

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 HSTA 12373

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Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

Alaska Legislators' Compensation

The following information is submitted at the request of the House State Affairs Committee.

Salary

Currently, Alaska legislators' salaries are set at \$2,001 per month, or \$24,012 per year. This salary figure, found in AS 24.10.100, was established by the 19th legislature in 1996. The Speaker of the House and the President of the Senate earn an additional \$500 a year in salary. Legislators' salaries are subject to withholdings and income tax.

Per Diem

Alaska legislators earn two types of per diem.

The first type is "session per diem." for expenses incurred in Juneau during regular and special legislative sessions. It is tied to a per diem rate calculated for the city of Juneau by the federal government. Currently, that figure is \$163 per day during winter months, and \$218 a day during summer months. Legislators representing Juneau receive three quarters of the session per diem amount, or \$122.25 per day in winter months and \$163.50 in summer months. For non-Juneau legislators, session per diem is not subject to withholdings or income tax. Juneau legislators' session per diem is subject to withholdings and income tax.

The second type is "long term per diem." It is compensation for individual days of service during the interim period. The rate is \$150 per day for all legislators. It is subject to federal withholdings and income tax. A legislator must submit a claim for each day of long term per diem. Consequently, not all legislators receive the same amount of long term per diem on an annual basis.

2006 Alaska Legislators' Compensation

	Session Per Diem	Long Term Per Diem	Salary	Total Compensation
Mean	\$30,918	\$9,608	\$24,029	\$64,554
Median	\$31,468	\$10,275	\$24,012	\$65,414

Sources: 2006 Alaska Legislature Salary & Business Expense Report; Alaska Statutes; Legislative Affairs Agency



Alaska State Legislature

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 Representative
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States with compensation commissions

This table contains a list of the other 20 states which possess compensation commissions. It also states whether the compensation commission is established in the state's statutes or constitution, and offers a brief explanation of how the commission works.

State	Statute or Constitution?	How does it work?
Alaska	Statute	Never implemented. Required passage of a constitutional amendment that was never ratified.
Arizona	Constitution	Commission recommendations are put on the ballot for a vote of the people.
California	Constitution	Decision of commission binding; has the effect of law.
Connecticut	Statute	The General Assembly takes independent action pursuant to recommendations of a Compensation Commission.
Delaware	Statute	Are implemented automatically if not rejected by resolution.
Hawaii	Constitution	Commission recommendations take effect unless rejected by concurrent resolution or the governor. Any change in salary that becomes effective does not apply to the legislature to which the recommendation was submitted.
Idaho	Statute	Information not available.
Illinois	Statute	Tied to employment cost index, wages and salaries for state and local government workers.
Kentucky	Statute	The Kentucky committee has not met since 1995. The most recent pay raise was initiated and passed by the General Assembly.

State	Statute or Constitution?	How does it work?
Maine	Constitution	Presented to the Legislature in the form of legislation, the legislature must enact and the Governor must sign into law.
Maryland	Constitution	Commission meets before each four-year term of office and presents recommendations to the General Assembly for action. Recommendations may be reduced or rejected.
Michigan	Constitution	If resolution is offered, it is put to legislative vote; if legislature does not vote recommendations down, the new salaries take effect 1/1 of the new year.
Minnesota	Statute	By May 1 in odd numbered years the Council submits salary recommendations to the presiding officers.
Missouri	Constitution	Recommendations are adjusted by legislature or governor if necessary.
New Jersey	Constitution	Information not available.
North Dakota	Statute	Information not available.
Oklahoma	Statute	Information not available.
Oregon	Statute	Nonbinding recommendation to the legislature.
Utah	Statute	Information not available.
Washington	Constitution	Salary commission sets salaries of legislature and other state officials based on market study and input from citizens.
West Virginia	Statute	Submits by resolution and must be concurred by at least four members of the commission. The Legislature must enact the resolution into law and may reduce, but shall not increase, any item established in such resolution.

Source: National Conference of State Legislatures

ALASKA HISTORICAL LIBRARY

ALASKA SALARY COMMISSION

FINAL REPORT

COMMISSION MEMBERS:
KATHLEEN DIEBELS, CHAIRMAN
KIM ELTON
CONNEL MURRAY
ROBERT HEATH

January 18, 1977

The Honorable John Rader
President of the Senate of the State of Alaska

The Honorable Hugh Malone
Speaker of the House of the State of Alaska

In accordance with AS 39.23, the Alaska Salary Commission is submitting this report to you. Copies may be obtained from the Division of Personnel and Labor Relations, Department of Administration.

Sincerely,



Kathleen (Kay) Diebels
Chairman
Alaska Salary Commission

KD/kpk

Purpose of Establishment of Salary Commission

The written policy as expressed in House and Senate committee substitute for Senate Bill #499, "An Act relating to compensation, benefits and classifications of public officers and employees; creating the Alaska Salary Commission; and providing for an effective date" states that the commission is to determine salary and retirement benefits for public officers based upon equitable relationships being maintained among the various positions.

The commission believes that the purpose for this policy is, in general, to remove establishment of salaries from the political arena and therefore to divorce it from one area of potential public criticism. More than two dozen other states have established such commissions, although the powers vested in them vary greatly from state to state. Further, establishment of the salary commission permits setting of salary and other compensation schedules without exposing the system to charges of potential manipulation. If legislative pay were pegged to the salary of a district court judge, for example, and the legislature itself were given the responsibility and/or the authority for establishing the pay scale for district judges, the potential conflict of interest becomes apparent.

FOREWORD

The Commission first met on September 21, 1976, at which time it was apparent its report would need to be completed under severe time constraints. The Act establishing the Salary Commission called for submission of a preliminary report by November 15, and the necessity for soliciting public comments prior to submission of final recommendations within 10 days of the opening of the 1977 legislature.

Although AS 39.23 specified that the Commission members were to be appointed by July 25, actual appointment did not take place until the final week in August.

As provided in AS 39.23, the Division of Personnel and Labor Relations, Department of Administration, provided staff support, and the commission wishes to thank those men and women for their support. Also, as provided by the enabling legislation, the Commissioner of Administration did provide the commission with an initial recommendation regarding compensation and retirement benefits.

During its organizational meeting, the Commission immediately established:

1. an overall plan for achieving its objective;
2. a timetable consistent with provisions of the Act;
3. staff liaison and support personnel and facilities;
4. a method of gathering data necessary to meet commission requirements;
5. meeting dates and public hearing dates.

Again as provided by the AS 39.23, the commission called upon various state agencies for information, and the information was provided in a prompt manner. The Salary Commission, therefore, wishes to acknowledge the valuable assistance of numerous individuals and divisions within state government.

Resource materials utilized in arriving at this final recommendation include Department of Labor Cost of Living Statistics, comparative data from "The Book of the States," comparative data from the Council of State Governments, statistical data from the Department of Administration, and comparative data from the "1975 Citizens' Conference on State Legislators." The "Survey of Salaries and Benefits" compiled and published in December, 1975, by the Division of Personnel and Labor Relations also provided valuable aid for the commission.

During the approximately four months between the commission's initial appointment and submission of this report, the commission met a total of 15 days and conducted public hearings in Fairbanks, Anchorage and Juneau. One of the hearings was conducted on television to permit maximum public participation.

We have sometimes been asked why, following results of the August 1976 referendum, we were recommending any raises for public officials at all. The results of the referendum only let the commission know that voters were opposed to at least some part of the total package of raises and retirement enacted by the legislators in 1975, and we had to assume voters were not necessarily opposed to the entire package or to more modest increases. Considering the length of time since raises were originally voted on, inflation since 1975, modest recommended increases by the commission in most categories, our charge of recognizing parity, public comment at open hearings, salaries in government in other states, salaries in private sector vs. public sector, etc., we think we are acceding to the wishes of the voters, offering increases that are reasonable and acceptable.

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RECOMMENDATIONS

1) GOVERNOR

The Salary Commission recommends:

- A) A salary of \$52,992 annually for the Governor of Alaska.
- B) The Governor remain in the Public Employees Retirement System.

2) LT. GOVERNOR

The Salary Commission recommends:

- A) A salary of \$47,304 annually for the Lt. Governor of Alaska.
- B) The Lt. Governor remain in the Public Employees Retirement System.

3) DEPARTMENT COMMISSIONERS

The Salary Commission recommends:

- A) A salary of \$47,304 annually for Department Commissioners.
- B) The department commissioners remain in the Public Employees Retirement System.
- C) Longevity pay increases at the discretion of the Governor equal to 3.75 per cent of the annual salary for each two years of continuous service with service accrual beginning January 1, 1977.

4) DEPUTY COMMISSIONERS

The Salary Commission recommends:

- A) No change in the annual salary of \$42,372 for beginning Deputy Department Commissioners.
- B) The deputy commissioners remain in the Public Employees Retirement System.
- C) Longevity pay increases at the discretion of the Department Commissioner of 3.75 per cent of the annual salary for each two years of continuous service with service accrual to commence from the date of last step increase or upon date of hire following acceptance of these recommendations.

5) DIRECTORS

The Salary Commission recommends:

- A) No change in the salary level of directors. We do, however, recommend a change in administrative rules establishing the salary entry level of new directors be in the 'A' step of the salary range at which they are hired. We recognize that promotions from Deputy

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Director to Director may sometimes necessitate that those receiving the promotion move into a step other than 'A' in order to be assured a salary increase. In such cases, that person receiving the promotion should enter at the lowest step necessary to insure a salary increase. We recognize some directors are now covered by a negotiated agreement and our recommendations will not apply to them until that agreement expires.

B) Salary progression follow the steps outlined in the State salary schedule as outlined in AS 39.27.011.

☉ C) Directors remain in the Public Employees Retirement System.

6) ALASKA PUBLIC UTILITIES COMMISSION

The Salary Commission recommends:

A) That members of the commission be paid \$39,372 annually.

B) The chairman of the commission be paid an additional \$500 annually, prorated as part of the regular salary.

☉ C) Alaska Public Utilities Commission members remain in the Public Employees Retirement System.

D) Longevity pay increases at the discretion of the Governor of 3.75 per cent of the annual salary for each two years of service be given with service accrual beginning January 1, 1977.

7) ALASKA TRANSPORTATION COMMISSION

The Salary Commission recommends:

A) Members of the commission be paid \$39,372 annually.

B) The chairman of the commission be paid an additional \$500 annually, prorated as part of the regular salary.

☉ C) Alaska Transportation Commission members remain in the Public Employees Retirement System.

D) Longevity pay increases at the discretion of the Governor equal to 3.75 per cent of the annual salary for each two years of service be given with service accrual beginning January 1, 1977.

8) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

The Salary Commission recommends:

A) A salary of \$39,372 annually for members of the Alaska Commercial Fisheries Entry Commission.

B) The chairman of the commission be paid an additional \$500 annually, prorated as part of the regular salary.

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C) Commissioners remain in Public Employees Retirement System.

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D) Longevity pay increases at the discretion of the Governor equal to 3.75 per cent of the annual salary for each two years of service be given with service accrual beginning January 1, 1977.

9) ALASKA PIPELINE COMMISSION

The Salary Commission recommends:

A) A salary of \$39,372 annually for members of the Pipeline Commission.

B) The chairman of the commission be paid an additional \$500 annually, prorated as part of the regular salary.

● C) Commissioners remain in Public Employees Retirement System.

D) Longevity pay increases at the discretion of the Governor equal to 3.75 per cent of the annual salary for each two years of service be given with service accrual beginning January 1, 1977.

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10) SUPREME COURT JUDGES

The Salary Commission recommends:

A) No change in the \$52,992 annual salary of Supreme Court Judges.

B) No change in the retirement benefits now applicable to incumbent Supreme Court Judges.

C) All incumbent judges begin contributing at the rate of 2.5% to the Judicial Retirement System in 1979 and 1980. The step raises we expect to recommend will cover this withholding so that there is no question of their compensation being diminished.

D) All judges appointed after January 1, 1977, become members of the Judicial Retirement System with contribution rate of 7.5%.

11) SUPERIOR COURT JUDGES

The Salary Commission recommends:

A) No change in the \$48,576 annual salary of the Superior Court Judges

B) No change in the Retirement benefits now applicable to incumbent Superior Court Judges.

C) All incumbent judges begin contributing at the rate of 2.5% to the Judicial Retirement System in 1979 and 1980. The step raises we expect to recommend will cover this withholding so that there is no question of their compensation being diminished.

D) All judges appointed after January 1, 1977 become members of the Judicial Retirement System with contribution rate of 7.5%.

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12) DISTRICT COURT JUDGES

The Salary Commission recommends:

- A) No change in the \$41,068 annual salary of the District Court Judges.
- B) No change in the retirement benefits now applicable to incumbent District Court Judges.
- C) All incumbent District Court Judges begin contributing at the rate of 2.5% to the Judicial Retirement System in 1979 and 1980. The step raises we expect to recommend will cover this withholding so that there is no question of their compensation being diminished.
- D) All judges appointed after January 1, 1977 become members of the Judicial Retirement System with contribution rate of 7.5%.

13) LEGISLATORS

The Salary Commission recommends:

- A) A salary of \$11,750 annually for State Legislators. Twenty-five per cent of their salary to be paid to each legislator on the opening day of each regular session of the legislature, 25 per cent of their salary to be paid 30 days after the opening of each regular session of the legislature and 25 per cent of their salary 60 days after the opening of each regular session of the legislature. The remaining 25 percent of the legislator's salary to be paid in equal monthly installments through the rest of the year.
- B) The Senate President and House Speaker each receive an additional \$500 per year payable on the opening day of each regular session of the legislature or upon confirmation by the House or Senate after the opening of a regular session of the legislature.
- C) Legislators eligible for automatic pay increases of \$500 for each two years of continuous service. Service accrual begins with the opening of the 1977 regular session.
- D) Legislators receive a vouchered annual allowance of \$2500.
- E) Participation in Public Employee Retirement System be mandatory for legislators, unless they are already contributing to a state retirement fund and will continue to be a contributing member while a legislator. (For instance, teachers who are on leave of absence but continue to have service credited while on that leave.)
- F) Legislators receive per diem at the same rate as State employees, including regional variations where applicable. (See per diem rate schedule for administrative State employees. Appendix V). Those who change city of residence during regular or special legislative sessions will receive per diem at the short term rate for the first 100 days of each session. Per diem will revert to the long term (lower) rate after the first 100 days of each regular or special

session. However, per diem is to be paid at the long-term (lower) rate if a legislator is able to stay in his or her primary home while on legislative business. Interim committee work and special sessions should be paid at the short-term per diem rate, with the "stay in primary home" exception noted above.

No [G) Recognizing the need for maintaining constituent contact, each legislator shall be reimbursed at cost, and upon presentation of proof, for one round-trip to his home district during each regular session.

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Appendix I

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Some Amplification on the ASC Recommendations

1) GOVERNOR

While we see the advisability of longevity pay increases for the Governor, the constitutional provision against diminishing compensation for the Governor might tie future salary commissions to increases they did not favor. We, therefore, register our intent to grant a longevity pay increase to incumbent governors for every two years of service accrual. Service accrual commences January 1, 1977, or upon date of election.

2) LIEUTENANT GOVERNOR

While we see the advisability of longevity pay increases for the Lieutenant Governor, the constitutional provision against diminishing compensation for the Lieutenant Governor might tie future salary commissions to future increases they did not favor. We, therefore, register our intent to grant a longevity pay increase to incumbent lieutenant governors for every two years of service accrual. Service accrual commences January 1, 1977, or upon date of election.

3) JUDICIARY

While we see the advisability of longevity pay increases for members of the judiciary, the constitutional provision against diminishing compensation for the judiciary might tie future salary commissions to future increases they did not favor. We, therefore, register our intent to grant a longevity pay increase to judges and justices for every two years of service accrual. Part of those salary increases will be used to bring the retirement contribution of incumbent judges to a total of 7.5% by 1983.

4) LEGISLATURE

A) It is the position of the commission that undue financial stress may be placed upon legislators through the necessity of maintaining two households during the session itself. This is the reason for our recommendation that 75 per cent of each legislator's salary be paid on a monthly basis during the period of the actual session.

B) Legislators should be encouraged to use service and supplies furnished by the State.

5) ALASKA PUBLIC UTILITIES COMMISSION

A) From testimony at public hearings, from the public as well as APUC commissioners and people dealing with the APUC, it is the consensus that our originally suggested qualifications were unduly restrictive. For that reason we suggest instead that qualifications for the commission be written as follows:

"One member shall be a graduate engineer, or possess equivalent professional experience in Alaska engineering. One member shall be a graduate with a major in finance, accounting or business administration, or possess equivalent experience in Alaska in one of these fields; one member shall be a graduate of an accredited school of law, or possess substantial practical experience in Alaska law; and two members shall be consumers who are registered voters in Alaska, and who have lived in the state for a continuous period of at least five years prior to appointment."

6) ALASKA TRANSPORTATION COMMISSION

In conjunction with the salary recommendation for members of the commission, we urge that qualifications for the commission be rewritten as follows:

"One member shall be a graduate engineer, or possess equivalent professional experience in Alaska engineering. One member shall be a graduate with a major in finance, accounting or business administration, or possess equivalent experience in Alaska in one of these fields; one member shall be a graduate of an accredited school of law, or possess substantial practical experience in Alaska law; preferably people with the transportation aspects of their respective field will be appointed."

7) ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION

We expect to review the duties and responsibilities of these commissioners with the intent of comparing duties with compensation during the life of the Limited Entry Commission. As limited entry is implemented, we would expect duties to decrease allowing compensation to decrease or cease. We would expect the legislature and the administration to also monitor those duties with the intent of making the commission a non-salaried advisory commission as soon as possible.

