

CS FOR SENATE BILL NO. 363(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/6/02

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to communications and elections, to reporting of contributions and**
2 **expenditures, and to campaign misconduct in the second degree; relating to disclosure**
3 **by individuals of contributions to candidates; and providing for an effective date."**

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

5 * **Section 1.** AS 15.13.040(d) is repealed and reenacted to read:

6 (d) Every individual, person, or group making an expenditure shall make a full
7 report of expenditures, upon a form prescribed by the commission, unless exempt
8 from reporting.

9 * **Sec. 2.** AS 15.13.040(e) is amended to read:

10 (e) The report required under (d) of this section must contain the name,
11 address, principal occupation, and employer of the individual filing the report, and an
12 itemized list of expenditures. The report shall be filed with the commission [BY THE
13 CONTRIBUTOR] no later than 10 days after the [CONTRIBUTION OR] expenditure
14 is made. [A COPY OF THE REPORT SHALL BE FURNISHED TO THE

1 CANDIDATE, CAMPAIGN TREASURER, OR DEPUTY CAMPAIGN
2 TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

3 * **Sec. 3.** AS 15.13.040(h) is amended to read:

4 (h) The provisions of **(d)** [(d)(2)] of this section do not apply to one or more
5 expenditures made by an individual acting independently of any group and
6 independently of any other individual if the expenditures

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

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

10 * **Sec. 4.** AS 15.13.090 is amended to read:

11 **Sec. 15.13.090. Identification of communication.** (a) All
12 [ADVERTISEMENTS, BILLBOARDS, HANDBILLS, PAID-FOR TELEVISION
13 AND RADIO ANNOUNCEMENTS, AND OTHER] communications [INTENDED
14 TO INFLUENCE THE ELECTION OF A CANDIDATE OR OUTCOME OF A
15 BALLOT PROPOSITION OR QUESTION] shall be clearly identified by the words
16 "paid for by" followed by the name and address of the candidate, group, or individual
17 paying for the advertising. In addition, candidates and groups must identify the name
18 of their campaign chairperson.

19 (b) The provisions of (a) of this section do not apply when the
20 **communication** [ADVERTISEMENT]

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

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

25 (3) is made for

26 (A) a billboard or sign; or

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

29 * **Sec. 5.** AS 15.13.380(c) is amended to read:

30 (c) Promptly after the final date for filing statements and reports, the
31 commission shall notify all persons who have become delinquent in filing them [,

1 INCLUDING CONTRIBUTORS WHO FAILED TO FILE A STATEMENT IN
 2 ACCORDANCE WITH AS 15.13.040,] and shall make available a list of these
 3 delinquents for public inspection. The commission shall also report to the attorney
 4 general the names of all candidates in an election whose campaign treasurers have
 5 failed to file the reports required by this chapter.

6 * **Sec. 6.** AS 15.13.390(a) is amended to read:

7 (a) A person who fails to register when required by AS 15.13.050(a) or who
 8 fails to file a properly completed and certified report within the time required by
 9 **AS 15.13.040** [AS 15.13.040(d) - (f)], 15.13.060(b) - (d), [15.13.080(c),]
 10 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than \$50
 11 a day for each day the delinquency continues as determined by the commission subject
 12 to right of appeal to the superior court. A person who fails to file a properly
 13 completed and certified report within the time required by AS 15.13.110(a)(2) or
 14 15.13.110(b) is subject to a civil penalty of not more than \$500 a day for each day the
 15 delinquency continues as determined by the commission subject to right of appeal to
 16 the superior court. A person who violates a provision of this chapter, except a
 17 provision requiring registration or filing of a report within a time required as otherwise
 18 specified in this section, is subject to a civil penalty of not more than \$50 a day for
 19 each day the violation continues as determined by the commission, subject to right of
 20 appeal to the superior court. An affidavit stating facts in mitigation may be submitted
 21 to the commission by a person against whom a civil penalty is assessed. However, the
 22 imposition of the penalties prescribed in this section or in AS 15.13.380 does not
 23 excuse that person from registering or filing reports required by this chapter.

24 * **Sec. 7.** AS 15.13.400(4) is amended to read:

25 (4) "expenditure"

26 (A) means a purchase or a transfer of money or anything of
 27 value, or promise or agreement to purchase or transfer money or anything of
 28 value, incurred or made for the purpose of

29 (i) influencing the nomination or election of a candidate
 30 or of any individual who files for nomination at a later date and
 31 becomes a candidate;

1 (ii) use by a political party;

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

5 (iv) influencing the outcome of a ballot proposition or
6 question;

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

9 **(C) includes an express communication and an**
10 **electioneering communication, but does not include an issues**
11 **communication;**

12 * **Sec. 8.** AS 15.13.400 is amended by adding new paragraphs to read:

13 (13) "communication" means an announcement or advertisement
14 disseminated through print or broadcast media, including radio, television, cable, and
15 satellite, the Internet, or through a mass mailing, excluding those placed by an
16 individual or nongroup entity and costing \$500 or less and those that do not directly or
17 indirectly identify a candidate;

18 (14) "electioneering communication" means a communication that

19 (A) directly or indirectly identifies a candidate;

20 (B) addresses an issue of national, state, or local political
21 importance and attributes a position on that issue to the candidate identified;
22 and

23 (C) occurs within the 30 days preceding a primary election or a
24 municipal election, or within the 60 days preceding a general election;

25 (15) "express communication" means a communication that, when
26 read as a whole, and with limited reference to external events, is susceptible of no
27 other reasonable interpretation but as an exhortation to vote for or against a specific
28 candidate;

29 (16) "issues communication" means a communication that

30 (A) directly or indirectly identifies a candidate; and

31 (B) addresses an issue of national, state, or local political

1 importance.

2 * **Sec. 9.** AS 15.56.014(a) is amended to read:

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

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

9 (2) except as provided by AS 15.13.090(b), knowingly prints or
10 publishes an advertisement, billboard, placard, poster, handbill, paid-for television or
11 radio announcement, or [OTHER] communication, as that term is defined in
12 AS 15.13.400, intended to influence the election of a candidate or outcome of a ballot
13 proposition or question without the words "paid for by" followed by the name and
14 address of the candidate, group, or individual paying for the advertising or
15 communication and, if a candidate or group, with the name of the campaign chair;

16 (3) knowingly makes a communication, as that term is defined in
17 AS 15.13.400, [WRITES OR PRINTS AND CIRCULATES, OR HAS WRITTEN,
18 PRINTED AND CIRCULATED, A LETTER, CIRCULAR, BILL, PLACARD,
19 POSTER, OR ADVERTISEMENT IN A NEWSPAPER, ON RADIO OR
20 TELEVISION]

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

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

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

28 * **Sec. 10.** AS 15.13.080 is repealed.

29 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).