



LAWS OF ALASKA

1996

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Chapter No.

48

AN ACT

Relating to election campaigns, election campaign financing, the oversight and regulation of election campaigns, the activities of lobbyists that relate to election campaigns, the definitions of offenses of campaign misconduct, and to the use of the net proceeds of charitable gaming activities in election campaigns; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 30, 1996

Actual Effective Date: Section 33 takes effect May 31, 1996; remainder of Act is conditional

AN ACT

1 Relating to election campaigns, election campaign financing, the oversight and regulation of
2 election campaigns, the activities of lobbyists that relate to election campaigns, the definitions
3 of offenses of campaign misconduct, and to the use of the net proceeds of charitable gaming
4 activities in election campaigns; and providing for an effective date.

5

6 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that, under existing
7 laws,

8 (1) campaigns for elective public office last too long, are often uninformative,
9 and are too expensive;

10 (2) highly qualified citizens are dissuaded from running for public office due
11 to the high cost of election campaigns;

12 (3) organized special interests are responsible for raising a significant portion

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1 of all election campaign funds and may thereby gain an undue influence over election
2 campaigns and elected officials, particularly incumbents;

3 (4) incumbents enjoy a distinct advantage in raising money for election
4 campaigns, and many elected officials raise and carry forward huge surpluses from one
5 campaign to the next, to the disadvantage of challengers;

6 (5) because, under existing laws, candidates are completely free to convert
7 campaign funds to personal income, there is great potential for bribery and political
8 corruption; and

9 (6) penalties for violations of the existing campaign finance laws are far too
10 lenient to deter misconduct.

11 (b) It is the purpose of this Act to substantially revise Alaska's election campaign
12 finance laws in order to restore the public's trust in the electoral process and to foster good
13 government.

14 * Sec. 2. AS 05.15.150(a) is amended to read:

15 (a) The authority to conduct the activity authorized by this chapter is
16 contingent upon the dedication of the net proceeds of the charitable gaming activity
17 to the awarding of prizes to contestants or participants and to political, educational,
18 civic, public, charitable, patriotic, or religious uses in the state. "Political, educational,
19 civic, public, charitable, patriotic, or religious uses" means uses benefiting persons
20 either by bringing them under the influence of education or religion or relieving them
21 from disease, suffering, or constraint, or by assisting them in establishing themselves
22 in life, or by providing for the promotion of the welfare and well-being of the
23 membership of the organization within their own community, or through aiding
24 candidates for public office or groups that support candidates for public office, or by
25 erecting or maintaining public buildings or works, or lessening the burden on
26 government, but does not include

27 (1) the direct or indirect payment of any portion of the net proceeds of
28 a bingo or pull-tab game to a lobbyist registered under AS 24.45; [OR]

29 (2) the erection, acquisition, improvement, maintenance, or repair of
30 real, personal, or mixed property unless it is used exclusively for one or more of the
31 permitted uses; or

1 (3) the direct or indirect payment of any portion of the net
2 proceeds of a charitable gaming activity, except the proceeds of a raffle and
3 lottery,

4 (A) to aid candidates for public office or groups that
5 support or oppose candidates for public office;

6 (B) to a political party or to an organization affiliated with
7 a political party; or

8 (C) to a group, as that term is defined in AS 15.13.400, or
9 a political group, as that term is defined in AS 15.60, that seeks to
10 influence the outcome of an election.

11 * Sec. 3. AS 15.13.010(a) is amended to read:

12 (a) This chapter applies

13 (1) in every election for governor, lieutenant governor, a member of the
14 state legislature, a delegate to a constitutional convention, or judge seeking electoral
15 confirmation;

16 (2) [IT ALSO APPLIES] to every candidate for election to a
17 municipal office in a municipality with a population of more than 1,000 inhabitants
18 according to the latest United States census figures or estimates of population certified
19 as correct for administrative purposes by the Department of Community and Regional
20 Affairs **unless the municipality has exempted itself from the provisions of this**
21 **chapter; a** [A] municipality may exempt its elected municipal officers from the
22 requirements of this chapter if a majority of the voters voting on the question at a
23 regular election, as defined by AS 29.71.800(20), or a special municipality-wide
24 election called for that purpose, **votes** [VOTE] to exempt its elected municipal officers
25 from the requirements of this chapter; **the** [THE] question of exemption from the
26 requirements of this chapter may be submitted by the governing body by ordinance or
27 by initiative election. [THIS CHAPTER DOES NOT PROHIBIT A MUNICIPALITY
28 FROM REGULATING BY ORDINANCE CAMPAIGN CONTRIBUTIONS AND
29 EXPENDITURES.]

30 * Sec. 4. AS 15.13.010 is amended by adding new subsections to read:

31 (c) This chapter does not prohibit a municipality from regulating by ordinance

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1 election campaign contributions and expenditures in municipal elections, or from
2 regulating those campaign contributions and expenditures more strictly than provided
3 in this chapter.

4 (d) This chapter does not limit the authority of a person to make contributions
5 to influence the outcome of a voter proposition submitted to the public for a vote at
6 a municipal election. In this subsection, in addition to its meaning under
7 AS 15.13.065(c), "proposition" means a municipal reclassification, proposal to adopt
8 or amend a home rule charter, a unification proposal, a boundary change proposal, or
9 the approval of an ordinance when approval by public vote is a requirement for the
10 ordinance.

11 * Sec. 5. AS 15.13.040(a) is amended to read:

12 (a) Except as provided in (g) of this section, each [EACH] candidate shall
13 make a full report, upon a form prescribed by the commission, listing the date and
14 amount of all expenditures made by the candidate, the total amount of all
15 contributions, including all funds contributed by the candidate, and for all contributions
16 in excess of \$100 in the aggregate a year, the name, address, principal occupation, and
17 employer of the contributor and the date and amount contributed by each contributor.
18 The report shall be filed in accordance with AS 15.13.110 and shall be certified correct
19 by the candidate or campaign treasurer.

20 * Sec. 6. AS 15.13.040(d) is amended to read:

21 (d) Every individual, person, or group making a contribution or expenditure
22 shall make a full report, upon a form prescribed by the commission, of the following
23 contributions or expenditures:

24 (1) any contribution of cash, goods, or services valued at more than
25 \$250 a year to any group or candidate; or

26 (2) unless exempted from reporting by (h) of this section, any
27 expenditure whatsoever for advertising in newspapers or other periodicals, on radio,
28 or on television; or, for the publication, distribution, or circulation of brochures, flyers,
29 or other campaign material for any candidate or ballot proposition or question.

