

SENATE BILL NO. 103

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Introduced: 2/20/01

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to election campaigns and legislative ethics; and providing for an**
2 **effective date."**

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

4 * **Section 1.** AS 15.13.050(b) is amended to read:

5 (b) If a group intends to support only one candidate [,] or to contribute to or
6 expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the
7 candidate shall be a part of the name of the group. If the group intends to oppose only
8 one candidate [,] or to contribute its funds in opposition to or make expenditures in
9 opposition to a candidate, the group's name must clearly state that it opposes that
10 candidate by using a word such as "opposes," "opposing," "in opposition to," or
11 "against" in the group's name. Promptly upon receiving the registration, the
12 commission shall notify the candidate of the group's organization and intent. **A**
13 **candidate may register more than one group to support the candidate; however,**
14 **multiple groups controlled by a single candidate shall be treated as a single group**

1 **for purposes of the contribution limit in AS 15.13.070(b)(1).**

2 * **Sec. 2.** AS 15.13.116(a) is amended to read:

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

7 (1) pay bills incurred for expenditures reasonably related to the
8 campaign and the winding up of the affairs of the campaign, including a victory or
9 thank you party, **thank you advertisements**, and thank you gifts to campaign
10 employees and volunteers, and to pay expenditures associated with post-election fund
11 raising that may be needed to raise funds to pay off campaign debts;

12 (2) make donations, without condition, to

13 (A) a political party;

14 (B) the state's general fund;

15 (C) a municipality of the state; or

16 (D) the federal government;

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

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

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

25 (A) to all contributors;

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

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

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

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

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

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

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

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

11 (8) transfer all or a portion of the unused campaign contributions to a
12 public office expense term account or to a public office expense term account reserve
13 in accordance with (d) of this section; a transfer under this paragraph is subject to the
14 following:

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

17 (B) the public office expense term account established under
18 this paragraph may be used only for expenses associated with the candidate's
19 serving as a member of the legislature;

20 (C) all amounts expended from the public office expense term
21 account shall be annually accounted for under as 15.13.110(a)(4); and

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

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

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

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

1 board;

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

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

5 * **Sec. 3.** AS 15.13.116(b) is amended to read:

6 (b) After a general, special, municipal, or municipal runoff election, a
7 candidate may retain the ownership of one computer and one printer and of personal
8 property, except money, that was acquired by and for use in the campaign. The
9 current fair market value of the property retained, exclusive of the computer and
10 printer, may not exceed **\$5,000** [\$2,500]. All other property shall be disposed of, or
11 sold and the sale proceeds disposed of, in accordance with (a) or (c) of this section.
12 Notwithstanding any other provision of this chapter,

13 **(1)** a candidate may **(A)** [(1)] retain a bulk mailing permit that was
14 paid for with campaign funds, and **(B)** [(2)] use personal funds, campaign funds, or
15 unused campaign contributions transferred to a public office expense term account
16 under (a)(8) of this section to pay the continuing charges for the permit after the
17 election; **money** [. MONEY] used to continue the life of the permit is not considered
18 to be a contribution under this chapter; **in** [. IN] addition to any other use permitted
19 under this chapter, during the candidate's term of office, the candidate may use the
20 bulk mailing permit for mailings associated with service in the office to which the
21 candidate was elected; **during** [. DURING] the candidate's term of office, if the
22 candidate files a declaration of candidacy or **the document necessary to permit the**
23 **candidate to incur election-related expenses under AS 15.13.100** [A LETTER OF
24 INTENT TO BECOME A CANDIDATE] for the same or a different elective office,
25 the candidate may also use the bulk mailing permit in that election campaign;

26 **(2) a candidate may retain campaign photographs and use the**
27 **photographs for any purpose associated with service in the office to which the**
28 **candidate was elected;**

29 **(3) a candidate may retain seasonal greeting cards purchased with**
30 **campaign funds; and**

31 **(4) campaign signs prepared for an election that has already taken**

1 **place have no monetary value and may be retained or disposed of at the**
 2 **candidate's discretion.**

3 * **Sec. 4.** AS 15.13.116(d) is amended to read:

