

AMENDMENT #2

OFFERED IN THE HOUSE  
TO: HB 4

BY REPRESENTATIVE EASTMAN

1 Page 3, following line 17:

2 Insert new bill sections to read:

3 **\*\* Sec. 5.** AS 15.13.040(j) is amended to read:

4 (j) Except as provided in (i) of this section, each nongroup entity shall make a  
5 full report in accordance with AS 15.13.110 on [UPON] a form prescribed by the  
6 commission and certified by the nongroup entity's treasurer [,] listing

7 (1) the name and address of each officer and director of the nongroup  
8 entity;

9 (2) the aggregate amount of all contributions made to the nongroup  
10 entity for the purpose of influencing the outcome of an election;

11 (3) for all contributions described in (2) of this subsection, the name,  
12 address, date, and amount contributed by each contributor, and for all contributions  
13 described in (2) of this subsection in excess of \$250 in the aggregate during a calendar  
14 year, the principal occupation and employer of the contributor [, AND FOR ALL  
15 CONTRIBUTIONS DESCRIBED IN (2) OF THIS SUBSECTION IN EXCESS OF  
16 \$2,000 IN THE AGGREGATE DURING A CALENDAR YEAR, THE TRUE  
17 SOURCE OF SUCH CONTRIBUTIONS AND ALL INTERMEDIARIES, IF ANY,  
18 WHO TRANSFERRED SUCH FUNDS, AND A CERTIFICATION FROM THE  
19 TREASURER THAT THE REPORT DISCLOSES ALL OF THE INFORMATION  
20 REQUIRED BY THIS PARAGRAPH]; and

21 (4) the date and amount of all contributions made by the nongroup  
22 entity, and, except as provided for certain independent expenditures in  
23 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup

1           entity, for the purpose of influencing the outcome of an election; a nongroup entity  
2           shall report contributions made to a different nongroup entity for the purpose of  
3           influencing the outcome of an election and expenditures made on behalf of a different  
4           nongroup entity for the purpose of influencing the outcome of an election as soon as  
5           the total contributions and expenditures to that nongroup entity for the purpose of  
6           influencing the outcome of an election reach \$500 in a year and for all subsequent  
7           contributions and expenditures to that nongroup entity in a year whenever the total  
8           contributions and expenditures to that nongroup entity for the purpose of influencing  
9           the outcome of an election that have not been reported under this paragraph reach  
10          \$500.

11        \* **Sec. 6.** AS 15.13.074(b) is amended to read:

12               (b) A person or group may not make a contribution anonymously, using a  
13               fictitious name, or using the name of another. [INDIVIDUALS, PERSONS,  
14               NONGROUP ENTITIES, OR GROUPS SUBJECT TO AS 15.13.040(r) MAY NOT  
15               CONTRIBUTE OR ACCEPT \$2,000 OR MORE OF DARK MONEY AS THAT  
16               TERM IS DEFINED IN AS 15.13.400(5), AND MAY NOT MAKE A  
17               CONTRIBUTION WHILE ACTING AS AN INTERMEDIARY WITHOUT  
18               DISCLOSING THE TRUE SOURCE OF THE CONTRIBUTION AS DEFINED IN  
19               AS 15.13.400(19).]"

20  
21        Renumber the following bill sections accordingly.

22  
23        Page 4, following line 5:

24               Insert a new bill section to read:

25        \*\* **Sec. 8.** AS 15.13.090(c) is amended to read:

26               (c) To satisfy the requirements of (a)(1) of this section and, if applicable,  
27               (a)(2)(C) of this section, a communication that includes a print or video component  
28               must have the following statement or statements placed in the communication so as to  
29               be easily discernible [, AND, IN A BROADCAST, CABLE, SATELLITE,  
30               INTERNET OR OTHER DIGITAL COMMUNICATION, THE STATEMENT  
31               MUST REMAIN ONSCREEN THROUGHOUT THE ENTIRETY OF THE

1 COMMUNICATION]; the second statement is not required if the person paying for  
2 the communication has no contributors or is a political party:

3 This communication was paid for by (person's name and city and state of principal  
4 place of business). The top contributors of (person's name) are (the name and city and state of  
5 residence or principal place of business, as applicable, of the largest contributors to the person  
6 under AS 15.13.090(a)(2)(C))."