30 * Sec. 7. AS 15.13.040 is amended by adding new subsections to read:

31 (g) The provisions of (a) of this section do not apply if a candidate

1 (1) indicates, on a form prescribed by the commission, an intent not to
 2 raise and not to expend more than \$2,500 in seeking election to office, including both
 3 the primary and general elections;

4 (2) accepts contributions totaling not more than \$2,500 in seeking
 5 election to office, including both the primary and general elections; and

6 (3) makes expenditures totaling not more than \$2,500 in seeking
 7 election to office, including both the primary and general elections.

8 (h) The provisions of (d)(2) of this section do not apply to one or more
 9 expenditures made by an individual acting independently of any group and
 10 independently of any other individual if the expenditures

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

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

14 * Sec. 8. AS 15.13.050 is amended to read:

15 Sec. 15.13.050. **REGISTRATION BEFORE EXPENDITURE** [GROUPS].

16 (a) **Before** [EACH GROUP, BEFORE] making an expenditure **in support** [ON
 17 BEHALF] of [,] or in opposition to [,] a candidate or **before making an expenditure**
 18 **in support of or in opposition to a ballot proposition or question, each person**
 19 **other than an individual** [A CONTRIBUTION TO A CANDIDATE] shall register,
 20 on forms provided by the commission, with the commission.

21 (b) If **a** [THE] group intends to support [OR OPPOSE] only one candidate, or
 22 to contribute to or expend on behalf of [, OR IN OPPOSITION TO,] one candidate
 23 **33 1/3** [50] percent or more of its funds, the name of the candidate shall be a part of
 24 the name of the group. **If the group intends to oppose only one candidate, or to**
 25 **contribute its funds in opposition to or make expenditures in opposition to a**
 26 **candidate, the group's name must clearly state that it opposes that candidate by**
 27 **using a word such as "opposes," "opposing," "in opposition to," or "against" in**
 28 **the group's name.** Promptly upon receiving the registration, the commission shall
 29 notify the candidate of the group's organization and intent.

30 * Sec. 9. AS 15.13 is amended by adding new sections to read:

31 Sec. 15.13.065. CONTRIBUTIONS. (a) Individuals, groups, and political

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1 parties may make contributions to a candidate. An individual or group may make a
2 contribution to a group or to a political party.

3 (b) A political party may contribute to a subordinate unit of the political party,
4 and a subordinate unit of a political party may contribute to the political party of
5 which it is a subordinate unit.

6 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for
7 the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the provisions
8 of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person to make
9 contributions to influence the outcome of a ballot proposition. In this subsection, in
10 addition to its meaning in AS 15.60.010, "proposition" includes an issue placed on a
11 ballot to determine whether

- 12 (1) a constitutional convention shall be called;
- 13 (2) a debt shall be contracted;
- 14 (3) an advisory question shall be approved or rejected; or
- 15 (4) a municipality shall be incorporated.

16 Sec. 15.13.067. WHO MAY MAKE EXPENDITURES. Only the following
17 may make an expenditure in an election for candidates for elective office:

- 18 (1) the candidate;
- 19 (2) an individual; and
- 20 (3) a group that has registered under AS 15.13.050.

21 * Sec. 10. AS 15.13.070 is repealed and reenacted to read:

22 Sec. 15.13.070. LIMITATIONS ON AMOUNT OF POLITICAL
23 CONTRIBUTIONS. (a) An individual or group may make contributions, subject only
24 to the limitations of this chapter and AS 24.45, including the limitations on the
25 maximum amounts set out in this section.

26 (b) An individual may contribute not more than

- 27 (1) \$500 per year to a candidate, to an individual who conducts a write-
28 in campaign as a candidate, or to a group that is not a political party;
- 29 (2) \$5,000 per year to a political party.

30 (c) A group that is not a political party may contribute not more than \$1,000
31 per year

1 (1) to a candidate, or to an individual who conducts a write-in
2 campaign as a candidate; or

3 (2) to another group or to a political party.

4 (d) A political party may contribute to a candidate, or to an individual who
5 conducts a write-in campaign, for the following offices an amount not to exceed

6 (1) \$100,000 per year, if the election is for governor or lieutenant
7 governor;

8 (2) \$15,000 per year, if the election is for the state senate;

9 (3) \$10,000 per year, if the election is for the state house of
10 representatives; and

11 (4) \$5,000 per year, if the election is for

12 (A) delegate to a constitutional convention;

13 (B) judge seeking retention; or

14 (C) municipal office.

15 * Sec. 11. AS 15.13 is amended by adding new sections to read:

16 Sec. 15.13.072. RESTRICTIONS ON SOLICITATION AND ACCEPTANCE
17 OF CONTRIBUTIONS. (a) A candidate or an individual who has filed with the
18 commission the document necessary to permit that individual to incur election-related
19 expenses under AS 15.13.100 may not solicit or accept a contribution from

20 (1) a person not authorized by law to make a contribution;

21 (2) an individual who is not a resident of the state at the time the
22 contribution is made, except as provided in (e) of this section;

23 (3) a group organized under the laws of another state, resident in
24 another state, or whose participants are not residents of this state at the time the
25 contribution is made; or

26 (4) a person registered as a lobbyist if the contribution violates
27 AS 15.13.074(g) or AS 24.45.121(a)(8).

28 (b) A candidate or an individual who has filed with the commission the
29 document necessary to permit the individual to incur election-related expenses under
30 AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds
31 \$100.

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1 (c) An individual, or one acting directly or indirectly on behalf of that
2 individual, may not solicit or accept a contribution

3 (1) before the date for which contributions may be made as determined
4 under AS 15.13.074(c); or

5 (2) later than the day after which contributions may not be made as
6 determined under AS 15.13.074(c).

7 (d) A candidate or an individual who has filed with the commission the
8 document necessary to permit that individual to incur election-related expenses under
9 AS 15.13.100 may not solicit or accept a contribution if the legislature is convened in
10 a regular or special legislative session, and the candidate or individual is a member of
11 the legislature, or employed as a member of the legislator's staff or as a member of
12 the staff of a legislative committee.

13 (e) A candidate or an individual who has filed with the commission the
14 document necessary to permit that individual to incur election-related expenses under
15 AS 15.13.100 may solicit or accept contributions from an individual who is not a
16 resident of the state at the time the contribution is made if the amounts contributed by
17 individuals who are not residents do not exceed

18 (1) \$20,000, if the candidate or individual is seeking the office of
19 governor or lieutenant governor;

20 (2) \$5,000, if the candidate or individual is seeking the office of state
21 senator;

22 (3) \$3,000, if the candidate or individual is seeking the office of state
23 representative or municipal or other office.

