

CS FOR SENATE BILL NO. 191(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/1/96

Referred: Rules

Sponsor(s): SENATORS KELLY, Phillips

REPRESENTATIVE James

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

1 all election campaign funds and may thereby gain an undue influence over election campaigns
2 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 campaign
5 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 corruption;
8 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 contingent
16 upon the dedication of the net proceeds of the charitable gaming activity to the awarding
17 of prizes to contestants or participants and to political, educational, civic, public,
18 charitable, patriotic, or religious uses in the state. "Political, educational, civic, public,
19 charitable, patriotic, or religious uses" means uses benefiting persons either by bringing
20 them under the influence of education or religion or relieving them from disease,
21 suffering, or constraint, or by assisting them in establishing themselves in life, or by
22 providing for the promotion of the welfare and well-being of the membership of the
23 organization within their own community, or through aiding candidates for public office
24 or groups that support candidates for public office, or by erecting or maintaining public
25 buildings or works, or lessening the burden on government, but does not include

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

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

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

1 (A) to aid candidates for public office or groups that support
2 or oppose candidates for public office;

3 (B) to a political party or to an organization affiliated with
4 a political party; or

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

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

9 (a) This chapter applies

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

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

26 * **Sec. 4.** AS 15.13.010 is amended by adding a new subsection to read:

27 (c) This chapter does not prohibit a municipality from regulating by ordinance
28 election campaign contributions and expenditures in municipal elections, or from
29 regulating those campaign contributions and expenditures more strictly than provided in
30 this chapter.

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

32 (a) **Except as provided in (g) of this section, each** [EACH] candidate shall

1 make a full report, upon a form prescribed by the commission, listing the date and
2 amount of all expenditures made by the candidate, the total amount of all contributions,
3 including all funds contributed by the candidate, and for all contributions in excess of
4 \$100 in the aggregate a year, the name, address, principal occupation, and employer of
5 the contributor and the date and amount contributed by each contributor. The report
6 shall be filed in accordance with AS 15.13.110 and shall be certified correct by the
7 candidate or campaign treasurer.

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

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

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

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

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

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

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

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

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

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

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

31 (2) are made only for billboards, signs, or printed material concerning
32 a ballot proposition or question.

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

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

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

8 **(b) If a** [THE] group intends to support [OR OPPOSE] only one candidate, or
9 to contribute to or expend on behalf of [, OR IN OPPOSITION TO,] one candidate
10 **33 1/3** [50] percent or more of its funds, the name of the candidate shall be a part of the
11 name of the group. **If the group intends to oppose only one candidate, or to**
12 **contribute its funds in opposition to or make expenditures in opposition to a**
13 **candidate, the name of the candidate whom the group opposes may not appear**
14 **as a part of the name of the group.** Promptly upon receiving the registration, the
15 commission shall notify the candidate of the group's organization and intent.

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

17 Sec. 15.13.065. WHO MAY MAKE CONTRIBUTIONS. (a) Individuals,
18 groups, and political parties may make contributions to a candidate. An individual may
19 make a contribution to a group or to a political party.

20 (b) A political party may contribute to a subordinate unit of the political party,
21 and a subordinate unit of a political party may contribute to the political party of
22 which it is a subordinate unit.

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

- 25 (1) the candidate;
26 (2) an individual; and
27 (3) a group that has registered under AS 15.13.050.

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

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

- 1 (b) An individual may contribute not more than
2 (1) \$500 per year to a candidate, to an individual who conducts a write-
3 in campaign as a candidate, or to a group that is not a political party;
4 (2) \$5,000 per year to a political party.
- 5 (c) A group that is not a political party may contribute not more than \$1,000
6 per year
7 (1) to a candidate, or to an individual who conducts a write-in
8 campaign as a candidate; or
9 (2) to another group or to a political party.
- 10 (d) A political party may contribute to a candidate, or to an individual who
11 conducts a write-in campaign, for the following offices an amount not to exceed
12 (1) \$100,000 per year, if the election is for governor or lieutenant
13 governor;
14 (2) \$15,000 per year, if the election is for the state senate;
15 (3) \$10,000 per year, if the election is for the state house of
16 representatives; and
17 (4) \$5,000 per year, if the election is for
18 (A) delegate to a constitutional convention;
19 (B) judge seeking retention; or
20 (C) municipal office.

