

**HOUSE CS FOR CS FOR SENATE BILL NO. 191(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/4/96

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  
12 to the high cost of election campaigns;

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

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

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 name of the candidate whom the group opposes may not appear**  
27 **as a part of the name of the group.** Promptly upon receiving the registration, the  
28 commission shall notify the candidate of the group's organization and intent.

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

30 Sec. 15.13.065. CONTRIBUTIONS. (a) Individuals, groups, and political  
31 parties may make contributions to a candidate. An individual or group may make a

1 contribution to a group or to a political party.

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

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

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

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

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

20 \* **Sec. 10.** AS 15.13.070 is repealed and reenacted to read:

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

25 (b) An individual may contribute not more than

26 (1) \$500 per year to a candidate, to an individual who conducts a write-  
27 in campaign as a candidate, or to a group that is not a political party;

28 (2) \$5,000 per year to a political party.

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

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

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

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

4 (1) \$100,000 per year, if the election is for governor or lieutenant  
5 governor;

6 (2) \$15,000 per year, if the election is for the state senate;

7 (3) \$10,000 per year, if the election is for the state house of  
8 representatives; and

9 (4) \$5,000 per year, if the election is for

10 (A) delegate to a constitutional convention;

11 (B) judge seeking retention; or

12 (C) municipal office.

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) \$20,000, if the candidate or individual is seeking the office of  
17 governor or lieutenant governor;

18 (2) \$5,000, if the candidate or individual is seeking the office of state  
19 senator;

20 (3) \$3,000, if the candidate or individual is seeking the office of state  
21 representative or municipal or other office.

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

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

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

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

(A) the date the individual

(i) becomes a candidate; or

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

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

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

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit that individual to incur certain election-related expenses as

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authorized by AS 15.13.100;

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

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

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

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

(ii) is not opposed at the general election;

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

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

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

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

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

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

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

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

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

13 Sec. 15.13.076. AUTHORIZED RECIPIENTS OF CONTRIBUTIONS. A  
14 contribution to a

15 (1) candidate may be received only by

16 (A) the candidate; or

17 (B) the candidate's campaign treasurer or a deputy campaign  
18 treasurer;

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

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

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

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

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

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

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governor;

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

(i) the legislature; or

(ii) delegate to a constitutional convention;

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

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

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

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

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

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

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

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

(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

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

- 1 (A) after the date of a primary election if the candidate  
2 (i) has been nominated at the primary election or is  
3 running as a write-in candidate; and  
4 (ii) is not opposed at the general election;  
5 (B) after the date of the primary election if the candidate was  
6 not nominated at the primary election; or  
7 (C) after the date of the general election, or after the date of a  
8 municipal or municipal runoff election, if the candidate was opposed at the  
9 general, municipal, or municipal runoff election.

10 \* **Sec. 13.** AS 15.13.080 is amended to read:

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

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

14 **(A) more than** [A PERSON OR GROUP CONTRIBUTING TO  
15 A CANDIDATE OVER] \$250; or

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

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

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

26 **(1) identify the contributor and the candidate and all groups**  
27 **receiving contributions;**

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

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

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

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

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

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

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

19                   (1) the name, address, principal occupation, and employer of the  
20 contributor; and

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

22           Sec. 15.13.084. PROHIBITED EXPENDITURES. A person may not make an  
23 expenditure

24                   (1) anonymously, unless the expenditure is

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

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

29                           (C) made for

30                                   (i) a billboard or sign; or

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

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

2 Sec. 15.13.086. AUTHORIZED MAKERS OF EXPENDITURES. An  
3 expenditure

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

5 (A) the candidate; or

6 (B) the candidate's campaign treasurer or a deputy campaign  
7 treasurer;

