

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 36(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/16/09

Referred: Finance

Sponsor(s): REPRESENTATIVES JOHANSEN, MILLETT, AND PEGGY WILSON, Johnson, Kelly

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to ballot initiative proposal applications and to ballot initiatives."**

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

3 * **Section 1.** AS 15.13.040(k) is amended to read:

4 (k) Every individual, person, nongroup entity, or group contributing a total of
5 \$500 or more to a group organized for the principal purpose of influencing the
6 outcome of a proposition, **and every individual, person, nongroup entity, or group**
7 **contributing a total of \$500 or more to a group organized for the principal**
8 **purpose of filing an initiative proposal application under AS 15.45.020 or that has**
9 **filed an initiative proposal application under AS 15.45.020,** shall report the
10 contribution or contributions on a form prescribed by the commission not later than 30
11 days after the contribution that requires the contributor to report under this subsection
12 is made. The report must include the name, address, principal occupation, and
13 employer of the individual filing the report and the amount of the contribution, as well
14 as the total amount of contributions made to that group by that individual, person,
15 nongroup entity, or group during the calendar year.

1 * **Sec. 2.** AS 15.13.050(a) is amended to read:

2 (a) Before making an expenditure in support of or in opposition to a candidate
3 or before making an expenditure in support of or in opposition to a ballot proposition
4 or question **or to an initiative proposal application filed with the lieutenant**
5 **governor under AS 15.45.020**, each person other than an individual shall register, on
6 forms provided by the commission, with the commission.

7 * **Sec. 3.** AS 15.13.065(c) is amended to read:

8 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for
9 the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the
10 provisions of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person
11 to make contributions to influence the outcome of a ballot proposition. In this
12 subsection, in addition to its meaning in AS 15.60.010, "proposition" includes

13 (1) an issue placed on a ballot to determine whether

14 (A) [(1)] a constitutional convention shall be called;

15 (B) [(2)] a debt shall be contracted;

16 (C) [(3)] an advisory question shall be approved or rejected; or

17 (D) [(4)] a municipality shall be incorporated;

18 (2) **an initiative proposal application filed with the lieutenant**
19 **governor under AS 15.45.020**.

20 * **Sec. 4.** AS 15.13.110(e) is amended to read:

21 (e) A group formed to sponsor [AN INITIATIVE,] a referendum or a recall
22 shall report 30 days after its first filing with the lieutenant governor. Thereafter, each
23 group shall report within 10 days after the end of each calendar quarter on the
24 contributions received and expenditures made during the preceding calendar quarter
25 until reports are due under (a) of this section.

26 * **Sec. 5.** AS 15.13.110 is amended by adding a new subsection to read:

27 (g) An initiative committee, person, group, or nongroup entity receiving
28 contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar
29 year in support of or in opposition to an initiative on the ballot in a statewide election
30 or an initiative proposal application filed with the lieutenant governor under
31 AS 15.45.020 shall file a report within 10 days after the end of each calendar quarter

1 on the contributions received and expenditures made during the preceding calendar
 2 quarter until reports are due under (a) and (b) of this section. If the report is a first
 3 report, it must cover the period beginning on the day an initiative proposal application
 4 is filed under AS 15.45.020 and ending three days before the due date of the report.

5 * **Sec. 6.** AS 15.13.400(4) is amended to read:

6 (4) "contribution"

7 (A) means a purchase, payment, promise or obligation to pay,
 8 loan or loan guarantee, deposit or gift of money, goods, or services for which
 9 charge is ordinarily made, **and includes the payment by a person other than**
 10 **a candidate or political party, or compensation for the personal services of**
 11 **another person, that is rendered to the candidate or political party,** and
 12 that is made for the purpose of

13 (i) influencing the nomination or election of a
 14 candidate;

15 (ii) [, AND IN AS 15.13.010(b) FOR THE PURPOSE
 16 OF] influencing a ballot proposition or question; **or**

17 (iii) **supporting or opposing an initiative proposal**
 18 **application filed with the lieutenant governor under AS 15.45.020** [,
 19 INCLUDING THE PAYMENT BY A PERSON OTHER THAN A
 20 CANDIDATE OR POLITICAL PARTY, OR COMPENSATION FOR
 21 THE PERSONAL SERVICES OF ANOTHER PERSON, THAT ARE
 22 RENDERED TO THE CANDIDATE OR POLITICAL PARTY];

23 (B) does not include

24 (i) services provided without compensation by
 25 individuals volunteering a portion or all of their time on behalf of a
 26 political party, candidate, or ballot proposition or question;

27 (ii) ordinary hospitality in a home;

28 (iii) two or fewer mass mailings before each election by
 29 each political party describing the party's slate of candidates for
 30 election, which may include photographs, biographies, and information
 31 about the party's candidates;

1 (iv) the results of a poll limited to issues and not
2 mentioning any candidate, unless the poll was requested by or designed
3 primarily to benefit the candidate;

4 (v) any communication in the form of a newsletter from
5 a legislator to the legislator's constituents, except a communication
6 expressly advocating the election or defeat of a candidate or a
7 newsletter or material in a newsletter that is clearly only for the private
8 benefit of a legislator or a legislative employee; or

9 (vi) a fundraising list provided without compensation
10 by one candidate or political party to a candidate or political party;

11 * **Sec. 7.** AS 15.13.400(6) is amended to read:

