

# LEGAL SERVICES

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## MEMORANDUM

March 16, 2010

**SUBJECT:** Sectional summary (CSHB 409(STA))  
(Work Order No. 26-LS1495S)

**TO:** Representative Bob Lynn  
Chair of the House State Affairs Committee  
Attn: Mike Sica

**FROM:** Alpheus Bullard *AB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

**Section 1.** Amends language relating to the applicability of AS 15.13 (state election campaigns) to clarify that the chapter applies to all contributions, expenditures, and communications made for the purpose of influencing the outcome of an election covered by the chapter.

**Section 2.** Requires the Alaska Public Offices Commission (APOC) to make certain information available to the public within 24 hours after being received by the commission and amends language relating to APOC's duties to clarify that the commission will assist all persons to comply with the requirements of AS 15.13.

**Section 3.** Amends AS 15.13.040(d) to clarify that every person making an independent expenditure must report to the commission unless the person is exempted from reporting by another provision of the chapter.

**Section 4.** Adds new requirements to the independent expenditure report required under AS 15.13.040(d) and specifies that (1) if the report is filed by a person who is not an individual, it must be certified by the person's treasurer or fiscal officer, and (2) the report must be filed in accordance with AS 15.13.110(g).

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**Section 5.** Amends language in AS 15.13.040(h) to clarify that the reporting requirements of AS 15.13.040(d) do not apply to an expenditure made by certain individuals acting independently of any other person.

**Section 6.** Amends AS 15.13.040(p) to clarify that a person who is required to disclose contributions received by that person in an independent expenditure report under AS 15.13.040(d) must report the true source of the contributions as the "contributor."

**Section 7.** Specifies who may make an expenditure that is not an independent expenditure in an election for elective public office.

**Section 8.** Prohibits a foreign national from directly or indirectly making a contribution or expenditure in connection with a state election to the extent permitted by federal law.

**Section 9.** Provides that no person, other than an individual exempt from reporting under AS 15.13.040(h), may make an expenditure unless the source of the expenditure has been disclosed.

**Section 10.** Amends language in AS 15.13.084 to clarify that a person may not make an expenditure anonymously unless it is made (1) for certain communications, (2) in connection with a ballot proposition as that term is defined by AS 15.13.065(c), and (3) by an individual acting independently of any other person.

**Section 11.** Expands the communication identification requirements of AS 15.13.090 to apply to communications made by all persons, and additionally requires a person other than a candidate, individual, or a political party to (1) identify the person's principal officer, (2) include a statement from that officer approving the communication, (3) provide the address of the person's principal place of business, and (4) identify certain contributors to the person.

**Section 12.** Adds new subsections to AS 15.13.090. Subsection (c) does not permit a communication to be made by a person other than a candidate, individual, or political party, unless the person's principal officer has certified to APOC that the officer has reviewed the communication and, based on the officer's knowledge, the communication is not defamatory and does not contain defamatory statements.

Subsection (d) requires certain statements to be included in a communication paid for by a person other than a candidate, individual, or political party under AS 15.13.090(a)(2) to be read, placed in the communication, or, in a communication that includes both audio and video components, be both read and placed in the communication.

Subsection (e) requires a communication under AS 15.13.090(a) from a person that a foreign government has a 10 percent or more ownership interest in, to identify the foreign government's ownership interest.

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Subsection (f) permits a person, other than an individual, paying for a communication under AS 15.13.090(a), to be named by the person's common name under AS 15.13.090(d).

**Section 13.** Requires expenditure reports filed under AS 15.13.040(e) to be filed within three days of the expenditure being made, except for an expenditure that exceeds \$250 and that is made within nine days of an election must be reported to APOC within 24 hours of the expenditure being made.

**Section 14.** Amends the language of AS 15.13.111(a) to oblige all persons who are required to report under AS 15.13 to preserve certain records for a period of six years.

**Section 15.** Removes language from AS 15.13.135 that permitted only individuals, groups, or nongroup entities to make independent expenditures in support or in opposition to a candidate for public office. Adds language requiring all persons making certain independent expenditures to comply with AS 15.13.090.

**Section 16.** Repeals AS 15.13.140(a), a provision that provides that AS 15.13 should not be interpreted to prohibit a person from making independent expenditures in support or in opposition to a ballot proposition or question. As the chapter now reads, there is no ambiguity as to whether the chapter prohibits persons from making independent expenditures relating to a ballot proposition or question.

**Section 17.** Gives the Act an immediate effective date.

TLAB:ljw

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