

2 AAC 50. Alaska Public Offices Commission

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Public Official Financial Disclosure (2 AAC 50.010 – 2 AAC 50.200)

Editor’s Note: Public Official Financial Disclosure regulations formerly set out at 2 AAC 50.010 – 2 AAC 50.200 are repealed and relocated as follows:

Substantive disclosure requirements for public officials and candidates, as revised, are set out in Article 3. Legislative and Public Official Financial Disclosure (2 AAC 50.680 – 2 AAC 50.775).

Procedural provisions, including penalty provisions, formerly located in 2 AAC 50.102 - 2 AAC 50.143 are incorporated into Article 4. Alaska Public Offices Commission Procedures (2 AAC 50.801 – 2 AAC 50.895).

Necessary definitions formerly located in these repealed sections are now set out in 2 AAC 50.920.

Article 1. Campaign Disclosure

2 AAC 50.250 is repealed and readopted to read:

2 AAC 50.250. Contributions. (a) Any person receiving a contribution shall report as required in the applicable provisions of AS 15.13.040 and 2 AAC 50.321.

(b) When a person that is not prohibited from contributing to a campaign under AS 15.13.074 makes a non-monetary contribution, the amount to be reported under this article is:

(1) for goods or services for which a contributor usually charges:

(A) the normal market charge for an item or service provided without charge;

(B) the difference between the normal market charge and the amount charged for an item or service provided at less than the normal market charge; except as provided in (c) of this section, a reduction in a business's charge for goods and services is a contribution prohibited by AS 15.13.074(f) unless the same reduction is available to all campaigns at the same cost;

(2) for goods or products provided to a campaign as a result of the services of an individual who volunteers a portion or all of that individual's time without compensation: the cost of any material or supplies used in producing the goods, but not the value of equipment the volunteer owns personally and uses in the course of the volunteered services;

(3) for a travel related contribution provided to a campaign:

(A) the actual cost of the travel-related service or accommodation if the contributor pays another person for the service or accommodation;

(B) the commercial rate for a comparable service or accommodation including, for air travel, an unrestricted, nondiscounted first class fare, or if first class commercial travel is unavailable, an unrestricted, nondiscounted coach class fare, or if commercial travel to the particular destination is unavailable, a charter rate for a comparable aircraft; or

(C) the value of the contributed travel-related services or accommodations based on any other commercially reasonable method of determining the cost.

(4) for a bulk mailing permit donated or loaned to a campaign:

(A) the value of the permit; or

(B) the actual savings to the campaign computed on the basis of the normal postage rate minus the bulk mailing rate for each mailed item.

(c) A contribution from a sole proprietorship is not prohibited under AS 15.13.074(f), but must be identified as a contribution by the owner of the sole proprietorship, and must be included in the amount of the individual's contributions limited by AS 15.13.070.

(d) Notwithstanding (b)(1) of this section, services are not a contribution when an individual who volunteers the individual's own time without compensation provides those services to a political party, a candidate, or a group organized for the principal purpose of influencing the outcome of a ballot proposition election or for the principal purpose of filing an initiative proposal application.

(e) Except as provided in 2 AAC 50.254(c), a loan or loan guarantee is a contribution from a lender, co-signer, or guarantor at the time it is made and may not

exceed the contribution limitations of AS 15.13.070, whether or not it is repaid. If a loan is guaranteed by more than one person, each co-signer or guarantor is considered to have contributed any portion of the total amount that the co-signer or guarantor agreed to guarantee in an oral or written agreement. If no oral or written agreement is made, each co-signer or guarantor is considered to have contributed a share equal to the total of the loan divided by the number of co-signers or guarantors.

(f) Credit extended to a candidate, group, or nongroup entity for a length of time beyond normal business practice is a contribution by the person extending the credit, unless the creditor makes a commercially reasonable attempt to collect the debt using the methods and persistence that the creditor ordinarily uses in a collection effort for a debt unrelated to a campaign.

(g) A contribution to a subordinate unit of a political party is a contribution to the political party. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.070 AS 15.13.400
AS 15.13.040 AS 15.13.078

Editor's note: Forms and instructions for filing campaign disclosure reports and other forms required to comply with 2 AAC 50 can be obtained at each office of the Alaska Public Offices Commission, or online at the commission's website. The commission's offices are at 2221 E. Northern Lights Blvd., Room 128, Anchorage, AK 99508, and at 240 Main St. #500, PO Box 110222, Juneau, AK 99811. The commission's telephone numbers are: Anchorage (907) 276-4176; Juneau (907) 465-4864; Toll-Free: 1-800-478-4176. The commission's website address is <http://doa.alaska.gov/apoc/>

2 AAC 50.254 is repealed and readopted to read:

2 AAC 50.254. Personal contributions by a candidate. (a) A candidate may make unlimited personal contributions from assets to which the candidate has title or a right of access or control under the laws of this state. In this section, assets include

- (1) salary and other earned income from bona fide employment;
- (2) dividends;
- (3) proceeds from the sale of an investment;
- (4) a bequest to the candidate;
- (5) income from any trust established before the individual becomes a candidate;
- (6) income from any trust established by bequest after the individual becomes a candidate; and
- (7) any gift the candidate receives that follows a pattern of gifts regularly received before becoming a candidate.

(b) A candidate may use the candidate's share of a jointly owned asset as a personal contribution. A candidate's share of a jointly owned asset is the portion the candidate owns under the instrument of conveyance or ownership. If the instrument of conveyance or ownership does not apportion the ownership shares, the candidate may use as a personal contribution

- (1) for an asset jointly owned with a spouse or domestic partner; one-half of the asset; or
- (2) for an asset jointly owned with a person that is not a spouse or domestic partner;
 - (A) the pro rata share corresponding to the purchase price paid by

the candidate; or

(B) if the owners did not purchase the asset, the present value of the asset divided by the number of owners.

(c) Money loaned to a candidate by a regulated banking institution is a personal asset of the candidate, and must be reported as a candidate's personal contribution if

(1) the loan is made in compliance with applicable banking laws and regulations;

(2) bears an interest rate that is usual and customary at the time the loan is made;

(3) is evidenced by a written instrument;

(4) is required to be repaid on a specified date or amortization schedule; and

(5) is not co-signed or guaranteed by a person other than the candidate.

(d) The proceeds from an unconditional sale of a candidate's real or personal property are personal assets of the candidate and not a contribution from the purchaser if the sale is a legitimate arm's length transaction documented in writing. A candidate must report sale proceeds used in a campaign as a personal contribution. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.070 [AS 15.13.116]
AS 15.13.040 AS 15.13.078 AS 15.13.400

2 AAC 50.258 is repealed and readopted to read:

2 AAC 50.258. Prohibited contributions. (a) A contribution must be made in the name of the true source of the funds. A person may not make a contribution using the

name of another, or use any third party conduit to obscure the true source of any funds contributed to a campaign. A contribution in the name of another prohibited by this section includes any contribution:

(1) made at the direction of another person, including a parent organization, subsidiary, division, department, branch, or local unit of a business, labor union, or group;

(2) made by an employee, agent, or other person if an employer, principal, supervisor, or contractor lends, pays, or advances money or anything of value to the employee, agent, or other person to contribute in a name other than the true source of the money or thing of value;

(3) made by an employee, agent, or other person if an employer, principal, supervisor, or contractor reimburses the employee, agent, or other person for the contribution in money or anything of value;

(4) in a total amount exceeding the limitations in AS 15.13.070 when made to the same recipient by two or more groups or nongroup entities that

(A) share the majority of members of their boards of directors;

(B) share two or more corporate or organizational officers;

(C) are owned or controlled by the same shareholders or members;

or

(D) are in a parent-subsidiary relationship;

(5) made by a person who receives a gift of money or anything of value from a parent, spouse, or domestic partner for the purpose of making a contribution; and

(6) made by check from a joint bank account in the name of any joint

account holder who does not either sign the check or authorize the contribution in writing at the time the contribution is made.

(b) A candidate may not accept any contribution from a group that is resident in another state. A group is resident in another state if

(1) the group does not have a mailing address in this state;

(2) the group receives more than 10 percent of its total contributions during a calendar year from individuals who are not residents of this state; or

(3) individuals who are not residents of this state direct or control decisions about how the group spends its money. (Eff. 1/1/2001, Register 156; am 1/7/2001, Register 157; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.072 AS 15.13.114
AS 15.13.040 AS 15.13.074 AS 15.13.400
AS 15.13.070 [AS 15.13.084]

2 AAC 50.266 is amended to read:

2 AAC 50.266. Disposition of prohibited [PROHIBITED] contributions. A campaign treasurer shall **use** [EXERCISE] best efforts to determine **if** [THE LEGALITY OF] a contribution **is prohibited**. If the treasurer determines that **a** [THE] contribution is prohibited, the treasurer shall return it **to the contributor** immediately, but no later than 10 days after receipt. If the treasurer is unable to identify the contributor within 10 days, the contribution is anonymous and must be immediately delivered to the Department of Revenue, **or to the commission for delivery to the Department of Revenue**. **In** [ON] the next campaign disclosure report **of** [FILED BY] the candidate, group, or nongroup

entity, the treasurer shall report the receipt of a contribution that is prohibited or of questionable legality, and shall report the final disposition of the contribution.

[(B) FOR THE PURPOSES OF AS 15.13.072 (A)(3),

(1) A GROUP IS RESIDENT IN ANOTHER STATE IF

(A) IT DOES NOT HAVE A MAILING ADDRESS IN THIS STATE;

(B) IT RECEIVES MORE THAN 10 PERCENT OF ITS TOTAL CONTRIBUTIONS DURING A CALENDAR YEAR FROM INDIVIDUALS WHO ARE NOT RESIDENTS OF THIS STATE; OR

(C) INDIVIDUALS WHO ARE NOT RESIDENTS OF THIS STATE MAKE DECISIONS ABOUT HOW THE GROUP SPENDS ITS MONEY; AND

(2) PARTICIPANTS IN A GROUP INCLUDE THE TREASURER AND ALL INDIVIDUALS WHO MAKE DECISIONS ABOUT HOW A GROUP'S MONEY IS SPENT. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority:	AS 15.13.030	AS 15.13.070	<u>AS 15.13.074</u>
	AS 15.13.060	AS 15.13.072	AS 15.13.114

2 AAC 50.270 is repealed and readopted to read:

2 AAC 50.270. Independent expenditures. (a) Except as provided in (c) of this section, before making an independent expenditure to support or oppose a candidate, a ballot proposition, or an initiative proposal application, a person shall register as required

by AS 15.13.050 on a form prescribed by the commission, and shall establish a political activities account as required by AS 15.13.052. The frequency and amount of an allowable independent expenditure is not limited.

(b) Except as provided in (c) of this subsection, a person that makes an independent expenditure for any purpose shall file a statement of independent expenditure, on a form prescribed by the commission, no later than 10 days after making the expenditure. An independent expenditure greater than \$250 made within nine days of an election must be reported no later than 24 hours after the expenditure is made. An independent expenditure report must include the information required by AS 15.13.040(d) and (e) and the following:

- (1) for a person other than an individual making an independent expenditure, the type of business or organization;
- (2) the full name of a contact person for the individual or other person making the expenditure;
- (3) the date of the expenditure;
- (4) the amount of the expenditure;
- (5) the check number or the identifying transaction number if paid by other means;
- (6) the name and address of the payee; and
- (7) a description of items or services purchased.

(c) An individual who makes an independent expenditure that does not exceed \$500 in a calendar year for billboards, signs, or printed materials concerning a ballot proposition or initiative proposal application, is not required to register or file a statement

of independent expenditure. If an individual’s independent expenditures for billboards, signs, or printed materials concerning a ballot proposition or initiative proposal application exceed \$500 in a calendar year, the individual shall file a statement of independent expenditure no later than 10 days after the amount expended exceeds \$500. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

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

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

2 AAC 50.272. Conducting raffle or lottery and use of proceeds. (a) A person authorized by a charitable gaming permit issued under AS 05.15.100 to conduct a raffle or lottery for the purposes provided in AS 05.15.150(a)(3) shall comply with this section. A raffle or lottery must be a bona fide game of chance conducted by drawing for prizes, and may not be conducted in a manner that allows any person to evade the transparency objectives of the campaign disclosure laws in giving or receiving any contribution.

(b) A charitable gaming permittee may solicit and accept a contribution to be used to conduct a raffle or lottery, except that a permittee may not accept a contribution that is anonymous or that is made using a fictitious name or the name of another, and may not accept a contribution from a person prohibited from making a contribution under AS 15.13.074(f) or (g). A contribution to be used to conduct a raffle or lottery includes a

prize, printing or advertising service, use of a room or space for an event associated with the raffle or lottery, or other donation of an item or service used to promote or conduct the raffle or lottery.

(c) Any expense a charitable gaming permittee incurs or pays to conduct a raffle or lottery to raise funds to be used for the purposes permitted in AS 05.15.150(a)(3) must be reported as provided in (f) of this section as a contribution or an independent expenditure.

(d) The charitable gaming permittee must provide advance notice to contributors and raffle or lottery ticket purchasers that the raffle and or lottery proceeds are intended for political purposes under AS 05.15.150(a)(3). A raffle or lottery ticket sold for the purposes allowed by AS 05.15.150(a)(3) shall disclose the name of a candidate, group, political party, organization affiliated with a political party, or political group as defined in AS 15.80.010, that the permittee intends to aid by the use of the proceeds. The permittee must retain records of any purchase of a raffle or lottery ticket in a total amount greater than \$50. A person may not purchase raffle or lottery tickets exceeding the amount the person is allowed to contribute to a candidate under AS 15.13.070, and may not purchase raffle or lottery tickets if prohibited by AS 15.13.074(f) from making a contribution.

(e) A charitable gaming permittee may use the net proceeds of a raffle or lottery to make

(1) contributions to a candidate, a political party or a subordinate unit of a political party, a group, or a political group as defined in AS 15.80.010(24); however, a

contribution by a charitable gaming permittee that is a group or a nongroup entity may not exceed the applicable contribution limits of AS 15.13.070; or

(2) an independent expenditure for the purposes permitted in AS 05.15.150(a)(3); an expenditure is a contribution, and not an independent expenditure if made in cooperation or consultation with a candidate or any agent of a candidate, group, or nongroup entity.

(f) A charitable gaming permittee shall report

(1) each contribution the permittee receives as required in AS 15.13.040(b), (j) or (l); the report must include the information required by AS 15.13.040(e)(5) for

(A) any contribution the permittee receives in compliance with (b) of this section; or

(B) any purchaser of raffle or lottery tickets in excess of \$50;

(2) each independent expenditure made to conduct a raffle or lottery, or for a purpose permitted in AS 05.15.150(a)(3), as required by AS 15.13.040(d) and (e), and 2 AAC 50.270;

(3) each contribution made to a candidate for public office or to a group organized for the principal purpose of influencing the outcome of an election or a proposition, or for the principal purpose of filing an initiative proposal application.

(g) In this section,

(1) “bona fide game of chance” means a game whose outcome is genuinely determined by luck rather than skill; a raffle or lottery is not a bona fide game of chance if any person uses a scheme, fraud or deception to predetermine the winner;

(2) “charitable gaming permittee” or “permittee” means a person that has obtained a permit from the Department of Revenue under AS 05.15.100 giving the person the privilege of conducting a raffle or lottery;

(3) “raffle” or “lottery” has the meaning given in AS 05.15.690. (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 15.13.067 AS 15.13.070
AS 15.13.040 AS 15.13.069 AS 15.13.074
AS 15.13.050

2 AAC 50.274 is repealed and readopted to read:

2 AAC 50.274. Early campaigning. (a) An individual intending to campaign for office shall file for nomination for the office as required by AS 15.13.100 either by submitting a letter of intent to the commission, or by filing a declaration of candidacy

- (1) with the municipal clerk’s office for a municipal office, or
- (2) with the lieutenant governor’s office for a state office.

(b) An individual intending to seek state or municipal office may file a letter of intent, on a form prescribed by the commission, no more than 18 months before the election in which the individual intends to run. A letter of intent must state whether the individual will seek state or municipal office, but need not identify the specific seat for which the individual may file. A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13. A letter of intent is valid until the election identified on the form, unless the individual filing the letter of intent withdraws it before the election.

(c) An individual may not accept any campaign contribution before filing a letter of intent or declaration of candidacy, and may not make any campaign expenditure except for personal travel expenses, opinion surveys, or polls. A person, group, or nongroup entity may not make any expenditure on behalf of an individual who is a prospective candidate before that individual files a letter of intent.

