vote on recount is determined to be four percent or more in excess of
 3 the vote reported by the state review for the candidate applying for the recount or in
 4 favor of or opposed to the question or proposition as stated in the application, the
 5 entire deposit shall be refunded. If the entire deposit is not refunded, the director shall
 6 refund any money remaining after the cost of the recount has been paid from the
 7 deposit.

8 * Sec. 25. AS 15.20.800(b) is amended to read.

9 (b) If the director conducts an election under (a) of this section by mail, the
 10 director shall send a ballot for each election described in (a) of this section to each
 11 person whose name appears on the official registration list prepared under
 12 AS 15.07.125 for that election. The director shall send ballots by first class,
 13 nonforwardable mail. The ballot shall be sent to the address stated on the official
 14 registration list unless

15 (1) the voter has notified the director or an election supervisor of a
 16 different address to which the ballot should be sent; or

17 (2) the address on the official registration list has been identified as
 18 being an undeliverable address [THE DIRECTOR SHALL SEND BALLOTS BY
 19 FIRST CLASS, NONFORWARDABLE MAIL].

20 * Sec. 26. AS 15.20 is amended by adding a new section to article 5 to read:

21 **Sec. 15.20.910. Standards for voting machines and vote tally systems.** The
 22 director may approve a voting machine or vote tally system for use in an election in
 23 the state upon consideration of factors relevant to the administration of state elections,
 24 including whether the Federal Election Commission has certified the voting machine
 25 or vote tally system to be in compliance with the voting system standards approved by
 26 the Federal Election Commission as required by 42 U.S.C. 15481(a)(5) (Help America
 27 Vote Act of 2002). The director may only approve a voting machine or vote tally
 28 system if the machine or system satisfies the requirements of AS 15.15.032(c).

29 * Sec. 27. AS 15.25.030(a) is amended to read:

30 (a) A member of a political party who seeks to become a candidate of the
 31 party in the primary election shall execute and file a declaration of candidacy. The

1 declaration shall be executed under oath before an officer authorized to take
2 acknowledgments and must state in substance

- 3 (1) the full name of the candidate;
- 4 (2) the full mailing address of the candidate;
- 5 (3) if the candidacy is for the office of state senator or state
6 representative, the house or senate district of which the candidate is a resident;
- 7 (4) the office for which the candidate seeks nomination;
- 8 (5) the name of the political party of which the person is a candidate
9 for nomination;
- 10 (6) the full residence address of the candidate, and the date on which
11 residency at that address began;
- 12 (7) the date of the primary election at which the candidate seeks
13 nomination;
- 14 (8) the length of residency in the state and in the district of the
15 candidate;
- 16 (9) that the candidate will meet the specific citizenship requirements of
17 the office for which the person is a candidate;
- 18 (10) that the candidate is a qualified voter as required by law;
- 19 (11) that the candidate will meet the specific age requirements of the
20 office for which the person is a candidate; if the candidacy is for the office of state
21 representative, that the candidate will be at least 21 years of age on the first
22 scheduled day of the first regular session of the legislature convened after the
23 election; if the candidacy is for the office of state senator, that the candidate will
24 be at least 25 years of age on the first scheduled day of the first regular session of
25 the legislature convened after the election; if the candidacy is for the office of
26 governor or lieutenant governor, that the candidate will be at least 30 years of
27 age on the first Monday in December following election or, if the office is to be
28 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will
29 be at least 30 years of age on the date of certification of the results of the special
30 election; or, for any other office, by the time that the candidate, if elected, is
31 sworn into office;

1 (12) that the candidate requests that the candidate's name be placed on
2 the primary election ballot;

3 (13) that the required fee accompanies the declaration;

4 (14) that the person is not a candidate for any other office to be voted
5 on at the primary or general election and that the person is not a candidate for this
6 office under any other declaration of candidacy or nominating petition;

7 (15) the manner in which the candidate wishes the candidate's name to
8 appear on the ballot; and

9 (16) that the candidate is registered to vote as a member of the political
10 party whose nomination is being sought.

11 * Sec. 28. AS 15.25.060 is amended by adding a new subsection to read:

12 (c) If a voter is not voting in person and has requested an absentee ballot or
13 special needs ballot but has not indicated a choice of ballot, the director shall provide
14 the voter with the ballot listing the candidates of the political party or group with
15 which the voter is affiliated, as determined under (b) of this section. *← Language from House*
Deleted here

16 * Sec. 29. AS 15.25.105(a) is amended to read:

17 (a) If a candidate does not appear on the primary election ballot or is not
18 successful in advancing to the general election and wishes to be a candidate in the
19 general election, the candidate may file as a write-in candidate. Votes for a write-in
20 candidate may not be counted unless that candidate has filed a letter of intent with the
21 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; if the candidacy is for the office of state
9 representative, that the candidate will be at least 21 years of age on the first
10 scheduled day of the first regular session of the legislature convened after the
11 election; if the candidacy is for the office of state senator, that the candidate will
12 be at least 25 years of age on the first scheduled day of the first regular session of
13 the legislature convened after the election; if the candidacy is for the office of
14 governor or lieutenant governor, that the candidate will be at least 30 years of
15 age on the first Monday in December following election or, if the office is to be
16 filled by special election under AS 15.40.230 - 15.40.310, that the candidate will
17 be at least 30 years of age on the date of certification of the results of the special
18 election; or, for any other office, by the time that the candidate, if elected, is sworn
19 into office;

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

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

24 * Sec. 30. AS 15.25.180(a) is amended to read:

25 (a) The petition must state in substance

26 (1) the full name of the candidate;

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

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

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

31 (5) if the candidacy is for the office of state senator or state

1 representative, the house or senate district of which the candidate is a resident;

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

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

4 (8) the length of residency in the state and in the district of the
5 candidate;

6 (9) that the subscribers are qualified voters of the state or house or
7 senate district in which the candidate resides;

8 (10) that the subscribers request that the candidate's name be placed on
9 the general election ballot;

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

12 (12) the name of the candidate as the candidate wishes it to appear on
13 the ballot;

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

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

19 (15) that the candidate will meet the specific age requirements of the
20 office for which the person is a candidate; if the candidacy is for the office of state
21 representative, that the candidate will be at least 21 years of age on the first
22 scheduled day of the first regular session of the legislature convened after the
23 election; if the candidacy is for the office of state senator, that the candidate will
24 be at least 25 years of age on the first scheduled day of the first regular session of
25 the legislature convened after the election; and if the candidacy is for the office of
26 governor or lieutenant governor, that the candidate will be at least 30 years of
27 age on the first Monday in December following election or, if the office is to be
28 filled by special election under AS 15.40.250 - 15.40.310, that the candidate will
29 be at least 30 years of age on the date of certification of the results of the special
30 election; or, for any other office, by the time that the candidate, if elected, is sworn
31 into office;

1 (16) that the candidate is a qualified voter; and

2 (17) if the candidacy is for the office of the governor, the name of the
3 candidate for lieutenant governor running jointly with the candidate for governor.

4 * **Sec. 31.** AS 15.30 is amended by adding a new section to read:

5 **Sec. 15.30.026. Qualifications for independent candidates for President of
6 the United States; selection of candidate for Vice-President; selection of electors.**

7 (a) A person who desires to be an independent candidate for President of the United
8 States must file with the director not earlier than January 1 of a presidential election
9 year and not later than the 90th day before a presidential general election a petition
10 signed by qualified voters of the state equal in number to at least one percent of the
11 number of voters who cast ballots in an election under this chapter for President of the
12 United States at the last presidential general election. The petition must state that the
13 signers desire the named candidate for President of the United States to appear on the
14 ballot as an independent candidate for president at the next succeeding presidential
15 general election.

16 (b) In order to appear on the ballot, a candidate who has qualified for ballot
17 status under (a) of this section shall certify the following information to the director on
18 or before September 1 of the year of the presidential general election:

19 (1) the names of the electors for the independent candidate for
20 President of the United States, equal to the number of senators and representatives to
21 which the state is entitled in Congress;

22 (2) the name of a candidate for Vice-President, selected by the
23 independent candidate; and

24 (3) the name, Alaska mailing address, and signature of the candidate's
25 state campaign chair, who must be an Alaska resident.

26 * **Sec. 32.** AS 15.30.050 is amended to read:

27 **Sec. 15.30.050. Interpretation of votes cast for candidates for President
28 and Vice-President [VICE PRESIDENT].** In voting for presidential electors, a vote
29 marked for the candidates for President and Vice-President [VICE PRESIDENT] is
30 considered and counted as a vote for the presidential electors of the party or for the
31 presidential electors named under AS 15.30.026, as appropriate.

1 * Sec. 33. AS 15.30.090 is amended to read:

2 **Sec. 15.30.090. Duties of electors.** After any vacancies have been filled, the
3 electors shall proceed to cast their votes for the candidates for the office of President
4 and Vice-President [VICE PRESIDENT] of the party that [WHICH] selected them as
5 candidates for electors, or for the candidates for the office of President and Vice-
6 President under AS 15.30.026 if the electors were named under AS 15.30.026, and
7 shall perform the duties of electors as required by the constitution and laws of the
8 United States. The director shall provide administrative services and the Department
9 of Law shall provide legal services necessary for the electors to perform their duties.

10 * Sec. 34. AS 15.45.030 is amended to read:

11 **Sec. 15.45.030. Form of application.** The application must [SHALL]
12 include the

13 (1) [THE] proposed bill [TO BE INITIATED],

14 (2) printed name, the signature, the address, and a numerical
15 identifier of not fewer than 100 qualified voters who will serve as sponsors; each
16 signature page must include a statement that the sponsors are qualified voters who
17 signed the application with the proposed bill attached; and [.]