4 (d) After a general or special election, a candidate for the state legislature who
 5 has been elected to the state legislature in that election may, from the amount retained
 6 in the public office expense term account reserve under this subsection, transfer to a
 7 public office expense term account not more than \$5,000 each calendar year **plus any**
 8 **interest that has accrued in the public office expense term account reserve** for use
 9 only for expenses associated with the candidate's serving as a member of the
 10 legislature. A candidate for the senate may transfer up to \$20,000 from unused
 11 campaign contributions to a public office expense term account reserve. A candidate
 12 for the house of representatives may transfer up to \$10,000 from unused campaign
 13 contributions to a public office expense term account reserve. The public office
 14 expense term account reserve may only be used to make transfers to the public office
 15 expense term account. At the end of the candidate's term of office, a balance in the
 16 public office expense term account reserve must be disposed of as provided in (a) of
 17 this section but may not be disposed of as provided in (a)(1), (4), or (6) - (9) of this
 18 section. All amounts expended under this subsection shall be annually accounted for
 19 under AS 15.13.110(a)(4).

20 * **Sec. 5.** AS 15.13.145(b) is amended to read:

21 (b) Money held by an entity identified in (a)(1) - (3) of this section may be
 22 used to influence the outcome of an election concerning a ballot proposition or
 23 question **if the use is permitted under AS 24.60.030(a)(5)(H) or** [, BUT ONLY] if
 24 the funds have been specifically appropriated for that purpose by a state law or a
 25 municipal ordinance.

26 * **Sec. 6.** AS 15.13.400(3) is amended to read:

27 (3) "contribution"

28 (A) means a purchase, payment, promise or obligation to pay,
 29 loan or loan guarantee, deposit or gift of money, goods, or services for which
 30 charge is ordinarily made and that is made for the purpose of influencing the
 31 nomination or election of a candidate, and in AS 15.13.010(b) for the purpose

1 of influencing a ballot proposition or question, including the payment by a
 2 person other than a candidate or political party, or compensation for the
 3 personal services of another person, that are rendered to the candidate or
 4 political party;

5 (B) does not include

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

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

13 (iii) ordinary hospitality in a home;

14 **(iv) for purposes of the limitations on the amount of**
 15 **contributions in this chapter, professional legal or accounting**
 16 **services that are provided to a political party without**
 17 **compensation by an attorney or accountant; the nature or form of**
 18 **the entity under which the attorney or accountant conducts the**
 19 **attorney's or accountant's professional practice does not affect the**
 20 **exception; however, the value of services provided, calculated at**
 21 **the attorney's or accountant's customary rate, shall be reported as**
 22 **a contribution by the state or regional executive committee of the**
 23 **political party under this chapter;**

24 **(v) mass mailings by each political party describing**
 25 **the party's slate of candidates for election, which may include**
 26 **photographs and biographies of the party's candidates; or**

27 **(vi) the results of a poll limited to issues and not**
 28 **mentioning any candidate unless the poll was requested by or**
 29 **designed primarily to benefit the candidate;**

30 * Sec. 7. AS 24.60.030(a) is amended to read:

31 (a) A legislator or legislative employee may not

1 (1) solicit, agree to accept, or accept a benefit other than official
2 compensation for the performance of public duties; this paragraph may not be
3 construed to prohibit lawful solicitation for and acceptance of campaign contributions
4 or the acceptance of a lawful gratuity under AS 24.60.080;

5 (2) use public funds, facilities, equipment, services, or another
6 government asset or resource for a nonlegislative purpose, for involvement in or
7 support of or opposition to partisan political activity, or for the private benefit of either
8 the legislator, legislative employee, or another person; this paragraph does not prohibit

9 (A) limited use of state property and resources for personal
10 purposes if the use does not interfere with the performance of public duties and
11 either the cost or value related to the use is nominal or the legislator or
12 legislative employee reimburses the state for the cost of the use;

13 (B) the use of mailing lists, computer data, or other information
14 lawfully obtained from a government agency and available to the general
15 public for nonlegislative purposes;

16 (C) telephone or facsimile use that does not carry a special
17 charge;