(d) An individual who has submitted a letter of intent must also file a declaration of candidacy as provided in (a) of this section before the applicable state or municipal filing deadline. (Eff. 1/1/2001, Register 156; am ___ / ___ / ___ , Register ___)

Authority: AS 15.13.030 AS 15.13.074 AS 15.13.400
AS 15.13.070 AS 15.13.100

2 AAC 50.278 is repealed:

2 AAC 50.278. Draft groups. Repealed. (Eff. 1/1/2001, Register 156; repealed ___ / ___ / ___ , Register ___)

2 AAC 50.282 is amended to read:

2 AAC 50.282. Candidate registration. A candidate shall register on a form prescribed by the commission within 15 days after filing a declaration of candidacy for a state office or within seven days after filing a declaration of candidacy for a municipal office. A separate registration is required for each elective state or municipal office for which an individual files a declaration of candidacy. [AN

INDIVIDUAL ESTABLISHES A SEPARATE CANDIDACY FOR EACH ELECTIVE OFFICE FOR WHICH THE INDIVIDUAL FILES A DECLARATION OF

Register _____, _____ 20__ ADMINISTRATION

CANDIDACY WITH THE LIEUTENANT GOVERNOR, FILES A COMPARABLE DOCUMENT WITH THE MUNICIPAL CLERK, OR SUBMITS A LETTER OF INTENT WITH THE COMMISSION.] **A candidate's registration form must list**

(1) the name of the candidate and the candidate's campaign

committee;

(2) the address, telephone number, fax number and email address of

the candidate's campaign committee;

(3) the name, address, and contact information for the campaign

officers, including a chairperson and a treasurer;

(4) the name and address of each deputy treasurer;

(5) the name and address of the regulated banking institution that

will serve as the campaign account depository; and

(6) the candidate's certification that the information contained in the

registration statement is true, complete and correct. (Eff. 1/1/2001, Register 156; am

___ / ___ / ___, Register ___)

Authority: AS 15.13.010 AS 15.13.060 AS 15.13.086

AS 15.13.030 AS 15.13.076

2 AAC 50.286 is repealed and readopted to read:

2 AAC 50.286. Candidate exemptions. (a) A candidate for municipal office who does not intend to receive contributions exceeding \$5,000, or make expenditures exceeding \$5,000 may file an exemption statement on a form prescribed by the commission instead of the candidate registration form required under 2 AAC 50.282. A

candidate who files the exemption statement form is not required to file any campaign disclosure report required by AS 15.13.110 and 2 AAC 50.321, but shall comply with all other requirements of AS 15.13, including

- (1) limitations on who may contribute:
- (2) amount and timing of contributions: and
- (3) use of campaign money.

(b) If a candidate who has filed an exemption statement accepts more than \$5,000 in contributions or spends more than \$5,000 to influence the outcome of the election, the candidate loses the reporting exemption under this section. A candidate whose exemption is lost shall immediately register as a candidate and shall file each campaign disclosure report due after the change in status. The candidate’s first campaign disclosure report must include each contribution and expenditure from the beginning of the campaign through the end of that reporting period. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ____)

Authority: AS 15.13.030 AS 15.13.074 AS 15.13.086
AS 15.13.040 AS 15.13.082 AS 15.13.112
AS 15.13.070 AS 15.13.084

2 AAC 50.290 is repealed and readopted to read:

2 AAC 50.290. Groups, draft groups, controlled groups, ballot groups. (a) A group, including a political party, an ongoing group, and an initiative committee, that raises, solicits, collects, contributes, disburses, or incurs indebtedness of \$500 or more in money or anything of value in the aggregate during a calendar year, or that directs,

coordinates, or controls that activity, shall first register with the commission as provided in AS 15.13.050, and shall file reports as provided in AS 15.13.040(b) and (c) and 2 AAC 50.321. To register, a group must disclose on a form prescribed by the commission

(1) the group's name, address, and purpose;

(2) the name and address of a chair and a treasurer; the same person may serve as both chair and treasurer;

(3) any election in which the group intends to be active during the year;

(4) the type of group;

(5) the name and location of the group's campaign depository if one is required by 2 AAC 50.298; and

(6) the treasurer's certification that the information contained in the registration statement is true, complete and correct.

(b) A draft group must register and file reports as required in (a) of this section.

A draft group

(1) may make expenditures to

(A) solicit contributions to defray its own administrative costs;

and

(B) attempt to draft individuals to become candidates, including the expenditure of money to

(i) extol the qualifications of any individual the group seeks to draft; and

(ii) inform the public of the group's position on issues and the qualifications it seeks in potential candidates;

(2) may not

(A) engage in any political activity other than an activity described in this subsection, and in (d) of this section;

(B) accept contributions in excess of \$500 from any individual or \$1,000 from any group;

(C) make an expenditure, other than for personal travel expenses, opinion surveys, or polls, that might benefit an individual successfully drafted to become a candidate;

(D) except as provided in (c) of this section, make monetary or nonmonetary contributions to, or expend funds on behalf of, any individual who has publicly announced an intent to seek a state or municipal office, or who has filed a declaration of candidacy or nominating petition or has become a candidate by any other means.

(c) A draft group that expends more than one third of its funds in an effort to draft one individual or, in the case of gubernatorial and lieutenant gubernatorial candidates, a team of individuals to campaign for public office is a controlled group. If the individual or team subject to the draft formally declares for public office, any contribution to the controlled group is a contribution to the candidate or team for the purpose of determining the maximum allowable contribution under AS 15.13.070. A controlled group may contribute up to the maximum allowed by law to the candidate or team of candidates.

(d) A group that supports or opposes a ballot proposition, or that is organized for the principal purpose of filing or influencing an initiative proposal application under AS

15.45.020, or that has filed an initiative proposal application under AS 15.45.020, shall register before making an expenditure or accepting a contribution, and shall file reports as required in AS 15.13.040(b) and (c). For a group organized for the principal purpose of filing an initiative proposal application under AS 15.45.020, or that has filed an initiative proposal application under AS 15.45.020, the obligation to file required reports begins on the date the initiative proposal application is filed with the lieutenant governor.

(e) A registered group shall supplement its report if any of the information required to be reported in (b) of this section changes. In assessing a civil penalty for a late or incomplete report, the commission may consider a registered group’s failure to notify the commission of any material change in the information required to be reported in (b) of this section. (Eff. 1/1/2001, Register 156; am ___ / ___ / ___, Register ___)

Authority:	AS 15.13.010	AS 15.13.070	AS 15.13.135
	AS 15.13.030	AS 15.13.074	AS 15.13.140
	AS 15.13.040	AS 15.13.076	AS 15.13.400
	AS 15.13.050	AS 15.13.100	

2 AAC 50.292 is repealed and readopted to read:

2 AAC 50.292. Nongroup entities. (a) Before making a contribution or an independent expenditure, a nongroup entity shall apply to register as a nongroup entity by submitting the following information and documentation on the nongroup entity registration form prescribed by the commission:

- (1) the nongroup entity 's name, address, and purpose;
- (2) the name and address of a chair and a treasurer; the same person may

serve as both chair and treasurer;

(3) each election in which the nongroup entity intends to be active during the year;

(4) if the nongroup entity is a corporation,

(A) a copy of a determination from the United States Internal Revenue Service that the corporation is a social welfare organization as described in 26 U.S.C. 501(c)(4);

(B) a copy of the certificate of incorporation issued under AS 10.20.156 or under a substantially similar statute of another state;

(C) a copy of the corporation's articles of incorporation and bylaws;

(D) an affidavit from a director or officer showing that the corporation's purposes include one or more of the following:

(i) issue advocacy;

(ii) influencing elections;

(iii) research, training, or educational activities tied to the corporation's political goals; and

(E) an affidavit from a director or officer showing that the corporation does not include shareholders or persons other than employees who

(i) have an equitable interest in the corporation or are affiliated in a way that would allow them to make a claim on the organization's assets or earnings; or

(ii) receive a benefit that they would lose if they ended

their affiliation with the corporation or that they could not obtain unless they became affiliated; for the purposes of this sub-subparagraph, "benefit" includes a credit card, an insurance policy, a savings plan, and education or business information;

(5) if the nongroup entity is not a corporation, a copy of the bylaws or minutes or an affidavit signed by an owner, officer, chair, director, partner, or board member showing that the nongroup entity does not participate in business activities, has no shareholders, and is independent from the influence of business corporations;

(6) the name and location of the group's campaign depository if one is required by 2 AAC 50.298; and

(7) the treasurer's certification that the information contained in the registration statement is true, complete, and correct.

(b) If, after reviewing the documentation a nongroup entity submits under (a) of this section, the commission staff finds that the documentation is complete and adequate, the commission staff shall determine, in a written decision, that the nongroup entity qualifies, or does not qualify, to register. If the commission staff finds that the documentation is incomplete or inadequate, the commission staff may request and review additional information, or may notify the nongroup entity that it does not qualify to register.

(c) No later than 30 days after notice of a staff determination under (b) of this section, the nongroup entity may appeal the staff determination to the commission in compliance with 2 AAC 50.831. The commission will consider the appeal at its next regularly scheduled meeting and issue an order as provided in 2 AAC 50.831. The

commission's determination is a final order for the purpose of an appeal to the superior court under AS 44.62.560.

(d) Any contribution that a nongroup entity receives for the purpose of making contributions or expenditures to influence an election must be kept in a separate account and reported to the commission as provided in 2 AAC 50.321. (Eff. 2/20/2005, Register 173; am ___ / ___ / ___, Register _____)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.135
AS 15.13.030 AS 15.13.074 AS 15.13.400

2 AAC 50.294 is repealed:

2 AAC 50.294. Registration of ballot groups. Repealed. (Eff. 1/1/2001, Register 156; repealed ___/___/___, Register _____)

2 AAC 50.298 is amended to read:

2 AAC 50.298. Designated campaign depository. (a) Each candidate, group, or nongroup entity that intends to raise or spend more than \$5,000 in a calendar year, and each group or nongroup entity that intends to be active in more than one election shall [DESIGNATE], on a registration statement, **designate** one or more regulated banking institutions as **a** [ITS] campaign depository [OR DEPOSITORIES]. **A candidate, group, or nongroup entity shall identify each** [EACH] account **in the campaign depository with a** name [MUST INDICATE] **indicating** that it is a campaign account.

(b) Except when a candidate uses personal money or credit for an authorized campaign expenditure, a candidate, group, or nongroup entity that is

required to designate a campaign depository shall deposit any monetary contribution to that campaign depository and shall make any expenditure from that depository [EXCEPT AS ALLOWED IN 2 AAC 50.250(a)(3)(J), ALL MONETARY CONTRIBUTIONS TO AND EXPENDITURES BY A CANDIDATE, GROUP, OR NONGROUP ENTITY REQUIRED BY (a) OF THIS SECTION TO DESIGNATE A CAMPAIGN DEPOSITORY MUST BE DEPOSITED TO OR MADE FROM THAT DEOSITORY].

(c) A candidate, group, or nongroup entity required [BY (a) OF THIS SECTION] to designate a campaign depository may obtain and use credit cards to make campaign expenditures for transportation, lodging, meals, and other expenses in connection with traveling for campaign purposes. The credit card **must have an** account name **indicating** [MUST INDICATE] that it is a campaign account. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.067 AS 15.13.070
AS 15.13.050

2 AAC 50.300 is amended to read:

2 AAC 50.300. Individuals who accept contributions. A candidate or treasurer may authorize an individual who is not registered as a deputy treasurer to receive campaign contributions on **behalf of a candidate, group, or nongroup entity** [A CANDIDATE’S, GROUP’S, OR NONGROUP ENTITY’S BEHALF] at any single event during the campaign. **Within 72 hours after the event, the authorized individual must deliver each contribution received to a candidate, treasurer, or**

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deputy treasurer of the committee, group, or nongroup entity for which the contribution was intended. [A CANDIDATE OR TREASURER IS NOT IN VIOLATION OF AS 15.13 IF CONTRIBUTIONS COLLECTED BY THE AUTHORIZED INDIVIDUAL ARE TURNED OVER TO A CANDIDATE, TREASURER, OR DEPUTY TREASURER OF THE INTENDED COMMITTEE, GROUP, OR NONGROUP ENTITY WITHIN 72 HOURS AFTER THE EVENT.] (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.076 AS 15.13.400
AS 15.13.060

2 AAC 50.302 is amended to read:

2 AAC 50.302. Campaign subcommittee [SUBCOMMITTEE OF A CANDIDATE'S CAMPAIGN COMMITTEE]. A candidate's campaign committee or a controlled group may create a subcommittee. A subcommittee is not [CONSIDERED] a separate group and [IT] may not maintain separate bank accounts and records or file separate reports. The name of **a subcommittee must include** the name of the candidate or controlled group [MUST BE PART OF THE NAME OF THE SUBCOMMITTEE]. The name of the subcommittee may not be used when identifying political advertising **as required** under AS 15.13.090 and 2 AAC 50.306. (Eff. 1/1/2001, Register 156; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.090

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 or video component, the information required by AS 15.13.090(a) and (c) is visible, separate from the text of the communication, and of sufficient size and duration to be read by a viewer; and

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

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

(c) The information required by 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 1/2" x 5" 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 by AS 15.13.090(a) and (c) is not affixed.

(d) A political communication by electronic media, including a candidate's or groups'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) and (c). The cost of political communications by electronic media must be reported as a campaign expense under 2 AAC 50.321.

(e) In this section, “political communication”

(1) has the meaning given to “communication” in AS 15.13.400;

(2) includes

(A) all material related to campaign fundraisers, campaign letterhead, thank you notes, and press releases;

(B) media advertisements, electronic correspondence, or material on an internet website, regardless of size or nature;

(C) except as provided in (e)(3)(B) of this section, campaign signs 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) items of personal apparel, such as teeshirts or ballcaps, or objects such as bumper stickers, berry buckets, coffee cups, and water bottles. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.090 AS 15.13.400

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2 AAC 50.310 is repealed:

2 AAC 50.310. Filing. Repealed. (Eff. 5/14/80, Register 74; am 1/1/2001, Register 156; repealed __/__/__, Register ____)

2 AAC 50.317 is repealed:

2 AAC 50.317. Date of a contribution. Repealed. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___/___/___, Register ___; repealed __/__/__, Register ____)

2 AAC 50.320 is repealed and readopted to read:

2 AAC 50.320. Recordkeeping requirements. (a) A person required to report contributions or expenditures under AS 15.13 shall maintain detailed records of all contributions received and expenditures made. The records must include

(1) each contribution of any amount or value, including any loan, unless otherwise exempted by this chapter; and

(2) a cumulative total of all contributions made by each contributor.

(b) If an expenditure required to be reported under (a) of this section is made to an advertising agency or to an individual or business that provides campaign consultation or management services, the records must document all services rendered, including the name of each business from which campaign goods or services were purchased or subcontracted or media advertising placed, and the amount of the expenditure. (Eff. 5/14/80, Register 74; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___/___/___, Register ____)

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Authority: AS 15.13.030 AS 15.13.045 AS 15.13.111
AS 15.13.040 [AS 15.13.076] [AS 15.13.380]

2 AAC 50.321 is repealed and readopted to read:

2 AAC 50.321. Reporting by a candidate, group, or nongroup entity. (a) A candidate shall file each report required by AS 15.13.110 containing the information required by AS 15.13.040(a) and the following information:

- (1) for any monetary contribution, the check number or the identifying transaction number if paid by other means;
- (2) for any nonmonetary contribution with a value greater than \$100, a description of the contribution and the estimated fair market value;
- (3) for each loan or loan guarantee,
 - (A) the date received;
 - (B) the name and address of the lender and any loan guarantor or cosigner;
 - (C) the principal occupation and employer of the lender, loan guarantor, or cosigner;
 - (D) the interest rate; and
 - (E) the principal amount of the loan;
- (4) for each contribution from the candidate to the campaign, and for income earned from contributions, including bank interest and income from unused contributions invested in compliance with 2 AAC 50.348,
 - (A) the date received;

(B) a description of the income;

(C) the name and address of the source of the income; and

(D) the amount or estimated value of the contribution or income;

(5) for each paid expenditure

(A) the date of payment;

(B) the check number or the identifying transaction number if paid

by other means;

(C) the name and address of the payee;

(D) the purpose of the expenditure; and

(E) the amount of the expenditure; and

(6) for each expenditure incurred but not paid,

(A) the date the expenditure was incurred;

(B) the name and address of the person with whom the debt was

incurred;

(C) the purpose of the incurred expenditure; and

(D) the amount of the incurred expenditure.

(b) A group shall file each report required by AS 15.13.110 containing the information required in AS 15.13.040(b) and AS 15.13.040(c) and the following information:

(1) for income earned from contributions, including bank interest and income from unused contributions invested in compliance with 2 AAC 50.348, the information required in (a)(4)(A) – (D) of this section; and

(2) for each expenditure, the information required in (a)(5) and (6) of this

section.

(c) A nongroup entity shall file each report required by AS 15.13.110 containing the information required in AS 15.13.040(j), the treasurer’s certification required by AS 15.13.040(c) and the information required under (b)(1) and (2) of this section.

(d) If an expenditure required to be reported under (a) or (b) or this section is made to an advertising agency or to an individual or business that provides campaign consultation or management services, the report must disclose in detail all services rendered, including the name of each business from which campaign goods or services were purchased or subcontracted or media advertising placed, and the amount of the expenditure.

(e) For any contribution, the date received is the day on which the contribution is first in the possession of a candidate, or in the possession of a treasurer or deputy treasurer of a candidate, group, or nongroup entity;

(f) A candidate, group, or nongroup entity that does not receive any contribution and does not make any expenditure in a reporting period may file a zero report for that period by filing the cover page of the campaign disclosure report with the "no activity" box checked. (Eff. 7/22/78, Register 67; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

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

2 AAC 50.324 is repealed and readopted to read:

2 AAC 50.324. Shared campaign activities. (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 that a political party has nominated to run in the general election.

