

CONFERENCE CS FOR SENATE BILL NO. 363

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/14/02

Sponsor(s): SENATE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to communications and elections, to reporting of contributions and**
2 **expenditures, and to campaign misconduct in the second degree; relating to disclosure**
3 **by individuals of contributions to candidates; and providing for an effective date."**

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

5 * **Section 1.** AS 15.13.040(d), as amended by sec. 4, ch. 1, SLA 2002, is repealed and
6 reenacted to read:

7 (d) Every individual, person, nongroup entity, or group making an expenditure
8 shall make a full report of expenditures, upon a form prescribed by the commission,
9 unless exempt from reporting.

10 * **Sec. 2.** AS 15.13.040(e) is amended to read:

11 (e) The report required under (d) of this section must contain the name,
12 address, principal occupation, and employer of the individual filing the report, and an
13 itemized list of expenditures. The report shall be filed with the commission [BY THE
14 CONTRIBUTOR] no later than 10 days after the [CONTRIBUTION OR] expenditure

1 is made. [A COPY OF THE REPORT SHALL BE FURNISHED TO THE
2 CANDIDATE, CAMPAIGN TREASURER, OR DEPUTY CAMPAIGN
3 TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

4 * **Sec. 3.** AS 15.13.040(h), as amended by sec. 5, ch. 1, SLA 2002, is amended to read:

5 (h) The provisions of **(d)** [(d)(2)] of this section do not apply to one or more
6 expenditures made by an individual acting independently of any group or nongroup
7 entity and independently of any other individual if the expenditures

8 (1) cumulatively do not exceed \$250 during a calendar year; and

9 (2) are made only for billboards, signs, or printed material concerning
10 a ballot proposition as that term is defined by AS 15.13.065(c).

11 * **Sec. 4.** AS 15.13.040, as amended by ch. 1, SLA 2002, is amended by adding a new
12 subsection to read:

13 (k) Every individual, person, nongroup entity, or group contributing a total of
14 \$500 or more to a group organized for the principal purpose of influencing the
15 outcome of a proposition shall report the contribution or contributions on a form
16 prescribed by the commission not later than 30 days after the contribution that requires
17 the contributor to report under this subsection is made. The report must include the
18 name, address, principal occupation, and employer of the individual filing the report
19 and the amount of the contribution, as well as the total amount of contributions made
20 to that group by that individual, person, nongroup entity, or group during the calendar
21 year.

22 * **Sec. 5.** AS 15.13.090, as amended by secs. 18 and 19, ch. 1, SLA 2002, is amended to
23 read:

24 **Sec. 15.13.090. Identification of communication.** (a) All
25 [ADVERTISEMENTS, BILLBOARDS, HANDBILLS, PAID-FOR TELEVISION
26 AND RADIO ANNOUNCEMENTS, AND OTHER] communications [INTENDED
27 TO INFLUENCE THE ELECTION OF A CANDIDATE OR OUTCOME OF A
28 BALLOT PROPOSITION OR QUESTION] shall be clearly identified by the words
29 "paid for by" followed by the name and address of the candidate, group, nongroup
30 entity, or individual paying for the **communication** [ADVERTISING]. In addition,
31 candidates and groups **may** [MUST] identify the name of their campaign chairperson.

(b) The provisions of (a) of this section do not apply when the **communication** [ADVERTISEMENT]

(1) is paid for by an individual acting independently of any group or nongroup entity and independently of any other individual;

(2) is made to influence the outcome of a ballot proposition as that term is defined by AS 15.13.065(c); and

(3) is made for

(A) a billboard or sign; or

(B) printed material other than an advertisement made in a newspaper or other periodical.

* **Sec. 6.** AS 15.13.380(c) is amended to read:

(c) Promptly after the final date for filing statements and reports, the commission shall notify all persons who have become delinquent in filing them [, INCLUDING CONTRIBUTORS WHO FAILED TO FILE A STATEMENT IN ACCORDANCE WITH AS 15.13.040,] and shall make available a list of these delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter.

* **Sec. 7.** AS 15.13.390(a) is amended to read:

(a) A person who fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by **AS 15.13.040** [AS 15.13.040(d) - (f)], 15.13.060(b) - (d), [15.13.080(c),] 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$500 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who violates a provision of this chapter, except a provision requiring registration or filing of a report within a time required as otherwise specified in this section, is subject to a civil penalty of not more than \$50 a day for

each day the violation continues as determined by the commission, subject to right of appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.380 does not excuse that person from registering or filing reports required by this chapter.

* **Sec. 8.** AS 15.13.400(4) is amended to read:

(4) "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; or

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

(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. 9.** AS 15.13.400, as amended by ch. 1, SLA 2002, is amended by adding new paragraphs to read:

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

1 AS 15.13.065(c);

2 (14) "electioneering communication" means a communication that

3 (A) directly or indirectly identifies a candidate;

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

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

9 (15) "express communication" means a communication that includes
10 language explicitly advocating election or defeat of a candidate;

11 (16) "issues communication" means a communication that

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

13 (B) addresses an issue of national, state, or local political
14 importance, and does not support or oppose a candidate for election to public
15 office.

16 * **Sec. 10.** AS 15.56.014(a) is amended to read:

17 (a) A person commits the crime of campaign misconduct in the second degree
18 if the person

19 (1) knowingly circulates or has written, printed or circulated a letter,
20 circular, or publication relating to an election, to a candidate at an election, or an
21 election proposition or question without the name and address of the author appearing
22 on its face;

23 (2) except as provided by AS 15.13.090(b), knowingly prints or
24 publishes an advertisement, billboard, placard, poster, handbill, paid-for television or
25 radio announcement, or [OTHER] communication, **as that term is defined in**
26 **AS 15.13.400**, intended to influence the election of a candidate or outcome of a ballot
27 proposition or question without the words "paid for by" followed by the name and
28 address of the candidate, group, or individual paying for the advertising or
29 communication and, if a candidate or group, with the name of the campaign chair;

30 (3) knowingly **makes a communication, as that term is defined in**
31 **AS 15.13.400**, [WRITES OR PRINTS AND CIRCULATES, OR HAS WRITTEN,

1 PRINTED AND CIRCULATED, A LETTER, CIRCULAR, BILL, PLACARD,
2 POSTER, OR ADVERTISEMENT IN A NEWSPAPER, ON RADIO OR
3 TELEVISION]

4 (A) containing false factual information relating to a candidate
5 for an election;

6 (B) that the person knows to be false; and

7 (C) that would provoke a reasonable person under the
8 circumstances to a breach of the peace or that a reasonable person would
9 construe as damaging to the candidate's reputation for honesty or [,] integrity,
10 or to the candidate's qualifications to serve if elected to office.

11 * **Sec. 11.** AS 15.13.080 is repealed.

12 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).