

[TAB 10]

**Regulations, Administrative
Order 360 Public Comment**

Discretionary requirements count towards the baseline; mandatory requirements do not.

2 AAC 50.200 (contributions): *two mandatory (in response to AS 15.13.040 and 15.13.070; see also AS 15.13.400 (definition of "contribution")); 16 discretionary.*

2 AAC 50.254 (personal contributions by a candidate): *one mandatory (in response to AS 15.13.078); 19 discretionary.*

2 AAC 50.258 (prohibited contributions): *two mandatory (in response to AS 15.13.074(b)); 21 discretionary.*

2 AAC 50.266 (disposition of prohibited contributions): *one mandatory (in response to AS 15.13.072); five discretionary.*

2 AAC 50.270 (independent expenditures)--

2 AAC 50.270(a): *two mandatory (in response to AS 15.13.050); one discretionary.*

2 AAC 50.270(b): *one mandatory (in response to AS 15.13.040(d) and (e) and 15.13.110(h)); eight discretionary.*

2 AAC 50.270(c): *two discretionary.*

2 AAC 50.270(d): *two mandatory (in response to AS 15.13.110(k) and 15.13.400 (definition of "true source")); four discretionary.*

2 AAC 50.270(e): *five discretionary.*

2 AAC 50.270(f): *one discretionary.*

2 AAC 50.270(g): *three mandatory (in response to AS 15.13.040(r)).*

2 AAC 50.272 (conducting raffle or lottery and use of proceeds): *four mandatory (in response to AS 15.13.067, 15.13.070(c), (d), and (f), 15.13.074(f) and (g), and 15.13.400; cf. AS 05.15.150(a)(3)); 20 discretionary.*

2 AAC 50.274 (early campaigning): *two mandatory (in response to AS 15.13.100); 11 discretionary.*

2 AAC 50.282 (candidate registration): *eight discretionary.*

2 AAC 50.286 (candidate exemptions): *seven discretionary.*

2 AAC 50.290 (groups; draft groups; controlled groups; ballot groups): *28 discretionary.*

2 AAC 50.292 (nongroup entities): *29 discretionary.*

2 AAC 50.298 (designated campaign depository): *nine discretionary.*

2 AAC 50.300 (individuals who accept contributions): *three discretionary.*

2 AAC 50.302 (candidate campaign subcommittee): *six discretionary.*

Discretionary requirements count towards the baseline; mandatory requirements do not.

2 AAC 50.306 (identification of political communication): *17 mandatory (in response to AS 15.13.090); seven discretionary.*

2 AAC 50.320 (recordkeeping requirements): *three mandatory (in response to AS 15.13.111); seven discretionary.*

2 AAC 50.321 (reporting by a candidate, group, or nongroup entity): *10 mandatory (in response to AS 15.13.110); 40 discretionary.*

2 AAC 50.324 (shared campaign activities): *seven mandatory (in response to AS 15.13.112); three discretionary.*

2 AAC 50.327 (additional reporting by political party): *one mandatory (in response to AS 15.13.040 and 15.13.110); seven discretionary.*

2 AAC 50.328 (reporting exempt fundraising activities): *eight mandatory (in response to AS 15.13.040(l)); 10 discretionary.*

2 AAC 50.329 (reporting contributions from ongoing payroll deduction or dues programs): *four discretionary.*

2 AAC 50.344 (reporting by persons outside the state): *one mandatory.*

2 AAC 50.348 (use of campaign contributions): *nine mandatory (in response to AS 15.13.112 and 15.13.116); two discretionary.*

2 AAC 50.352 (ballot measure activity): *eight mandatory (in response to AS 15.13.040, 15.13.050, and 15.13.068); two discretionary.*

2 AAC 50.356 (election-related use of public money): *three mandatory (in response to AS 15.13.040 and 15.13.145); five discretionary.*

2 AAC 50.368 (joined campaigns): *one mandatory (in response to AS 15.13.070); four discretionary.*

2 AAC 50.375 (communications by incumbents): *three mandatory (in response to AS 15.13.090 and 15.13.112).*

2 AAC 50.384 (winding up campaign affairs): *seven mandatory (in response to AS 15.13.110 and 15.13.116); two discretionary.*

2 AAC 50.396 (public office expense term account): *one mandatory (in response to AS 15.13.116); six discretionary.*

Discretionary requirements count towards the baseline; mandatory requirements do not.

2 AAC 50.405 (definitions): 16 mandatory (especially in response to AS 15.13.400); **nine discretionary.**

2 AAC 50.550 (registration by lobbyist): six mandatory (in response to AS 24.45.041, 24.45.161, and 24.45.171 (definition of "lobbyist")); **nine discretionary.**

2 AAC 50.555 (registration by employer of lobbyist): one mandatory (in response to AS 24.45.061); **eight discretionary.**

2 AAC 50.560 (training required): two mandatory (in response to AS 24.45.041); **four discretionary.**

2 AAC 50.565 (termination; disqualification): seven mandatory (in response to AS 15.13.074; AS 24.45.041 and 24.45.051); **four discretionary.**

2 AAC 50.570 (reporting by lobbyist): one mandatory (in response to AS 24.45.051); **13 discretionary.**

2 AAC 50.575 (reporting by employer of lobbyist): two mandatory (in response to AS 24.45.061 and 24.45.081); **15 discretionary.**

2 AAC 50.580 (prohibited activity related to a campaign): one mandatory (in response to AS 24.45.121); **four discretionary.**

2 AAC 50.590 (definitions): six mandatory; **nine discretionary.**

2 AAC 50.680 (applicability; family member disclosure required) six mandatory (in response to AS 24.60.200 and AS 39.50.030).

2 AAC 50.685 (reporting sources of income and gifts): five mandatory (in response to AS 24.60.200; AS 39.50.020 and 39.50.030); **10 discretionary.**

2 AAC 50.690 (good faith effort to obtain information): five discretionary.

2 AAC 50.695 (reporting deferred income): four discretionary.

2 AAC 50.700 (reporting self-employment and business income): two mandatory (in response to AS 39.50.020 and 39.50.200 (definition of "source of income")); **six discretionary.**

2 AAC 50.704 (reporting income from attorney contingency fee agreements): five discretionary.

2 AAC 50.708 (reporting business interests and investments): one mandatory (in response to AS 39.50.030(b)(2)); **9 discretionary.**

Discretionary requirements count towards the baseline; mandatory requirements do not.

2 AAC 50.712 (reporting trusts and beneficial interests) *seven mandatory (in response to AS 39.50.030(b)(4)); one discretionary.*

2 AAC 50.720 (reporting interests in real property): three discretionary.

2 AAC 50.725 (reporting sources of income from rental property): three discretionary.

2 AAC 50.740 (reporting loans, loan guarantees, and indebtedness): *three mandatory (in response to AS 24.60.200 and 24.60.990(b); and AS 39.50.030(b)(5)); three discretionary.*

2 AAC 50.775 (exemption from reporting sources of income): eight discretionary.

2 AAC 50.799 (definitions): *two mandatory; two discretionary.*

2 AAC 50.801 (reports; public records): *five mandatory.*

2 AAC 50.806 (inspection and preservation of records): *seven mandatory.*

2 AAC 50.811 (filing and service of documents; computation of time): *14 mandatory.*

2 AAC 50.816 (electronic filing): *14 mandatory; 1 discretionary.*

2 AAC 50.821 (request for exemption or waiver): *21 mandatory.*

2 AAC 50.826 (commission decision on staff recommendation): *14 mandatory.*

2 AAC 50.831 (administrative appeal of staff decision): *15 mandatory.*

2 AAC 50.835 (disqualification of commission member): *seven mandatory.*

2 AAC 50.840 (advisory opinion): *nine mandatory.*

2 AAC 50.845 (late or incomplete reports): *seven mandatory.*

2 AAC 50.850 (notice of deficiency; remedies): *32 mandatory.*

2 AAC 50.855 (penalty assessment procedure): *25 mandatory; nine discretionary.*

2 AAC 50.860 (procedure for disputing penalty): *20 mandatory; three discretionary.*

2 AAC 50.865 (mitigating factors; aggravating factors): **11 discretionary.**

2 AAC 50.870 (complaints): *33 mandatory.*

2 AAC 50.875 (investigation): *15 mandatory.*

Discretionary requirements count towards the baseline; mandatory requirements do not.

2 AAC 50.880 (answer to complaint): *11 mandatory.*

2 AAC 50.885 (consent agreement): *12 mandatory.*

2 AAC 50.888 (expedited consideration; hearing on expedited consideration): *19 mandatory.*

2 AAC 50.891 (hearing; record; decision): *31 mandatory.*

2 AAC 50.895 (referral to attorney general): *two mandatory.*

2 AAC 50.899 (definitions): *two mandatory.*

2 AAC 50.990 (definitions): *50 mandatory.*

Baseline requirements for 2 AAC 50: 460

Chapter 50. Alaska Public Offices Commission.

Article

1. Campaign Disclosure (2 AAC 50.010 - 2 AAC 50.476)
2. Regulation of Lobbying (2 AAC 50.505 - 2 AAC 50.590)
3. Legislative and Public Official Financial Disclosure (2 AAC 50.680 - 2 AAC 50.800)
4. Alaska Public Offices Commission Procedures (2 AAC 50.801 - 2 AAC 50.899)
5. General Provisions (2 AAC 50.905 - 2 AAC 50.990)

Article 1. Campaign Disclosure.

2 AAC 50.250. Contributions. (a) A person receiving a contribution shall report as required in the applicable provisions of AS 15.13.040 and 2 AAC 50.321. **{+1 M}**

(b) If 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 2 AAC 50.250 - 2 AAC 50.405 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; **{+1 D}**

(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; **{+1 D}** 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) **{+1 D}** unless the same reduction in the business's charges is available to all campaigns; **{+1 D}**

(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, {+1 D} but not the value of equipment that the volunteer owns personally and uses in the course of the volunteered services; {+1 D}

(3) for a travel-related service or accommodation provided to a campaign,

(A) if the contributor pays another person for the travel-related service or accommodation, the actual cost of the travel-related service or accommodation; {+1 D} or

(B) if the contributor does not pay another person for the travel-related service or accommodation,

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

(ii) the value of the contributed travel-related service or accommodation based on any other commercially reasonable method of determining the cost; {+1 D}

(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. {+1 D}

(c) A contribution from a sole proprietorship is not prohibited under AS 15.13.074(f), but must be

(1) identified as a contribution by the owner of the sole proprietorship; **{+1 D}**

and

(2) included in the amount of the individual's contributions limited by AS 15.13.070. **{+1 D}**

(d) Notwithstanding (b)(1) of this section, services are not a contribution if 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. **{+1 D}**

(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. **{+1 M}** 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. **{+1 D}** 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. **{+1 D}**

(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. **{+1 D}**

(g) A contribution to a subordinate unit of a political party is a contribution to the political party. **{+1 D}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

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

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. **{+1 M}** In this section, assets include

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

(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. **{+1 D}** 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, or with more than one other person,

(A) the pro rata share corresponding to the purchase price paid by the candidate; or

(B) if the owners did not purchase the asset,

(i) the present value of the portion owned by the candidate, as documented in writing; or

(ii) if no document specifying the candidate's ownership share exists, the present value of the asset divided by the number of owners. **{+1 D}**

(c) Money loaned to a candidate by a regulated banking institution is a personal asset of the candidate, **{+1 D}** and must be reported as a candidate's personal contribution if

(1) the loan is made in compliance with applicable banking laws and regulations; **{+1 D}**

(2) bears an interest rate that is usual and customary at the time the loan is made; **{+1 D}**

(3) is evidenced by a written instrument; **{+1 D}**

(4) is required to be repaid on a specified date or amortization schedule; **{+1 D}**

and

(5) is not co-signed or guaranteed by a person other than the candidate. **{+1 D}**

(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 **{+1 D}** if the

sale is a legitimate arm's length transaction **{+1 D}** documented in writing. **{+1 D}** A candidate must report sale proceeds used in a campaign as a personal contribution. **{+1 D}** (Eff.

1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

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

2 AAC 50.258. Prohibited contributions. (a) A contribution must be made in the name of the true source of the money or thing of value. **{+1 M}** A person may not make a contribution using the name of another, or use a third-party conduit to obscure the true source of any money or thing of value contributed to a campaign. **{+1 M}** 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; **{+1 D}**

(2) made by an employee, agent, or other person if an employer, principal, supervisor, or contractor lends, pays, or advances **{+1 D}** money or anything of value **{+1 D}** to the employee, agent, or other person to contribute in a name other than the true source of the money or thing of value; **{+1 D}**

(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; **{+1 D}**

(4) in a total amount exceeding the limitations in AS 15.13.070 **{+1 D}** if 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; **{+1 D}**

(B) share two or more corporate or organizational officers; **{+1 D}** in

this subparagraph, "officer"

(i) has the meaning given in AS 15.13.040(s)(2); {+1 D} and

(ii) includes a chief executive officer; {+1 D}

(C) are owned or controlled by the same shareholders or members; {+1

D} or

(D) are in a parent-subsidary relationship; {+1 D}

(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; {+1 D}

(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; {+1 D} or

(7) made with funds derived from contributions, {+1 D} donations, {+1 D} gifts, {+1 D} [correct misspelling] or dues {+1 D} whose source is not disclosed to the public at the time the contribution is made. {+1 D}

(b) A candidate may not accept a contribution from a group that is resident in another state. {+1 D} 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. {+1 D} (Eff. 1/1/2001, Register 156; am 1/7/2001, Register 157; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 15.13.070 AS 15.13.074
AS 15.13.040 AS 15.13.072 AS 15.13.400

2 AAC 50.266. Disposition of prohibited contributions. (a) A campaign treasurer shall use best efforts to determine if a contribution is prohibited. **{+1 D}** If the treasurer determines that a contribution is prohibited, the treasurer shall return it to the contributor immediately, **{+1 M}** but no later than 10 days after receipt. **{+1 D}** 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, **{+1 D}** or to the commission for delivery to the Department of Revenue. **{+1 D}** In the next campaign disclosure report of 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. **{+1 D}**

(b) Repealed 12/22/2011. (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority:	AS 15.13.030	AS 15.13.070	AS 15.13.074
	AS 15.13.060	AS 15.13.072	AS 15.13.114

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 under AS 15.13.050 on a form prescribed by the commission, **{+1 D}** and shall establish a political activities account as required under AS 15.13.052. **{+1 M}** The frequency and amount of an allowable independent expenditure is not limited. **{+1 M}**

(b) Except as provided in (c) of this section, a person that makes an independent expenditure for any purpose shall file, as required under AS 15.13.110(h), a report of independent expenditure, **{+1 M}** on a form prescribed by the commission. **{+1 D}** An independent expenditure report must include

- (1) the information required by AS 15.13.040(d) and (e); **{+1 M}**
- (2) for a person other than an individual making an independent expenditure, the type of business or organization; **{+1 D}**
- (3) the full name of a contact person for the individual or other person making the expenditure; **{+1 D}**
- (4) the date of the expenditure; **{+1 D}**
- (5) the amount of the expenditure; **{+1 D}**
- (6) the check number or the identifying transaction number if paid by other means; **{+1 D}**
- (7) the name and address of the payee; **{+1 D}** and
- (8) a description of items or services purchased. **{+1 D}**

(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. **{+1 D}** 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. **{+1 D}**

(d) A person required to report under AS 15.13.110(k) shall disclose contributions received from a single source that exceed \$2,000, in the aggregate, and all subsequent contributions from that same not later than 24 hours after receipt. **{+1 M}** The report must include a certification that all true sources and intermediaries have been disclosed **{+1 M}** and the following information:

- (1) the date of each contribution; **{+1 D}**
- (2) the amount of each contribution; **{+1 D}**

(3) the full name of the contributor; **{+1 D}**

(4) a description of item or services contributed, if necessary; **{+1 D}** and

(5) the full name of all intermediaries, if any, within the meaning of "true source" under AS 15.13.400. **{+1 M}**

(e) A person required to report under AS 15.13.110(k) is not required to report donations that are not intended to influence the outcome of an election **{+1 D}** if the person

(1) establishes a political activities account as required by AS 15.13.052; **{+1 D}**

(2) makes no expenditures intended to influence the outcome of an election regulated under AS 15.13 from its general fund; **{+1 D}**

(3) establishes a written policy that all contributions to the person's political activities account must be from a contributor who has expressly indicated a desire that the contribution be used for political activities or has been expressly solicited for the purpose of making a contribution to the person's political activities account; **{+1 D}** and

(4) establishes a written policy that the contributor is the only person to decide whether a contribution goes to the person's general fund or the person's political activities account. **{+1 D}**

(f) During the nine days before an election, a person required to file reports within 24 hours under AS 15.13.110(h) and (k), may satisfy both requirements by filing a report under (d) of this section. **{+1 D}**

(g) A contributor contributing more than \$2,000, in the aggregate, to a person described in (d) of this section shall file a statement of contributions in compliance with AS 15.13.040(r), on a form prescribed by the commission. **{+1 M}** The statement of contributions must be filed not later than 24 hours after the contributor's total contributions to the person exceed \$2,000.

