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Bullard
1/24/17

CS FOR SENATE BILL NO. 5()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATOR MEYER

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting groups controlled by a legislator from soliciting and accepting**
2 **contributions or from making certain contributions and expenditures during a regular**
3 **or special legislative session; and prohibiting some lobbyists from making campaign**
4 **contributions to certain groups."**

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

6 *** Section 1.** AS 15.13.072 is amended by adding a new subsection to read:

7 (i) A group controlled by a legislator may not solicit or accept a contribution
8 for the purpose of influencing the outcome of an election under this chapter while the
9 legislature is convened in a regular or special legislative session.

10 *** Sec. 2.** AS 15.13.074(g) is repealed and reenacted to read:

11 (g) Except as provided in (j) of this section, an individual required to register
12 as a lobbyist under AS 24.45 may not, at any time the individual is subject to the
13 registration requirement under AS 24.45 and for one year after the date of the
14 individual's initial registration or its renewal, make a contribution to a candidate for

1 the legislature or to a group that

2 (1) is controlled by

3 (A) a member of the legislature; or

4 (B) an individual who files for election to the state legislature
5 or campaigns as a write-in candidate for the state legislature; and

6 (2) makes expenditures or receives contributions to influence the
7 outcome of an election under this chapter.

8 * **Sec. 3.** AS 15.13.074 is amended by adding new subsections to read:

9 (j) An individual required to register as a lobbyist under AS 24.45 may make a
10 contribution to a candidate for the legislature in the district in which the individual is
11 eligible to vote or will be eligible to vote on the date of the election. An individual
12 who makes a contribution under this subsection shall report to the commission, on a
13 form provided by the commission, each contribution made while required to register
14 as a lobbyist under AS 24.45 and for one year after the date of the individual's initial
15 registration or renewal. Upon request of the commission, the information required
16 under this subsection shall be submitted electronically. In this subsection, "candidate"
17 means an individual who files for election to the legislature or who campaigns as a
18 write-in candidate for the legislature.

19 (k) The restriction on contributions by an individual required to register as a
20 lobbyist under AS 24.45 in (g) of this section and the reporting requirement of (j) of
21 this section do not apply to a representational lobbyist as defined in regulations of the
22 commission.

23 * **Sec. 4.** AS 15.13.082 is amended by adding a new subsection to read:

24 (d) A group controlled by a legislator may not make a contribution or
25 expenditure for the purpose of influencing the outcome of an election under this
26 chapter while the legislature is convened in a regular or special session.

27 * **Sec. 5.** AS 15.13.400 is amended to read:

28 **Sec. 15.13.400. Definitions.** In this chapter, unless the context clearly
29 requires otherwise,

30 (1) "candidate"

31 (A) means an individual who files for election to the state

1 legislature, for governor, for lieutenant governor, for municipal office, for
2 retention in judicial office, or for constitutional convention delegate, or who
3 campaigns as a write-in candidate for any of these offices; and

4 (B) when used in a provision of this chapter that limits or
5 prohibits the donation, solicitation, or acceptance of campaign contributions, or
6 limits or prohibits an expenditure, includes

7 (i) a candidate's campaign treasurer and a deputy
8 campaign treasurer;

9 (ii) a member of the candidate's immediate family;

10 (iii) a person acting as agent for the candidate;

11 (iv) the candidate's campaign committee; and

12 (v) a group that makes expenditures or receives
13 contributions with the authorization or consent, express or implied, or
14 under the control, direct or indirect, of the candidate;

15 (2) "commission" means the Alaska Public Offices Commission;

16 (3) "communication" means an announcement or advertisement
17 disseminated through print or broadcast media, including radio, television, cable, and
18 satellite, the Internet, or through a mass mailing, excluding those placed by an
19 individual or nongroup entity and costing \$500 or less and those that do not directly or
20 indirectly identify a candidate or proposition, as that term is defined in
21 AS 15.13.065(c);

22 (4) "contribution"

23 (A) means a purchase, payment, promise or obligation to pay,
24 loan or loan guarantee, deposit or gift of money, goods, or services for which
25 charge is ordinarily made, and includes the payment by a person other than a
26 candidate or political party, or compensation for the personal services of
27 another person, that is rendered to the candidate or political party, and that is
28 made for the purpose of

29 (i) influencing the nomination or election of a
30 candidate;

31 (ii) influencing a ballot proposition or question; or

1 (iii) supporting or opposing an initiative proposal
2 application filed with the lieutenant governor under AS 15.45.020;

3 (B) does not include

4 (i) services provided without compensation by
5 individuals volunteering a portion or all of their time on behalf of a
6 political party, candidate, or ballot proposition or question;

7 (ii) ordinary hospitality in a home;

8 (iii) two or fewer mass mailings before each election by
9 each political party describing the party's slate of candidates for
10 election, which may include photographs, biographies, and information
11 about the party's candidates;