18 (3) [THE] designation of an initiative committee consisting of three of
19 the sponsors who subscribed to the application and [SHALL] represent all sponsors
20 and subscribers in matters relating to the initiative; the designation must include the
21 name, mailing address, and signature of each committee member [, AND (4)
22 THE SIGNATURES AND ADDRESSES OF NOT LESS THAN 100 QUALIFIED
23 VOTERS].

24 * Sec. 35. AS 15.45.060 is amended to read:

25 **Sec. 15.45.060. Designation of sponsors.** The qualified voters who subscribe
26 to the application in support of the proposed bill are designated as sponsors. The
27 initiative committee may designate additional sponsors by giving written notice to the
28 lieutenant governor of the names, [AND] addresses, and numerical identifiers of
29 those so designated. *"Dates of Birth"*

30 * Sec. 36. AS 15.45.090 is repealed and reenacted to read:

31 **Sec. 15.45.090. Preparation of petition.** (a) If the application is certified,

now House change

1 the lieutenant governor shall prepare a sufficient number of sequentially numbered
2 petitions to allow full circulation throughout the state. Each petition must contain

3 (1) a copy of the proposed bill if the number of words included in both
4 the formal and substantive provisions of the bill is 500 or less;

5 (2) an impartial summary of the subject matter of the bill;

6 (3) a statement of minimum costs to the state associated with
7 certification of the initiative application and review of the initiative petition, excluding
8 legal costs to the state and the costs to the state of any challenge to the validity of the
9 petition;

10 (4) an estimate of the cost to the state of implementing the proposed
11 law; *How language Judicial*

12 (5) the statement of warning prescribed in AS 15.45.100;

13 (6) sufficient space for the printed name, a numerical identifier, the
14 signature, the date of signature, and the address of each person signing the petition;
15 and

16 (7) other specifications prescribed by the lieutenant governor to ensure
17 proper handling and control.

18 (b) Upon request of the initiative committee, the lieutenant governor shall
19 report to the committee the number of persons who voted in the preceding general
20 election.

21 * Sec. 37. AS 15.45 is amended by adding a new section to read:

22 **Sec. 15.45.105. Qualifications of circulator.** To circulate a petition booklet,
23 a person shall be

24 (1) a citizen of the United States;

25 (2) 18 years of age or older; and

26 (3) a resident of the state as determined under AS 15.05.020.

27 * Sec. 38. AS 15.45.120 is amended to read:

28 **Sec. 15.45.120. Manner of signing and withdrawing name from petition.**

29 Any qualified voter may subscribe to the petition by printing the voter's name, a
30 numerical identifier, and an address, by signing the voter's name, and by dating
31 the signature [AND ADDRESS]. A person who has signed the initiative petition

1 may withdraw the person's name only by giving written notice to the lieutenant
2 governor before the date the petition is filed.

3 * **Sec. 39.** AS 15.45.130 is repealed and reenacted to read:

4 **Sec. 15.45.130. Certification of circulator.** Before being filed, each petition
5 shall be certified by an affidavit by the person who personally circulated the petition.
6 In determining the sufficiency of the petition, the lieutenant governor may not count
7 subscriptions on petitions not properly certified at the time of filing or corrected before
8 the subscriptions are counted. The affidavit must state in substance

9 (1) that the person signing the affidavit meets the residency, age, and
10 citizenship qualifications for circulating a petition under AS 15.45.105;

11 (2) that the person is the only circulator of that petition;

12 (3) that the signatures were made in the circulator's actual presence;

13 (4) that to the best of the circulator's knowledge, the signatures are the
14 signatures of the persons whose names they purport to be;

15 (5) that, to the best of the circulator's knowledge, the signatures are of
16 persons who were qualified voters on the date of signature; *John J. ...*

17 (6) that the circulator has not entered into an agreement with a person
18 or organization in violation of AS 15.45.110(c);

19 (7) that the circulator has not violated AS 15.45.110(d) with respect to
20 that petition; and

21 (8) whether the circulator has received payment or agreed to receive
22 payment for the collection of signatures on the petition, and, if so, the name of each
23 person or organization that has paid or agreed to pay the circulator for collection of
24 signatures on the petition.

25 * **Sec. 40.** AS 15.45.200 is amended to read:

26 **Sec. 15.45.200. Display of proposed law.** The director shall provide each
27 election board with at least five [10] copies of the proposed law being initiate and
28 the election board shall display at least one copy [THREE COPIES] of the proposed
29 law in a conspicuous place in the room where the election is held.

30 * **Sec. 41.** AS 15.45.270 is amended to read:

31 **Sec. 15.45.270. Form of application.** The application must [SHALL]

1 include

2 (1) the act to be referred;

3 (2) a statement of approval or rejection;

4 (3) the printed name, the signature, the address, and a numerical
 5 identifier of not fewer than 100 qualified voters who will serve as sponsors; each
 6 signature page must include a statement that the sponsors are qualified voters who
 7 signed the application with the act to be referred and the statement of approval or
 8 rejection [PROPOSED BILL] attached; and

9 (4) [(3)] the designation of a referendum committee consisting of three
 10 of the sponsors who subscribed to the application and [SHALL] represent all
 11 sponsors and subscribers in matters relating to the referendum; the designation must
 12 include the name, mailing address, and signature of each committee member
 13 [AND

14 (4) THE SIGNATURES AND ADDRESSES OF NOT FEWER
 15 THAN 100 QUALIFIED VOTERS].

16 * Sec. 42. AS 15.45.290 is amended to read:

17 Sec. 15.45.290. Designation of sponsors. The qualified voters who subscribe
 18 to the application in support of the referendum are designated as sponsors. The
 19 referendum committee may designate additional sponsors by giving notice to the
 20 lieutenant governor of the names, [AND] addresses, and numerical identifiers of
 21 those so designated. *Dates of Birth*

22 * Sec. 43. AS 15.45.320 is repealed and reenacted to read:

23 Sec. 15.45.320. Preparation of petition. (a) The lieutenant governor shall
 24 prepare a sufficient number of sequentially numbered petitions to allow full circulation
 25 throughout the state. Each petition must contain

26 (1) a copy of the act to be referred if the number of words included in
 27 both the formal and substantive provisions of the act is 500 or less;

28 (2) the statement of approval or rejection;

29 (3) a statement of minimum costs to the state associated with
 30 certification of the referendum application and review of the referendum petition,
 31 excluding legal costs to the state and the costs to the state of any challenge to the

Have Included

1 validity of the petition;

2 (4) an estimate of the cost to the state of voter approval or rejection of
3 the act;

4 (5) an impartial summary of the subject matter of the act;

5 (6) the statement of warning prescribed in AS 15.45.330;

6 (7) sufficient space for the printed name, a numerical identifier, the
7 signature, the date of signature, and the address of each person signing the petition;
8 and

9 (8) other specifications prescribed by the lieutenant governor to ensure
10 proper handling and control.

11 (b) Upon request of the referendum committee, the lieutenant governor shall
12 report to the committee the number of persons who voted in the preceding general
13 election.

14 * Sec. 44. AS 15.45 is amended by adding a new section to read:

15 **Sec. 15.45.335. Qualifications of circulator.** To circulate a petition booklet,
16 a person shall be

17 (1) a citizen of the United States;

18 (2) 18 years of age or older; and

19 (3) a resident of the state as determined under AS 15.05.020.

20 * Sec. 45. AS 15.45.340 is amended by adding new subsections to read:

21 (b) A circulator may not receive payment or agree to receive payment that is
22 greater than \$1 a signature, and a person or an organization may not pay or agree to
23 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
24 petition.

25 (c) A person or organization may not knowingly pay, offer to pay, or cause to
26 be paid money or other valuable thing to a person to sign or refrain from signing a
27 petition.

28 (d) A person or organization that violates (b) or (c) of this section is guilty of a
29 class B misdemeanor.

30 (e) In this section,

31 (1) "organization" has the meaning given in AS 11.81.900;

1 (2) "other valuable thing" has the meaning given in AS 15.56.030;

2 (3) "person" has the meaning given in AS 11.81.900.

3 * Sec. 46. AS 15.45.350 is amended to read:

4 **Sec. 15.45.350. Manner of signing and withdrawing name from petition.**

5 Any qualified voter may subscribe to the petition by printing the voter's name, a
 6 numerical identifier, and an address, by signing the voter's name, and by dating
 7 the signature [AND ADDRESS]. A person who has signed the referendum petition
 8 may withdraw the person's name only by giving written notice to the lieutenant
 9 governor before the date the petition is filed.

10 * Sec. 47. AS 15.45.360 is repealed and reenacted to read:

11 **Sec. 15.45.360. Certification of circulator.** Before being filed, each petition
 12 shall be certified by an affidavit by the person who personally circulated the petition.
 13 In determining the sufficiency of the petition, the lieutenant governor may not count
 14 subscriptions on petitions not properly certified at the time of filing or corrected before
 15 the subscriptions are counted. The affidavit must state in substance

16 (1) that the person signing the affidavit meets the residency, age, and
 17 citizenship qualifications for circulating a petition under AS 15.45.335;

18 (2) that the person is the only circulator of that petition;

19 (3) that the signatures were made in the circulator's actual presence;

20 (4) that to the best of the circulator's knowledge, the signatures are the
 21 signatures of the persons whose names they purport to be;

22 (5) that, to the best of the circulators knowledge, the signatures are of
 23 persons who were qualified voters on the date of signature;

24 (6) that the circulator has not entered into an agreement with a person
 25 or organization in violation of AS 15.45.340(b);

26 (7) that the circulator has not violated AS 15.45.340(c) with respect to
 27 that petition; and

28 (8) ^{if} whether the circulator has received payment or agreed to receive
 29 payment for the collection of signatures on the petition, and, if so, the name of each
 30 person or organization that has paid or agreed to pay the circulator for collection of
 31 signatures on the petition.