(b) A candidate, group, or nongroup entity may share in a campaign effort with another candidate, group or nongroup entity. If the costs and receipts from a shared effort are allocated equally to each participant in a shared campaign effort, there is no contribution from one participant to another. Each candidate, group, and nongroup entity shall keep separate campaign records documenting costs and receipts of a shared campaign effort.

(c) If an expenditure for a shared campaign effort is not allocated equally to each participant, a proportionate share of any expenditure that benefits a candidate, group, or nongroup entity other than the candidate, group, or nongroup entity paying for the effort is a contribution by

(1) the paying candidate to the other candidate;

(2) the paying group to the other group; or

(3) the paying nongroup entity to the other nongroup entity.

(d) An expenditure made by a group on behalf of another group that is controlled by a candidate is a contribution, and may not exceed \$1,000 as provided in AS 15.13.070.

(e) For any shared campaign effort with a combined cost exceeding \$1,000, including the cost of fundraising activities and campaign media consulting services, each candidate, group, or nongroup entity subject to this section shall report the candidate's, group's, or nongroup entity's share of the receipts and expenditures on a shared campaign

activities form prescribed by the commission. A candidate, group, or nongroup entity may not file a joint report with another candidate, group, or nongroup entity.

(f) Media communications about a shared campaign activity shall include the words "paid for by" and the name of each candidate, group, or nongroup entity sharing in the cost of the communications, but need not list the address of each participating candidate, group, or nongroup entity. However, if one participant pays the full cost of a communication, then the communication must comply with AS 15.13.090(a) and 2 AAC 50.306. (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 ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.070 AS 15.13.112
AS 15.13.040 AS 15.13.090

2 AAC 50.327 is repealed and readopted to read:

2 AAC 50.327. Additional reporting by political party. In addition to reporting each contribution and expenditure as required by 2 AAC 50.321(b), a political party shall report, in compliance with AS 15.13.040 and AS 15.13.110, all other income and expenses. Information required to be reported under this section includes:

(1) any other donation of any kind, including a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services other than volunteer services provided by an individual, that the political party receives from any person and that would not be required to be reported as a contribution as defined in AS 15.13.400(4); and

(2) each expense incurred , including money spent on a communication not otherwise required to be reported as an expenditure as defined in AS 15.13.400(6).

(Eff. 12/20/2002, Register 164; am ___ / ___ / ___, Register _____)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.400
AS 15.13.030 AS 15.13.110

2 AAC 50.328 is repealed and readopted to read:

2 AAC 50.328. Reporting exempt fundraising activities. (a) A candidate or treasurer shall report a fund-raising activity that meets the criteria of AS 15.13.040(I) and this section by filing the exempt fundraiser form prescribed by the commission. An event is an exempt fundraiser if:

(1) for a fundraiser similar in nature to a spaghetti feed, dance, or concert, more than 25 participants pay to attend, and the amount received from any one person does not exceed \$50;

(2) for a fundraiser similar in nature to a raffle, lottery, or drawing, 25 or more tickets are sold, and the amount received from any one person buying tickets or chances does not exceed \$50;

(3) for a fundraiser at which income is produced by selling campaign material such as tee-shirts or hats, the price of a single item does not exceed \$10, and the amount received from any one person purchasing items does not exceed \$50;

(4) for a fundraiser similar in nature to a garage sale or an auction, the fair market value of each item donated for sale or auction does not exceed \$50, and the amount received from any person purchasing items at the event does not exceed \$50.

(b) For each exempt fundraiser, the candidate or treasurer shall report the information required in AS 15.13.040(I), and

- (1) the date and location of the fund-raising activity;
- (2) the price of a single ticket or campaign item sold;
- (3) the total number of tickets or items sold;
- (4) the number of paying participants whose names were recorded;
- (5) the number of paying participants whose names were not recorded;
- (6) the total costs and receipts of the fund-raising activity; and
- (7) the total income for this reporting period received from participants

whose names were not recorded.

(c) If a person contributes more than \$50 at an otherwise exempt fundraiser, the contribution must be reported as set out in 2 AAC 50.321. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.040

2 AAC 50.329 is amended to read:

2 AAC 50.329. Reporting contributions from ongoing payroll deduction or dues programs. A group or nongroup entity shall report **each contribution**

[CONTRIBUTIONS] from **each contributor in** an ongoing payroll deduction program or other automatic payment plan in each reporting period by providing the

(1) name and address of the contributor;

(2) **cumulative** [AGGREGATE] amount **received from that contributor**

in [CONTRIBUTED DURING] the reporting period;

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(3) **cumulative** [AGGREGATE] amount **received from that contributor** **in** [CONTRIBUTED DURING] the calendar year;

(4) principal occupation and employer of the contributor, unless the **cumulative** [AGGREGATE] amount **received from that contributor** [CONTRIBUTED] in a calendar year is **\$100** [\$250] or less; and

(5) amount [OF EACH DEDUCTION OR PAYMENT] and frequency of each deduction or payment. (Eff. 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.040 AS 15.13.110

2 AAC 50.332 is repealed:

2 AAC 50.332. Reporting no activity. Repealed. (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 1/1/2001, Register 156; am 2/20/2005, Register 173; repealed ___ / ___ / ___, Register ___)

2 AAC 50.336 is repealed:

2 AAC 50.336. Reporting statements of contributions or of independent expenditure. Repealed. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; repealed ___ / ___ / ___, Register ___)

2 AAC 50.344 is amended to read:

2 AAC 50.344. Reporting by person outside the state. **Any person** [PERSONS] residing outside the state **is** [ARE] subject to the same reporting

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requirements, restrictions, and responsibilities under AS 15.13 as **a person** [PERSONS] residing within the state. (Eff. 1/1/2001, Register 156; am ___ / ___ / ___, Register _____)

Authority: AS 15.13.030 **AS 15.13.040**

2 AAC 50.348 is amended to read:

2 AAC 50.348. Use of campaign contributions. (a) A candidate, group, or nongroup entity may not make an expenditure from a campaign account in connection with a private election such as **an election** [ELECTIONS] for **a utility board** [BOARDS], **a labor union board** [BOARDS], or **a corporate board** [BOARDS].

(b) A **candidate**, group, or nongroup entity **must use** [WITH] a designated campaign depository [AS] required by 2 AAC 50.298 [MUST USE THAT DEPOSITORY] to pay all expenses associated with the group's or nongroup entity's efforts to influence, directly or indirectly, the outcome of **a state or municipal election**, [ELECTIONS] **or an initiative proposal application**.

(c) **A candidate may invest any unused contribution that is being held** [UNUSED CONTRIBUTIONS THAT A CANDIDATE IS HOLDING] for a future election campaign under AS 15.13.116(a)(7) [MAY BE INVESTED] if the investment

(1) does not violate AS 15.13.112(b)[,];

(2) does not result in any personal benefit[,]; and

(3) cannot reasonably be understood to influence official duties or actions.

(d) An investment under (c) of this section must

(1) be an arms-length commercial transaction made on terms comparable with all other investors;

- (2) comply with applicable financial laws and regulations;
- (3) bear the regular rates and charges for arms-length transactions; and
- (4) be evidenced by a written instrument.

(e) [AS USED IN] **In** AS 15.13.112(b) [FOR THE PURPOSES OF (6) AND (7) OF THAT SECTION] **and this section**, "campaign contributions held by a candidate or group" [(1)] means campaign contributions held by a candidate or by a group that **is a controlled group as provided in 2 AAC 50.290(c)** [IS CONSIDERED UNDER AS 15.13.400 TO BE CONTROLLED BY A CANDIDATE; AND (2) DOES NOT INCLUDE CAMPAIGN CONTTIBUYIONS HELD BY A GOUP OTHER THAN ONE THAT IS CONSIDERED UNDER AS 15.13.400 TO BE CONTROLLED BY A CANDIDATE]. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority:	AS 15.13.010	AS 15.13.072	AS 15.13.116
	AS 15.13.030	AS 15.13.074	AS 15.13.400
	AS 15.13.070	AS 15.13.112	

2 AAC 50.352 is repealed and readopted to read:

2 AAC 50.352. Ballot measure activity. (a) Except for a foreign national as provided in AS 15.13.068, a person may make a contribution to a group organized for the principal purpose of influencing the outcome of a ballot proposition election or filing an initiative proposal application under AS 15.45.020, or that has filed an initiative proposal application under AS 15.45.020. Any person contributing a total of \$500 or more to a group organized for the principal purpose of influencing the outcome of a ballot

proposition election, or filing an initiative proposal application under AS 15.45.020, or that has filed an initiative proposal application under AS 15.45.020, 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 exceed \$500.

(b) A person making a contribution to a group described in this section shall make the contribution in the name of the true source of the funds as required by 2 AAC 50.258.

(c) A corporation, company, partnership, firm, association, organization, business trust, labor union, or publicly funded entity that makes a contribution to a group described in (a) of this section, or makes an expenditure in support of, or in opposition to, a group described in (a) of this section, shall register in compliance with AS 15.13.050 and 2 AAC 50.290(a), and shall report the information required in AS 15.13.040(b) and (c) unless the entity

(1) makes each contribution and expenditure described in this section from the organization's general day-to-day operating account; and

(2) does not assess, collect, pool, or solicit money or anything of value for the purpose of making any contribution and expenditure described in this section.

(d) An individual who makes an expenditure to influence the outcome of a ballot proposition election or an initiative proposal application is not required to report the expenditure if the individual meets the criteria in AS 15.13.040(h). (Eff. 1/7/2001, Register 157; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.065

2 AAC 50.356 is repealed and readopted to read:

2 AAC 50.356. Election-related use of public money. (a) Money held by an entity listed in AS 15.13.145(a)(1)-(3) is considered specifically appropriated for the purpose of influencing the outcome of a ballot proposition election or initiative proposal application if the body with authority to appropriate gives notice in the public record that the purpose of the appropriation is to influence the outcome of that election or application. If an entity listed in AS 15.13.145(a)(1)-(3) has no funds specifically appropriated to influence a ballot proposition election or initiative proposal application, an officer or employee of the entity may use money held by that entity to communicate about a ballot proposition or initiative proposal application if the communication is made in the usual and customary performance of the officer's or employee's duties. In this subsection, "money" means government funds, government property and assets, and the use of property, assets or human resources belonging to a government entity.

(b) Any election-related communication that a municipality pays for is considered to be intended to influence the outcome of an election or initiative proposal application unless it is a communication of information allowed under AS 15.13.145(c), including nonpartisan information about a ballot proposition or initiative proposal application filed with the lieutenant governor under AS 15.45.020, or about all candidates seeking election to a particular public office. Information is nonpartisan if it does not advocate a position in an election. Nonpartisan information includes the official language of a ballot proposition or initiative proposal, a neutral summary of a ballot

proposition or initiative proposal, or if provided for all candidates seeking a particular office, the candidates' names, contact information, or statements.

(c) If an entity listed in AS 15.13.145(a)(1)-(3), or an officer or employee of the entity, uses budgeted funds of the entity to make an election-related expenditure other than a communication of information allowed under AS 15.13.145(c), the entity shall disclose the expenditure, and report the information required in AS 15.13.040(e). If a municipality seeks to influence the outcome of an election using public funds for that purpose, it shall register and report the information required under AS 15.13.040(b) and (c). (Eff. 1/1/2001, Register 156; am ___ / ___ / ___, Register ____)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.090
AS 15.13.030 AS 15.13.050 AS 15.13.145
Art 3, sec. 8, Ak Const.

2 AAC 50.360 is repealed:

2 AAC 50.360. Municipalities. Repealed. (Eff. 5/16/76, Register 58; am 1/4/86, Register 97; am 8/22/97, Register 143; repealed ___ / ___ / ___, Register ____)

2 AAC 50.368 is amended to read:

2 AAC 50.368. Joined campaigns. (a) After 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 15.13.112(b)(7) and AS 15.13.070.

(b) If the nominated candidates for governor and lieutenant governor join assets

after the primary, they must register a new campaign and file campaign disclosure reports for the joined account. A campaign account created before the primary or a campaign depository designated under 2 AAC 50.298 before the primary may be used after the primary.

(c) Nominated candidates 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** [\$2,000] 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** [\$4,000] to a joined campaign per year minus any previous contributions made that year to either of the nominated candidates. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.110
AS 15.13.030 AS 15.13.070 AS 15.13.112

2 AAC 50.375 is amended to read:

2 AAC 50.375. Communications by incumbents. (a) If an incumbent elected official uses campaign funds to communicate with constituents during a campaign, the official shall include [ON THE COMMUNICATION] the information required by AS 15.13.090(a) and 2 AAC 50.306 **on the communication**, and shall report the expense as a campaign expenditure. **An elected official is not required to report the expense if**
[IF]

(1) the [ELECTED] official does not use campaign funds; and

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(2) the communication does not expressly advocate the election or defeat of a candidate, [OR] a ballot [ISSUE] **proposition, or an initiative proposal** [THE OFFICIAL NEED NOT REPORT THE EXPENSE]. (Eff. 7/22/78, Register 67; am 1/1/2001, Register 156; am ___ / ___ / ___, Register ____)

Authority: AS 15.13.010 AS 15.13.090 AS 15.13.400
AS 15.13.030 AS 15.13.112

2 AAC 50.379 is repealed:

2 AAC 50.379. Election educational activities. Repealed. (Eff. 1/1/2001, Register 156; repealed ___ / ___ / ___, Register ____)

2 AAC 50.384 is repealed and readopted to read:

2 AAC 50.384. Winding up campaign affairs. (a) After an election, a candidate shall disburse all campaign assets as provided in AS 15.13.116 no later than February 1 following each state primary or general election, or 90 days after a special election or a municipal election. A candidate shall report the disbursement of all campaign funds within 14 days after the disbursement, but no later than February 15 for each state primary or general election, and no later than 104 days after a special election or a municipal election. A candidate who transfers campaign assets to a future campaign fund under AS 15.13.116(a)(7) and uses the funds in compliance with 2 AAC 50.348(c) and (d), or transfers funds to a public office expense term account under AS 15.13.116(a)(8), shall continue to file applicable reports. A candidate who is unable to close a campaign account or pay all campaign debts by the deadlines in this section shall

continue to file applicable reports. Any unpaid campaign debt remains the responsibility of the campaign, and does not become a personal debt of the candidate.

(b) After an election, a group or nongroup entity may

(1) leave its money in a campaign account until the following election if the group plans to remain active; a group remaining active must re-register annually in compliance with 2 AAC 50.290(a), and must file year end reports by February 15 as provided in AS 15.35.110(a)(4); or

(2) disburse the campaign account funds by

(A) contributing to another candidate or group subject to the contribution limitations and other requirements of AS 15.13;

(B) donating the money to a qualified charitable organization under 26 U.S.C. 501(c)(3);

(C) repaying its contributors;

(D) paying for a victory or thank you party; or

(E) requesting approval of another use of remaining funds by seeking an advisory opinion under AS 15.13.374; however, notwithstanding AS 15.13.374(e), a group requesting approval may not act in reliance on any request that has not been approved by the commission.

(c) A group or nongroup entity that does not plan to remain active shall disburse its funds as provided in (b)(2) of this section no later than February 1 following each state primary or general election, or 90 days after a special election or a municipal election. A group or non-group entity that does not plan to remain active shall report the disbursement of all campaign funds within 14 days after the disbursement, but no later

than February 15 for each state primary or general election, and no later than 104 days after a special election or a municipal election.

(d) In this section

(1) "general election" means the election held on the Tuesday after the first Monday in November of even-numbered years;

(2) "special election" means an election held at a time other than the time a general or primary election is held. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___ / ___ / ___, Register ___)

Authority: AS 15.13.010 AS 15.13.074 AS 15.13.116
AS 15.13.030 AS 15.13.110
AS 15.13.072 AS 15.13.112

2 AAC 50.389 is repealed:

2 AAC 50.389. Campaign debts. Repealed. (Eff. 1/1/2001, Register 156; repealed ___ / ___ / ___, Register ___)

2 AAC 50.394 is repealed:

2 AAC 50.394. Reporting final disbursement of campaign assets and satisfaction of campaign debts. Repealed. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; repealed ___ / ___ / ___, Register ___)

2 AAC 50 is amended by adding a new subsection to read:

2 AAC 50.396. Public office expense term account. (a) A public office

expense term account, funded by campaign contributions as provided in AS

15.13.116(a)(8), may only be used for expenses reasonably related to service as a legislator, including expenses for

(1) office equipment used in legislative service;

(2) travel to a state event related to the legislative office held; however, if a legislator incidentally attends a campaign event or other partisan event after travelling to a state event, the additional expenses incurred to attend the incidental event may not be paid from the public office expense term account;

(3) travel to the legislator's home district;

(4) flowers and cards sent to constituents;

(5) attendance at nonprofit, nonpartisan events;

(6) constituent mailings reporting on legislative issues; and

(7) other items that the Internal Revenue Service recognizes as bona fide expenses of serving in public office.

