

**CS FOR HOUSE BILL NO. 413(STA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered: 3/6/98**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVE ELTON**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to disclosure of compensation paid to sponsors of initiative  
2 petitions; relating to disclosure of contributions to and expenditures by groups  
3 concerning initiative, referendum, and recall petitions; relating to the definition of  
4 'group' in laws relating to state election campaigns; placing limitations on the  
5 compensation that may be paid to sponsors of initiative petitions; and prohibiting  
6 payments to persons who sign or refrain from signing initiative petitions."**

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

**8 \* Section 1. LEGISLATIVE INTENT; FINDINGS.** It is the intent of the legislature to  
**9 promote interest in public participation on a broad basis in the initiative petition process.  
10 Citizens with a personal interest in a specific issue should be encouraged to become involved  
11 in the petition process. Toward that end and to ensure the initiative petition process is  
12 promoted on behalf of persons with an active, personal interest in the issues for which they  
13 solicit support, the legislature finds it is in the public interest to limit payment made to**

1 persons gathering signatures and to require full public disclosure of such payment.

2 \* **Sec. 2.** AS 15.13.110(e) is amended to read:

3 (e) A group formed to sponsor an initiative, a referendum, or a recall shall  
 4 report **within** 30 days after its first filing with the lieutenant governor. **A group**  
 5 **formed to support or oppose the placement of an initiative or referendum**  
 6 **proposition or a recall question on the ballot that is not otherwise covered by this**  
 7 **subsection shall report within 30 days after a solicitation or acceptance of a**  
 8 **contribution or the making of an expenditure.** Thereafter, a [EACH] group shall  
 9 report within 10 days after the end of each calendar quarter **the information required**  
 10 **under AS 15.13.040** on the contributions received and expenditures made during the  
 11 preceding calendar quarter until reports are due under (a) of this section.

12 \* **Sec. 3.** AS 15.13.400(5) is amended to read:

13 (5) "group" means

14 (A) every state and regional executive committee of a political  
 15 party; [AND]

16 (B) any combination of two or more individuals acting jointly  
 17 who organize for the principal purpose of influencing the outcome of one or  
 18 more elections, **including an election on an initiative or referendum**  
 19 **proposition or a recall question,** and who take action the major purpose of  
 20 which is to influence the outcome of an election; a group that makes  
 21 expenditures or receives contributions with the authorization or consent, express  
 22 or implied, or under the control, direct or indirect, of a candidate shall be  
 23 considered to be controlled by that candidate; a group whose major purpose is  
 24 to further the nomination, election, or candidacy of only one individual, or  
 25 intends to expend more than 50 percent of its money on a single candidate,  
 26 shall be considered to be controlled by that candidate and its actions done with  
 27 the candidate's knowledge and consent unless, within 10 days from the date the  
 28 candidate learns of the existence of the group, the candidate files with the  
 29 commission, on a form provided by the commission, an affidavit that the group  
 30 is operating without the candidate's control; a group organized for more than  
 31 one year preceding an election and endorsing candidates for more than one

1 office or more than one political party is presumed not to be controlled by a  
 2 candidate; however, a group that contributes more than 50 percent of its money  
 3 to or on behalf of one candidate shall be considered to support only one  
 4 candidate for purposes of AS 15.13.070 [,] whether or not control of the group  
 5 has been disclaimed by the candidate; **and**

6 **(C) any combination of two or more individuals acting**  
 7 **jointly to sponsor an initiative, referendum, or recall or to support or**  
 8 **oppose the placement of an initiative or referendum proposition or a**  
 9 **recall question on an election ballot;**

10 \* **Sec. 4.** AS 15.45.090 is amended to read:

11 **Sec. 15.45.090. Preparation of petition.** If the application is certified, the  
 12 lieutenant governor shall prescribe the form of and prepare petitions containing (1) a  
 13 copy of the proposed bill [,] if the number of words included in both the formal and  
 14 substantive provisions of the bill is 500 or less, (2) an impartial summary of the  
 15 subject matter of the bill, (3) the warning **and disclosure** prescribed in AS 15.45.100,  
 16 (4) sufficient space for signature and address, and (5) other specifications prescribed  
 17 by the lieutenant governor to assure proper handling and control. Petitions, for  
 18 purposes of circulation, shall be prepared by the lieutenant governor in a number  
 19 reasonably calculated to allow full circulation throughout the state. The lieutenant  
 20 governor shall number each petition and shall keep a record of the petition delivered  
 21 to each sponsor. **On** [UPON] request of the committee, the lieutenant governor shall  
 22 report the number of persons who voted in the preceding general election.

