

SENATE BILL NO. 198

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATORS WIELECHOWSKI AND THOMAS

Introduced: 1/16/08

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the statute of limitations for the filing of complaints with the Alaska
2 Public Offices Commission involving state election campaigns, reducing the period in
3 which an elected candidate may continue to accept contributions; limiting the quantity
4 of unused campaign contributions a candidate may transfer to a political party;
5 increasing the penalty for a lobbyist or employer of a lobbyist who fails to properly
6 register or file a report; and extending the statute of limitations for prosecutions of
7 violations of the Alaska Election Code."

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

9 * **Section 1.** AS 15.13.074(c) is amended to read:

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

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

1 before the date that is 18 months before the general election;

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

8 (3) to any candidate later than the **10th** [45TH] day

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

11 (B) after the date of the general election, or after the date of a
12 municipal or municipal runoff election.

13 * **Sec. 2.** AS 15.13.074(h) is amended to read:

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

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

24 (2) the governor or lieutenant governor, or the group described in this
25 subsection, from making contributions under **AS 15.13.116(a)(10)**
26 [AS 15.13.116(a)(2)(A)].

27 * **Sec. 3.** AS 15.13.116(a) is amended to read:

28 (a) A candidate who, after the date of the general, special, municipal, or
29 municipal runoff election or after the date the candidate withdraws as a candidate,
30 whichever comes first, holds unused campaign contributions shall distribute the
31 amount held on February 1 for a general election or within 90 days after a special

1 election. The distribution may only be made to

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

7 (2) make donations, without condition, to

8 (A) [A POLITICAL PARTY;

9 (B)] the state's general fund;

10 (B) [(C)] a municipality of the state; or

11 (C) [(D)] the federal government;

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

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

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

20 (A) to all contributors;

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

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

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

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

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

31 (B) \$10,000, if the transfer is made by a candidate for the state

1 senate;

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

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

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

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

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

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

17 (D) a transfer under this paragraph is limited to \$5,000
18 multiplied by the number of years in the term to which the candidate is elected
19 plus any accumulated interest; [AND]

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

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

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

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

30 (D) a transfer under this paragraph is limited to \$5,000; **and**

31 **(10) make donations to a political party; a transfer under this**

1 **paragraph is limited to \$5,000.**

2 * **Sec. 4.** AS 15.13.380(b) is amended to read:

3 (b) A member of the commission, the commission's executive director, or a
4 person who believes a violation of this chapter or a regulation adopted under this
5 chapter has occurred or is occurring may file an administrative complaint with the
6 commission within **four years** [ONE YEAR] after the date of the alleged violation. If
7 a member of the commission has filed the complaint, that member may not participate
8 as a commissioner in any proceeding of the commission with respect to the complaint.
9 The commission may consider a complaint on an expedited basis or a regular basis.

10 * **Sec. 5.** AS 24.45.141 is amended to read:

11 **Sec. 24.45.141. Civil penalty: late registration, filing of required**
12 **statements or reports.** A person who fails to register or to file a properly completed
13 and certified report or statement, as applicable, within the time required by this chapter
14 is subject to a civil penalty of not more than **\$50** [\$10] a day for each day the
15 delinquency continues as determined by the commission subject to right of appeal to
16 the superior court. An affidavit stating facts in mitigation may be submitted to the
17 commission by a person against whom a civil penalty is assessed. However, the
18 imposition of the penalties prescribed in this section or in AS 24.45.151 does not
19 excuse the lobbyist or employer of a lobbyist from filing statements or reports required
20 by this chapter.

21 * **Sec. 6.** AS 15.56.130 is repealed.

22 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **APPLICABILITY.** (a) The amendment of AS 15.13.380(b) made by sec. 4 of this Act
25 applies to administrative complaints alleging violations of AS 15.13 or the regulations
26 adopted under that chapter that occurred

27 (1) within one year before the effective date of this Act; or

28 (2) on or after the effective date of this Act.

29 (b) The change in the time limitation for prosecutions for offenses described in
30 AS 15.05 - AS 15.60 (Alaska Election Code) made by sec. 6 of this Act applies to

31 (1) offenses committed in connection with an election occurring within one

- 1 year before the effective date of this Act; or
- 2 (2) offenses committed on or after the effective date of this Act.