(b) A public office term expense account may not be used to travel to a campaign event for the legislator or for another candidate for office, a political party event, or a fundraiser or speech for a national political figure. (Eff. ___/___/____, Register ___)

Authority: AS 15.13.030 AS 15.13.110 AS 15.13.116

2 AAC 50.399 is repealed:

2 AAC 50. 399. Civil penalties for late or incomplete reports. Repealed. (Eff 1/1/2001, Register 156; am 2/20/2005, Register 173; repealed ___/___/____, Register ___)

2 AAC 50.405 is repealed and readopted to read:

2 AAC 50.405. Definitions. In 2 AAC 50.250 - 2 AAC 50.405, unless the context indicates otherwise:

(1) “candidate” has the meaning given in AS 15.13.400(1)(A) except that the meaning given in AS 15.13.400(1)(B) applies in all provisions of 2 AAC 50.250 – 2 AAC 50.405 that limit or prohibit donation, solicitation, or acceptance of a campaign contribution, or that limit or prohibit an expenditure;

(2) "draft group" means a group of two or more individuals organized for the purpose of drafting one or more individuals to become a candidate for municipal or state elective office;

(3) “election educational activity” means an activity that

(A) does not favor any particular candidate or position on a ballot measure; or

(B) provides an opportunity for all candidates or sides of a ballot measure to express their views.

(4) “group”

(A) has the meaning given in AS 15.13.400(8);

(B) means a combination of two or more individuals attempting to influence the outcome of one or more elections through activities that include raising, soliciting, collecting, or disbursing money or anything of value, and directing, coordinating, or controlling those activities, if those activities are performed, directed, coordinated, or controlled with the major purpose of supporting or opposing

- (i) a candidate for public office;
- (ii) a ballot proposition; or
- (iii) an initiative proposal application;

(C) does not include a combination of two or more of a candidate's family members, nondependent children, parents, and siblings whose activities are performed, directed, coordinated, or controlled with the major purpose of securing only that candidate's election.

(5) "independent expenditure"

(A) has the meaning given in AS 15.13.400(10)

(B) does not include any expenditure made in cooperation or consultation with, at the request or suggestion of, or with the previous consent of a candidate, treasurer, or deputy treasurer, or of a person acting as an agent of the candidate, group, or nongroup entity; an expenditure is not an independent expenditure if it is:

- (i) based on information that the candidate or an agent of the candidate, group, or nongroup entity provides about plans, project, or needs of the candidate, group, or nongroup entity;
- (ii) based on data from a pollster, campaign consultant, or any other person who receives compensation or reimbursement from a campaign, group, or nongroup entity;
- (iii) for the purpose of soliciting contributions to be paid to a candidate, group, or nongroup entity; or
- (iv) made to finance the distribution of campaign material

provided by the candidate, treasurer, campaign consultant, or any other agent of the candidate, group, or nongroup entity;

(6) "nongroup entity"

(A) has the meaning given in AS 15.13.400(13); and

(B) must be a nonprofit corporation, company, partnership, firm, association, organization, business trust, or society that qualifies to register to participate in an election campaign in support of or in opposition to a candidate, ballot proposition, or initiative proposal application;

(7) "ongoing group" means a group that holds surplus campaign contributions from a past election campaign or for a future election campaign and that has not filed a final report as required by 2 AAC 50.384;

(8) "subcommittee" means an internal subgroup of a candidate campaign or controlled group;

(9) "subordinate unit" means any division or subgroup of a political party that is

(A) formed and maintained as specified in the rules and bylaws of the party;

(B) expressly recognized by the party as a unit of the political party; and

(C) registered as a group with the commission.

(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 ___ / ___ / ___, Register ___)

Authority: AS 15.13.030 AS 15.13.074 AS 15.13.116

Complaints and Hearings (2 AAC 50.450 – 2 AAC 50.476)

Editor’s Note: Complaints and Hearings regulations, formerly set out at 2 AAC 50.450 – 2 AAC 50.476, are repealed and relocated. The substance of these sections is incorporated into Article 4. Alaska Public Offices Commission Procedures.

Article 2. Regulation of Lobbying

Editor’s Note: Regulation of lobbying provisions formerly located at 2 AAC 50.505 – 2 AAC 50.545 are repealed and reorganized in new sections 2 AAC 50.550 – 2 AAC 50.590. The penalty provision formerly located in 2 AAC 50.507 is incorporated into Article 4. Alaska Public Offices Commission Procedures. Necessary definitions formerly located in 2 AAC 50.545 and other repealed provisions are now set out in 2 AAC 50.590 or in 2 AAC 50.920. The history notes for the new sections do not reflect the history of the earlier regulations.

2 AAC 50 is amended by adding new sections to read:

2 AAC 50.550. Registration by lobbyist. (a) A person required to file an annual registration statement under AS 24.45.041 shall register as a lobbyist on the form prescribed by the commission, identifying each employer of the lobbyist on a separate form. The form must be submitted electronically as provided in AS 24.45.041 and 2 AAC 50.816, and must include the employer’s signature authorizing or verifying employment of the lobbyist.

(b) A person who communicates to others, through advertising, personal contacts, job description, or other means, that the person is in the business, occupation, or profession of lobbying shall submit the registration statement required in this section before engaging in any lobbying activity; this requirement applies even if the person’s lobbying activity will be part-time or for a single client.

(c) An individual who does not purport to be in the business, occupation, or profession of lobbying, but is employed or contracts to engage in lobbying for compensation, including

reimbursement for travel and personal living expenses, shall submit the registration statement within 7 days after that individual’s lobbying activity exceeds 10 hours in any 30-day period in one calendar year; in this paragraph, “lobbying activity” does not include research, drafting, or preparation or adaptation of documents; a person required to register under this provision shall include all lobbying activity including the initial ten hours before registration in the first reporting period.

(d) A representational lobbyist shall register as provided in AS 24.45.041 within 7 days after beginning lobbying activity. A representational lobbyist is an individual who engages in lobbying activity, but receives no compensation, including any salary, fee, retainer, stipend, or other economic consideration, for the lobbying activity except reimbursement of the individual’s own travel and personal living expenses incurred in lobbying activity. An individual is not a representational lobbyist if

(1) that individual’s lobbying activities are on behalf of the person’s employer; or

(2) the individual is a member of a state board or commission who lobbies in an official capacity as a state board or commission member, and is reimbursed for expenses; an individual meeting these criteria is a public officer exempt from lobbying regulation under AS 24.45.161(a)(2).

(e) A person who receives neither compensation for lobbying activity nor reimbursement of any personal expenses incurred in lobbying activity, is not required to register under this section. (Eff. ___/___/_____, Register ____)

Authority: AS 15.13.030 AS 24.45.031 AS 24.45.161
AS 24.45.011 AS 24.45.041 AS 24.45.171

Editor's note: Forms and instructions for registration and reporting by lobbyists and employers of lobbyists are available at the offices of the Alaska Public Offices Commission at the address and telephone numbers set out in the editor's note following 2 AAC 50.250. The forms and instruction may also be obtained online at the commission's website at <http://doa.alaska.gov/apoc/>

2 AAC 50.555. Registration by employer of lobbyist. (a) A person that retains or employs a lobbyist shall file a registration statement in compliance with AS 24.45.061 by providing the required information on the registration form of each lobbyist that person retains or employs.

(b) A person that reimburses a representational lobbyist shall register as an employer of a lobbyist in compliance with AS 24.45.061 and this section.

(c) A bona fide association that employs a lobbyist shall register as an employer of a lobbyist in compliance with AS 24.45.061. Except as provided in this subsection, a bona fide association is not required to list or register any member of the association as an employer of the association's lobbyist. A bona fide association registering under this subsection shall submit a certification of an officer of the association showing that the association

(1) has legal status as a corporation or partnership;

(2) operates on dues paid by its members, with no single member paying more than 25% of the association's total dues;

(3) operates on dues paid by its members and has a sliding dues-assessment scale; if any member pays more than 25 percent of the association's total operating costs, or more than 25 percent of the association's cost of lobbying activities, that member's name must be reported to the commission; or

(4) has annual expenditures for administrative and legislative lobbying, as based on the previous year’s experience or current year’s estimate, that are less than 50 percent of its total expenditures for the year. (Eff. ___/___/_____, Register ____)

Authority:	AS 15.13.030	AS 24.45.041	AS 24.45.161
	AS 24.45.021	AS 24.45.061	AS 24.45.171
	AS 24.45.031	AS 24.45.121	

2 AAC 50.560. Training required. (a) Before filing each annual registration statement required in AS 24.45.041 and 2 AAC 50.550, a lobbyist shall complete the ethics training course provided by the commission, either by attending an in-person training session, or by completing an on-line course.

(b) Before filing the first quarter employer of lobbyist report required by AS 24.45.061 and 2 AAC 50.575, an employer of a lobbyist shall ensure that the individual who is responsible for preparing and signing that employer’s reports, and each other individual who guides or directs the lobbying activity of the employer’s lobbyist, has completed the ethics training course provided by the commission.

(c) If a person required by (a) or (b) of this section to complete an ethics training course fulfils the ethics training requirement by completing an online course, the person shall submit a verification of training form to the commission. (Eff. ___/___/_____, Register ____)

Authority:	AS 15.13.030	AS 24.45.031	AS 24.45.061
	AS 24.45.021	AS 24.45.041	AS 24.45.071

2 AAC 50.565. Termination; disqualification. (a) A person may notify the commission that the person will stop all lobbying activity on behalf of an employer by filing a termination statement on a form prescribed by the commission. The employer of a lobbyist who terminates employment must notify the commission that the employer has stopped employing that lobbyist by filing a form prescribed by the commission. Upon termination, a lobbyist and that lobbyist’s employer must each file a final report as required by AS 24.45.051 and AS 24.45.061. A person who terminates lobbyist registration remains subject to the prohibition in AS 15.13.074(g) and to the limitation on the activity of a lobbyist specified in AS 24.45.121(a)(8) for the remainder of the calendar year.

(b) A registered lobbyist who is convicted of a felony of moral turpitude as provided in AS 24.45.041 shall notify the commission within 3 days after being convicted, and shall immediately stop any lobbying activity. “Convicted” has the meaning given to “previously convicted” in AS 24.45.041((j)(2). Unless otherwise ordered by a court, a lobbyist convicted of a felony of moral turpitude may not conduct any lobbying activity while pursuing an appeal or any post-conviction remedy. (Eff.

___/___/_____, Register ____)

Authority: AS 15.13.030 AS 24.45.041 AS 24.45.061
AS 24.45.021 AS 24.45.051 AS 24.45.121
AS 24.45.031

2 AAC 50.570. Reporting by lobbyist. (a) A person registered as a lobbyist, except a representational lobbyist, shall electronically file a report disclosing the information required by AS 24.45.051 for each reporting period as provided in AS 24.45.081 as long as

the person is registered as a lobbyist. The report required in the month following a month when the legislature was in session also applies when the legislature conducts any special session. If a registered lobbyist does not engage in any lobbying activity during a reporting period, the lobbyist shall submit a zero report certifying that the lobbyist made no expenditures for lobbying and earned no payment for lobbying during that reporting period.

(b) The report required in this section must include all income earned in the reporting period, even if not received in the reporting period. A lobbyist may report income earned using any of the following methods:

(1) by dividing the lobbyist's total annual compensation equally among the reporting periods in which the lobbyist is active;

(2) for a lobbyist who is substantially more active in the months when the legislature is in session, by allocating income to the reporting periods in proportion to the amount of time spent lobbying in each reporting period;

(3) by reporting actual hourly income earned in each reporting period; or

(4) by using any other method that fairly represents the lobbyist's compensation earned in the reporting period.

(c) The report required in the section must include the cost of all items reportable under AS 24.45.051 incurred in the reporting period even if the costs are not paid in the reporting period. A lobbyist shall report any expenditure on food or beverages for immediate consumption for a legislator, a legislative employee, or a public member of the Select Committee on Legislative Ethics established in AS 24.60.130, and if the expenditure was reimbursed, shall identify the person that reimbursed the expenditure. If the expenditure exceeded \$15 for any legislator, legislative employee, or the spouse or

domestic partner of either, the lobbyist shall report the information required by AS 24.45.051(b) on the Lobbyist Schedule A-1 form prescribed by the commission. When an expenditure is made to provide food or beverages to more than one person, the report must identify the actual amount of each expenditure exceeding \$15 for any legislator, legislative employee, or spouse or domestic partner of a legislator or legislative employee.

(d) A person registered as a lobbyist shall, no later than 30 days after making any contribution to a candidate for legislative office in compliance with AS 15.13.074(g), report the contribution on a form prescribed by the commission. For any person who terminates employment as a lobbyist, the reporting requirement under this section continues for the remainder of the calendar year after the date of the person’s last lobbyist registration or renewal. (Eff. ___/___/____, Register ____)

Authority:	AS 15.13.030	AS 24.45.031	AS 24.45.081
	AS 15.13.074	AS 24.45.051	AS 24.45.121
	AS 24.45.021	AS 24.45.071	AS 24.45.161

2 AAC 50.575. Reporting by employer of lobbyist. A person that retains or employs a lobbyist shall file each report required by AS 24.45.061 and AS 24.45.081 electronically as provided in 2 AAC 50.816. A person that retains a representational lobbyist as defined in 2 AAC 50.550(d) may file a report either electronically or on a paper form prescribed by the commission.

(b) In each report required by AS 24.45.061 and this section, an employer of a lobbyist shall include

- (1) the total of all payments made to influence legislative or administrative action during the period;
- (2) the gross wages paid or payable for lobbying, prorated for the reporting period, plus any benefits such as stock options, annuities, or bonuses that are paid in place of or in addition to wages; wages and benefits required to be reported under this section do not include routine employment benefits that the employer pays on behalf of all employees, such as the employer's contribution to a health insurance plan, a retirement plan, or payroll taxes;
- (3) the direct costs and expenses incurred by the employer in research, drafting, and preparation or adaptation of documents for use by the lobbyist for the purpose of influencing legislative or administrative action; the information required under this paragraph includes
 - (A) for each employee who expends more than 10 hours per month directly supporting the employer's lobbying goals, the name and business address of the employee, a specific description of the subject of the work, and the total amount paid based on the employee's gross compensation pro-rated for the employee's time spent in support of lobbying activity in the reporting period; the employer is not required to report general overhead expenses; and
 - (B) for a vendor, contractor, or other non-employee that provides services in support of lobbying activity, the name and address of the vendor, contractor or other non-employee, a specific description of the subject of the work, and the date and amount of any payment in the reporting period; and
- (4) payments for food and beverages, reported by the total amount paid to each vendor in the reporting period.

(c) If the employer of a lobbyist makes no expenditures or payments in a reporting period, the employer of a lobbyist shall submit a zero report, certifying that the employer made no expenditures or payments in the reporting period.

(d) A bona fide association that employs a lobbyist shall file the reports required by AS 24.45.061, but is not required to report dues paid by any member of the association except as provided in 2 AAC 50.555(c)(3). (Eff. ___/___/____, Register ___)

Authority:	AS 15.13.030	AS 24.45.061	AS 24.45.081
	AS 24.45.021	AS 24.45.071	AS 24.45.161
	AS 24.45.031		

2 AAC 50.580. Prohibited activity related to a campaign. Except as provided in AS 24.45.121(a)(8), a lobbyist may not serve the campaign of any candidate for governor, lieutenant governor, or the legislature in any capacity in which the lobbyist

- (1) has final decision-making authority or day-to-day control over the campaign or the campaign’s fund raising;
- (2) is authorized to receive, hold, or disburse campaign funds or goods;
- (3) is an officer of a controlled group as provided in 2 AAC 50.290(c), or serves as a fund-raiser for an event from which more than 50 percent of the proceeds are intended for a single candidate or campaign; or
- (4) solicits, collects, accepts, or delivers campaign funds or goods. (Eff. ___/___/____, Register ___)

Authority:	AS 15.13.030	AS 24.45.021	AS 24.45.121
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2 AAC 50.585. Code of Ethics for lobbyists. The Code of Ethics of the American League of Lobbyists, approved February 28, 2000 and last updated on March 3, 2008. is adopted by reference. (Eff. ___/___/_____, Register ____)

Authority: AS 15.13.030 AS 24.45.021 AS 24.45.031
AS 24.45.011

Editor's note: A copy of the Code of Ethics of the American League of Lobbyists can be obtained from the American League of Lobbyists, P.O. Box 30005, Alexandria, VA 22310, and from the commission at the address set out in the editor's note following 2 AAC 50.250 or online at <http://www.alldc.org/ethicscode.cfm>

2 AAC 50.590. Definitions. In 2 AAC 50.550- 2 AAC 50.590, unless the context indicates otherwise,

(1) "administrative action" has the meaning given in AS 24.45.171, but does not include normal inquiries of administrative agencies, or routine actions made necessary by law, or the action of a person who limits lobbying activities to appearances before any public proceeding of a regulatory or administrative agency that

(A) conducts proceedings in open public hearing for which public notice is given;

(B) creates a record of all proceedings; and

(C) provides access to the public records or transcripts and to all material submitted as part of the record.