1 * **Sec. 48.** AS 15.45.430 is amended to read:

2 **Sec. 15.45.430. Display of act being referred.** The director shall provide
3 each election board with at least five [10] copies of the act being referred, and the
4 election board shall display a east one copy [THREE COPIES] of the act in a
5 conspicuous place in the room where the election is held.

6 * **Sec. 49.** AS 15.45.500 is amended to read:

7 **Sec. 15.45.500. Form of application.** The application must include

8 (1) the name and office of the person to be recalled;

9 (2) the grounds for recall described in particular in not more than 200
10 words;

11 (3) the printed name, the signature, the address, and a numerical
12 identifier of qualified voters equal in number to 10 percent of those who voted in
13 the preceding general election in the state or in the senate or house district of the
14 official sought to be recalled, 100 of whom will serve as sponsors; each signature
15 page must include a statement that the [SPONSORS ARE] qualified voters [WHO]
16 signed the application with the name and office of the person to be recalled and the
17 statement of grounds for recall attached; and

18 (4) the designation of a recall committee consisting of three of the
19 qualified voters [SPONSORS] who subscribed to the application and shall
20 represent all sponsors and subscribers in matters relating to the recall; the designation
21 must include the name, mailing address, and signature of each committee
22 member

23 [(5) THE SIGNATURES OF AT LEAST 100 QUALIFIED VOTERS
24 WHO SUBSCRIBE TO THE APPLICATION AS SPONSORS FOR PURPOSES OF
25 CIRCULATION; AND

26 (6) THE SIGNATURES AND ADDRESSES OF QUALIFIED
27 VOTERS EQUAL IN NUMBER TO 10 PERCENT OF THOSE WHO VOTED IN
28 THE PRECEDING GENERAL ELECTION IN THE STATE OR IN THE SENATE
29 OR HOUSE DISTRICT OF THE OFFICIAL SOUGHT TO BE RECALLED].

30 * **Sec. 50.** AS 15.45 is amended by adding a new section to read:

31 **Sec. 15.45.515. Designation of sponsors.** The qualified voters who subscribe

1 to the application in support of the recall are designated as sponsors. The recall
 2 committee may designate additional sponsors by giving notice to the lieutenant
 3 governor of the names, addresses, and numerical identifiers of those so designated.

4 * **Sec. 51.** AS 15.45.560 is repealed and reenacted to read:

5 **Sec. 15.45.560. Preparation of petition.** (a) The director shall prepare a
 6 sufficient number of sequentially numbered petitions to allow full circulation
 7 throughout the state or throughout the senate or house district of the official sought to
 8 be recalled. Each petition must contain

9 (1) the name and office of the person to be recalled;

10 (2) the statement of the grounds for recall included in the application;

11 (3) a statement of minimum costs to the state associated with
 12 certification of the recall application, review of the recall petition, and conduct of a
 13 special election, excluding legal costs to the state and the costs to the state of any
 14 challenge to the validity of the petition;

15 (4) an estimate of the cost to the state of recalling the official: 7 .

16 (5) the statement of warning required in AS 15.45.570;

17 (6) sufficient space for the printed name, a numerical identifier, the
 18 signature, the date of signature, and the address of each person signing the petition;
 19 and

20 (7) other specifications prescribed by the director to ensure proper
 21 handling and control.

22 (b) Upon request of the recall committee, the lieutenant governor shall report
 23 to the committee the number of persons who voted in the preceding general election,
 24 in the state or in the district of the official sought to be recalled by the recall
 25 committee.

26 * **Sec. 52.** AS 15.45.570 is amended to read:

27 **Sec. 15.45.570. Statement of warning.** Each petition must [AND
 28 DUPLICATE COPY SHALL] include a statement of warning that a person who signs
 29 a name other than the person's own to the petition, or who knowingly signs more than
 30 once for the same proposition at one election, or who signs the petition while
 31 knowingly not a qualified voter, is guilty of a class B misdemeanor.

1 * **Sec. 53.** AS 15.45 is amended by adding a new section to read:

2 **Sec. 15.45.575. Qualifications of circulator.** To circulate a petition booklet,

3 a person shall be

4 (1) a citizen of the United States;

5 (2) 18 years of age or older; and

6 (3) a resident of the state as determined under AS 15.05.020.

7 * **Sec. 54.** AS 15.45.580 is amended by adding new subsections to read:

8 (b) A circulator may not receive payment or agree to receive payment that is
9 greater than \$1 a signature, and a person or an organization may not pay or agree to
10 pay an amount that is greater than \$1 a signature, for the collection of signatures on a
11 petition.

12 (c) A person or organization may not knowingly pay, offer to pay, or cause to
13 be paid money or other valuable thing to a person to sign or refrain from signing a
14 petition.

15 (d) A person or organization that violates (b) or (c) of this section is guilty of a
16 class B misdemeanor.

17 (e) In this section,

18 (1) "organization" has the meaning given in AS 11.81.900;

19 (2) "other valuable thing" has the meaning given in AS 15.56.030;

20 (3) "person" has the meaning given in AS 11.81.900.

21 * **Sec. 55.** AS 15.45.590 is amended to read:

22 **Sec. 15.45.590. Manner of signing and withdrawing name from petition.**

23 Any qualified voter may subscribe to the petition by printing the voter's name, a
24 numerical identifier, and an address, by signing the voter's name, and by dating
25 the signature [AND ADDRESS]. A person who has signed the petition may
26 withdraw the person's name only by giving written notice to the director before the
27 date the petition is filed.

28 * **Sec. 56.** AS 15.45.600 is repealed and reenacted to read:

29 **Sec. 15.45.600. Certification of circulator.** Before being filed, each petition
30 shall be certified by an affidavit by the person who personally circulated the petition.
31 In determining the sufficiency of the petition, the lieutenant governor may not count

1 subscriptions on petitions not properly certified at the time of filing or corrected before
2 the subscriptions are counted. The affidavit must state in substance

3 (1) that the person signing the affidavit meets the residency, age, and
4 citizenship qualifications for circulating a petition under AS 15.45.575;

5 (2) that the person is the only circulator of that petition;

6 (3) that the signatures were made in the circulator's actual presence;

7 (4) that to the best of the circulator's knowledge, the signatures are the
8 signatures of the persons whose names they purport to be;

9 (5) that, to the best of the circulator's knowledge, the signatures are of
10 persons who were qualified voters on the date of signature;

11 (6) that the circulator has not entered into an agreement with a person
12 or organization in violation of AS 15.45.580(b);

13 (7) that the circulator has not violated AS 15.45.580(c) with respect to
14 that petition; and

15 (8) whether the circulator has received payment or agreed to receive
16 payment for the collection of signatures on the petition, ^{p. 26} and, if so, the name of each
17 person or organization that has paid or agreed to pay the circulator for collection of
18 signatures on the petition.

19 * Sec. 57. AS 15.45.680 is amended to read:

20 **Sec. 15.45.680. Display of grounds [BASES] for and against recall.** The
21 director shall provide each election board in the state or in the senate or house district
22 of the person subject to recall with at least five [10] copies of the statement of the
23 grounds for recall included in the application and at least five [10] copies of the
24 statement of not more than 200 words made by the official subject to recall in
25 justification of the official's conduct in office. The person subject to recall may
26 provide the director with the statement within 10 days after the date the director gave
27 notification that the petition was properly filed. The election board shall post at least
28 one copy [THREE COPIES] of the statements for and against recall in a [THREE]
29 conspicuous place [PLACES] in the polling place.

30 * Sec. 58. AS 15.58.020 is amended to read:

31 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

P. 26
Hole 5/11
AKS

1 (1) photographs and campaign statements submitted by eligible
2 candidates for elective office in the region;

3 (2) information and recommendations filed under AS 15.58.050 on
4 judicial officers subject to a retention election in the region;

5 (3) a map of the house district or districts of the region;

6 (4) sample ballots for house districts of the region;

7 (5) an absentee ballot application;

8 (6) for each ballot proposition submitted to the voters by initiative or
9 referendum petition or by the legislature,

10 (A) the full text of the proposition specifying constitutional or
11 statutory provisions proposed to be affected;

12 (B) the ballot title and the summary of the proposition prepared
13 by the director or by the lieutenant governor;

14 (C) a statement of the costs to the state of implementing the law
15 proposed in an initiative, or of voter approval or rejection of the act that is the
16 subject of a referendum;

17 (D) a neutral summary of the proposition prepared by the
18 Legislative Affairs Agency;

19 (E) statements submitted that advocate voter approval or
20 rejection of the proposition not to exceed 500 words;

21 (7) for each bond question, a statement of the scope of each project as
22 it appears in the bond authorization;

23 (8) a maximum of two pages of material submitted by each political
24 party;

25 (9) additional information on voting procedures that the lieutenant
26 governor considers necessary;

27 (10) for the question whether a constitutional convention shall be
28 called,

29 (A) a full statement of the question placed on the ballot;

30 (B) statements not to exceed 500 words that advocate voter
31 approval or rejection of the question;

1 (11) under AS 37.13.170, the Alaska permanent fund annual income
2 statement and balance sheet for the two fiscal years preceding the publication of the
3 election pamphlet;

4 **(12) under AS 15.10.090, notice of**

5 **(A) the establishment or abolition of a precinct;**

6 **(B) the designation, abolition, or modification of precinct**
7 **boundaries; and**

8 **(C) a change in the location of a polling place.**

9 * Sec. 59. AS 15.60 is amended by adding a new section to read:

10 **Sec. 15.60.008. Recognized political party status.** (a) A political group that
11 the director has not recognized as a political party may obtain recognized political
12 party status if, on or before May 31 of the election year for which the political group
13 seeks recognition, the political group

14 (1) files an application with the director;

15 (2) submits bylaws to the director and the United States Department of
16 Justice as required of political parties in AS 15.25.014; and

17 (3) meets the definition of a political party in AS 15.60.010.