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

22 Sec. 15.13.072. RESTRICTIONS ON SOLICITATION AND ACCEPTANCE
23 OF CONTRIBUTIONS. (a) A candidate or an individual who has filed with the
24 commission the document necessary to permit that individual to incur election-related
25 expenses under AS 15.13.100 may not solicit or accept a contribution from
26 (1) a person not authorized by law to make a contribution;
27 (2) an individual who is not a resident of the state at the time the
28 contribution is made except as provided in (e) of this section;
29 (3) a group organized under the laws of another state, resident in
30 another state, or whose participants are not residents of this state at the time the
31 contribution is made; or

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

3 (b) A candidate or an individual who has filed with the commission the
4 document necessary to permit the individual to incur election-related expenses under
5 AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds
6 \$100.

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

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

11 (2) later than the day after which contributions may not be made as
12 determined under AS 15.13.074(c)(4).

13 (d) 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 not solicit or accept a contribution if the legislature is convened in
16 a regular or special legislative session, and the candidate or individual is a member of
17 the legislature, or employed as a member of the legislator's staff or as a member of
18 the staff of a legislative committee.

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

24 (1) \$20,000, if the candidate or individual is seeking the office of
25 governor or lieutenant governor;

26 (2) \$5,000, if the candidate or individual is seeking the office of state
27 senator;

28 (3) \$3,000, if the candidate or individual is seeking the office of state
29 representative or municipal or other office.

30 (f) A group or political party may solicit or accept contributions from an
31 individual who is not a resident of the state at the time the contribution is made, but

1 the amounts accepted from individuals who are not residents may not exceed 10
2 percent of total contributions made to the group or political party during the calendar
3 or group year in which the contributions are received.

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

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

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

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

15 (A) the date the individual

16 (i) becomes a candidate; or

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

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

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

26 (A) the date the individual

27 (i) becomes a candidate; or

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

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

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

5 (A) the date the individual

6 (i) becomes a candidate; or

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

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

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

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

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

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

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

20 (C) after the date of the general election, or after the date of a
21 municipal or municipal runoff election, if the candidate was opposed at the
22 general, municipal, or municipal runoff election.

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

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

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

30 (g) An individual required to register as a lobbyist under AS 24.45 may not
31 make a contribution to a candidate for the legislature at any time the individual is

1 subject to the registration requirement under AS 24.45 and for one year after the date
2 of the individual's initial registration or its renewal. However, the individual may
3 make a contribution under this section to a candidate for the legislature in a district in
4 which the individual is eligible to vote or will be eligible to vote on the date of the
5 election. An individual who is subject to the restrictions of this subsection shall report
6 to the commission, on a form provided by the commission, each contribution made
7 while required to register as a lobbyist under AS 24.45. This subsection does not
8 apply to a representational lobbyist as defined in regulations of the commission.

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

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

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

21 Sec. 15.13.076. AUTHORIZED RECIPIENTS OF CONTRIBUTIONS. A
22 contribution to a

23 (1) candidate may be received only by

24 (A) the candidate; or

25 (B) the candidate's campaign treasurer or a deputy campaign
26 treasurer;

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

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

30 (a) The provisions of this chapter do not prohibit the individual who is a candidate from
31 giving any amount of the candidate's own money or other thing of value to the campaign
32 of the candidate. Donations made by the candidate to the candidate's own campaign

1 shall be reported as contributions in accordance with AS 15.13.040 and 15.13.110.