(2) "bona fide association" means an organization established in good faith to work for the common purposes of its members; an organization is not a "bona

fide association” if it is merely an instrument of one or more members who compose the group;

(3) “lobbying” or “lobbying activity”

(A) includes communicating directly, or through an agent, in person, by telephone, or by other electronic two-way communication, with a legislator, legislative employee, or public official for the purpose of influencing administrative or legislative action;

(B) does not include research, drafting, and preparation or adaptation of documents for use by another person who is a lobbyist;

(4) “personal living expenses” means an amount equal to the per diem currently allowed by the Administrative Manual of the State of Alaska;

(5) “travel expenses” means the cost of traveling to Juneau, Alaska or to the location of an official proceeding of any standing, interim, or special legislative or administrative committee or agency.

(Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 24.45.021 AS 24.45.031

Article 3. Legislative and Public Official Financial Disclosure

Editor’s Note: Public Official Financial Disclosure regulations formerly set out at 2 AAC 50.010 – 2 AAC 50.200, as revised, are incorporated in this article. The history notes for affected sections in this article do not reflect the history of the incorporated regulations. Procedural provisions formerly located in 2 AAC 50.780 - 2 AAC 50.825 are relocated and incorporated into Article 4. Alaska Public Offices Commission Procedures. Necessary definitions formerly located in 2 AAC 50.890 are now set out in 2 AAC 50.920.

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

2 AAC 50.680. Applicability; family member disclosure required. (a) A legislative branch filer required by AS 24.60.200 to file a financial disclosure statement shall report income received, deferred income, and business interests as required in AS 39.50.030 and 2 AAC 50.680 – 2 AAC 50.775. A legislative branch filer’s disclosure statement must include the required financial information for each family member of the legislative branch filer, and for any nondependent child of the legislative branch filer whose principal residence is the same as the principal residence of the legislative branch filer. In 2 AAC 50.680 – 2 AAC 50.775, “legislative branch filer” means a legislator, a legislative director, and a member of the Select Committee on Legislative Ethics.

(b) A public official or candidate required by AS 39.50.020 to file a financial disclosure statement shall report income sources, gifts, deferred income, and business interests in compliance with AS 39.50.030 and 2 AAC 50.680- 2 AAC 50.775. The disclosure statement of a public official must contain the required information for the public official and each family member of the public official. The disclosure statement of a candidate must contain the required information for the candidate and each family member of the candidate. (Eff. ___/___/____, Register ____)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

Editor’s note: Forms and instructions for filing legislative or public official financial disclosure statements are available at the offices of the Alaska Public Offices Commission at the address and telephone numbers set out in the editor’s note following 2 AAC 50.250. The forms and instruction may also be obtained online at the commission’s website at <http://doa.alaska.gov/apoc/>

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

2 AAC 50.685. Reporting sources of income and gifts. (a) In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report the applicable information required in AS 30.50.030(b)(1) for all amounts greater than \$1,000 received as

(1) wages, salary, commissions, tips, bonuses, and other compensation or benefits, such as housing or use of an automobile, received from an employer, including a nonprofit entity, and a government employer;

(2) dividends, interest, and other distribution of earnings from a business or investment;

(3) self-employment income as provided in 2 AAC 50.700;

(4) rental income as provided in 2 AAC 50.725; and

(5) any other income, including proceeds of a sale of goods or property, capital gains, pensions, IRA cash-outs, government entitlements, alimony or child support payments, honoraria, and payments not otherwise accounted for.

(b) In a disclosure statement required by AS 39.50.020, a public official or candidate shall report the applicable information required in AS 30.50.030(b)(1) for any gift with a value greater than \$250, and for all gifts from a single source with a cumulative value greater than \$250; however, a public official or candidate is not required to report an item received without consideration from a family member, a parent, nondependent child, sibling, grandparent, aunt, uncle, niece, or nephew. This provision does not apply to a legislative branch filer, but a legislative branch filer is not relieved from any reporting requirement or limitation on acceptance of gifts in any other provision of law.

(c) The amount of any income over \$1,000, or the value of a gift over \$250 that is required to be reported, may be stated in a range rather than as an exact amount. The ranges to be used for this purpose are the following:

\$250 - \$999 (for gifts only)

\$1,000 - \$1,999

\$2,000 - \$4,999

\$5,000 - \$9,999

\$10,000 - \$19,999

\$20,000 - \$49,999

\$50,000 - \$99,999

\$100,000 – \$199,999

\$200,000 - \$499,999

\$500,000 - \$999,999

over \$1,000,000. (Eff. ___/___/____, Register ____)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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

2 AAC 50.690. Good faith effort to obtain information. In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report the information that the legislative branch filer, public official, or candidate knows after making a good faith effort to ascertain the information. A good faith effort includes a written request to each family member of the legislative

branch filer, public official, or candidate, or to the person in charge of a business in which the legislative branch filer, public official, candidate, or family member of the legislative branch filer, public official, or candidate held an interest in the reporting period

(1) asking for the information required by AS 39.50.030 and 2 AAC 50.680 – 2 AAC 50.740; and

(2) informing the recipient of the written request that the legislative branch filer, public official, or candidate

(A) is required to provide the information under oath and penalty of perjury; and

(B) may be subject to the penalties or other remedies set out in the applicable provisions of AS 24 60.240, AS 24.60.250, AS 39.50.060 - AS 39.50.080, AS 39.50.110, AS 39.50.135, or AS 39.50.135 for failure to provide the information. (Eff. ___/___/____, Register ____)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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

2 AAC 50.695. Reporting deferred income. (a) In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report any source of income earned but deferred for payment after the end of the reporting period.

(b) Income reported as deferred when earned must also be reported as income in the year the money or item of value is received.

(c) This section does not apply to earned income that a legislative branch filer, public official, candidate, or family member of the legislative branch filer, public official, or candidate voluntarily elects to defer into a qualified tax advantaged retirement savings plan, including a 26 U.S.C. 401(k) plan, a 26 U.S.C. 403(b) plan, or an individual retirement account (IRA). An interest in a tax advantaged retirement plan must be reported as a beneficial interest under AS 39.50.030(b)(4) and 2 AAC 50.712. (Eff. ___/___/____, Register ____)

Authority:	AS 15.30.030	AS 24.60.220	AS 39.50.030
	AS 24.60.200	AS 39.50.020	AS 39.50.050

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

2 AAC 50.700. Reporting self-employment and business income. (a) In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate who is self-employed by a sole proprietorship, partnership, limited liability company, professional corporation, or a corporation in which the legislative branch filer, public official, or candidate holds an ownership interest shall report the applicable information required in AS 39.50.030(b)(1) for each source of income greater than \$1,000. In AS 39.50.200(10) and this section, “self-employed” means the person described

(1) has an ownership interest in the business entity from which that person derives income; and

(2) is directly and actively involved with clients, patients, or customers of the business by

(A) soliciting or attracting the business or patronage of the client, patient, or customer;

(B) determining whether the business will undertake services for the client, patient, or customer; or

(C) individually providing services to the client, patient, or customer.

(b) When a legislative branch filer, public official, or candidate has an ownership interest in, but is not self-employed by, a business that is a source of income, the disclosure statement must include the following information:

(1) if the legislative branch filer, public official, or candidate does not have a controlling interest in the business, the disclosure statement must report any wages, salary, commissions, or other compensation paid to the legislative branch filer, public official, or candidate as provided in 2 AAC 50.685(a)(1);

(2) if the legislative branch filer, public official, or candidate has a controlling interest in the business, the disclosure statement must include the applicable information required by AS 39.50.030(b)(1) for

(A) the business entity; and

(B) for each client, patient, or customer that paid an amount greater than \$1,000 to the business entity; and

(i) whose trade with or patronage of the listed business entity provided ten percent or more of the revenue of the business entity;

(ii) that used a line of credit greater than \$1,000 through two or more billing cycles to conduct business with the business;

(iii) that had an ongoing contract to purchase goods or services in an amount greater than \$1,000 from the business; or

(iv) that paid the business more than \$1,000 for goods or services after receiving a discount that was not available to the general public.

(c) In this section, “controlling interest” means the legislative branch filer, public official, or candidate, alone or in combination with one or more family members, controls

(1) 50% or more of the ownership interest or voting shares; or

(2) a lesser interest when the legislative branch filer, public official, or candidate and all family members of the legislative branch filer, public official, or candidates jointly exert actual control as demonstrated by

(A) making decisions for the corporation without independent participation of other owners;

(B) exercising day-to-day control over the corporation’s affairs;

(C) disregarding formal legal requirements;

(D) using corporation funds for personal expenses or investments, or intermingling corporation finances with personal finances; or

(E) taking other actions that indicate the corporation is a mere instrumentality of the legislative branch filer, public official, or candidate. (Eff.

___/___/____, Register ____)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030

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

2 AAC 50.704. Reporting income from contingency fee agreements. When a legislative branch filer, public official, candidate, or family member has self-employment income based on fee agreements that are contingent on the outcome of the matter for which the service is rendered, the legislative branch filer, public official, or candidate shall report

(1) the total amount received from contingency fee agreements in the reporting period; and

(2) the name of each client from whom or on whose behalf the legislative branch filer, public official, candidate, or family member received a contingency payment; for each named client, the legislative branch filer, public official, or candidate shall also list

(A) the recipient of the contingency fee, including the legislative branch filer, public official, candidate, or a family member;

(B) whether the income was earned under a fee agreement contingent on the outcome of the matter for which the service was rendered, as provided in Alaska Rules of Court, Rule of Professional Conduct 1.5; and

(C) a description of services that conveys the nature of the service performed without violating privileged communications or client confidences.

(Eff. ___/___/____, Register ____)

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AS 24.60.200

AS 39.50.020

AS 39.50.050

2 AAC 50.705 is repealed:

2 AAC 50.705. Reporting sources of income from retail businesses.

Repealed. (Eff. 8/20/75, Register 55; am 5/16/76, Register 58; am 1/26/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; repealed __/__/__, Register __)

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

2 AAC 50.708. Reporting business interests and investments. (a) In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report the information required in AS 39.50.030(b)(2) and this section for each business in which the legislative branch filer, public official, candidate, or family member held an interest or an option to purchase in the reporting period. A business interest includes a nonprofit entity if the legislative branch filer, public official, candidate, or family member is an employee, officer, or member of the governing board of the nonprofit entity.

(b) For each business interest reported, the disclosure statement must identify

(1) the nature of the interest of the legislative filer, public official, candidate, or family member, including stockholder, owner, officer, director, partner, proprietor, member, employee, or similar interest by any other name; and

(2) the category of income in 2 AAC 50.685(a) in which any income or benefit received from the business is reported.

(c) A legislative branch filer, public official, or candidate who owns stock investments other than trust and beneficial interests as provided in 2 AAC 50.712, and who directly and individually selects the investments, shall report each owned company by name and address. A legislative branch filer, public official, or candidate who owns stock investments selected and managed by an investment manager, financial services company, or other third party, or held in an investment fund, shall report the name and address of each investment manager, financial services company, or other third party, and shall report the name and type of any investment fund held. This provision does not require reporting of an interest of less than \$1,000 in the stock of a publicly traded corporation. (Eff. ___/___/____, Register ___)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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

2 AAC 50.712. Reporting trusts and beneficial interests. In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report each trust fund, retirement account, or other beneficial interest in which the legislative branch filer, public official, candidate or family member holds an interest. “Trust fund, retirement account, or other beneficial interest” includes any retirement system plan administered by the state of Alaska, another state, or the federal government, any employee pension plan, profit-sharing trust, family trust, education trust, deferred compensation plan, annuity plan, or other similar arrangement

intended to provide future income or financial benefits to a legislative branch filer, public official, candidate, or family member.

(b) For each trust fund, retirement account, or other beneficial interest reported, the disclosure statement must include

(1) the information required by AS 39.50.030(b)(4);

(2) the name of the legislative branch filer, public official, candidate, or family member who holds the interest; and

(3) for any family trust or other beneficial interest that is not held by numerous unrelated persons, the total percentage held by

(A) a public official, candidate, and all family members of the public official or candidate; or

(B) a legislative branch filer, all family members of the legislative branch filer, and all nondependent children residing with the legislative branch filer.

(Eff. ___/___/____, Register ____)

Authority:	AS 15.30.030	AS 24.60.220	AS 39.50.030
	AS 24.60.200	AS 39.50.020	AS 39.50.050

2 AAC 50.720 is repealed and readopted to read:

2 AAC 50.720. Reporting interests in real property. In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report an interest in real property by

(1) the address or other legal description of the property, except that a primary residence or recreational property held for personal use may be described only by zip code; and

(2) the nature of the interest, such as fee simple ownership, tenancy in common, general or limited partner, or holder of an option to purchase, that the public official, candidate, or family member held in the property. (Eff. 5/16/76, Register 58; am 7/20/95, Register 135; am 1/1/2001, Register 156; am ___/___/____, Register ___)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.725 is repealed and readopted to read:

2 AAC 50.725. Reporting sources of income from rental property. In a disclosure statement required by AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate shall report rental property that is a source of income as follows:

(1) if any person paid more than \$1,000 in rent during the preceding year, the name of that person and the amount of the rent paid; and

(2) if the property is managed by a person other than the public official, candidate, or a family member of the public official or candidate, the name of the manager. (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___/___/____, Register ___)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.730 is repealed:

2 AAC 50.730. Duty to report family member financial affairs. Repealed.
(Eff. 5/7/20/95, Register 135; am 1/1/2001, Register 156; repealed ___/___/_____,
Register ___)

2 AAC 50.735 is repealed:

2 AAC 50.735. Duty to report concluded business interests. Repealed. (Eff.
7/20/95, Register 135; am 1/1/2001, Register 156; repealed ___/___/_____, Register ___)

2 AAC 50.740 is repealed and readopted to read:

2 AAC 50.740. Reporting loans, loan guarantees, and indebtedness. (a) In reporting the identity of each creditor as required by AS 39.50.030(b)(5), a public official or candidate

(1) shall include any government entity that has filed a tax lien against property owned by the public official, candidate or family member, or that claims any other indebtedness from the public official, candidate, or family member;

(2) is not required to list any retail charge account creditor, revolving charge account creditor, or credit card creditor.

(b) A legislative branch filer shall report the information required by AS 24.60.200(3) regarding any loan or loan guarantee made by a person who has a substantial interest in legislative, administrative or political action. A person has a substantial interest in legislative, administrative or political action if the person

(1) meets one or more of the criteria set out in AS 24.60.990(b);

(2) employs a lobbyist during any part of the period covered by the disclosure statement;

(3) is a municipality or local government entity; or

(4) receives a benefit or avoids a disadvantage as a direct result of a legislative, administrative, or political action, including an action concerning a professional or occupational license, a natural resource permit or quota, a rate of assessment or taxation, a health, safety, or environmental standard, or an insurance or business practice; a person will be presumed to have a substantial interest in legislative action under this paragraph if the legislator or legislative director filing a disclosure statement participated in legislative action that resulted in the benefit or the avoided disadvantage. (Eff. 5/16/76, Register 58; am 5/14/80, Register 74; am 1/26/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am ___/___/____, Register ___)

Authority: AS 15.30.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.745 is repealed:

2 AAC 50.745. Substantial interest in legislative, administrative, or political actions. Repealed. (Eff. 7/20/95, Register 135; repealed ___/___/____, Register ___)

2 AAC 50.765 is repealed:

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2 AAC 50.765. Controlling interest in a corporation. Repealed. (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; repealed __/__/__, Register __)

2 AAC 50.770 is repealed:

2 AAC 50.770. Reporting sources and amounts of income from self-employment. Repealed. (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; repealed __/__/__, Register __)

2 AAC 50.775 is repealed and readopted to read:

2 AAC 50.775. Exemption from reporting sources of income. (a) A legislative branch filer, public official, or candidate required by AS 24.50.200 or AS 39.50.020 to file a disclosure statement may, for any reason set out in this section, request an exemption from the obligation to report the name of an individual who was a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740. An exemption request must comply with 2 AAC 50.821. The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable.

(b) A legislative branch filer, public official, or candidate may request an exemption from the obligation to report the name of a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740 regarding an individual who received

(1) mental health services provided by a mental health practitioner including a psychiatrist, psychologist, or therapist;

(2) medical services and the source of income was

(A) an individual who received medical services related to abortion, contraception, reproductive health, a sexual disorder, or a terminal illness;

(B) a minor who received medical services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(C) a married individual who received medical services without the knowledge of the individual's spouse if a reasonable person in the situation of the individual would experience substantial concern, anxiety or embarrassment from publication of the individual's name as a source of income; or

(D) an individual who received medical services of any nature when at least 67 percent of the patients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (b)(2)(A) – (b)(2)(C) of this section; or

(3) legal services provided by an attorney and the source of income was

(A) a minor who received legal services without the knowledge of a parent or legal guardian if a reasonable person in the situation of the minor would experience substantial concern, anxiety, or embarrassment from publication of the minor's name as a source of income;

(B) a married individual who received legal services without the knowledge of the individual's spouse if a reasonable person in the situation of the

individual would experience substantial concern, anxiety or embarrassment from publication of the individual's name as a source of income;

(C) an individual who received legal services of any nature when at least 67 percent of the clients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (b)(3)(A) or (b)(3)(B) of this section.