18 (b) The director shall verify that each political group seeking recognized
19 political party status under (a) of this section and each recognized political party meets
20 the definition of a political party in AS 15.60.010.

21 (c) The director shall perform a verification described in (b) of this section at
22 least once a month after the date of certification of the preceding general election,
23 except that the director may suspend the monthly verifications on and after June 1 and
24 before November 30 of a general election year. For purposes of (b) of this section, the
25 director shall verify that the voters who have submitted registration forms to the
26 division of elections are qualified under AS 15.05.010 and have declared affiliation
27 with the political group or recognized political party for which the verification is
28 performed.

29 (d) Within 10 days after a verification under (c) of this section, the director
30 shall provide to a political group seeking recognized political party status under (a) of
31 this section written notification when the political group has obtained recognized

1 political party status.

2 (e) The director may not withdraw recognized political party status from a
3 political group that no longer qualifies as a political party until after the first
4 verification after a general election at which a governor was elected. The director
5 shall notify the political group in writing of the withdrawal of recognition.

6 * Sec. 60. AS 15.60.010 is amended by adding new paragraphs to read:

7 (40) "numerical identifier" means a voter's date of birth, the last four
8 digits of a voter's social security number, a voter's Alaska driver's license number, or a
9 voter's Alaska identification card number or voter identification number;

10 (41) "reregistration" means the submission of a registration form by a
11 voter whose registration was inactivated on the master register maintained under
12 AS 15.07 and the director's reactivation of that registration in accordance with that
13 chapter; in this paragraph, "a voter whose registration was inactivated" does not
14 include a voter whose registration was inactivated under AS 15.07.130 and whose
15 ballot may be counted under AS 15.15.198.

16 * Sec. 61. AS 29.05.110(b) is amended to read:

17 (b) A qualified voter who is registered to vote [HAS BEEN A RESIDENT
18 OF THE AREA] within the proposed municipality at least [FOR] 30 days before the
19 date of the election order may vote.

20 * Sec. 62. AS 29.05.110(c) is amended to read:

21 (c) Areawide borough powers included in an incorporation petition are
22 considered to be part of the incorporation question. In an election for the
23 incorporation of a second class borough, each nonareawide power to be exercised is
24 placed separately on the ballot. Adoption of a nonareawide power requires a majority
25 of the votes cast on the question, and the vote is limited to the qualified voters who
26 are registered to vote [RESIDING] in the proposed borough but outside all cities in
27 the proposed borough.

28 * Sec. 63. AS 29.05.110 is amended by adding a new subsection to read:

29 (f) In this section, "qualified voter" has the meaning given in AS 15.60.010.

30 * Sec. 64. AS 15.10.020(b) and AS 15.20.048 are repealed.

31 * Sec. 65. The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 APPLICABILITY. The changes made by secs. 34 - 57 of this Act apply to an
3 application for an initiative, referendum, or recall filed with the lieutenant governor on or
4 after the effective date of this Act.

5 * Sec. 66. The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 TRANSITION. An initiative, referendum, or recall for which an application was filed
8 with the lieutenant governor before the effective date of this Act is subject to the provisions of
9 AS 15.45 as they existed on the day before the effective date of this Act.

C

Supreme Court of Alaska.
LIBERTARIAN PARTY OF ALASKA, INC.,
Kenneth P. Jacobus, and Kenneth P. Jacobus,
P.C., Appellants,
v.
STATE of Alaska and Alaska Public Offices
Commission, Appellees.
No. S-11012.

Nov. 19, 2004.

Background: Political party challenged legality of campaign contributions regulation promulgated by Public Offices Commission (POC), which required parties to report donations and expenditures of "soft money." The Superior Court, Third Judicial District, Anchorage, Mark Rindner, J., ruled that the regulation was legally promulgated. Political party appealed.

Holding: The Supreme Court, Matthews, J., held that the regulation was consistent with the Campaign Disclosure Act, and thus the POC was authorized to promulgate the regulation.
Affirmed.

West Headnotes

[1] Administrative Law and Procedure ■■■ 390.1
15Ak390.1 Most Cited Cases

[1] Administrative Law and Procedure ■■■ 391
15Ak391 Most Cited Cases

Administrative regulations are presumptively valid and will be upheld as long as they are consistent with and reasonably necessary to implement the statutes authorizing their adoption.

[2] Administrative Law and Procedure ■■■ 797
15Ak797 Most Cited Cases

Where an administrative regulation is adopted in accordance with the Administrative Procedures Act, and the legislature intended to give the agency discretion, the Supreme Court reviews the regulation first by ascertaining whether the regulation is consistent with the statutory provisions which authorize it and second by determining whether the

regulation is reasonable and not arbitrary. AS 44.62.010 et seq.

[3] Administrative Law and Procedure ■■■ 797
15Ak797 Most Cited Cases

In determining whether an administrative regulation is reasonable and not arbitrary, courts are not to substitute their judgment for the judgment of the agency, and therefore judicial review consists primarily of ensuring that the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making.

[4] Elections ■■■ 317.2
144k317.2 Most Cited Cases

Campaign contributions regulation promulgated by Public Offices Commission (POC), which required parties to report donations and expenditures of "soft money," was consistent with the Campaign Disclosure Act, and thus the POC was authorized to promulgate the regulation; regulation facilitated enforcement of Act's limits on contributions of hard money, i.e., contributions which were made directly for the purpose of influencing the nomination or election of a candidate, deterred practices which could reasonably be regarded as efforts to evade such limits, and advanced public informational goals of Act. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

[5] Elections ■■■ 317.2
144k317.2 Most Cited Cases

Purposes of campaign contribution and expenditure limits are to prevent corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

[6] Elections ■■■ 317.2
144k317.2 Most Cited Cases

Campaign finance disclosure requirements are intended to inform the electorate, deter actual corruption, avoid the appearance of corruption, and aid in the detection of violations of contribution and expenditure limits. AS 15.13.040, 15.13.070; Alaska Admin.Code tit. 2, § 50.327.

*617 Kenneth P. Jacobus, P.C., Anchorage, for Appellants.

James L. Baldwin, Assistant Attorney General,
Gregg D. Renkes, Attorney General, Juneau, for
Appellees.

Before: BRYNER, Chief Justice, MATTHEWS,
EASTAUGH, FABE, and CARPENETI, Justices.

OPINION

MATTHEWS, Justice.

The Alaska Campaign Disclosure Act expressly regulates only hard money. The question presented is whether an Alaska Public Offices Commission regulation requiring the disclosure by political parties of soft money contributions and expenditures is authorized by the act. We give an affirmative answer. Soft money can be used in numerous ways to evade hard money restrictions. Requiring the disclosure of soft money contributions and expenditures implements the act by aiding in its enforcement, deterring evasions, and informing the public. We therefore affirm the superior court's decision upholding 2 Alaska Administrative Code (AAC) 50.327.

BACKGROUND AND PROCEEDINGS

This case involves a regulation of the Alaska Public Offices Commission (APOC) that requires political parties to report donations and expenditures of "soft money." "Soft money" and "hard money" are exclusive categories. "Hard money" refers to donations made for the purpose of influencing the nomination or election of a candidate. [FN1] "Soft *618 money" is most easily defined negatively as donations to political parties that are not "hard money," thus not made directly for the purpose of influencing the nomination or election of a candidate.

FN1. *Jacobus v. Alaska*, 338 F.3d 1095, 1098 n. 1 (9th Cir.2003).

The Campaign Disclosure Act limits the amount of contributions that may be made to political parties and candidates and limits contributions that political parties may make to candidates. [FN2] The act also requires that candidates and political parties report individual contributions larger than \$100 and all expenditures made. [FN3] The word "contribution" is defined as a donation of hard money. "Contribution" means a ... gift ... made for the purpose

of influencing the nomination or election of a candidate...." [FN4] The word *619 "expenditure" is defined in broader terms, in part, as "a transfer of money ... made for the purpose of influencing the nomination or election of a candidate ... [or] use by a political party...." [FN5]

FN2. AS 15.13.070 provides:

(a) An individual or group may make contributions, subject only to the limitations of this chapter and AS 24.45, including the limitations on the maximum amounts set out in this section.

(b) An individual may contribute not more than

(1) \$1,000 per year to a nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, or to a group that is not a political party;

(2) \$10,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates.

(c) A group that is not a political party may contribute not more than

(1) \$2,000 per year to a candidate, or to an individual who conducts a write-in campaign as a candidate;

(2) \$2,000 per year to another group or a nongroup entity; or

(3) \$4,000 per year to a political party.

(d) A political party may contribute to a candidate, or to an individual who conducts a write-in campaign, for the following offices an amount not to exceed

(1) \$100,000 per year, if the election is for governor or lieutenant governor;

(2) \$15,000 per year, if the election is for the state senate;

(3) \$10,000 per year, if the election is for the state house of representatives; and

(4) \$5,000 per year, if the election is for

(A) delegate to a constitutional convention;

(B) judge seeking retention; or

(C) municipal office.

(e) This section does not prohibit a candidate from using up to a total of \$1,000 from campaign contributions in a year to pay the cost of

(1) attendance by a candidate or guests of the candidate at an event or other function sponsored by a political party or by a

subordinate unit of a political party;
(2) membership in a political party, subordinate unit of a political party, or other entity within a political party, or subscription to a publication from a political party; or
(3) co-sponsorship of an event or other function sponsored by a political party or by a subordinate unit of a political party.
(f) A nongroup entity may contribute not more than \$1,000 a year to another nongroup entity for the purpose of influencing the nomination or election of a candidate, to a candidate, to an individual who conducts a write-in campaign as a candidate, to a group, or to a political party.