24 (f) A group or political party may solicit or accept contributions from an
25 individual who is not a resident of the state at the time the contribution is made, but
26 the amounts accepted from individuals who are not residents may not exceed 10
27 percent of total contributions made to the group or political party during the calendar
28 or group year in which the contributions are received.

29 Sec. 15.13.074. PROHIBITED CONTRIBUTIONS. (a) A person or group
30 may not make a contribution if the making of the contribution would violate this
31 chapter.

1 (b) A person or group may not make a contribution anonymously, using a
2 fictitious name, or using the name of another.

3 (c) A person or group may not make a contribution

4 (1) to a candidate for governor or lieutenant governor or an individual
5 who files with the commission the document necessary to permit that individual to
6 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
7 lieutenant governor, when the office is to be filled at a general election, before the
8 later of the following dates:

9 (A) the date the individual

10 (i) becomes a candidate; or

11 (ii) files with the commission the document necessary
12 to permit the individual to incur certain election-related expenses as
13 authorized by AS 15.13.100; or

14 (B) January 1 of the year of the general election;

15 (2) to a candidate for the state legislature or an individual who files
16 with the commission the document necessary to permit that individual to incur certain
17 election-related expenses as authorized by AS 15.13.100 for the state legislature, when
18 the office is to be filled at a general election, while the legislature is convened in its
19 regular legislative session and before the later of the following dates:

20 (A) the date the individual

21 (i) becomes a candidate; or

22 (ii) files with the commission the document necessary
23 to permit the individual to incur certain election-related expenses as
24 authorized by AS 15.13.100; or

25 (B) January 1 of the year of the general election;

26 (3) to a candidate or an individual who files with the commission the
27 document necessary to permit that individual to incur certain election-related expenses
28 as authorized by AS 15.13.100 for an office that is to be filled at a special election or
29 municipal election before the later of the following dates:

30 (A) the date the individual

31 (i) becomes a candidate; or

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1 (ii) files with the commission the document necessary
2 to permit that individual to incur certain election-related expenses as
3 authorized by AS 15.13.100;

4 (B) is nine months before the date of the general or regular
5 municipal election or that is before the date of the proclamation of the special
6 election at which the candidate or individual seeks election to public office; or

7 (4) to any candidate later than the 45th day

8 (A) after the date of a primary election if the candidate

9 (i) has been nominated at the primary election or is
10 running as a write-in candidate; and

11 (ii) is not opposed at the general election;

12 (B) after the date of the primary election if the candidate was
13 not nominated at the primary election; or

14 (C) after the date of the general election, or after the date of a
15 municipal or municipal runoff election, if the candidate was opposed at the
16 general, municipal, or municipal runoff election.

17 (d) A person or group may not make a contribution to a candidate or a person
18 or group who is prohibited by AS 15.13.072(c) from accepting it.

19 (e) A person or group may not make a cash contribution that exceeds \$100.

20 (f) A corporation, company, partnership, firm, association, organization,
21 business trust or surety, labor union, or publicly funded entity that does not satisfy the
22 definition of group in AS 15.13.400 may not make a contribution to a candidate or
23 group.

24 (g) An individual required to register as a lobbyist under AS 24.45 may not
25 make a contribution to a candidate for the legislature at any time the individual is
26 subject to the registration requirement under AS 24.45 and for one year after the date
27 of the individual's initial registration or its renewal. However, the individual may
28 make a contribution under this section to a candidate for the legislature in a district in
29 which the individual is eligible to vote or will be eligible to vote on the date of the
30 election. An individual who is subject to the restrictions of this subsection shall report
31 to the commission, on a form provided by the commission, each contribution made

1 while required to register as a lobbyist under AS 24.45. This subsection does not
2 apply to a representational lobbyist as defined in regulations of the commission.

3 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant
4 governor and a group that is not a political party and that, under the definition of the
5 term "group," is presumed to be controlled by a candidate for governor or lieutenant
6 governor, may not make a contribution to a candidate for another office, to a person
7 who conducts a write-in campaign as a candidate for other office, or to another group
8 of amounts received by that candidate or controlled group as contributions between
9 January 1 and the date of the general election of the year of a general election for an
10 election for governor and lieutenant governor. This subsection does not prohibit

11 (1) the group described in this subsection from making contributions
12 to the candidates for governor and lieutenant governor whom the group supports; or

13 (2) the governor or lieutenant governor, or the group described in this
14 subsection, from making contributions under AS 15.13.116(a)(3)(A).

15 Sec. 15.13.076. AUTHORIZED RECIPIENTS OF CONTRIBUTIONS. A
16 contribution to a

17 (1) candidate may be received only by

18 (A) the candidate; or

19 (B) the candidate's campaign treasurer or a deputy campaign
20 treasurer;

21 (2) group may be received only by the group's campaign treasurer or a
22 deputy treasurer.

23 Sec. 15.13.078. CONTRIBUTIONS AND LOANS FROM THE CANDIDATE.

24 (a) The provisions of this chapter do not prohibit the individual who is a candidate from
25 giving any amount of the candidate's own money or other thing of value to the campaign
26 of the candidate. Donations made by the candidate to the candidate's own campaign
27 shall be reported as contributions in accordance with AS 15.13.040 and 15.13.110.

28 (b) The provisions of this chapter do not prohibit the individual who is a
29 candidate from lending any amount to the campaign of the candidate. Loans made by
30 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
31 15.13.110. However, the candidate may not

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1 (1) recover, under this section and AS 15.13.116(a)(5), the amount of a
2 loan made by the candidate to the candidate's own campaign that exceeds

3 (A) \$25,000, if the candidate ran for governor or lieutenant
4 governor;

5 (B) \$10,000, if the candidate ran for

6 (i) the legislature; or

7 (ii) delegate to a constitutional convention;

8 (C) \$10,000, if the candidate was a judge seeking retention;

9 (D) \$5,000, if the candidate ran in a municipal election; or

10 (2) repay a loan that the candidate has made to the candidate's own
11 campaign unless, within five days of making the loan, the candidate notifies the
12 commission, on a form provided by the commission, of the candidate's intention to repay
13 the loan under AS 15.13.116(a)(5).

14 (c) On and after the date determined under AS 15.13.110 as the last day of the
15 period ending three days before the due date of the report required to be filed under
16 AS 15.13.110(a)(1) and until the date of the election for which the report is filed, a
17 candidate may not give or loan to the candidate's campaign the candidate's money or
18 other thing of value of the candidate in an amount that exceeds \$5,000.