7  
8 Renumber the following bill sections accordingly.

9  
10 Page 4, following line 26:

11 Insert a new bill section to read:

12 **\*\* Sec. 11.** AS 15.13.390(a) is amended to read:

13 (a) A person who

14 [(1)] fails to register when required by AS 15.13.050(a) or who fails to  
15 file a properly completed and certified report within the time required by  
16 AS 15.13.040, 15.13.060(b) - (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a  
17 civil penalty of not more than \$50 a day for each day the delinquency continues as  
18 determined by the commission subject to right of appeal to the superior court. A  
19 person who fails to file a properly completed and certified report within the time  
20 required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not  
21 more than \$500 a day for each day the delinquency continues as determined by the  
22 commission subject to right of appeal to the superior court. A person who [;

23 (2) WHETHER AS A CONTRIBUTOR OR INTERMEDIARY,  
24 DELAYS IN REPORTING A CONTRIBUTION AS REQUIRED BY  
25 AS 15.13.040(r) IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN  
26 \$1,000 A DAY FOR EACH DAY THE DELINQUENCY CONTINUES AS  
27 DETERMINED BY THE COMMISSION SUBJECT TO RIGHT OF APPEAL TO  
28 THE SUPERIOR COURT;

29 (3) WHETHER AS A CONTRIBUTOR OR INTERMEDIARY,  
30 MISREPORTS OR FAILS TO DISCLOSE THE TRUE SOURCE OF A  
31 CONTRIBUTION IN VIOLATION OF AS 15.13.040(r) OR 15.13.074(b) IS

1 SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN THE AMOUNT OF  
 2 THE CONTRIBUTION THAT IS THE SUBJECT OF THE MISREPORTING OR  
 3 FAILURE TO DISCLOSE; UPON A SHOWING THAT THE VIOLATION WAS  
 4 INTENTIONAL, A CIVIL PENALTY OF NOT MORE THAN THREE TIMES THE  
 5 AMOUNT OF THE CONTRIBUTION IN VIOLATION MAY BE IMPOSED;  
 6 THESE PENALTIES AS DETERMINED BY THE COMMISSION ARE SUBJECT  
 7 TO RIGHT OF APPEAL TO THE SUPERIOR COURT;

8 (4)] violates a provision of this chapter, except a provision requiring  
 9 registration or filing of a report within a time required as otherwise specified in  
 10 this section, is subject to a civil penalty of not more than \$50 a day for each day the  
 11 violation continues as determined by the commission, subject to right of appeal to the  
 12 superior court. An [; AND

13 (5) IS ASSESSED A CIVIL PENALTY MAY SUBMIT TO THE  
 14 COMMISSION AN] affidavit stating facts in mitigation; however, the imposition of  
 15 the penalties prescribed in this section or in AS 15.13.380 does not excuse that person  
 16 from registering or filing reports required by this chapter."  
 17

18 Renumber the following bill sections accordingly.

19  
 20 Page 10, line 18, following first occurrence of "election":

21 Insert "1"

22  
 23 Page 11, line 15, following "after":

24 Insert "the"

25  
 26 Page 12, line 8, through page 15, line 20:

27 Delete all material and insert:

28 "\* **Sec. 26.** AS 15.25.010 is amended to read:

29 **Sec. 15.25.010. Provision for primary election.** Candidates for the elective  
 30 state executive and state and national legislative offices shall be nominated in a  
 31 primary election by direct vote of the people in the manner prescribed by this chapter.

1 The director shall prepare and provide a primary election ballot for each  
2 political party. A voter registered as affiliated with a political party may vote that  
3 party's ballot. A voter registered as nonpartisan or undeclared rather than as  
4 affiliated with a particular political party may vote the political party ballot of  
5 the voter's choice unless prohibited from doing so under AS 15.25.015. A voter  
6 registered as affiliated with a political party may not vote the ballot of a different  
7 political party unless permitted to do so under AS 15.25.015 [THE PRIMARY  
8 ELECTION DOES NOT SERVE TO DETERMINE THE NOMINEE OF A  
9 POLITICAL PARTY OR POLITICAL GROUP BUT SERVES ONLY TO  
10 NARROW THE NUMBER OF CANDIDATES WHOSE NAMES WILL APPEAR  
11 ON THE BALLOT AT THE GENERAL ELECTION. EXCEPT AS PROVIDED IN  
12 AS 15.25.100(d), ONLY THE FOUR CANDIDATES WHO RECEIVE THE  
13 GREATEST NUMBER OF VOTES FOR ANY OFFICE SHALL ADVANCE TO  
14 THE GENERAL ELECTION].

