

AN INITIATIVE CREATING AN ALASKA ANTI-CORRUPTION ACT

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ALASKA:

Section (1) The laws of Alaska are amended to create a section to read as follows:

Public resources from any source not to be used or received to further any political agenda

(A) No public body, public officer, person in the employ of the state, any of its political subdivisions, any school district, or candidate for public office may, directly or indirectly, direct, permit, receive, require, or facilitate the use of tax revenues or any other public resources for campaign, lobbying, or partisan purposes, including payment of dues or membership fees of any kind to any person, league, or association which, directly or indirectly, engages in lobbying, campaigns, or partisan activity. No candidate, political committee, or political party may accept any contribution from any state, state agency, political subdivision of the state, foreign government, federal agency, or the federal government. A violation of this section is a Class A misdemeanor.

(B) Any person who knowingly spends or receives funds in violation of this section shall pay full restitution for the greater of the public cost or for the market value of any misappropriated resources. The second or subsequent violation by a public officer or employee shall render that person ineligible to hold public office or employment with the state or any of its political subdivisions for ten years.

(C) The provisions of this section do not limit public officials in the performance of their constitutional duties, and do not apply to:

(1) Communications among and between a member and a staff member of a legislative body;

(2) Comments by an elected official or communications from an elected official that are designated for constituents;

(3) Appearances by a public officer or employee pursuant to a specific request to appear before a public body to provide information;

(4) Communications between an elected or appointed public officer and a legislator or a legislative staff member;

(5) A public employee acting in an uncompensated personal capacity, undirected in any manner by, and who does not purport to represent the interests of, a public employer; and

(6) An authorized employee of the office of the Governor, the Supreme Court, or the Alaska Department of Revenue, whose responsibilities are to assess the impact of proposals which affect the administration of government.

(D) *Definitions.* Terms as used in this section mean:

(1) "Direct, permit, receive, require, or facilitate the use of tax revenues or any other public resources for campaign, lobbying, or partisan purposes," includes (i) the use of public funds or credit, facilities, rights of access, equipment, supplies, or trademarks to influence any state, municipal, or school board election; (ii) undertaking, promoting, or distributing studies, surveys, analyses, descriptions, or other communications using public resources in a manner specifically calculated to induce support of, or opposition to, proposed legislation or ballot questions; and (iii) incurring any public administrative expenses or activities to allocate or designate portions of public employee income to entities that engage in lobbying activities, other than charitable organizations qualified as exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any other future tax code.

(2) "Campaign," includes (i) communications or expenditures related to the pursuit of a public office, either electoral or appointive; (ii) all lobbying activity; or (iii) efforts paid in whole or in part by public revenues or resources to coordinate or induce members of the general public or any segment thereof to directly influence legislative activity by communicating with members of a legislative body, supporting or opposing legislation, or supporting or opposing a petition drive or ballot question.

(3) "Lobbying," means attempts to directly influence legislative activity by communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

(4) "Person," includes any individual, business entity, governmental entity, organization, committee, political party, campaign fund, and association.

(5) "Public officer or person in the employ of," includes any person who is elected, appointed, or employed by this state, or any political subdivision or school district in this state, including persons who are independent contractors or consultants hired by the state, a political subdivision, or school district in this state.

(E) This section applies to the State of Alaska, home rule and general law municipalities, and state, independent and municipal school districts, and State, municipal and school district officers, agents, and employees.

Section (2) The laws of Alaska are amended to create a section to read as follows:

Restrictions to reduce corruption relating to certain public contracts.

(A) No person may enter into a government contract if such person also employs, hires, or retains the services of a current or former legislator or legislative staff member who is less than two years removed from such public position. A person who knowingly violates

this prohibition is guilty of a class A misdemeanor and shall, in addition to other penalties, forfeit any contractual rights to any payment or reimbursement, and shall make restitution to the state in the amount of funds accrued during the period of violation. This subsection shall not apply to a bona fide position, trade, occupation, or profession in which a person engaged or obtained certification within one year prior to becoming a legislator or legislative staff member.

(B) Beginning on the date a government contract is awarded and extending until two years following the conclusion of that contract, no holder of the public office with ultimate responsibility for the award of the contract, no candidate for that office, and no person acting on behalf of either may knowingly solicit, accept, or direct a contribution from the holder of the government contract or an immediate family member of the holder. No candidate or other person may knowingly accept or make a contribution that is solicited or directed in violation of this subsection. A person who knowingly violates this prohibition is guilty of a class A misdemeanor and shall, in addition to other penalties, make full restitution to the donor and shall pay restitution in a like amount to the state. If the person has previously been convicted of violating this prohibition, the person shall be ineligible to hold public office or employment with the state or any of its political subdivisions for two years,