(c) A legislative branch filer, public official, or candidate may request an exemption if

(1) the legislative branch filer, public official, or candidate is prohibited by law or court ordered settlement from reporting the name of a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740;

(2) the legislative branch filer, public official or candidate believes reporting the name of a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740, would violate rights of the source under the state or federal constitutions;

(3) the legislative branch filer, public official, or candidate believes that reporting the name of a source of income would disclose protected health information that the filer is prohibited from disclosing under 42 U.S.C. 1320d – 1320d-8 (Health Insurance Portability and Accountability Act (HIPAA) of 1996).

(d) A legislative branch filer, public official, or candidate may request a personal security exemption from reporting the name of a minor that is a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 –

2 AAC 50.740 that exposes the public official, candidate, or a family member to a personal security threat.

(e) A legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740 if a state or federal law or court order requires the name of the source or the other information to be kept confidential.

(f) Notwithstanding any other provision of this section, a legislative branch filer, public official, or candidate may request an exemption from reporting the name of a source of income, the amount of income, or any other information required in AS 39.50.030 or 2 AAC 50.680 – 2 AAC 50.740, if the public official or candidate demonstrates that the right to privacy of the information outweighs the compelling state interest in disclosing the information. (Eff. 9/9/78, Register 67; am 5/14/80, Register 74; am 1/26/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am ___/___/_____, Register ___)

Authority: AS 15.30.030 AS 39.50.020 AS 39.50.035
AS 24.60.200 AS 39.50.030 AS 39.50.050
AS 24.60.220

Article 4. Alaska Public Offices Commission Procedures

Editor’s Note: Procedural provisions, including penalty provisions, formerly located throughout 2 AAC 50 are relocated and incorporated into a new Article 4. Alaska Public Offices Commission Procedures. The history notes for sections in this article do not reflect the history of the earlier regulations.

2 AAC 50 is amended by adding new sections to read:

2 AAC 50.801. Reports; public records. (a) Any report, record, or other information in the commission’s possession may be inspected at the commission’s office during regular business hours unless the commission has determined that the report, record, or other information is confidential. Financial disclosure statements of legislators and candidates for state and municipal offices are also available online at the commission’s website. The commission will provide a copy of any report, record, or other information in the commission’s possession, at cost as provided in AS 40.25.110 - AS 40.25.120.

(b) An interested person may request a determination that information in the commission’s possession, including discovery the staff obtains in an investigation, is protected by a state or federal constitutional right or is legally privileged, and must be kept confidential. If the commission determines, on request or on its own motion, that information in the commission’s possession is protected by a state or federal constitutional right or is legally privileged, the commission will keep the information confidential.

(c) While a staff investigation under 2 AAC 50.875 is in progress, the commission's files relating to that investigation are confidential. After the investigation is concluded and the final commission order is issued, any person may view or copy an investigative file, except for documents the commission has determined to keep confidential under (b) of this section. (Eff. ___/___/_____, Register ___)

Authority: AS 15.13.020 AS 24.45.021 AS 24.60.131
AS 15.13.030 AS 24.45.031 AS 24.60.220

AS 15.13.110	AS 24.45.091	AS 24.60.230
AS 15.13.111	AS 24.45.101	AS 39.50.050

Editor's note: The commission's schedule of fees for copies of reports, records, and other information in its possession can be viewed at each office of the commission, or found on the commission's website. The address and telephone numbers of the commission's offices, and the commission's website address are set out in the editor's note following 2 AAC 50.250.

2 AAC 50.806. Inspection and preservation of records. (a) In any investigation initiated by the staff, or in response to a complaint, the staff may inspect records that any person is required to keep and preserve under AS 15.13, AS 24.45, AS 24.60.200-AS 24.60.260, and AS 39.50, and other relevant documents and information.

(b) The staff shall request access to inspect records, documents, or other information by mailing or delivering a letter identifying the requested records, documents, or other information with reasonable specificity. The person requested to provide access shall make the requested records, documents, or other information available to the staff at a reasonably convenient time and place within 10 days after the letter requesting access is mailed or delivered, unless the staff agrees to extend the time for making the records available. If the person requested to provide the records does not comply, or provides an incomplete response, the commission may issue a subpoena requiring production of the records. The commission may delegate authority to issue a subpoena to the staff.

(c) A person served with a subpoena may file a written objection to producing any record, document, or other requested information, and may request a hearing before the commission on the objection. If the commission denies the objection, and the person

fails or refuses to makes the records available for staff inspection, the commission may seek judicial enforcement of the subpoena as provided in AS 15.13.045(d).

(d) A person authorized by AS 15.13.111(c) to submit records to the commission for preservation shall submit the records with the form the commission prescribes for that purpose, and in the electronic format the commission requires. The commission may reject any records submitted in a format that is not compatible with the commission’s electronic records system. (Eff. ___/___/____, Register ____)

Authority:	AS 15.13.030	AS 24.45.031	AS 24.60.220
	AS 15.13.045	AS 24.45.111	AS 24.60.230
	AS 15.13.111	AS 24.45.131	AS 39.50.050

Editor’s note: A form and instructions for submitting records to the commission for preservation can be obtained at each office of the commission, or found on the commission’s website. The address and telephone numbers of the commission’s offices, and the commission’s website address are set out in the editor’s note following 2 AAC 50.250.

2 AAC 50.811. Mailing, delivery, computation of time. (a) Any document required to be filed with the commission must be electronically filed as provided in 2 AAC 50.816, or mailed or delivered to the commission at the address set out in the editor’s note following 2 AAC 50.250. “Mailed” means sent by first class or higher priority service using the United States Postal Service or a comparable level of delivery service provided by a nationally recognized private carrier of correspondence or communications. “Delivered” means conveyed by hand-delivery, electronic submission, or by facsimile transmission. A mailed report must be postmarked, or accepted for delivery service by a qualified private carrier, no later than the due date for that

document. A document delivered by hand, by electronic submission, or by facsimile transmission must be received at the commission’s office no later than the due date for that document.

(b) Notice of a hearing required by 2 AAC 50.891 must be served on a respondent by certified mail, return receipt requested, or other method of personal service.

(c) Except as provided in (b) of this section, the commission will mail or deliver any notice, order, decision, or other document required under this chapter to a person’s address on file with the commission. Any person subject to reporting requirements under this chapter shall keep an accurate address on file with the commission, and shall promptly give the commission notice of a change of address.

(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. If the day on which the performance is due is a Saturday, 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. ___/___/_____, Register ____)

Authority:	AS 15.13.030	AS 24.45.021	AS 24.60.220
	AS 15.13.040	AS 24.45.041	AS 39.50.050
	AS 15.13.045	AS 24.60.210	

2 AAC 50.816. Electronic filing. (a) Except as provided in AS 15.13.040(m) and in (b) of this section, every statement and report required to be submitted to the commission must be filed electronically on a form the commission prescribes for the purpose unless the commission by order suspends the electronic filing requirement and requires a different method of filing. This section does not apply to a statement or report required to be filed with the director of the division of elections or any municipal clerk or other designated official. A statement or report to be filed with the director of the division of elections or any municipal clerk or other official must be filed as the director of the division of elections or the municipal clerk or other official orders.

(b) A representational lobbyist and the employer of a representational lobbyist are not required to register or file reports electronically under this section, but may file electronically at the option of the representational lobbyist or the employer of the representational lobbyist.

(c) Except for a person required to file electronically under AS 24.45, any person may seek an exemption from the electronic filing requirement by filing a request in compliance with the exemption procedure set out in 2 AAC 50.821. In addition to the requirements of 2 AAC 50.821(a), a person requesting an exemption from the electronic filing requirement must

(1) attach the statement or form the person seeks to file by means other than electronic filing to the exemption request; and

(2) submit both the exemption request and the statement or report to which it applies by mail, facsimile transmission, or hand-delivery no later than the date on which the statement or report is due.

(d) A filing submitted to the commission by electronic mail is delivered when the sender's electronic mail account confirms the electronic mail was sent to the commission.

A report or registration required under AS 24.45 is delivered when electronically signed and certified, and recorded as submitted in the online account of the person required to register or report. (Eff. ___/___/_____, Register ____)

Authority:	AS 15.13.030	AS 24.45.041	AS 24.60.200
	AS 15.13.040	AS 24.45.051	AS 24.60.210
	AS 15.13.050	AS 24.45.061	AS 24.60.220
	AS 24.45.021	AS 24.45.116	AS 39.50.050

Editor's note: Forms prescribed by the commission and instructions for electronic filing of statements and reports can be obtained at each office of the commission, or found on the commission's website. The address and telephone numbers of the commission's offices, and the commission's website address are set out in the editor's note following 2 AAC 50.250.

2 AAC 50.821. Request for exemption or waiver. (a) To request an exemption allowed by statute, or a waiver of any requirement of 2 AAC 50.250 – 2 AAC 50.920, a person shall file a written request for exemption or waiver on the applicable form prescribed by the commission. A written request for exemption or waiver must be submitted before the due date of any report or filing to which it relates, and must provide the following information:

- (1) the name of the person requesting the exemption or waiver;
- (2) the mailing address and electronic mail address or telephone number at which the person may readily be contacted;
- (3) the matter for which the person seeks an exemption or waiver;

(4) if the exemption or waiver request relates to information for which this chapter provides an exemption, the applicable regulation;

(5) a statement whether the requested exemption or waiver is for a single report or filing, or for additional future reports requiring similar information;

(6) the reasons for the exemption request;

(7) any other information essential to the particular exemption or waiver request; and

(8) a certification by the person requesting the exemption or waiver that all facts stated in the request are true.

(b) No later than 30 days after the commission receives a written exemption request that complies with (a) of this section, the staff shall send to the person requesting the exemption or waiver, at the address listed in the request, either a staff recommendation or a decision granting or denying the request. The staff shall issue a recommendation, and the matter will be presented to the commission for decision as provided in 2 AAC 50.826 if the staff determines

(1) that the exemption request raises an issue of first impression;

(2) that the exemption request requires a policy decision by the commission; or

(3) for other good reason.

(c) If the staff issues a decision granting the request, the decision will specifically describe the scope and duration of the exemption or waiver. If the staff issues a decision denying the request, the decision will state the reasons and notify the person requesting the exemption or waiver of the right to appeal the staff decision to the commission as

provided in 2 AAC 50.831. If the person that requested the exemption or waiver does not file an administrative appeal to the commission within 30 days after the date the staff decision is mailed or delivered to the person,

(1) the decision is final, and may not be appealed to the commission at a later date; and

(2) the person shall comply with any requirement of this chapter for which the exemption or waiver request was denied.

(d) A person that has requested an exemption under this section is not required to comply with the requirement from which the exemption request seeks relief if

(1) the staff issued a recommendation subject to commission review and the commission has not issued a final written order on that recommendation; or

(2) the commission has not issued a decision after a person appealed a staff decision in compliance with (c) of this section and 2 AAC 50.831. (Eff.

___/___/___, Register ___)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021 AS 39.50.035

Editor’s note: A form and instructions for requesting an exemption or waiver can be obtained at each office of the commission, or found on the commission’s website. The address and telephone numbers of the commission’s offices, and the commission’s website address are set out in the editor’s note following 2 AAC 50.250.

2 AAC 50.826. Commission decision on staff recommendation. (a) When a provision of this chapter, including 2 AAC 50.821, authorizes the staff to prepare a recommendation for a commission decision, the procedure described in this section

applies. If the staff determines that a request for exemption or other matter that staff is authorized to decide presents a question of first impression or raises a policy issue on which the staff seeks the commission's guidance, or for other good reason, the staff may issue a recommendation for decision by the commission in compliance with this section.

In preparing a recommendation, the staff shall

- (1) consider whether the facts stated in the request satisfy the requirements for issuing a recommendation;
- (2) prepare a written recommendation to either grant or deny the request; the recommendation must set out applicable facts and law, and explain the reasons for the recommendation;
- (3) send the written recommendation and notice that the recommendation will be submitted to the commission for decision to the person that requested the opinion or exemption, or is the subject of the matter at issue; and
- (4) submit the recommendation to the commission for decision.

(b) When the commission receives a staff recommendation prepared in compliance with this section, the commission will

- (1) review the recommendation at the next regularly scheduled meeting of the commission unless, in its discretion, the commission schedules the matter at a different meeting; the commission will give the affected person notice of the date, time, and place the commission will consider the matter, and of the right to present an argument;
- (2) accept, reject, or modify the staff recommendation;
- (3) send written notice of the commission's final decision and an order

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describing specifically any required action to the person that requested the opinion or exemption or is the subject of the matter at issue, at the person's address on file with the commission; the notice must state that the decision is a final commission decision and may be appealed to the superior court under AS 44.62.560. (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.831. Administrative appeal of staff decision. (a) Any person that receives an adverse staff decision, including a penalty assessment under 2 AAC 50.855, may appeal the staff decision to the commission as provided in this section. Unless otherwise provided, a person shall appeal from an adverse staff decision by filing a notice of appeal and a written statement explaining the reasons the appellant believes the staff decision should be rejected. The notice of appeal and statement of reasons must be mailed or delivered to the commission within 30 days after the date the staff decision was mailed or delivered to the person; the commission will not consider an appeal that is not timely filed.

(b) The commission will consider a notice of appeal and statement of reasons at the next regularly scheduled commission meeting unless, in its discretion, the commission schedules the appeal for a special meeting. The commission will give the appellant notice of the date, time, and place the commission will consider the appeal. The appellant may appear in person or telephonically, and may be represented by an

agent or an attorney licensed to practice in the state of Alaska. The commission will determine the order of presentations on the appeal.

(c) After considering the statement of reasons and other relevant evidence, the commission will affirm, reject, or modify the staff decision. No later than 10 days after the date the commission enters its order, the staff shall send written notice of the commission's decision to the appellant at the appellant's address on file with the commission. An adverse decision of the commission may be appealed to the superior court as provided in AS 44.62.560 and Rules 601 – 612 of the Alaska Rules of Appellate Procedure. (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.835. Disqualification of commission member. (a) A commission member who has a conflict of interest or is otherwise unable to participate in a decision in an unbiased manner so as to reach a fair and impartial decision on a matter before the commission may not participate in a decision on a staff recommendation, an administrative appeal of a staff decision, or a hearing on that matter. A commission member has a conflict of interest in a matter before the commission if

(1) the commission member has a substantial financial relationship with a complainant or respondent in the matter; or

(2) a family member, employer, business associate, or business of a commission member has a substantial financial relationship with a complainant, a

respondent, or a family member, business associate, or business of a complainant or a respondent.

(b) A commission member with a conflict of interest or a relationship that may create an appearance of impropriety shall state on the record the nature of the conflict or the relationship, and may not participate in the hearing unless a majority of the remaining members present vote to require the member to participate. In determining whether to require a member with a conflict of interest or a relationship that may create an appearance of impropriety to participate in a hearing, the remaining members will consider the following factors:

(1) the significance of the member's financial relationship or interest;

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

(3) whether a reasonable person would believe a person with the relationship or interest of the commission member to be capable of fair and impartial judgment. (Eff. ___/___/____, Register ___)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.840. Advisory opinion. (a) The commission staff shall review any request for an advisory opinion submitted under AS 15.13.374. If the staff determines that a request for an advisory opinion does not satisfy the requirements of AS

15.13.374(b), the staff shall reject the request and notify the person making the request of any deficiency. A rejected request may be corrected and re-filed.

(b) If the staff determines that a request for an advisory opinion satisfies the requirements of AS 15.13.374(b), the executive director or the executive director's designee shall prepare a recommended advisory opinion for the commission's consideration as provided in AS 15.13.374(c). The commission will consider the recommended opinion as provided in 2 AAC 50.826.

(c) A commission member who voted with the majority approving an advisory opinion may, within 15 days after the vote, move for reconsideration of the opinion based on a showing of substantial procedural error, fraud, misrepresentation, material mistake of fact or law, or new evidence relevant to the advisory opinion. If at least four members vote to reconsider an advisory opinion, the opinion is vacated.

(d) A person that requested an advisory opinion is entitled to act in reliance on the advisory opinion unless that person receives notice that the commission has reconsidered the advisory opinion. A person's good faith reliance on an advisory opinion is a complete defense to any enforcement action based on the conduct that is the subject of the advisory opinion. (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 24.45.021 AS 39.50.050
AS 15.13.374 AS 24.60.220

2 AAC 50.845. Late or incomplete reports. (a) A statement, report, or registration required under this chapter is late if not filed electronically or by another method the commission requires on the due date prescribed in the statute or regulation

requiring the statement, report, or registration. Any statement, report, or registration that is not required to be filed electronically must be mailed or delivered to the commission’s office by the date prescribed in the statute or regulation requiring the statement, report, or registration. The statement of a municipal officer is late if the municipal clerk or designated municipal official does not receive the statement on or before the due date for that statement.

(b) A statement, report, or registration required under this chapter is incomplete if any material item of information required by the prescribed form is not provided.