19 (d) The provisions of this section apply only to the individual who is a
20 candidate, as that term is defined by AS 15.13.400(1)(A), and do not apply to authorize
21 a contribution or loan under this section by an individual described in the definition of
22 the term "candidate" under AS 15.13.400(1)(B).

23 * **Sec. 12.** AS 15.13.074(c) is repealed and reenacted to read:

24 (c) A person or group may not make a contribution

25 (1) to a candidate or an individual who files with the commission the
26 document necessary to permit that individual to incur certain election-related expenses
27 as authorized by AS 15.13.100 when the office is to be filled at a general election
28 before the date that is 18 months before the general election;

29 (2) to a candidate or an individual who files with the commission the
30 document necessary to permit that individual to incur certain election-related expenses
31 as authorized by AS 15.13.100 for an office that is to be filled at a special election or

1 municipal election before the date that is 18 months before the date of the regular
2 municipal election or that is before the date of the proclamation of the special election
3 at which the candidate or individual seeks election to public office; or

4 (3) to any candidate later than the 45th day

5 (A) after the date of a primary election if the candidate

6 (i) has been nominated at the primary election or is
7 running as a write-in candidate; and

8 (ii) is not opposed at the general election;

9 (B) after the date of the primary election if the candidate was
10 not nominated at the primary election; or

11 (C) after the date of the general election, or after the date of a
12 municipal or municipal runoff election, if the candidate was opposed at the
13 general, municipal, or municipal runoff election.

14 * Sec. 13. AS 15.13.080 is amended to read:

15 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. (a) Each of the
16 following shall file statements as required by this section:

17 (1) an individual who contributes to a candidate

18 (A) more than [A PERSON OR GROUP CONTRIBUTING TO
19 A CANDIDATE OVER] \$250; or

20 (B) [CONTRIBUTING] goods or services [TO A CANDIDATE]
21 with a value of more than \$250;

22 (2) an individual who, during the period between the 90th day before
23 an election and the date of the election, contributes to more than one group and
24 whose aggregate contributions to all groups, in money or in the value of goods and
25 services, or both, exceed \$1,000 per year [TO INFLUENCE THE ELECTION OF A
26 CANDIDATE SHALL FURNISH THE COMMISSION A SIGNED STATEMENT, ON
27 A FORM MADE AVAILABLE BY THE COMMISSION].

28 (b) An individual required to file a contributor's statement under (a) of this
29 section shall file on a form made available by the commission. The statement must

30 (1) identify the contributor and the candidate and all groups
31 receiving contributions;

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1 (2) [SHALL] itemize the contributions and goods; and
2 (3) state that the contributor is not [A PERSON OR GROUP] prohibited
3 by law from contributing and that the contribution consists of funds or property
4 belonging to the contributor and has not been given or furnished by another person or
5 group.

6 (c) The contributor's statement shall be filed with the commission by the
7 contributor no later than 10 days after the contribution is made. [A COPY OF THE
8 STATEMENT SHALL BE FURNISHED THE CANDIDATE, CAMPAIGN
9 TREASURER, OR DEPUTY CAMPAIGN TREASURER AT THE TIME THE
10 CONTRIBUTION IS MADE.]

11 * Sec. 14. AS 15.13 is amended by adding new sections to read:

12 Sec. 15.13.082. LIMITATIONS ON EXPENDITURES. (a) A candidate or
13 group may not make an expenditure in cash that exceeds \$100 unless the candidate, or
14 the campaign treasurer or deputy campaign treasurer, obtains a written receipt from the
15 person to whom the expenditure is made.

16 (b) A candidate or group may not make an expenditure unless the source of the
17 expenditure has been disclosed as required by this chapter.

18 (c) If a candidate receives a contribution in the form of cash, check, money
19 order, or other negotiable instrument and is subject to being reported to the commission
20 under this chapter, the candidate may neither expend the contribution nor, in the case of
21 a negotiable instrument, convert it to cash unless the candidate, campaign treasurer, or
22 deputy campaign treasurer first records the following information for disclosure to the
23 commission:

24 (1) the name, address, principal occupation, and employer of the
25 contributor; and

26 (2) the date and amount of the contribution.

27 Sec. 15.13.084. PROHIBITED EXPENDITURES. A person may not make an
28 expenditure

29 (1) anonymously, unless the expenditure is

30 (A) paid for by an individual acting independently of any group
31 and independently of any other individual;

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

3 (C) made for

4 (i) a billboard or sign; or

5 (ii) printed material, other than an advertisement made in
6 a newspaper or other periodical;

7 (2) using a fictitious name or using the name of another.

8 Sec. 15.13.086. AUTHORIZED MAKERS OF EXPENDITURES. An
9 expenditure

10 (1) authorized by or in behalf of a candidate may be made only by

11 (A) the candidate; or

12 (B) the candidate's campaign treasurer or a deputy campaign
13 treasurer;

14 (2) authorized by AS 15.13.067(3) by or in behalf of a group may be
15 made only by the group's campaign treasurer.

16 * Sec. 15. AS 15.13.090 is amended by adding a new subsection to read:

17 (b) The provisions of (a) of this section do not apply when the advertisement

18 (1) is paid for by an individual acting independently of any group and
19 independently of any other individual;

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

22 (3) is made for

23 (A) a billboard or sign; or

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

26 * Sec. 16. AS 15.13.110(a) is amended to read:

27 (a) Each candidate and group shall make a full report in accordance with
28 AS 15.13.040 for the period ending three days before the due date of the report and
29 beginning on the last day covered by the most recent previous report. If the report is a
30 first report, it shall cover the period from the beginning of the campaign to the date three
31 days before the due date of the report. If the report is a report due February 15, it shall

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1 cover the period beginning on the last day covered by the most recent previous report
2 or on the day that the campaign started, whichever is later, and ending on December 31
3 of the prior year. The report shall be filed

4 (1) 30 days before the election; however, this report is not required if the
5 deadline for filing a nominating petition or declaration of candidacy is within 30 days
6 of the election;

7 (2) one week before the election;

8 (3) 10 days after the election; and

9 (4) February 15 for expenditures made and contributions received that
10 were not reported during the previous year, including, if applicable, all amounts
11 expended from a legislative office account established under AS 15.13.116(a)(9) and
12 all amounts expended from a municipal office account under AS 15.13.116(a)(10),
13 or when expenditures were not made or contributions were not received during the
14 previous year.