FN3. AS 15.13.040(a) and (b) provide: (a) Except as provided in (g) and (f) of this section, each candidate shall make a full report, upon a form prescribed by the commission,

(1) listing

(A) the date and amount of all expenditures made by the candidate;

(B) the total amount of all contributions, including all funds contributed by the candidate;

(C) the name, address, date, and amount contributed by each contributor; and

(D) for contributions in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.

(b) Except as provided in (f) of this section, each group shall make a full report upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it;

(3) the name, address, date, and amount contributed by each contributor and, for contributions in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor; and

(4) the date and amount of all contributions made by it and all expenditures made, incurred, or authorized by it.

FN4. AS 15.13.400(4)(A). "contribution" means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made and that is made for the purpose of influencing the nomination or election of a candidate, and in AS 15.13.010(b) for the purpose of influencing a ballot proposition or question, including the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that are rendered to the candidate or political party[.]

FN5. AS 15.13.400(6)(A). "expenditure" means a purchase or a transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of
(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party; or

(iv) influencing the outcome of a ballot proposition or question[.]

Prior to the 2002 legislative amendment that we describe below, APOC had considered that all donations to political parties were for the purpose of influencing the election of candidates and thus were hard money. [FN6] Under this interpretation all donations to political parties were subject to the \$5,000 annual limit of subsection .070(b)(2) and all donations in excess of \$100 had to be reported under subsection .040(b)(2).

FN6. See Greg Granquist, APOC Advisory Opinion AO97-08-CD (issued Feb. 27, 1997).

In Jacobus v. Alaska, the United States District Court for the District of Alaska ruled that donations to political parties for purposes other than the nomination or election of a candidate could not constitutionally be limited. [FN7] This holding necessarily rejected APOC's view that all donations to

political parties are ultimately for the purpose of influencing the election of a candidate.

FN 7, 182 F.Supp.2d 881, 892 (D.Alaska 2001), *rev'd in part*, 338 F.3d 1095 (9th Cir.2003).

In 2002, while the district court decision in Jacobus was on appeal to the Ninth Circuit, the legislature amended subsection .070(b)(2). [FN8] Before the amendment the statute provided that "An individual may contribute not more than ... \$5,000 per year to a political party." The amendment added the following language: "for the purpose of influencing the nomination or election of a candidate or candidates." [FN9] Literally, the new language seems merely redundant since any donation to a political party would not be a contribution under subsection .400(4)(A) unless it were for the purpose of influencing the nomination or election of a candidate. [FN10] But the use of the "for the purpose" clause specifically in the context of political party donations may imply that donations to political parties for other purposes are possible. The State observes in its brief that the amendment reflects an intent "to codify part of the federal district court's decision in Jacobus." The appellants do not take issue with this. We can accept, at least for the purposes of this case, that the amendment is the product of a legislative purpose to reject APOC's view that all donations to political parties are intended to influence elections. Some donations to political parties may be, in other words, soft money. [FN11]

FN8, Ch. 3, § 2, SLA 2002.

FN9, AS 15.13.070(b)(2) now provides:
An individual may contribute not more than

...
(2) \$10,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates.

FN10. Substituting the definition of "contribution" for "contribute" in the amended subsection, the amended sentence states that "an individual may [donate for the purpose of influencing the nomination or election of a candidate] not more than \$5,000 per year to a political party for the purpose of influencing the nomination or election of a candidate or candidates."

FN11. After the 2002 amendment was adopted the Ninth Circuit reversed much of the district court's ruling in Jacobus, 338 F.3d 1095. Aided by an intervening United States Supreme Court decision, Federal Election Commission v. Colorado Republican Federal Campaign Committee, 533 U.S. 431, 121 S.Ct. 2351, 150 L.Ed.2d 461 (2001), the court held that the \$5,000 limit on contributions to political parties in subsection .070(b), before it was amended, could constitutionally be applied to soft as well as hard money donations. No legislative change was made in reaction to this decision.

Subsequent to the adoption of the 2002 amendments, APOC received a petition urging the adoption of a regulation governing *620 the reporting of soft money received and expended by political parties. According to the petition, "at least hundreds of thousands, and perhaps millions, of dollars of 'soft money' " had been donated to Alaska's major political parties since the district court decision. The petitioners argued that

[g]iven the lack of reporting to APOC, it is not possible for the public to determine if the "soft money" has been given to political parties and/or spent in compliance with Alaska law.... This thwarts a fundamental goal of AS 15.13, which is to require full public disclosure of campaign contributions and expenditures prior to elections so that the voting public can make an informed choice between candidates.

....
Without immediate disclosure of this information, the voting public in the primary will not have complete information on which to base an informed choice of which party's ballot to choose (in the upcoming closed primary), or which candidates to vote for.

In November 2002 the commission voted to adopt 2 AAC 50.327. The regulation requires political parties to report all money received or spent that does not qualify as a "contribution" or "expenditure" as those terms are defined in AS 15.13.400. [FN12]

FN12, 2 AAC 50.327 provides:

(a) This section applies to political party reporting requirements for a donation received by a political party that does not qualify as a contribution under AS

15.13.400 and for money spent by a political party that does not qualify as an expenditure under AS 15.13.400.

(b) A political party shall file a full report, in accordance with the contribution reporting requirements for a group in AS 15.13.040 and 15.13.110, of a donation consisting of a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services, other than volunteer services provided by an individual, that the political party receives from an individual or person and that does not qualify as a contribution.

(c) A political party shall file a full report, in accordance with the expenditure reporting requirements for a group in AS 15.13.040 and 15.13.110, of all money spent by a political party on a communication and all money spent that does not qualify as an expenditure.

The Libertarian Party and Kenneth Jacobus (the Party) filed suit in the superior court, challenging the legality of 2 AAC 50.327. The Party then filed a motion for a preliminary injunction on the basis that the APOC lacked the authority to promulgate the regulation. Superior Court Judge Mark Rindner ruled that 2 AAC 50.327 was legally promulgated, and denied the Party's motion for injunctive relief. Subsequently a final judgment declaring that APOC had authority to promulgate the regulation was entered under Alaska Civil Rule 54(b). The Party appeals.

The Decision of the Superior Court

The superior court concluded that APOC had the authority to promulgate the regulation. We set out a portion of the superior court's opinion:

Administrative regulations are presumptively valid and the challenger bears the burden of proving such regulations to be invalid. O'Callaghan v. Ruc, 996 P.2d 88, 95 (Alaska 2000). Under Alaska's Administrative Procedures Act, either expressed or implied statutory authority is sufficient to support an agency's adoption of a regulation. Kelly v. Zamarello, 486 P.2d 906, 911 (Alaska 1971).

As previously noted certain provisions of the underlying Act were declared unconstitutional by the United States District Court for the District of Alaska in Jacobus v. State, 182 F.Supp.2d 881 (D.Alaska 2001). Prior to that other provisions of

the Act were also reviewed by the Alaska Supreme Court. See State v. Alaska Civil Liberties Union, 978 P.2d 597 (Alaska 1999). There, the Alaska Supreme Court noted that "it is the purpose of this Act to substantially revise Alaska's election campaign finance laws in order to restore the public's trust in the electoral process and to foster good government." Id. at 601; see also Ch. 48 § 1, SLA 1996.

The Plaintiffs concede that the authority of an administrative agency ordinarily includes the power to adopt regulations with regard to matters within the jurisdiction of the agency, provided that the regulations are not inconsistent with law. A regulation *621 is consistent with law if it bears a reasonable relationship to the statutory objective. Vail v. Coffman Engineers, Inc., 778 P.2d 211, 214 (Alaska 1989); see also, Kalmakoff v. State, Commercial Fisheries Entry Commission, 693 P.2d 844, 853 (Alaska 1985).

The Alaska Supreme Court has also recognized that an agency may adopt a regulation based on implied statutory authority, where the Legislature has given an agency authority to promulgate regulations, and the regulation is reasonably necessary to carry out the provisions of the agency's enabling charter. See Chevron U.S.A., Inc. v. LeResche, 663 P.2d 923 (Alaska 1983); Boehl v. Sabre Jet Room, Inc., 349 P.2d 585, 587-88 (Alaska 1960).

While the parties vigorously dispute whether the APOC has the express authority to promulgate the regulation, there can be little doubt that the agency has the implied authority to require the disclosure of soft money contributions in light of the purpose of the Act. Indeed, the Alaska Supreme Court has previously noted that disclosure requirements, such as the one at issue in this case, serve various purposes including providing for an informed electorate, deterring corruption, and assisting in the detection of violations of contribution limitations. See VECO International, Inc. v. APOC, 753 P.2d 703, 711 (Alaska 1988). In VECO, the Alaska Supreme Court reiterated its own observation in Messeri v. State, 626 P.2d 81, 85 (Alaska 1981), and that of the United States Supreme Court in Buckley v. Valeo, 424 U.S. 1, 67-68, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976), as follows:

[D]isclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with

information about a candidate's most generous supporters is better able to detect any post election special favors that may be given in return.

...
[N]o, least significant, record keeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of the contributions limitations....

VECO, supra 753 P.2d at 712.

A similar observation was made in United States v. Kanchanalak, 192 F.3d 1037 (D.C.Cir.1999).

There, the D.C. Circuit in *dicta* noted that the Federal Election Commission, the federal equivalent of the APOC, has for some time required by regulation the disclosure of soft money contributions received by political parties at the federal level under 11 C.F.R. § 104.8(e). This ability to require soft money disclosure enhances the agency's ability to prohibit the illegal commingling of hard and soft money receipts. While plaintiffs argue that the APOC has less authority to promulgate regulations than does the Federal Election Commission, the regulation at issue in this case similarly allows the APOC to enforce hard money limits and other provisions of the Campaign Finance Law.

