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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Heather Hebdon
Alaska Public Offices Commission

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: August 26, 2022

RE: Filed Permanent Regulations: Alaska Public Offices Commission

Alaska Public Offices Commission regulations re: Revisions Required by Ballot Initiative
2 (2 AAC 50)

Attorney General File:	2022200033
Regulation Filed:	8/26/2022
Effective Date:	9/25/2022
Print:	243, October 2022

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE ALASKA PUBLIC OFFICES COMMISSION

The attached eleven pages of regulations, dealing with contributions, independent expenditures, political communications, reporting requirements, and penalty mitigation to carry out statutory revisions after the passage of 2020 Ballot Measure 2, are certified to be a correct copy of the regulation changes that the Alaska Public Offices Commission adopted at its June 9, 2022, meeting, under the authority of AS 15.13.030, 15.13.040, 15.13.052, 15.13.090, 15.13.110, and 15.13.400, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Alaska Public Offices Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: August 23, 2022

Heather Hebdon

Digitally signed by Heather Hebdon
Date: 2022.08.23 16:20:06 -08'00'

Heather R. Hebdon, Executive Director

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

August 26, 20 22 at 3:17 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson
for

Kevin Meyer, Lieutenant Governor

Effective: September 25, 2022

Register: 243, October 2022

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,
designate the following state employees to perform the Administrative Procedures Act
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**




.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

~~The introductory language of 2 AAC 50.258(a) is amended to read:~~

(a) A contribution must be made in the name of the true source, as defined in AS 15.13.400(19), of the money or thing of value. A person may not make a contribution using the name of another or use a third-party conduit to obscure the true source of any money or thing of value contributed to a campaign. A contribution in the name of another prohibited by this section ~~includes any contribution.~~

Publisher: Existing introductory language of 2 AAC 50.258(a) is unchanged.)))

2 AAC 50.258(a) is amended by adding a new paragraph to read:

(7) made with funds derived from contributions, donations, gifts, or dues ~~except as permitted under AS 15.13.400(5) and (19)~~ whose source is not disclosed to the public at the time the contribution is made. (Eff. 1/1/2001, Register 156; am 1/7/2001, Register 157; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030

AS 15.13.040

AS 15.13.070

AS 15.13.072

AS 15.13.074

AS 15.13.400

2 AAC 50.270 is amended by adding a new paragraph to read:

Publisher: To reflect new 2 AAC 50.258(a)(7), please relocate the "or" link from 2 AAC 50.258(a)(5) to 2 AAC 50.258(a)(6), preceded by a semicolon.)))

(d) A person required to report under AS 15.13.110(k) shall disclose contributions received from a single source that exceed \$2,000, in the aggregate, and all subsequent contributions from that same source not later than (after) The 24 hours of receipt. This 24-hour report must include a certification that all true sources and intermediaries have been disclosed and the following information:

- (1) the date of each contribution;
- (2) the amount of each contribution;
- (3) the full name of the contributor;
- (4) a description of item or services contributed, if necessary; and
- (5) the full name of all intermediaries, within the meaning of "true source" under AS 15.13.400, if any.

~~2 AAC 50.270 is amended by adding a new paragraph to read:~~

(e) A person required to report under AS 15.13.110(k) is not required to report donations that are not intended to influence the outcome of an election if the person

(1) Establishes a political activities account as required by AS 15.13.052;

- (2) Makes no expenditures intended to influence the outcome of an election regulated

under AS 15.13 from its general fund;

(3) Establishes a written policy that all contributions to the person's political

activities account must be from a contributor who has expressly indicated a desire that the contribution be used for political activities or has been expressly solicited for the purpose of making a contribution to the person's political activities account; and

(4) Establishes a written policy that the donor contributor is the only person to

decide whether a donation contribution goes to the person's general fund or the person's political activities account.

~~2 AAC 50.270 is amended by adding a new paragraph to read:~~

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h2 For 2

h2 For 2

(f) during the nine days ~~prior to~~ an election, a person required to file reports within 24 hours under AS 15.13.110(h) and (k), may satisfy both requirements by filing a report under (d) of this section.

~~2 AAC 50.270 is amended by adding a new paragraph to read:~~

(g) A contributor contributing more than \$2,000, in the aggregate, to a person described in (d) of this section shall file a statement of contributions in compliance with AS 15.13.040(r), on a form prescribed by the commission. The statement of contributions must be filed ~~no~~ ^{not} later than 24 hours after the contributor's total contributions to the person exceed \$2,000. A contributor making a contribution to a person described in (d) of this section shall make the contribution in the name of the true source of the money or thing of value ~~as required under AS 15.13.400(19) and 2~~

~~AAC 50.258.~~

(eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 15.13.040 AS 15.13.050
AS 15.13.052 AS 15.13.082 AS 15.13.090
AS 15.13.135

2 AAC 50.306 is repealed and readopted to read:

2 AAC 50.306. Identification of political communication. (a) Except for an individual exempt under AS 15.13.090(b), a person that pays for a political communication, including a person that makes an independent expenditure, shall ensure that

(1) in any communication that includes a print ~~for video~~ component, the information required under AS 15.13.090(a), (c), and (g) is visible, separate from the text of the communication, ~~and~~ of sufficient size ~~and duration~~ to be read by a viewer, and remains onscreen for the duration of the communication;

(2) in any communication that includes a video component, the information required under AS 15.13.090(a), (c), and (g) is placed in the communication; ~~is~~ visible, separate from the text of the communication, and of sufficient size to be read by a viewer; and remains onscreen for the duration of the communication; and

(3) in any communication by radio, automated telephone, or other audio media, or that includes an audio component, the information required under AS 15.13.090(a) and (d) is spoken and audible at the same volume as the communication.