{+1 M} A contributor making a contribution to a person described in (d) of this section shall make the contribution in the name of the true source of the money or thing of value. {+1 M} (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

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

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. {+1 M} A permittee that conducts a raffle or lottery for the purposes allowed under AS 05.15.150(a)(3) and contributes the net proceeds as required under AS 05.15.150(a), is organized and taking action for the principal purpose of influencing an election within the meaning of AS 15.13.400(8)(B) and (13), [correct the paragraph numbering] and is subject to AS 15.13.067 {+1 M} and the applicable contribution limits of AS 15.13.070(c), (d), and (f).

{+1 M} A raffle or lottery may not be conducted in a manner that allows a person to avoid the provisions of AS 15.13.070, 15.13.074, or 2 AAC 50.258 in giving or receiving any contribution. {+1 D}

(b) A permittee may solicit and accept a contribution, including 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. {+1 D} A permittee may not accept a contribution

(1) that is anonymous or that is made using a fictitious name or the name of another; {+1 D} or

(2) from a person prohibited from making a contribution under AS 15.13.074(f) or (g). **{+1 M}**

(c) A permittee shall provide advance notice to each contributor and to each purchaser of a raffle or lottery ticket that the proceeds of the raffle or lottery are intended for political purposes under AS 05.15.150(a)(3). **{+1 D}** A raffle or lottery ticket sold for the purposes allowed by AS 05.15.150(a)(3) must 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. **{+1 D}** The permittee must retain records of any purchase of a raffle or lottery ticket in a total amount greater than \$50. **{+1 D}** An individual, group, or nongroup entity may not purchase raffle or lottery tickets exceeding the amount that an individual, group, or nongroup entity is allowed to contribute to a candidate under AS 15.13.070, **{+1 D}** and may not purchase raffle or lottery tickets if prohibited by AS 15.13.074(f) from making a contribution. **{+1 D}**

(d) 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; **{+1 D}** however, a contribution by a charitable gaming permittee may not exceed the applicable contribution limits of AS 15.13.070; **{+1 D}** or

(2) an independent expenditure for the purposes permitted in AS 05.15.150(a)(3); **{+1 D}** 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. **{+1 D}**

(e) A charitable gaming permittee shall report

(1) any expense incurred or paid to conduct a raffle or lottery to raise money to be used for the purposes permitted in AS 05.15.150(a)(3) as a contribution or an independent expenditure; **{+1 D}**

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

(A) any contribution the permittee receives in accordance with (b) of this section; **{+1 D}** or

(B) any purchaser of raffle or lottery tickets in excess of \$50; **{+1 D}**

(3) each independent expenditure made to conduct a raffle or lottery, or for a purpose permitted in AS 05.15.150(a)(3), as required under AS 15.13.040(d) and (e) and 2 AAC 50.270; **{+1 D}**

(4) 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. **{+1 D}**

(f) In this section,

(1) "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; **{+1 D}**

(2) "raffle" or "lottery" has the meaning given in AS 05.15.690. **{+1 D}** (Eff. 12/22/2011, Register 200)

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. Early campaigning. (a) An individual intending to campaign for office shall file for nomination for the office as required under AS 15.13.100 {+1 M} 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, [change comma to a semicolon] or

(2) with the lieutenant governor's office for a state office. {+1 D}

(b) An individual intending to seek state or municipal office may file a letter of intent, in the format prescribed by the commission, no earlier than 18 months before the general election when the office is to be filled at a general election {+1 D} or 18 months before the date of the election when the office is to be filled at a special election or municipal election {+1 D}. A letter of intent must state whether the individual will seek state or municipal office, {+1 D} but need not identify the specific seat for which the individual may file. {+1 D} A letter of intent must include a statement certifying that the individual will comply with the requirements of AS 15.13. {+1 D} A letter of intent is valid until the election identified on that filing, unless the individual filing the letter of intent withdraws it before the election. {+1 D}

(c) An individual may not accept a campaign contribution before filing a letter of intent or declaration of candidacy, {+1 D} and may not make a campaign expenditure {+1 M} except for personal travel expenses, opinion surveys, or polls. {+1 D} A person, group, or nongroup entity may not make an expenditure on behalf of an individual who is a prospective candidate before that individual files a letter of intent. {+1 D}

(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. {+1 D} (Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200; am 1/16/2015, Register 213)

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

2 AAC 50.282. Candidate registration. A candidate shall register in the format prescribed by the commission no later than 15 days after filing a declaration of candidacy for a state office or no later than seven days after filing a declaration of candidacy for a municipal office. **{+1 D}** A separate registration is required for each elective state or municipal office for which an individual files a declaration of candidacy. **{+1 D}** A candidate's registration must list

- (1) the name of the candidate and the candidate's campaign committee; **{+1 D}**
- (2) the address, telephone number, facsimile number, and electronic mail address of the candidate's campaign committee; **{+1 D}**
- (3) the name, address, and contact information for the campaign officers, including a chairperson and a treasurer; **{+1 D}**
- (4) the name and address of each deputy treasurer; **{+1 D}**
- (5) the name and address of the regulated banking institution that will serve as the campaign account depository; **{+1 D}** and
- (6) the candidate's certification that the information contained in the registration statement is true, complete, and correct. **{+1 D}** (Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200; am 1/16/2015, Register 213)

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. 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 in a format prescribed by the commission instead of the candidate registration form required under 2 AAC 50.282. **{+1 D}** A candidate who files an exemption statement is not required to file a campaign disclosure report required under

AS 15.13.110 and 2 AAC 50.321, **{+1 D}** but shall comply with all other requirements of AS 15.13, **{+1 D}** 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, **{+1 D}** the candidate loses the reporting exemption under this section. **{+1 D}** 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. **{+1 D}** 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. **{+1 D}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 1/16/2015, Register 213)

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. Groups; draft groups; controlled groups; ballot groups. (a) If a group, including a political party and an initiative committee, 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 directs, coordinates, or controls that activity, **{+1 D}** that group shall first register with the commission as provided in AS 15.13.050, **{+1 D}** and shall file reports as provided in AS 15.13.040(b) and (c) and 2 AAC 50.321. **{+1 D}** An ongoing group must register each year. **{+1 D}** To register, a group must disclose, in the format prescribed by the commission,

- (1) the group's name, address, and purpose; {+1 D}
- (2) the name and address of a chair and a treasurer; {+1 D} the same person may serve as both chair and treasurer; {+1 D}
- (3) any election in which the group intends to be active during the year; {+1 D}
- (4) the type of group; {+1 D}
- (5) the name and location of the group's campaign depository if one is required under 2 AAC 50.298; {+1 D} and
- (6) the treasurer's certification that the information contained in the registration statement is true, complete, and correct. {+1 D}

(b) A draft group must register and file reports as required in (a) of this section. {+1 D}

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 an 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; {+1 D}
- (2) may not
 - (A) engage in any political activity other than an activity described in this subsection and (d) of this section; {+1 D}
 - (B) accept any contribution in excess of \$500 from any individual or \$1,000 from any group; {+1 D}

(C) make an expenditure, other than for personal travel expenses, opinion surveys, or polls, {+1 D} that might benefit an individual successfully drafted to become a candidate; {+1 D}

(D) except as provided in (c) of this section, {+1 D} make monetary or nonmonetary contributions to, {+1 D} or expend funds on behalf of, {+1 D} 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. {+1 D}

(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. {+1 D} If the individual or team subject to the draft formally declares for public office, {+1 D} 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. {+1 D} A controlled group may contribute up to the maximum allowed by law to the candidate or team of candidates. {+1 D}

(d) 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. {+1 D}

(e) A registered group shall supplement its report if any of the information required to be reported in (b) of this section changes. {+1 D} 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. {+1 D} (Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200; am 1/16/2015,

Register 213)

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. Nongroup entities. (a) Before making a contribution or an independent expenditure, a person seeking the status of 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 person's name, address, and purpose; **{+1 D}**
- (2) the name and address of a chair and a treasurer; **{+1 D}** the same individual may serve as both chair and treasurer; **{+1 D}**
- (3) each election in which the person intends to be active as a nongroup entity during the year; **{+1 D}**
- (4) if the person seeking the status of a nongroup entity is a corporation, **{+1 D}**
 - (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); **{+1 D}**
 - (B) a copy of the certificate of incorporation issued under AS 10.20.156 or under a substantially similar statute of another state; **{+1 D}**
 - (C) a copy of the corporation's articles of incorporation and bylaws; **{+1 D}**
 - (D) an affidavit from a director or officer **{+1 D}** 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; {+1 D} and

(E) an affidavit from a director or officer {+1 D} 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; {+1 D} 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; {+1 D} for the purposes of this sub-subparagraph, "benefit" includes a credit card, an insurance policy, a savings plan, and education or business information; {+1 D}

(5) if the person seeking the status of a nongroup entity is not a corporation, {+1 D} a copy of the bylaws or minutes or an affidavit signed by an owner, officer, chair, director, partner, or board member showing {+1 D} that the person seeking the status of a nongroup entity does not participate in business activities, {+1 D} has no shareholders, {+1 D} and is independent from the influence of business corporations; {+1 D}

(6) the name and location of the group's campaign depository if one is required under 2 AAC 50.298; {+1 D} and

(7) the treasurer's certification that the information contained in the registration statement is true, complete, and correct. {+1 D}

(b) If, after reviewing the documentation a person seeking the status of a nongroup

entity submits under (a) of this section, the commission staff finds that the documentation is complete, **{+1 D}** the staff shall prepare a recommendation to the commission as provided in 2 AAC 50.826. **{+1 D}** If the staff finds that the documentation is incomplete or inadequate, the staff may request and review additional information. **{+1 D}**

(c) The commission will consider the staff recommendation and make a determination as provided in 2 AAC 50.826. **{+1 D}** The commission's determination is a final order for the purpose of an appeal to the superior court under AS 44.62.560. **{+1 D}**

(d) Any contribution that a nongroup entity receives for the purpose of making contributions or expenditures to influence an election **{+1 D}** must be kept in a separate account **{+1 D}** and reported to the commission as provided in 2 AAC 50.321. **{+1 D}** (Eff. 2/20/2005, Register 173; am 12/22/2011, Register 200)

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. Registration of ballot groups. Repealed. (Eff. 1/1/2001, Register 156; repealed 12/22/2011, Register 200)

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, **{+1 D}** and each group or nongroup entity that intends to be active in more than one election, **{+1 D}** shall on a registration statement, designate one or more regulated banking institutions as a campaign depository. **{+1 D}** A candidate, group, or nongroup entity shall identify each account in the campaign depository with a name indicating that it is a campaign account. **{+1 D}**

(b) Except when a candidate uses personal money or credit for an authorized campaign expenditure, **{+1 D}** a candidate, group, or nongroup entity that is required to designate a

campaign depository shall deposit any monetary contribution to that campaign depository **{+1 D}** and shall make any expenditure from that depository. **{+1 D}**

(c) A candidate, group, or nongroup entity required 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. **{+1 D}** The credit card must have an account name indicating that the account is a campaign account. **{+1 D}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.067 AS 15.13.070
AS 15.13.050

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 at any single event during the campaign. **{+1 D}** No later than 72 hours after the event, **{+1 D}** the authorized individual must deliver each contribution received to a candidate, treasurer, or deputy treasurer of the committee, group, or nongroup entity for which the contribution was intended. **{+1 D}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.076 AS 15.13.400
AS 15.13.060

2 AAC 50.302. Candidate campaign subcommittee. A candidate's campaign committee, or a controlled group as provided in 2 AAC 50.290(c), may create a subcommittee. **{+1 D}** A subcommittee is not a separate group **{+1 D}** and may not maintain separate bank accounts and records **{+1 D}** or file separate reports. **{+1 D}** The name of a subcommittee must include the name of the candidate or controlled group. **{+1 D}** 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. **{+1 D}** (Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.090

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 under AS 15.13.090(a), (c), and (g) is visible, **{+1 M}** separate from the text of the communication, **{+1 M}** and of sufficient size and duration to be read by a viewer **{+1 M}**;

(2) in any communication that includes a video component, the information required under AS 15.13.090(a), (c), and (g)

(A) is placed in the communication; **{+1 M}**

(B) is of sufficient size to be read by a viewer; **{+1 M}** and

(C) remains on screen for the duration of the communication; **{+1 M}**

and

(3) in any communication by radio, automated telephone, or other audio media, or that includes an audio component, the information required under AS I 5. I 3.090(a) and (d) **[correct typos in x-reference]** is spoken and audible at the same volume as the communication. **{+1 M}**

(b) In a written communication, standard English abbreviations may be used in the information required by AS 15.13.090(a) and (c). **{+1 D}**

(c) The information required under AS 15.13.090(a) and (c) need not be affixed to an

object used for a political communication if the size or nature of the object makes it impractical to affix that information. **{+1 D}** Objects for which it is impractical to affix that information include pencils, pens, buttons, or other objects that are smaller than 3.5 inches by 5 inches in size **{+1 D}** but do not include media advertisements, **{+1 D}** electronic correspondence, **{+1 D}** or material on an Internet website. **{+1 D}** The cost of any object used for a political communication must be reported under AS 15.13 even if the information required under AS 15.13.090(a) and (c) is not affixed. **{+1 D}**

(d) A political communication by electronic media, including a candidate's or group's website, electronic mail, electronic social media, or other electronic methods capable of transmitting a political communication, must include or be electronically linked to information required by AS 15.13.090(a) and (c). **{+1 M}** The cost of political communications by electronic media must be reported as a campaign expense under 2 AAC 50.321. **{+1 M}**

(e) In this section, "political communication"

(1) has the meaning given "communication" in AS 15.13.400; **{+1 M}**

(2) includes

(A) all material related to campaign fundraisers, campaign letterhead, thank-you notes, and press releases; **{+1 M}**

(B) media advertisements, electronic correspondence, or material on an Internet website, regardless of size or nature; **{+1 M}**

(C) except as provided under (3)(B) of this subsection, campaign signs larger than 3.5 inches by 5 inches; **{+1 M}**

(3) does not include

(A) envelopes paid for by the campaign that are used solely to convey the campaign's communications; **{+1 M}**

(B) signs created by an individual or nongroup entity for a total cost of less than \$500; **{+1 M}**

(C) T-shirts, ballcaps, and similar items of personal apparel of minimal value; **{+1 M}**

(D) berry buckets, coffee cups, water bottles, and similar objects having a principal purpose not related to campaigns or elections. **{+1 M}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 15.13.090 AS 15.13.400

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 for the length of time required under AS 15.13.111. **{+1 M}** The records must include

(1) each contribution of any amount or value, including any loan, **{+1 M}** unless otherwise exempted by this chapter; **{+1 D}** and