2 (b) The provisions of this chapter do not prohibit the individual who is a
3 candidate from lending any amount to the campaign of the candidate. Loans made by
4 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
5 15.13.110. However, the candidate may not

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

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

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

11 (i) the legislature; or

12 (ii) delegate to a constitutional convention;

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

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

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

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

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

28 * Sec. 12. AS 15.13.080 is amended to read:

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

31 **(1) an individual who contributes to a candidate**

32 **(A) more than** [A PERSON OR GROUP CONTRIBUTING TO

1 A CANDIDATE OVER] \$250; or

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

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

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

12 (1) identify the contributor and the candidate and all groups
13 receiving contributions;

14 (2) [SHALL] itemize the contributions and goods; and

15 (3) state that the contributor is not [A PERSON OR GROUP] prohibited
16 by law from contributing and that the contribution consists of funds or property
17 belonging to the contributor and has not been given or furnished by another person or
18 group.

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

24 * **Sec. 13.** AS 15.13 is amended by adding new sections to read:

25 Sec. 15.13.082. LIMITATIONS ON EXPENDITURES. (a) A candidate or
26 group may not make an expenditure in cash that exceeds \$100 unless the candidate, or
27 the campaign treasurer or deputy campaign treasurer, obtains from the person to whom
28 the expenditure is made a written receipt and files a copy of the receipt with the
29 commission.

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

32 (c) If a candidate receives a contribution in the form of cash, check, money

1 order, or other negotiable instrument and is subject to being reported to the commission
2 under this chapter, the candidate may neither expend the contribution nor, in the case of
3 a negotiable instrument, convert it to cash unless the candidate, campaign treasurer, or
4 deputy campaign treasurer first records the following information for disclosure to the
5 commission:

6 (1) the name, address, principal occupation, and employer of the
7 contributor; and

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

9 Sec. 15.13.084. PROHIBITED EXPENDITURES. A person may not make an
10 expenditure

11 (1) anonymously, unless the expenditure is

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

14 (B) made to influence the outcome of a ballot proposition or
15 question; and

16 (C) made for

17 (i) a billboard or sign; or

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

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

21 Sec. 15.13.086. AUTHORIZED MAKERS OF EXPENDITURES. An
22 expenditure

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

24 (A) the candidate; or

25 (B) the candidate's campaign treasurer or a deputy campaign
26 treasurer;

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

29 * Sec. 14. AS 15.13.090 is amended by adding a new subsection to read:

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

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

1 (2) is made to influence the outcome of a ballot proposition or question;
2 and
3 (3) is made for
4 (A) a billboard or sign; or
5 (B) printed material other than an advertisement made in a
6 newspaper or other periodical.

7 * **Sec. 15.** AS 15.13.110(a) is amended to read:

8 (a) Each candidate and group shall make a full report in accordance with
9 AS 15.13.040 for the period ending three days before the due date of the report and
10 beginning on the last day covered by the most recent previous report. If the report is a
11 first report, it shall cover the period from the beginning of the campaign to the date three
12 days before the due date of the report. If the report is a report due February 15, it shall
13 cover the period beginning on the last day covered by the most recent previous report
14 or on the day that the campaign started, whichever is later, and ending on December 31
15 of the prior year. The report shall be filed

16 (1) 30 days before the election; however, this report is not required if the
17 deadline for filing a nominating petition or declaration of candidacy is within 30 days
18 of the election;

19 (2) one week before the election;

20 (3) 10 days after the election; and

21 (4) February 15 for expenditures made and contributions received that
22 were not reported during the previous year, **including, if applicable, all amounts**
23 **expended from a legislative office account established under AS 15.13.116(a)(9) and**
24 **all amounts expended from a municipal office account under AS 15.13.116(a)(10),**
25 or when expenditures were not made or contributions were not received during the
26 previous year.