However, a report is not incomplete and a penalty will not be assessed if the occupation or employer information required in AS 15.13.040 is not provided for a contribution and the treasurer or candidate returns the contribution no later than 10 days after receipt from the contributor. If the staff discovers an obvious deficiency on the face of a statement, the staff shall notify the filer of the deficiency. (Eff. ___/___/____, Register ____)

Authority:	AS 15.13.030	AS 24.45.141	AS 24.60.240
	AS 15.13.380	AS 24.60.200	AS 39.50.020
	AS 15.13.390	AS 24.60.210	AS 39.50.050
	AS 24.45.131	AS 24.60.220	

2 AAC 50.850. Notice of deficiency; remedies. (a) A notice of deficiency under this section is sent as a courtesy only. A person’s failure to receive any notice of deficiency does not excuse that person’s failure to mail or deliver each required filing by the due date for that filing.

(b) When any person required to file a registration, disclosure statement, or other report under AS 15.13, AS 24.45, AS 24.60.200 – AS 24.60.260, or AS 39.50 fails to file the registration, statement, or report within ten days after the due date for that filing, the staff shall send the person responsible for the filing a written notice stating:

- (1) that the person's registration, statement, or report has not been filed;
- (2) the date on which the registration, statement or report was due;
- (3) the amount of the civil penalty that may be assessed as of the date of the notice, and the amount by which the penalty may increase each day until the registration, statement, or report is filed; and

(c) In addition to the notice of deficiency described in (b) of this section, the staff shall send each public official, candidate or legislative branch filer a second notice of deficiency in compliance with the applicable provisions of (d) – (h) of this section.

(d) **Public officials.** Except as provided in (e) of this section for a judicial officer or in (f) of this section for a municipal officer, the staff shall send a second written notice to any public official who fails to file a complete initial, annual, or final disclosure statement 25 days after the applicable due date. The second notice must contain the information set out in (b)(1)-(3) of this section and must state that:

- (1) failure or refusal to file the statement is punishable as a misdemeanor offense under AS 39.50.060;
- (2) if the statement is not received 30 days after the due date, the staff will notify the commission that that the public official's statement is overdue by 30 days, and will take other action under the direction of the commission, including

(A) requesting the governor to remove the public official from office under AS 39.50.060 – AS 39.50.080, unless the official is the governor or lieutenant governor;

(B) requesting the state agency that administers the salary, per diem, and travel expenses of the public official to withhold those payments under AS 39.50.070, AS 39.50.080, or AS 39.50.130;

(C) requesting the attorney general to initiate misdemeanor proceedings under AS 39.50.060 – AS 39.50.080 or AS 39.50.130; and

(D) taking other action as appropriate to carry out AS 39.50.060 – AS 39.50.080 or AS 39.50.130.

(e) **Judicial officers.** If a judicial officer, except for a person who holds judicial office for less than 30 days, fails to file a complete initial, annual, or final disclosure statement 25 days after the applicable due date, the staff shall send a written notice containing the information set out in (b)(1)-(3) of this section and a written notice stating that:

(1) failure or refusal to file the statement is punishable as a misdemeanor offense under AS 39.50.110;

(2) if the statement is not received 30 days after the due date, the staff will notify the commission that the judicial officer's statement is overdue by 30 days, and will take other action under the direction of the commission, including

(A) requesting the administrator of the court system to withhold salary, per diem, and travel expense payments to the judicial officer under AS 39.50.110;

(B) requesting the Commission on Judicial Conduct to refer the matter to the Alaska Supreme Court with a recommendation that the judicial officer be removed from office under AS 39.50.110;

(C) requesting the attorney general to initiate misdemeanor proceedings under AS 39.50.060 or AS 39.50.110; and

(D) taking other action as appropriate to carry out AS 39.50.060 or AS 39.50.110.

(f) **Municipal officials.** A municipal officer's annual disclosure statement is delinquent if not filed with the applicable municipal clerk or the clerk's designee on or before March 15 of each year. Within five days after March 15 of each year, the municipal clerk or the clerk's designee shall verify that each municipal officer has filed the statement. The municipal clerk or the clerk's designee shall notify any municipal official whose statement is delinquent or incomplete of the filing requirement. The municipal clerk or the clerk's designee shall also notify the commission, by telephone, facsimile, or electronic mail, of the name and address of any municipal officer whose statement is delinquent or incomplete. The municipal clerk or the clerk's designee shall promptly notify the commission of the date that any delinquent or corrected statement is received.

(g) When the commission is notified that a municipal official's statement is delinquent or incomplete, the staff shall send written notice containing the information set out in (b)(1)-(3) of this section to that municipal official. If a municipal officer's statement is overdue by 30 days, the commission may request the attorney general to

initiate misdemeanor proceedings and take other action as appropriate to carry out AS 39.50.060.

(h) **Candidates for state or municipal office.** In addition to the applicable procedures in (a) – (c) of this section, seven days before the primary election withdrawal date set in AS 15.25.055, the general election withdrawal date set in AS 15.25.200, and the withdrawal date for a municipal election, the staff shall prepare a list of every candidate for state or municipal elective office who has not filed a complete disclosure statement required by AS 39.50.020 and AS 39.50.030. The staff shall notify each candidate on the list of the date, time, and place of a meeting at which the commission will consider the list. If the commission determines that a listed candidate has failed to supply required information on a major source of income, interest in real property, business interest, loan, or trust, the commission will recommend

(1) that the lieutenant governor remove the name of the listed candidate for state elective office from the ballot, or if the candidate's name cannot be removed from the ballot, that the lieutenant governor not certify the candidate's nomination for office or election to office; or

(2) that the appropriate municipal clerk or the clerk's designee refuse a listed municipal elective office candidate's filing for office and filing fees, or return the filing and fees and remove the candidate's name from the filing records.

(i) If information discovered after the deadline for withdrawal of candidacy indicates that a candidate for state or municipal elective office has failed to comply substantially with the requirements of AS 39.50 or 2 AAC 50.680- 2 AAC 50.775, the

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staff shall investigate the matter as set out in 2 AAC 50.875. (Eff. ___/___/_____, Register ____).

Authority:	AS 15.13.030	AS 24.60.210	AS 39.50.050
	AS 15.13.380	AS 24.60.220	AS 39.50.060
	AS 15.13.390	AS 24.60.240	AS 39.50.120
	AS 24.45.131	AS 24.60.250	AS 39.50.130
	AS 24.45.141	AS 24.60.260	AS 39.50.135
	AS 24.60.200	AS 39.50.020	

2 AAC 50.855. Penalty assessment procedure. (a) If, within 30 days after the due date, a person responsible for filing a registration, statement, or report required by AS 15.13, AS 24.45, AS 24.60.200-AS 24.60.260, or AS 39.50 that is late or incomplete corrects the deficiency, the commission staff shall assess a penalty. The amount of the penalty must be determined by multiplying the applicable daily maximum penalty set out in AS 15.13.390, AS 24.45.141, AS 24.60.240, or AS 39.50.135 by the number of days the registration, statement, or report was late or incomplete. The number of late or incomplete days includes each day following the due date of the registration, statement, or report through the day before a registration, statement, or report that substantially complies with the filing requirement is mailed or delivered to the commission. However, a penalty will not be assessed if a deficiency is insignificant and is promptly corrected

- (1) without receiving a notice from the staff; or
- (2) within the time allowed by any notice of deficiency from the staff.

(b) When the staff assesses a penalty in compliance with (a) of this section, the staff shall, within fourteen business days after receiving the materials that correct the deficiency, mail or deliver a written penalty assessment to the person responsible for filing the registration, statement, or report. The written penalty assessment must show the calculation of the penalty, and must state that the person responsible may appeal the penalty assessment as provided in 2 AAC 50.831 and 2 AAC 50.860.

(c) If the commission does not receive a required registration, statement, or report, or material information needed to complete a registration, statement, or report within 30 days after the due date, the staff shall assess a penalty as set out in this section. The written penalty assessment must also inform the person responsible for the registration, statement, or report that the amount of the penalty will continue to increase each day until the registration, statement, or report, and all material information required in the registration, statement, or report, is mailed or delivered to the commission. The staff shall also inform the person responsible for the registration, statement, or report that the staff will initiate action to enforce the remedies described in the applicable provisions of 2 AAC 50.850.

Authority:	AS 15.13.030	AS 24.60.240	AS 39.50.070
	AS 15.13.390	AS 24.60.250	AS 39.50.080
	AS 24.45.021	AS 24.60.260	AS 39.50.115
	AS 24.45.141	AS 39.50.050	AS 39.50.135
	AS 24.60.220	AS 39.50.060	

2 AAC 50.860. Procedure for disputing penalty. (a) Any person who receives a penalty assessment under 2 AAC 50.855 may appeal the assessment to the commission by submitting a written statement

(1) explaining any reason the person disputes any fact relevant to the assessment;

(2) identifying and producing evidence to substantiate any mitigating factor listed in 2 AAC 50.865 that is applicable to that person; and

(3) showing that any aggravating factor listed in 2 AAC 50.865(d) does not apply to that person.

(b) Staff will review any facts disputed in an appeal, including facts relevant to mitigating and aggravating factors, and will provide a written recommendation to the commission and to the person who appealed a penalty assessment.

(c) The commission will hear a penalty assessment appeal in compliance with the procedure for administrative appeals set out in 2 AAC 50.831. After considering the statement of reasons and other relevant evidence, the commission will

(1) affirm the civil penalty if the commission determines that the penalty is computed in compliance with 2 AAC 50.855 and justified either because

(A) no mitigating factors have been shown, or

(B) aggravating factors require imposition of the maximum penalties allowed under the relevant statutes; or

(2) reduce or waive the civil penalty if the commission finds that mitigating factors justify a reduction in the amount of the assessed assessed penalty.

(d) If the commission determines to impose part or all of a civil penalty assessed under 2 AAC 50.855, the penalty is due no later than 30 days after the date the notice of the commission's decision is mailed or delivered.

(e) A decision of the commission to impose any civil penalty may be appealed to the superior court as provided in AS 44.62.560 and Rules 601 – 612 of the Alaska Rules of Appellate Procedure. An appeal to the superior court automatically stays the obligation to pay the penalty, but the stay terminates if the superior court affirms the commission's decision or if the appeal is withdrawn. A penalty imposed by the commission must be paid within 30 days after the superior court affirms the commission's decision or if the appeal is withdrawn. (Eff. ___/___/____, Register ___)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.865. Mitigating factors; aggravating factors. (a) A civil penalty determined under in 2 AC 50.855 may be reduced by up to 50% if

(1) a person required to file a statement or other filing

(A) has a good filing history; “good filing history” means no late filings in the immediately preceding five years; and the overdue report shows no activity;

(B) is an inexperienced filer; “inexperienced filer” means any person required to file reports under this chapter if that person has been subject to a registration or reporting requirement for less than 365 days;

(2) a technical error at the commission, including a communication, fax machine, computer program, or other equipment problem may have contributed to the late or incomplete filing;

(3) any unreported or mistakenly reported information had a value of \$100 or less; or

(4) any unreported or mistakenly reported information had a value of from \$100 up to and including \$1000, and a factor listed in (b) of this section also applies.

(b) A civil penalty set out in 2 AAC 50.855 may be reduced by a percentage greater than 50%, or waived entirely based on the following factors:

(1) the person required to file, or a family member of the person required to file, experienced a personal emergency, including a call for military service, a natural disaster, a civil disturbance, or an incapacitating illness that prevented the person from filing by the due date; this mitigating factor is only available to a natural person;

(2) a significant cause of the late filing is commission or staff error, including

(A) furnishing reporting materials too late for filing by the due date;

(B) giving incorrect oral or written information to any person required to submit a statement or other filing;

(C) failing to deliver required notices when due; or

(D) confirmed technical problems with operation of commission equipment, including the electronic filing program;

(3) a late or erroneous report included only administrative costs in a group report;

(4) the late or incomplete report resulted in no significant harm to the public and no aggravating factors exist; “no significant harm to the public” means

(A) the dollar amount missing from a form or disclosure is \$100 or less;

(B) the dollar amount for the information missing from a form or disclosure is from \$100 up to and including \$1000, and the filer self-reported the error; or

(C) the missing or incomplete information is readily available to the public through another forum;

(5) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; or

(6) a unique circumstance justifies reducing or waiving the penalty.

(c) The commission will not accept the following excuses as mitigating factors to reduce the amount of a penalty:

(1) relying on another person or mailroom to mail, postmark, or submit the statement by a due date;

(2) forgetting to file;

(3) being a volunteer;

(4) having no change in reportable information from previous filed statements;

(5) relying on the responsible person’s staff to remind the person of the filing deadline;

(6) being too busy to file;

(7) experiencing staff turnover, unless the turnover created turmoil serious enough to justify a finding of unique circumstances;

(8) being out of town, unless the travel was unplanned or unavoidable, including travel for a personal emergency, or weather related travel problems.

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed by the applicable statute if a person required to file a statement or other filing has

(1) failed to substantially comply with financial disclosure requirements by omitting a significant source of income, interest in real property, business interest, loan, trust, or other substantial financial interest; “substantial financial interest” in this provision means an interest with a value greater than \$1000; or

(2) a poor reporting history, including more than one late filing in the immediately preceding five years, evidence suggesting deliberate non-reporting, or failure to cooperate with staff. (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 24.45.141 AS 39.50.050
AS 15.13.390 AS 24.60.220 AS 39.50.135
AS 24.45.021 AS 24.60.240

2 AAC 50.870. Complaints. (a) A person, including a member of the commission or the staff, may file a complaint alleging a violation of any statute or regulation under the jurisdiction of the commission.

(b) A complaint under this section must be in writing, and must be signed, under oath and upon penalty of perjury, before a notary public, municipal clerk, court clerk, postmaster, or other person authorized to administer oaths. The complaint may be on a form provided by the commission or in any other form that provides the following information:

- (1) the full name, mailing address, and telephone number of the complainant;
- (2) the name of the person alleged to be in violation;
- (3) the statute or regulation alleged to be violated;
- (4) a clear and concise description of facts that, if true, would violate a statute administered by the commission, or a regulation in this chapter;
- (5) the basis of the complainant's knowledge of the facts alleged, including those based on personal knowledge and those based upon other sources of information and belief;
- (6) relevant documentation or other evidence that is available to the complainant; and
- (7) proof that a copy of the complaint and documentation was mailed or delivered to the person alleged to be in violation.

(c) Within one day after receiving a complaint, the staff shall determine if the complaint

(1) is signed and notarized under oath;

(2) contains the information required in (b) of this section;

(3) alleges facts that, if true, would be a violation of a statute under the commission's jurisdiction or this chapter; and

(4) alleges a violation that occurred within the last five years.

(d) If the staff determines that the complaint does not meet all the criteria of (c) of this section, the staff shall, within one day after receiving the complaint, reject the complaint, and notify the complainant, the person alleged to be in violation, and the commission of the rejection and the reason. A person that filed a complaint rejected by the staff may file a written request asking the commission to review the rejection. The commission will review the complaint and the reasons for the staff's rejection of the complaint at the next regularly scheduled commission meeting unless, in its discretion, the commission schedules the matter for a special meeting. The commission will

(1) affirm the staff's rejection of the complaint; or

(2) find that the complaint meets the criteria in (a) of this section, and either set a hearing for expedited consideration, or direct the staff to conduct an investigation.

(e) If the staff determines that the complaint meets all the criteria of (c) of this section, the staff shall, within seven days after receiving the complaint, notify the complainant, the person alleged to be in violation, and the commission. The notice must include the statement that the person alleged to be in violation may file a written answer no later than 15 days after the date of the notice. The staff shall then investigate the complaint as set out in 2 AAC 50.875. (Eff. ___/___/____, Register ____)

Authority:	AS 15.13.030	AS 24.45.031	AS 24.60.250
	AS 15.13.045	AS 24.45.131	AS 24.60.255
	AS 15.13.380	AS 24.45.135	AS 24.60.260
	AS 15.13.390	AS 24.60.220	AS 39.50.050
	AS 24.45.021	AS 24.60.240	AS 39.50.055

2 AAC 50.875. Investigation. (a) The staff shall undertake an investigation of any complaint that the staff or the commission determines meets the criteria in 2 AAC 50.870(c). The staff shall initiate an investigation if the commission or staff obtains information that, if true, would constitute a substantial violation of AS 15.13, AS 24.45, AS 24.60.200-AS 24.60.260, or AS 39.50, or this chapter. If staff initiates an investigation, the staff shall promptly

(1) prepare a written notice, setting out the facts, allegations, and law involved; and

(2) provide the written notice and a copy of the complaint and supporting documentation to the respondent and the commission.

(b) The staff may conduct an investigation as provided in AS 15.13.045, and may

(1) request written and sworn statements from a party, witness, or other person;

(2) request the assistance of the Alaska State Troopers as provided in AS 18.65.090, and

(3) contract with a private investigator.

(c) When the staff completes an investigation, but no later than 30 days after accepting a complaint, staff shall prepare an investigation report. The investigation report must include a summary of the staff's findings, and a recommendation

(1) that a hearing be held and penalties assessed if the staff concludes that the evidence shows a violation of the law;

(2) that the matter be dismissed if the staff concludes that the evidence does not support a violation; or

(3) that the commission approve a consent agreement, if the respondent and the staff have agreed to a resolution in compliance with 2 AAC 50.885.