15 * Sec. 17. AS 15.13.110(b) is amended to read:

16 (b) Each contribution [OR EXPENDITURE] that exceeds \$250 and that is made
17 within nine days of the election shall be reported to the commission by date, amount, and
18 contributor [OR RECIPIENT] within 24 hours of receipt [OR EXPENDITURE] by the
19 candidate, group, [OR] campaign treasurer, or deputy campaign treasurer.

20 * Sec. 18. AS 15.13.110(c) is amended to read:

21 (c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH THE
22 COMMISSION'S CENTRAL OFFICE.] All reports required by this chapter shall be
23 filed with the commission's central office and shall be kept open to public inspection.
24 Within 30 days after each election, the commission shall prepare a summary of each
25 report which shall be made available to the public at cost upon request. Each summary
26 shall use uniform categories of reporting.

27 * Sec. 19. AS 15.13 is amended by adding new sections to read:

28 Sec. 15.13.112. USES OF CAMPAIGN CONTRIBUTIONS HELD BY
29 CANDIDATE OR GROUP. (a) Except as otherwise provided, campaign contributions
30 held by a candidate or group may be used only to pay the expenses of the candidate or
31 group, and the campaign expenses incurred by the candidate or group, that reasonably

1 relate to election campaign activities, and in those cases only as authorized by this
2 chapter.

3 (b) Campaign contributions held by a candidate or group may not be

4 (1) used to give a personal benefit to the candidate or to another person;

5 (2) converted to personal income of the candidate;

6 (3) loaned to a person;

7 (4) knowingly used to pay more than the fair market value for goods or
8 services purchased for the campaign;

9 (5) used to pay a criminal fine;

10 (6) used to pay civil penalties; however, campaign contributions held by
11 a candidate or group may be used to pay a civil penalty assessed under this chapter if
12 authorized by the commission or a court after it first determines that

13 (A) the candidate, campaign treasurer, and deputy campaign
14 treasurer did not cause or participate in the violation for which the civil penalty
15 is imposed and exercised a reasonable level of oversight over the campaign; and

16 (B) the candidate, campaign treasurer, and deputy campaign
17 treasurer cooperated in the revelation of the violation and in its immediate
18 correction; or

19 (7) used to make contributions to another candidate or to a group.

20 Sec. 15.13.114. DISPOSITION OF PROHIBITED CONTRIBUTIONS. (a) A
21 candidate or group that receives and accepts a contribution given in violation of
22 AS 15.13.072 or 15.13.074 shall immediately, upon discovery that the contribution is
23 prohibited, return it to the contributor. A candidate or group that receives and accepts
24 a contribution in excess of the limitation on contributions set out in AS 15.13.070 shall
25 immediately, upon discovery of the prohibited excess contribution, return the excess to
26 the contributor. If the contribution or excess amount cannot be returned in the same
27 form, the equivalent value of the contribution or excess amount shall be returned.

28 (b) An anonymous contribution is forfeited to the state unless the contributor
29 is identified within five days of its receipt. Money that forfeits to the state under this
30 subsection shall be delivered immediately to the Department of Revenue for deposit
31 in the general fund.

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1 Sec. 15.13.116. DISBURSEMENT OF CAMPAIGN ASSETS AFTER
2 ELECTION. (a) A candidate who, after the date of the general, special, municipal,
3 or municipal runoff election or after the date the candidate withdraws as a candidate,
4 whichever comes first, holds unused campaign contributions shall distribute the amount
5 held within 90 days. The distribution may only be made to

6 (1) pay bills incurred for expenditures reasonably related to the
7 campaign and the winding up of the affairs of the campaign, and to pay expenditures
8 associated with post-election fund raising that may be needed to raise funds to pay off
9 campaign debts;

10 (2) pay for a victory or a thank you party costing less than \$500, or to
11 give a thank you gift of a value of less than \$50 to a campaign employee or volunteer;

12 (3) make donations, without condition, to

13 (A) a political party;

14 (B) the state's general fund;

15 (C) a municipality of the state; or

16 (D) the federal government;

17 (4) make donations, without condition, to organizations qualified as
18 charitable organizations under 26 U.S.C. 501(c)(3), provided the organization is not
19 controlled by the candidate or a member of the candidate's immediate family;

20 (5) repay loans from the candidate to the candidate's own campaign
21 under AS 15.13.078(b);

22 (6) repay contributions to contributors, but only if repayment of the
23 contribution is made pro rata in approximate proportion to the contributions made
24 using one of the following, as the candidate determines:

25 (A) to all contributors;

26 (B) to contributors who have contributed most recently; or

27 (C) to contributors who have made larger contributions;

28 (7) establish a fund for, and from that fund to pay, attorney fees or
29 costs incurred in the prosecution or defense of an administrative or civil judicial action
30 that directly concerns a challenge to the victory or defeat of the candidate in the
31 election;

1 (8) transfer all or a portion of the unused campaign contributions to an
2 account for a future election campaign; a transfer under this paragraph is limited to

3 (A) \$50,000, if the transfer is made by a candidate for governor
4 or lieutenant governor;

5 (B) \$10,000, if the transfer is made by a candidate for the state
6 senate;

7 (C) \$5,000, if the transfer is made by a candidate for the state
8 house of representatives; and

9 (D) \$5,000, if the transfer is made by a candidate for an office
10 not described in (A) - (C) of this paragraph;

11 (9) transfer all or a portion of the unused campaign contributions to a
12 legislative office account; a transfer under this paragraph is subject to the following:

13 (A) the authority to transfer is limited to candidates who are
14 elected to the state legislature;

15 (B) the legislative office account established under this
16 paragraph may be used only for expenses associated with the candidate's
17 serving as a member of the legislature;

18 (C) all amounts expended from the legislative office account
19 shall be annually accounted for under AS 15.13.110(a)(4); and

20 (D) a transfer under this paragraph is limited to \$5,000
21 multiplied by the number of years in the term to which the candidate is elected;
22 and

23 (10) transfer all or a portion of the unused campaign contributions to
24 a municipal office account; a transfer under this paragraph is subject to the following:

25 (A) the authority to transfer is limited to candidates who are
26 elected to municipal office, including a municipal school board;

27 (B) the municipal office account established under this
28 paragraph may be used only for expenses associated with the candidate's
29 serving as mayor or as a member of the assembly, city council, or school
30 board;

31 (C) all amounts expended from the municipal office account

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1 shall be annually accounted for under AS 15.13.110(a)(4); and

2 (D) a transfer under this paragraph is limited to \$5,000.

3 (b) After a general, special, municipal, or municipal runoff election, a candidate
4 may retain the ownership of one computer and one printer and of personal property,
5 except money, that was acquired by and for use in the campaign. The current fair
6 market value of the property retained, exclusive of the computer and printer, may not
7 exceed \$2,500. All other property shall be disposed of, or sold and the sale proceeds
8 disposed of, in accordance with (a) or (c) of this section.