(b) In a written communication, standard English abbreviations may be used in the information required by AS 15.13.090(a) and (c).

(c) The information required under AS 15.13.090(a) and (c) need not be affixed to an object used for a political communication if the size or nature of the object makes it impractical to affix that information. Objects for which it is impractical to affix that information include pencils, pens, buttons, or other objects that are smaller than 3.5 inches by 5 inches in size but do not include



media advertisements, electronic correspondence, or material on an Internet website. The cost of any object used for a political communication must be reported under AS 15.13 even if the information required under AS 15.13.090(a) and (c) is not affixed.

(d) A political communication by electronic media, including a candidate's or group's website, electronic mail, electronic social media, or other electronic methods capable of transmitting a political communication, must include or be electronically linked to information required by AS 15.13.090(a), (c), and (g). The cost of political communications by electronic media must be reported as a campaign expense under 2 AAC 50.321.

(2)

(e) In this section, "political communication"

(1) has the meaning given "communication" in AS 15.13.400;

(2) includes

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(A) all material related to campaign fundraisers, campaign letterhead, thank-you notes, and

one more
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press releases;

(B) media advertisements, electronic correspondence, or material on an

one more
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Internet website, regardless of size or nature;

(C) except as provided under (3)(B) of this subsection, campaign signs

one more
0.5" tab

larger than 3.5 inches by 5 inches;

(3) does not include

(A) envelopes paid for by the campaign that are used solely to convey the campaign's communications;

(B) signs created by an individual or nongroup entity for a total cost of less than \$500;

(C) T-shirts, ballcaps, and similar items of personal apparel of minimal value;

(D) berry buckets, coffee cups, water bottles, and similar objects having a principal purpose not related to campaigns or elections. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022,

*# one more
0.5" tall-2 1/2"* Register 243)

Authority: AS 15.13.030 AS 15.13.090 AS 15.13.400

2 AAC 50.321 is amended by adding a new subsection to read:

(Eff. 7/2/78, Register 67; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 1/15/2015, Register 213; am 9/25/2022, Register 243)

(h) In the nine days preceding an election, contributions in excess of \$250 in the aggregate from a single source, not later than after within 24 hours of receipt, as required under AS 15.13.110(b), and must disclose the contributor, aggregate amount, and date received.

(Eff. 12/20/..., Register 164; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 15.13.040 AS 15.13.110
AS 15.13.112 AS 15.13.400

2 AAC 50.324(a) is amended to read:

(a) This section applies to a candidate, a group, and a nongroup entity except

(1) a political party; and

(2) the candidates for governor and lieutenant governor running jointly under AS

15.25.030(a)(16) and (17) and appearing on the ballot as a single paired unit. [that a political

party has nominated to run in the general election.] (Eff. 7/22/78, Register 67; am 5/14/80,

Register 74; am 6/29/84, Register 90; am 8/22/97, Register 143; am 1/1/2001, Register 156; am

2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030

AS 15.13.040

AS 15.13.070

AS 15.13.090

AS 15.13.112

2 AAC 50.352(b) is amended to read:

(b) A person contributing a total of \$500 or more, in the aggregate, to a group described in

(a) of this section shall file a statement of contributions in compliance with AS 15.13.040 (k), on a

form prescribed by the commission. The statement of contributions must be filed no later than 30

days after the person's total contributions to the group total [exceed] \$500 or more, in the

aggregate. A person making a contribution to a group described in (a) of this section shall make

the contribution in the name of the true source of the money or thing of value as required under 2

AAC 50.25.

(Eff. 1/7/2001, Register 157; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.010

AS 15.13.030

AS 15.13.040

AS 15.13.050

AS 15.13.065

AS 15.13.074

2 AAC 50.368(a) is amended to read:

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2 AAC 50.368. Joined campaigns.

(a) After filing a declaration of candidacy under AS 15.25.030, [the primary, nominated] candidates for governor and lieutenant governor [from the same political party] may contribute an unlimited amount to each other's campaigns notwithstanding [AS 15.13.070 and] 15.13.112(b)(7).
Handwritten notes: "u.c." above AS 15.25.030, "u.c. / no u.s. / no link" above AS 15.13.070.

