

**CS FOR HOUSE BILL NO. 309(STA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/5/22

Referred: Rules

Sponsor(s): REPRESENTATIVE KREISS-TOMKINS

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act exempting certain candidates for municipal office and certain municipal office  
2 holders in municipalities with a population of 15,000 or less from financial or business  
3 interest reporting requirements; relating to campaign finance reporting by certain  
4 groups; relating to the filing of certain public official financial disclosure reports; and  
5 providing for an effective date."

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

7 \* **Section 1.** AS 15.13.040(g) is amended to read:

8 (g) The provisions of (a), (b), and (l) of this section do not apply to a  
9 (1) delegate to a constitutional convention, a judge seeking judicial  
10 retention, or a candidate for election to a municipal office under AS 15.13.010, if that  
11 delegate, judge, or candidate

12 (A) [(1)] indicates, on a form prescribed by the commission, an  
13 intent not to raise and not to expend more than \$5,000 in seeking election to

1 office, including both the primary and general elections;

2 **(B)** [(2)] accepts contributions totaling not more than \$5,000 in  
3 seeking election to office, including both the primary and general elections;  
4 and

5 **(C)** [(3)] makes expenditures totaling not more than \$5,000 in  
6 seeking election to office, including both the primary and general elections;

7 **(2) group, if the group**

8 **(A)** indicates, on a form prescribed by the commission, an  
9 **intent not to raise and not to expend more than \$2,500 in a calendar year;**

10 **(B)** accepts contributions totaling not more than \$2,500 in a  
11 **calendar year; and**

12 **(C)** makes expenditures totaling not more than \$2,500 in a  
13 **calendar year.**

14 \* **Sec. 2.** AS 15.13.040(m) is amended to read:

15 (m) Information required under this chapter shall be submitted to the  
16 commission electronically, except that the following information may be submitted in  
17 clear and legible black typeface or hand-printed in dark ink on paper in a format  
18 approved by the commission or on forms provided by the commission:

19 (1) information submitted by [(A)] a candidate for election to a  
20 borough or city office of mayor, membership on a borough assembly, city council, or  
21 school board, or any state office, who

22 **(A)** [(i)] meets the requirements of **(g)(1)** [(g)(1) - (3)] of this  
23 section;

24 **(B)** [OR (ii)] does not have reasonable access to the technology  
25 necessary to file electronically; in this **subparagraph** [SUB-  
26 SUBPARAGRAPH], a candidate is considered not to have reasonable access  
27 to the technology necessary to file electronically if the candidate does not own  
28 a personal computer or does not have broadband Internet access at the  
29 candidate's residence; in this **subparagraph** [SUB-SUBPARAGRAPH],  
30 "broadband Internet access" means high-speed Internet access that is always on  
31 and that is faster than traditional dial-up access; or

1                    **(C)** [(B)] a candidate for municipal office for a municipality  
 2                    with a population of less than 15,000; in this subparagraph, "municipal office"  
 3                    means the office of an elected borough or city

4                    (i) mayor; or

5                    (ii) assembly, council, or school board member;

6                    (2) **information submitted by a group that meets the requirements**  
 7                    **of (g)(2) of this section; or**

8                    (3) any information if the commission determines that circumstances  
 9                    warrant an exception to the electronic submission requirement.

10                  \* **Sec. 3.** AS 15.58.040(c) is amended to read:

11                    (c) Material submitted by a political party may not

12                    (1) include images, except for graphic elements including party logos;

13                    (2) directly or indirectly advocate

14                    (A) for or against, or use the name of, another political party;

15                    (B) for the election or defeat or use the name of a person who is

16                    (i) a candidate for municipal, state, or federal public  
 17                    office;

18                    (ii) a public official, as that term is defined in  
 19                    AS 39.50.200(a);

20                    (iii) **a municipal officer subject to AS 39.50.090(f);**

21                    (iv) a member of the legislature;

22                    (v) [(iv)] elected or appointed to public office in the federal government.