18 (D) the legislative council, notwithstanding AS 24.05.190,
19 from designating a public facility for use by legislators and legislative
20 employees for health or fitness purposes; when the council designates a facility
21 to be used by legislators and legislative employees for health or fitness
22 purposes, it shall adopt guidelines governing access to and use of the facility;
23 the guidelines may establish times in which use of the facility is limited to
24 specific groups; [OR]

25 (E) a legislator from using the legislator's private office in the
26 capital city during a legislative session, and for the 10 [FIVE] days
27 immediately before and the 10 [FIVE] days immediately after a legislative
28 session, for nonlegislative purposes if the use does not interfere with the
29 performance of public duties and if there is no cost to the state for the use of
30 the space and equipment, other than utility costs and minimal wear and tear, or
31 the legislator promptly reimburses the state for the cost; an office is considered

1 a legislator's private office under this subparagraph if it is the primary space in
 2 the capital city reserved for use by the legislator, whether or not it is shared
 3 with others;

4 **(F) a legislator from use of legislative employees to prepare**
 5 **and send out seasonal greeting cards;**

6 **(G) a legislator from using state resources to transport**
 7 **computers or other office equipment owned by the legislator but primarily**
 8 **used for a state function;**

9 **(H) use by a legislator of photographs of that legislator;**

10 **(I) reasonable use of the Internet by a legislator or a**
 11 **legislative employee except if the use is for election campaign purposes; or**

12 **(J) a legislator from soliciting, accepting, or receiving a gift**
 13 **on behalf of a recognized, nonpolitical charitable organization in a state**
 14 **facility;**

15 (3) knowingly seek, accept, use, allocate, grant, or award public funds
 16 for a purpose other than that approved by law, or make a false statement in connection
 17 with a claim, request, or application for compensation, reimbursement, or travel
 18 allowances from public funds;

19 (4) require a legislative employee to perform services for the private
 20 benefit of the legislator or employee at any time, or allow a legislative employee to
 21 perform services for the private benefit of a legislator or employee on government
 22 time; it is not a violation of this paragraph if the services were performed in an
 23 unusual or infrequent situation and the person's services were reasonably necessary to
 24 permit the legislator or legislative employee to perform official duties;

25 (5) use or authorize the use of state funds, facilities, equipment,
 26 services, or another government asset or resource for the purpose of political fund
 27 raising or campaigning; this paragraph does not prohibit

28 (A) limited use of state property and resources for personal
 29 purposes if the use does not interfere with the performance of public duties and
 30 either the cost or value related to the use is nominal or the legislator or
 31 legislative employee reimburses the state for the cost of the use;

1 (B) the use of mailing lists, computer data, or other information
 2 lawfully obtained from a government agency and available to the general
 3 public for nonlegislative purposes;

4 (C) telephone or facsimile use that does not carry a special
 5 charge;

6 (D) storing or maintaining, consistent with (b) of this section,
 7 election campaign records in a legislator's office; [OR]

8 (E) a legislator from using the legislator's private office in the
 9 capital city during a legislative session, and for the 10 [FIVE] days
 10 immediately before and the 10 [FIVE] days immediately after a legislative
 11 session, for nonlegislative purposes if the use does not interfere with the
 12 performance of public duties and if there is no cost to the state for the use of
 13 the space and equipment, other than utility costs and minimal wear and tear, or
 14 the legislator promptly reimburses the state for the cost; an office is considered
 15 a legislator's private office under this subparagraph if it is the primary space in
 16 the capital city reserved for use by the legislator, whether or not it is shared
 17 with others;

18 **(F) use by a legislator of photographs of that legislator;**

19 **(G) reasonable use of the Internet by a legislator or a**
 20 **legislative employee except if the use is for election campaign purposes; or**

21 **(H) use of governmental resources to support or oppose a**
 22 **proposed initiative or an amendment to the state or federal constitution; a**
 23 **legislator or legislative employee may support or oppose a proposed**
 24 **initiative or constitutional amendment; however, a legislator or legislative**
 25 **employee may not use governmental resources to solicit contributions for**
 26 **or gather signatures on an initiative petition; a legislative employee may**
 27 **not, on government time, accept or receive contributions relating to a**
 28 **proposed constitutional amendment or initiative.**

29 * Sec. 8. This Act takes effect January 1, 2002.