9 (c) Property remaining after disbursements are made under (a) - (b) of this
10 section is forfeited to the state. Within 30 days, the candidate shall deliver the property
11 to the Department of Revenue. The Department of Revenue shall deposit any money
12 received into the general fund and dispose of any other property in accordance with law.

13 * **Sec. 20.** AS 15.13.120(d) is repealed and reenacted to read:

14 (d) A member of the commission, the commission's executive director, or a
15 person who believes a violation of this chapter or a regulation adopted under this chapter
16 has occurred or is occurring may file an administrative complaint with the commission
17 within four years of the date of the alleged violation. If a member of the commission
18 has filed the complaint, that member may not participate as a commissioner in any
19 proceeding of the commission with respect to the complaint. If the commission accepts
20 the complaint and opens a preliminary investigation, it shall do so within 90 days of the
21 filing date of the complaint and shall investigate the complaint. After affording the
22 respondent notice and an opportunity to be heard, if the commission finds that the
23 respondent has engaged in or is about to engage in an act or practice that constitutes or
24 will constitute a violation of this chapter or a regulation adopted under it, the commission
25 shall enter an order requiring the violation to be ceased or to be remedied, and shall
26 assess civil penalties under AS 15.13.125. A commission order may be appealed to the
27 superior court by either the complainant or respondent within 30 days. The commission
28 or the commission's executive director shall promptly report to the attorney general
29 concerning any acts or practices that may constitute violations of this chapter or
30 regulations adopted under this chapter, or concerning the violation of any order of the
31 commission.

1 * Sec. 21. AS 15.13.120(e) is repealed and reenacted to read:

2 (e) If the commission does not open a preliminary investigation within 90 days
 3 of the filing date of the complaint or complete action on the complaint within 180 days
 4 of the filing, the complainant may file a complaint in superior court alleging a violation
 5 of this chapter by a respondent in the administrative complaint. The complainant may
 6 provide copies of the complaint filed in the superior court to the commission and the
 7 attorney general. The state may intervene in a timely manner. A complaint may not be
 8 filed in superior court under this subsection if more than two years have elapsed from
 9 the date of the alleged violation. This subsection does not create a private cause of
 10 action against the commission.

11 * Sec. 22. AS 15.13.125 is amended to read:

12 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS.

13 A person who fails to register when required by AS 15.13.050(a) or who fails to file
 14 a properly completed and certified report within the time required by AS 15.13.040(d) -
 15 (f), 15.13.060(b) - (d), 15.13.080(c) [AS 15.13.040(f)], 15.13.110(a)(1), (3), or (4), (e),
 16 or (f) [OR 15.13.110(f)] is subject to a civil penalty of not more than \$50 [\$10] a day
 17 for each day the delinquency continues as determined by the commission subject to right
 18 of appeal to the superior court. A person who fails to file a properly completed and
 19 certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject
 20 to a civil penalty of not more than \$500 [\$50] a day for each day the delinquency
 21 continues as determined by the commission subject to right of appeal to the superior
 22 court. A person who violates a provision of this chapter, except a provision
 23 requiring registration or filing of a report within a time required as otherwise
 24 specified in this section, is subject to a civil penalty of not more than \$50 a day for
 25 each day the violation continues as determined by the commission, subject to right
 26 of appeal to the superior court. An affidavit stating facts in mitigation may be
 27 submitted to the commission by a person against whom a civil penalty is assessed.
 28 However, the imposition of the penalties prescribed in this section or in AS 15.13.120
 29 does not excuse that person from registering or filing reports required by this chapter.

30 * Sec. 23. AS 15.13.125 is amended by adding new subsections to read:

31 (b) When an administrative complaint has been filed under AS 15.13.120(d), the

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1 commission shall give the respondent due notice and an opportunity to be heard. If, at
2 the conclusion of the hearing, the commission determines that the respondent engaged
3 in the alleged violation, the commission shall assess

- 4 (1) civil penalties under (a) of this section;
- 5 (2) the commission's costs of investigation and adjudication; and
- 6 (3) reasonable attorney fees.

7 (c) The commission's determination under (b) of this section may be appealed
8 to the superior court under AS 44.62 (Administrative Procedure Act).

9 (d) When an action has been filed in the superior court under AS 15.13.120(e),
10 upon proof of the violation, the court shall enter a judgment in the amount of the civil
11 penalty authorized to be collected by (a) of this section.

12 (e) If the commission or superior court finds that the violation was not a repeat
13 violation or was not part of a series or pattern of violations, was inadvertent, was quickly
14 corrected, and had no adverse effect on the campaign of another, the commission or the
15 court may

- 16 (1) suspend imposition of the penalties; and
- 17 (2) order the penalties set aside if the person does not engage in a similar

18 violation for a period of one year.

19 (f) A party who has filed a civil action under AS 15.13.120(e)

- 20 (1) is not entitled to trial by jury on the civil action;
- 21 (2) is not entitled to be represented by legal counsel at public expense.

22 * Sec. 24. AS 15.13 is amended by adding new sections to read:

23 Sec. 15.13.135. INDEPENDENT EXPENDITURES FOR OR AGAINST
24 CANDIDATES. (a) Only an individual or group may make an independent
25 expenditure supporting or opposing a candidate for election to public office. An
26 independent expenditure supporting or opposing a candidate for election to public
27 office shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110
28 and other requirements of this chapter.

29 (b) An individual or group who makes independent expenditures for a mass
30 mailing, for distribution of campaign literature of any sort, for a television, radio,
31 newspaper, or magazine advertisement, or any other communication that supports or

1 opposes a candidate for election to public office

2 (1) shall comply with AS 15.13.090; and

3 (2) shall place the following statement in the mailing, literature,
4 advertisement, or other communication so that it is readily and easily discernible:

5 This NOTICE TO VOTERS is required by Alaska law. (I/we)
6 certify that this (mailing/literature/advertisement) is not authorized, paid
7 for, or approved by the candidate.

8 Sec. 15.13.140. INDEPENDENT EXPENDITURES FOR OR AGAINST
9 BALLOT PROPOSITION OR QUESTION. (a) This chapter does not prohibit a
10 person from making independent expenditures in support of or in opposition to a ballot
11 proposition or question.

12 (b) An independent expenditure for or against a ballot proposition or question

13 (1) shall be reported in accordance with AS 15.13.040 and 15.13.100 -
14 15.13.110 and other requirements of this chapter; and

15 (2) may not be made if the expenditure is prohibited by AS 15.13.145.