(2) a cumulative total of all contributions made by each contributor. **{+1 M}**

(b) If an expenditure required to be reported under (a) of this section is made to an advertising agency **{+1 D}** or to an individual or business that provides campaign consultation or management services, **{+1 D}** the records must document all services rendered, **{+1 D}** including the name of each business from which campaign goods or services were purchased or subcontracted **{+1 D}** or media advertising placed, **{+1 D}** and the amount of the expenditure. **{+1 D}** (Eff. 5/14/80, Register 74; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.045 AS 15.13.111
AS 15.13.040

2 AAC 50.321. Reporting by a candidate, group, or nongroup entity. (a) A candidate shall file each report required under AS 15.13.110 containing the information required under AS 15.13.040(a) **{+1 M}** and the following information:

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

(5) for each paid expenditure,

(A) the date of payment; {+1 D}

(B) the check number or the identifying transaction number if paid by other means; {+1 D}

(C) the name and address of the payee; {+1 D}

(D) the purpose of the expenditure; {+1 D} and

(E) the amount of the expenditure; {+1 D} and

(6) under the debt section of the report, for each expenditure incurred but not paid,

(A) the date the expenditure was incurred; {+1 D}

(B) the name and address of the person with whom the debt was incurred; {+1 D}

(C) the purpose of the incurred expenditure; {+1 D} and

(D) the amount of the incurred expenditure. {+1 D}

(b) A group shall file each report required by AS 15.13.110 containing the information required in AS 15.13.040(b) and (c) {+1 M} and the following information:

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

(2) for each expenditure, the information required in (a)(5) and (6) of this section. {+1 D}

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

M}

(d) If an expenditure required to be reported under (a) or (b) or this section is made to an advertising agency {+1 D} or to an individual or business that provides campaign consultation or management services, {+1 D} the report must disclose in detail all services rendered, {+1 D} including the name of each business from which campaign goods or services were purchased or subcontracted or media advertising placed, {+1 D} and the amount of the expenditure. {+1 D}

(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; [fix punctuation] {+1 D}

(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 campaign disclosure report with the "no activity" box checked. {+1 D}

(g) A candidate, group, or nongroup entity shall amend a report filed as required under AS 15.13.110 {+1 M} if the value of any transaction in the report is incorrect or subsequently becomes incorrect, even if the value was accurate at the time of initial filing, {+1 D} if the change in value of any transaction is greater than or equal to \$100. {+1 D} The treasurer shall amend the report not later than 10 days after the date the correct value is known, {+1 D} or if within nine days of an election, not later than 24 hours. {+1 D}

(h) In the nine days preceding an election, contributions in excess of \$250 in the aggregate from a single source shall be reported to the commission not later than 24 hours after receipt, as required under AS 15.13.110(b), {+1 M} and must disclose the contributor, {+1 M} aggregate amount, {+1 M} and date received. {+1 M} (Eff. 7/22/78, Register 67; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 1/16/2015,

Register 213; am 9/25/2022, Register 243)

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. 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 running jointly under

AS 15.25.030(a)(16) and (17) and appearing on the ballot as a single paired unit. **{+1 D}**

(b) A candidate, group, or nongroup entity may share in a campaign effort with another candidate, group, or nongroup entity. **{+1 M}** 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. **{+1 M}** Each candidate, group, and nongroup entity shall keep separate campaign records documenting costs and receipts of a shared campaign effort. **{+1 D}**

(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. **{+1 M}**

(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. **{+1 M}**

(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. **{+1 M}** A candidate, group, or nongroup entity may not file a joint report with another candidate, group, or nongroup entity. **{+1 M}**

(f) Media communications about a shared campaign activity must 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. **{+1 D}** 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. **{+1 M}** (Eff. 7/22/78, Register 67; am 5/14/80, Register 74; am 6/29/84, Register 90; am 8/22/97, Register 143; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

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

2 AAC 50.327. Additional reporting by political party. In addition to reporting each contribution and expenditure as required under 2 AAC 50.321(b), a political party shall report, in compliance with AS 15.13.040 and 15.13.110, all other income and expenses. **{+1 M}**

Information required to be reported under this section includes

(1) any other donation of any kind, **{+1 D}** including a purchase, payment, promise or obligation to pay, **{+1 D}** loan or loan guarantee, **{+1 D}** deposit or gift of money, goods or services other than volunteer services provided by an individual, **{+1 D}** that the political party receives from any person **{+1 D}** and that would not be required to be reported as a contribution as defined in AS 15.13.400; **{+1 D}** 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. {+1 D} (Eff. 12/20/2002, Register 164; am 12/22/2011, Register 200)

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. Reporting exempt fundraising activities. (a) A candidate or treasurer shall report a fundraising activity that meets the criteria of AS 15.13.040(l) and this section by filing the exempt fundraiser form prescribed by the commission. {+1 M} 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, {+1 D} and the amount received from any one person does not exceed \$50; {+1 M}

(2) for a fundraiser similar in nature to a raffle, lottery, or drawing, 25 or more tickets are sold, {+1 D} and the amount received from any one person buying tickets or chances does not exceed \$50; {+1 M}

(3) for a fundraiser at which income is produced by selling campaign material such as T-shirts or hats, the price of a single item does not exceed \$10, {+1 D} and the amount received from any one person purchasing items does not exceed \$50; {+1 M}

(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, {+1 M} and the amount received from any person purchasing items at the event does not exceed \$50. {+1 M}

(b) For each exempt fundraiser, the candidate or treasurer shall report the information required in AS 15.13.040(l), {+1 M} and

(1) the date and location of the fundraising activity; {+1 D}

(2) the price of a single ticket or campaign item sold; {+1 D}

- (3) the total number of tickets or items sold; **{+1 D}**
- (4) the number of paying participants whose names were recorded; **{+1 D}**
- (5) the number of paying participants whose names were not recorded; **{+1 D}**
- (6) the total costs and receipts of the fundraising activity; **{+1 D}** and
- (7) the total income for this reporting period received from participants whose names were not recorded. **{+1 D}**

(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. **{+1 M}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.040

2 AAC 50.329. Reporting contributions from ongoing payroll deduction or dues programs. A group or nongroup entity shall report each contribution from each contributor in an ongoing payroll deduction program or other automatic payment plan in each reporting period for each contributor by providing the

- (1) name and address of the contributor; **{+1 D}**
- (2) repealed 1/16/2015;
- (3) repealed 1/16/2015;
- (4) principal occupation and employer of the contributor, **{+1 D}** unless the cumulative amount received from that contributor in a calendar year is \$100 or less; **{+1 D}** and
- (5) amount and frequency of each deduction or payment. **{+1 D}** (Eff.

2/20/2005, Register 173; am 12/22/2011, Register 200; am 1/16/2015, Register 213)

Authority: AS 15.13.030 AS 15.13.040 AS 15.13.110

2 AAC 50.344. Reporting by persons outside the state. A person residing outside the state is subject to the same reporting requirements, restrictions, and responsibilities under AS 15.13 as a person residing within the state. **{+1 M}** (Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.040

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 for a utility board, a labor union board, or a corporate board. **{+1 D}**

(b) A candidate, group, or nongroup entity shall use a designated campaign depository required under 2 AAC 50.298 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, or an initiative proposal application. **{+1 D}**

(c) A candidate may invest any unused contribution that is being held for a future election campaign under AS 15.13.116(a)(7) **{+1 M}** if the investment

- (1) does not violate AS 15.13.112(b); **{+1 M}**
- (2) does not result in any personal benefit; **{+1 M}** and
- (3) cannot reasonably be understood to influence official duties or actions. **{+1**

M}

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

- (1) be an arm's length commercial transaction made on terms comparable with all other investors; **{+1 M}**
- (2) comply with applicable financial laws and regulations; **{+1 M}**
- (3) bear the regular rates and charges for arm's length transactions; **{+1 M}** and

(4) be evidenced by a written instrument. **{+1 M}**

(e) In AS 15.13.112(b), "campaign contributions held by a candidate or group" means campaign contributions held by a candidate or by a group that is a controlled group as provided in 2 AAC 50.290(c). **{+1 M}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

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. Ballot measure activity. (a) Except for a foreign national as provided in AS 15.13.068, **{+1 M}** a person may make a contribution to a group that is organized for the principal purpose of

(1) filing an initiative proposal application with the lieutenant governor as provided in AS 15.45.020;

(2) sponsoring or circulating initiative petitions under AS 15.45.090 - 15.45.140 for the purpose of having an initiative measure placed on the ballot;

(3) supporting or opposing the efforts of any group that sponsors or circulates initiative petitions; or

(4) supporting or opposing the outcome of a ballot proposition election. **{+1 M}**

(b) A person contributing a total of \$500 or more, in the aggregate, to a group described in (a) of this section shall file a statement of contributions in compliance with AS 15.13.040(k), on a form prescribed by the commission. **{+1 M}** The statement of contributions must be filed no later than 30 days after the person's total contributions to the group total \$500 or more, in the aggregate. **{+1 M}** A person making a contribution to a group described in (a) of this section shall make the contribution in the name of the true source of the money or thing of

value as required under 2 AAC 50.258. **{+1 M}**

(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), **{+1 M}** and shall report the information required in AS 15.13.040(b) and (c) **{+1 M}** unless the entity

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

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

Authority:	AS 15.13.010	AS 15.13.040	AS 15.13.065
	AS 15.13.030	AS 15.13.050	AS 15.13.074

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 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. **{+1 D}** If an entity listed in AS 15.13.145(a)(1) - (3) does not have money specifically appropriated to influence a ballot proposition election, an officer or employee of the entity may use money held by that entity to communicate about a ballot proposition if the communication is made in the usual and

customary performance of the officer's or employee's duties. **{+1 D}**

(b) An election-related communication that a municipality pays for is considered to be intended to influence the outcome of an election unless it is a communication of information allowed under AS 15.13.145(c), including nonpartisan information about a ballot proposition or about all candidates seeking election to a particular public office. **{+1 M}** Information is nonpartisan if it does not advocate a position in an election. **{+1 D}** Nonpartisan information includes the official language of a ballot proposition, a neutral summary of a ballot proposition, and if provided for all candidates seeking a particular office, the candidates' names, contact information, or statements. **{+1 D}**

(c) If an entity listed in AS 15.13.145(a)(1) - (3), or an officer or employee of the entity, uses budgeted money 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). **{+1 M}** If a municipality seeks to influence the outcome of an election using public money for that purpose, it shall register and report the information required under AS 15.13.040(b) and (c). **{+1 M}**

(d) In this section, "money" means government money, government property and assets, and the use of property, assets, or human resources belonging to a government entity. **{+1 D}**
(Eff. 1/1/2001, Register 156; am 12/22/2011, Register 200)

Authority: AS 15.13.010 AS 15.13.040 AS 15.13.145
AS 15.13.030

2 AAC 50.368. Joined campaigns. (a) After filing a declaration of candidacy under AS 15.25.030, candidates for governor and lieutenant governor may contribute an unlimited amount to each other's campaigns notwithstanding 15.13.112(b)(7). **{+1 D}** **[check missing**

"AS"]

(b) If the candidates for governor and lieutenant governor join assets after filing a declaration of candidacy, they must register a new campaign and file campaign disclosure reports for the joined account. {+1 D} A campaign account created before filing a declaration of candidacy or a campaign depository designated under 2 AAC 50.298 before filing a declaration of candidacy may be used. {+1 D}

(c) Candidates for governor and lieutenant governor remain subject to the contribution limitations set out in AS 15.13.070, {+1 M} except as provided in (a) of this section. {+1 D} (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority:	Art. III, sec. 8,	AS 15.13.030	AS 15.13.110
	Ak Const.	AS 15.13.040	AS 15.13.112
	AS 15.13.010	AS 15.13.070	

2 AAC 50.375. Communications by incumbents. If an incumbent elected official uses campaign funds to communicate with constituents during a campaign, the official shall include the information required under AS 15.13.090(a) and 2 AAC 50.306 on the communication, and shall report the expense as a campaign expenditure. {+1 M} An incumbent elected official is not required to report the expense if

- (1) the official does not use campaign funds; {+1 M} and
- (2) the communication does not expressly advocate the election or defeat of a

candidate, a ballot proposition, or an initiative proposal. {+1 M} (Eff. 7/22/78, Register 67; am 1/1/2001, Register 156; am 12/22/2011, Register 200)

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

2 AAC 50.384. Winding up campaign affairs. (a) After an election, a candidate shall disburse unused campaign contributions and other property as provided in AS 15.13.116 no later than February 1 following each state primary or general election, or 90 days after a municipal election, a municipal runoff election, or, except as provided in (d) of this section, a special election. **{+1 M}** A candidate shall report the disbursement of unused campaign contributions and other property no later than 15 days after the disbursement, but no later than February 15 for each state primary or general election, and no later than 105 days after a municipal election, a municipal runoff election, or, except as provided in (d) of this section, a special election. **{+1 M}** A candidate who transfers unused campaign contributions to a future campaign account under AS 15.13.116(a)(7) and uses them in compliance with 2 AAC 50.348(c) and (d), or who transfers unused campaign contributions to a public office expense term account under AS 15.13.116(a)(8), shall continue to file applicable reports. **{+1 M}** 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. **{+1 D}** Any unpaid campaign debt remains the responsibility of the campaign, and does not become a personal debt of the candidate. **{+1 D}**

(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 a year-end report by February 15 as provided in AS 15.13.110(a)(4); **{+1 M}** or

(2) disburse the campaign account money 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; or

(D) paying for a victory or thank you party. **{+1 M}**

(c) A group or nongroup entity that does not plan to remain active shall report the disbursement of all campaign money no later than 15 days after the disbursement, but no later than February 15 for each state primary or general election, and no later than 105 days after a municipal election, a municipal runoff election, or, except as provided in (d) of this section, a special election. **{+1 M}**

(d) In this section, the time limits for disbursement and reporting after a primary or general election apply to a special election that is called to be held with, and at the time of, a general election or primary election. **{+1 M}** (Eff. 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200; am 1/16/2015, Register 213)

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

2 AAC 50.396. Public office expense term account. (a) A legislator may use a public office expense term account described in AS 15.13.116(a)(8) only for expenses associated with service as a legislator. **{+1 M}** For purposes of AS 15.13.116(a)(8) and (d) and this section, expenses associated with service as a legislator include

- (1) travel expenses as provided in (b) of this section;
- (2) office equipment used in legislative service;
- (3) flowers and cards sent to constituents;
- (4) constituent mailings reporting on legislative issues; and

(5) other items that the United States Internal Revenue Service recognizes as bona fide expenses of serving in public office. **{+1 D}**

(b) A legislator may use public office expense term account money for travel to a state event related to the legislative office held and for travel between Juneau, Alaska and the legislator's home district during the legislative session. **{+1 D}** A legislator may not use public office expense term account money 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. **{+1 D}** If a legislator incidentally attends a campaign event or other partisan event in connection with travel to a state event or to the legislator's home district for a purpose related to legislative service, any additional expense of attending the campaign event or other partisan event may not be paid from a public official expense term account. **{+1 D}**

(c) In this section,

(1) "incidentally attends a campaign event or other partisan event" means that the campaign event or partisan event is not the main purpose of the legislator's travel, and the legislator would not have incurred the travel expense solely for the campaign event or partisan event; **{+1 D}**

(2) "partisan event" means an event or political activity that advocates support for one candidate over another, one political party over another, or one position over another in an ballot proposition. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 15.13.110 AS 15.13.116

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

(1) "ballot proposition" includes a bonding proposition, ballot initiative, ballot referendum, recall, advisory vote, ballot question proposed by the legislature, ballot measure to

amend the Alaska Constitution, and any other question, as defined in AS 15.80.010, on the ballot in an election; **{+1 D}**

(2) "candidate" has the meaning given in AS 15.13.400(1)(A), **{+1 M}** except that the meaning given in AS 15.13.400(1)(B) **{+1 M}** applies in a provision of 2 AAC 50.250 - 2 AAC 50.405 that limits or prohibits donation, solicitation, or acceptance of a campaign contribution, or that limits or prohibits an expenditure;

(3) "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; **{+1 D}**

(4) "group"

(A) has the meaning given in AS 15.13.400; **{+1 M}**

(B) if consisting of a combination of two or more individuals as set out in AS 15.13.400(8)(B), **{+1 M}** **[update cross-reference]** means a combination of 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, **{+1 M}** and directing, coordinating, or controlling those activities, **{+1 M}** 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; **{+1 M}**

(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; **{+1 D}**

(5) "independent expenditure"

(A) has the meaning given in AS 15.13.400; {+1 M}

(B) does not include an expenditure made in cooperation or consultation with, at the request or suggestion of, {+1 M} 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; {+1 M} 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, projects, or needs of the candidate, group, or nongroup entity; {+1 M}

(ii) based on data from a pollster, campaign consultant, or other person, and the pollster, campaign consultant, or other person receives compensation or reimbursement from a candidate, agent of the candidate, group, or nongroup entity; {+1 M}

(iii) for the purpose of soliciting contributions to be paid to a candidate, group, or nongroup entity; or {+1 M}

(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; {+1 M}

(6) "nongroup entity"

(A) has the meaning given in AS 15.13.400; {+1 M} and

(B) is 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; **{+1 M}**

(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 report under 2 AAC 50.384(c); **{+1 D}**

(8) "subcommittee" means

(A) an internal subgroup of a candidate campaign; or

(B) a controlled group as provided in 2 AAC 50.290(c); **{+1 D}**

(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; **{+1 D}**

(B) expressly recognized by the party as a unit of the political party; **{+1 D}** and

(C) registered as a group with the commission. **{+1 D}**

(10) "year" when used in AS 15.13.070 and AS 15.13.400 means a calendar year. **{+1 D}** (Eff. 7/22/78, Register 67; am 6/29/84, Register 90; am 1/4/86, Register 97; am 8/22/97, Register 143; am 1/1/2001, Register 156; am 12/22/2011, Register 200; am 9/25/2022, Register 243)

Authority:	AS 15.13.030	AS 15.13.074	AS 15.13.116
	AS 15.13.072	AS 15.13.100	AS 15.13.400

Article 2. Regulation of Lobbying.