27 * **Sec. 16.** AS 15.13.110(b) is amended to read:

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

32 * **Sec. 17.** AS 15.13.110(c) is amended to read:

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

7 * **Sec. 18.** AS 15.13 is amended by adding new sections to read:

8 Sec. 15.13.112. USES OF CAMPAIGN CONTRIBUTIONS HELD BY
9 CANDIDATE OR GROUP. (a) Except as otherwise provided, campaign contributions
10 held by a candidate or group may be used only to pay the expenses of the candidate or
11 group, and the campaign expenses incurred by the candidate or group, that reasonably
12 relate to election campaign activities, and in those cases only as authorized by this
13 chapter.

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

- 15 (1) used to give a personal benefit to the candidate or to another person;
16 (2) converted to personal income of the candidate;
17 (3) loaned to a person;
18 (4) knowingly used to pay more than the fair market value for goods or
19 services purchased for the campaign;
20 (5) used to pay a criminal fine;
21 (6) used to pay civil penalties; however, campaign contributions held by
22 a candidate or group may be used to pay a civil penalty assessed under this chapter if
23 authorized by the commission or a court after it first determines that

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

27 (B) the candidate, campaign treasurer, and deputy campaign
28 treasurers cooperated in the revelation of the violation and in its immediate
29 correction; or

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

31 Sec. 15.13.114. DISPOSITION OF PROHIBITED CONTRIBUTIONS. (a) A
32 candidate or group that receives and accepts a contribution given in violation of

1 AS 15.13.072 or 15.13.074 shall immediately, upon discovery that the contribution is
2 prohibited, return it to the contributor. A candidate or group that receives and accepts
3 a contribution in excess of the limitation on contributions set out in AS 15.13.070 shall
4 immediately, upon discovery of the prohibited excess contribution, return the excess to
5 the contributor. If the contribution or excess amount cannot be returned in the same
6 form, the equivalent value of the contribution or excess amount shall be returned.

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

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

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

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

22 (3) make donations, without condition, to

23 (A) a political party;

24 (B) the state's general fund;

25 (C) a municipality of the state; or

26 (D) the federal government;

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

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

32 (6) repay contributions to contributors, but only if repayment of the

1 contribution is made pro rata in approximate proportion to the contributions made using
2 one of the following, as the candidate determines:

3 (A) to all contributors;

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

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

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

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

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

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

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

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

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

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

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

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

28 (D) a transfer under this paragraph is limited to \$2,500 per
29 election district represented by the candidate elected to the state legislature
30 multiplied by the number of years in the term to which the candidate is elected;
31 and

32 (10) transfer all or a portion of the unused campaign contributions to

1 a municipal office account; a transfer under this paragraph is subject to the following:

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

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

8 (C) all amounts expended from the municipal office account
9 shall be annually accounted for under AS 15.13.110(a)(4); and

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

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

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

21 * **Sec. 19.** AS 15.13.120(d) is repealed and reenacted to read:

22 (d) A member of the commission, the commission's executive director, or a
23 person who believes a violation of this chapter or a regulation adopted under this chapter
24 has occurred or is occurring may file an administrative complaint with the commission
25 within four years of the date of the alleged violation. If a member of the commission
26 has filed the complaint, that member may not participate as a commissioner in any
27 proceeding of the commission with respect to the complaint. If the commission accepts
28 the complaint and opens a preliminary investigation, it shall do so within 90 days of the
29 filing date of the complaint and shall investigate the complaint. After affording the
30 respondent notice and an opportunity to be heard, if the commission finds that the
31 respondent has engaged in or is about to engage in an act or practice that constitutes or
32 will constitute a violation of this chapter or a regulation adopted under it, the commission

1 shall enter an order requiring the violation to be ceased or to be remedied, and shall
2 assess civil penalties under AS 15.13.125. A commission order may be appealed to the
3 superior court by either the complainant or respondent within 30 days. The commission
4 or the commission's executive director shall promptly report to the attorney general
5 concerning any acts or practices that may constitute violations of this chapter or
6 regulations adopted under this chapter, or concerning the violation of any order of the
7 commission.