23                  \* **Sec. 4.** AS 39.50.010 is amended to read:

24                    **Sec. 39.50.010. Findings and purpose.** (a) It is declared by the people of the  
 25                    State of Alaska that, **subject to (c) of this section,** the purposes of this chapter are

26                    (1) to discourage public officials from acting **on** [UPON] a private or  
 27                    business interest in the performance of a public duty;

28                    (2) to **ensure** [ASSURE] that public officials in their official acts are  
 29                    free of the influence of undisclosed private or business interests;

30                    (3) to develop public confidence in persons seeking or holding public  
 31                    office, enhance the dignity of the offices and make them attractive to citizens who are

1 motivated to public service; and

2 (4) to develop accountability in government by permitting public  
3 access to information necessary to judge the credentials and performance of those who  
4 seek and hold public office.

5 (b) The people of the State of Alaska declare that

6 (1) public office is a public trust that should be free from the danger of  
7 conflict of interest;

8 (2) the public has a right to know of the financial and business interests  
9 of persons who seek or hold certtain public offices [OFFICE];

10 (3) a compelling state interest requires that certtain candidates for  
11 office and certtain office holders disclose their personal and business financial  
12 interests;

13 (4) reasonable disclosure requirements do not violate an individual's  
14 right to privacy when the individual seeks or holds public office and a compelling  
15 state interest in the disclosure exists; and

16 (5) reasonable disclosure requirements do not have the effect of  
17 chilling the exercise of the right of a qualified person to seek or hold public office.

18 \* **Sec. 5.** AS 39.50.010 is amended by adding a new subsection to read:

19 (c) Except as provided by AS 39.50.090, this chapter is not applicable to a  
20 person who seeks or holds public office in a municipality with a population of 15,000  
21 or less.

22 \* **Sec. 6.** AS 39.50.020 is amended to read:

23 **Sec. 39.50.020. Report of financial and business interests.** (a) A public  
24 official other than the governor or the lieutenant governor shall file a statement giving  
25 income sources and business interests, under oath and on penalty of perjury, within 30  
26 days after taking office as a public official. Candidates for state elective office other  
27 than a candidate who is subject to AS 24.60 shall file the statement with the director of  
28 elections at the time of filing a declaration of candidacy or a nominating petition or  
29 becoming a candidate by any other means. **A candidate for borough or city mayor,**  
30 **borough assembly, or city council in a municipality with a population of more**  
31 **than 15,000** [CANDIDATES FOR ELECTIVE MUNICIPAL OFFICE] shall file the

1 statement at the time of filing a nominating petition, declaration of candidacy, or other  
 2 required filing for the [ELECTIVE MUNICIPAL] office. Refusal or failure to file  
 3 within the time prescribed shall require that the candidate's filing fees, if any, and  
 4 filing for office be refused or that a previously accepted filing fee be returned and the  
 5 candidate's name removed from the filing records. A statement shall also be filed by  
 6 public officials **not** [NO] later than March 15 in each following year. On or before the  
 7 90th day after leaving office, a former public official shall file a final statement  
 8 covering any period during the official's service in that office for which the public  
 9 official has not already filed a statement. Persons who are members of boards or  
 10 commissions not named in AS 39.50.200(b) are not required to file financial  
 11 statements.

12 (b) A public official or former public official other than **a** [AN ELECTED OR  
 13 APPOINTED] municipal officer shall file the statement with the Alaska Public  
 14 Offices Commission. Candidates for the office of governor and lieutenant governor  
 15 and, if the candidate is not subject to AS 24.60, the legislature shall file the statement  
 16 under AS 15.25.030. **A current or former borough or city mayor, borough**  
 17 **assembly member, or city council member, or a candidate for the office of**  
 18 **borough or city mayor, borough assembly, or city council in a municipality with**  
 19 **a population of more than 15,000** [MUNICIPAL OFFICERS, FORMER  
 20 MUNICIPAL OFFICERS, AND CANDIDATES FOR ELECTIVE MUNICIPAL  
 21 OFFICE] shall file with the municipal clerk or other municipal official designated to  
 22 receive their filing for office. All statements required to be filed under this chapter are  
 23 public records.