8) ALASKA PIPELINE COMMISSION

At the conclusion of this commission's current responsibilities regarding the Alaska natural gas pipeline, we recommend transfer of this commission's regulatory functions to the Alaska Transportation Commission, as recommended in the governor's Management and Efficiency Review Report.

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APPENDIX II

General philosophical views of the Salary Commission responsibilities

Because the act creating the Salary Commission specifies that the commission shall be responsible for compensation and retirement benefits only for the members of the legislature, the Governor, the Lieutenant Governor, Commissioners, Deputy Commissioners and Division Directors of each executive department, members of the Alaska Public Utilities Commission, the Alaska Pipeline Commission, the Alaska Transportation Commission, the Alaska Commercial Fisheries Entry Commission and the Judiciary, specific recommendations will apply only to these positions. However, because of the inseparable relationship between public officers - particularly appointive positions - and the balance of the state employment system, the commission feels it would be derelict in its responsibilities if it did not include additional comments and suggestions relative to establishment of proper parity within its legitimate or designated areas.

A) One practice for establishing salary schedules is to start at the top - presumably the Governor and establish parity steps downward. An alternate method is to build from the lowest entry level in state service up. This lowest point on the pay scale is fairly high because the first five entry levels have been eliminated which increases the salary level of lowest paid employees. The Commission has elected to use a compromise system. Since middle managers are at the top of the classified employee scale and their wages set through negotiated agreements, we have been forced to use this position as our base, instead of lowest level of the state pay scale, working upward from it in our recommendations. Because of the upward thrust this places on all salaries above those of middle managers, we urge that middle managers be removed from the collective bargaining system to prevent inequities in the total salary structure.

B) The present salary schedule abounds with examples of supervisors who receive less than their employees. The intent of the salary commission is to restore parity between Commissioners, Deputy Commissioners and Directors where possible, recognizing that in some cases, longevity and experience will dictate higher salaries for lower ranking employees.

C) Because relatively high entry levels into state employment have a marked effect on parity thus resulting in inequities in many areas within the system, the commission suggests that the first five entry levels be restored.

D) While recognizing that individual circumstances may require otherwise, the commission wishes to establish its belief that at all levels of state government, entry into service should begin at Step A.

E) It shall be the stated intent of the commission that individuals whose salaries may be affected by commission recommendations receive no diminishment in compensation.

F) It is the belief of the commission that the constitutional prohibition against diminution of compensation in the case of the judiciary does not apply, since we suggest that repeal of Chapter 205 SLA 1975 was indeed a general law pertaining to all salaried public officials. However, in view of the possibilities of lengthy litigation - plus the fact that judicial salaries do not seem excessive when compared to salaries of other state officials and compared to other states - the commission has elected to retain the salaries as proposed in Chapter 205.

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G) Because the state-subsidized retirement system affects so dramatically the financial futures of both its members and the citizens of Alaska, the commission recognizes its grave responsibility in recommending procedures for the common good. Therefore, we recommend the ultimate aim should be to unify and standardize state-subsidized retirement programs (within the Public Employees Retirement System) ultimately even to include teachers and standardizing employer and employee contributions, vesting periods and benefits of judicial, legislative, police and fire programs.

Repeale

\$14,720

4,000

4,800

\$23,520

H) It is the expressed intent of the Salary Commission to recognize experience in office through additional compensation. For this reason, we are recommending longevity increases in all categories covered by the statute with the exception of Governor, Lieutenant Governor and the Judiciary. In these latter three cases, while it is the desire of the commission that longevity increases be allocated by future salary commissions, the constitutional prohibition against diminution in compensation forces us to remove these categories from our official recommendation. Since, because of this provision, future commissions may not reduce the salary of the Governor, Lieutenant Governor or the Judiciary, we feel it would not be in the best interests of the state to tie them to projected longevity increase past the two year ability of this commission. In all other instances the commission wishes to reward tenure in office with higher compensation, regardless of whether the office is appointive or elective.

I) The very nature of the present system establishes inequities among appointed officials. Some administer large and complex departments and divisions - others very small ones. Some demand a high degree of specialized knowledge, while others are essentially political in nature. In prior years - both in territorial government and early state government - these differences were recognized, and compensation varied depending upon the complexity of the position. These salaries have now been standardized, presumably for efficiency and to prevent charges of manipulation. Future salary commissions may wish to address themselves to re-examining the possibility or feasibility of salaries based upon the worth of the job to be done.

APPENDIX III

Recommended Legislative Salary:

\$11,750 salary
2,500 annual allowance
5,000 (per diem, based on 100-day session, \$50/day)
\$19,250

Repealed:

\$14,720 salary
4,000 annual allowance
4,800 (per diem, based on
100-day session \$48/day)
\$23,520

Now:

\$ 9,000 salary
4,000 annual allowance
3,500 (per diem at \$35/day for 100 days)
\$16,500

APPENDIX IV
STATUTORY SALARIES

POSITION	ALASKA STATUTE	ENACTED BY CHAPTER 205	BEFORE CHAPTER 205	AFTER REPEAL OF CHAPTER 205	RECOMMENDED BY SALARY COMMISSION
Governor	39.20.010	No Change	\$50,000	No Change	\$52,992.00
Lt. Governor	39.20.030	No Change	\$44,000	No Change	\$47,304.00
Chief Justice	22.05.140 (a)	\$52,992.00	\$44,000	\$52,992.00(44,000)*	\$52,992.00
Associate Justice	22.05.140 (a)	\$52,992.00	\$44,000	\$52,992.00(44,000)*	\$52,992.00
Superior Court Judge	22.10.190 (a)	\$48,576.00	\$40,000	\$48,576.00(40,000)*	\$48,576.00
District Court Judge	22.15.220 (a)	\$41,068.80	\$33,500	\$41,068.80(33,500)*	\$41,068.80
House Speaker	24.15.020	\$15,220.00	\$ 9,500	\$ 9,500.00	\$12,250.00
Senate President	24.15.020	\$15,220.00	\$ 9,500	\$ 9,500.00	\$12,250.00
Senator	24.15.020	\$14,720.00	\$ 9,000	\$ 9,000.00	\$11,750.00
Representative	24.15.020	\$14,720.00	\$ 9,000	\$ 9,000.00	\$11,750.00
Commissioner	39.20.080 (a)	\$48,576.00	\$40,000	\$40,000.00	\$47,304.00
Deputy Commissioner	39.20.080 (b)	\$42,372.00	\$42,372	\$42,372.00	\$42,372.00
Commissioner, AC FEC	16.43.060	\$41,068.80	\$33,500	\$33,500.00	\$39,372.00
Commissioner, APUC	42.05.091	\$41,068.80	\$33,500	\$33,500.00	\$39,372.00
Commissioner, APC	42.06.090	\$41,068.80	\$33,500	\$33,500.00	\$39,372.00
Commissioner, ATC	42.07.071	\$41,068.80	\$33,500	\$33,500.00	\$39,372.00

* Amounts in parentheses are for Judges beginning new terms. Each incumbent judge and justice receives the higher salary enacted by Chapter 205.

APPENDIX V
PER DIEM RATES

<u>LOCATION</u>	<u>SHORT-TERM PER DIEM RATE</u>	<u>LONG-TERM PER DIEM RATE</u>
<u>Inside Alaska</u>		
Alaska - Basic Allowance	\$ 45.00	\$ 27.00
Anchorage	50.00	30.00
Barrow	70.00	42.00
Bethel	65.00	39.00
Cordova	58.00	34.80
Fairbanks	58.00	34.80
Haines	54.00	32.40
Homer	54.00	32.40
Juneau	50.00	30.00
Kenai	54.00	32.40
Ketchikan	50.00	30.00
Kodiak	54.00	32.40
Kotzebue	67.00	40.20
Nome	67.00	40.20
Palmer	52.00	31.20
Petersburg	52.00	31.20
Seldovia	54.00	32.40
Seward	54.00	32.40
Sitka	52.00	31.20
Skagway	54.00	32.40
Soldotna	54.00	32.40
Valdez	58.00	34.80
Wrangell	52.00	31.20
Pipeline Corridor *	58.00	34.80
<u>Outside Alaska</u>		
Outside - Basic Allowance	40.00	24.00
New York City	50.00	30.00
Washington, D. C.	50.00	30.00

* In all communities along the pipeline corridor from Valdez to Prudhoe Bay, except the communities of Valdez and Fairbanks, the State will pay either the established per diem or actual costs for lodging and meals. Actual costs must be supported by paid receipts or billings.

Minutes in parentheses in higher salary enacted by Chapter 205.

TABLE J—LEGISLATURES INVOLVED BY THE JUDICIAL LEGISLATURES, AUGUST, 1975

RANK	TOTAL BIENNIAL SUPPLEMENT	STATE	SESSION INTERIM	SALARY		SESSION INTERIM	WORKING/LEGISLATIVE			VOLUNTARY EXPENSES			MILEAGE ALLOWANCE
				SESSION	AVERAGE ANNUAL SALARY		SESSION	SESSION	OTHER	SESSION	LEGISLATIVE BUSINESS	OTHER	
1	\$2,500	ALABAMA	\$1,600/yr.	\$10/term (I)	\$600	\$200/month	40/term (I) 135/term for remainder of term	40/term when away from home max. 30/term other	40/term when away from home max. 30/term other	40/term when away from home max. 30/term other	40/term when away from home max. 30/term other	40/term when away from home max. 30/term other	100 miles 10¢/mile
2	4,000	ALABAMA	6,000/yr.	6,000/yr.	6,000	4,000/year	30/term (I) 115/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
3	19,170	ARIZONA	1,200/yr.	1,200/yr.	1,200	1,200/year	20/term (I) 18/term for remainder of term	20/term	20/term	20/term	20/term	20/term	15¢/mile 10¢/mile
4	19,075	ARIZONA	1,200/yr.	1,200/yr.	1,200	1,200/year	20/term (I) 18/term for remainder of term	20/term	20/term	20/term	20/term	20/term	15¢/mile 10¢/mile
5	12,500	CALIFORNIA	21,200/yr.	21,200/yr.	21,200	21,200/year	30/term (I) 100/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
6	15,800	COLORADO	7,600/yr.	7,600/yr.	7,600	7,600/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
7	10,000	CONNECTICUT	11,000/yr.	11,000/yr.	11,000	11,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
8	23,450	FLORIDA	12,000/yr.	12,000/yr.	12,000	12,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
9	17,000	GEORGIA	12,000/yr.	12,000/yr.	12,000	12,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
10	23,450	HAWAII	12,000/yr.	12,000/yr.	12,000	12,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
11	13,500	ILLINOIS	25,000/yr.	25,000/yr.	20,000	20,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
12	23,450	INDIANA	6,000/yr.	6,000/yr.	6,000	6,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
13	23,450	INDIANA	6,000/yr.	6,000/yr.	6,000	6,000/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
14	12,000	KENTUCKY	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
15	23,450	KENTUCKY	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
16	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
17	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
18	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
19	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
20	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
21	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
22	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
23	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
24	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile
25	12,000	LOUISIANA	8,750/yr.	8,750/yr.	8,750	8,750/year	30/term (I) 110/term for remainder of term	30/term	30/term	30/term	30/term	30/term	15¢/mile 10¢/mile

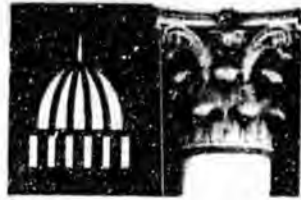
State	Year	Salary	Days	Per diem	Travel	Staff	Other	Actual	Notes
31	1976	NEBRASKA	4,200/yr.		4,000	200/year postage allowance			
32	1977	NEVADA		70/diem (LI)	1,200		30/diem (LI) plus one day	25/diem for	1,200/session travel allowance
33	1977	MONTANA		70/diem (LI)	1,200		33/diem (CI)	20/diem salary	25/diem
34	1977	NEBRASKA	4,300/yr.		4,300	200/year postage allowance			25/diem (15/diem for jury, 10/diem multi, maximum Actual)
35	1977	NEVADA		60/diem (CI) (3,000 maximum regular session)	1,800		30/diem (CI), plus one day before and one day after each session for travel 250/session telephone allowance	25/diem for meetings of the Legislative Committee or Interim Finance Committee	1,200/session travel allowance 60/session for postage and stationery
36	1977	NEW HAMPSHIRE	250/mo.		100				
37	1977	NEW JERSEY	10,000/yr.		10,000				5,000/year district office allowance, 15,000/year staff allowance
38	1977	NEVADA			0		40/diem (CI)	40/diem	
39	1977	NEW YORK	22,500/yr.		22,500		40/diem (LI)	40/diem	10,000/year for staff
40	1977	SOUTH CAROLINA	4,100/yr.		4,900	100/month 75/month	25/diem (CI)	25/diem	
41	1977	SOUTH CAROLINA			132		15/diem (CI)	15/diem	
42	1977	TENNESSEE	17,500/yr.		17,500				
43	1977	TENNESSEE	9,000/yr.		9,010	250/year House, 200/year Senate, 100/year for supplies	15/diem (LI) for non residents of state	26/diem	400/year House relations allowance
44	1977	TENNESSEE	10,500/yr.		8,280		35/diem (CI)	35/diem	175/month district expenses
45	1977	TENNESSEE	15,000/yr.		15,000				5,000/year
46	1977	TENNESSEE			300				
47	1977	TENNESSEE			7,050		25/diem (LI)	25/diem	
48	1977	TENNESSEE			2,500		25/diem (LI)	25/diem	
49	1977	TENNESSEE	6,000/yr.		8,028	121 27/month district office allowance	48 71/diem (LI)	48 71/diem	
50	1977	TENNESSEE	7,000/yr.		7,000		20/diem (CI)		4,000/month House staff allowance, 5,000/month Senate staff allowance
51	1977	TENNESSEE			1,200		15/diem (CI)	25/diem salary for non-residents (no more meetings)	Actual
52	1977	TENNESSEE	4,500/yr.		2,250		30/diem (LI) (10/diem for commuters)	30/diem salary for interim committee meetings	Actual
53	1977	TENNESSEE	5,475/yr.		5,475				4,000/year for staff
54	1977	TENNESSEE	2,500/yr.		2,500		40/diem (CI)	40/diem	20/diem
55	1977	TENNESSEE	4,000/yr.		4,000				22/diem for lodging
56	1977	TENNESSEE	15,678/yr.		15,278				Actual
57	1977	TENNESSEE			300		15/diem (CI)	15/diem salary plus 30/diem meetings	

1. Salary is for the regular session of the 1977 and 1978 session.
 2. The salary is for the regular session of the 1977 and 1978 session.
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 10. The salary is for the regular session of the 1977 and 1978 session.
 11. The salary is for the regular session of the 1977 and 1978 session.
 12. The salary is for the regular session of the 1977 and 1978 session.
 13. The salary is for the regular session of the 1977 and 1978 session.

4. Senators are granted legislative days for expense accounts, although the legislature does not usually meet on Saturdays.
 5. Legislators are also allowed to hire one or more clerical assistants for their district offices, subject to a salary not higher than that of a state clerk.
 6. \$1,200/yr. \$1,000/yr.
 7. Unemployment per diem courses figured on the basis of an average of \$10 per diem.
 8. Scheduled to increase January 1, 1978, to \$8,100/year salary, \$50/diem expenses and \$210/month district office allowance.

9. During the 1973-74 biennium, Montana legislators were paid for two 60-legislative day annual sessions. In November, 1974, Montana voters approved a constitutional amendment returning the legislature to a three biennial session 60-legislative days.
 10. Scheduled to increase in January, 1977, to \$75/diem salary, \$40/diem expenses, \$500/session telephone allowance, \$1,200/session (maximum) travel allowance, and 17¢/mile.
 11. Senators are also given eight rolls of 500 stamps each per year. Reproductives are given seven rolls.
 12. \$3,000/yr. \$2,000 even year.
 13. \$2,000/yr. for holdover members.

KEY
 C = Current date
 LI = Last legislative day
 BI = Biennium
 Actual = Actual and reported expenses
 Living travel expenses
 Living travel and office/staff expenses
 Office staff expenses



COMPENSATION COMMISSIONS

By Johanna Donlin

Legislators' pay is one of the more politically charged issues in today's state legislatures. Just the mention of a possible pay raise causes an instant rise in constituent mail and phone calls, not to mention the interest of the media. And a vote for an increase can have serious repercussions when the next election rolls around. Given these factors, legislators clearly recognize the difficulty in raising their own pay.

Twenty-one states use compensation commissions to provide an objective evaluation of legislators' salary levels.

In order to remove the issue from the political arena, 21 states currently use a compensation commission to provide an objective evaluation of legislators' salary levels. Members of the commissions are generally appointed by legislative leaders or the governor and represent a cross section of the citizenry. Sometimes, former legislators are included, but current elected officials and state employees generally are not. The commissions are given the charge to evaluate legislators' compensation, and make recommendations to the legislature based on a variety of objective criteria.

As they begin their evaluation process, the commissions collect a wide variety of information that usually includes the state's history on legislators' pay, how the current salaries compare with the executive branch officials, and whether or not salaries have kept pace with the consumer price index. Through public hearings, citizens have the opportunity to voice their opinions. Commissions make other comparisons between citizen and full-time legislatures, legislative session lengths, and salary and per diem levels in other states as reported in an annual survey by NCSL. They may also evaluate other aspects of compensation, such as travel and staff allowances, and supplemental stipends given to leaders or committee chairs. Each state's statutes or rules dictate the scope of the commission's jurisdiction.

One of the most important aspects of the commissions is their level of authority.