Given the stated purpose of the Act there can be little doubt that the soft money disclosure requirement falls within, at the very least, the implied authority of the APOC. As previously indicated such disclosures inform the electorate, aid in the deterrence of corruption, and the detection of violations of contribution limitations. Such requirements serve the expressed legislative purpose of the Campaign Finance Statutes from which the APOC derives its authority to restore the public's trust in the electoral process and to foster good government.

Contentions on Appeal

The Party contends that the regulation exceeds the authority of the commission because the act only regulates hard money donations and expenditures.

Alaska Statute 15.13.010(b) provides:

Except as otherwise provided, this chapter applies to contributions, expenditures and communications made by a candidate, group, nongroup entity, municipality or individual *622 for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

The Party argues that since the act does not apply to

soft money, APOC cannot require the disclosure of soft money donations or expenditures.

The State contends that the regulation is within both the express and the implied authority of the commission. The State notes that APOC has the express authority to develop and provide forms for reports required under the act, to audit such reports, and to adopt regulations necessary to implement and clarify the provisions of the act. [FN13] Based on this authority, the State contends that "the soft money disclosure regulation is necessary to allow APOC to make sure that soft money is not spent on election activities; without such a regulation it will be unable to do so."

FN13. AS 15.13.030(1), (7), and (9).

STANDARD OF REVIEW

[1][2][3] In this case we are asked to decide whether a regulation is within the authority of the agency that promulgated it. The principles applicable to appellate review of such questions are as follows:

Regulations are presumptively valid and will be upheld as long as they are "consistent with and reasonably necessary to implement the statutes authorizing their adoption." But reasonable necessity is not a requirement separate from consistency. If it were, courts would be required to judge whether a particular administrative regulation is desirable as a matter of policy. Thus where a regulation is adopted in accordance with the Administrative Procedures Act, and the legislature intended to give the agency discretion, we review the regulation first by ascertaining whether the regulation is consistent with the statutory provisions which authorize it and second by determining whether the regulation is reasonable and not arbitrary.

In determining whether a regulation is reasonable and not arbitrary courts are not to substitute their judgment for the judgment of the agency. Therefore review consists primarily of ensuring that the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making. ([FN14])

FN14. Interior Alaska Airboat Ass'n v. State, Bd. of Game, 18 P.3d 686, 689-90 (Alaska 2001) (citations omitted).

DISCUSSION

[4] We conclude that 2 AAC 50.327 is consistent with the Campaign Disclosure Act and that its provisions are reasonable and not arbitrary. We do so largely for the reasons expressed by Judge Rindner, as expanded in the paragraphs that follow.

[5][6] The purposes of campaign contribution and expenditure limits are to prevent "corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and on their actions if elected to office." [FN15] The purposes of campaign finance disclosure requirements are closely related. Disclosure is intended to inform the electorate, deter actual corruption and avoid the appearance of corruption, and aid in the detection of violations of contribution and expenditure limits. In *Messerli v. State* we quoted with approval the following language from *Buckley v. Valeo* concerning the function of campaign finance disclosure requirements:

FN15. *State v. Alaska Civil Liberties Union*, 978 P.2d 597, 605 (Alaska 1999) (quoting *Buckley v. Valeo*, 424 U.S. 1, 25, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976)):

To the extent that large contributions are given to secure a political *quid pro quo* from current and potential office holders, the integrity of our system of representative democracy is undermined....

Of almost equal concern as the danger of actual *quid pro quo* arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions....

Here ... Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical ... if confidence in the system of representative Government is not to be eroded to a disastrous extent."

*623 *First, disclosure provides the electorate with information "as to where political campaign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. The sources of a*

candidate's financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.

*Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return. And, as we recognized in *Burroughs v. United States*, [290 U.S. 534, 548, 54 S.Ct. 287, 78 L.Ed. 484 (1934).] Congress could reasonably conclude that full disclosure during an election campaign tends "to prevent the corrupt use of money to affect elections." In enacting these requirements it may have been mindful of Mr. Justice Brandeis' advice:*

Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.

Third, and not least significant, recordkeeping, reporting, and disclosure requirements are an essential means of gathering the data necessary to detect violations of the contribution limitations.... [FN16]

FN16. 626 P.2d 81, 84-85 (Alaska 1980) (quoting *Buckley*, 424 U.S. at 66-68, 96 S.Ct. 612) (emphasis added) (citations omitted). We also acknowledged these purposes in *VECO Int'l, Inc. v. Alaska Pub. Offices Comm'n*, 753 P.2d 703, 711-12 (Alaska 1988).

We conclude that all three of these reasons are served by the regulation in question. Soft money disclosure implements the act because it informs the electorate as to the sources of political party money. It aids in the deterrence of corruption by exposing large contributions and expenditures to the light of publicity. And it provides information that aids the commission in enforcing the hard money contribution and expenditure limits that the act imposes.

The nexus between soft money and the recognized purposes of the act was recognized by the Ninth Circuit in *Jacobus v. Alaska*. [FN17] The Ninth Circuit stated:

FN17. 338 F.3d 1095 (9th Cir.2003).

[S]oft money presents a danger of corruption and the appearance of corruption because political parties trade influence and access to candidates for soft money dollars, and candidates trade influence and access for the indirect benefits that they receive from soft money contributions to their party. In addition, candidates' heavy involvement in soft money fundraising and the creation of "tallying" and other methods for tracking soft money contributions secured by particular candidates indicate that soft money is indeed used to circumvent hard money contribution limits. [FN:81]

FN18. *Id.* at 1099.

Concerning the goals of preventing corruption and the appearance of corruption, the court expanded on these observations as follows:

In light of modern campaign practices, it is not necessary that money funneled through political parties be specifically designated for the election or nomination of a candidate to have a corrupting influence. *Colorado Republican II* offers a compelling account of the danger of corruption inherent in unlimited soft money contributions to parties, one that accounts for "how the power of money actually works in the political structure." 533 U.S. at 450, 121 S.Ct. 2351. Parties centralize fundraising for a broad set of candidates and programs, and therefore act as magnets for special interest groups who are looking for the most efficient ways to "advanc[*624 e] their narrow interests." *Id.* at 451, 121 S.Ct. 2351 (alteration marks omitted).

[M]any PACs ... contribut[e] to both parties during the same electoral cycle, and sometimes even directly to two competing candidates in the same election. Parties are thus necessarily the instruments of some contributors whose object is not to support the party's message or to elect party candidates across the board, but rather to support a specific candidate for the sake of a position on one narrow issue, or even to support any candidate who will be obliged to the contributors.

Id. at 451-52, 121 S.Ct. 2351 (footnotes and citation omitted). Such practices lead to two types of inappropriate influence by large soft money contributors.

First, such contributions create the danger that the

parties themselves will become beholden to special interests. As the Supreme Court noted in *Colorado Republican II*, these obligations are of concern because of the parties' unique ability to reward major benefactors with access to lawmakers and candidates: "the record shows that even under present law substantial donations turn the parties into matchmakers whose special meetings and receptions give the donors the chance to get their points across to the candidates." 533 U.S. at 461, 121 S.Ct. 2351; see also *id.* at 461 n. 25, 121 S.Ct. 2351; *Mariani v. United States*, 212 F.3d 761, 768 (3d Cir.2000) (en banc) ("Large and repeat donors sometime [sic] get more access than other donors, and donating soft money can be a more effective means for getting access than hard money."). Like direct influence-peddling by candidates, this kind of access-peddling creates a danger of corruption and the appearance of corruption.

Second, candidates and officeholders who are party members may become directly beholden to the party's donors, even if the benefit that they receive from a large donation to the party is indirect. Contributing to parties is an extremely efficient way for a special interest group "to produce obligated officeholders," because it allows such a group to obligate anyone and everyone in a political party, rather than limiting its influence to specific candidates. *Colorado Republican II*, 533 U.S. at 452, 121 S.Ct. 2351. Candidates and officeholders are likely to feel obligated to major party donors because they are already beholden to the party as a result of the benefits that flow from party membership. See *Colorado Republican Federal Campaign Committee v. Federal Election Committee (Colorado Republican I)*, 518 U.S. 604, 648, 116 S.Ct. 2309, 135 L.Ed.2d 795 (1996) (Stevens, J., dissenting) ("A party shares a unique relationship with the candidate it sponsors because their political fates are inextricably linked. That interdependency creates a special danger that the party--or the persons that control the party--will abuse the influence it has over the candidate by virtue of its power to spend."). The Court in *Colorado Republican II* ~~em~~ noted that influence within the party itself was a significant benefit for which candidates and officeholders might be willing to trade influence over the legislative process. See 533 U.S. at 460 n. 23, 121 S.Ct. 2351.

As *Colorado Republican II* recognized, special interests contribute to candidates competing against each other in the same election "because they want

favors" from whomever is elected. 533 U.S. at 451 n. 12, 121 S.Ct. 2351; see also *id.* at 451-52 & nn. 13, 14, 121 S.Ct. 2351. Because a modern election campaign simply cannot be conducted without significant sums of money, candidates become beholden to the sources of any contributions that aid their campaign, whether given directly or indirectly. See *Buckley*, 424 U.S. at 26, 96 S.Ct. 612 ("The increasing importance of the communications media and sophisticated mass-mailing and polling operations to effective campaigning make the raising of large sums of money an ever more essential ingredient of an effective candidacy."). The Alaska Legislature focused on this issue in passing the Act, finding that "organized special interests are responsible for raising a significant portion of all election campaign funds and may thereby gain an undue influence over election campaigns *625 and elected officials." 1996 Alaska Sess. Laws 48 § 1(a)(3). Amicus curiae Republican National Committee notes that some political parties have functions other than simply electing candidates to office. Although this position is contrary to that taken by its state affiliates in previous litigation, see, e.g., *Colorado Republican I & II*, it may well be accurate. However, even where contributions to a political party are expressly earmarked for the purpose of administrative costs or off-year issue advocacy, and even if political parties do not use donations for these purposes to shift funds into election campaigns, the perception of corruption decried by the Supreme Court may still persist when contributors provide large sums of money to political parties, regardless of the purpose and ultimate use of the funds. As noted above, this perception of corruption was a matter of particular concern to Alaska legislators in enacting the Act. 1996 Alaska Sess. Laws 48 § 1(b). [[FN19]]

[FN19. *Id.* at 1112-14 (footnotes omitted).