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. **{+1 M}** 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 or retention of the lobbyist. **{+1 M}**

(b) A person who communicates to others, through advertising, personal contacts, 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; **{+1 M}** this requirement applies even if the person's lobbying activity will be part-time or for a single client. **{+1 D}**

(c) An individual who does not purport to be in the business, occupation, or profession of lobbying, but is employed, is retained, or contracts to engage in lobbying for compensation, including reimbursement for travel expenses and personal living expenses, shall submit the registration statement no later than seven days after that individual's lobbying activity exceeds 10 hours in any 30-day period in one calendar year. **{+1 M}** A person required to register under this subsection shall include all lobbying activity including the initial 10 hours before registration in the first reporting period. **{+1 D}** In this subsection, "lobbying activity" has the meaning given in 2 AAC 50.590, except that "lobbying activity" does not include research, or the drafting, preparation, or adaptation of documents for that individual's own use. **{+1 D}**

(d) No later than seven days after beginning lobbying activity, a representational lobbyist shall register as provided in AS 24.45.041. **{+1 D}** A representational lobbyist is an individual who engages in lobbying activity but does not receive compensation, including any

salary, fee, retainer, stipend, or other economic consideration, for the lobbying activity except reimbursement of the individual's own travel expenses and personal living expenses incurred in lobbying activity. **{+1 D}** An individual is not a representational lobbyist if

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

{+1 D} 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 travel expenses or personal living expenses; **{+1 D}** an individual meeting the provisions of this paragraph is a public officer exempt from lobbying regulation under AS 24.45.161(a)(2). **{+1 M}**

(e) A person who does not receive compensation for lobbying activity or reimbursement of any personal living expenses incurred in lobbying activity is not required to register under this section. **{+1 M}**

(f) In this section **[add comma]**

(1) "personal living expenses" means an amount equal to the per diem currently allowed under AS 39.20.110 and 39.20.160 for lodging or food; **{+1 D}**

(2) "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. **{+1 D}** (Eff. 12/22/2011, Register 200)

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

2 AAC 50.555. Registration by employer of lobbyist. (a) A person that employs, retains, or contracts for the services of 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 the person retains or employs. **{+1 M}**

(b) A person that reimburses a representational lobbyist described in 2 AAC 50.550(d) shall register as an employer of a lobbyist in compliance with AS 24.45.061 and this section. **{+1 D}**

(c) A bona fide association that employs, retains, or contracts for the services of a lobbyist shall register as an employer of a lobbyist in compliance with AS 24.45.061. **{+1 D}** 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. **{+1 D}** A bona fide association registering under this subsection shall submit a certification of an officer of the association **{+1 D}** showing that the association

(1) operates on dues paid by its members, with no single member paying more than 25 percent of the association's total dues; **{+1 D}**

(2) operates on dues paid by its members and has a sliding dues-assessment scale; **{+1 D}** if a single 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; **{+1 D}** or

(3) 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. **{+1 D}** (Eff. 12/22/2011, Register 200)

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) Within the 12-month period preceding the filing **{+1 D}** of the annual registration statement required under AS 24.45.041 and 2 AAC 50.550, a lobbyist shall complete the ethics training course provided by the commission, **{+1 M}** either by attending an in-person training session or by completing an online course. **{+1 D}**

(b) Before filing the first quarterly employer of lobbyist report required by AS 24.45.061 and 2 AAC 50.575, **{+1 D}** an employer of a lobbyist shall ensure that the individual who is responsible for preparing and signing that employer's reports has completed the ethics training course provided by the commission. **{+1 D}**

(c) If a person required by (a) or (b) of this section to complete an ethics training course fulfills the ethics training requirement by completing an online course, the person shall submit a verification-of-training form to the commission. **{+1 M}** (Eff. 12/22/2011, Register 200)

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, by filing a termination statement on a form prescribed by the commission, that the person will stop all lobbying activity on behalf of an employer. **{+1 M}** The employer of a lobbyist who terminates employment or retention shall notify the commission, by filing a form prescribed by the commission, that the employer has stopped employing or retaining that lobbyist. **{+1 M}** Upon termination, a lobbyist and that lobbyist's employer must each file a final report as required under AS 24.45.051 and 24.45.061. **{+1 M}** A person who terminates lobbyist registration remains subject to the prohibition in AS 15.13.074(g) for one year after the date of that person's last registration or renewal **{+1 M}** 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. **{+1 M}**

(b) A registered lobbyist who is convicted of a felony of moral turpitude as provided in

AS 24.45.041 **{+1 M}** shall notify the commission no later than three days after being convicted, **{+1 D}** and shall immediately stop any lobbying activity. **{+1 D}** Unless otherwise ordered by a court, **{+1 D}** a lobbyist convicted of a felony of moral turpitude may not conduct any lobbying activity while pursuing an appeal or any post-conviction remedy. **{+1 D}** In this subsection, "convicted" has the meaning given to "previously convicted" in AS 24.45.041(j)(2). **{+1 M}** (Eff. 12/22/2011, Register 200)

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 as described in 2 AAC 50.550(d), shall electronically file a report disclosing the information required by AS 24.45.051 for each reporting period as provided under AS 24.45.081 during the period that the person is registered as a lobbyist. **{+1 M}** The report required in the month following a month when the legislature was in session also applies when the legislature conducts any special session. **{+1 D}** If a registered lobbyist does not engage in lobbying activity during a reporting period, the lobbyist shall submit a zero report certifying that the lobbyist made no expenditures for lobbying **{+1 D}** and earned no payment for lobbying during that reporting period. **{+1 D}**

(b) The report required in this section must include all income earned in the reporting period, even if not received in the reporting period. **{+1 D}** 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. **{+1 D}**

(c) The report required in the section must include the cost of all items reportable under AS 24.45.051 and incurred in the reporting period even if the costs are not paid in the reporting period. **{+1 D}** 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, **{+1 D}** and if the employer of the lobbyist reimbursed the expenditure, shall identify the employer that reimbursed the expenditure. **{+1 D}** If the expenditure exceeds \$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 form prescribed by the commission. **[obsolete; AS 24.45.051(b) is repealed]** 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. **{+1 D}** In this subsection, "expenditure" includes any applicable sales tax, **{+1 D}** but does not include any tip voluntarily paid to an individual who provides services. **{+1 D}**

(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. **{+1 D}** For any person who terminates employment as a lobbyist, the reporting requirement under this subsection continues for one year after the date of the person's last lobbyist registration or renewal. **{+1 D}** (Eff.

12/22/2011, Register 200)

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) A person that employs, retains or contracts for the services of a lobbyist shall file each report required under AS 24.45.061 and 24.45.081 electronically as provided in 2 AAC 50.816. **{+1 M}** A person that retains a representational lobbyist as described in 2 AAC 50.550(d) may file a report either electronically or on a paper form prescribed by the commission. **{+1 D}**

(b) Each report of an employer of a lobbyist must include all information required under AS 24.45.061. **{+1 M}** In AS 24.45.061(b)(3), "the total amount of payments made to influence legislative or administrative action during the period" includes: **[delete the colon]**

(1) the gross wages paid or payable for lobbying, prorated for the reporting period, **{+1 D}** plus any benefits such as stock options, annuities, or bonuses that are paid in place of or in addition to wages; **{+1 D}** 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; **{+1 D}**

(2) the direct costs and expenses incurred by the employer in research, and in the drafting, preparation, or adaptation of documents for use by the lobbyist for the purpose of influencing legislative or administrative action; **{+1 D}** 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

(i) the name and business address of the employee; {+1 D}

(ii) a specific description of the subject of the work; {+1 D} and

(iii) the total amount paid based on the employee's gross compensation prorated 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; {+1 D} 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, {+1 D} a specific description of the subject of the work, {+1 D} and the date and amount of any payment in the reporting period; {+1 D} and

(3) payments for food and beverages, reported by the total amount paid to each vendor in the reporting period. {+1 D}

(c) If the employer of a lobbyist makes no expenditures or payments during a reporting period, that employer shall submit a zero report, certifying that the employer made no expenditures or payments during the reporting period. {+1 D}

(d) A bona fide association that employs, retains, or contracts for the services of a lobbyist shall file the reports required under AS 24.45.061, {+1 D} but is not required to report dues paid by any member of the association except as provided in 2 AAC 50.555(c)(2). {+1 D}
(Eff. 12/22/2011, Register 200)

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), **{+1 M}** a lobbyist may not serve the campaign of a 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 fundraising; **{+1 D}**

(2) is authorized to receive, hold, or disburse campaign funds or goods; **{+1 D}**

(3) is an officer of a controlled group as provided in 2 AAC 50.290(c), or serves in a fundraising capacity for an event from which more than 50 percent of the proceeds are intended for a single candidate or campaign; or **{+1 D}**

(4) solicits, collects, accepts, or delivers campaign funds or goods. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.45.021 AS 24.45.121

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

(1) "administrative action" has the meaning given in AS 24.45.171, **{+1 M}** but does not include normal inquiries of administrative agencies, **{+1 D}** or routine actions made necessary by law, **{+1 D}** 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; **{+1 D}**

(B) creates a record of all proceedings; **{+1 D}** and

(C) provides access to the public records or transcripts and to all material submitted as part of the record; **{+1 D}**

(2) "bona fide association"

(A) means an organization established in good faith to work for the common purposes of its members;

(B) includes a bona fide business, trade union, or membership organization, association, or society;

(C) does not include an organization that is merely an instrument of one or more members who compose the group; **{+1 D}**

(3) "employer of a lobbyist" or "employer" means a person who employs, retains, or contracts for the services of a lobbyist; **{+1 M}**

(4) "legislative action" has the meaning given in AS 24.45.171; **{+1 M}**

(5) "lobbying" or "lobbying activity"

(A) includes communicating directly, as defined in AS 24.45.171, or using an agent to communicate directly, **{+1 M}** for the purpose of influencing legislative or administrative action; **{+1 D}**

(B) includes written communications that are part of a two-way electronic communication with a legislator, legislative employee, or public official within the meaning of AS 24.45.171 **{+1 M}** for the purpose of influencing legislative or administrative action; **{+1 D}** those communications include electronic mail, telecommunications relay service (TRS), and text messages; **{+1 M}**

(C) does not include research, or the drafting, preparation, or adaptation of documents for use by another person who is a lobbyist. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.45.021 AS 24.45.031

Article 3. Legislative and Public Official Financial Disclosure.

2 AAC 50.680. Applicability; family member disclosure required. (a) A legislative branch filer required under AS 24.60.200 to file a financial disclosure statement **{+1 M}** shall report income received, deferred income, and business interests as required in AS 39.50.030 and 2 AAC 50.680 - 2 AAC 50.799. **{+1 M}** 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. **{+1 M}**

(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 50.799. **{+1 M}** The disclosure statement of a public official must contain the required information for the public official and each family member of the public official. **{+1 M}** The disclosure statement of a candidate must contain the required information for the candidate and each family member of the candidate. **{+1 M}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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, **{+1 M}** a legislative branch filer, public official, or candidate shall report the applicable information required in AS 39.50.030(b)(1) for all amounts greater than \$1,000 **{+1 M}** received as

(1) compensation or benefits received from an employer, including a nonprofit entity, and a government employer; **{+1 D}** compensation or benefits include wages, salary,

commissions, tips, bonuses, housing, and use of an automobile; **{+1 D}**

(2) dividends, interest, and other distributions of earnings from a business or investment; **{+1 D}**

(3) self-employment income as provided in 2 AAC 50.700; **{+1 D}**

(4) rental income as provided in 2 AAC 50.725; **{+1 D}** and

(5) any other income, including proceeds of a sale of goods or property, capital gains, pensions, retirement account cash-outs, government entitlements, alimony or child support payments, honoraria, and payments not otherwise accounted for. **{+1 D}**

(b) In a disclosure statement required by AS 39.50.020, a public official or candidate shall report the applicable information required in AS 39.50.030(b)(1) for any gift with a fair market value greater than \$250, **{+1 M}** and for all gifts from a single source with a cumulative value greater than \$250. **{+1 M}** 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. **{+1 D}** The requirements of this subsection do not apply to a legislative branch filer. **{+1 D}** However, nothing in this section relieves a legislative branch filer from a reporting requirement or limitation on acceptance of gifts in any other provision of law. **{+1 M}**

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

- (1) more than \$250 and no more than \$1,000, for gifts only;
- (2) more than \$1,000 and no more than \$2,000;
- (3) more than \$2,000 and no more than \$5,000;
- (4) more than \$5,000 and no more than \$10,000;
- (5) more than \$10,000 and no more than \$20,000;

- (6) more than \$20,000 and no more than \$50,000;
- (7) more than \$50,000 and no more than \$100,000;
- (8) more than \$100,000 and no more than \$200,000;
- (9) more than \$200,000 and no more than \$500,000;
- (10) more than \$500,000 and no more than \$1,000,000;
- (11) more than \$1,000,000. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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. **{+1 D}** 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 D}**

(1) asking for the information required under AS 39.50.030 and 2 AAC 50.680 — 2 AAC 50.740; **{+1 D}** 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 **{+1 D}**

(B) may be subject to the penalties or other remedies set out in the applicable provisions of AS 24.60.240 - 24.60.260, AS 39.50.060 -39.50.080,

39.50.110, 39.50.130, or 39.50.135 for failure to provide the information. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

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. **{+1 D}**

(b) Income reported as deferred when earned must also be reported as income in the year the money or item of value is received. **{+1 D}**

(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 tax-advantaged retirement savings plan, including a plan under 26 U.S.C. 401(k), a plan under 26 U.S.C. 403(b), an individual retirement account under 26 U.S.C. 408 (IRA), and a deferred compensation plan under 26 U.S.C. 457 of a state or local government or tax-exempt organization. **{+1 D}** 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. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.700. Reporting self-employment and business income. (a) In a disclosure statement required under AS 24.60.200 or AS 39.50.020, a legislative branch filer, public official, or candidate who is self-employed by means of a sole proprietorship, partnership, limited liability company, or professional corporation shall report the applicable information required in AS 39.50.030(b)(1) for each source of income as provided in AS 39.50.200(10).