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

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

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

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

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

16 (3) is made for

17 (A) a billboard or sign; or

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

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

21 (a) Each candidate and group shall make a full report in accordance with  
22 AS 15.13.040 for the period ending three days before the due date of the report and  
23 beginning on the last day covered by the most recent previous report. If the report is a  
24 first report, it shall cover the period from the beginning of the campaign to the date three  
25 days before the due date of the report. If the report is a report due February 15, it shall  
26 cover the period beginning on the last day covered by the most recent previous report  
27 or on the day that the campaign started, whichever is later, and ending on December 31  
28 of the prior year. The report shall be filed

29 (1) 30 days before the election; however, this report is not required if the  
30 deadline for filing a nominating petition or declaration of candidacy is within 30 days  
31 of the election;

32 (2) one week before the election;

1 (3) 10 days after the election; and  
2 (4) February 15 for expenditures made and contributions received that  
3 were not reported during the previous year, **including, if applicable, all amounts**  
4 **expended from a legislative office account established under AS 15.13.116(a)(9) and**  
5 **all amounts expended from a municipal office account under AS 15.13.116(a)(10),**  
6 or when expenditures were not made or contributions were not received during the  
7 previous year.

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

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

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

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

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

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

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

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

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

30 (3) loaned to a person;

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

1 (5) used to pay a criminal fine;

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

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

8 (B) the candidate, campaign treasurer, and deputy campaign  
9 treasurers cooperated in the revelation of the violation and in its immediate  
10 correction; or

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

12 Sec. 15.13.114. DISPOSITION OF PROHIBITED CONTRIBUTIONS. (a) A  
13 candidate or group that receives and accepts a contribution given in violation of  
14 AS 15.13.072 or 15.13.074 shall immediately, upon discovery that the contribution is  
15 prohibited, return it to the contributor. A candidate or group that receives and accepts  
16 a contribution in excess of the limitation on contributions set out in AS 15.13.070 shall  
17 immediately, upon discovery of the prohibited excess contribution, return the excess to  
18 the contributor. If the contribution or excess amount cannot be returned in the same  
19 form, the equivalent value of the contribution or excess amount shall be returned.

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

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

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

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

3 (3) make donations, without condition, to

4 (A) a political party;

5 (B) the state's general fund;

6 (C) a municipality of the state; or

7 (D) the federal government;

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

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

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

16 (A) to all contributors;

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

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

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

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

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

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

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

31 (D) \$5,000, if the transfer is made by a candidate for an office

1 not described in (A) - (C) of this paragraph;

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

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

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

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

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

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

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

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

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

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

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

31 (c) Property remaining after disbursements are made under (a) - (b) of this  
32 section is forfeited to the state. Within 30 days, the candidate shall deliver the property

1 to the Department of Revenue. The Department of Revenue shall deposit any money  
2 received into the general fund and dispose of any other property in accordance with law.

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

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

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

23 (e) If the commission does not open a preliminary investigation within 90 days  
24 of the filing date of the complaint or complete action on the complaint within 180 days  
25 of the filing, the complainant may file a complaint in superior court alleging a violation  
26 of this chapter by a respondent in the administrative complaint. The complainant may  
27 provide copies of the complaint filed in the superior court to the commission and the  
28 attorney general. The state may intervene in a timely manner. A complaint may not be  
29 filed in superior court under this subsection if more than two years have elapsed from  
30 the date of the alleged violation. This subsection does not create a private cause of  
31 action against the commission.

32 \* **Sec. 22.** AS 15.13.125 is amended to read:

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

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

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

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

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

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

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

32               (e) If the commission or superior court finds that the violation was not a repeat

1 violation or was not part of a series or pattern of violations, was inadvertent, was quickly  
2 corrected, and had no adverse effect on the campaign of another, the commission or the  
3 court may

4 (1) suspend imposition of the penalties; and

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

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

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

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

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

11 Sec. 15.13.135. INDEPENDENT EXPENDITURES FOR OR AGAINST  
12 CANDIDATES. (a) Only an individual or group may make an independent  
13 expenditure supporting or opposing a candidate for election to public office. An  
14 independent expenditure supporting or opposing a candidate for election to public  
15 office shall be reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110  
16 and other requirements of this chapter.