8 * **Sec. 20.** AS 15.13.120(e) is repealed and reenacted to read:

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

18 * **Sec. 21.** AS 15.13.125 is amended to read:

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

20 A person who fails to file a properly completed and certified report within the time
21 required by AS 15.13.040(d) - (f), 15.13.050, 15.13.060(b) - (d), 15.13.080(c)
22 [AS 15.13.040(f)], 15.13.110(a)(1), (3), or (4), (e), or (f) [OR 15.13.110(f)] is subject
23 to a civil penalty of not more than \$50 [\$10] a day for each day the delinquency
24 continues as determined by the commission subject to right of appeal to the superior
25 court. A person who fails to file a properly completed and certified report within the
26 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not
27 more than \$500 [\$50] a day for each day the delinquency continues as determined by the
28 commission subject to right of appeal to the superior court. A person who violates a
29 provision of this chapter, except a provision requiring filing of a report within a
30 time required as otherwise specified in this subsection, is subject to a civil penalty
31 of not more than \$50 a day for each day the violation continues as determined by
32 the commission, subject to right of appeal to the superior court. An affidavit stating

1 facts in mitigation may be submitted to the commission by a person against whom a civil
2 penalty is assessed. However, the imposition of the penalties prescribed in this section
3 or in AS 15.13.120 does not excuse that person from filing reports required by this
4 chapter.

5 * **Sec. 22.** AS 15.13.125 is amended by adding new subsections to read:

6 (b) When an administrative complaint has been filed under AS 15.13.120(d), the
7 commission shall give the respondent due notice and an opportunity to be heard. If, at
8 the conclusion of the hearing, the commission determines that the respondent engaged
9 in the alleged violation, the commission shall assess

10 (1) civil penalties under (a) of this section;

11 (2) the commission's costs of investigation and adjudication; and

12 (3) reasonable attorney fees.

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

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

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

22 (1) suspend imposition of the penalties; and

23 (2) order the penalties set aside if the person does not engage in a similar
24 violation for a period of one year.

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

26 (1) is not entitled to trial by jury on the civil action;

27 (2) is not entitled to be represented by legal counsel at public expense.

28 * **Sec. 23.** AS 15.13 is amended by adding new sections to read:

29 Sec. 15.13.135. INDEPENDENT EXPENDITURES FOR OR AGAINST
30 CANDIDATES. (a) Only an individual or group may make an independent
31 expenditure supporting or opposing a candidate for election to public office. An
32 independent expenditure supporting or opposing a candidate for election to public

1 office shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110
2 and other requirements of this chapter.

3 (b) An individual or group who makes independent expenditures for a mass
4 mailing, for distribution of campaign literature of any sort, for a television, radio,
5 newspaper or magazine advertisement, or any other communication that supports or
6 opposes a candidate for election to public office

7 (1) shall comply with AS 15.13.090; and

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

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

13 Sec. 15.13.137. RESTRICTIONS ON CONTRIBUTIONS TO INDIVIDUALS
14 MAKING INDEPENDENT EXPENDITURES FOR OR AGAINST CANDIDATES.

15 An individual who makes an independent expenditure supporting or opposing a
16 candidate may not accept a contribution to help pay for the expenditure from another
17 individual or group that exceeds the amount an individual may contribute to a group
18 under AS 15.13.070(b)(2).

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

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

24 (1) shall be reported in accordance with AS 15.13.040 and 15.13.100 -
25 15.13.110 and other requirements of this chapter; and

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

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

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

- 1 (2) the University of Alaska and its Board of Regents;
2 (3) municipalities, school districts, and regional educational attendance
3 areas, or another political subdivision of the state; and
4 (4) an officer or employee of an entity identified in (1) - (3) of this
5 subsection.

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

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

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

14 (2) to provide the public with nonpartisan information about a ballot
15 proposition or question or about all the candidates seeking election to a particular
16 public office.