One of the most important aspects of the commissions is their level of authority. In California, Oklahoma and Washington, the commission has complete control over legislators' salaries. Their decisions cannot be overruled by the legislature. In Delaware and Utah, the recommendations take effect unless the Legislature votes against them. In many states, the commissions play a purely advisory role. The recommendations are presented to the legislature and the legislators are put in the position of voting on their own pay. Arizona is the only state that places the commission's recommendation on the ballot for a vote of the people.

States with Compensation Commissions

Alabama
Alaska
Arizona
California
Connecticut
Delaware
Hawaii
Idaho
Illinois
Iowa
Kentucky
Maine
Maryland
Michigan
Minnesota
New Jersey
North Dakota
Oklahoma
Utah
Washington
West Virginia

Source: NCSL, 1999

Generally, compensation commissions assess legislators' salaries and offer recommendations to their respective legislatures. The challenge comes when the recommendations are thrown back into the political arena and the members must once again address the question of raising their own pay. The legislators must find a salary level that will attract a diverse group of candidates and still be acceptable to the public. If the salary is too low, many smaller states fear that public office will only be an option for the affluent who can afford to take time off from their permanent jobs. If the salary is too high, the public will react negatively and voice their opinions through the ballot box. Depending on the current political climate, a pay raise may not be passed, despite a commission's strong recommendation to do so.

Compensation commissions assess legislators' salaries and submit recommendations.

In some states, the commissions are dormant. Colorado passed its recent pay raise through the legislative process, despite the presence of a commission in its statutes. Kentucky and Massachusetts both have commissions, but they have not met in several years. In fact, Massachusetts voters passed a measure in 1998 that gives legislators an automatic increase or decrease according to the median household income for the preceding two-year period.

Still, other states continue to explore the compensation commission option or refine their current commission's structure. Maine established their commission in 1998 and New Jersey passed legislation in 1999 to create its commission.

In 1999, Utah legislators changed the authority level of the compensation commission. Before 1999, the commission's recommendations were only advisory and the commission met every year. Now, the commission's recommendations will take effect unless the Utah Legislature votes against them and the commission will meet every two years. As in most states, any change in Utah legislators' salaries cannot go into effect until after the next election.

Selected Reference

Legislative Management Program. *1999 Legislators' Compensation and Benefits Survey*.
Denver: National Conference of State Legislatures, 1999.

Contact for More Information

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Legislator Annual Salaries by Region: 1975-2005* (CPI adjusted)

State	1975	1985	1995	2005	Percent change (%) 1975-2005
Eastern					
Connecticut	\$20,364.30	\$24,063.00	\$21,906.66	\$28,000.00	37.50%
Delaware	33,323.40	37,020.00	33,984.08	39,785.00	19.39
Maine	14,255.01	13,882.50	13,038.12	11,384.00	-20.14
Massachusetts	46,978.59	55,530.00	60,661.58	55,569.39	18.29
New Hampshire	370.26	185.10	130.71	100.00	-72.99
New Jersey	37,026.00	46,275.00	45,747.80	49,000.00	32.34
New York	87,011.10	79,593.00	75,157.10	79,500.00	-8.63
Pennsylvania	57,760.56	64,785.00	61,432.76	69,647.00	20.58
Rhode Island	1,314.42	777.42	6,333.10	12,646.00	862.10
Vermont	7,942.08	9,193.92	11,291.86	12,705.00	59.97
Puerto Rico	54,452.00	36,301.00	51,260.00	73,775.00	35.49
Average (w/o PR)	30,634.57	33,130.49	32,968.38	35,833.64	16.97
w/o NH (a)	33,997.27	36,791.09	36,617.01	39,804.04	17.08
Median	26,843.85	30,541.50	27,945.37	33,892.50	26.26
w/o NH (a)	33,323.40	37,020.00	33,984.08	39,785.00	19.39
Midwestern					
Illinois	\$74,052.00	\$60,157.50	\$55,243.74	\$57,619.00	-22.19%
Indiana	22,215.60	21,471.60	15,162.13	11,600.00	-47.78
Iowa	29,620.80	27,024.60	24,573.10	21,380.54	-27.82
Kansas	12,051.96	8,525.71	7,246.45	6,651.00	-44.81
Michigan	70,349.40	67,598.52	64,249.52	79,650.00	13.22
Minnesota	31,101.84	41,369.85	38,787.60	31,140.90	0.13
Nebraska	17,772.48	8,884.80	15,684.96	12,000.00	-32.48
North Dakota	740.52	7,496.55	5,646.59	7,000.00	845.28
Ohio	64,775.50	58,600.81	55,454.18	56,260.62	-13.17
South Dakota	9,256.50	5,923.20	5,577.31	6,000.00	-35.18
Wisconsin	58,049.36	50,350.90	49,742.24	45,569.00	-21.50
Average	35,455.09	32,491.28	30,669.80	30,442.82	-14.14
Median	29,620.80	27,024.60	24,573.10	21,380.54	-27.82
Southern					
Alabama	\$ 3,887.73	\$ 1,943.55	\$ 1,372.43	\$ 1,050.00	72.99%
Arkansas	4,443.12	13,882.50	16,338.50	14,067.00	216.60
Florida	44,431.20	33,318.00	30,381.77	29,916.00	-32.67
Georgia	26,658.72	13,327.20	14,187.05	16,524.00	-38.02
Kentucky	7,776.95	5,553.00	3,921.24	7,657.65	175.76
Louisiana	11,107.80	31,096.80	21,958.94	16,800.00	51.25

See Alaska next page



Legislator Annual Salaries by Region: 1975–2005* (CPI adjusted)

State	1975	1985	1995	2005	Percent change (%) 1975–2005
Southern continued					
Maryland	\$46,282.50	\$38,871.00	\$37,670.05	\$40,500.00	-12.49%
Mississippi	29,991.06	18,510.00	13,070.80	10,000.00	-66.66
Missouri	31,101.84	36,138.92	31,779.45	31,351.00	0.80
North Carolina	17,772.48	15,548.40	18,235.07	13,951.00	-21.50
Oklahoma	36,877.90	37,020.00	41,826.56	38,400.00	4.13
South Carolina	62,851.64	18,510.00	13,593.63	10,400.00	-83.45
Tennessee	23,106.08	23,137.50	21,566.82	16,500.00	-28.59
Texas	26,658.72	13,327.20	9,410.98	7,200.00	-72.99
Virginia	20,271.74	20,361.00	23,527.44	18,000.00	-11.21
West Virginia	17,772.48	12,031.50	19,606.20	15,000.00	-15.60
Average	25,374.50	20,786.04	19,902.93	17,957.29	-29.23
Median	24,882.40	18,510.00	18,920.64	15,750.00	-36.70
Western					
Alaska	\$54,502.27	\$40,981.14	\$31,385.60	\$24,012.00	-55.94%
Arizona	22,215.60	27,765.00	19,606.20	24,000.00	8.03
California	78,198.91	62,437.93	94,109.76	110,880.00	41.79
Colorado	28,139.76	32,392.50	22,873.90	30,000.00	6.61
Hawaii	44,431.20	28,875.60	41,826.56	34,200.00	-23.03
Idaho	1,851.30	2,832.03	16,155.51	15,646.00	745.14
Montana	3,221.26	4,601.59	3,169.67	3,379.00	4.90
Nevada	6,664.68	5,775.12	5,097.61	3,900.00	-41.48
New Mexico	8,886.24	8,329.50	5,881.86	8,460.00	-4.80
Oregon	19,549.73	17,214.30	17,127.98	16,284.00	-16.70
Utah	5,553.90	5,414.18	4,999.58	5,400.00	-2.77
Washington	14,069.88	25,358.70	33,853.37	34,227.00	143.26
Wyoming	1,666.17	4,164.75	4,901.55	4,500.00	170.08
Average	22,226.99	20,472.49	23,130.01	24,222.15	8.98
w/o CA (b)	17,562.67	16,975.37	17,239.95	17,000.67	-3.20
Median	14,069.88	17,214.30	17,127.98	16,284.00	15.74
w/o CA (b)	11,478.06	12,771.90	16,641.74	15,965.00	39.09

Sources: Various editions of *The Book of the States* and surveys by The Council of State Governments, 2006.

Notes

*State legislators' annual salaries in this table include annual or per diem salaries paid during regular sessions. These figures do not include pay for special sessions, committee meetings, additional compensation for legislative leaders or per diem expense allowances (lodging, meals, travel, etc.). Biennial salaries are divided to calculate estimated salaries for one year. Per diem rates are multiplied by the number of calendar or legislative days during irregular sessions to calculate annual salaries, as in Arkansas, North Dakota, Oregon, Montana, Nevada and Texas. Kentucky's General Assembly met biennially and paid per diem salaries in 1975, 1985 and 1995.

(a) New Hampshire is excluded from the averages and medians because it has a constant compensation of \$100 per year.

(b) California is excluded from the averages and medians because it is the state with the highest legislator compensation.

Chart from *State Legislator Compensation: A Trend Analysis*.



Alaska State Legislature

Mike Doogan
Representative
District 25, Anchorage

Legislative pay and comparably compensated state jobs

Job Title: Alaska State Legislator (Alaska State Legislature)

Pay: \$12.51/hr.
\$2,001.00/mo. (\$24,012/yr.)

Description: Writes and passes laws, makes appropriations, provides oversight of and check on executive and judicial branches.

Job Title: Administrative Clerk II (Clerical/Administrative)

Pay: \$12.81/hr.
\$2,082/mo. (\$24,984/yr.)

Description: Perform office clerical assignments and services. Type and produce reports, perform complex data entry assignments, receive and review or compare documents, receive, receipt, and account for money.

Job Title: Environmental Services, Journey II (Labor/Trades)

Pay: \$13.32/hr.
\$2,131/mo. (\$25,574/yr.)

Description: Maintain and clean State facilities, institutions and hospitals. Work includes laundry service, furniture and carpet cleaning, and minor equipment maintenance and building repairs.

Job Title: Accounting Clerk I (Clerical/Administrative)

Pay: \$14.42/hr.
\$2,344/mo. (\$28,128/yr.)

Description: Perform clerical accounting work involving financial documents.

Job Title: PFD Technician I (Clerical/Administrative)

Pay: \$14.42/hr.
\$2,344/mo. (\$28,128/yr.)

Description: Examine applications and supportive documents submitted by individuals applying for the Permanent Fund Dividend.

*Source: State of Alaska, Department of Administration, Division of Personnel website
<http://dop.state.ak.us/>*



Legislator Compensation 2005

Updated November 1, 2005

State	Salary	Per Diem (Allowance for Daily Expenses)
Alabama	\$10/day (C)	\$2,280/month plus \$50/day for three days during each week that the legislature actually meets during any session (U).
Alaska	\$24,012/year	\$200/day effective June 1, 2005 until 10/1/05 then \$156/day until 5/1/06 then \$200/day (U) tied to federal rate. Legislators who reside in the Capitol area receive 75% of the federal rate.
Arizona	\$24,000/year	\$35/day for the 1st 120 days of regular session and for special session and \$10/day thereafter. Members residing outside Maricopa County receive an additional \$25/day for the 1st 120 days of reg. session and for special session and an additional \$10/day thereafter (V). Set by statute.
Arkansas	\$14,067/year	\$110.00/day (V) plus mileage tied to federal rate.
California	\$110,880/year	\$138.00 per day for each day they are in session.
Colorado	\$30,000/year	\$45/day for members living in the Denver metro area. \$99/day for members living outside Denver (V). Per diem is determined by the legislature.
Connecticut	\$28,000/year	No per diem is paid.
Delaware	\$39,785/year	No per diem is paid.
District of Columbia	\$92,500/year	No per diem is paid.
Florida	\$29,916/year	\$117/day (V) tied to federal rate. Earned based on the number of days in session. Travel vouchers are filed to substantiate.
Georgia	\$16,524/year	\$128/day (U) set by the legislature.
Guam	N/R	N/R
Hawaii	\$34,200/year (\$35,000/year effective 2006)	\$80/day for members living outside Oahu; \$10/day for members living on Oahu (V) set by the legislature. *NOTE: The per diem for legislators will be adjusted for the 2006 session. The specific amount is to be determined by the Speaker and the President.
Idaho	\$15,646/year	\$99/day for members establishing second residence in Boise; \$38/day if no second residence is established and up to \$25/day travel (V) set by Compensation Commission.
Illinois	\$57,619.00/year	\$102/day (U) tied to federal rate.
Indiana	\$11,600/year	\$134/day (U) tied to federal rate.
Iowa	\$21,380.54/year	\$86/day (U). \$65/day for Polk County legislators (U) set by the legislature. State mileage rates apply.
Kansas	\$82.12/day (C) (\$83.14 effective 12/4/05)	\$91/day (U) tied to federal rate.
Kentucky	\$170.17/day (C)	\$100.10/day (U) tied to federal rate (110% Federal per diem rate).
Louisiana	\$16,800/year	\$113/day (U) tied to federal rate. Additional \$6,000/yr (U) expense allowance.
Maine	\$11,384/year for first regular session; \$8,655/year for second regular session. Annual COLAs apply. In addition, legislators receive a constituent service allowance (\$2,000/year for Senators and \$1,500/year for Representatives)	\$38/day housing, or mileage and tolls in lieu of housing (at rate of 0.34/mile up to \$38/day). \$32/day for meals. Per diem limits set by statute.
Maryland	\$40,500/year	Lodging \$96/day; meals \$32/day (V) tied to federal rate and compensation commission.

		\$225.00/day for out of state travel. Includes meals and lodging.
Massachusetts	\$55,569.39/year	From \$10/day-\$100/day, depending on distance from State House (V) set by the legislature.
Michigan	\$79,650 /year	\$12,000 yearly expense allowance for session and interim (V) set by compensation commission.
Minnesota	\$31,140.90/year	Senators receive \$66/day and Representatives receive \$66/legislative day (U) set by the legislature.
Mississippi	\$10,000/year	\$91/day (U) tied to federal rate.
Missouri	\$31,351/year	\$76.80/day (U) tied to federal rate. Verification of per diem is by roll call. \$76.80/day (U) tied to federal rate. Verification of per diem is by roll call.
Montana	\$76.80/day (L)	\$90.31/day (U).
Nebraska	\$12,000/year	\$91/day outside 50-mile radius from Capitol; \$31/day if member resides within 50 miles of Capitol (V) tied to federal rate.
Nevada	\$130/day maximum of 60 days of session	Federal rate for Capitol area (V). Legislators who live more than 50 miles from the capitol, if require lodging, will be paid " " single-room rate for Carson City area for each month of session.
New Hampshire	\$200/two-year term	No per diem is paid.
New Jersey	\$49,000/year	No per diem is paid.
New Mexico	None	\$146/day (V) tied to federal rate & the constitution.
New York	\$79,500/year	Varies (V) tied to federal rate.
North Carolina	\$13,951/year	\$104/day (U) set by statute. \$559.00/month expense allowance.
North Dakota	\$125/day during legislative sessions (C)	Lodging reimbursement up to \$900/month (V).
Ohio	\$56,260.62/year	No per diem is paid.
Oklahoma	\$38,400/year	\$116/day (U) tied to federal rate.
Oregon	\$16,284/year	\$91/day (U) tied to federal rate.
Pennsylvania	\$69,647/year	\$128/day (V) tied to federal rate. Can receive actual expenses or per diem.
Puerto Rico	\$60,000/year	\$122/day within 50 Km. of Capitol; \$132/day if outside the 50 Km.
Rhode Island	\$12,646 /year	No per diem is paid.
South Carolina	\$10,400/year	\$95/day for meals and housing, for each statewide session day and cmte meeting (V) tied to federal rate.
South Dakota	\$12,000/two-yr term	\$110/legislative day (U) set by the legislature.
Tennessee	\$16,500/year	\$141/legislative day (U) tied to federal rate.
Texas	\$7,200/year	\$128/day (U) set by Ethics Commission.
Utah	\$120/day (C)	\$79/day (U) lodging allotment for each calendar day, tied to federal rate, \$39/day meals (U).
Vermont	\$589/week during session \$118 per day for special sessions or interim committee meetings	Federal per diem rate for Montpelier \$69/day for lodging and \$35/day for meals for non-commuters; commuters receive \$35/day for meals plus mileage.
Virgin Islands	\$65,000	\$30/day (U) set by the legislature.
Virginia	\$18,000/year Senate \$17,640/year House	\$130/day (U) tied to federal rate.
Washington	\$34,227/year	\$90/day. Tied to federal rate (80% Olympia area).
West Virginia	\$15,000/year	\$115/day during session (U) set by compensation commission.
Wisconsin	\$45,569/year	\$88/day maximum (U) set by compensation commission (90% of federal rate).
Wyoming	\$150/day (L)	\$85/day (V) set by the legislature, includes travel days for those outside of Cheyenne.