24 \* **Sec. 7.** AS 39.50.050(a) is amended to read:

25 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)  
 26 shall administer the provisions of this chapter. The commission shall prepare and keep  
 27 available for distribution standardized forms on which the reports required by this  
 28 chapter shall be filed. The commission shall print the forms provided under this  
 29 section so that the front and back of each page have the same orientation when the  
 30 page is rotated on the vertical axis of the page. The commission shall require that the  
 31 information required under this chapter be submitted electronically but may, when

1 circumstances warrant an exception, except any information required under this  
 2 chapter that is typed in clear and legible black typeface or hand-printed in dark ink on  
 3 paper in a format approved by the commission or on forms provided by the  
 4 commission and that is filed with the commission. [A MUNICIPAL OFFICER FOR A  
 5 MUNICIPALITY WITH A POPULATION OF LESS THAN 15,000 SHALL  
 6 SUBMIT INFORMATION REQUIRED UNDER THIS CHAPTER EITHER  
 7 ELECTRONICALLY OR TYPED OR HAND-PRINTED IN THE MANNER  
 8 DESCRIBED IN THIS SUBSECTION.]

9 \* **Sec. 8.** AS 39.50.050(c) is amended to read:

10 (c) **A report filed under this chapter is a public record. The commission**  
 11 **shall post on the commission's Internet website a report filed under this chapter**  
 12 **on or after July 1, 2022, by an elected public official or a candidate for elective**  
 13 **office in a manner that makes the report accessible to the public. The commission**  
 14 **shall keep a report** [REPORTS] filed under this chapter [SHALL BE KEPT] on file  
 15 for [AT LEAST] six years. **After six years, a report filed under this chapter is no**  
 16 **longer a public record, and the commission shall remove the report from the**  
 17 **commission's Internet website** [AND ARE PUBLIC RECORDS].

18 \* **Sec. 9.** AS 39.50.090(f) is amended to read:

19 (f) In this section, "public official" includes, in addition to the persons  
 20 specified in AS 39.50.200(a),

21 **(1) chairs** [CHAIRMEN] and members of all commissions and boards  
 22 created by statute or administrative action as agencies of the state; **and**

23 **(2) elected and appointed municipal officers, including school**  
 24 **board members, elected utility board members, city or borough managers, and**  
 25 **members of a city or borough planning or zoning commission within a home rule**  
 26 **or general law city or borough or a unified municipality.**

27 \* **Sec. 10.** AS 39.50.145 is amended by adding a new subsection to read:

28 (b) Notwithstanding an exemption elected under (a) of this section, a  
 29 municipal officer or a candidate for municipal office may file a report of financial  
 30 interests with the commission. The commission shall maintain a report filed under this  
 31 subsection as a public record while kept on file, but a person who files a report under

1 this subsection is not subject to the requirements of AS 39.50.060, 39.50.070, or  
2 39.50.135. In this subsection, "municipal officer" includes a borough or city mayor,  
3 borough assembly member, city council member, school board member, elected utility  
4 board member, city or borough manager, or member of a city or borough planning or  
5 zoning commission within a home rule or general law city or borough or a unified  
6 municipality.

7 \* **Sec. 11.** AS 39.50.200(a)(8) is amended to read:

8 (8) "municipal officer" **means** [INCLUDES] a borough or city mayor,  
9 borough **assembly member** [ASSEMBLYMAN], **or** city **council member of**  
10 [COUNCILMAN, SCHOOL BOARD MEMBER, ELECTED UTILITY BOARD  
11 MEMBER, CITY OR BOROUGH MANAGER, MEMBERS OF A CITY OR  
12 BOROUGH PLANNING OR ZONING COMMISSION WITHIN] a home rule or  
13 general law city or borough [,] or a unified municipality **with a population of more**  
14 **than 15,000;**

15 \* **Sec. 12.** This Act takes effect July 1, 2022.