As to the objective of preventing circumvention of hard money limits, the Ninth Circuit stated:

In *Colorado Republican II*, the Supreme Court recognized a closely-related additional governmental interest that might justify contribution limits--the interest in preventing "circumvention of contribution limits designed to combat the corrupting influence of large contributions to candidates." 533 U.S. at 456 n. 12, 121 S.Ct. 2351; see also *id.* at 456, 121 S.Ct. 2351; [*Federal Election Commission v. Beaumont*,

539 U.S. 1146] at 155, 123 S.Ct. [2200] at 2207 [156 L.Ed.2d 179 (2003)] ("[R]ecent cases have recognized that restricting contributions by various organizations hedges against their use as conduits for 'circumvention of [valid] contribution limits.'" (quoting *Colorado Republican II*, 533 U.S. at 456 & n. 18, 121 S.Ct. 2351) (second alteration in original)); *Cal. Med. Ass'n [v. Federal Election Commission]*, 453 U.S. 1182] at 197-99, 101 S.Ct. 2712 [69 L.Ed.2d 557 (1981)] (holding that limits on contributions to multicandidate committees are "an appropriate means by which Congress could seek to protect the integrity of the contribution restrictions upheld by this Court in *Buckley*"); *Buckley*, 424 U.S. at 35-36, 38, 96 S.Ct. 612.

As the Supreme Court found in *Colorado Republican II*, faced with federal limits on direct contributions to candidates, powerful donors have used "contributions to a party ... as a tunnel from donors to candidates." 533 U.S. at 461, 121 S.Ct. 2351. This response shows how soft money contributions are used to circumvent contribution limits.

Under [FECA], a donor is limited to \$2,000 in contributions to one candidate in a given election cycle. The same donor may give as much as another \$20,000 each year to a national party committee supporting the candidate. What a realist would expect to occur has occurred. Donors give to the party with the tacit understanding that the favored candidate will benefit.

Id. at 458, 121 S.Ct. 2351. This practice is so common, the Court went on to note, that "[a]lthough the understanding between donor and party may involve no definite commitment and may be tacit on the donor's part," the National Democratic Party has developed a "manner of informal bookkeeping" known as "tallying" to ensure that the amount of money that a candidate receives from the party corresponds to the amount that the candidate raised for the party. *Id.* at 459, 121 S.Ct. 2351. The theory that soft money contributions are a means of circumventing limits on contributions to candidates is bolstered by the extensive role that candidates play in party fundraising.

Many of the "party-building" activities claimed by Jacobus to be unrelated to electing candidates are easily targeted to a particular candidate, such as the promotion of a Get Out the Vote initiative in a candidate's district, or sponsorship of a legislative initiative that a candidate has made part of his or her campaign platform. Thus, these activities

provide a low effort, *626 low-risk way to circumvent contribution limits. See *Republican Party v. Pauly*, 63 F.Supp.2d [1008] at 1016 [(D.Minn.1999)] ("The [Republican Party of Minnesota] often provided administrative and strategic support to the candidates. The party coordinated candidate appearances and voter registration drives, and helped to recruit volunteer assistance.').

In sum, "parties ... function for the benefit of donors whose object is to place candidates under obligation." *Colorado Republican II*, 533 U.S. at 455, 121 S.Ct. 2351. Prevention of the corruption and appearance of corruption that result from this inescapable reality is a sufficiently important governmental interest to support limiting soft money contributions. [FN20]

FN20. *Id.* at 1114-15 (footnote omitted).

The relevance of unregulated soft money to regulated hard money has also been recognized by the federal counterpart to APOC, the Federal Election Commission. The FEC requires political committees to report the sources of their soft money donations even though the Federal Election Campaign Act only prohibits transfers of hard money. [FN21] The Court of Appeals for the District of Columbia Circuit has observed that the FEC requires the disclosure of soft money donations in order "to enhance its ability to prohibit the illegal commingling of hard and soft money receipts ... to assist it in tracking the flow of funds between the two." [FN22]

FN21. See *United States v. Kanchanalak*, 192 F.3d 1037, 1042 (D.C.Cir.1999).

FN22. *Id.* at 1046. The Party argues that the federal example is inapposite because the FEC has been delegated broader powers than APOC. But we refer to the federal example to illustrate that there is a logical nexus between the disclosure of soft money contributions and the enforcement of limits on contributions and expenditures of hard money. This nexus is factual and is independent of the differences in delegated authority between the federal and state agencies.

In committee hearings that led to the enactment of the 2002 amendment to AS 15.13.070(b)(2) concern was also expressed about the potential enforcement

difficulties that might result from exempting soft money from contribution and expenditure limits. These concerns were answered by assurances that APOC's regulatory powers could be used to address the problem. Thus, when the proposed amendment came before the House Rules Committee, Mr. Balash of the staff of the Senate State Affairs Committee testified on behalf of the sponsoring Senate committee. Representative Berkowitz expressed concern about commingling. According to the official minutes:

REPRESENTATIVE BERKOWITZ said that his biggest concern with the Singleton ruling and version Q is the \$5,000 allowance for the purpose of influencing the nomination or election of a candidate. Although he understood the court's ruling, he expressed concern with how large gifts could be cordoned off and how one could account for what works towards influencing the nomination or election of a candidate. For example, the Democratic Party has an executive director who isn't always working on campaigns and thus he inquired as to how one segregates the value of something generic from something that benefits a campaign. [FN23]

FN23. Committee Minutes, House Rules Committee Hearing on S.B. 103 (April 19, 2001) at 130.

Balash responded that APOC's regulatory powers would supply the answer:

MR. BALASH surmised that under APOC's regulatory powers, certain instances and forms would be established in order to determine what contributions are for what. [FN24]

FN24. *Id.*

Based on this exchange, it is apparent that in the process of enacting the 2002 amendment the legislature recognized that the commission would be able to provide at least a partial regulatory solution to the problem of commingling soft and hard money.

In sum, as the authorities cited above recognize, soft and hard money contributions to and expenditures by political parties are closely related. The regulation at issue, requiring that political parties report soft money contributions and expenditures, implements the Campaign Disclosure Act by facilitating the enforcement of hard money limits. It also deters practices that can reasonably be regarded as efforts to

evade those limits, and advances the public informational *627 goals of the act. For these reasons, we conclude that the regulation is consistent with the Campaign Disclosure Act.

The Party makes no separate challenge that the regulation is unreasonable and arbitrary. We have noted that in reviewing the reasonableness of a regulation we will not question its wisdom, but rather will consider "whether the agency has taken a hard look at the salient problems and has genuinely engaged in reasoned decision making." [FN25] This regulation was promulgated following the district court's decision in *Jacobus* and the subsequent petition by a group of citizens concerned that political parties would attempt to bypass contribution and expenditure limits through the use of soft money. The Party does not contend that the regulation was the product of capricious or insufficiently deliberative decision making and thus, under the presumption of administrative regularity, [FN26] the regulation readily passes this aspect of appellate review.

FN25. *O'Callaghan v. Ruc.* 996 P.2d 88, 98 (Alaska 2000) (quotations omitted); *Rutter v. State.* 963 P.2d 1007, 1009 (Alaska 1998).

FN26. *O'Callaghan.* 996 P.2d at 95.

CONCLUSION

For these reasons we conclude that the Alaska Public Offices Commission was authorized to promulgate 2 AAC 50.327. The judgment of the superior court is therefore AFFIRMED.

101 P.3d 616

END OF DOCUMENT

HOUSE BILL NO. 429

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES STOLTZE, McGuire

Introduced: 2/4/04

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act expanding the definition of 'political party' to include a party that nominated a
2 candidate for United States senator who received at least three percent of the total votes
3 cast for United States senator at the preceding general election and a party that
4 nominated a candidate for United States representative who received at least three
5 percent of the total votes cast for United States representative at the preceding general
6 election."

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

8 * Section 1. AS 15.60.010(21) is amended to read:

9 (21) "political party" means an organized group of voters that
10 represents a political program and that meets at least one of the following criteria:

11 (A) the group [EITHER] nominated a candidate for governor
12 who received at least three percent of the total votes cast for governor at the
13 preceding general election;

1
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9

(B) the group nominated a candidate for United States senator who received at least three percent of the total votes cast for United States senator at the preceding general election;

(C) the group nominated a candidate for United States representative who received at least three percent of the total votes cast for United States representative at the preceding general election; or

(D) the group has registered voters in the state equal in number to at least three percent of the total votes cast for governor at the preceding general election;

Political Party Status /Percentage of Registered Voters

2004

Number of registered voters on General Election Day	472,160			
3% of those who voted for US Senate	9,329			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	
3% of those who voted for US Representative	9,298			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green -
2% of those registered to vote 4/03/04	8,977			
Parties who would have qualified		Republicans	Democrats	AIP <

2002

Number of registered voters on General Election Day	460,855			
3% of those who voted for Governor	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	
3% of those who voted for US Senate	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green
3% of those who voted for US Representative	6,986			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	Green
2% of those registered to vote 04/02/02	8,964			
Parties who would have qualified		Republicans	Democrats	AIP

2000

Number of registered voters on General Election Day	473,648			
3% of those who voted for US Representative	8,519			
Parties that nominated a candidate receiving 3%		Republicans	Democrats	AIP Green
2% of those registered to vote 4/03/00	9,094			
Parties who would have qualified		Republicans	Democrats	AIP

Same day voting in

IDAHO

MAINE

MINNESOTA

NEW HAMPSHIRE

WISCONSIN

WYOMING

24-GH1048G.10
Kurtz
2/10/05

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 94(STA), Draft Version "G"

1 Page 6, following line 21:

2 Insert a new bill section to read:

3 ** Sec. 10. AS 15.20.045(b) is amended to read:

4 (b) The director shall [MAY] designate by regulation adopted under AS 44.62
5 (Administrative Procedure Act) locations at which absentee voting stations will be
6 operated on or after the 15th day before an election up to and including the date of the
7 election. The director shall supply absentee voting stations with ballots for all house
8 districts in the state and shall designate absentee voting officials to serve at absentee
9 voting stations."