L = Legislative day

C = Calendar day

(V) Vouchered (U) Unvouchered

N/R = No Response

NCSL 2005

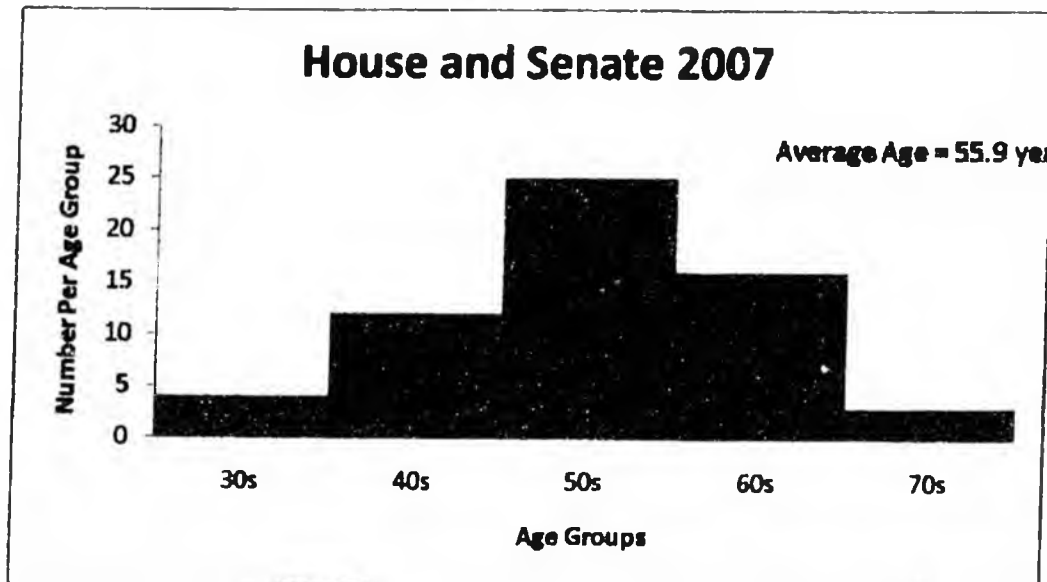
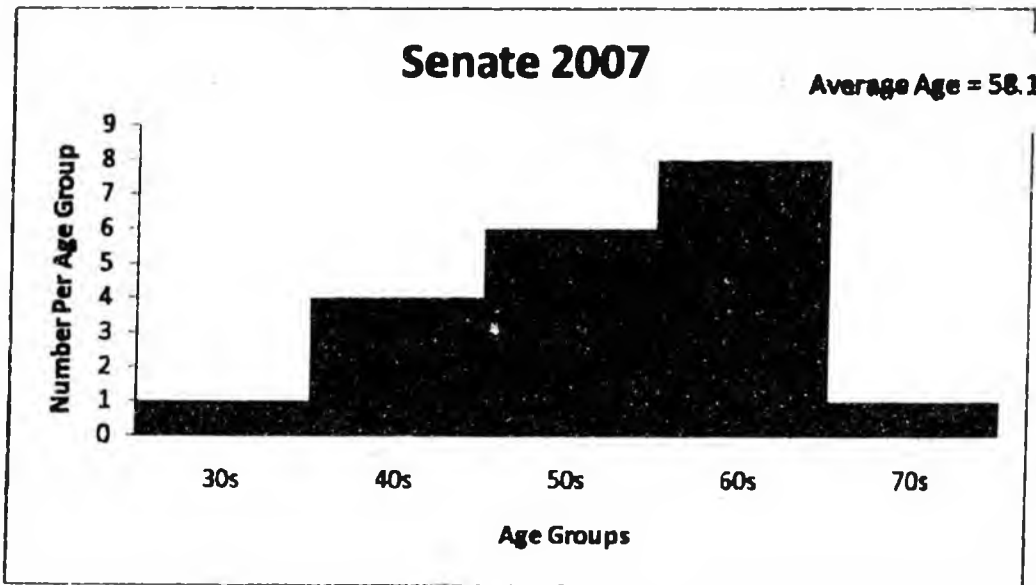
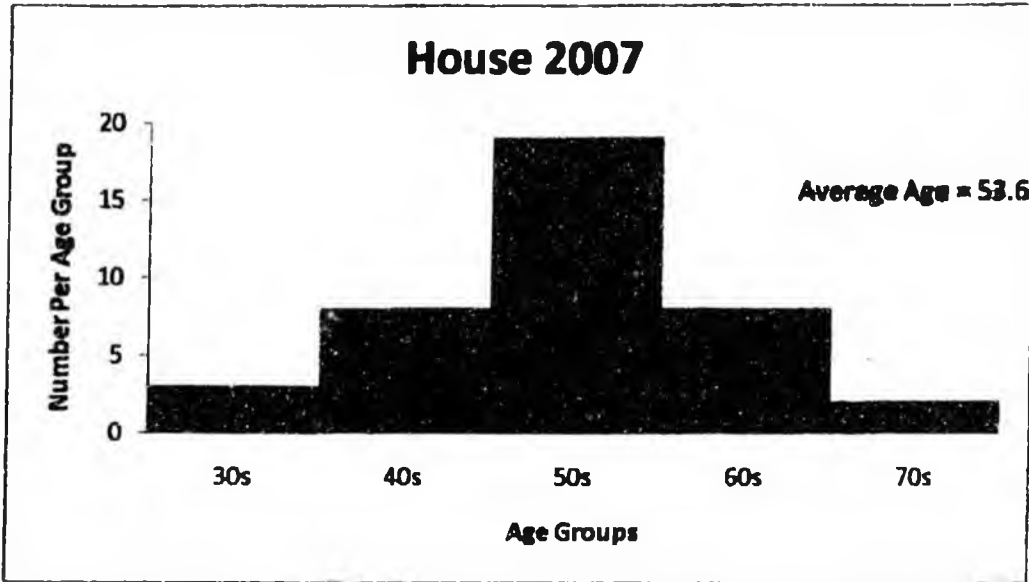
**Age Comparison: Alaska State Legislators
vs. Statewide Population Ages 30+**

Age Group	Alaskans 30+	%	Legislators	%
30-39	92,975	25.4%	4	6.7%
40-49	108,638	29.6%	12	20.0%
50-59	92,770	25.5%	25	41.7%
60-69	42,632	11.6%	16	26.7%
70+	28,902	7.9%	3	5.0%
	366,617	100.0%	60	100.0%

Compiled and distributed by Rep. Mike Doogan
(907) 465-4998
5/15/2007

House & Senate

Age Group	Total Per Age Group (House and Senate)
30s	4
40s	12
50s	25
60s	16
70s	3



Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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FAX

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931
Fax: 907-465-4316

Re: HB 260 – Amendment #1 – House State Affairs Committee - (Roses)

1/17/08

Representative Roses offered a verbal Amendment #1 to HB 260 during committee today as follows:

On Page 3 Line 18 after the word "served", insert: "in the four (4) years prior to their appointment"

Representative Coghill wanted to see this amendment in writing so please draft one in time for our Committee meeting on Saturday. Thanks.

*
* TRANSACTION REPORT *
* JAN-16-2008 10:39 PM *
* FOR: REP LYNN 4654316 *
* _____ *
* SEND *
* _____ *
* DATE START RECEIVER PAGES TIME NOTE *
* _____ *
* JAN-16 10:39 PM 2029 1 35" OK *
* _____ *



Alaska State Legislature

Mike Doogan

Representative
District 25, Anchorage

MEMORANDUM

To: Representative Bob Lynn, Chairman
House State Affairs Committee

From: Representative Mike Doogan *MD*

Date: May 15, 2007

Re: Hearing request for HB 260: State Officers Compensation Commission

I respectfully request that House Bill 260, an act relating to the State Officers Compensation Commission, be scheduled for a hearing in the House State Affairs Committee.

Attached you will find a current version of the bill, a sponsor's statement, a sectional analysis and pertinent background information.

Please feel free to contact me, or my aide Ryan Jage, with questions or thoughts at 465-4998.

State Capitol
Juneau, AK 99801
907-465-4998 or 800-689-4998
Fax 907-465-4419

Rep. Mike Doogan@legis.state.ak.us

716 West 4th Avenue
Anchorage, AK 99501
907-269-0216
Fax 907-269-0218

HB

261



February 5, 2008

Honorable Bob Lynn, Chair
House State Affairs Committee
Alaska State Capitol, Room 415
Juneau, AK 99801-1182

RE: HB 261 (LeDoux)--Support

Dear Chair Lynn:

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the House State Affairs Committee to support HB 261, authored by Representative Gabrielle LeDoux and co-sponsored by your Committee colleague Representative Andrea Doll as well as Representative Berta Gardner.

HB 261 is a "clean elections" bill. AARP shares a concern of many citizens and elected officials that money determines who runs for office, who wins elections, and who gains power in politics. The political agenda should be set by ordinary citizens and not major campaign contributors.

States like Arizona and Maine have passed "clean elections" laws that allow candidates to run for office using public funds rather than private money from special interest groups, PACs, or wealthy individuals. The results from those states have been extremely encouraging: the influence of big money has gone down while competitive races, voter turnout, and civic engagement have all gone up.

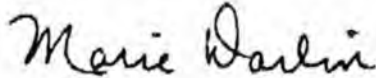
AARP believes that "clean elections" systems are proven ways to improve integrity in government and should be adopted.

AARP urges an "AYE" vote on HB 261.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,



Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Roscs
Representative Coghill
Representative Johansen
Representative Johnson
Representative Doll
Representative Gruenberg
Representative LeDoux

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SS HB 261
() Publication Date: _____

Identifier (file name): HB261SS-DOA-APOC-2-14-08 Dept. Agency: Administration
Title: "An Act establishing a program of public funding for the financing of RDU Alaska Public Offices Commission election campaigns..." Component: Alaska Public Offices Commission
Sponsor: Representatives LeDoux, Gardner, Doll
Requester: House State Affairs Component Number: 70

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	572.5		572.5	572.5	572.5	572.5	572.5	572.5
Travel	21.5		21.5	21.5	21.5	21.5	21.5	21.5
Contractual	85.0		85.0	85.0	85.0	85.0	85.0	85.0
Supplies	35.0		2.0	2.0	2.0	2.0	2.0	2.0
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	714.0	0.0	681.0	681.0	681.0	681.0	681.0	681.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	714.0		681.0	681.0	681.0	681.0	681.0	681.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	714.0	0.0	681.0	681.0	681.0	681.0	681.0	681.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time	7.0	3.0	7.0	7.0	7.0	7.0	7.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

This bill creates a clean elections section within APOC. Funding will be needed for a hearing officer, three accounting positions, two compliance officers, an administrative assistant and administrative support. Funding is also required for additional Commission meetings. Clean Election's staff is responsible for disseminating public funds to qualified candidates throughout the duration of their campaigns. Additionally, staff is responsible for certifying the qualifications of candidates eligible to receive public funding. During the course of the campaigns, clean election staff must monitor all campaign spending for compliance with the provisions of the clean elections act. The bill also provides state funding to candidates for Governor, Lieutenant Governor, State Senator, and State Representative. Several funding scenarios are presented below.

Prepared by: Brooke Miles, Executive Director Phone 465-5671
Division: Alaska Public Offices Commission Date/Time 2/14/08 3:02 PM
Approved by: Rachael Petro, Deputy Commissioner Date 2/14/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

BILL NO. SS HB 261

ANALYSIS CONTINUATION

It is difficult to accurately estimate the cost of providing public funds to candidates under this legislation. The cost will depend on the number of candidates that choose to participate in the public campaign financing program, and several other factors. Because public funding is optional, candidates cannot legally be mandated to use it, and some candidates are likely to not choose public funding, lowering the total cost of the program. Other scenarios could be analyzed in addition to the examples below.

The following cost analysis is based on 25%, 50%, 75%, and 100% participation. It was calculated using the number of primary and general election candidates in the 2006 election:

PRIMARY: (dollar amounts in thousands)

# of Candidates	Office	Amount	25%	50%	75%	100%
13	Gov	250.0	812.5	1,625.0	2,437.0	3,250.0
8	Lt Gov	150.0	300.0	600.0	900.0	1,200.0
23	Senate	24.0	130.5	261.0	391.5	522.0
92	House	16.0	368.0	736.0	1,104.0	1,472.0
Sub-Totals:			1,611.0	3,222.0	4,832.5	6,444.0

GENERAL: (dollar amounts in thousands)

# of Candidates	Office	Amount	25%	50%	75%	100%
6	Gov/Lt	500.0	750.0	1,500.0	2,250.0	3,000.0
20	Senate	36.0	180.0	360.0	540.0	720.0
72	House	16.0	432.0	864.0	1,296.0	1,728.0
Sub-Totals:			1,362.0	2,724.0	4,086.0	5,448.0
Grand Totals:			2,973.0	5,946.0	8,918.5	11,892.0

Alaska State Legislature

Chairman
State Affairs Committee

Member
Judiciary Committee
Economic Development, Trade & Tourism
Committee
Education Committee
Joint Armed Services Committee

Finance Subcommittees
Labor & Workforce Development
Community & Economic Development
Military & Veterans' Affairs



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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"Bob Lynn's Alaska Blog" AlaskaDistrict31.blogspot.com

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HB261 House State Affairs Committee - Version E to Version M

This CS – Version M amends out all reference to "Clean Elections" because "Clean Elections" implies that the current elections are "not clean." "Publically Financed Elections" more accurately describes what the bill does.

Page 1 Lines 2 and 3 after the word "offices" *deleted*, **to be known as the Clean Elections Act**

Page 1 Line 7 after the word "voluntary" *deleted* "clean elections" and *inserted* **public financing**

Page 1 Line 8 after the word "general" *inserted* **state**

Page 2 Line 13 after "Chapter 70." *deleted* "clean" and *inserted* **public financing of**

Page 2 Line 14 and 15 after "Sec. 15.70.010" *deleted* "clean" and *inserted* **public financing of**
and after the word "The" *deleted* "clean" and *inserted* **public financing of**

Page 4 Line 1 after the word "the" *deleted* "clean" *inserted* **public financing of**

Page 17 Line 11 after the word "financing" *inserted* **of elections**

Page 20 Line 27 after the word "the" *deleted* "clean" *inserted* **public financing of**

Page 20 Line 30 after the word "the" *deleted* "clean" *inserted* **public financing of**

Page 21 Line 9 after the word "the" *deleted* "clean" *inserted* **public financing of**

Page 22 Line 20 after the word "the" *deleted* "clean" *inserted* **public financing of**

25-LS0929\EM

-Bullard
2/21/08**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 261(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES LEDOUX, Gardner, Doll

Introduced BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsors): REPRESENTATIVES LEDOUX, Gardner, Doll**A BILL****FOR AN ACT ENTITLED**

1 "An Act establishing a program of public funding for the financing of election
2 campaigns of candidates for state elected offices, ~~to be known as the Clean Elections~~
3 Act."

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS. The legislature finds that providing a voluntary ~~clean elections~~ public
8 financing system for all primary and general state elections would enhance democracy in the
9 state in the following principal ways:

10 (1) it would affirm the principle of "one person, one vote," reduce the
11 disproportionate and deleterious influence of large contributors, and restore the rights of
12 citizens of all backgrounds to equal and meaningful participation in the democratic process;

13 (2) it would slow the escalating cost of elections;

1 (3) it would enable voters and candidates to hear and to be heard in the
2 political process, and restore open and robust debate on issues of public concern;

3 (4) it would diminish the public perception of corruption, strengthen public
4 confidence in democratic institutions and processes, and eliminate the danger of corruption
5 caused by the private financing of election campaigns;

6 (5) it would increase the accountability of elected officials to the constituents
7 who elect them;

8 (6) it would create genuine opportunities for qualified residents of the state to
9 run for state office and encourage more competitive elections; and

10 (7) it would free elected officials from the incessant rigors of fundraising and
11 allow them more time to carry out their official duties.

12 * Sec. 2. AS 15 is amended by adding a new chapter to read:

13 **Chapter 70. Clean Public Financing of Elections.**

14 **Sec. 15.70.010. Clean Public financing of elections fund.** (a) The clean
15 public financing of elections fund is created in the general fund. The administrator
16 shall use the fund to finance the election campaigns of candidates certified under this
17 chapter who are running for the office of governor, lieutenant governor, state senator,
18 or state representative, and to pay the administrative and enforcement costs of this
19 chapter incurred by the commission.

20 (b) The legislature may appropriate money from the following sources to the
21 fund:

22 (1) the amount of the qualifying contributions required to be tendered
23 by candidates applying for certification under AS 15.70.070;

24 (2) unspent funds returned by a participating candidate under this
25 chapter; and

26 (3) fines or monetary penalties levied by the commission against
27 candidates for violations of this chapter.

28 (c) Money appropriated to the fund may be spent without further
29 appropriation.

30 (d) Money in the fund does not lapse.

31 **Sec. 15.70.020. Limitations on participating candidates.** (a) During an

1 election cycle, a participating candidate may not accept, expend, or agree to expend
2 any contributions or funds other than

- 3 (1) seed money contributions allowed under AS 15.70.050;
- 4 (2) funds received under AS 15.70.090 - 15.70.130;
- 5 (3) contributions from a political party under AS 15.70.160; and
- 6 (4) private contributions allowed under AS 15.70.180(b).

7 (b) A participating candidate who receives funds under this chapter during the
8 primary election campaign period shall comply with the requirements of this chapter
9 during the subsequent general election campaign period.

10 (c) A participating candidate may only use contributions and funds received
11 under this chapter during an election cycle to pay expenses or expenditures incurred
12 during that election cycle.

13 (d) A participating candidate may not use funds received under this chapter for
14 costs or legal fees related to representation before the commission or for defense of
15 any enforcement action under this chapter.

16 (e) A participating candidate may not expend funds raised or received before
17 the election cycle.

18 (f) A participating candidate shall comply with the expenditure limits set out
19 in AS 15.70.080.

20 (g) A participating candidate shall continue to be bound by all other applicable
21 election and campaign finance statutes and regulations, except for provisions in
22 express or clear conflict with the provisions of this chapter.

23 (h) Nothing in this chapter prevents a participating candidate from having a
24 legal defense fund.

25 **Sec. 15.70.030. Declaration of intent.** (a) A candidate may become a
26 participating candidate under this chapter by filing a statement declaring the
27 candidate's intent to seek certification under AS 15.70.070 and to comply with the
28 requirements of this chapter. The candidate may file the candidate's declaration of
29 intent with the commission at any time before the end of the qualifying period under
30 AS 15.70.040 during the election cycle.

