

HOUSE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RASMUSSEN

Introduced: 3/31/21

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring the disclosure of the identity of certain persons, groups, and**
 2 **nongroup entities that expend money in support of or in opposition to an application**
 3 **filed for a state referendum or recall election; and providing for an effective date."**

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

5 * **Section 1.** AS 15.13.010(b) is amended to read:

6 (b) Except as otherwise provided, this chapter applies to contributions,
 7 expenditures, and communications made **to influence the nomination or election of**
 8 **a candidate or** for the purpose of

9 **(1) influencing the outcome of a ballot proposition or question; or**

10 **(2) supporting or opposing**

11 **(A) an initiative proposal application filed under**
 12 **AS 15.45.020;**

13 **(B) a referendum application filed under AS 15.45.260; or**

14 **(C) a recall application filed under AS 15.45.480** [AS WELL

1 AS THOSE MADE TO INFLUENCE THE NOMINATION OR ELECTION
2 OF A CANDIDATE].

3 * **Sec. 2.** AS 15.13.050(a) is amended to read:

4 (a) Before making an expenditure in support of or in opposition to a candidate
5 or before making an expenditure in support of or in opposition to a ballot proposition
6 or question or to an initiative proposal application filed [WITH THE LIEUTENANT
7 GOVERNOR] under AS 15.45.020, **a referendum application filed under**
8 **AS 15.45.260, or a recall application filed under AS 15.45.480,** each person other
9 than an individual shall register, on forms provided by the commission, with the
10 commission.

11 * **Sec. 3.** AS 15.13.065(c) is amended to read:

12 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for
13 the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the
14 provisions of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person
15 to make contributions to influence the outcome of a ballot proposition. In this
16 subsection, in addition to its meaning in AS 15.80.010, "proposition" includes

17 (1) an issue placed on a ballot to determine whether

18 (A) a constitutional convention shall be called;

19 (B) a debt shall be contracted;

20 (C) an advisory question shall be approved or rejected; or

21 (D) a municipality shall be incorporated;

22 (2) an initiative proposal application filed [WITH THE LIEUTENANT
23 GOVERNOR] under AS 15.45.020;

24 **(3) a referendum application filed under AS 15.45.260; and**

25 **(4) a recall application filed under AS 15.45.480.**

26 * **Sec. 4.** AS 15.13.110(e) is amended to read:

27 (e) A **referendum committee, person, group, or nongroup entity receiving**
28 **contributions exceeding \$500 or making expenditures exceeding \$500 in a**
29 **calendar year in support of or in opposition to a referendum on the ballot in a**
30 **statewide election or a referendum application filed with the lieutenant governor**
31 **under AS 15.45.260 shall file a** [GROUP FORMED TO SPONSOR A

1 REFERENDUM OR A RECALL SHALL REPORT 30 DAYS AFTER ITS FIRST
 2 FILING WITH THE LIEUTENANT GOVERNOR. THEREAFTER, EACH GROUP
 3 SHALL] report within 10 days after the end of each calendar quarter on the
 4 contributions received and expenditures made during the preceding calendar quarter
 5 until reports are due under (a) **and (b)** of this section. **If the report is a first report, it**
 6 **must cover the period beginning the day a referendum application is filed under**
 7 **AS 15.45.260 and ending three days before the due date of the report.**

8 * **Sec. 5.** AS 15.13.110 is amended by adding a new subsection to read:

9 (k) A recall committee, person, group, or nongroup entity receiving
 10 contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar
 11 year in support of or in opposition to the recall of a public official in a statewide
 12 election or a recall application filed with the lieutenant governor under AS 15.45.480
 13 shall file a report within 10 days after the end of each calendar quarter on the
 14 contributions received and expenditures made during the preceding calendar quarter
 15 until reports are due under (a) and (b) of this section. If the report is a first report, it
 16 must cover the period beginning the day a recall application is filed under
 17 AS 15.45.480 and ending three days before the due date of the report.

18 * **Sec. 6.** AS 15.13.400(4) is amended to read:

19 (4) "contribution"

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

26 (i) influencing the nomination or election of a
 27 candidate;

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

29 (iii) supporting or opposing an initiative proposal
 30 application filed [WITH THE LIEUTENANT GOVERNOR] under
 31 AS 15.45.020, **a referendum application filed under AS 15.45.260,**

or a recall application filed under AS 15.45.480;

(B) does not include

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

(ii) ordinary hospitality in a home;

(iii) two or fewer mass mailings before each election by each political party describing members of the party running as candidates for public office in that election, which may include photographs, biographies, and information about the candidates;

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

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

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

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

* **Sec. 7.** AS 15.13.400(7) is amended to read:

(7) "expenditure"

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

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

(ii) use by a political party;

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

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

(v) supporting or opposing an initiative proposal application filed [WITH THE LIEUTENANT GOVERNOR] under AS 15.45.020, a referendum application filed under AS 15.45.260, or a recall application filed under AS 15.45.480;

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

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

* **Sec. 8.** AS 15.13.400(9) is amended to read:

(9) "group" means

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

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the commission, on a form provided by the commission, an affidavit that the group is operating

without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate; and

(C) any combination of two or more individuals acting jointly who organize for the principal purpose of filing

(i) an initiative proposal application under AS 15.45.020 or who file an initiative proposal application under AS 15.45.020;

(ii) a referendum application under AS 15.45.260 or who file a referendum application under AS 15.45.260; or

(iii) a recall application under AS 15.45.480 or who file a recall application under AS 15.45.480;

* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies only to a referendum or recall for which the application is filed with the lieutenant governor under AS 15.45.260 or 15.45.480, respectively, on or after the effective date of this Act.

* **Sec. 10.** This Act takes effect January 1, 2022.