{+1 M}

(b) A legislative branch filer, public official, or candidate who is self-employed by a corporation in which the legislative branch filer, public official, or candidate holds a controlling interest shall report the applicable information required in AS 39.50.030(b)(1) for each source of income as provided in AS 39.50.200(10). {+1 M} In this subsection, "controlling interest" means the legislative branch filer, public official, or candidate, alone or in combination with one or more family members, controls

(1) 50 percent or more of the ownership interest or voting shares of the corporation; or {+1 D}

(2) less than 50 percent if 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 {+1 D} 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. **{+1 D}**

(c) A legislative branch filer, public official, or candidate who has an ownership interest in, but is not self-employed by means of, a business that is a source of income shall report income from that business as provided in 2 AAC 50.685(a). **{+1 D}**

(d) Nothing in this section requires a business to keep records that identify each client, patient, or customer in a transaction involving less than \$1,000 **{+1 D}** if the business does not record the names of customers in the ordinary course of its business, or for accounting or any other purpose required by law. **{+1 D}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.704. Reporting income from attorney contingency fee agreements. If a legislative branch filer, public official, candidate, or family member has self-employment income based on attorney 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; **{+1 D}** 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; **{+1 D}** 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 family member; **{+1 D}**

(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 Rule 1.5, Alaska Rules of Professional Conduct; **{+1 D}** and

(C) a description of services that conveys the nature of the service performed without violating privileged communications or client confidences. **{+1 D}**
(Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.708. Reporting business interests and investments. (a) In a disclosure statement required under 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. **{+1 D}** 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. **{+1 D}**

(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; **{+1 D}** and

(2) the category of income in 2 AAC 50.685(a) in which any income or benefit received from the business is reported. **{+1 D}**

(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, **{+1 D}** and who directly and individually selects the investments, **{+1 D}** shall report each owned company by name

and address. **{+1 D}** 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, **{+1 D}** and shall report the name and type of any investment fund held. **{+1 D}** This subsection does not require reporting of an interest of less than \$1,000 in the stock of a publicly traded corporation. **{+1 M}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.712. Reporting trusts and beneficial interests. (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 each trust fund, retirement account, or other beneficial interest in which the legislative branch filer, public official, candidate or family member holds an interest. **{+1 M}** This section does not require reporting of unvested interests, contingent interests, or other similar interests that provide no current income and may be modified before the death of another person who holds the interest. **{+1 D}**

(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); **{+1 M}**
- (2) the name of the legislative branch filer, public official, candidate, or family member who holds the interest; **{+1 M}** and
- (3) for any family trust or other beneficial interest that is held by related persons, **{+1 M}** the total percentage held by

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

official or candidate; {+1 M} or

(B) a legislative branch filer, all family members of the legislative branch filer, and all nondependent children living with the legislative branch filer. {+1 M}

(c) In this section, "trust fund, retirement account, or other beneficial interest" includes

(1) a retirement system plan administered by this state, another state, or the federal government;

(2) an 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. {+1 M} (Eff. 12/22/2011, Register 200)

Authority:	AS 15.13.030	AS 24.60.220	AS 39.50.030
	AS 24.60.200	AS 39.50.020	AS 39.50.050

2 AAC 50.720. 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; {+1 D} and

(2) the nature of the interest that the legislative branch filer, public official, candidate, or family member held in the property; {+1 D} the nature of interests to be reported includes fee simple ownership, tenancy in common, general or limited partnership interest, and holder of an option to purchase. {+1 D} (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.725. 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 **{+1 D}** 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; **{+1 D}** and

(2) if the property is managed by a person other than the legislative branch filer, public official, candidate, or a family member of the legislative branch filer, public official or candidate, the name of the manager. **{+1 D}** (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.030
AS 24.60.200 AS 39.50.020 AS 39.50.050

2 AAC 50.775. Exemption from reporting sources of income. (a) A legislative branch filer, public official, or candidate required under 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 requirement to report the name of an individual who was a source of income, the amount of income, or any other information required under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740. **{+1 D}** An exemption request must comply with 2 AAC 50.821. **{+1 D}** The person requesting any exemption has the burden of proving each fact necessary to show that an exemption available under this section is applicable. **{+1 D}**

(b) A legislative branch filer, public official, or candidate may request an exemption from the requirement to report the name of a source of income, the amount of income, or any

other information required under 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 if at least 67 percent of the patients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) - (C) of this paragraph; 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 if at least 67 percent of the clients of a self-employed legislative branch filer, public official, candidate, or family member were individuals described in (A) or (B) of this paragraph.

{+1 D}

(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 under 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 under AS 39.50.030 or 2 AAC 50.680 - 2 AAC 50.740, would violate rights of the source under state or federal statutes or 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-9 (Health Insurance Portability and Accountability Act (HIPAA) of 1996). {+1 D}

(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 under 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. **{+1 D}**

(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 under 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. **{+1 D}**

(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 under 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. **{+1 D}** (Eff. 7/20/95, Register 135; am 1/1/2001, Register 156; am 2/20/2005, Register 173; am 12/22/2011, Register 200)

Authority:	AS 15.13.030	AS 24.60.230	AS 39.50.035
	AS 24.60.200	AS 39.50.020	AS 39.50.050
	AS 24.60.220	AS 39.50.030	

2 AAC 50.799. Definitions. (a) In AS 39.50.200(10) and 2 AAC 50.680 - 2 AAC 50.799, "self-employed" and "self-employment" means the person described

(1) has an ownership interest in the business entity from which that person derives income; **{+1 D}** and

(2) is directly and actively involved with known or identifiable persons that are clients, patients, or customers of the business by

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

customer; or

(B) personally providing services to the client, patient, or customer. **{+1**

D}

(b) In 2 AAC 50.680 - 2AAC 50.799, unless the context requires otherwise,

(1) "administrative action" has the meaning given in AS 24.60.990; **{+1 M}**

(2) "legislative action" has the meaning given in AS 24.60.990. **{+1 M}** (Eff.

12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050

Article 4. Alaska Public Offices Commission Procedures.

2 AAC 50.801. Reports; public records. (a) A 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. **{+1 M}** 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 - 40.25.120. **{+1 M}**

(b) A 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 statute, privilege, or constitutional right, 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 statute, privilege, or constitutional right, the commission will keep the information confidential. **{+1 M}**

(c) While a staff investigation under 2 AAC 50.875 is in progress, the commission's files relating to that investigation are confidential. **{+1 M}** After the investigation is concluded and the final commission order is issued, any person may view or copy an investigation file, except for documents the commission has determined to keep confidential under (b) of this section. **{+1 M}** (Eff. 12/22/2011, Register 200)

Authority:	AS 15.13.020	AS 24.45.031	AS 24.60.230
	AS 15.13.030	AS 24.45.091	AS 39.50.050
	AS 15.13.110	AS 24.45.101	AS 40.25.110
	AS 15.13.111	AS 24.60.131	AS 40.25.120
	AS 24.45.021	AS 24.60.220	

2 AAC 50.806. Inspection and preservation of records. (a) In an investigation initiated by the staff, or in response to a complaint, the staff may inspect records that a person is required to keep and preserve under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, and AS 39.50, and other relevant documents and information. **{+1 M}**

(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 no later than 10 days after the letter requesting access is mailed or delivered, unless the staff agrees to extend the time for making the records available. **{+1 M}** If the person requested to provide the records is subject to AS 15.13 or AS 24.45, and if the person does not comply or provides an incomplete response, the commission may issue a subpoena requiring production of the records. **{+1 M}**

(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. **{+1 M}** 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). **{+1 M}**

(d) A person authorized under AS 15.13.111(c) to submit records to the commission for preservation must submit the records with the form that the commission prescribes for that purpose, and in the electronic format that the commission requires. **{+1 M}** The commission may reject any records submitted in a format that is not compatible with the commission's electronic records system. **{+1 M}** (Eff. 12/22/2011, Register 200)

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

2 AAC 50.811. Filing and service of documents; computation of time. (a) A document required to be filed with the commission must be electronically filed as provided in 2 AAC 50.816, **{+1 M}** or mailed or delivered to the commission. **{+1 M}** A mailed report must be postmarked no later than the due date for that document. **{+1 M}** 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. **{+1 M}** A filing by a complainant, respondent, or other party to a commission proceeding must be accompanied by a certificate of service showing the date and method of mailing or delivery and each person to whom the document is sent. **{+1 M}**

(b) The commission will give an initial notice of hearing to any respondent by certified mail, return receipt requested, or other method of personal service. **{+1 M}** Unless the commission knows that personal service is necessary to give actual notice of a hearing date, the commission will mail or deliver any other document required under this chapter, including any notice, order, or decision, to a person's address on file with the commission. **{+1 M}** A person subject to reporting requirements under this chapter shall keep an accurate address on file with the commission, **{+1 M}** and shall promptly give the commission notice of a change of address. **{+1 M}**

(c) The commission will prepare a certificate of service for any order, notice, investigation report, or staff decision, including a penalty assessment; **{+1 M}** in the certificate, the commission will show the date and method of personal service, mailing, or delivery, and each person to whom the document is sent. **{+1 M}**

(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. **{+1 M}** Except for a disclosure that must be submitted within 24 hours

under AS 15.13.110 or 15.13.040, if the day on which the performance is due is a Saturday, Sunday, or state holiday, the due date is the next business day. {+1 M} 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. {+1 M} (Eff. 12/22/2011, Register 200; am 9/25/2022, Register 243)

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 (b) of this section, {+1 M} a statement and report required to be submitted to the commission must be filed electronically on a form the commission prescribes for the purpose, {+1 M} unless the commission by order suspends the electronic filing requirement and requires a different method of filing. {+1 M} Nothing in this section relieves a person from compliance with submission or format requirements for a statement or report required to be filed with the director of elections, a municipal clerk, or any other designated official. {+1 M}

(b) A representational lobbyist as described in 2 AAC 50.550(d) 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. {+1 D}

(c) Except for a person required to file electronically under AS 24.45, {+1 M} a 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. {+1 M} In addition to meeting 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 that the person seeks to file by means other than electronic filing to the exemption request; **{+1 M}** 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. **{+1 M}**

(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. **{+1**

M} A report or registration required under AS 24.45 is delivered when

(1) electronically signed; **{+1 M}**

(2) verified by the electronic signature verification system designated by the commissioner of administration and established in 2 AAC 05.200 - 2 AAC 05.295; **{+1 M}**

and

(3) recorded as submitted in the online account of the person required to register or report. **{+1 M}**

(e) In this section "electronic signature" has the meaning given in AS 09.80.190. **{+1 M}**

(f) A report submitted in accordance with AS 15.13.040(p) must comply with provisions of AS 15.13.040(a)(2). **{+1 M}** (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213)

Authority:	AS 15.13.030	AS 24.45.041	AS 24.60.210
	AS 15.13.040	AS 24.45.051	AS 24.60.220
	AS 15.13.074	AS 24.45.061	AS 39.50.050
	AS 24.45.021	AS 24.45.116	

2 AAC 50.821. Request for exemption or waiver. (a) To request an exemption allowed under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50, or a waiver of any requirement of this chapter, a person shall file a written request for exemption or waiver. **{+1 M}** A written request for exemption or waiver must be submitted on or before the due date of any report or filing to which it relates, **{+1 M}** and must provide the following information:

- (1) the name of the person requesting the exemption or waiver; **{+1 M}**
- (2) the person's mailing address; **{+1 M}**
- (3) the electronic mail address or telephone number at which the person may readily be contacted; **{+1 M}**
- (4) the matter for which the person seeks an exemption or waiver; **{+1 M}**
- (5) if the exemption or waiver request relates to information for which this chapter provides an exemption, the applicable provision of this chapter; **{+1 M}**
- (6) a statement whether the requested exemption or waiver is for a single report or filing, or for additional future reports requiring similar information; **{+1 M}**
- (7) the reasons for the exemption request; **{+1 M}**
- (8) any other information essential to the particular exemption or waiver request; **{+1 M}** and
- (9) a certification by the person requesting the exemption or waiver that all facts stated in the request are true. **{+1 M}**

(b) No later than 30 days after the commission receives a written exemption request that complies with (a) of this section, **{+1 M}** the staff shall send to the person requesting the exemption or waiver, at the address listed in the request, either a staff recommendation that the commission grant or deny the request, or a decision granting or denying the request. **{+1 M}** 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 presents a factual or legal issue on which the commission has not previously made a decision in a substantially similar request for an exemption or waiver;

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

(3) for other good reason. {+1 M}

(c) If the staff issues a decision granting the request, the decision must specifically describe the scope and duration of the exemption or waiver. {+1 M} If the staff issues a decision denying the request, the decision must state the reasons {+1 M} 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. {+1 M} 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 M}

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

(2) the person shall comply with any requirement of this chapter for which the exemption or waiver request was denied. {+1 M}

(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. {+1 M} (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213)

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

2 AAC 50.826. Commission decision on staff recommendation. (a) The procedure in this section applies when AS 15.13.374 or any provision of this chapter authorizes the staff to prepare a draft advisory opinion or other recommended decision for the commission's review.

{+1 M} A staff recommendation must be in writing, {+1 M} set out applicable facts and law, {+1 M} and explain the reasons for the recommendation. {+1 M}

(b) After preparing a recommendation, the staff shall

(1) submit the recommendation to the commission for decision; {+1 M} and

(2) send a copy of the recommendation to the person that requested the opinion

or exemption, or that is the subject of the matter at issue, {+1 M} along with notice that the recommendation has been submitted to the commission for review as provided in (c) of this section. {+1 M}

(c) 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, {+1 M} the commission schedules the matter at a different meeting; {+1 M} the commission will give the affected person notice of the date, time, and place the commission will consider the matter, {+1 M} and of the right to present an argument; {+1 M}

(2) accept, reject, or modify the staff recommendation; {+1 M} and

(3) send written notice of the commission's final decision and an order 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; {+1 M} in the notice the commission will state that the decision is a final commission decision and may be appealed to the superior court under AS 44.62.560. {+1 M} (Eff. 12/22/2011, Register 200)

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) A 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 must appeal from an adverse staff decision by filing a notice of appeal {+1 M} and a written statement explaining the reasons the appellant believes the staff decision should be rejected. {+1 M} The notice of appeal and statement of reasons must be mailed or delivered to the commission no later than 30 days after the date the staff decision was mailed or delivered to the person. {+1 M} The commission will not consider an appeal that is not timely filed. {+1 M}

(b) The commission will consider a notice of appeal and statement of reasons at the next regularly scheduled commission meeting {+1 M} unless, in its discretion, the commission schedules the appeal for a special meeting. {+1 M} The commission will give the appellant advance notice of the date, time, and place the commission will consider the appeal. {+1 M} The appellant may appear in person or telephonically, {+1 M} and may be represented by an agent or an attorney licensed to practice in this state. {+1 M} The commission will determine the order of presentations on the appeal. {+1 M}

(c) After considering the statement of reasons and other relevant evidence, {+1 M} the commission will affirm, reject, or modify the staff decision. {+1 M} No later than 10 days after the date the commission enters its order, {+1 M} the staff shall send written notice of the

commission's decision to the appellant at the appellant's address on file with the commission.

{+1 M} 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. {+1 M} (Eff. 12/22/2011, Register 200)

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 a relationship that creates an appearance of impropriety, or who 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.