31 (b) Before submitting a declaration of intent under (a) of this section, a

1 candidate who intends to participate in the ~~election~~ public financing of elections program
2 may not solicit or collect

3 (1) seed money contributions; or

4 (2) qualifying contributions.

5 **Sec. 15.70.040. Qualifying period.** (a) A candidate for governor or lieutenant
6 governor may qualify between August 1 of the year preceding a year in which the
7 general election is held and June 1 of the year of the general election.

8 (b) A candidate for the office of state senator or state representative may
9 qualify between October 1 of the year preceding a year in which the general election is
10 held and June 1 of the year in which a general election is held.

11 **Sec. 15.70.050. Seed money contributions.** (a) A participating candidate may
12 accept a contribution not to exceed \$100 from an individual at any time during an
13 election cycle before filing an application for certification under AS 15.70.070. A
14 participating candidate may expend the seed money contributions for the purpose of
15 soliciting qualifying contributions under AS 15.70.060 and for any purpose authorized
16 by AS 15.13. A candidate may not accept or expend seed money contributions after
17 the candidate is certified under AS 15.70.070.

18 (b) Seed money contributions and expenditures made under this section must
19 be reported under AS 15.13.

20 (c) A participating candidate may not collect more than the following amounts
21 in seed money contributions:

22 (1) \$20,000 if the candidate is seeking the office of governor;

23 (2) \$10,000 if the candidate is seeking the office of lieutenant
24 governor;

25 (3) \$2,000 if the candidate is seeking the office of state senator; or

26 (4) \$1,000 if the candidate is seeking the office of state representative.

27 (d) A participating candidate who exceeds the applicable limit established in
28 (c) of this section shall return the excess funds to the contributors. The participating
29 candidate may return all or part of a seed money contribution, and the returned amount
30 is not counted as part of the contribution or counted toward the candidate's seed
31 money limit under (c) of this section. The participating candidate shall refund the

1 contribution within three days after the candidate discovers that the candidate's
2 applicable seed money limit has been exceeded. The candidate shall report to the
3 commission the receipt and return of all excess seed money contributions.

4 **Sec. 15.70.060. Qualifying contributions.** (a) Except as provided in (d) of this
5 section, to be certified under AS 15.70.070, a participating candidate shall obtain the
6 following number of contributions of exactly \$5:

7 (1) contributions from 3,000 or more registered voters in the state if
8 the candidate is seeking the office of governor;

9 (2) contributions from 1,500 or more registered voters in the state if
10 the candidate is seeking the office of lieutenant governor;

11 (3) contributions from 400 or more registered voters in the candidate's
12 state senate district if the candidate is seeking the office of state senator; and

13 (4) contributions from 200 or more registered voters in the candidate's
14 state house district if the candidate is seeking the office of state representative.

15 (b) A qualifying contribution may only be accepted if accompanied by a form
16 prescribed by the commission that includes

17 (1) the name and address of the contributor;

18 (2) a signed and dated statement by the contributor supporting the
19 candidate's participation in the program; and

20 (3) the amount of the qualifying contribution.

21 (c) A contribution under this section may be accepted only by the candidate,
22 the candidate's campaign treasurer, or a deputy treasurer of the candidate's campaign.
23 A payment, gift, or anything of value may not be given in exchange for a qualifying
24 contribution. A contribution received in violation of this subsection is not a qualifying
25 contribution and may not be reported or treated by the candidate as a qualifying
26 contribution.

27 (d) The commission shall adopt regulations providing for a qualifying
28 contribution of less than \$5 from a low-income registered voter, as defined by the
29 commission. The qualifying contribution form required under (b) of this section must
30 allow a registered voter to certify that the voter meets the requirements established
31 under this subsection. A statement supporting a candidate's participation in the

1 program that is made by a registered voter qualified under this subsection shall be
2 treated as a qualifying contribution under (a) of this section, notwithstanding that the
3 voter did not make a \$5 contribution to the candidate.

4 (e) In this section, "registered voter" means a person who is a registered voter
5 at the time the person provides a qualifying contribution to the candidate or who
6 becomes a registered voter at least five days before the participating candidate applies
7 to become a certified candidate under AS 15.70.070.

8 **Sec. 15.70.070. Certification of candidates.** (a) To become a certified
9 candidate, a participating candidate shall apply for certification on a form prescribed
10 by the commission. The form must

11 (1) be filed during the qualifying period under AS 15.70.040;

12 (2) be signed by the participating candidate and the participating
13 candidate's treasurer;

14 (3) identify the office the participating candidate is seeking;

15 (4) identify the participating candidate's party, if any;

16 (5) include the participating candidate's declaration that the candidate
17 has abided by and will continue to abide by the requirements of this chapter through
18 the election cycle; and

19 (6) be accompanied by

20 (A) a campaign finance report as provided in (c) of this section;

21 and

22 (B) the number of qualifying contributions and accompanying
23 voter statements required under AS 15.70.060.

24 (b) The administrator shall certify a candidate if the administrator determines
25 that the participating candidate has

26 (1) signed and filed a declaration of intent under AS 15.70.030;

27 (2) collected the required number of qualifying contributions under
28 AS 15.70.060;

29 (3) tendered the sum of the qualifying contributions to the
30 commission;

31 (4) met all other applicable requirements for participation established

1 under this chapter: and

2 (5) agreed to abide by all requirements for participating candidates.

3 (c) The campaign finance report required under (a)(6)(A) of this section must
4 be in the form required under AS 15.13.040. The report must account for a
5 participating candidate's seed money contributions received and expenditures incurred
6 since the last report filed under AS 15.13.110, or, if no prior report has been filed, the
7 report must account for all seed money contributions received and expenditures
8 incurred through the third day before the date that the report is filed.

9 (d) A candidate who the commission determines has fewer than the required
10 number of qualifying contributions under AS 15.70.050 may submit additional
11 qualifying contributions during the qualifying period.

12 (e) In an election year, the administrator shall certify a candidate who
13 complies with the requirements of this section not later than

14 (1) five business days after the candidate's submission of the form,
15 campaign finance report, and qualifying contributions required under (a) of this
16 section if the application is submitted before May 20; and

17 (2) 10 business days after the candidate's submission of the form,
18 campaign finance report, and qualifying contributions required under (a) of this
19 section if the application is submitted on or after May 20.

20 (f) A candidate who is denied certification by the administrator is no longer
21 bound by the provisions of this chapter pertaining to participating candidates. The
22 administrator shall return to the candidate the qualifying contributions submitted by a
23 candidate who is denied certification.

24 (g) The director of elections shall assist the administrator in carrying out the
25 commission's duties under this section by

26 (1) verifying, within the time periods set out in (e) of this section, that
27 the maker of a qualifying contribution is a registered voter in the election district of
28 the candidate who has submitted the qualifying contribution; and

29 (2) verifying that the candidate has properly filed for the office the
30 candidate is seeking.

31 **Sec. 15.70.080. Limits on expenditures by participating candidates.** (a) A

1 participating candidate shall comply with the limits on campaign expenditures set out
2 in this section, as adjusted in accordance with AS 15.70.130, 15.70.160, and
3 15.70.260.

4 (b) Total expenditures for participating candidates during the primary election
5 campaign period may not exceed the following amounts:

- 6 (1) \$275,000 for a candidate for the office of governor;
- 7 (2) \$165,000 for a candidate for the office of lieutenant governor;
- 8 (3) \$26,400 for a candidate for the office of a state senator; and
- 9 (4) \$17,600 for a candidate for the office of a state representative.

10 (c) Total expenditures for participating candidates during the general election
11 period may not exceed the following amounts:

- 12 (1) \$550,000 for candidates in a joint campaign for the offices of
13 governor and lieutenant governor;
- 14 (2) \$39,600 for a candidate for the office of state senator; and
- 15 (3) \$26,400 for a candidate for the office of state representative.

16 **Sec. 15.70.090. Distribution of program funds to certified candidates.** (a) A
17 candidate certified by the commission is eligible to receive distributions from the fund
18 established under this chapter of not more than the following amounts:

- 19 (1) funds for a certified candidate in the primary election are limited to
20 (A) \$250,000 for a candidate for the office of governor;
21 (B) \$150,000 for a candidate for the office of lieutenant
22 governor;
23 (C) \$24,000 for a candidate for the office of state senator; and
24 (D) \$16,000 for a candidate for the office of state
25 representative;
- 26 (2) funds for a certified candidate in the general election are limited to
27 (A) \$500,000 for candidates in a joint campaign for the offices
28 of governor and lieutenant governor;
29 (B) \$36,000 for a candidate for the office of state senator; and
30 (C) \$24,000 for a candidate for the office of state
31 representative.

1 (b) The commission may by regulation establish procedures requiring the use
2 of debit cards by certified candidates for all or part of the funds disbursed under this
3 section. The commission may limit the use of debit cards to those election districts
4 where it determines their use is reasonable.

5 (c) A candidate who secures the nomination of a political party for an office in
6 a primary election is eligible for funds under this chapter for use in the general
7 election only if the combined votes of all of the party's candidates in the primary
8 election for that office is equal to at least 10 percent of the total number of votes cast
9 for the candidates of all parties in the primary election for that office.

10 **Sec. 15.70.100. Timing of distributions.** (a) The administrator shall make
11 distributions from the fund to certified candidates as follows:

12 (1) 25 percent of the applicable amount provided in
13 AS 15.70.090(a)(1) upon a candidate's certification under AS 15.70.070; and

14 (2) an additional 75 percent of the applicable amount provided in
15 AS 15.70.090(a)(1) to each certified candidate with an opponent who will appear on
16 the primary election ballot within two business days after the end of the qualifying
17 period under AS 15.70.040 or upon the candidate's certification, whichever is later.

18 (b) Within two business days after the director of elections certifies the results
19 of the primary election, the administrator shall distribute:

20 (1) 25 percent of the applicable amount provided in
21 AS 15.70.090(a)(2) to each certified candidate who will appear on the ballot in the
22 general election without an opponent; and

23 (2) 100 percent of the applicable amount provided in
24 AS 15.70.090(a)(2) to each certified candidate who will appear on the ballot in the
25 general election with an opponent.

26 (c) The administrator shall deduct from the amount distributed under (a) of
27 this section the amount of any unspent or unobligated seed money contributions under
28 AS 15.70.050 held by a participating candidate at the time the candidate files an
29 application for certification under AS 15.70.070. The administrator shall deduct from
30 the amounts distributed under (b) of this section the amount of any unspent or
31 unobligated primary election funds held by a certified candidate and the amount of any

1 prepaid general election expenses reported by the certified candidate.

2 (d) The administrator shall distribute any matching funds under AS 15.70.130
3 within two business days after the earlier of

4 (1) the receipt of a spending limit report by the commission under
5 AS 15.70.110 showing that a nonparticipating opposing candidate has exceeded
6 expenditure limits under AS 15.70.080; or

7 (2) a determination by the commission of excess spending on behalf of
8 or by a nonparticipating opposing candidate.

9 **Sec. 15.70.110. Spending limit reports by nonparticipating candidates.** (a)

10 If a nonparticipating candidate in a primary or general election campaign in which
11 there is at least one participating candidate makes an expenditure or incurs an
12 obligation that causes the nonparticipating candidate's total expenses to exceed 90
13 percent of the applicable expenditure limit for a participating candidate under
14 AS 15.70.080, the nonparticipating candidate shall, in addition to the reports required
15 under AS 15.13.040 and 15.13.110, within two days after exceeding that amount,
16 begin filing spending limit reports with the commission.

17 (b) If a nonparticipating candidate who is conducting a write-in campaign is
18 running against a certified candidate who does not have an opponent on the general
19 election ballot and the nonparticipating candidate makes an expenditure or incurs an
20 obligation that causes the nonparticipating candidate's total expenses to exceed 20
21 percent of the expenditure limit for the office under AS 15.70.080(c), the
22 nonparticipating candidate shall, in addition to the reports required under
23 AS 15.13.040 and 15.13.110, within two days after exceeding that amount, begin
24 filing spending limit reports with the commission.

25 (c) If the administrator determines under AS 15.70.120 that a nonparticipating
26 candidate has incurred expenses that exceed 90 percent of the applicable expenditure
27 limit for a participating candidate under AS 15.70.080, after notice, the
28 nonparticipating candidate shall, in addition to the reports required under
29 AS 15.13.040 and 15.13.110, begin filing spending limit reports with the commission.

30 (d) A nonparticipating candidate under (a), (b), or (c) of this section shall file a
31 spending limit report on the Monday of each succeeding week until 14 days before the

1 election and, beginning 14 days before the election, every two business days until the
2 day of the election.

3 (e) A spending limit report under this section must include a statement of the
4 total dollar amount of all expenses incurred through the day before the date of the
5 report.

6 (f) Spending limit reports shall be filed electronically with the commission.

7 **Sec. 15.70.120. Determination by the administrator of excess expenses**
8 **incurred by a nonparticipating candidate.** The administrator may, after notice to a
9 nonparticipating candidate and an opportunity for a hearing, make a determination that
10 the nonparticipating candidate has incurred excess expenses based on

11 (1) a nonparticipating candidate's report of expenditures;

12 (2) a determination regarding independent expenditures under
13 AS 15.70.140; or

14 (3) the administrator's own investigation.

15 **Sec. 15.70.130. Matching funds.** (a) If a nonparticipating candidate files a
16 spending limit report under AS 15.70.110(a) or if the administrator determines under
17 AS 15.70.120 that a nonparticipating candidate has incurred expenses that exceed the
18 expenditure limits for participating candidates set out under AS 15.70.080, the
19 administrator shall, within two business days, distribute to each certified candidate in
20 that election contest an amount equal to the amount of the nonparticipating candidate's
21 excess expenses. The expenditure limits set out in AS 15.70.080 for each participating
22 candidate in that election contest shall be increased by the amount distributed to each
23 certified candidate. The amounts distributed under this subsection are limited as
24 follows:

25 (1) the total amount of funds distributed to a certified candidate during
26 the primary election campaign period, including matching funds distributed under this
27 section, may not exceed three times the primary election expenditure limits under
28 AS 15.70.080(b);

29 (2) the total amount of funds distributed to a certified candidate during
30 the general election campaign period, including matching funds distributed under this
31 section, may not exceed three times the general election expenditure limits under

1 AS 15.70.080(c); and

2 (3) in an election contest with more than one nonparticipating
3 candidate, each certified candidate shall receive matching funds under this section
4 only up to the amount of the excess expenses incurred by the nonparticipating
5 candidate having the highest excess expenses.

6 (b) On receipt of a spending limit report from a nonparticipating candidate
7 under AS 15.70.110(b), the administrator shall disburse to each certified candidate 75
8 percent of the amount set out in AS 15.70.090(a)(2).

9 (c) An expenditure limit that is increased under this section is only increased
10 for the current election cycle.

11 **Sec. 15.70.140. Independent expenditures.** (a) A person or group that makes
12 an independent expenditure under AS 15.13.135 supporting or opposing a
13 participating candidate exceeding \$500 during an election cycle shall report the
14 expenditure to the commission as provided in (b) of this section. The report shall be
15 filed in addition to any reports required under AS 15.13.040 and 15.13.110. The report
16 must include a signed statement from the person or group making the independent
17 expenditure identifying the candidate or candidates that the independent expenditure is
18 intended to help elect or defeat, if any, and affirming that the expenditure is totally
19 independent and does not involve cooperation or coordination with a candidate or a
20 political party.

21 (b) If an independent expenditure is made 45 days or more before a primary or
22 general election, the report required under (a) of this section must be filed within
23 seven days. If the expenditure is made less than 45 days before a primary or general
24 election, the report required under (a) of this section must be filed within two days.

25 (c) A certified candidate may file a complaint with the commission that

26 (1) an independent expenditure has not been reported;

27 (2) the amount of an independent expenditure has been underreported;

28 or

29 (3) the report under (a) of this section does not correctly identify the
30 candidate the expenditure is intended to help elect or defeat.

31 (d) A complaint under (c) of this section must include a statement of facts

1 supporting the complaint, the name of the candidate the complainant believes the
2 expenditure is intended to help elect or defeat, and, if available to the complainant, a
3 copy of the communication alleged to have been funded by the independent
4 expenditure. The administrator shall give the person or group making the expenditure
5 an opportunity to be heard. Within seven days after the filing of the complaint, the
6 administrator shall decide whether the subject of the complaint is an independent
7 expenditure under this section and, if necessary, whom the expenditure is intended to
8 help elect or defeat. A decision of the administrator under this subsection is valid only
9 for the purpose of determining the appropriate treatment of the expenditure under (e)
10 of this section.

11 (e) If an independent expenditure is reported under (a) of this section or an
12 expenditure is determined to be an independent expenditure under (d) of this section,
13 the administrator, in determining whether a participating candidate is entitled to
14 matching funds under AS 15.70.130, shall

15 (1) treat an independent expenditure against a participating candidate
16 as the expenditure of the highest spending nonparticipating candidate in that election
17 contest;

18 (2) treat an independent expenditure made in support of a
19 nonparticipating candidate as if it were the expenditure of that candidate;

20 (3) in an election contest with more than one participating candidate,
21 treat an independent expenditure made in support of a participating candidate as if it
22 were an excess expenditure of a nonparticipating opposing candidate of any other
23 participating candidate in that election contest;

24 (4) in an election contest with more than one participating candidate,
25 treat an independent expenditure against a participating candidate as if it were an
26 excess expenditure of a nonparticipating opposing candidate of that participating
27 candidate.

28 **Sec. 15.70.150. Permitted use of funds.** (a) A participating candidate may use
29 contributions and funds received under this chapter only for the purposes set out in
30 AS 15.13.112.