~~2 AAC 50.368(b) is amended to read:~~

(b) If the [NOMINATED] candidates for governor and lieutenant governor join assets after filing a declaration of candidacy under AS 15.25.030, [THE PRIMARY] they must register a new campaign and file campaign disclosure reports for the joined account. A campaign account created before filing a declaration of candidacy under AS 15.25.030, [THE PRIMARY] or a campaign depository designated under 2 AAC 50.298 before filing a declaration of candidacy under AS 15.25.030, [THE PRIMARY] may be used [after the primary].
Handwritten notes: "u.c." above AS 15.25.030, "u.c." above AS 15.25.030.

~~2 AAC 50.368(c) is amended to read:~~

(c) Candidates [NOMINATED] for governor and lieutenant governor remain subject to the contribution limitations set out in AS 15.13.070, except as provided in (a) of this section. [An individual or nongroup entity may contribute up to \$1,000 to a joined campaign per year minus any previous contributions made that year to either of the nominated candidates. A group may contribute up to \$2,000 to a joined campaign per year minus any previous contributions made that year to either of the nominated candidates.]
Handwritten notes: "u.c." above AS 15.13.070, "u.c." above the group contribution sentence.

(Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9 / 25

2022, Register 243)

Authority: Art. III, sec. 8, Ak Const.

AS 15.13.010

AS 15.13.030

8

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AS 15.13.040

AS 15.13.070

AS 15.13.110

AS 15.13.112

paragraph 1

2 AAC 50.405 is amended by adding a new subsection to read:

one more 0.5" Feb (10) "Year" when used in AS 15.13.070, AS 15.13.400(5), and AS 15.13.400(19) means *2*

calendar year. (Eff. 7/22/78, Register 67; am 6/29/84, Register 90; am 1/4/86, Register 97; am

8/22/97, Register 143; am 1/1/2001, Register 156; am 12/22/2011, Register 200; am 9/25/2022,

Register 243)

Authority: AS 15.13.030

AS 15.13.072

AS 15.13.074

AS 15.13.100

AS 15.13.116

AS 15.13.400

2 AAC 50.811(d) is amended to read:

(d) The time allowed for an act required or permitted under this chapter is computed by excluding the day on which the designated period begins[,] and including the day on which the

performance is due. *no bold; keep brackets* Except for disclosures *2* which must be submitted within 24 hours under AS *that* 15.13.110 *or* AS 15.13.040, *[if]* if the day on which the performance is due is a Saturday, *no bold or ital.* Sunday, or state holiday, the due date is the next business day. When a notice or other

document requiring or permitting action under this chapter is served on a respondent or other person by mail, three days are added to the time allowed for the act. (Eff. 12/11/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030

AS 15.13.040

AS 15.13.045

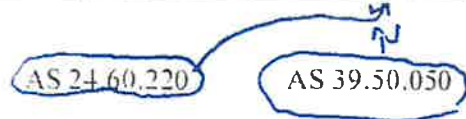
AS 24.45.021

AS 24.45.041

AS 24.60.210

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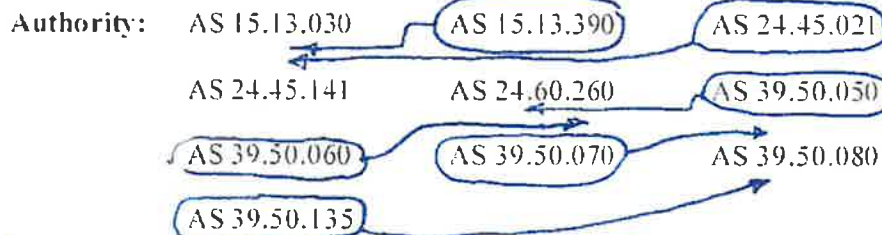


2 AAC 50.855(b)(2)(A)(iv) is amended to read:

(iv) except for disclosures ^a which ^{that} must be submitted within 24 hours under AS 15.13.110 ^{or} AS 15.13.040, for a statement of contributions, the ^(the rule/2.2.7) reporting error was the person's first error, and the contribution was reported by the recipient of the contribution ^{2.2.7} within 30 days after the due date for the statement of contributions: ^{or} not later than

(Eff. 12/22/2011. Register 200; am 1/16/2015. Register 213; am 12/21/2016. Register 220; am

9/25/2022. Register 243)



2 AAC 50.865(b)(4) is amended to read:

(4) except for disclosures which must be submitted within 24 hours under AS 15.13.110 ~~and~~ AS 15.13.040, a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist: for purposes of this paragraph, ~~a late or incomplete report did not cause significant harm to the public if~~

at Publisher: Existing introductory language of 2 AAC 50.865(b)(4) is unchanged.)))

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2 A.R.C 50.865(b)(4)(C) is amended to read:

((no whole))) (C) ²except for ^{that} disclosures ^{or} which must be submitted within 24 hours
under AS 15.13.110 ~~and~~ AS 15.13.040, the missing or incomplete information is readily
available to the public through another forum:

(Eff. 12/22/2011, Register 200; am 12/21/2016, Register 220; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 15.13.390 AS 24.45.020
AS 24.45.141 AS 24.60.220 AS 24.60.240
AS 39.50.050 AS 39.50.135