

CS FOR SENATE BILL NO. 363(STA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 5/8/02

Offered: 5/6/02

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5 * **Section 1.** AS 15.13.040(d) is repealed and reenacted to read: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 15.13.040 is amended by adding a new subsection to read:

11 (j) Every individual, person, nongroup entity, or group contributing more than
12 \$500 to a group organized for the principal purpose of influencing the outcome of a
13 proposition shall report the contribution or contributions on a form prescribed by the
14 commission not later than 30 days after the contribution that requires the contributor to
15 report under this subsection is made. The report must include the name, address,
16 principal occupation, and employer of the individual filing the report and the amount
17 of the contribution, as well as the total amount of contributions made to that group by
18 that individual, person, nongroup entity, or group during the calendar year.

19 * **Sec. 5.** AS 15.13.090 is amended to read:

20 **Sec. 15.13.090. Identification of communication.** (a) All
21 [ADVERTISEMENTS, BILLBOARDS, HANDBILLS, PAID-FOR TELEVISION
22 AND RADIO ANNOUNCEMENTS, AND OTHER] communications [INTENDED
23 TO INFLUENCE THE ELECTION OF A CANDIDATE OR OUTCOME OF A
24 BALLOT PROPOSITION OR QUESTION] shall be clearly identified by the words
25 "paid for by" followed by the name and address of the candidate, group, or individual
26 paying for the **communication** [ADVERTISING]. In addition, candidates and groups
27 must identify the name of their campaign chairperson.

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

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

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

3 (3) is made for

4 (A) a billboard or sign; or

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

7 * **Sec. 6.** AS 15.13.380(c) is amended to read:

8 (c) Promptly after the final date for filing statements and reports, the
 9 commission shall notify all persons who have become delinquent in filing them [,
 10 INCLUDING CONTRIBUTORS WHO FAILED TO FILE A STATEMENT IN
 11 ACCORDANCE WITH AS 15.13.040,] and shall make available a list of these
 12 delinquents for public inspection. The commission shall also report to the attorney
 13 general the names of all candidates in an election whose campaign treasurers have
 14 failed to file the reports required by this chapter.

15 * **Sec. 7.** AS 15.13.390(a) is amended to read:

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

1 excuse that person from registering or filing reports required by this chapter.

2 * **Sec. 8.** AS 15.13.400(4) is amended to read:

3 (4) "expenditure"

4 (A) means a purchase or a transfer of money or anything of
5 value, or promise or agreement to purchase or transfer money or anything of
6 value, incurred or made for the purpose of

7 (i) influencing the nomination or election of a candidate
8 or of any individual who files for nomination at a later date and
9 becomes a candidate;

10 (ii) use by a political party;

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

14 (iv) influencing the outcome of a ballot proposition or
15 question;

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

18 **(C) includes an express communication and an**
19 **electioneering communication, but does not include an issues**
20 **communication;**

21 * **Sec. 9.** AS 15.13.400 is amended by adding new paragraphs to read:

22 (13) "communication" means an announcement or advertisement
23 disseminated through print or broadcast media, including radio, television, cable, and
24 satellite, the Internet, or through a mass mailing, excluding those placed by an
25 individual or nongroup entity and costing \$500 or less and those that do not directly or
26 indirectly identify a candidate or proposition, as that term is defined in AS
27 15.13.065(c);

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

29 (A) directly or indirectly identifies a candidate;

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

1 and

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

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

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

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

10 (B) addresses an issue of national, state, or local political
11 importance.

12 * **Sec. 10.** AS 15.56.014(a) is amended to read:

13 (a) A person commits the crime of campaign misconduct in the second degree
14 if the person

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

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

26 (3) knowingly **makes a communication, as that term is defined in**
27 **AS 15.13.400**, [WRITES OR PRINTS AND CIRCULATES, OR HAS WRITTEN,
28 PRINTED AND CIRCULATED, A LETTER, CIRCULAR, BILL, PLACARD,
29 POSTER, OR ADVERTISEMENT IN A NEWSPAPER, ON RADIO OR
30 TELEVISION]

31 (A) containing false factual information relating to a candidate

1 for an election;

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

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

7 * **Sec. 11.** AS 15.13.080 is repealed.

8 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).