15 \* Sec. 27. AS 15.25 is amended by adding a new section to read:

16 **Sec. 15.25.015. Participation in primary election selection of a political**  
17 **party's candidates.** (a) Not later than 5:00 p.m., Alaska time, on September 1 of the  
18 calendar year before the calendar year in which a primary election is to be held, a  
19 political party shall submit a notice in writing to the director stating whether the party  
20 bylaws expand or limit who may participate in the primary election for selection of the  
21 party's candidates for elective state executive and state and national legislative offices.  
22 A copy of the party's bylaws expanding or limiting who may participate in the primary  
23 election for selection of the party's candidates, documentation required under (b) of  
24 this section, and other information required by the director, must be submitted along  
25 with the notice. The notice, bylaws, documentation, and other information required by  
26 the director shall be provided by the party's chairperson or another party official  
27 designated by the party's bylaws.

28 (b) Once a political party timely submits a notice and bylaws under (a) of this  
29 section and the director finds that the party has met the requirements of this chapter  
30 and other applicable laws, the director shall permit a voter registered as affiliated with  
31 another party to vote the party's ballot if the voter is permitted by the party's bylaws to

1 participate in the selection of the party's candidates and may not permit a voter  
 2 registered as nonpartisan or undeclared to vote a party's ballot if the party's bylaws  
 3 restrict participation by nonpartisan or undeclared voters in the party's primary;  
 4 however, for a subsequent primary election, the party shall timely submit another  
 5 notice, bylaws, documentation, and other information under (a) of this section if the  
 6 party's bylaws regarding who may participate in the primary election for selection of  
 7 the party's candidates change.

8 (c) Party bylaws required to be submitted under (a) of this section must be  
 9 precleared by the United States Department of Justice under 42 U.S.C. 1973c (sec. 5,  
 10 Voting Rights Act of 1965) before submission. Documentation of the preclearance  
 11 must accompany the bylaws submitted under (a) of this section.

12 \* **Sec. 28.** AS 15.25.030(a) is amended to read:

13 (a) A **member of a political party** [PERSON] who seeks to become a  
 14 candidate **of the party** in the primary election [OR A SPECIAL PRIMARY  
 15 ELECTION] shall execute and file a declaration of candidacy. The declaration shall be  
 16 executed under oath before an officer authorized to take acknowledgments and must  
 17 state in substance

18 (1) the full name of the candidate;

19 (2) the full mailing address of the candidate;

20 (3) if the candidacy is for the office of state senator or state  
 21 representative, the house or senate district of which the candidate is a resident;

22 (4) the office for which the candidate seeks nomination;

23 (5) the **name of the political party of which the person is a candidate**  
 24 **for nomination** [OR POLITICAL GROUP WITH WHICH THE CANDIDATE IS  
 25 REGISTERED AS AFFILIATED, OR WHETHER THE CANDIDATE WOULD  
 26 PREFER A NONPARTISAN OR UNDECLARED DESIGNATION PLACED  
 27 AFTER THE CANDIDATE'S NAME ON THE BALLOT];

28 (6) the full residence address of the candidate, and the date on which  
 29 residency at that address began;

30 (7) the date of the primary election [OR SPECIAL PRIMARY  
 31 ELECTION] at which the candidate seeks nomination;

1 (8) the length of residency in the state and in the district of the  
2 candidate;

3 (9) that the candidate will meet the specific citizenship requirements of  
4 the office for which the person is a candidate;

5 (10) that the candidate is a qualified voter as required by law;