(C) Any person entering into a no-bid government contract awarded by the State or any of its subdivisions shall be considered a holder of a government contract and shall contractually agree to cease making, inducing, or soliciting contributions or independent expenditures, directly or indirectly, through any officer, employee, immediate family member of any officer or employee, vendor, or agent, to or for the benefit of any candidates for any elected office of the state or any of its political subdivisions, or to persons who intend to make such contributions within the state or any of its political subdivisions, for the duration of the contract and two years thereafter. The contractual agreement shall provide that any violation of this provision by the holder of the government contract shall, in addition to other legal consequences, result in forfeiture of any contractual rights to payment under the contract, and in payment of restitution to the state in an amount of not less than twice the amount of the contribution. Any person who knowingly violates this provision, or accepts contributions on behalf of a candidate or other entity in violation of this provision, shall pay restitution to the state in an amount not less than twice amount of the contribution. If the treasurer of any entity subject to such agreement obtains knowledge of a contribution made or accepted in violation thereof by that entity, then liability for the violation shall be also attributable to the treasurer unless the treasurer notifies the State of Alaska about the violation in writing within three business days of learning of such contribution. If a person has previously been determined responsible for violating this section, the person shall be ineligible to hold public office, any contract, or employment with the state or any of its political subdivisions for three years. The governor may temporarily suspend any debarment under this Subsection (C) during a declared state of emergency.

(D) A violation of Subsection (C) may be established and enforced by the filing of an action in the Alaska Superior Court. This action may be initiated by the State, any municipality or school district, any private group or entity, or any member of the public. If an action to establish and enforce the provisions of Subsection (C) is filed by a person

acting in a private capacity, or any other non-governmental group or entity, the claim may be prosecuted by the State or the person or entity initiating the action. Any person, government, group or entity that initiates an action pursuant to the subsection shall be immune from any claim or legal action for doing so.

(E) *Definitions.* Terms as used in this section mean:

(1) "Contribution," means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which a charge is ordinarily made and that is made for the purpose of influencing the nomination, election, or selection of a candidate for public office, either elective or appointive, or for the purpose of influencing an initiative, ballot proposition, or question, including payment to another person for the purpose of that person's influencing the nomination, election, or selection of a candidate for public office, either elective or appointive, or for the purpose of influencing an initiative, ballot proposition, or question. "Contribution" does not include personal services rendered without compensation by individuals volunteering all or part of their time for these purposes.

(2) "Government contract," includes any contract awarded by an agency or department of this state or any public body receiving state subsidy or authorized to levy taxes, for the purchase of goods or services for amounts greater than five hundred dollars, indexed for inflation per the Consumer Price Index after the year 2010. A contract for services includes collective bargaining agreements with a labor organization representing employees but not employment contracts with individual employees;

(3) "Holder of the government contract," includes any party to the contract, including partners, owners of five percent or more interest, officers, administrators or trustees of any person who is a party to the contract, or, in the case of collective bargaining agreements, the labor organization and any political committees created or controlled by the labor organization;

(4) "Holder of the public office with ultimate responsibility for the award of the contract," means any elected official who may award the contract or appoint an official responsible for awarding the contract, or any elected official of a public body where the contract is awarded by that public body;

(5) "Immediate family member," includes any spouse, child, spouse's child, son-daughter-in-law, parent, sibling, grandparent, grandchild, step brother-sister, step-parent, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, guardian, and domestic partner;

(6) "No-bid government contracts," includes all government contracts that do not use open, blind competitive bidding processes for procurement. Collective bargaining agreements qualify as no-bid government contracts if the contract confers an exclusive representative status to bind all employees to accept the terms and conditions of the contract;

(7) "Person," includes any individual, business entity, governmental entity, organization, committee, political party, campaign fund, and association.

(F) This section applies to the State of Alaska, home rule and general law municipalities, and state, independent and municipal school districts, and State, municipal and school district officers, agents, and employees.

(G) Nothing in this section shall affect the right of the State to suspend, debar, or otherwise sanction government contractors as authorized by Title 36 of the Alaska Statutes and implementing regulations.

(H) The State of Alaska shall promptly publish a summary of each government contract in a searchable website accessible from a conspicuous place on its official website. Any holder of a government contract shall promptly prepare and deliver to the State of Alaska a true and correct "Government Contract Summary", in digital format as prescribed by the State, which shall:

- (1) identify the names and addresses of the holders and all other parties to the government contract,
- (2) briefly describe the nature of the contract, including whether the contract was awarded based on a competitive bidding procedure or was a contract awarded with no bid, and goods involved or services performed,
- (3) disclose the estimated duration and end date of the contract,
- (4) disclose the contract's estimated amount, and apportioned sources of payment, and
- (5) disclose other relevant contract information as specifically required by the State of Alaska, including verbatim copies of all contract documents, to the extent disclosure would not violate federal or other state laws.

Section (3) Non-Applicability of Less Protective Laws

If any provisions of the Alaska Statutes or the Alaska Administrative Code conflict with this Act and are less restrictive or less protective of the public interest than this Act, then this Act shall apply.

Section (4) Severability

The provisions of this Act are independent and severable, and if any provision of this Act, or the applicability of any provision to any person or circumstance, shall be found to be invalid, the remainder of this Act shall not be affected and shall be given effect to the fullest extent practicable.