12 (iv) the results of a poll limited to issues and not
13 mentioning any candidate, unless the poll was requested by or designed
14 primarily to benefit the candidate;

15 (v) any communication in the form of a newsletter from
16 a legislator to the legislator's constituents, except a communication
17 expressly advocating the election or defeat of a candidate or a
18 newsletter or material in a newsletter that is clearly only for the private
19 benefit of a legislator or a legislative employee;

20 (vi) a fundraising list provided without compensation
21 by one candidate or political party to a candidate or political party; or

22 (vii) an opportunity to participate in a candidate forum
23 provided to a candidate without compensation to the candidate by
24 another person and for which a candidate is not ordinarily charged;

25 (5) "electioneering communication" means a communication that

26 (A) directly or indirectly identifies a candidate;

27 (B) addresses an issue of national, state, or local political
28 importance and attributes a position on that issue to the candidate identified;
29 and

30 (C) occurs within the 30 days preceding a general or municipal
31 election;

1 (6) "expenditure"

2 (A) means a purchase or a transfer of money or anything of
3 value, or promise or agreement to purchase or transfer money or anything of
4 value, incurred or made for the purpose of

5 (i) influencing the nomination or election of a candidate
6 or of any individual who files for nomination at a later date and
7 becomes a candidate;

8 (ii) use by a political party;

9 (iii) the payment by a person other than a candidate or
10 political party of compensation for the personal services of another
11 person that are rendered to a candidate or political party;

12 (iv) influencing the outcome of a ballot proposition or
13 question; or

14 (v) supporting or opposing an initiative proposal
15 application filed with the lieutenant governor under AS 15.45.020;

16 (B) does not include a candidate's filing fee or the cost of
17 preparing reports and statements required by this chapter;

18 (C) includes an express communication and an electioneering
19 communication, but does not include an issues communication;

20 (7) "express communication" means a communication that, when read
21 as a whole and with limited reference to outside events, is susceptible of no other
22 reasonable interpretation but as an exhortation to vote for or against a specific
23 candidate;

24 (8) "group" means

25 (A) every state and regional executive committee of a political
26 party;

27 (B) any combination of two or more individuals acting jointly
28 who organize for the principal purpose of influencing the outcome of one or
29 more elections and who take action the major purpose of which is to influence
30 the outcome of an election; a group that makes expenditures or receives
31 contributions with the authorization or consent, express or implied, or under

1 the control, direct or indirect, of a candidate shall be considered to be
2 controlled by that candidate; a group whose major purpose is to further the
3 nomination, election, or candidacy of only one individual, or intends to expend
4 more than 50 percent of its money on a single candidate, shall be considered to
5 be controlled by that candidate and its actions done with the candidate's
6 knowledge and consent unless, within 10 days from the date the candidate
7 learns of the existence of the group the candidate files with the commission, on
8 a form provided by the commission, an affidavit that the group is operating
9 without the candidate's control; a group organized for more than one year
10 preceding an election and endorsing candidates for more than one office or
11 more than one political party is presumed not to be controlled by a candidate;
12 however, a group that contributes more than 50 percent of its money to or on
13 behalf of one candidate shall be considered to support only one candidate for
14 purposes of AS 15.13.070, whether or not control of the group has been
15 disclaimed by the candidate; and

16 (C) any combination of two or more individuals acting jointly
17 who organize for the principal purpose of filing an initiative proposal
18 application under AS 15.45.020 or who file an initiative proposal application
19 under AS 15.45.020;

20 (9) "immediate family" means the spouse, parent, child, including a
21 stepchild and an adopted child, and sibling of an individual;

22 (10) "independent expenditure" means an expenditure that is made
23 without the direct or indirect consultation or cooperation with, or at the suggestion or
24 the request of, or with the prior consent of, a candidate, a candidate's campaign
25 treasurer or deputy campaign treasurer, or another person acting as a principal or agent
26 of the candidate;

27 (11) "individual" means a natural person;

28 (12) "issues communication" means a communication that

29 (A) directly or indirectly identifies a candidate; and

30 (B) addresses an issue of national, state, or local political
31 importance and does not support or oppose a candidate for election to public

office;

(13) "nongroup entity" means a person, other than an individual, that takes action the major purpose of which is to influence the outcome of an election, and that

(A) cannot participate in business activities;

(B) does not have shareholders who have a claim on corporate earnings; and

(C) is independent from the influence of business corporations.

(14) "person" has the meaning given in AS 01.10.060, and includes a labor union, nongroup entity, and a group;

(15) "political party" means any group that is a political party under AS 15.80.010 and any subordinate unit of that group if, consistent with the rules or bylaws of the political party, the unit conducts or supports campaign operations in a municipality, neighborhood, house district, or precinct;

(16) "publicly funded entity" means a person, other than an individual, that receives half or more of the money on which it operates during a calendar year from government, including a public corporation.