{+1 M} 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. {+1 M}

(b) A commission member with a conflict of interest or a relationship that creates an appearance of impropriety, or who is otherwise unable to participate in a decision in an unbiased manner, shall state on the record the nature of the conflict or the relationship. {+1 M}

Whether the member may participate in the hearing will be determined in accordance with AS 39.52.220, {+1 M} including consideration of the following factors:

(1) the significance of the member's financial relationship or interest; {+1 M}

(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;

{+1 M} 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. {+1 M} (Eff. 12/22/2011, Register 200)

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. {+1 M} A rejected request may be corrected and refiled. {+1 M}

(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). {+1 M} The commission will consider the recommended opinion as provided in 2 AAC 50.826. {+1 M}

(c) A commission member who voted with the majority approving an advisory opinion may, no later than 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. {+1 M} If at least four members vote to reconsider an advisory opinion, the opinion is vacated. {+1 M}

(d) A person that requested an advisory opinion may act in reliance on the advisory opinion unless that person receives notice that the commission has reconsidered the advisory

opinion. **{+1 M}** 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. **{+1 M}**

(e) Nothing in this section precludes the commission from revising a previous advisory opinion for good cause. **{+1 M}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

2 AAC 50.845. Late or incomplete reports. (a) A statement, report, or registration required under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, AS 39.50, this chapter, or a commission order requiring the statement, report, or registration is late if not filed electronically or by another method the commission requires on or before the due date prescribed in the statute, regulation, or commission order requiring the statement, report, or registration. **{+1 M}** A statement, report, or registration that is not required to be filed electronically must be mailed or delivered to the commission's office on or before the date prescribed in the statute, regulation, or commission order requiring the statement, report, or registration. **{+1 M}** The statement of a municipal officer is late if the municipal clerk or the clerk's designee does not receive the statement on or before the due date for that statement. **{+1 M}**

(b) A statement, report, or registration required under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, AS 39.50, this chapter, or a commission order is incomplete if any material item of information required by the prescribed form is not provided. **{+1 M}** 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 **{+1 M}** and the treasurer or candidate returns the contribution no later than 10 days after receipt from the

contributor. **{+1 M}** If the staff discovers an obvious deficiency on the face of a statement, the staff shall notify the filer of the deficiency. **{+1 M}** (Eff. 12/22/2011, Register 200)

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) **Nonreceipt.** A person's failure to receive a notice of deficiency does not excuse that person's failure to mail or deliver each required filing on or before the due date for that filing. **{+1 M}**

(b) **Notice of deficiency.** Except as provided in (f) and (g) of this section, if a person required to file a registration, disclosure statement, or other report under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50 fails to file the registration, statement, or report within 10 days after the due date for that filing, **{+1 M}** 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; **{+1 M}**
- (2) the date on which the registration, statement, or report was due; **{+1 M}**
- (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. **{+1 M}**

(c) **Second notice.** 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.

{+1 M}

(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 a public official who fails to file a complete initial, annual, or final disclosure statement 25 days after the applicable due date. **{+1 M}** The second notice must contain the information set out in (b)(1) - (3) of this section **{+1 M}** and must state that

(1) failure or refusal to file the statement is punishable as a misdemeanor under AS 39.50.060; **{+1 M}**

(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, **{+1 M}** 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 - 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, 39.50.080, or 39.50.130;

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

(D) taking other action as appropriate to carry out AS 39.50.060 - 39.50.080 or 39.50.130. **{+1 M}**

(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, **{+1 M}** the staff shall send a second written notice containing the information set out in (b)(1) - (3) of this section. **{+1 M}** The second written notice must also state that

(1) failure or refusal to file the statement is punishable as a misdemeanor under AS 39.50.110; {+1 M}

(2) if the statement is not received 30 days after the due date, {+1 M} the staff will notify the commission that the judicial officer's statement is overdue by 30 days, {+1 M} 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 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 39.50.110; and

(D) taking other action as appropriate to carry out AS 39.50.060 or 39.50.110. {+1 M}

(f) **Municipal officers.** 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. {+1 M} No later than five days after March 15 of each year, {+1 M} the municipal clerk or the clerk's designee shall verify that each municipal officer has filed the statement. {+1 M} The municipal clerk or the clerk's designee shall notify any municipal officer whose statement is delinquent or incomplete of the filing requirement. {+1 M} 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. {+1 M} The municipal clerk or the clerk's designee shall promptly notify the commission of the date that any delinquent or corrected statement is received. {+1 M}

(g) **Delinquent or incomplete statements from municipal officers; commission action.** When the commission is notified that a municipal officer'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 officer. **{+1 M}** If a municipal officer's statement is overdue by 30 days, the commission may

- (1) request the attorney general to initiate misdemeanor proceedings; and
- (2) take other action as appropriate to carry out AS 39.50.060. **{+1 M}**

(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 each candidate for state or municipal elective office who has not filed a complete disclosure statement required under AS 39.50.020 and 39.50.030. **{+1 M}** 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. **{+1 M}** If the commission determines that a listed candidate has failed to supply required information on a significant source of income, interest in real property, business interest, loan, or trust, **{+1 M}** 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; **{+1 M}** 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. **{+1 M}**

(i) **Staff investigations.** 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 50.799, **{+1 M}** the staff shall investigate the matter as set out in 2 AAC 50.875. **{+1 M}** (Eff. 12/22/2011, Register200)

Authority:	AS 15.13.030	AS 24.60.220	AS 39.50.060
	AS 15.13.380	AS 24.60.240	AS 39.50.070
	AS 15.13.390	AS 24.60.250	AS 39.50.080
	AS 24.45.131	AS 24.60.260	AS 39.50.110
	AS 24.45.141	AS 39.50.020	AS 39.50.130
	AS 24.60.200	AS 39.50.050	AS 39.50.135
	AS 24.60.210		

2 AAC 50.855. Penalty assessment procedure. (a) If, no later than 30 days after the due date, a person responsible for filing a registration, statement, or report required under AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50 that is late or incomplete corrects the deficiency, **{+1 M}** the commission staff shall assess a penalty. **{+1 M}** 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. **{+1 M}** The number of late or incomplete days includes each day following the due date of the registration, statement, or report through the day a registration, statement, or report that substantially complies with the filing requirement is mailed or delivered to the commission. **{+1 M}**

(b) Notwithstanding (a) of this section,

(1) for late filing of a statement or report required under AS 24.60.200 - 24.60.260 or AS 39.50, the staff shall document the violation **{+1 M}** and

(A) shall waive the assessed penalty if

(i) the late filing is an initial report due from a first-time filer who is also a first-time member of a board or commission who was not notified of the required filing by the staff of that board or commission; or

(ii) the late filing is from a member of the national guard or military reserves called to active duty during the period from 60 days before the due date to 60 days after the due date; **{+1 D}**

(B) shall reduce the assessed penalty to 25 percent of the maximum penalty under AS 24.60.240 or AS 39.50.135 if the person is a first-time filer and the late filing is a candidate disclosure statement; **{+1 D}**

(C) shall reduce the assessed penalty to 50 percent of the maximum

penalty if

(i) the person is not a first-time filer; or

(ii) the late filing is a final statement due after leaving office; **{+1**

D} and

(D) shall reduce the assessed penalty to 75 percent of the maximum penalty for all other late filings under this paragraph; **{+1 D}**

(2) for late filing of or an error in a registration, statement, or report required under AS 15.13, the staff shall document the violation **{+1 M}** and

(A) may not assess a penalty if

(i) the person is a first-time filer;

(ii) there were multiple or multi-day technical issues with the electronic filing system, or a day-long technical issue on the filing due date, that prevented the person from timely filing;

(iii) the late filing is from a member of the national guard or military reserves called to active duty during the period from 60 days before the due date to 60 days after the due date;

(iv) except for a disclosure that must be submitted within 24 hours under AS 15.13.110 or 15.13.040, for a statement of contributions, the reporting error was the person's first error, and the contribution was reported by the recipient of the contribution not later than 30 days after the due date for the statement of contributions; or

(v) for an independent expenditure report, the reporting error was the person's first error, and the filing is not a report required to be filed within 24 hours; **{+1 D}**

(B) shall reduce the penalty to 25 percent of the maximum penalty if

(i) the election cycle is the person's first election cycle and the report is the person's first late-filed report: or

(ii) the person self-reports the missing information to the staff and discloses the information to the public within seven days after the date of self-reporting; **{+1 D}** the penalty stops accruing on the date the person self-reported the error by notifying the staff of the error; **{+1 M}** filing the late or missing information without notifying the staff of the error does not constitute self-reporting; **{+1 M}** and

(C) shall reduce the penalty to 50 percent of the maximum penalty if

(i) the election cycle is the person's first election cycle; or

(ii) the amount missing or erroneously reported on a filing is under \$100; **{+1 D}**

(3) for incomplete filings of all types, the staff shall document the violation **{+1 M}** and

(A) may not assess a penalty if the missing or incomplete information was readily available to the public through another forum; **{+1 D}**

(B) shall reduce the penalty to 50 percent of the maximum penalty if the missing or incomplete information was not readily available to the public through another forum, but the incomplete report is the first alleged violation against the person; **{+1 D}** and

(C) shall assess the maximum penalty for all other incomplete reports not addressed under (1) or (2) of this subsection; **{+1 M}**

(4) the staff may not assess a penalty if the amount of the reporting error or the

amount of a transaction missing in a report is less than \$100 and is promptly corrected

(A) without receiving a notice from the staff; or

(B) within the time allowed by any notice of deficiency from the staff; **{+1 M}**

or

(5) for reports required under AS 15.13.110(a)(2) or (b), the staff shall assess a penalty of not more than \$500 per day for each day a deficiency exists before the relevant election **{+1 M}** and reduce the penalty to \$50 per day for each day a deficiency remains uncorrected after the relevant election, **{+1 M}** if the staff has received no evidence of an aggravating factor under 2 AAC 50.865(d); **{+1 M}** the amount of a penalty assessed under this paragraph is limited to not more than five times the amount of the expenditure or contribution erroneously reported or unreported. **{+1 M}**

(c) When the staff assesses a penalty in compliance with (a) of this section, the staff shall, no later than 14 working days after receiving the materials that correct the deficiency **{+1 M}**, mail or deliver a written penalty assessment to the person responsible for filing the registration, statement, or report. **{+1 M}** The written penalty assessment must show the calculation of the penalty, **{+1 M}** and must state that the person responsible may appeal the penalty assessment as provided in 2 AAC 50.831 and 2 AAC 50.860. **{+1 M}**

(d) If the commission does not receive a required registration, statement, or report, **{+1 M}** or material information needed to complete a registration, statement, or report, **{+1 M}** or receives it later than 30 days after the due date, **{+1 M}** the staff shall assess a penalty as set out in this section. **{+1 M}** 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. **{+1 M}** 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. **{+1 M}** (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213; am 12/21/2016, Register 220; am 9/25/2022, Register 243)

Authority: AS 15.13.030 AS 24.60.260 AS 39.50.070
AS 15.13.390 AS 39.50.050 AS 39.50.080
AS 24.45.021 AS 39.50.060 AS 39.50.135
AS 24.45.141

2 AAC 50.860. Procedure for disputing penalty. (a) A 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; **{+1 M}**

(2) including an affidavit that states facts to support any mitigating factor listed in 2 AAC 50.865 that is applicable to that person; **{+1 M}** and

(3) showing that any aggravating factor listed in 2 AAC 50.865(d) does not apply to that person. **{+1 M}**

(b) The staff shall review any facts disputed in an appeal, including facts relevant to mitigating and aggravating factors. **{+1 M}** For any appeal of a penalty less than \$250, **{+1 D}** if the staff has no evidence of an aggravating factor, **{+1 D}** the staff may determine that facts shown in mitigation under 2 AAC 50.865(b)(1) - (4) justify reducing the penalty by 50 percent, and may calculate the reduced penalty. **{+1 D}** If the person who appealed the penalty assessment agrees to the revised penalty assessment and pays the amount due no later than 30 days after receiving the revised penalty assessment, the appeal will be considered withdrawn,

and the matter resolved. {+1 M} If, after applying the mitigating factors in 2 AAC 50.865(a) or (b), the staff reduces the assessed penalty to \$100 or less {+1 M} and the person who appealed pays the revised penalty no later than 30 days after receiving the revised penalty assessment, the appeal will be considered withdrawn, and the matter resolved. {+1 M} If the person who appealed does not agree to the revised penalty, the staff shall provide a written recommendation to the commission and serve a copy on the person who appealed. {+1 M}

(c) The commission will hear a penalty assessment appeal in compliance with the procedure for administrative appeals set out in 2 AAC 50.831. {+1 M} After considering the statement of reasons, {+1 M} the affidavit, {+1 M} and other relevant evidence, {+1 M} the commission may

(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 under 2 AAC 50.865(d) require imposition of the maximum penalties allowed under the relevant statutes; {+1 M}

(2) reduce or waive the civil penalty if the commission finds that mitigating factors justify a reduction in the amount of the assessed penalty; {+1 M} or

(3) reject the penalty assessment, or remand to the staff if the commission finds the penalty assessment is based on incomplete or inaccurate facts or application of the law. {+1 M}

(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. {+1 M}

(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. **{+1 M}** The commission will stay an obligation to pay the penalty as provided in (d) of this section when the commission decision is appealed to the superior court, **{+1 M}** but the stay terminates if the superior court affirms the commission's decision or if the appeal is withdrawn. **{+1 M}** 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. **{+1 M}** (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213; am 12/21/2016, Register 220)

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 2 AAC 50.855 may be reduced by up to 50 percent if

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

(A) has a good filing history; in this subparagraph, "good filing history"

means

(i) no late filings in the immediately preceding five years; **{+1**

D} and

(ii) for groups, no more than \$500 in non-administrative activity

shown on the group's overdue report; **{+1 D}** or

(B) is an inexperienced filer; in this subparagraph, "inexperienced filer"

means a 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, or a person engaged in the person's first election cycle; **{+1 D}**

(2) a technical error at the commission, including a communication, facsimile machine, computer program, electronic filing system, 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 higher than \$100 but no more than \$1,000, and a factor listed in (b) of this section also applies. **{+1 D}**

(b) A civil penalty determined under 2 AAC 50.855 may be reduced by a percentage greater than 50 percent, 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 on or before the due date; this mitigating factor is only available to a natural person; **{+1 D}**

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

(A) furnishing reporting materials too late for filing on or before the due date;

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

(C) failing to deliver required notices when due;

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

(4) a late or incomplete report did not cause significant harm to the public, and aggravating factors under (d) of this section do not exist; for purposes of this paragraph, a late or incomplete report did not cause significant harm to the public if

(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 more than \$100 but no more than \$1,000, and the person required to file

self-reported the error; for purposes of this subparagraph, the error is self-reported if the person notified the staff of the error, but filing the late or missing information without notifying the staff does not constitute self-reporting; or

(C) except for a disclosure that must be submitted within 24 hours under AS 15.13.110 or 15.13.040, the missing or incomplete information is readily available to the public through another forum; **{+1 D}**

(5) the civil penalty assessment is significantly out of proportion to the degree of harm to the public for not having the information; for purposes of this paragraph, absent the presence of aggravating factors in (d) of this section, an assessed penalty is significantly out of proportion if it exceeds the value of the transactions that were not reported or were reported late, or, in the case of seven-day or 24-hour reports, exceeds twice the value of the transactions that were not reported or were reported late; **{+1 D}** or

(6) a unique circumstance justifies reducing or waiving the penalty. **{+1 D}**

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

- (1) relying on another person or mailroom to mail, postmark, or submit the statement on or before 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 or to complete or file the report;
- (6) being too busy to file;
- (7) absence caused by travel, unless the travel was unplanned or unavoidable,

including travel for a personal emergency, or weather-related travel problems. **{+1 D}**

(d) A civil penalty determined under 2 AAC 50.855 may be increased to the maximum amount allowed under 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; in this paragraph, "substantial financial interest" means an interest with a value greater than \$1,000; **{+1 D}** or

(2) a poor reporting history; indicators of a poor reporting history include any of the following:

(A) more than one late filing in the immediately preceding five years;

(B) evidence suggesting deliberate non-reporting;

(C) failure to cooperate with the staff;

(D) a violation of any provision of AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, AS 39.50, or this chapter in the preceding five years. **{+1 D}** (Eff.