12 (6) "expenditure"

13 (A) means a purchase or a transfer of money or anything of
14 value, or promise or agreement to purchase or transfer money or anything of
15 value, incurred or made for the purpose of

16 (i) influencing the nomination or election of a candidate
17 or of any individual who files for nomination at a later date and
18 becomes a candidate;

19 (ii) use by a political party;

20 (iii) the payment by a person other than a candidate or
21 political party of compensation for the personal services of another
22 person that are rendered to a candidate or political party; [OR]

23 (iv) influencing the outcome of a ballot proposition or
24 question; or

25 (v) supporting or opposing an initiative proposal
26 application filed with the lieutenant governor under AS 15.45.020;

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

29 (C) includes an express communication and an electioneering
30 communication, but does not include an issues communication;

31 * **Sec. 8.** AS 15.45.080 is amended to read:

1 **Sec. 15.45.080. Bases of denial of certification.** The lieutenant governor shall
2 deny certification upon determining in writing that

3 (1) the proposed bill to be initiated is **not confined to one subject or**
4 **is otherwise** not in the required form;

5 (2) the application is not substantially in the required form; or

6 (3) there is an insufficient number of qualified sponsors.

7 * **Sec. 9.** AS 15.45.090(a) is amended to read:

8 (a) If the application is certified, the lieutenant governor shall prepare a
9 sufficient number of sequentially numbered petitions to allow full circulation
10 throughout the state. Each petition must contain

11 (1) a copy of the proposed bill [IF THE NUMBER OF WORDS
12 INCLUDED IN BOTH THE FORMAL AND SUBSTANTIVE PROVISIONS OF
13 THE BILL IS 500 OR LESS];

14 (2) an impartial summary of the subject matter of the bill;

15 (3) a statement of minimum costs to the state associated with
16 certification of the initiative application and review of the initiative petition, excluding
17 legal costs to the state and the costs to the state of any challenge to the validity of the
18 petition;

19 (4) an estimate of the cost to the state of implementing the proposed
20 law;

21 (5) the statement of warning prescribed in AS 15.45.100;

22 (6) sufficient space for the printed name, a numerical identifier, the
23 signature, the date of signature, and the address of each person signing the petition;
24 and

25 (7) other specifications prescribed by the lieutenant governor to ensure
26 proper handling and control.

27 * **Sec. 10.** AS 15.45.110(c) is amended to read:

28 (c) A circulator may not receive payment or agree to receive payment [THAT
29 IS GREATER THAN \$1 A SIGNATURE], and a person or an organization may not
30 pay or agree to pay an amount, **based on the number of registered voters who sign a**
31 **petition. This subsection does not prohibit a person or an organization from**

1 **employing a circulator and**

2 **(1) paying an hourly wage or salary;**

3 **(2) establishing express or implied minimum signature**
 4 **requirements for the circulator;**

5 **(3) terminating the petition circulator's employment if the**
 6 **circulator fails to meet certain productivity requirements; or**

7 **(4) paying discretionary bonuses based on the circulator's**
 8 **reliability, longevity, and productivity** [THAT IS GREATER THAN \$1 A
 9 SIGNATURE, FOR THE COLLECTION OF SIGNATURES ON A PETITION].

10 * **Sec. 11.** AS 15.45 is amended by adding a new section to read:

11 **Sec. 15.45.195. Public hearings.** (a) At least 30 days before the election at
 12 which an initiative is to appear on the ballot, the lieutenant governor or a designee of
 13 the lieutenant governor shall hold two or more public hearings concerning the
 14 initiative in each judicial district of the state. Each public hearing under this section
 15 shall include the written or oral testimony of one supporter and one opponent of the
 16 initiative.

17 (b) The lieutenant governor shall provide reasonable notice of each public
 18 hearing required under this section. The notice must include the date, time, and place
 19 of the hearing. The notice may be given using print or broadcast media. The lieutenant
 20 governor shall provide notice in a consistent fashion for all hearings required under
 21 this section.

22 * **Sec. 12.** AS 15.58.010 is amended to read:

23 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and
 24 before each state primary **or special** election at which a ballot proposition is scheduled
 25 to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least
 26 one election pamphlet to each household identified from the official registration list.
 27 The pamphlet shall be prepared on a regional basis as determined by the lieutenant
 28 governor.

29 * **Sec. 13.** AS 15.58.020(b) is amended to read:

30 (b) Each primary **or special** election pamphlet shall contain only the
 31 information specified in (a)(6) and (a)(9) of this section for each ballot measure

1 scheduled to appear on the primary election ballot.

2 * **Sec. 14.** AS 24.05 is amended by adding a new section to article 4 to read:

3 **Sec. 24.05.186. Review of initiatives certified by the lieutenant governor by**
4 **standing committees of the legislature.** (a) A standing committee of the legislature
5 shall consider an initiative that the lieutenant governor has determined was properly
6 filed under AS 15.45.160.

7 (b) A standing committee shall conduct reviews under this section within 30
8 days after the convening of the legislative session preceding the statewide election at
9 which the initiative proposition must appear on the election ballot under
10 AS 15.45.190.

11 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 **APPLICABILITY.** This Act applies only to an initiative, the application for which is
14 filed with the lieutenant governor under AS 15.45.020 on or after the effective date of this
15 Act.