6 (11) that the candidate will meet the specific age requirements of the  
7 office for which the person is a candidate; if the candidacy is for the office of state  
8 representative, that the candidate will be at least 21 years of age on the first scheduled  
9 day of the first regular session of the legislature convened after the election; if the  
10 candidacy is for the office of state senator, that the candidate will be at least 25 years  
11 of age on the first scheduled day of the first regular session of the legislature convened  
12 after the election; if the candidacy is for the office of governor or lieutenant governor,  
13 that the candidate will be at least 30 years of age on the first Monday in December  
14 following election or, if the office is to be filled by special election under  
15 AS 15.40.230 - 15.40.310, that the candidate will be at least 30 years of age on the  
16 date of certification of the results of the special election; or, for any other office, by  
17 the time that the candidate, if elected, is sworn into office;

18 (12) that the candidate requests that the candidate's name be placed on  
19 the primary [ELECTION OR SPECIAL PRIMARY] election ballot;

20 (13) that the required fee accompanies the declaration;

21 (14) that the person is not a candidate for any other office to be voted  
22 on at the primary or general election and that the person is not a candidate for this  
23 office under any other declaration of candidacy or nominating petition;

24 (15) the manner in which the candidate wishes the candidate's name to  
25 appear on the ballot; and

26 (16) that the candidate is registered to vote as a member of the  
27 political party whose nomination is being sought [IF THE CANDIDACY IS FOR  
28 THE OFFICE OF THE GOVERNOR, THE NAME OF THE CANDIDATE FOR  
29 LIEUTENANT GOVERNOR RUNNING JOINTLY WITH THE CANDIDATE FOR  
30 GOVERNOR; AND

31 (17) IF THE CANDIDACY IS FOR THE OFFICE OF LIEUTENANT

1 GOVERNOR, THE NAME OF THE CANDIDATE FOR GOVERNOR RUNNING  
2 JOINTLY WITH THE CANDIDATE FOR LIEUTENANT GOVERNOR]."  
3

4 Page 16, line 14, through page 17, line 20:

5 Delete all material and insert:

6 **\*\* Sec. 30.** AS 15.25.060 is repealed and reenacted to read:

7 **Sec. 15.25.060. Preparation and distribution of ballots; appropriate ballot.**

8 (a) The primary election ballots shall be prepared and distributed by the director in the  
9 manner prescribed in this section. The director shall prepare and provide a primary  
10 election ballot for each political party that contains all of the candidates of that party  
11 for elective state executive and state and national legislative offices and all of the  
12 ballot titles and propositions required to appear on the ballot at the primary election.  
13 The director shall print the ballots on white paper and place the names of all  
14 candidates who have properly filed in groups according to offices. The order of the  
15 placement of the names for each office shall be as provided for the general election  
16 ballot. Blank spaces may not be provided on the ballot for the writing or pasting in of  
17 names. The director shall also prepare and print a separate primary election ballot  
18 including only the ballot titles and propositions required to appear on the ballot.

19 (b) A voter may vote only one primary election ballot. A voter may vote a  
20 political party ballot only if the voter is registered as affiliated with that party, is  
21 allowed to participate in the party primary under the party's bylaws, or is registered as  
22 nonpartisan or undeclared rather than as affiliated with a particular political party and  
23 the party's bylaws do not restrict participation by nonpartisan or undeclared voters in  
24 the party's primary. For the purpose of determining which primary election ballot a  
25 voter may use, a voter's party affiliation is considered to be the affiliation registered  
26 with the director as of the 30th day before the primary election. If a voter changes  
27 party affiliation within the 30 days before the primary election, the voter's previous  
28 party affiliation shall be used for the determination under this subsection.

29 (c) If a voter is not voting in person and has requested an absentee ballot or  
30 special needs ballot but has not indicated a choice of ballot, the director shall provide  
31 the voter with the ballot listing the candidates of the political party or group with



1           which the voter is affiliated, as determined under (b) of this section."

2

3 Page 33, lines 16 - 19:

4           Delete all material and insert:

5       **\*\* Sec. 66.** AS 15.13.040(r), 15.13.070(g), 15.13.090(g), 15.13.110(k), 15.13.400(5),  
6 15.13.400(15), 15.13.400(19); AS 15.15.025, 15.15.030(14), 15.15.030(15), 15.15.030(16),  
7 15.15.030(17), 15.15.060(e), 15.15.350(c), 15.15.350(d), 15.15.350(e), 15.15.350(f),  
8 15.15.350(g); AS 15.58.020(a)(13), 15.58.020(c); and AS 15.80.010(34) are repealed."