16 Sec. 15.13.145. MONEY OF THE STATE AND ITS POLITICAL
17 SUBDIVISIONS. (a) Except as provided in (b) and (c) of this section, each of the
18 following may not use money held by the entity to influence the outcome of the
19 election of a candidate to a state or municipal office:

20 (1) the state, its agencies, and its corporations;

21 (2) the University of Alaska and its Board of Regents;

22 (3) municipalities, school districts, and regional educational attendance
23 areas, or another political subdivision of the state; and

24 (4) an officer or employee of an entity identified in (1) - (3) of this
25 subsection.

26 (b) Money held by an entity identified in (a)(1) - (3) of this section may be
27 used to influence the outcome of an election concerning a ballot proposition or
28 question, but only if the funds have been specifically appropriated for that purpose by
29 a state law or a municipal ordinance.

30 (c) Money held by an entity identified in (a)(1) - (3) of this section may be
31 used

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1 (1) to disseminate information about the time and place of an election
2 and to hold an election;

3 (2) to provide the public with nonpartisan information about a ballot
4 proposition or question or about all the candidates seeking election to a particular
5 public office.

6 (d) When expenditure of money is authorized by (b) or (c) of this section and
7 is used to influence the outcome of an election, the expenditures shall be reported to
8 the commission in the same manner as an individual is required to report under
9 AS 15.13.040.

10 Sec. 15.13.150. ELECTION EDUCATIONAL ACTIVITIES NOT
11 PROHIBITED. This chapter does not prohibit a person from engaging in educational
12 election-related communications and activities, including

- 13 (1) the publication of the date and location of an election;
14 (2) the education of students about voting and elections;
15 (3) the sponsorship of open candidate debate forums;
16 (4) participation in get-out-the-vote or voter registration drives that do
17 not favor a particular candidate, political party, or political position;
18 (5) the dissemination of the views of all candidates running for a
19 particular office.

20 Sec. 15.13.155. RESTRICTIONS ON EARNED INCOME AND
21 HONORARIA. (a) A candidate for the state legislature, for governor, or for
22 lieutenant governor, including an individual campaigning as a write-in candidate for
23 the office, may not

24 (1) seek or accept compensation for personal services that involves
25 payments that are not commensurate with the services rendered taking into account the
26 higher rates generally charged by specialists in a profession; or

27 (2) accept a payment of anything of value, except for actual and
28 necessarily incurred travel expenses, for an appearance or speech; this paragraph does
29 not apply to the salary paid to the candidate for making an appearance or speech as
30 part of the candidate's normal course of employment.

31 (b) Notwithstanding (a) of this section, a candidate for the state legislature, for

1 governor, or for lieutenant governor, including an individual campaigning as a write-in
2 candidate for the office, may accept a payment for an appearance or speech if the
3 appearance or speech is not connected with the individual's status as a state official or
4 as a candidate.

5 Sec. 15.13.400. DEFINITIONS. In this chapter,

6 (1) "candidate"

7 (A) means an individual who files for election to the state
8 legislature, for governor, for lieutenant governor, for municipal office, for
9 retention in judicial office, or for constitutional convention delegate, or who
10 campaigns as a write-in candidate for any of these offices; and

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

14 (i) a candidate's campaign treasurer and a deputy
15 campaign treasurer;

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

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

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

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

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

23 (3) "contribution"

24 (A) means a purchase, payment, promise or obligation to pay,
25 loan or loan guarantee, deposit or gift of money, goods, or services for which
26 charge is ordinarily made and that is made for the purpose of influencing the
27 nomination or election of a candidate, and in AS 15.13.010(b) for the purpose
28 of influencing a ballot proposition or question, including the payment by a
29 person other than a candidate or political party, or compensation for the
30 personal services of another person, that are rendered to the candidate or
31 political party;

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1 (B) does not include

2 (i) services provided without compensation by
3 individuals volunteering a portion or all of their time on behalf of a
4 candidate or ballot proposition or question, but it does include
5 professional services volunteered by individuals for which they
6 ordinarily would be paid a fee or wage;

7 (ii) services provided by an accountant or other person
8 to prepare reports and statements required by this chapter; or

9 (iii) ordinary hospitality in a home;

10 (4) "expenditure"

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

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

17 (ii) use by a political party;

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

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

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

25 (5) "group" means

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

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

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

17 (6) "immediate family" means the spouse, parents, children, including
18 a stepchild and an adoptive child, and siblings of an individual;

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

24 (8) "individual" means a natural person;

25 (9) "person" has the meaning given in AS 01.10.060, and includes a
26 labor union and a group;

27 (10) "political party" means

28 (A) an organized group of voters that represents a political
29 program and that nominated a candidate for governor who received at least
30 three percent of the total votes cast at any one of the last five preceding general
31 elections for governor; and

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1 (B) a subordinate unit of the organized group of voters
2 qualifying as a political party under (A) of this paragraph if, consistent with the
3 rules or bylaws of the political party, the unit conducts or supports campaign
4 operations in a municipality, neighborhood, election district, or precinct;

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

8 * Sec. 25. AS 15.56 is amended by adding new sections to read:

9 Sec. 15.56.012. CAMPAIGN MISCONDUCT IN THE FIRST DEGREE. (a)

10 Except as provided in AS 15.56.014 and 15.56.016, a person commits the crime of
11 campaign misconduct in the first degree if the person knowingly engages in conduct
12 that violates a provision of AS 15.13 or a regulation adopted under authority of
13 AS 15.13.

14 (b) Violation of this section is a corrupt practice.

15 (c) Campaign misconduct in the first degree is a class A misdemeanor.

16 Sec. 15.56.014. CAMPAIGN MISCONDUCT IN THE SECOND DEGREE.

17 (a) A person commits the crime of campaign misconduct in the second degree if the
18 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 intended to influence the election of a
26 candidate or outcome of a ballot proposition or question without the words "paid for
27 by" followed by the name and address of the candidate, group, or individual paying
28 for the advertising or communication and, if a candidate or group, with the name of
29 the campaign chair;

30 (3) knowingly writes or prints and circulates, or has written, printed and
31 circulated, a letter, circular, bill, placard, poster, or advertisement in a newspaper, on

1 radio or television

2 (A) containing false factual information relating to a candidate
3 for an election;

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

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

9 (b) Violation of this section is a corrupt practice.

10 (c) Campaign misconduct in the second degree is a class B misdemeanor.