31 (b) If the commission determines that a participating candidate used funds

1 received under this chapter in violation of AS 15.13.112, the commission shall notify
2 the participating candidate, and the candidate shall, after notice and opportunity for
3 hearing, reimburse the fund the amount determined by the commission.

4 **Sec. 15.70.160. Contributions by political parties.** A participating candidate
5 may accept contributions from a political party during the primary and general
6 election campaign periods if the total amount of contributions received by the
7 candidate from all political parties does not exceed 10 percent of the fund distribution
8 for the office the participating candidate seeks under AS 15.70.090(a)(1) for the
9 primary election or AS 15.70.090(a)(2) for the general election.

10 **Sec. 15.70.170. Repayment of unused funds.** (a) Within 14 days after the
11 director of elections certifies the results of the primary election, a certified candidate
12 who is not successful in the primary election shall return to the commission all funds
13 received by the candidate under this chapter that were not spent or obligated to be
14 spent during the primary election campaign period.

15 (b) Within 14 days after the certification of the results of the general election,
16 a certified candidate shall return to the commission all funds received by the candidate
17 under this chapter that were not spent or obligated to be spent during the general
18 election campaign period.

19 **Sec. 15.70.180. Candidates by petition.** (a) A candidate who is seeking to be
20 nominated by petition under AS 15.25.140 – 15.25.200 may become a certified
21 candidate by complying with the requirements of AS 15.70.020 – 15.70.070. The
22 administrator may not certify a candidate under this subsection until the director of
23 elections has verified that the candidate has qualified for the general election ballot. A
24 candidate nominated by petition is eligible only for funding under AS 15.70.090(a)(2).

25 (b) A certified candidate who has been nominated by petition may solicit and
26 accept private contributions and contributions from political parties for the general
27 election if the total amount of contributions received by the candidate does not exceed
28 10 percent of the fund distribution for the office the candidate seeks under
29 AS 15.70.090(a)(2).

30 **Sec. 15.70.190. Governor and lieutenant governor joined campaigns.** (a) If
31 a political party nominates candidates for governor and lieutenant governor who were

1 both participating candidates during the primary election campaign period, the
2 candidates shall form a joined campaign for the general election. The joined campaign
3 is a "participating candidate" under this chapter and is eligible to receive general
4 election funding under AS 15.70.090(a)(2).

5 (b) If a political party nominates candidates for governor and lieutenant
6 governor and only one of the candidates was a certified candidate under this chapter
7 during the primary election campaign period, the candidates may form a joined
8 campaign that is eligible to receive general election funding under AS 15.70.090(a)(2)
9 if the nonparticipating candidate complies with the requirements of (c) or (d) of this
10 section.

11 (c) If a nonparticipating candidate declines to form a joined campaign with a
12 participating candidate subject to this chapter, the candidates shall maintain separate
13 campaign accounts and may not coordinate campaign expenditures. The participating
14 candidate is eligible to receive the amount authorized for a joined campaign under
15 AS 15.70.090(a)(2). An expenditure by the nonparticipating candidate during the
16 general election campaign period shall be treated as an expenditure of the participating
17 candidate under AS 15.70.140.

18 (d) If, from the beginning of the election cycle through the end of the primary
19 election campaign period, a nonparticipating candidate who has declined to form a
20 joined campaign with a participating candidate spent less than the amount set out in
21 AS 15.70.080(b)(1) or (2), the nonparticipating candidate may transfer unspent
22 contributions to the joined campaign up to the amount set out in AS 15.70.080(b)(1) or
23 (2) less the amount spent by the participating candidate and amount of general election
24 expenses prepaid by the participating candidate. Any remaining unspent or
25 unobligated private contributions held by the nonparticipating candidate shall be
26 disbursed in accordance with AS 15.13.116.

27 (e) If, from the beginning of the election cycle through the end of the primary
28 election campaign period, the nonparticipating candidate spent more than the amount
29 set out in AS 15.70.080(b)(1) or (2), the joined campaign is eligible to receive the
30 amount set out in AS 15.70.090(a)(2) less the amount the candidates spent on prepaid
31 general election expenses.

1 (f) If a political party nominates candidates for governor and lieutenant
2 governor and neither candidate was a participating candidate during the primary
3 election period, a joined campaign formed by the two nonparticipating candidates is
4 not eligible for funding under this chapter.

5 **Sec. 15.70.200. Write-in candidates.** (a) A candidate who is conducting a
6 write-in campaign is not eligible for funds authorized to be distributed under this
7 chapter and shall be treated as a nonparticipating candidate under this chapter.

8 (b) If a candidate who is conducting a write-in campaign is running against a
9 certified candidate who has an opponent on the general election ballot, the write-in
10 candidate shall comply with the reporting requirements of AS 15.70.110.

11 **Sec. 15.70.210. Withdrawal by participating candidate.** (a) A candidate may
12 withdraw from participation as a participating candidate at any time within 10 days
13 after the end of the qualifying period under AS 15.70.040 by delivering to the
14 commission a notice of the candidate's intent to withdraw. The candidate may not
15 accept any private contributions until three days after the notice of the candidate's
16 intent to withdraw is received by the commission. A candidate who has submitted a
17 notice of the candidate's intent to withdraw may not receive any further funds
18 authorized to be distributed under this chapter.

19 (b) A participating candidate who withdraws before submitting qualifying
20 contributions to the commission shall use the candidate's best efforts to return all
21 qualifying contributions the candidate has collected to the contributors within 30 days
22 after the candidate's withdrawal. If a contributor cannot be located, the qualifying
23 contributions collected by the candidate shall be remitted to the fund. Any qualifying
24 contributions already submitted by a participating candidate who withdraws shall
25 remain in the fund.

26 (c) A certified candidate who has already received funds authorized to be
27 distributed under this chapter before filing a notice of an intent to withdraw shall
28 immediately stop spending the funds on submission of the notice. The candidate shall
29 return all the unspent funds to the commission within five days after submitting the
30 notice of the candidate's intent to withdraw. The candidate shall repay to the
31 commission all the funds received and spent by the candidate within 30 days after

1 submitting the notice of the candidate's intent to withdraw. A candidate who has not
2 repaid all the funds distributed to the candidate under this chapter within 30 days after
3 withdrawing may not spend private contributions for any purpose until the funds have
4 been repaid.

5 (d) The commission shall adopt regulations governing the form of a notice of
6 a candidate's intent to withdraw.

7 **Sec. 15.70.220. Ballot identification.** The director of elections shall inform
8 voters of which candidates on the ballot are participating in the program established
9 under this chapter by placing the following sentence below the name of each
10 participating candidate on the ballot in the primary and general elections: "This
11 candidate is participating in the state's voluntary public financing of elections
12 program."

13 **Sec. 15.70.230. Insufficient funding.** If, during the election year, the
14 commission determines that there is not enough money appropriated to fully fund all
15 participating candidates, the commission shall issue a declaration of insufficient
16 funding and authorize participating candidates to solicit and accept private
17 contributions permitted under AS 15.13. If the commission issues a declaration of
18 insufficient funding, a participating candidate may not accept more in private
19 contributions than is authorized under the candidate's spending limit under this
20 chapter.

21 **Sec. 15.70.240. Civil penalties.** (a) Except as provided in (b) of this section, a
22 person who violates a provision of this chapter or a regulation adopted under this
23 chapter is subject to a civil penalty not to exceed \$5,000.

24 (b) In addition to any other penalty imposed by law, a certified candidate who
25 exceeds the expenditure limits established under this chapter shall pay as a civil
26 penalty to the fund an amount equal to

27 (1) the amount by which the certified candidate exceeded the limit if
28 the limit is exceeded by more than one percent but not more than three percent;

29 (2) three times the amount by which the certified candidate exceeded
30 the limit if the limit is exceeded by more than three percent but not more than five
31 percent; or

1 (3) five times the amount by which the certified candidate exceeded
2 the limit if the limit is exceeded by more than five percent.

3 (c) A certified candidate who violates the expenditure limits established under
4 this chapter by more than 10 percent is disqualified as a candidate and, if elected, shall
5 forfeit the office to which the candidate was elected.

6 (d) In addition to any other penalty imposed by law, if a nonparticipating
7 candidate fails to file a timely and accurate report under AS 15.70.110 and the failure
8 to do so results in the late payment or nonpayment of matching funds, the
9 nonparticipating candidate shall pay as a civil penalty an amount equal to

10 (1) the amount of matching funds not paid or paid late to a single
11 certified candidate running for the same office, if the amount of the matching funds is
12 \$2,000 or less;

13 (2) three times the amount of matching funds not paid or paid late to a
14 single certified candidate running for the same office, if the amount of the matching
15 funds is more than \$2,000 but less than \$5,000;

16 (3) five times the amount of matching funds not paid or paid late to a
17 single certified candidate running for the same office, if the amount of the matching
18 funds is \$5,000 or more but less than \$10,000; or

19 (4) 10 times the amount of matching funds not paid or paid late to a
20 single certified candidate running for the same office, if the amount of the matching
21 funds is \$10,000 or more.

22 (e) In addition to any other penalty imposed by law, a person or group who
23 makes an independent expenditure under AS 15.70.140(a) and does not file a timely
24 and accurate report under AS 15.70.140 resulting in the late payment or nonpayment
25 of matching funds to a certified candidate, the person or group making the
26 independent expenditure shall pay as a civil penalty an amount equal to

27 (1) the amount of matching funds not paid or paid late to a single
28 certified candidate, if the amount of the matching funds is \$2,000 or less;

29 (2) three times the amount of matching funds not paid or paid late to a
30 single certified candidate, if the amount of the matching funds is more than \$2,000 but
31 less than \$5,000;

1 (3) five times the amount of matching funds not paid or paid late to a
2 single certified candidate, if the amount of the matching funds is \$5,000 or more but
3 less than \$10,000; or

4 (4) 10 times the amount of matching funds not paid or paid late to a
5 single certified candidate, if the amount of the matching funds is \$10,000 or more.

6 (f) In addition to a civil penalty, the commission may require a certified
7 candidate found to be in violation of this chapter or a regulation adopted under this
8 chapter to repay to the fund all or part of the funds distributed to the candidate.

9 (g) The legislature may appropriate money received as civil penalties under
10 this section to the fund.

11 **Sec. 15.70.250. Administrative procedure and appeals.** (a) A candidate who
12 has been denied certification under AS 15.70.070, the opponent of a candidate who
13 has been granted certification under AS 15.70.070, or a registered voter residing in the
14 house district, senate district, or area in which the certified candidate is running for
15 office may challenge a certification decision under this chapter.

16 (b) A certification decision may be appealed to the commission within seven
17 days after the certification decision. The appeal must be in writing and must set out the
18 reasons for the appeal.

19 (c) Within five days after an appeal is properly made and notice is given to the
20 appellant and any candidate in the house district, senate district, or area in which the
21 candidate is running for office, the commission shall hold a hearing. The appellant has
22 the burden of demonstrating that the administrator's decision was improper. The
23 commission shall rule on the appeal within three days after the completion of the
24 hearing.

25 (d) A candidate whose certification is revoked on appeal shall return any
26 unspent distributions from the fund.

27 (e) A decision of the administrator to disburse matching funds under
28 AS 15.70.130 may be appealed to the commission by a candidate opposed to the
29 distribution or by a person or group making an independent expenditure under
30 AS 15.70.140. A decision by the administrator to disburse matching funds shall be
31 implemented, notwithstanding the filing of an appeal, unless the commission issues a

1 stay of the administrator's decision.

2 (f) Any other decision of the administrator may be appealed to the
3 commission. The commission shall adopt regulations establishing appeal procedures.

4 (g) A person or group who believes that a violation of this chapter or a
5 regulation adopted under this chapter has occurred or is occurring may file an
6 administrative complaint with the commission within one year after the date of the
7 alleged violation. The commission may consider a complaint on an expedited basis or
8 a regular basis. The complaint shall be considered in accordance with the procedures
9 set out at AS 15.13.380(b) - (h).

10 (h) A decision of the commission under (c) of this section may be appealed to
11 the superior court. The court may consider the appeal on an expedited basis.

12 **Sec. 15.70.260. Adjustment for inflation.** Beginning in January 2011 and
13 every four years thereafter, the commission shall modify the dollar values specified in
14 AS 15.70.050, 15.70.080, and 15.70.090 to account for inflation. The commission
15 shall adopt by regulation a method to determine and publicly report the amount of the
16 adjustment.

17 **Sec. 15.70.270. Regulations.** The commission shall adopt regulations to
18 ensure effective administration of this chapter. The regulations must include
19 procedures for obtaining qualifying contributions, certification of candidates, recounts,
20 withdrawal or replacement of candidates, distribution of funds authorized by this
21 chapter, reporting of prepaid general election expenses, return of unspent fund
22 distributions, processing complaints alleging violations of this chapter, recordkeeping,
23 and compliance with this chapter.

24 **Sec. 15.70.280. Report to the legislature.** By January 30, 2010, and every
25 four years after that date, the commission shall submit a report to the legislature
26 documenting, evaluating, and making recommendations relating to the administration,
27 implementation, and enforcement of this chapter and of the cleanpublic financing of
28 elections fund established in AS 15.70.010.

29 **Sec. 15.70.390. Definitions.** In this chapter,

30 (1) "administrator" means the administrator of the cleanpublic
31 financing of elections program appointed in accordance with AS 15.13.030(11);

- 1 (2) "commission" means the Alaska Public Offices Commission;
- 2 (3) "contribution" has the meaning given in AS 15.13.400;
- 3 (4) "election cycle," as applied to a candidate for state office, is the
- 4 period beginning on the 31st day following a general election for that office and
- 5 ending on the 30th day following the next general election for that office;
- 6 (5) "election year" means the calendar year during which a state
- 7 general election for a particular office is held;
- 8 (6) "expenditure" has the meaning given in AS 15.13.400;
- 9 (7) "fund" means the cleanpublic financing of elections fund
- 10 established in AS 15.70.010;
- 11 (8) "general election campaign period" means the period beginning the
- 12 day following the primary election and ending on the day of the general election;
- 13 (9) "independent expenditure" has the meaning given in AS 15.13.400;
- 14 (10) "nonparticipating candidate" means a candidate, as that term is
- 15 defined in AS 15.13.400, who has not been certified under AS 15.70.070;
- 16 (11) "participating candidate" means
- 17 (A) a candidate, as that term is defined in AS 15.13.400, who
- 18 has agreed to participate in the program authorized by this chapter, who has
- 19 submitted and not withdrawn a declaration of intent, and who has not been
- 20 denied certification by the commission; and
- 21 (B) the joined campaign of the candidates for governor and
- 22 lieutenant governor under AS 15.70.190(b);
- 23 (12) "prepaid general election expenses" means payments made by a
- 24 candidate before the end of the primary election campaign period for goods or services
- 25 that will be delivered or provided during the general election campaign period and
- 26 includes
- 27 (A) rental payments;
- 28 (B) radio, television, newspaper, and other forms of
- 29 advertising;
- 30 (C) wages, salaries, and personnel costs;
- 31 (D) consulting services;

1 (E) other payments defined by the commission by regulation;

2 (13) "primary election campaign period" means the period beginning
3 the day following the qualifying period and ending the day of the primary election;

4 (14) "program" means the program authorized by this chapter;

5 (15) "qualifying contribution" means an allowable contribution under
6 AS 15.70.060 to a participating candidate that is made after the candidate submits a
7 declaration of intent and before the end of the qualifying period;

8 (16) "qualifying period" means the period during which a candidate
9 may collect qualifying contributions for the purpose of becoming a certified candidate;
10 for a candidate for statewide office, the period begins on August 1 of the year
11 preceding a year in which a general election is held and ends on June 1 of the general
12 election year; for a candidate for the legislature, the period begins on October 1 of the
13 year preceding a year in which a general election is held and ends on June 1 of the
14 general election year;

15 (17) "seed money contribution" means a contribution of not more than
16 \$100 from each individual made to a candidate, including a contribution from the
17 candidate or the candidate's relative;

18 (18) "statewide office" means the office of governor or lieutenant
19 governor.

20 **Sec. 15.70.395. Short title.** This chapter may be known as the ~~Clean~~Public
21 Financing of Elections Act.

22 * **Sec. 3.** AS 15.13.010 is amended by adding a new subsection to read:

23 (e) This chapter does not limit the application of AS 15.70 to contributions,
24 expenditures, and communications made for the purpose of influencing the nomination
25 or election of a candidate for governor, lieutenant governor, or a member of the state
26 legislature.

27 * **Sec. 4.** AS 15.13.030 is amended to read:

28 **Sec. 15.13.030. Duties of the commission.** The commission shall

29 (1) develop and provide all forms for the reports and statements
30 required to be made under this chapter. AS 15.70, AS 24.45, and AS 39.50;

31 (2) prepare and publish a manual setting out uniform methods of

1 bookkeeping and reporting for use by persons required to make reports and statements
2 under this chapter and AS 15.70, and otherwise assist candidates, groups, and
3 individuals in complying with the requirements of this chapter and AS 15.70;

4 (3) receive and hold open for public inspection reports and statements
5 required to be made under this chapter and AS 15.70, and, upon request, furnish
6 copies at cost to interested persons;

7 (4) compile and maintain a current list of all filed reports and
8 statements;

9 (5) prepare a summary of each report filed under AS 15.13.110 and
10 AS 15.70 and make copies of this summary available to interested persons at their
11 actual cost;

12 (6) notify, by registered or certified mail, all persons who are
13 delinquent in filing reports and statements required to be made under this chapter and
14 AS 15.70;

15 (7) examine, investigate, and compare all reports, statements, and
16 actions required by this chapter, AS 15.70, AS 24.45, and AS 39.50;

17 (8) prepare and publish a biennial report concerning the activities of
18 the commission, the effectiveness of this chapter, its enforcement by the attorney
19 general's office, and recommendations and proposals for change; the commission shall
20 notify the legislature that the report is available;

21 (9) adopt regulations necessary to implement and clarify the provisions
22 of AS 15.70, AS 24.45, AS 39.50, and this chapter, subject to the provisions of
23 AS 44.62 (Administrative Procedure Act); [AND]

24 (10) consider a written request for an advisory opinion concerning the
25 application of this chapter, AS 15.70, AS 24.45, AS 24.60.200 - 24.60.200, or
26 AS 39.50; and

27 (11) appoint an administrator to oversee AS 15.70 and to make
28 decisions authorized by that chapter or decisions under that chapter that are
29 delegated to the administrator by the commission.