(d) The staff shall provide a copy of the investigation report to the complainant, the respondent, and the commission. Within 10 days after the staff mails or delivers the investigation report to the respondent, the respondent may file an answer or an amended answer to the investigative report.

(e) The commission will consider an investigative report at its next regularly scheduled meeting unless, in its discretion, the commission schedules the matter for a special meeting. The commission will give notice of the date, time, and place of the meeting to the complainant and the respondent. After considering the recommendation, the commission will

(1) schedule the matter for hearing;

(2) dismiss the complaint or investigation; or

(3) consider any consent agreement as provided in 2 AAC 50.885. (Eff.

___/___/___, Register ___)

Authority: AS 15.13.030 AS 24.45.021 AS 24.60.240

AS 15.13.045	AS 24.45.031	AS 24.60.250
AS 15.13.380	AS 24.45.131	AS 24.60.260
AS 15.13.390	AS 24.60.220	AS 39.50.050
AS 18.65.090		

2 AAC 50.880. Answer to complaint. (a) A person alleged to be in violation may file an answer to the complaint at any time within 15 days after receiving notice that the complaint satisfies the requirements in 2 AAC 50.870(a), or after receiving an investigation report issued as provided in 2 AAC 50.875. An answer must

- (1) admit or deny the allegations in the complaint;
- (2) be signed by the respondent;
- (3) include the mailing address and telephone number of the respondent;

and

(4) be accompanied by proof that a copy of the answer and supporting documentation was mailed or delivered to the complainant.

(b) An answer to a complaint or investigative report may

- (1) respond to the allegations in the complaint;
- (2) state any defense to the allegations;
- (3) object to the complaint as so indefinite or uncertain that the

respondent cannot prepare a defense; and

- (4) include relevant documentation. (Eff. ___/___/____, Register ____)

Authority:	AS 15.13.030	AS 24.45.021	AS 24.60.220
	AS 15.13.045	AS 24.45.131	AS 39.50.050

AS 15.13.380

2 AAC 50.885. Consent agreement. (a) At any time after a complaint is filed or after the staff initiates an investigation, the respondent may enter into a consent agreement with the staff. Notwithstanding 2 AAC 50.875, the staff may suspend an investigation if the respondent enters into a consent agreement before staff completes an investigation and report. A consent agreement must be in writing, must state that it is subject to commission approval, and must include an agreement regarding the assessment of civil penalties, the commission's costs of investigation and adjudication, and reasonable attorney's fees, as provided in AS 15.13.390(b). The parties may present a statement of the facts supporting the stipulation.

(b) The commission may require evidence to support a finding that the consent agreement is in the public interest and consistent with controlling law. If the commission rejects a consent agreement, the commission will provide an opportunity for the parties to present evidence and arguments on the rejected consent agreement. If the commission accepts a consent agreement, the staff and the respondent are bound by it. (Eff.

___/___/____, Register ___)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.888. Expedited consideration; hearing on expedited consideration.

(a) A complainant, the staff, or a respondent may request expedited consideration when a complaint is filed or any time before the date for an answer as provided in 2 AAC 50.880.

A request for expedited consideration must be submitted as a separate document from any other filing, and must include

- (1) proof that the opposing party actually received the request for expedited consideration; and
- (2) evidence showing reasonable cause to believe a violation of law has occurred or will occur, and that the matter at issue could
 - (A) affect the outcome of an election; or
 - (B) cause irreparable damage that penalties cannot remedy.

(b) The commission will consider a request for expedited consideration as provided in AS 15.13.380(c) and (d). The commission will give the complainant, the staff, and the respondent notice of the date, time, and place of the hearing at which the commission will decide a request for expedited consideration. The notice will be posted on the commission's website and in a prominent place, visible to the general public, at the commission's offices. The notice will state that, if the commission grants expedited consideration, the commission may hear the complaint immediately after issuing its order to expedite consideration.

(c) At the hearing on the request to expedite, the commission will consider the argument and evidence in support of the request for expedited consideration and will allow the party opposing the request an opportunity to respond with argument and evidence. The commission may allow an opportunity to rebut the response. The complainant, or if the staff requested expedited consideration, the staff, has the burden of proof to demonstrate the need for expedited consideration.

(d) The commission will announce its decision on a request to expedite consideration on the record at the hearing. The commission will expedite consideration of a complaint if substantial evidence supports expediting consideration under the factors set out in AS 15.13.380(c). If the commission denies expedited consideration, the commission will refer the complaint for investigation as provided in 2 AAC 50.875. If the commission expedites consideration, the commission will either commence the hearing immediately, or provide notice of the date, time, and location of the hearing to be held in compliance with AS 15.13.380(d).

(e) A hearing on expedited consideration will be conducted as provided in 2 AAC 50.891 except that the commission may, for good cause and consistent with due process, modify any procedure in order to expedite the proceeding. The commission will issue an order as provided in AS 15.13.380(d). (Eff. ___/___/____, Register ____)

Authority: AS 15.13.030 AS 15.13.380 AS 24.60.220
AS 15.13.045 AS 24.45.021 AS 39.50.050

2 AAC 50.891. Hearing, record, decision. (a) The commission will conduct a hearing on a complaint, an investigatory report, or a consent decree, in compliance with AS 44.62.330 - 44.62.630, and will follow the hearing procedures of 2 AAC 64.100 -2 AAC 64.990 except as otherwise provided in AS 15.13.380 and this section.

(b) The commission will give the complainant and respondent reasonable notice of the date, time, and place of the hearing. The notice must be posted on the commission's internet site and in a prominent place, visible to the public, at the commission's offices. If the hearing is conducted by telephone, audio or video

teleconferencing, or other electronic means, the public notice must designate at least one place for public access. The complainant or a party may request a change in the date, time, or place of a hearing. The commission may grant a change in the date, time, or place of a hearing for good cause and with reasonable notice to the complainant and the parties.

(c) Before a hearing, a respondent may inspect the staff case file, and may obtain copies at cost. However, internal staff memoranda and any privileged information may not be inspected or copied.

(d) Except as provided in 2 AAC 50.888 for a hearing on a request for expedited consideration, the staff and the respondent are parties to a hearing. For good cause, the commission may also designate the complainant as a party. Any party to a hearing may be represented by an agent or an attorney licensed in the state of Alaska, and may call witnesses and present evidence. A complainant that is not designated as a party to the proceeding may present argument, but may not call witnesses or present evidence. The staff shall present the investigation report, and shall bear the burden of proving a violation by a preponderance of the evidence.

(e) The hearing must be recorded and open to the public. A complainant or respondent may arrange for preparation of a transcript at the complainant's or respondent's own expense. A copy of any transcript prepared from the recording must be filed with the commission.

(f) The commission may go into executive session to deliberate. No later than 10 days after the record closes, the commission will issue an order in compliance with AS 44.62.510.

(g) The commission may reconsider an order as provided in AS 44.62.540. A request for reconsideration must be filed within 15 days after the commission delivers or mails an order as provided in (f) of this section. A request for reconsideration must state specific grounds for reconsideration. The commission will reconsider its decision only if

- (1) a substantial procedural error occurred;
- (2) the order was based on fraud, misrepresentation, or material mistake of fact or law;
- (3) new evidence has been discovered that could not have been discovered before the hearing using reasonable diligence.

(h) When a final order of the commission determines that a violation has occurred, the commission may assess appropriate civil penalties, the commission's costs of investigation and adjudication, and reasonable attorney's fees against the respondent. Costs of investigation and adjudication include costs of serving subpoenas, witness fees, database searches, deposition costs, staff travel costs, witness travel costs, transcription costs paid to outside firms, expert or consultant fees, overtime pay for hourly staff employees, copying costs, materials, costs of preparing hearing materials and display, costs of publishing hearing notices, hearing officer fees, and honoraria and travel costs of commissioners. (Eff. ___/___/_____, Register ____)

Authority: AS 15.13.030 AS 24.45.131 AS 24.60.250
AS 15.13.045 AS 24.60.220 AS 39.50.050
AS 15.13.380 AS 24.60.240 AS 39.50.135
AS 24.45.021

2 AAC 50.895. Referral to attorney general. (a) If a person that is assessed a civil penalty for a violation of this chapter refuses or fails to appeal or pay the penalty, the commission shall refer the matter to the attorney general for appropriate action.

(b) If, before the commission concludes action on a complaint, the attorney general or a federal agency

(1) files a civil complaint addressing the subject matter of the administrative complaint, the commission will dismiss the administrative complaint without prejudice; or

(2) initiates a criminal investigation or proceeding addressing the subject matter of the administrative complaint, the commission may suspend action until the criminal proceeding concludes. (Eff. ___/___/____, Register ___)

Authority: AS 15.13.030 AS 15.13.385 AS 24.45.131
AS 15.13.380 AS 24.45.031

Article 5. General Provisions

Editor's note: The substance of repealed sections in this article has been relocated to Article 4. Alaska Public Offices Commission Procedures. 2 AAC 50.920 contains necessary definitions formerly set out in various sections throughout 2 AAC 50. The history note for 2 AAC 50.920 does not reflect the history of changes that may have been made to any discrete definition.

2 AAC 50.905 is repealed:

2 AAC 50.905. Advisory opinions. Repealed. (Eff. 1/4/86, Register 97; am 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173, repealed ___/___/____, Register ___)

2 AAC 50.910 is repealed:

2 AAC 50.910. Availability of report filed with the commission. Repealed.
(Eff. 5/16/76, Register 58; am 1/4/86, Register 97; am 1/1/2001, Register 156; repealed
__/__/__, Register __)

2 AAC 50.920 is repealed and readopted to read:

2 AAC 50.920. Definitions. In this chapter, unless the context requires
otherwise:

- (1) "administrative action" has the meaning given in AS 24.60.990;
- (2) "anything of value" means any item, property, or services, tangible or intangible, that could reasonably be considered to be a material advantage, or of material worth, use, or service to a person receiving the item property or services; "anything of value" includes any facility, equipment, polling information, supplies, advertising service, membership list, mailing list, and the service of distributing information by means of electronic mail, even if the cost of doing so is minimal;
- (3) except as provided in 2 AAC 50.405, "candidate" means a candidate for state or municipal elective office, including an individual who
 - (A) submits a letter of intent to the commission under 2 AAC 50.274; or
 - (B) has publicly announced an intent to run as a write-in candidate;
- (4) "child" has the meaning given in AS 39.50.200;
- (5) "commission" means the Alaska Public Offices Commission created

under AS 15.13.020;

(6) “complainant” means a person who files a complaint with the commission in compliance with 2 AAC 50.870;

(7) "contribution"

(A) has the meaning given in AS 15.13.400;

(B) includes any

(i) subscription, advance, transfer, forgiveness of all or part of a debt, relaxation of credit, or anything of value made for or provided to a candidate or campaign by a person, group, or nongroup entity for the purpose set out in AS 15.13.400(4)(A); and

(ii) personal contribution as provided in 2 AAC 50.254;

(C) does not include

(i) costs a media organization, including a broadcasting station, newspaper, or periodical of regular publication incurs in covering or carrying a news story, editorial, or commentary; however, if the media organization is owned or controlled by a political party, group, or candidate, the cost of the news story, editorial, or commentary is a contribution, unless the media organization carries a bona fide news account as part of a general pattern of campaign-related news accounts that gives reasonably equal coverage to all opposing candidates in the circulation or listening area;

(ii) a non-monetary contribution or in-kind donation of a single item with a normal cost of \$50 or less;

(iii) a payment by an individual for the individual's own travel expenses, if the payment is voluntary and is made without an understanding that the payment will be directly or indirectly repaid;

(iv) costs a business, corporation, trade association, labor union, or other organization not organized primarily to influence elections, incurs to communicate directly with the organization's members, employees, or the families of members or employees, on any subject, if the communication is in the same format the organization has used in the past for communications on nonpolitical subjects, and does not solicit contributions or any action other than voting for or against a candidate or ballot proposition or question;

(v) a gift, loan, advance, or deposit of money or anything of value made with respect to a recount of a state or municipal election;

(vi) costs incurred to provide necessary administrative services associated with a payroll withholding plan; these costs may not include expenses associated with soliciting contributions;

(vii) provision of a service or facility to a candidate, group, or nongroup entity if the entity providing the service or facility is paid at a commercially reasonable rate within a commercially reasonable time or makes the service or facility available to all candidates for a particular office;

(viii) provision of an organization's membership or mailing list to the group or nongroup entity affiliated with the organization;

(ix) the use of personal money or credit by a campaign treasurer or deputy treasurer for an expenditure allowable under AS 15.13.112 , if the amount does not exceed \$500; and is repaid before the end of the report cycle in which the expenditure was made; or

(x) the use of personal money or credit by a candidate for an authorized campaign expenditure, if the amount is repaid within three days after the date of the expenditure;

(8) "creditor" includes a government authority that has a right by law to demand and recover money from a person or a person's family member;

(9) "deferred income" means money or anything of value that is earned in a reporting period, but is to be paid after the end of that reporting period;

(10) "disclosure statement" or "statement" means a disclosure statement required under AS 24.60.200 or AS 39.50.020;

(11) "domestic partner" has the meaning given in AS 39.50.200;

(12) "family member" means spouse, domestic partner, and a child who meets the criteria for "dependent child" given in AS 39.35.680;

(13) "gift" means a payment or item received without consideration of equal or greater value; "gift"

(A) includes

(i) satisfaction of a loan or debt by forgiveness or payment by a third party, or a third party's enforceable promise to pay the loan or satisfy the debt obligation when the person obligated does not give receive full and adequate consideration;

(ii) accommodations, including housing, hotel rooms, vacation rentals;

(iii) tickets for travel or an entertainment event;

(iv) food or beverages not intended for immediate consumption;

(v) a discount or rebate for goods and services if the discount or rebate is not available to the public generally;

(vi) goods or services provided or loaned for personal or professional use, including office expenses connected with holding public office;

(vii) a scholarship to pay costs of an educational or recreational program;

(B) does not include

(i) a political contribution;

(ii) a commercially reasonable loan made in the ordinary course of business in exchange for consideration of equal or greater value;

(iii) an inheritance; or

(iv) an item of value received without consideration from a family member or a parent, nondependent child, sibling, grandparent, aunt, uncle, niece, or nephew;

(14) "income" has the meaning given in AS 24.60.990; "income" includes money or anything of value, including deferred income, earned or received

- (A) in exchange for labor or services;
 - (B) from the sale of goods or property;
 - (C) as profit from a financial investment;
 - (D) as alimony;
 - (E) as child support;
 - (F) as a government entitlement; or
 - (G) as an honorarium;
- (15) "individual" means a natural person;
- (16) "judicial officer" has the meaning given in AS 39.50.200;
- (17) "labor union" means a local, national, or international union, a labor council, or any other labor organization recognized under state or federal law;
- (18) "legislative action" has the meaning given in AS 24.60.990;
- (19) "loan or loan guarantee" means a business or personal
- (A) loan signed or co-signed by the legislative branch filer, public official, or candidate, or a family member of the legislative branch filer, public official or candidate; or
 - (B) loan guarantee made on behalf of the legislative branch filer, public official, or candidate, or a family member of the legislative branch filer, public official, or candidate;
- (20) "lobbyist" has the meaning given in AS 24.60.990;
- (21) "minor" means an individual who is under the age of 18;
- (22) "money" means currency of the United States or of a foreign nation, checks, money orders, or negotiable instruments payable on demand;

- (23) “municipality” has the meaning given in AS 01.10.060;
- (24) “municipal officer” has the meaning given in AS 39.50.200;
- (25) “nondependent child” is a child that does not meet the criteria for a dependent child set out in AS 39.35.680;
- (26) "person" has the meaning given in AS 01.10.060, and also includes a labor union and an initiative committee as provided in AS 15.45.030;
- (27) "political action" has the meaning given in AS 24.60.990;
- (28) "public official" or “public officer” has the meaning given in AS 39.50.200;
- (29) "resident of the state" or "resident of this state"
 - (A) means an individual who meets the requirements of AS 01.10.055; and
 - (B) includes each individual who is registered to vote in the state;
- (30) “respondent” means a person against whom a complaint has been made or an investigation has been initiated under 2 AAC 50.870 – 2 AAC 50.875;
- (31) “sibling” means a brother or sister, including a stepbrother, stepsister, and adopted brother or sister;
- (32) “source of income” has the meaning given in AS 39.50.200;
- (33) “staff” means the staff of the Alaska Public Offices Commission, employed under AS 15.13.020(i), including any individual hired as a contractor to provide specific services to the commission, but does not include any member of the commission appointed by the governor under AS 15.13.020(a);

(34) "taking office" means the earlier of

(A) the day on which the public official first earns compensation for work; or

(B) the day on which the public official takes the oath of office;

(35) "working day" means a day other than Saturday, Sunday, or a state holiday;

(36) "zero report" means a report filed under AS 15.13, AS 24.45, AS 24.60.200 – AS 24.60.260, or AS 39.50 that shows the person filing the report had no reportable activity during the period of time covered by the report. (Eff. 5/16/76, Register 58; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am __/__/__, Register __)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021