11 Sec. 15.56.016. CAMPAIGN MISCONDUCT IN THE THIRD DEGREE. (a)

12 A person commits the crime of campaign misconduct in the third degree if

13 (1) the person violates a provision of AS 15.13 or a regulation adopted
14 under AS 15.13; or

15 (2) during the hours the polls are open and after election judges have
16 posted warning notices as required by AS 15.15.170 or at the required distance in the
17 form and manner prescribed by the chief municipal elections official in a local
18 election, the person is within 200 feet of an entrance to a polling place, and

19 (A) violates AS 15.15.170; or

20 (B) circulates cards, handbills, or marked ballots, or posts
21 political signs or posters relating to a candidate at an election or election
22 proposition or question.

23 (b) Campaign misconduct in the third degree is a violation.

24 Sec. 15.56.018. APPLICABILITY OF CAMPAIGN MISCONDUCT
25 PROVISIONS. (a) For purposes of AS 15.56.012(a) and 15.56.016(a)(1), each day
26 a violation continues constitutes a separate offense.

27 (b) When a person is convicted of violating AS 15.56.012, in addition to
28 imposition of a sentence as authorized by AS 12.55.015, notwithstanding
29 AS 12.55.015(c), the court shall order suspension, for a period of one year, of any
30 license held by the defendant that allows the defendant to do business in the state.

31 Sec. 15.56.019. DEFINITION. In AS 15.56.012 - 15.56.018, the term

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1 "knowingly" has the meaning given in AS 11.81.900(a).

2 * Sec. 26. AS 24.45.121(a) is amended to read:

3 (a) A lobbyist may not

4 (1) engage in any activity as a lobbyist before registering under
5 AS 24.45.041;

6 (2) do anything with the intent of placing a public official under
7 personal obligation to the lobbyist or to the lobbyist's employer;

8 (3) intentionally deceive or attempt to deceive any public official with
9 regard to any material fact pertinent to pending or proposed legislative or
10 administrative action;

11 (4) cause or influence the introduction of a legislative measure solely
12 for the purpose of thereafter being employed to secure its passage or its defeat;

13 (5) cause a communication to be sent to a public official in the name
14 of any fictitious person or in the name of any real person, except with the consent of
15 that person;

16 (6) accept or agree to accept any payment in any way contingent upon
17 the defeat, enactment, or outcome of any proposed legislative or administrative action;

18 (7) serve as a member of a state board, or commission, if the lobbyist's
19 employer may receive direct economic benefit from a decision of that board or
20 commission;

21 (8) serve as a campaign manager or director, serve as a campaign
22 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
23 fund-raising event, directly or indirectly collect contributions for, or deliver
24 contributions to, a candidate or otherwise [ACTIVELY] engage in the fund-raising
25 activity of a legislative campaign or campaign for governor or lieutenant governor
26 if the lobbyist has registered, or is required to register as a lobbyist, under this
27 chapter, during the calendar year; this paragraph does not apply to a representational
28 lobbyist as defined in the regulations of the Alaska Public Offices Commission, and
29 does not prohibit a lobbyist from making personal contributions to a candidate as
30 authorized by AS 15.13 or personally advocating on behalf of a candidate;

31 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a

1 person covered by AS 24.60, during a legislative session, a gift, other than food or
2 beverage for immediate consumption;

3 (10) make or offer a gift or a campaign contribution whose acceptance
4 by the person to whom it is offered would violate AS 24.60.

5 * Sec. 27. AS 24.60.031(b) is amended to read:

6 (b) In this section, "contribution" has the meaning given in AS 15.13.400
7 [AS 15.13.130].

8 * Sec. 28. AS 15.13.120(a), 15.13.130; AS 15.56.010, and 15.56.020 are repealed.

9 * Sec. 29. CONSTRUCTION AND APPLICATION. Each provision of this Act shall be
10 construed to avoid a conflict with any federal law that, under the United States Constitution,
11 prevails over the state provision.

12 * Sec. 30. APPLICABILITY OF AS 15.13 TO PERSONS OTHER THAN INDIVIDUALS.

13 If a court determines that, under the federal or state constitutions, persons who are not
14 individuals must be allowed to contribute to candidates or groups, then the requirements,
15 monetary limitations, and restrictions of AS 15.13 are applicable to those persons.

16 * Sec. 31. SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the
17 application thereof to any person or circumstance, is held invalid, the remainder of this Act
18 and the application to other persons or circumstances is not affected thereby.

19 * Sec. 32. CAMPAIGN ASSET BALANCE HELD ON EFFECTIVE DATE OF THIS
20 SECTION. A person who was a candidate as that term is defined by AS 15.13.400, added
21 by sec. 24 of this Act, and who, on the effective date of this section, holds unused campaign
22 contributions obtained while the person was a candidate and before the effective date of this
23 section may, notwithstanding AS 15.13.116, added by sec. 19 of this Act, retain those unused
24 campaign contributions for a future election campaign. The person's use of the campaign
25 contribution balance in a future election campaign makes those unused campaign contributions
26 subject to the provisions of AS 15.13.010 - 15.13.400 relating to the use of campaign
27 contributions, including AS 15.13.116, added by sec. 19 of this Act, relating to disbursement
28 of campaign assets after election at the conclusion of that future election campaign.

29 * Sec. 33. TAKING EFFECT OF ACT MADE CONDITIONAL. (a) Sections 1 - 32 of
30 this Act take effect only if, under art. XI, sec. 4, Constitution of the State of Alaska, and
31 AS 15.45.210, the lieutenant governor determines that secs. 1 - 32 of this Act are substantially

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1 the same as the law proposed to be enacted by the Initiative entitled "An Initiative relating to
2 election campaign financing and the Alaska Public Offices Commission; and providing for an
3 effective date," identified by the division of elections as Initiative Petition 95 CFPO, filed with
4 the lieutenant governor by the Initiative sponsors under AS 15.45.140 on December 15, 1995.

5 (b) In addition to the requirements of (a) of this section, sec. 12 of this Act takes
6 effect only if a court order is entered and becomes final declaring that the dates set out in
7 AS 15.13.074(c), as enacted by sec. 11 of this Act, as the dates before which campaign
8 contributions may not be accepted, are unconstitutional.

9 * **Sec. 34.** If sec. 12 of this Act takes effect, it takes effect on the day after the date a court
10 order described in sec. 33(b) of this Act becomes final.

11 * **Sec. 35.** If secs. 1 - 11 and 13 - 32 of this Act take effect, they take effect January 1,
12 1997.

13 * **Sec. 36.** Section 33 of this Act takes effect immediately under AS 01.10.070(c).