30 * Sec. 5. AS 15.13.045(b) is amended to read:

31 (b) In conjunction with (a) of this section, the commission may compel the

1 attendance of witnesses and production of papers, books, records, accounts,
2 documents, and testimony, and may have the deposition of witnesses taken in a
3 manner prescribed by court rule or law for the taking of depositions in civil actions
4 when consistent with the powers and duties assigned to the commission by this chapter
5 and AS 15.70.

6 * Sec. 6. AS 15.13.045(c) is amended to read:

7 (c) The commission may examine the papers, books, records, accounts, and
8 documents of any person subject to this chapter and AS 15.70 to ascertain the
9 correctness of a report filed with the commission, or in conjunction with an
10 investigation or inspection conducted under (a) of this section.

11 * Sec. 7. AS 15.56.012(a) is amended to read:

12 (a) Except as provided in AS 15.56.014 and 15.56.016, a person commits the
13 crime of campaign misconduct in the first degree if the person knowingly engages in
14 conduct that violates a provision of AS 15.13 or AS 15.70, or a regulation adopted
15 under authority of AS 15.13 or AS 15.70.

16 * Sec. 8. The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 APPLICABILITY. This Act applies

19 (1) after December 31, 2008, for the election cycles, as that term is defined by
20 AS 15.70.390, enacted by sec. 2 of this Act, for the offices of state senator and state
21 representative; and

22 (2) after December 31, 2010, for the election cycle, as that term is defined by
23 AS 15.70.390, enacted by sec. 2 of this Act, for the offices of governor and lieutenant
24 governor.

25-LS0929\M
Bullard
2/21/08

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 261(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LEDOUX, Gardner, Doll

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a program of public funding for the financing of election
2 campaigns of candidates for state elected offices."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 FINDINGS. The legislature finds that providing a voluntary public financing system
7 for all primary and general state elections would enhance democracy in the state in the
8 following principal ways:

9 (1) it would affirm the principle of "one person, one vote," reduce the
10 disproportionate and deleterious influence of large contributors, and restore the rights of
11 citizens of all backgrounds to equal and meaningful participation in the democratic process;

12 (2) it would slow the escalating cost of elections;

13 (3) it would enable voters and candidates to hear and to be heard in the
14 political process, and restore open and robust debate on issues of public concern;

1 (4) it would diminish the public perception of corruption, strengthen public
2 confidence in democratic institutions and processes, and eliminate the danger of corruption
3 caused by the private financing of election campaigns;

4 (5) it would increase the accountability of elected officials to the constituents
5 who elect them;

6 (6) it would create genuine opportunities for qualified residents of the state to
7 run for state office and encourage more competitive elections; and

8 (7) it would free elected officials from the incessant rigors of fundraising and
9 allow them more time to carry out their official duties.

10 * **Sec. 2.** AS 15 is amended by adding a new chapter to read:

11 **Chapter 70. Public Financing of Elections.**

12 **Sec. 15.70.010. Public financing of elections fund.** (a) The public financing
13 of elections fund is created in the general fund. The administrator shall use the fund to
14 finance the election campaigns of candidates certified under this chapter who are
15 running for the office of governor, lieutenant governor, state senator, or state
16 representative, and to pay the administrative and enforcement costs of this chapter
17 incurred by the commission.

18 (b) The legislature may appropriate money from the following sources to the
19 fund:

20 (1) the amount of the qualifying contributions required to be tendered
21 by candidates applying for certification under AS 15.70.070;

22 (2) unspent funds returned by a participating candidate under this
23 chapter; and

24 (3) fines or monetary penalties levied by the commission against
25 candidates for violations of this chapter.

26 (c) Money appropriated to the fund may be spent without further
27 appropriation.

28 (d) Money in the fund does not lapse.

29 **Sec. 15.70.020. Limitations on participating candidates.** (a) During an
30 election cycle, a participating candidate may not accept, expend, or agree to expend
31 any contributions or funds other than

- 1 (1) seed money contributions allowed under AS 15.70.050;
- 2 (2) funds received under AS 15.70.090 - 15.70.130;
- 3 (3) contributions from a political party under AS 15.70.160; and
- 4 (4) private contributions allowed under AS 15.70.180(b).

5 (b) A participating candidate who receives funds under this chapter during the
6 primary election campaign period shall comply with the requirements of this chapter
7 during the subsequent general election campaign period.

8 (c) A participating candidate may only use contributions and funds received
9 under this chapter during an election cycle to pay expenses or expenditures incurred
10 during that election cycle.

11 (d) A participating candidate may not use funds received under this chapter for
12 costs or legal fees related to representation before the commission or for defense of
13 any enforcement action under this chapter.

14 (e) A participating candidate may not expend funds raised or received before
15 the election cycle.

16 (f) A participating candidate shall comply with the expenditure limits set out
17 in AS 15.70.080.

18 (g) A participating candidate shall continue to be bound by all other applicable
19 election and campaign finance statutes and regulations, except for provisions in
20 express or clear conflict with the provisions of this chapter.

21 (h) Nothing in this chapter prevents a participating candidate from having a
22 legal defense fund.

23 **Sec. 15.70.030. Declaration of intent.** (a) A candidate may become a
24 participating candidate under this chapter by filing a statement declaring the
25 candidate's intent to seek certification under AS 15.70.070 and to comply with the
26 requirements of this chapter. The candidate may file the candidate's declaration of
27 intent with the commission at any time before the end of the qualifying period under
28 AS 15.70.040 during the election cycle.

29 (b) Before submitting a declaration of intent under (a) of this section, a
30 candidate who intends to participate in the public financing of elections program may
31 not solicit or collect

1 (1) seed money contributions; or

2 (2) qualifying contributions.

3 **Sec. 15.70.040. Qualifying period.** (a) A candidate for governor or lieutenant
4 governor may qualify between August 1 of the year preceding a year in which the
5 general election is held and June 1 of the year of the general election.

6 (b) A candidate for the office of state senator or state representative may
7 qualify between October 1 of the year preceding a year in which the general election is
8 held and June 1 of the year in which a general election is held.

9 **Sec. 15.70.050. Seed money contributions.** (a) A participating candidate may
10 accept a contribution not to exceed \$100 from an individual at any time during an
11 election cycle before filing an application for certification under AS 15.70.070. A
12 participating candidate may expend the seed money contributions for the purpose of
13 soliciting qualifying contributions under AS 15.70.060 and for any purpose authorized
14 by AS 15.13. A candidate may not accept or expend seed money contributions after
15 the candidate is certified under AS 15.70.070.

16 (b) Seed money contributions and expenditures made under this section must
17 be reported under AS 15.13.

18 (c) A participating candidate may not collect more than the following amounts
19 in seed money contributions:

20 (1) \$20,000 if the candidate is seeking the office of governor;

21 (2) \$10,000 if the candidate is seeking the office of lieutenant
22 governor;

23 (3) \$2,000 if the candidate is seeking the office of state senator; or

24 (4) \$1,000 if the candidate is seeking the office of state representative.

25 (d) A participating candidate who exceeds the applicable limit established in
26 (c) of this section shall return the excess funds to the contributors. The participating
27 candidate may return all or part of a seed money contribution, and the returned amount
28 is not counted as part of the contribution or counted toward the candidate's seed
29 money limit under (c) of this section. The participating candidate shall refund the
30 contribution within three days after the candidate discovers that the candidate's
31 applicable seed money limit has been exceeded. The candidate shall report to the

1 commission the receipt and return of all excess seed money contributions.

2 **Sec. 15.70.060. Qualifying contributions.** (a) Except as provided in (d) of this
3 section, to be certified under AS 15.70.070, a participating candidate shall obtain the
4 following number of contributions of exactly \$5:

5 (1) contributions from 3,000 or more registered voters in the state if
6 the candidate is seeking the office of governor;

7 (2) contributions from 1,500 or more registered voters in the state if
8 the candidate is seeking the office of lieutenant governor;

9 (3) contributions from 400 or more registered voters in the candidate's
10 state senate district if the candidate is seeking the office of state senator; and

11 (4) contributions from 200 or more registered voters in the candidate's
12 state house district if the candidate is seeking the office of state representative.

13 (b) A qualifying contribution may only be accepted if accompanied by a form
14 prescribed by the commission that includes

15 (1) the name and address of the contributor;

16 (2) a signed and dated statement by the contributor supporting the
17 candidate's participation in the program; and

18 (3) the amount of the qualifying contribution.

19 (c) A contribution under this section may be accepted only by the candidate,
20 the candidate's campaign treasurer, or a deputy treasurer of the candidate's campaign.
21 A payment, gift, or anything of value may not be given in exchange for a qualifying
22 contribution. A contribution received in violation of this subsection is not a qualifying
23 contribution and may not be reported or treated by the candidate as a qualifying
24 contribution.

25 (d) The commission shall adopt regulations providing for a qualifying
26 contribution of less than \$5 from a low-income registered voter, as defined by the
27 commission. The qualifying contribution form required under (b) of this section must
28 allow a registered voter to certify that the voter meets the requirements established
29 under this subsection. A statement supporting a candidate's participation in the
30 program that is made by a registered voter qualified under this subsection shall be
31 treated as a qualifying contribution under (a) of this section, notwithstanding that the

1 voter did not make a \$5 contribution to the candidate.

2 (e) In this section, "registered voter" means a person who is a registered voter
3 at the time the person provides a qualifying contribution to the candidate or who
4 becomes a registered voter at least five days before the participating candidate applies
5 to become a certified candidate under AS 15.70.070.

6 **Sec. 15.70.070. Certification of candidates.** (a) To become a certified
7 candidate, a participating candidate shall apply for certification on a form prescribed
8 by the commission. The form must

9 (1) be filed during the qualifying period under AS 15.70.040;

10 (2) be signed by the participating candidate and the participating
11 candidate's treasurer;

12 (3) identify the office the participating candidate is seeking;

13 (4) identify the participating candidate's party, if any;

14 (5) include the participating candidate's declaration that the candidate
15 has abided by and will continue to abide by the requirements of this chapter through
16 the election cycle; and

17 (6) be accompanied by

18 (A) a campaign finance report as provided in (c) of this section;

19 and

20 (B) the number of qualifying contributions and accompanying
21 voter statements required under AS 15.70.060.

22 (b) The administrator shall certify a candidate if the administrator determines
23 that the participating candidate has

24 (1) signed and filed a declaration of intent under AS 15.70.030;

25 (2) collected the required number of qualifying contributions under
26 AS 15.70.060;

27 (3) tendered the sum of the qualifying contributions to the
28 commission;

29 (4) met all other applicable requirements for participation established
30 under this chapter; and

31 (5) agreed to abide by all requirements for participating candidates.

1 (c) The campaign finance report required under (a)(6)(A) of this section must
2 be in the form required under AS 15.13.040. The report must account for a
3 participating candidate's seed money contributions received and expenditures incurred
4 since the last report filed under AS 15.13.110, or, if no prior report has been filed, the
5 report must account for all seed money contributions received and expenditures
6 incurred through the third day before the date that the report is filed.

7 (d) A candidate who the commission determines has fewer than the required
8 number of qualifying contributions under AS 15.70.050 may submit additional
9 qualifying contributions during the qualifying period.

10 (e) In an election year, the administrator shall certify a candidate who
11 complies with the requirements of this section not later than

12 (1) five business days after the candidate's submission of the form,
13 campaign finance report, and qualifying contributions required under (a) of this
14 section if the application is submitted before May 20; and

15 (2) 10 business days after the candidate's submission of the form,
16 campaign finance report, and qualifying contributions required under (a) of this
17 section if the application is submitted on or after May 20.

18 (f) A candidate who is denied certification by the administrator is no longer
19 bound by the provisions of this chapter pertaining to participating candidates. The
20 administrator shall return to the candidate the qualifying contributions submitted by a
21 candidate who is denied certification.

22 (g) The director of elections shall assist the administrator in carrying out the
23 commission's duties under this section by

24 (1) verifying, within the time periods set out in (e) of this section, that
25 the maker of a qualifying contribution is a registered voter in the election district of
26 the candidate who has submitted the qualifying contribution; and

27 (2) verifying that the candidate has properly filed for the office the
28 candidate is seeking.

29 **Sec. 15.70.080. Limits on expenditures by participating candidates.** (a) A
30 participating candidate shall comply with the limits on campaign expenditures set out
31 in this section, as adjusted in accordance with AS 15.70.130, 15.70.160, and

1 15.70.260.

2 (b) Total expenditures for participating candidates during the primary election
3 campaign period may not exceed the following amounts:

- 4 (1) \$275,000 for a candidate for the office of governor;
5 (2) \$165,000 for a candidate for the office of lieutenant governor;
6 (3) \$26,400 for a candidate for the office of a state senator; and
7 (4) \$17,600 for a candidate for the office of a state representative.

8 (c) Total expenditures for participating candidates during the general election
9 period may not exceed the following amounts:

- 10 (1) \$550,000 for candidates in a joint campaign for the offices of
11 governor and lieutenant governor;
12 (2) \$39,600 for a candidate for the office of state senator; and
13 (3) \$26,400 for a candidate for the office of state representative.

14 **Sec. 15.70.090. Distribution of program funds to certified candidates.** (a) A
15 candidate certified by the commission is eligible to receive distributions from the fund
16 established under this chapter of not more than the following amounts:

- 17 (1) funds for a certified candidate in the primary election are limited to
18 (A) \$250,000 for a candidate for the office of governor;
19 (B) \$150,000 for a candidate for the office of lieutenant
20 governor;
21 (C) \$24,000 for a candidate for the office of state senator; and
22 (D) \$16,000 for a candidate for the office of state
23 representative;
- 24 (2) funds for a certified candidate in the general election are limited to
25 (A) \$500,000 for candidates in a joint campaign for the offices
26 of governor and lieutenant governor;
27 (B) \$36,000 for a candidate for the office of state senator; and
28 (C) \$24,000 for a candidate for the office of state
29 representative.

30 (b) The commission may by regulation establish procedures requiring the use
31 of debit cards by certified candidates for all or part of the funds disbursed under this

1 section. The commission may limit the use of debit cards to those election districts
2 where it determines their use is reasonable.

3 (c) A candidate who secures the nomination of a political party for an office in
4 a primary election is eligible for funds under this chapter for use in the general
5 election only if the combined votes of all of the party's candidates in the primary
6 election for that office is equal to at least 10 percent of the total number of votes cast
7 for the candidates of all parties in the primary election for that office.

8 **Sec. 15.70.100. Timing of distributions.** (a) The administrator shall make
9 distributions from the fund to certified candidates as follows:

10 (1) 25 percent of the applicable amount provided in
11 AS 15.70.090(a)(1) upon a candidate's certification under AS 15.70.070; and

12 (2) an additional 75 percent of the applicable amount provided in
13 AS 15.70.090(a)(1) to each certified candidate with an opponent who will appear on
14 the primary election ballot within two business days after the end of the qualifying
15 period under AS 15.70.040 or upon the candidate's certification, whichever is later.

16 (b) Within two business days after the director of elections certifies the results
17 of the primary election, the administrator shall distribute:

18 (1) 25 percent of the applicable amount provided in
19 AS 15.70.090(a)(2) to each certified candidate who will appear on the ballot in the
20 general election without an opponent; and

21 (2) 100 percent of the applicable amount provided in
22 AS 15.70.090(a)(2) to each certified candidate who will appear on the ballot in the
23 general election with an opponent.

24 (c) The administrator shall deduct from the amount distributed under (a) of
25 this section the amount of any unspent or unobligated seed money contributions under
26 AS 15.70.050 held by a participating candidate at the time the candidate files an
27 application for certification under AS 15.70.070. The administrator shall deduct from
28 the amounts distributed under (b) of this section the amount of any unspent or
29 unobligated primary election funds held by a certified candidate and the amount of any
30 prepaid general election expenses reported by the certified candidate.

31 (d) The administrator shall distribute any matching funds under AS 15.70.130

1 within two business days after the earlier of

2 (1) the receipt of a spending limit report by the commission under
3 AS 15.70.110 showing that a nonparticipating opposing candidate has exceeded
4 expenditure limits under AS 15.70.080; or

5 (2) a determination by the commission of excess spending on behalf of
6 or by a nonparticipating opposing candidate.

7 **Sec. 15.70.110. Spending limit reports by nonparticipating candidates.** (a)

8 If a nonparticipating candidate in a primary or general election campaign in which
9 there is at least one participating candidate makes an expenditure or incurs an
10 obligation that causes the nonparticipating candidate's total expenses to exceed 90
11 percent of the applicable expenditure limit for a participating candidate under
12 AS 15.70.080, the nonparticipating candidate shall, in addition to the reports required
13 under AS 15.13.040 and 15.13.110, within two days after exceeding that amount,
14 begin filing spending limit reports with the commission.