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

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

- 24 (1) the publication of the date and location of an election;
25 (2) the education of students about voting and elections;
26 (3) the sponsorship of open candidate debate forums;
27 (4) participation in get-out-the-vote or voter registration drives that do
28 not favor a particular candidate, political party, or political position;
29 (5) the dissemination of the views of all candidates running for a
30 particular office.

31 Sec. 15.13.155. RESTRICTIONS ON EARNED INCOME AND

1 HONORARIA. (a) A candidate for the state legislature, for governor, or for
2 lieutenant governor, including an individual campaigning as a write-in candidate for
3 the office, may not

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

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

11 (b) Notwithstanding (a) of this section, a candidate for the state legislature, for
12 governor, or for lieutenant governor, including an individual campaigning as a write-in
13 candidate for the office, may accept a payment for an appearance or speech if the
14 appearance or speech is not connected with the individual's status as a state official or
15 as a candidate.

16 Sec. 15.13.400. DEFINITIONS. In this chapter,

17 (1) "candidate"

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

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

25 (i) a candidate's campaign treasurer and a deputy
26 campaign treasurer;

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

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

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

30 (v) a group that makes expenditures or receives
31 contributions with the authorization or consent, express or implied, or

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under the control, direct or indirect, of the candidate;

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

(3) "contribution"

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

(B) does not include

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

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

(iii) ordinary hospitality in a home;

(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

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

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

5 (5) "group" means

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

8 (B) any combination of two or more individuals acting jointly
9 who organize for the principal purpose to influence the outcome of one or more
10 elections and who take action the major purpose of which is to influence the
11 outcome of an election; a group that makes expenditures or receives
12 contributions with the authorization or consent, express or implied, or under the
13 control, direct or indirect, of a candidate shall be considered to be controlled
14 by that candidate; a group whose major purpose is to further the nomination,
15 election, or candidacy of only one individual, or intends to expend more than
16 50 percent of its money on a single candidate, shall be considered to be
17 controlled by that candidate and its actions done with the candidate's
18 knowledge and consent unless, within 10 days from the date the candidate
19 learns of the existence of the group the candidate files with the commission,
20 on a form provided by the commission, an affidavit that the group is operating
21 without the candidate's control; a group organized for more than one year
22 preceding an election and endorsing candidates for more than one office or
23 more than one political party is presumed not to be controlled by a candidate;
24 however, a group that contributes more than 50 percent of its money to or on
25 behalf of one candidate shall be considered to support only one candidate for
26 purposes of AS 15.13.070, whether or not control of the group has been
27 disclaimed by the candidate;

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

30 (7) "independent expenditure" means an expenditure that is made
31 without the direct or indirect consultation or cooperation with, or at the suggestion or

1 the request of, or with the prior consent of, a candidate, a candidate's campaign
2 treasurer or deputy campaign treasurer, or another person acting as a principal or agent
3 of the candidate;

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

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

7 (10) "political party" means

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

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

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

19 * **Sec. 24.** AS 15.56 is amended by adding new sections to read:

20 Sec. 15.56.012. CAMPAIGN MISCONDUCT IN THE FIRST DEGREE. (a)
21 Except as provided in AS 15.56.014 and 15.56.016, a person commits the crime of
22 campaign misconduct in the first degree if the person knowingly engages in conduct
23 that violates a provision of AS 15.13 or a regulation adopted under authority of
24 AS 15.13.