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

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 AS 15.13, AS 24.45, AS 24.60.200 - 24.60.260, AS 39.50, or this chapter. **{+1 M}**

(b) A complaint under this section must be in writing, **{+1 M}** 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. {+1 M} The complaint may be on a form provided by the commission or in any other form {+1 M} that provides the following information:

- (1) the full name, mailing address, and telephone number of the complainant; {+1 M}
- (2) the name of the person alleged to be in violation; {+1 M}
- (3) the statute or regulation alleged to be violated; {+1 M}
- (4) a clear and concise description of facts that, if true, would violate a provision of AS 15.13, AS 24.45, AS 24.60.200 - 24.60 260, AS 39.50, or this chapter; {+1 M}
- (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; {+1 M}
- (6) relevant documentation or other evidence that is available to the complainant; {+1 M} and
- (7) proof that a copy of the complaint and documentation was mailed or delivered to the person alleged to be in violation. {+1 M}

(c) No later than one day after receiving a complaint, {+1 M} the staff shall determine if the complaint

- (1) is signed and notarized under oath; {+1 M}
- (2) contains the information required in (b) of this section; {+1 M}
- (3) alleges facts that, if true, would be a violation of AS 15.13, AS 24.45, AS 24.60.200 - 24.60 260, AS 39.50, or this chapter; {+1 M} and

(4) alleges a violation that occurred within the last five years. {+1 M}

(d) If the staff determines that the complaint does not meet all the criteria of (c) of this section, {+1 M} the staff shall, no later than one day after receiving the complaint, {+1 M}

reject the complaint, and notify the complainant, the person alleged to be in violation, and the commission of the rejection and the reason. {+1 M} A person that filed a complaint rejected by the staff may file a written request {+1 M} asking the commission to review the rejection. {+1 M} The commission will review the complaint and the reasons for the staff's rejection of the complaint at the next regularly scheduled commission meeting {+1 M} unless, in its discretion, the commission schedules the matter for a special meeting. {+1 M} The commission will

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

(2) find that the complaint meets the criteria in (c) of this section, and either set a hearing for expedited consideration or direct the staff to conduct an investigation. {+1 M}

(e) If the staff determines that the complaint meets all the criteria of (c) of this section, {+1 M} the staff shall, no later than seven days after receiving the complaint, {+1 M} notify the complainant, the person alleged to be in violation, and the commission. {+1 M} 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. {+1 M} The staff shall investigate the complaint as set out in 2 AAC 50.875. {+1 M}

(f) After accepting a complaint and before issuance of an investigation report under 2 AAC 50.875, {+1 M} the complainant, the executive director, and the respondent may agree in writing to withdraw the complaint. {+1 M} The executive director shall notify the commission that the complaint has been withdrawn by agreement. {+1 M} Further action on the withdrawn complaint will not be taken except upon subsequent order of the commission.

{+1 M} (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213)

Authority:	AS 15.13.030	AS 24.45.021	AS 24.60.220
	AS 15.13.045	AS 24.45.031	AS 24.60.225
	AS 15.13.380	AS 24.45.131	AS 39.50.050
	AS 15.13.390	AS 24.45.135	AS 39.50.055

2 AAC 50.875. Investigation. (a) The staff shall undertake an investigation of a complaint that the staff or the commission determines meets the criteria in 2 AAC 50.870(c).

{+1 M} 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 - 24.60.260, AS 39.50, or this chapter. {+1 M} If the staff initiates an investigation, the staff shall promptly

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

and

(2) provide the written notice and a copy of the complaint and supporting documentation to the respondent and the commission. {+1 M}

(b) The staff may conduct an investigation as provided in AS 15.13.045, {+1 M} and may

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

(2) request the assistance of the Alaska State Troopers; and

(3) contract with a private investigator. {+1 M}

(c) When the staff completes an investigation, but no later than 30 days after accepting a complaint, {+1 M} staff shall prepare an investigation report. {+1 M} The investigation report must include a summary of the staff's findings, {+1 M} 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. {+1 M}

(d) The staff shall provide a copy of the investigation report to the complainant, the

respondent, and the commission. {+1 M} No later than 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 investigation report. {+1 M}

(e) The commission will consider an investigation report at its next regularly scheduled meeting unless, in its discretion, the commission schedules the matter for a special meeting. {+1 M} The commission will give notice of the date, time, and place of the meeting to the complainant and the respondent. {+1 M} 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. {+1 M} (Eff.

12/22/2011, Register 200)

Authority:	AS 15.13.030	AS 24.45.021	AS 24.60.220
	AS 15.13.045	AS 24.45.031	AS 24.60.250
	AS 15.13.380	AS 24.45.131	AS 39.50.050
	AS 15.13.390		

2 AAC 50.880. Answer to complaint. (a) A person alleged to be in violation may file an answer

(1) to the complaint not later than 15 days after receiving notice that the complaint satisfies the requirements in 2 AAC 50.870(a); {+1 M} or

(2) to the investigation report not later than 10 days after receiving the investigation report under 2 AAC 50.875; {+1 M} [change semicolon at end to a comma]

(b) An answer to a complaint must

- (1) admit or deny the allegations in the complaint; {+1 M}

(2) be signed by the respondent, {+1 M} under oath and upon penalty of perjury, before a notary public, municipal clerk, court clerk, postmaster, or other person authorized to administer oaths; {+1 M}

(3) include the mailing address and telephone number of the respondent; {+1 M} and

(4) be accompanied by proof that a copy of the answer and supporting documentation was mailed or delivered to the complainant. {+1 M}

(c) An answer to a complaint or investigation report may

(1) respond to the allegations in the complaint; {+1 M}

(2) state any defense to the allegations; {+1 M}

(3) object to the complaint as so indefinite or uncertain that the respondent cannot prepare a defense; {+1 M} and

(4) include relevant documentation. {+1 M} (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213)

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. {+1 M} 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. {+1 M} A consent agreement must be in writing, {+1 M} must state that it is subject to commission approval, {+1 M} and must include an agreement regarding the assessment of civil penalties, {+1 M} the commission's costs of investigation and adjudication, {+1 M} and

reasonable attorney fees, as provided in AS 15.13.390(b) {+1 M}. The parties may present a statement of the facts supporting the consent agreement. {+1 M}

(b) The commission may require evidence to support a finding that the consent agreement is in the public interest and consistent with controlling law. {+1 M} If the commission rejects a consent agreement, the commission will provide an explanation of the reasons for rejection, {+1 M} and may, as appropriate under the circumstances, proceed with a hearing on the matter under investigation, consider a revised consent agreement, or allow additional evidence or argument in support of the rejected consent agreement. {+1 M} If the commission accepts a consent agreement, the staff and the respondent are bound by it. {+1 M} (Eff. 12/22/2011, Register 200)

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. {+1 M} A request for expedited consideration must be submitted as a separate document from any other filing, {+1 M} and must include

(1) proof that the opposing party actually received the request for expedited consideration; {+1 M} and

(2) evidence showing reasonable cause to believe a violation of law has occurred or will occur, {+1 M} and that the violation, if not immediately restrained, {+1 M} could

(A) materially affect the outcome of an election or other impending event; or

(B) cause irreparable harm that penalties could not adequately remedy. {+1 M}

(b) The commission will consider a request for expedited consideration as provided in AS 15.13.380(c) and (d). {+1 M} 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. {+1 M} 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. {+1 M} In the notice, the commission will state that, if the commission grants expedited consideration, the commission may hear the complaint immediately after issuing its order to expedite consideration. {+1 M}

(c) At the hearing on the request for expedited consideration, 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. {+1 M} The commission may allow an opportunity to rebut the response. {+1 M} The person that requested expedited consideration has the burden of proof to demonstrate the need for expedited consideration. {+1 M}

(d) The commission will announce its decision on a request to expedite consideration on the record at the hearing. {+1 M} 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). {+1 M} If the commission denies expedited consideration, the commission will refer the complaint for investigation as provided in 2 AAC 50.875. {+1 M} 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). {+1 M}

(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. {+1 M} The commission will issue an order as provided in AS 15.13.380(d). {+1 M} (Eff. 12/22/2011, Register 200)

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 investigation report, or a consent decree, in compliance with AS 44.62.330 - 44.62.630. {+1 M}

(b) The commission will give the complainant and respondent reasonable notice of the date, time, and place of the hearing. {+1 M} In addition, the commission will post the notice on the commission's website and in a prominent place, visible to the public, at the commission's offices. {+1 M} If the hearing is conducted by telephone, audio or video teleconferencing, or other electronic means, {+1 M} the commission will, in the notice, designate at least one place for public access. {+1 M} The complainant or a party may request a change in the date, time, or place of a hearing. {+1 M} The commission may grant a change in the date, time, or place of a hearing for good cause {+1 M} and with reasonable notice to the complainant, the parties, and the public. {+1 M}

(c) Before a hearing, a respondent may inspect the staff case file, and may obtain copies at cost. {+1 M} However, internal staff memoranda and any privileged information may not be inspected or copied. {+1 M}

(d) Except as provided in 2 AAC 50.888 for a hearing on a request for expedited consideration, {+1 M} the staff and the respondent are parties to a hearing. {+1 M} For good cause, the commission may also designate the complainant as a party. {+1 M} A party to a hearing may be represented by an agent or an attorney licensed in this state, {+1 M} and may call witnesses and present evidence. {+1 M} A complainant that is not designated as a party to the proceeding may present argument, but may not call witnesses or present evidence. {+1 M} The staff shall present the investigation report, and bears the burden of proving a violation by a preponderance of the evidence. {+1 M}

(e) The hearing will be recorded and open to the public. {+1 M} A complainant or

respondent may arrange for preparation of a transcript at the complainant's or respondent's own expense. {+1 M} A copy of any transcript prepared from the recording must be filed with the commission. {+1 M}

(f) No later than 10 days after the record closes, {+1 M} the commission will issue an order in compliance with AS 44.62.510. {+1 M}

(g) The commission may reconsider an order as provided in AS 44.62.540. {+1 M} A request for reconsideration must be filed no later than 15 days after the commission delivers or mails an order as provided in (f) of this section. {+1 M} A request for reconsideration must state specific grounds for reconsideration. {+1 M} 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. {+1 M}

(h) If a final order of the commission determines that a violation has occurred, {+1 M} the commission may assess appropriate civil penalties, {+1 M} the commission's costs of investigation and adjudication, {+1 M} and reasonable attorney's fees against the respondent.

{+1 M} 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. {+1 M}

(Eff. 12/22/2011, Register 200)

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 will refer the matter to the attorney general for appropriate action. **{+1 M}**

(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. **{+1 M}** (Eff. 12/22/2011, Register 200)

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

2 AAC 50.899. Definitions. In 2 AAC 50.801 — 2 AAC 50.899, unless the context requires otherwise,

(1) "delivered" means conveyed by hand-delivery, electronic submission, or facsimile transmission; **{+1 M}**

(2) "mailed" means sent by first class or higher priority service using the United States Postal Service. **{+1 M}** (Eff. 12/22/2011, Register 200)

Authority: AS 15.13.030 AS 24.45.031 AS 24.60.240
AS 24.45.021 AS 24.60.220 AS 39.50.050

2 AAC 50.990. Definitions. In this chapter, unless the context requires otherwise:

(1) "agent"

(A) means a representative or one who is authorized to act for another;

{+1 M}

(B) includes a contractor or subcontractor; {+1 M}

(2) "anything of value"

(A) except as provided in (B) of this paragraph, 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; {+1 M}

(B) for a legislative branch filer, has the meaning given in AS 24.60.990; {+1 M}

(C) includes any facility, equipment, polling information, supplies, advertising service, membership list, mailing list, and the service of distributing information by means of electronic mail, unless the cost of doing so is minimal; {+1 M}

(3) except as provided in 2 AAC 50.405, "candidate"

(A) means a candidate for state or municipal elective office; {+1 M}

(B) includes an individual who

(i) submits a letter of intent to the commission under 2 AAC 50.274; or

(ii) has publicly announced an intent to run as a write-in candidate; {+1 M}

(4) "child" has the meaning given in AS 39.50.200; {+1 M}

(5) "commission" means the Alaska Public Offices Commission; {+1 M}

(6) "complainant" means a person who files a complaint with the commission under 2 AAC 50.870; {+1 M}

(7) "contribution"

(A) has the meaning given in AS 15.13.400; {+1 M}

(B) includes

(i) a 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) a personal contribution as provided in 2 AAC 50.254; {+1 M}

(C) does not include

(i) costs that 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 that 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, if the costs do 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 no later than three days after the date of the expenditure; {+1 M}

(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; {+1 M}

(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; {+1 M}

(10) "disclosure statement" or "statement" means a disclosure statement required under AS 24.60.200 or AS 39.50.020; {+1 M}

(11) "domestic partner" has the meaning given in AS 39.50.200; {+1 M}

(12) "family member" means

(A) a spouse;

(B) a domestic partner;

(C) a dependent child; in this subparagraph, "dependent child" means an unmarried child of a person subject to this chapter who is dependent upon that person and who is either

(i) under 19 years of age; or

(ii) under 23 years of age and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education and Early Development; age restrictions set out in this subparagraph do not apply to a child who is totally and permanently disabled; {+1 M}

(13) "gift"

(A) means a payment or item received without consideration of equal or

greater value; {+1 M}

(B) for a person subject to AS 24.45, has the meaning given in AS 24.45.171; {+1 M}

(C) 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 if the person obligated does not give full and adequate consideration;

(ii) accommodations, including housing, a hotel room, and a vacation rental;

(iii) a ticket 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; {+1 M}

(D) 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;

(iv) an item of value received without consideration from a

family member or a parent, nondependent child, sibling, grandparent, aunt, uncle, niece, or nephew; {+1 M}

(14) "income"

(A) has the meaning given in AS 24.60.990; {+1 M}

(B) includes money or anything of value, including deferred income, earned or received

(i) in exchange for labor or services;

(ii) from the sale of goods or property;

(iii) as profit from a financial investment;

(iv) as alimony;

(v) as child support;

(vi) as a government entitlement; or

(vii) as an honorarium; {+1 M}

(15) "individual" means a natural person; {+1 M}

(16) "judicial officer" has the meaning given in AS 39.50.200; {+1 M}

(17) "labor union" means a local, national, or international union, a labor council, or any other labor organization recognized under state or federal law; {+1 M}

(18) "legislative branch filer" means

(A) a legislator;

(B) a legislative director;

(C) a member of the Select Committee on Legislative Ethics; {+1 M}

(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; **{+1 M}**

(20) "lobbyist" has the meaning given in AS 24.45.171; **{+1 M}**

(21) "minor" means an individual who is under 18 years of age; **{+1 M}**

(22) "money" means currency of the United States or of a foreign nation, checks, money orders, or negotiable instruments payable on demand; **{+1 M}**

(23) "municipality" has the meaning given in AS 01.10.060; **{+1 M}**

(24) "municipal officer" has the meaning given in AS 39.50.200; **{+1 M}**

(25) "nondependent child" is a child that is not a dependent for purposes of the definition of "family member" in this section; **{+1 M}**

(26) "person"

(A) has the meaning given in AS 15.13.400; **{+1 M}**

(B) includes an initiative committee that is designated as provided in AS 15.45.030; **{+1 M}**

(27) "political action" has the meaning given in AS 24.60.990; **{+1 M}**

(28) "public official" or "public officer" has the meaning given in AS 39.50.200; **{+1 M}**

(29) "resident of the state" or "resident of this state"

(A) means an individual who meets the requirements of AS 01.10.055; **{+1 M}** and

(B) includes each individual who is registered to vote in the state; **{+1 M}**

(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; **{+1 M}**

(31) "sibling" means a brother or sister, including a stepbrother, stepsister, and adopted brother or sister; {+1 M}

(32) "source of income" has the meaning given in AS 39.50.200; {+1 M}

(33) "staff"

(A) means the staff of the Alaska Public Offices Commission, employed under AS 15.13.020(i); {+1 M}

(B) includes any individual hired as a contractor to provide specific services to the commission; {+1 M}

(C) does not include a member of the commission; {+1 M}

(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; {+1 M}

(35) "working day" means a day other than Saturday, Sunday, or a state holiday; {+1 M}

(36) "zero report" means a report filed under AS 15.13, AS 24.45, AS 24.60.200 - 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. {+1 M} (Eff. 12/22/2011, Register 200; am 1/16/2015, Register 213)

Authority: AS 15.13.030 AS 24.60.220 AS 39.50.050
AS 24.45.021

Hebdon, Heather R (DOA)

From: Jamie Benson <jamie@aktrucks.org>
Sent: Wednesday, March 4, 2026 10:24 AM
To: Public Offices Commission, Alaska (DOA sponsored)
Subject: APOC comments

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from jamie@aktrucks.org. [Learn why this is important](#)

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Alaska Public Offices Commission,

I am writing to express concerns about the current structure of late registration fees. For many small businesses, non-profits, and volunteer-run organizations, these fees can be disproportionately burdensome. Even a short delay—often due to confusion about reporting requirements or navigating the system—can result in penalties that have a significant financial impact on organizations operating with limited resources.