15 (b) If a nonparticipating candidate who is conducting a write-in campaign is
16 running against a certified candidate who does not have an opponent on the general
17 election ballot and the nonparticipating candidate makes an expenditure or incurs an
18 obligation that causes the nonparticipating candidate's total expenses to exceed 20
19 percent of the expenditure limit for the office under AS 15.70.080(c), the
20 nonparticipating candidate shall, in addition to the reports required under
21 AS 15.13.040 and 15.13.110, within two days after exceeding that amount, begin
22 filing spending limit reports with the commission.

23 (c) If the administrator determines under AS 15.70.120 that a nonparticipating
24 candidate has incurred expenses that exceed 90 percent of the applicable expenditure
25 limit for a participating candidate under AS 15.70.080, after notice, the
26 nonparticipating candidate shall, in addition to the reports required under
27 AS 15.13.040 and 15.13.110, begin filing spending limit reports with the commission.

28 (d) A nonparticipating candidate under (a), (b), or (c) of this section shall file a
29 spending limit report on the Monday of each succeeding week until 14 days before the
30 election and, beginning 14 days before the election, every two business days until the
31 day of the election.

1 (e) A spending limit report under this section must include a statement of the
2 total dollar amount of all expenses incurred through the day before the date of the
3 report.

4 (f) Spending limit reports shall be filed electronically with the commission.

5 **Sec. 15.70.120. Determination by the administrator of excess expenses**
6 **incurred by a nonparticipating candidate.** The administrator may, after notice to a
7 nonparticipating candidate and an opportunity for a hearing, make a determination that
8 the nonparticipating candidate has incurred excess expenses based on

9 (1) a nonparticipating candidate's report of expenditures;

10 (2) a determination regarding independent expenditures under
11 AS 15.70.140; or

12 (3) the administrator's own investigation.

13 **Sec. 15.70.130. Matching funds.** (a) If a nonparticipating candidate files a
14 spending limit report under AS 15.70.110(a) or if the administrator determines under
15 AS 15.70.120 that a nonparticipating candidate has incurred expenses that exceed the
16 expenditure limits for participating candidates set out under AS 15.70.080, the
17 administrator shall, within two business days, distribute to each certified candidate in
18 that election contest an amount equal to the amount of the nonparticipating candidate's
19 excess expenses. The expenditure limits set out in AS 15.70.080 for each participating
20 candidate in that election contest shall be increased by the amount distributed to each
21 certified candidate. The amounts distributed under this subsection are limited as
22 follows:

23 (1) the total amount of funds distributed to a certified candidate during
24 the primary election campaign period, including matching funds distributed under this
25 section, may not exceed three times the primary election expenditure limits under
26 AS 15.70.080(b);

27 (2) the total amount of funds distributed to a certified candidate during
28 the general election campaign period, including matching funds distributed under this
29 section, may not exceed three times the general election expenditure limits under
30 AS 15.70.080(c); and

31 (3) in an election contest with more than one nonparticipating

1 candidate, each certified candidate shall receive matching funds under this section
2 only up to the amount of the excess expenses incurred by the nonparticipating
3 candidate having the highest excess expenses.

4 (b) On receipt of a spending limit report from a nonparticipating candidate
5 under AS 15.70.110(b), the administrator shall disburse to each certified candidate 75
6 percent of the amount set out in AS 15.70.090(a)(2).

7 (c) An expenditure limit that is increased under this section is only increased
8 for the current election cycle.

9 **Sec. 15.70.140. Independent expenditures.** (a) A person or group that makes
10 an independent expenditure under AS 15.13.135 supporting or opposing a
11 participating candidate exceeding \$500 during an election cycle shall report the
12 expenditure to the commission as provided in (b) of this section. The report shall be
13 filed in addition to any reports required under AS 15.13.040 and 15.13.110. The report
14 must include a signed statement from the person or group making the independent
15 expenditure identifying the candidate or candidates that the independent expenditure is
16 intended to help elect or defeat, if any, and affirming that the expenditure is totally
17 independent and does not involve cooperation or coordination with a candidate or a
18 political party.

19 (b) If an independent expenditure is made 45 days or more before a primary or
20 general election, the report required under (a) of this section must be filed within
21 seven days. If the expenditure is made less than 45 days before a primary or general
22 election, the report required under (a) of this section must be filed within two days.

23 (c) A certified candidate may file a complaint with the commission that

24 (1) an independent expenditure has not been reported;

25 (2) the amount of an independent expenditure has been underreported;

26 or

27 (3) the report under (a) of this section does not correctly identify the
28 candidate the expenditure is intended to help elect or defeat.

29 (d) A complaint under (c) of this section must include a statement of facts
30 supporting the complaint, the name of the candidate the complainant believes the
31 expenditure is intended to help elect or defeat, and, if available to the complainant, a

1 copy of the communication alleged to have been funded by the independent
2 expenditure. The administrator shall give the person or group making the expenditure
3 an opportunity to be heard. Within seven days after the filing of the complaint, the
4 administrator shall decide whether the subject of the complaint is an independent
5 expenditure under this section and, if necessary, whom the expenditure is intended to
6 help elect or defeat. A decision of the administrator under this subsection is valid only
7 for the purpose of determining the appropriate treatment of the expenditure under (e)
8 of this section.

9 (e) If an independent expenditure is reported under (a) of this section or an
10 expenditure is determined to be an independent expenditure under (d) of this section,
11 the administrator, in determining whether a participating candidate is entitled to
12 matching funds under AS 15.70.130, shall

13 (1) treat an independent expenditure against a participating candidate
14 as the expenditure of the highest spending nonparticipating candidate in that election
15 contest;

16 (2) treat an independent expenditure made in support of a
17 nonparticipating candidate as if it were the expenditure of that candidate;

18 (3) in an election contest with more than one participating candidate,
19 treat an independent expenditure made in support of a participating candidate as if it
20 were an excess expenditure of a nonparticipating opposing candidate of any other
21 participating candidate in that election contest;

22 (4) in an election contest with more than one participating candidate,
23 treat an independent expenditure against a participating candidate as if it were an
24 excess expenditure of a nonparticipating opposing candidate of that participating
25 candidate.

26 **Sec. 15.70.150. Permitted use of funds.** (a) A participating candidate may use
27 contributions and funds received under this chapter only for the purposes set out in
28 AS 15.13.112.

29 (b) If the commission determines that a participating candidate used funds
30 received under this chapter in violation of AS 15.13.112, the commission shall notify
31 the participating candidate, and the candidate shall, after notice and opportunity for

1 hearing, reimburse the fund the amount determined by the commission.

2 **Sec. 15.70.160. Contributions by political parties.** A participating candidate
3 may accept contributions from a political party during the primary and general
4 election campaign periods if the total amount of contributions received by the
5 candidate from all political parties does not exceed 10 percent of the fund distribution
6 for the office the participating candidate seeks under AS 15.70.090(a)(1) for the
7 primary election or AS 15.70.090(a)(2) for the general election.

8 **Sec. 15.70.170. Repayment of unused funds.** (a) Within 14 days after the
9 director of elections certifies the results of the primary election, a certified candidate
10 who is not successful in the primary election shall return to the commission all funds
11 received by the candidate under this chapter that were not spent or obligated to be
12 spent during the primary election campaign period.

13 (b) Within 14 days after the certification of the results of the general election,
14 a certified candidate shall return to the commission all funds received by the candidate
15 under this chapter that were not spent or obligated to be spent during the general
16 election campaign period.

17 **Sec. 15.70.180. Candidates by petition.** (a) A candidate who is seeking to be
18 nominated by petition under AS 15.25.140 - 15.25.200 may become a certified
19 candidate by complying with the requirements of AS 15.70.020 - 15.70.070. The
20 administrator may not certify a candidate under this subsection until the director of
21 elections has verified that the candidate has qualified for the general election ballot. A
22 candidate nominated by petition is eligible only for funding under AS 15.70.090(a)(2).

23 (b) A certified candidate who has been nominated by petition may solicit and
24 accept private contributions and contributions from political parties for the general
25 election if the total amount of contributions received by the candidate does not exceed
26 10 percent of the fund distribution for the office the candidate seeks under
27 AS 15.70.090(a)(2).

28 **Sec. 15.70.190. Governor and lieutenant governor joined campaigns.** (a) If
29 a political party nominates candidates for governor and lieutenant governor who were
30 both participating candidates during the primary election campaign period, the
31 candidates shall form a joined campaign for the general election. The joined campaign

1 is a "participating candidate" under this chapter and is eligible to receive general
2 election funding under AS 15.70.090(a)(2).

3 (b) If a political party nominates candidates for governor and lieutenant
4 governor and only one of the candidates was a certified candidate under this chapter
5 during the primary election campaign period, the candidates may form a joined
6 campaign that is eligible to receive general election funding under AS 15.70.090(a)(2)
7 if the nonparticipating candidate complies with the requirements of (c) or (d) of this
8 section.

9 (c) If a nonparticipating candidate declines to form a joined campaign with a
10 participating candidate subject to this chapter, the candidates shall maintain separate
11 campaign accounts and may not coordinate campaign expenditures. The participating
12 candidate is eligible to receive the amount authorized for a joined campaign under
13 AS 15.70.090(a)(2). An expenditure by the nonparticipating candidate during the
14 general election campaign period shall be treated as an expenditure of the participating
15 candidate under AS 15.70.140.

16 (d) If, from the beginning of the election cycle through the end of the primary
17 election campaign period, a nonparticipating candidate who has declined to form a
18 joined campaign with a participating candidate spent less than the amount set out in
19 AS 15.70.080(b)(1) or (2), the nonparticipating candidate may transfer unspent
20 contributions to the joined campaign up to the amount set out in AS 15.70.080(b)(1) or
21 (2) less the amount spent by the participating candidate and amount of general election
22 expenses prepaid by the participating candidate. Any remaining unspent or
23 unobligated private contributions held by the nonparticipating candidate shall be
24 disbursed in accordance with AS 15.13.116.

25 (e) If, from the beginning of the election cycle through the end of the primary
26 election campaign period, the nonparticipating candidate spent more than the amount
27 set out in AS 15.70.080(b)(1) or (2), the joined campaign is eligible to receive the
28 amount set out in AS 15.70.090(a)(2) less the amount the candidates spent on prepaid
29 general election expenses.

30 (f) If a political party nominates candidates for governor and lieutenant
31 governor and neither candidate was a participating candidate during the primary

1 election period, a joined campaign formed by the two nonparticipating candidates is
2 not eligible for funding under this chapter.

3 **Sec. 15.70.200. Write-in candidates.** (a) A candidate who is conducting a
4 write-in campaign is not eligible for funds authorized to be distributed under this
5 chapter and shall be treated as a nonparticipating candidate under this chapter.

6 (b) If a candidate who is conducting a write-in campaign is running against a
7 certified candidate who has an opponent on the general election ballot, the write-in
8 candidate shall comply with the reporting requirements of AS 15.70.110.

9 **Sec. 15.70.210. Withdrawal by participating candidate.** (a) A candidate may
10 withdraw from participation as a participating candidate at any time within 10 days
11 after the end of the qualifying period under AS 15.70.040 by delivering to the
12 commission a notice of the candidate's intent to withdraw. The candidate may not
13 accept any private contributions until three days after the notice of the candidate's
14 intent to withdraw is received by the commission. A candidate who has submitted a
15 notice of the candidate's intent to withdraw may not receive any further funds
16 authorized to be distributed under this chapter.

17 (b) A participating candidate who withdraws before submitting qualifying
18 contributions to the commission shall use the candidate's best efforts to return all
19 qualifying contributions the candidate has collected to the contributors within 30 days
20 after the candidate's withdrawal. If a contributor cannot be located, the qualifying
21 contributions collected by the candidate shall be remitted to the fund. Any qualifying
22 contributions already submitted by a participating candidate who withdraws shall
23 remain in the fund.

24 (c) A certified candidate who has already received funds authorized to be
25 distributed under this chapter before filing a notice of an intent to withdraw shall
26 immediately stop spending the funds on submission of the notice. The candidate shall
27 return all the unspent funds to the commission within five days after submitting the
28 notice of the candidate's intent to withdraw. The candidate shall repay to the
29 commission all the funds received and spent by the candidate within 30 days after
30 submitting the notice of the candidate's intent to withdraw. A candidate who has not
31 repaid all the funds distributed to the candidate under this chapter within 30 days after

1 withdrawing may not spend private contributions for any purpose until the funds have
2 been repaid.

3 (d) The commission shall adopt regulations governing the form of a notice of
4 a candidate's intent to withdraw.

5 **Sec. 15.70.220. Ballot identification.** The director of elections shall inform
6 voters of which candidates on the ballot are participating in the program established
7 under this chapter by placing the following sentence below the name of each
8 participating candidate on the ballot in the primary and general elections: "This
9 candidate is participating in the state's voluntary public financing of elections
10 program."

11 **Sec. 15.70.230. Insufficient funding.** If, during the election year, the
12 commission determines that there is not enough money appropriated to fully fund all
13 participating candidates, the commission shall issue a declaration of insufficient
14 funding and authorize participating candidates to solicit and accept private
15 contributions permitted under AS 15.13. If the commission issues a declaration of
16 insufficient funding, a participating candidate may not accept more in private
17 contributions than is authorized under the candidate's spending limit under this
18 chapter.

19 **Sec. 15.70.240. Civil penalties.** (a) Except as provided in (b) of this section, a
20 person who violates a provision of this chapter or a regulation adopted under this
21 chapter is subject to a civil penalty not to exceed \$5,000.

22 (b) In addition to any other penalty imposed by law, a certified candidate who
23 exceeds the expenditure limits established under this chapter shall pay as a civil
24 penalty to the fund an amount equal to

25 (1) the amount by which the certified candidate exceeded the limit if
26 the limit is exceeded by more than one percent but not more than three percent;

27 (2) three times the amount by which the certified candidate exceeded
28 the limit if the limit is exceeded by more than three percent but not more than five
29 percent; or

30 (3) five times the amount by which the certified candidate exceeded
31 the limit if the limit is exceeded by more than five percent.

1 (c) A certified candidate who violates the expenditure limits established under
2 this chapter by more than 10 percent is disqualified as a candidate and, if elected, shall
3 forfeit the office to which the candidate was elected.

4 (d) In addition to any other penalty imposed by law, if a nonparticipating
5 candidate fails to file a timely and accurate report under AS 15.70.110 and the failure
6 to do so results in the late payment or nonpayment of matching funds, the
7 nonparticipating candidate shall pay as a civil penalty an amount equal to

8 (1) the amount of matching funds not paid or paid late to a single
9 certified candidate running for the same office, if the amount of the matching funds is
10 \$2,000 or less;

11 (2) three times the amount of matching funds not paid or paid late to a
12 single certified candidate running for the same office, if the amount of the matching
13 funds is more than \$2,000 but less than \$5,000;

14 (3) five times the amount of matching funds not paid or paid late to a
15 single certified candidate running for the same office, if the amount of the matching
16 funds is \$5,000 or more but less than \$10,000; or

17 (4) 10 times the amount of matching funds not paid or paid late to a
18 single certified candidate running for the same office, if the amount of the matching
19 funds is \$10,000 or more.

20 (e) In addition to any other penalty imposed by law, a person or group who
21 makes an independent expenditure under AS 15.70.140(a) and does not file a timely
22 and accurate report under AS 15.70.140 resulting in the late payment or nonpayment
23 of matching funds to a certified candidate, the person or group making the
24 independent expenditure shall pay as a civil penalty an amount equal to

25 (1) the amount of matching funds not paid or paid late to a single
26 certified candidate, if the amount of the matching funds is \$2,000 or less;

27 (2) three times the amount of matching funds not paid or paid late to a
28 single certified candidate, if the amount of the matching funds is more than \$2,000 but
29 less than \$5,000;

30 (3) five times the amount of matching funds not paid or paid late to a
31 single certified candidate, if the amount of the matching funds is \$5,000 or more but

1 less than \$10,000; or

2 (4) 10 times the amount of matching funds not paid or paid late to a
3 single certified candidate, if the amount of the matching funds is \$10,000 or more.

4 (f) In addition to a civil penalty, the commission may require a certified
5 candidate found to be in violation of this chapter or a regulation adopted under this
6 chapter to repay to the fund all or part of the funds distributed to the candidate.

7 (g) The legislature may appropriate money received as civil penalties under
8 this section to the fund.

9 **Sec. 15.70.250. Administrative procedure and appeals.** (a) A candidate who
10 has been denied certification under AS 15.70.070, the opponent of a candidate who
11 has been granted certification under AS 15.70.070, or a registered voter residing in the
12 house district, senate district, or area in which the certified candidate is running for
13 office may challenge a certification decision under this chapter.

14 (b) A certification decision may be appealed to the commission within seven
15 days after the certification decision. The appeal must be in writing and must set out the
16 reasons for the appeal.

17 (c) Within five days after an appeal is properly made and notice is given to the
18 appellant and any candidate in the house district, senate district, or area in which the
19 candidate is running for office, the commission shall hold a hearing. The appellant has
20 the burden of demonstrating that the administrator's decision was improper. The
21 commission shall rule on the appeal within three days after the completion of the
22 hearing.

23 (d) A candidate whose certification is revoked on appeal shall return any
24 unspent distributions from the fund.

25 (e) A decision of the administrator to disburse matching funds under
26 AS 15.70.130 may be appealed to the commission by a candidate opposed to the
27 distribution or by a person or group making an independent expenditure under
28 AS 15.70.140. A decision by the administrator to disburse matching funds shall be
29 implemented, notwithstanding the filing of an appeal, unless the commission issues a
30 stay of the administrator's decision.

31 (f) Any other decision of the administrator may be appealed to the