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

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

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

28 (a) A person commits the crime of campaign misconduct in the second degree if the
29 person

30 (1) knowingly circulates or has written, printed or circulated a letter,
31 circular, or publication relating to an election, to a candidate at an election, or an

1 election proposition or question without the name and address of the author appearing
2 on its face;

3 (2) except as provided by AS 15.13.090(b), knowingly prints or
4 publishes an advertisement, billboard, placard, poster, handbill, paid-for television or
5 radio announcement or other communication intended to influence the election of a
6 candidate or outcome of a ballot proposition or question without the words "paid for
7 by" followed by the name and address of the candidate, group or individual paying for
8 the advertising or communication and, if a candidate or group, with the name of the
9 campaign chair;

10 (3) knowingly writes or prints and circulates, or has written, printed and
11 circulated, a letter, circular, bill, placard, poster or advertisement in a newspaper, on
12 radio or television

13 (A) containing false factual information relating to a candidate
14 for an election;

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

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

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

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

22 Sec. 15.56.016. CAMPAIGN MISCONDUCT IN THE THIRD DEGREE. (a)
23 A person commits the crime of campaign misconduct in the third degree if

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

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

30 (A) violates AS 15.15.170; or

31 (B) circulates cards, handbills, or marked ballots, or posts

1 political signs or posters relating to a candidate at an election or election
2 proposition or question.

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

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

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

11 Sec. 15.56.019. DEFINITION. In AS 15.56.012 - 15.56.018, the term
12 "knowingly" has the meaning given in AS 11.81.900(a).

13 * **Sec. 25.** AS 24.45.121(a) is amended to read:

14 (a) A lobbyist may not

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

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

19 (3) intentionally deceive or attempt to deceive any public official with
20 regard to any material fact pertinent to pending or proposed legislative or
21 administrative action;

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

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

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

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

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

11 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
12 person covered by AS 24.60, during a legislative session, a gift, other than food or
13 beverage for immediate consumption;

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

16 * **Sec. 26.** AS 24.60.031(b) is amended to read:

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

19 * **Sec. 27.** AS 15.13.120(a), 15.13.130; AS 15.56.010, and 15.56.020 are repealed.

20 * **Sec. 28.** CONSTRUCTION AND APPLICATION. Each provision of this Act shall be
21 construed to avoid a conflict with any federal law that, under the United States Constitution,
22 prevails over the state provision.

23 * **Sec. 29.** APPLICABILITY OF AS 15.13 TO PERSONS OTHER THAN INDIVIDUALS.

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

27 * **Sec. 30.** SEVERABILITY. Under AS 01.10.030, if any provision of this Act, or the
28 application thereof to any person or circumstance, is held invalid, the remainder of this Act
29 and the application to other persons or circumstances is not affected thereby.

30 * **Sec. 31.** CAMPAIGN ASSET BALANCE HELD ON EFFECTIVE DATE OF THIS
31 SECTION. A person who was a candidate as that term is defined by AS 15.13.400, added

1 by sec. 23 of this Act, and who, on the effective date of this section, holds unused campaign
2 contributions obtained while the person was a candidate and before the effective date of this
3 section may, notwithstanding AS 15.13.116, added by sec. 18 of this Act, retain those unused
4 campaign contributions for a future election campaign. The person's use of the campaign
5 contribution balance in a future election campaign makes those unused campaign contributions
6 subject to the provisions of AS 15.13.010 - 15.13.400 relating to the use of campaign
7 contributions, including AS 15.13.116, added by sec. 18 of this Act, relating to disbursement
8 of campaign assets after election at the conclusion of that future election campaign.

9 * **Sec. 32.** TAKING EFFECT OF ACT MADE CONDITIONAL. Sections 1 - 31 of this
10 Act take effect only if, under art. XI, sec. 4, Constitution of the State of Alaska, and
11 AS 15.45.210, the lieutenant governor determines that secs. 1 - 31 of this Act are substantially
12 the same as the law proposed to be enacted by the Initiative entitled "An Initiative relating to
13 election campaign financing and the Alaska Public Offices Commission; and providing for an
14 effective date," identified by the division of elections as Initiative Petition 95 CFPO, filed with
15 the lieutenant governor by the Initiative sponsors under AS 15.45.140 on December 15, 1995.

16 * **Sec. 33.** If secs. 1 - 31 of this Act take effect, they take effect January 1, 1997.

17 * **Sec. 34.** Section 32 of this Act takes effect immediately under AS 01.10.070(c).