23 \* **Sec. 5.** AS 15.45.100 is amended to read:

24 **Sec. 15.45.100. Statement of warning and right to disclosure.** Each petition  
 25 shall include a statement of warning that a person who signs a name other than the  
 26 person's own on the petition, or who knowingly signs more than once for the same  
 27 proposition at one election, or who signs the petition when knowingly not a qualified  
 28 voter, is guilty of a class B misdemeanor. **Each petition shall contain, in 12 point**  
 29 **capitalized bold type at or near the top of each page, the following language:**

30 **THIS PETITION MAY BE CIRCULATED BY A**  
 31 **PAID SIGNATURE GATHERER OR A VOLUNTEER.**

**YOU HAVE THE RIGHT TO ASK, AND THE  
GATHERER MUST DISCLOSE TO YOU, HOW MUCH  
AND BY WHOM THE GATHERER IS PAID.**

\* **Sec. 6.** AS 15.45.110 is amended by adding new subsections to read:

(b) On request, a sponsor shall disclose the amount the sponsor is paid by another for gathering signatures and by whom the sponsor is paid.

(c) A sponsor may not receive payment or agree to receive payment, and a person or an organization may not pay or agree to pay, for the collection of signatures on a petition if any part of the payment is based on the number of signatures collected and the total payment exceeds \$.10 for each signature. This subsection does not prohibit a sponsor from being paid an amount that is

(1) not based on the number of signatures collected; or

(2) based on the number of signatures collected by that sponsor and that results in a total payment to that sponsor of less than or equal to \$.10 for each signature collected.

(d) A person or organization may not knowingly pay, offer to pay, or cause to be paid money or other valuable thing to another person to influence the other person to sign or refrain from signing a petition.

(e) A person or organization that violates (b) - (d) of this section is guilty of a class B misdemeanor.

(f) In this section,

(1) "organization" has the meaning given in AS 11.81.900;

(2) "other valuable thing" has the meaning given in AS 15.56.030(d);

(3) "person" has the meaning given in AS 11.81.900.

\* **Sec. 7.** AS 15.45.130 is amended to read:

**Sec. 15.45.130. Certification of sponsor.** Before being filed, each petition shall be certified by an affidavit by the sponsor who personally circulated the petition. The affidavit shall state in substance that (1) the person signing the affidavit is a sponsor, (2) the person is the only circulator of that petition, (3) the signatures were made in the sponsor's actual presence, [AND] (4) to the best of the sponsor's knowledge, the signatures are those of the persons whose names they purport to be,

1 **(5) the person has not entered into an agreement with another person or**  
 2 **organization in violation of AS 15.45.110(c), and (6) the person has not violated**  
 3 **AS 15.45.110(d) with respect to that petition.** In determining the sufficiency of the  
 4 petition, the lieutenant governor may not count subscriptions on petitions not properly  
 5 certified.

6 \* **Sec. 8.** AS 15.56.090(a) is amended to read:

7 (a) A person commits the crime of improper subscription to petition if the  
 8 person

9 (1) signs a name other than the person's own to a petition proposing an  
 10 initiative, referendum, recall, or nomination of a candidate for state or local office;

11 (2) knowingly signs more than once for the same proposition, question,  
 12 or candidate at one election; [OR]

13 (3) signs a petition proposing an initiative, referendum, recall, or  
 14 nomination of a candidate for state or local office, while knowingly not being a  
 15 qualified voter; **or**

16 **(4) solicits, accepts, or agrees to accept money or other valuable**  
 17 **thing with the intent that the person's decision to sign or refrain from signing a**  
 18 **petition proposing an initiative will be influenced by the money or other valuable**  
 19 **thing; in this paragraph, "other valuable thing" has the meaning given in**  
 20 **AS 15.56.030(d).**

21 \* **Sec. 9.** APPLICABILITY. (a) AS 15.13.110(e), as amended by sec. 2 of this Act, and  
 22 AS 15.13.400, as amended by sec. 3 of this Act, apply only to activities on or after the  
 23 effective date of this Act.

24 (b) AS 15.45.090, as amended by sec. 4 of this Act, and 15.45.100, as amended by  
 25 sec. 5 of this Act, apply only to petitions that arise from an initiative application that is  
 26 certified under AS 15.45.070 on or after the effective date of this Act.

27 (c) AS 15.45.110(b), as enacted by sec. 6 of this Act, applies only to sponsors of  
 28 petitions that arise from an initiative application that is certified under AS 15.45.070 on or  
 29 after the effective date of this Act.

30 (d) AS 15.45.110(c) - (f), as enacted by sec. 6 of this Act, apply only to agreements  
 31 entered into, payments under agreements entered into, and offers made on or after the effective

1 date of this Act.

2 (e) AS 15.45.130, as amended by sec. 7 of this Act, applies only to affidavits required  
3 for filing of a petition that is certified under AS 15.45.070 on or after the effective date of this  
4 Act.

5 (f) AS 15.56.090(a), as amended by sec. 8 of this Act, applies only to solicitations,  
6 payments, or agreements made on or after the effective date of this Act.