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

21 (1) shall comply with AS 15.13.090; and

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

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

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

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

32 (1) shall be reported in accordance with AS 15.13.040 and 15.13.100 -

1 15.13.110 and other requirements of this chapter; and

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

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

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

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

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

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

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

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

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

21 (2) to provide the public with nonpartisan information about a ballot  
22 proposition or question or about all the candidates seeking election to a particular  
23 public office.

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

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

31 (1) the publication of the date and location of an election;

- 1 (2) the education of students about voting and elections;  
2 (3) the sponsorship of open candidate debate forums;  
3 (4) participation in get-out-the-vote or voter registration drives that do  
4 not favor a particular candidate, political party, or political position;  
5 (5) the dissemination of the views of all candidates running for a  
6 particular office.

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

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

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

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

23 Sec. 15.13.400. DEFINITIONS. In this chapter,

24 (1) "candidate"

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

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

1 (i) a candidate's campaign treasurer and a deputy  
2 campaign treasurer;

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

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

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

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

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

10 (3) "contribution"

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

19 (B) does not include

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

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

27 (iii) ordinary hospitality in a home;

28 (4) "expenditure"

29 (A) means a purchase or a transfer of money or anything of  
30 value, or promise or agreement to purchase or transfer money or anything of  
31 value, incurred or made for the purpose of

1 (i) influencing the nomination or election of a candidate  
2 or of any individual who files for nomination at a later date and  
3 becomes a candidate;

4 (ii) use by a political party;

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

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

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

12 (5) "group" means

13 (A) every state and regional executive committee of a political  
14 party; and

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

1           behalf of one candidate shall be considered to support only one candidate for  
2           purposes of AS 15.13.070, whether or not control of the group has been  
3           disclaimed by the candidate;

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

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

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

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

14                   (10) "political party" means

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

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

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

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

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

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

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

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

4 (a) A person commits the crime of campaign misconduct in the second degree if the  
5 person

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

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

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

20 (A) containing false factual information relating to a candidate  
21 for an election;

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

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

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

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

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

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

31 (1) the person violates a provision of AS 15.13 or a regulation adopted

1 under AS 15.13; or

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

6 (A) violates AS 15.15.170; or

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

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

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

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

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

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

21 (a) A lobbyist may not

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

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

26 (3) intentionally deceive or attempt to deceive any public official with  
27 regard to any material fact pertinent to pending or proposed legislative or  
28 administrative action;

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

31 (5) cause a communication to be sent to a public official in the name

1 of any fictitious person or in the name of any real person, except with the consent of  
2 that person;

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

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

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

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

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

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

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

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

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

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

31 If a court determines that, under the federal or state constitutions, persons who are not

1 individuals must be allowed to contribute to candidates or groups, then the requirements,  
2 monetary limitations, and restrictions of AS 15.13 are applicable to those persons.

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

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

16 \* **Sec. 33.** TAKING EFFECT OF ACT MADE CONDITIONAL. (a) Sections 1 - 32 of  
17 this Act take effect only if, under art. XI, sec. 4, Constitution of the State of Alaska, and  
18 AS 15.45.210, the lieutenant governor determines that secs. 1 - 32 of this Act are substantially  
19 the same as the law proposed to be enacted by the Initiative entitled "An Initiative relating to  
20 election campaign financing and the Alaska Public Offices Commission; and providing for an  
21 effective date," identified by the division of elections as Initiative Petition 95 CFPO, filed with  
22 the lieutenant governor by the Initiative sponsors under AS 15.45.140 on December 15, 1995.

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

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

29 \* **Sec. 35.** If secs. 1 - 11 and 13 - 32 of this Act take effect, they take effect January 1,  
30 1997.

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