10

11 Renumber the following bill sections accordingly.

12

13 Page 21, line 4:

14 Delete "secs. 20 - 43"

15 Insert "secs. 21 - 44"

STATE AFFAIRS

Saturday

10 am

PERS/TR.S.
Working group

Test was 3% in statewide records.

1% but not less than 3 votes

→ S necessary in some district.

R

G No

E Yes

L No

Ran

Gov No

Governor No

Sec No

S No

I Yes

Amendment #1 fails

Amendment #2 ↓ fails

Amendment #2

E → No

Lynn → Pass No

Y No

Tax

Gov Yes

Governor No

Gov Yes

Sec No

~~There is someone~~

Gatto Amend #1 Pass to G

Gardner Amend #2 fails

* → Amend #1 Section Adapt ↑ Page 19 line 18 strike "first"

AMMendment #1 to F Version Passed

* → Amendment #2 Ledoux (f. 5)

Roll

Passed

Gardner	Yes	5-yea	2 N-Y
Lynn	Yes		
Gatto	Yes		
Seaton	No		
Greenberg	Yes		
Ransas	Yes		
Elkins	No		

* → Repugnant Amendments → f. 2
AMMendment #3 as amended

Passed

roll

Gardner	Y	6-1
Lynn	Y	
Gatto	Y	
Seaton	Y	
Greenberg	N	
Ransas	Y	
Elkins	Y	

→ Amendments to #3 → the first Page 2 line 6
→ "Standard" below 1st day

- - -
Sands

AM read method # 4 ← w/Drawn for revision

"Presumptive of rehab"

to be looked over to D.Visions

- Gator
 - Lynn
 - Gatto
 - Sator
 - Greenberg
 - Ransas
 - Elkins
-

To L Glass for consideration → progressively → leave it like.
→ possible pilot product of elections → by regulation

Pilot program for dual language ballots?

- pilot on touch screens possible
better to test it. → this rule is a better sell.
currently not required to do in Spanish

Who will specify the following:

- How long, where, what languages?
- Should Division promulgate regs?
- Ballots? Touchscreens? Both?

2006 primary

How broad or narrow should be the grant of authority?

Will the Official Election Pamphlet (OEP) be translated? — Would drive up fiscal notes

Do we want a report from the Division?

Legislative Intent—Better educates and increases participation?

Do we want to have 'may' language or 'shall' language?

Does U.S. Census data include sufficient data to assist in making determination of 'best' location for pilot program? — Would help to determine distribution

Will it apply to 'Early Voting?', 'Mail in' Voting? Etc.

When pilot is over and if we decide to make it a permanent requirement of the election laws—what will the standard be for deciding what additional ballot "languages"?

Should we have a task force for making recommendations to the legislature?

How have other states done it?

ADA implications—we currently provide reasonable accommodation to the blind.

Strong desire to "de-politicize" the project.

Should we have a working group in the Division.

Other Issues

LG12

Legal issue #1
Legal issue #2
Legal issue #3

'no liability to director'
Voting Act? Who should we work with?
Equal Protection issues under Constitution, US? AK?



HOUSE STATE AFFAIRS COMMITTEE

STATE CAPITOL, ROOM 102
465-4963

Testifier List

COMMITTEE MEMBERS

Rep. Paul Seaton,
Chairman
Room 102
465-2689

Rep. Carl Gatto
Vice-Chair
Room 411
465-3743

Rep. Bob Lynn
Room 415
465-4931

Rep. Jim Elkins
Room 416
465-3424

Rep. Jay Ramras
Room 104
465-3004

Rep. Berta Gardner
Room 422
465-4932

Rep. Max Gruenberg
Room 112
465-4940

HCR 4

Rep. Jay Ramras

Diane Castro, Division of Behavioral Health, Division of Health
and Social Services

HB 94

Laura Glaiser, Director, Division of Elections

SB 36

Sen. Gene Therriault

Laura Glasier, Director, Division of Elections

HB 114

Dianne Olsen, Chief Assistant Attorney General, Statewide
Human Services Section Supervisor, Department of Law

Linda Wilson, Deputy Director, Public Defender Agency,
Department of Administration

HB 152

Maybe

Kevin Brooks, Deputy Commissioner, Department of
Administration

or

Mike Tibbies, Deputy Commissioner, Department of
Administration

Pam Varni, Executive Director, Legislative Affairs Agency

Louie Flora

From: Rep. Paul Seaton
Sent: Thursday, February 17, 2005 12:36 PM
To: Louie Flora
Subject: FW: HB 94, G amendment, others

Ian Laing
Rep. Paul Seaton
Legislative Staff
(907) 465-2689

From: Donald Anderson [mailto:don.anderson@softwarerorth.com]
Sent: Thursday, February 17, 2005 10:08 AM
To: Rep. Paul Seaton
Subject: HB 94, G amendment, others

Representative Seaton,
Chairman House State Affairs Committee

[I apparently failed to get on the list to testify about amendment G of HB 94 this morning. I noticed that her amendment did not move forward, however I am sending my comment on that topic well as several others. It is being sent to all members of the State Affairs Committee.]

I am a former member of the state election board and have been in the computer programming business for 40 years. I have run the software construction firm, Software North for the past 27 years

I am quite familiar with the operation of computer-based electronic voting machines although I have no financial interest or association with any voting machine company.

Based upon my background as a programmer and my experience with election oversight, I support HB 94 in those parts that update our election language. One minor point is that choice of party affiliation is not on the list of applicant entries in section 3. AS 15,07.060 (a) although it is mentioned in later sections.

My main point is to speak in favor of Representative Gardner's amendment to add **post-election audits** to the election process.

We currently hand count the ballots in cases where the machine count is close. This however does not attempt to detect serious cases of vote theft which can skew an election decisively.

Alaska's current voting machines where a paper ballot is scanned and secured for possible recount or audit are quite satisfactory, and much superior to any of the paperless devices.

Pre and post-election testing is touted by manufacturers as providing protection against fraud. This is not true!

While programming the scanners, it is possible to add code that would be undetectable during pre and post-election testing. I will be glad to discuss the general means by which this is accomplished with those interested.

The best means of detecting election fraud is a post-election audit in which the marked ballots are counted and compared to the scanned totals.

The the audit team should not be informed of which precinct they are auditing and the comparative results posted on the Division of Elections website along with the scanned totals immediately. This will help maintain the confidence of our citizens in their elections.

There are several other concerns that I will mention today for your future reference:

Absentee ballots particularly in combination with loosely verified registration allow phantom voters into the process provided someone is willing to perjure themselves. This can be reduced by rigorous identity verification using national databases but at some cost and against accusations of snooping. A better way is to require all new registrants to vote in person at their own precinct polling place the 1st time and identify themselves with photo ID. Absentee ballots would be reserved for those who had previously identified themselves to an election clerk and voted at least once in person at their local polling place.

Was my vote counted? When the scanner grabs your ballot and whisks it into its box did it really count all the votes you marked on your ballot. The answer is "quite probably" based on information from recent recounts that showed the manual counts just slightly larger than the machine counts. This still doesn't leave a warm feeling in the mind of the individual voter who would like complete assurance. The way to achieve that level of assurance is to set the scanners to reject "undervotes" (as they are currently set to reject overvotes). In that way the voter can be told that if the scanner has accepted his ballot it has recorded his vote for every position on the ballot. Since some voters do not wish to vote for every position or issue on the ballot a way of indicating this abstention is necessary. This could be accommodated by including a "none of the above" or "no opinion" for each position on the ballot.

Sincerely,
Donald N. Anderson
Anchorage

DT: February 14, 2005

ATTN: Louie Flora Fax is 4 pages.

TO: Representative Paul Seaton, Chairman
And other Members of the House State Affairs Committee

FR: Jim Sykes Phone: 745-6962 Email: jsykes@ak.net

RE: HB94, background info on definition of political parties.

Hello Representative Seaton—

Thank you for the opportunity to testify on HB94 on Thursday, February 10th. I realized that the committee has some new members and I am preparing this background memo to provide some context for the section of the bill that I addressed on the definition of political parties. Please distribute to all members and I will try to answer any questions that may arise.

The proposed amendment to AS 15.60.010(23) would clarify a fair set of standards for political party recognition that would be more simple for the Division of Elections to administer, set reasonable requirements that create good public policy, and provide a defensible definition less likely to invite litigation.

PROPOSED AMENDMENT TO CSHB 94(STA) Draft Version "

Page 20, following line 10:

Insert a new bill section to read:

**Sec45 AS15.60.010(23) is repealed and reenacted to read:

(23) "political party" means an organized group of voters that represents a political program and that

(A) within the last four years nominated a candidate for Governor, United States Senator, United States Representative, or President, and the person nominated as the candidate received at least three percent of the total votes cast for candidates for that office at the general election; or

(B) has registered voters in the state equal in number to at least one percent of the total votes cast for governor at the preceding general election.

Renumber the following bill sections accordingly