To help reduce these unintentional late filings, I strongly encourage APOC to offer regular **in-person training sessions** for both new and existing users of the system. While online resources are helpful, many filers would greatly benefit from hands-on guidance, opportunities to ask questions, and clearer walkthroughs of the filing process. In-person training would provide a more accessible and supportive approach, ultimately improving compliance and reducing the number of late filings.

Thank you for your consideration and for the important work APOC does to maintain transparency and accountability in Alaska.



Jamie Benson

President / CEO

Alaska Trucking Association

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To the Alaska Public Offices Commission,

The Alaska Municipal League (AML) appreciates the continued efforts of the State of Alaska to promote transparency and integrity in Alaska’s elections and government decision-making. Municipal officials and candidates have expressed concern that certain aspects of the regulatory framework can be difficult to navigate. In many communities, local elections involve modest campaign activity and are administered by volunteers who may have limited experience with reporting requirements.

We would like to offer potential reforms that could help modernize the regulations while maintaining strong transparency standards. These suggestions are intended to improve compliance, reduce unnecessary administrative burdens, and encourage participation in local elections. We encourage consideration of several potential improvements:

De Minimis Contribution Threshold

- Allow very small contributions (for example, \$25–\$50) to be reported in aggregate rather than itemized individually. This would simplify reporting for small community fundraisers and reflect modern small-donor practices.

Training Safe Harbor for First-Time Candidates

- Consider establishing a regulatory safe harbor where civil penalties may be reduced or waived for candidates who complete APOC training and make a good-faith effort to comply with reporting requirements. This approach would support first-time candidates while maintaining accountability.

Clarification of Early Campaigning Rules

- Municipal candidates sometimes find it difficult to determine when community outreach or issue advocacy becomes campaign activity. Clearer guidance specific to municipal contexts—such as newsletters, public meetings, or community forums—would help candidates remain compliant.

Regulation of Lobbying

- Local officials frequently advocate for their communities before the Legislature and state agencies. Some municipal leaders have expressed concern that routine government advocacy could potentially be interpreted as lobbying activity under existing regulations. We suggest clarifications regarding local government advocacy exemptions. Specifically, it would be helpful to clearly state that testimony by municipal officials, participation in advisory groups, and advocacy by local government associations are not considered lobbying activities. Municipal employees and elected officials advocating for their communities in their official capacity should clearly fall outside the definition of compensated lobbyists. If municipal associations interact with lobbying rules, a simplified annual reporting process rather than activity-based filings could clarify and reduce administrative burdens.

~~Regarding financial disclosure requirements, these requirements play an essential role in identifying potential conflicts of interest. However, municipal officials in small communities often face unique circumstances, including volunteer service, subsistence economies, and overlapping small business activities. Suggested improvements include developing a disclosure form specifically designed for municipal officials that focuses on conflict of interest risks while eliminating unnecessary reporting requirements. Limiting family financial disclosure requirements to spouses or members of the same household and avoiding requiring detailed business disclosures that may be difficult to provide in small communities would also be improvements. This approach is similar to federal disclosure practices and can maintain transparency while improving privacy and simplifying compliance.~~

Municipal officials have also expressed concern that enforcement procedures can sometimes feel adversarial or difficult to navigate, particularly for individuals unfamiliar with APOC processes. Several procedural improvements may help address these concerns:

Informal Resolution Process

- Establish a compliance assistance phase allowing minor filing errors to be corrected within a defined period (such as 14 days) before penalties are assessed.

Proportional Penalty Structure

- Ensure that civil penalties consider factors such as the size of the campaign, the experience of the filer, and whether the race is municipal or statewide.

Advisory Opinion Process for Local Governments

- Provide a streamlined process allowing municipalities to request advisory opinions regarding campaign activity, lobbying definitions, and disclosure requirements.

Improved Complaint Transparency

- Public posting of complaint status, timelines, and final outcomes would improve transparency and strengthen public trust in enforcement.

Several broader improvements could significantly assist municipalities with compliance through a Compliance Guide. This could be a dedicated APOC guide focused on municipal elections, city clerks, and small campaigns and/or having a Municipal Liaison through APOC provide training and assistance to local elected officials, particularly in rural communities. Enhancements to the Insight reporting system, such as simplified municipal interfaces, template filings, and automated calculations, would provide additional clarity.

AML believes these potential reforms could help advance transparency and accessibility, and enhance compliance to make it easier for small communities and volunteer candidates to participate in local campaigns. We appreciate the opportunity to share these ideas and would welcome the opportunity to work with APOC to further refine potential solutions.

Thank you for your consideration and for your continued commitment to transparent and effective governance in Alaska.

Respectfully,



Nils Andreassen
Executive Director

Kevin McCabe
PO Box 520248
Big Lake, AK 99652

Date: March 20, 2026 (or earlier, to meet April 1, 2026 deadline)

Alaska Public Offices Commission
2221 E. Northern Lights Blvd, Rm. 128
Anchorage, AK 99508

Via Email: apoc@alaska.gov

Dear Commissioners, Ms. Kate Sheehan, and Ms. Hebdon,

As Alaska State Representative for House District 30 and a three-time candidate (2020, 2022, 2024), I submit these comments pursuant to Administrative Order 360. My suggestions target 2 AAC 50.250-405 (Campaign Disclosure) and 2 AAC 50.801-990 (APOC Procedures), drawing directly from my experience navigating APOC enforcement, particularly in *Widney v. McCabe* (Case No. 25-01-CD). That case, resolved with a reduced \$1,500 penalty after reconsideration, highlighted systemic issues: rigid application of pre-digital rules to modern campaigns, complaint-driven (rather than audit-driven) enforcement, potential for selective scrutiny, procedural delays impacting fairness, and penalties disproportionate to any public harm.

While I support APOC's transparency goals under AS 15.13, the current framework, rooted in 1974 (pre-digital) statutes and regulations, creates undue burdens, chills participation in elections and indeed government (especially in rural districts), and risks politicization and weaponization of the commission. Reforms should prioritize the solicitation's goals: clarifying obligations, reducing costs/burdens, streamlining processes, and improving transparency/communication.

1. Modernize Disclosure Requirements for Digital and Consultant Expenditures (2 AAC 50.321(d) and Related Sections)

- **Issue from Experience:** In *Widney v. McCabe*, alleged violations stemmed from insufficient "detail" on services/subcontractors for payments to Optima Public Relations (e.g., "Account Management, Graphic Design, Digital Printing and Postage") and Republican Ads LLC (e.g., "Digital Ads"). Full subcontractor breakdowns or ad placement details are often unavailable pre-election due to algorithm-driven digital platforms, delayed invoices, and vendor management of sub-accounts. APOC rejected good-faith explanations and testimony that such details arrived post-election, leading to findings despite zero monetary errors or demonstrable public harm.

- **Suggestions:**
 - Amend 2 AAC 50.321(d) to allow general purpose descriptions (e.g., "digital advertising services," "campaign management including graphic design and media placement") for expenditures under \$5,000–\$10,000 per vendor, with full subcontractor details required only for larger or known subcontracts. Provide explicit examples for digital ads (e.g., geo-targeted via algorithms on platforms like Meta/Google, where placement is dynamic and unknowable in real-time).
 - Introduce a post-election amendment grace period (e.g., 30–60 days after invoice receipt) without penalties for good-faith initial filings, recognizing invoice delays, and invoice vs actual payment disputes common in digital/vendor-handled work.
 - Create and publish a "safe harbor" for disclosures consistent with APOC guidance (e.g., 2020 advisory emails) or standard industry practices, absent intent to conceal.
- **Benefits:** Clarifies obligations in the digital age, reduces amendment burdens/costs, aligns closer to FEC standards (general purposes suffice), and streamlines reviews by focusing on material omissions.

2. Shift from Complaint-Driven to Proactive, Consistent Enforcement (2 AAC 50.801-990 and Procedures)

- **Issue from Experience:** APOC's reliance on complaints rather than systematic audits contravenes AS 15.13.030(7)'s mandate to "**examine**, investigate, and compare all reports." Similar vague descriptions in other candidates' reports (e.g., "Digital Ads" for larger amounts) went unscrutinized, suggesting selective or even political enforcement. Serial complaints timed to legislative sessions diverted resources from constituent work with minimal public impact. An examination of every report, no matter how cursory, is imperative for good public process and would save money in the enforcement and hearing end.
- **Suggestions:**
 - Require proactive sampling/audits of reports (e.g., random or risk-based) to fulfill statutory duty and reduce perceptions of targeting.
 - Implement complaint screening: Under 2 AAC 50.888, dismiss filings lacking prima facie evidence or showing harassment patterns within 10–15 days, with rationale shared publicly (redacted as needed).
 - Add thresholds: Require complaints to allege material harm or involve expenditures above \$1,000–\$2,000 for detailed scrutiny.
- **Benefits:** Reduces administrative burdens on candidates/government, minimizes weaponization risks, improves equity/transparency in decision-making.

3. Streamline Procedures, Reduce Burdens, and Ensure Proportionality

- **Issue from Experience:** Delays (e.g., six-month investigation lag) limited response time, while penalties are disproportionate for non-monetary detail issues with no proven harm. Mitigations (good faith, inexperience) were partially applied but inconsistently compared to other cases. Issuing vague rulings or statements and then meting out punishment when they are not complied with is problematic.
- **Suggestions:**
 - Consolidate overlapping reports (e.g., merge pre-election filings) and raise de minimis thresholds (e.g., no itemization under \$100–\$200).
 - Adopt graduated/tiered penalties: Warnings for first-time, low-harm violations; fines scaling with severity/repeat offenses.
 - Set investigation timelines (e.g., 60–90 days standard) and require detailed rationales in orders, including mitigation factors and comparisons to similar cases.
 - Enhance digital tools: Mandate platforms with auto-flags for common errors and guidance on digital-specific reporting.
- **Benefits:** Lowers costs/time for filers (especially grassroots/rural candidates), streamlines APOC workload, and builds trust through fairness.

4. Greater Transparency and Interagency Clarity

- Explicitly address digital mismatches by incorporating FEC-like flexibility.
- Publish annual guidance on digital reporting and enforcement consistency.
- Change report structure and timing to more closely mirror industry billing cycles and to prevent abuse of public trust by a candidate waiting until after a reporting period ends before announcing a candidacy.
- Change reporting requirements to reporting an expense amount when it is paid rather than when it is incurred. The expense could be reported as a occurrence (with no amount listed) when it is incurred

These reforms would modernize APOC practices, reduce burdens without sacrificing transparency, and prevent future cases from eroding public confidence and preventing candidates from running due to the egregious reporting and enforcement requirements of APOC. I request addition to the interested parties list (rep. kevin.mccabe@akleg.gov) and stand ready for further discussion.

Sincerely,
Kevin McCabe



April 1, 2026

Sandra I. Blomfield

6120 West Tree Drive

Anchorage, AK 99507

Aksandyb@icloud.com

1-907-244-1445



Solicitation of Public Input – Department of Administration – Regulatory – Alaska

Public Offices Commission – Regulatory Revisions

It was with great anticipation that I have had the opportunity to work with and review the APOC reporting system for the past few months. As stated in the Solicitation for Public Input, the current regulations are burdensome. I will provide suggestions to clarify, streamline, improve transparency and balance with the reporting systems and regulations. These changes will fairly balance Campaign Contribution Limits and make suggestions for more public involvement in the election process. I noted five areas of concern to bring forth.

The focus of this regulatory revision is Alaska Statute 15.13.065 (c) revised March 4, 2022.

Initiatives, and Ballot Initiative Groups UNLIMITED CONTRIBUTIONS. This is where “Dark Money” is allowed to taint the process and is most distressing to Alaskans who are independent-minded voters. When the trust of the people has eroded from the political process and voting, democracy is compromised. People then choose not to participate. This is the unfortunate reality we currently face in Alaska with less than thirty percent of residents actually casting a ballot.

1) CUMBERSOME AND NON-PRIVATE CAMPAIGN DISCLOSURES RESTRICT PARTICIPATION

Often the public wants to promote or defend a position but the reporting system for contributions rewards groups who are well-financed and limits and sometimes even eliminates small grass-roots groups. Alaskans do not want to have their personal information disclosed to the public just because they choose to contribute money. Donations from small groups are often stagnant while current regulations allow large (union) Political Action Committees UNLIMITED resources to promote their message. Often members are not even aware that their own PAC may fight against their values and belief systems. This was the travesty that ushered in Ranked Choice Voting for the State of Alaska. Millions of advertising dollars filled social media, and the airwaves encouraging people to vote. However, the language wording was compromised and difficult to understand. Basically, a YES vote meant NO and the opposite for a NO vote. The public felt their vote wasn't responsive to the initiative. Public trust in the election system was eroded, making voters angry.

2) PERSONAL PRIVACY IS VIOLATED DUE TO REPORTING REQUIREMENTS

Personal privacy is at risk when a resident contributes either money or in-kind donations. When filing campaign disclosures and publishing names and other pertinent personal information does not sit well with independent Alaskans. They choose not to participate when their personal information is shared online and this reduces the number of citizens who support ideas which are controversial or unpopular. This is a direct threat to Free Speech which is guaranteed in the constitution. Ultimately, there is a decrease of participants in the public process. This is not what reporting is supposed to accomplish.

3) BURDENING CAMPAIGNS WHO OPERATE ON A SHOESTRING BUDGET!

Unless candidates are running a national office and have the pleasure of a campaign war-chest already in place, most local and some state candidates run their campaigns on a shoe-string budget with volunteers. The required APOC filings are overburdensome and time-consuming. Asking volunteers on a local campaign to complete required financial obligations with APOC also limits the

number of people who are willing to file for office and restricts volunteers who cannot contribute the time APOC requires for campaign disclosure. No one wants to fall out of legal compliance and risk an APOC fine for their candidate or themselves. This discriminates against reporting requirements for the small doner but not necessarily large PAC's which often have paid compliance officers at their disposal.

4) OVERREGULATION IS THE KISS OF DEATH

Current statutes and overbearing regulations actually inhibit people from joining in the political process. Campaigns that are healthy create good policy and competition, but when overregulation comes into play, only a few will choose to participate. This leaves a large void and denies voters balance allowing only established and well-funded candidates into the political landscape. This further inhibits those willing to participate in the election process. Let's reduce regulations and allow grass root efforts to participate fairly as far APOC is concerned.

5) DARK MONEY AND ITS' CONSEQUENCES

Alaskans learned about "DARK MONEY" when Ranked Choice Voting Initiative was on the ballot.

If I recall, there was close to \$14,000,000 of monies funneled into the RCV campaign. It flooded the airwaves and social media for months. This pressure exhausted voters and to make matters worse, when the ballots were printed the actual wording was very confusing. A YES vote meant NO and vice versa. Here is where a lot of voters were disenfranchised and blinded by UNLIMITED DARK MONEY pouring into Alaska. This would be an unintended consequence of APOC regulation gone wild and the AS 15.13.065 (c) inadvertently undermined the meaning of the regulation and transparency was eroded.

Thank you for requesting public input on the APOC regulations. I appreciate the opportunity to help clarify, streamline and ultimately complete a set of reporting regulations that are fair and balanced for candidates, the voting public and elections officials.

I am available to further assist in this important endeavor to bring Alaska's elections back to transparency and normality.

Thank you for promoting this revision process.

Sincerely, Sandy Blomfield

