

HOUSE BILL NO. 409

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

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 2/26/10

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state election campaigns, the duties of the Alaska Public Offices**
2 **Commission, the reporting and disclosure of expenditures and independent**
3 **expenditures, the filing of reports, and the identification of certain communications in**
4 **state election campaigns; and providing for an effective date."**

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

6 *** Section 1.** AS 15.13.010(b) is amended to read:

7 (b) Except as otherwise provided, this chapter applies to contributions,
8 expenditures, and communications made [BY A CANDIDATE, GROUP,
9 NONGROUP ENTITY, MUNICIPALITY OR INDIVIDUAL] for the purpose of
10 influencing the outcome of a ballot proposition or question as well as those made to
11 influence the nomination or election of a candidate.

12 *** Sec. 2.** AS 15.13.030 is amended to read:

13 **Sec. 15.13.030. Duties of the commission.** The commission shall

14 (1) develop and provide all forms for the reports and statements

1 required to be made under this chapter, AS 24.45, and AS 39.50;

2 (2) prepare and publish a manual setting out uniform methods of
3 bookkeeping and reporting for use by persons required to make reports and statements
4 under this chapter and otherwise assist **all persons** [CANDIDATES, GROUPS, AND
5 INDIVIDUALS] in complying with the requirements of this chapter;

6 (3) receive and hold open for public inspection reports and statements
7 required to be made under this chapter and, upon request, furnish copies at cost to
8 interested persons;

9 (4) compile and maintain a current list of all filed reports and
10 statements;

11 (5) prepare a summary of each report filed under AS 15.13.110 and
12 make copies of this summary available to interested persons at their actual cost;

13 (6) notify, by registered or certified mail, all persons who are
14 delinquent in filing reports and statements required to be made under this chapter;

15 (7) examine, investigate, and compare all reports, statements, and
16 actions required by this chapter, AS 24.45, and AS 39.50;

17 (8) prepare and publish a biennial report concerning the activities of
18 the commission, the effectiveness of this chapter, its enforcement by the attorney
19 general's office, and recommendations and proposals for change; the commission shall
20 notify the legislature that the report is available;

21 (9) adopt regulations necessary to implement and clarify the provisions
22 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62
23 (Administrative Procedure Act); [AND]

24 (10) consider a written request for an advisory opinion concerning the
25 application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50; **and**

26 **(11) make available to the public information contained in a report**
27 **filed under AS 15.13.040(e) not less than 24 hours after the report is filed with the**
28 **commission.**

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

30 (d) Every [INDIVIDUAL,] person [, NONGROUP ENTITY, OR GROUP]
31 making an expenditure shall make a full report of expenditures, upon a form

1 prescribed by the commission, unless exempt from reporting.

2 * **Sec. 4.** AS 15.13.040(e) is amended to read:

3 (e) **Each person** [THE REPORT] required **to report** under (d) of this section
 4 **shall file a full report in accordance with AS 15.13.110(g) on a form prescribed by**
 5 **the commission. If the report is filed by a person that is not an individual, the**
 6 **report must be certified as correct by the treasurer or fiscal officer of the person.**
 7 **The report** must contain

8 (1) the name, address, principal occupation, and employer of the
 9 individual filing the report;

10 (2) [, AND] an itemized list of **all expenditures made, incurred, or**
 11 **authorized by the person;**

12 (3) **the name of the candidate or the title of the ballot proposition**
 13 **or question supported or opposed by each expenditure and whether the**
 14 **expenditure is made to support or oppose the candidate or ballot proposition or**
 15 **question;**

16 (4) **the name, address, and nationality of each officer and director**
 17 **of the person, when applicable;**

18 (5) **the aggregate amount of all contributions made to the person,**
 19 **if any, for the purpose of influencing the outcome of an election; for all**
 20 **contributions to the person that exceed \$100 in the aggregate in a year, the date**
 21 **of the contribution and amount contributed by each contributor; and for a**
 22 **contributor**

23 (A) **who is an individual, the name, address, principal**
 24 **occupation, and employer of the contributor; or**

25 (B) **that is not an individual, the name and address of the**
 26 **contributor and the name, address, and nationality of each officer and**
 27 **director of the contributor** [EXPENDITURES. THE REPORT SHALL BE
 28 FILED WITH THE COMMISSION NO LATER THAN 10 DAYS AFTER
 29 THE EXPENDITURE IS MADE].

30 * **Sec. 5.** AS 15.13.040(h) is amended to read:

31 (h) The provisions of (d) of this section do not apply to one or more

1 expenditures made by an individual acting independently of any **other person**
 2 [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF ANY OTHER
 3 INDIVIDUAL] if the expenditures

4 (1) cumulatively do not exceed \$500 during a calendar year; and

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

7 * **Sec. 6.** AS 15.13.040(p) is amended to read:

8 (p) For purposes of (b), **(e)**, and (j) of this section, "contributor" means the
 9 true source of the funds, property, or services being contributed.

10 * **Sec. 7.** AS 15.13.082(b) is amended to read:

11 (b) A **person, other than an individual exempt from reporting under**
 12 **AS 15.13.040(h)**, [CANDIDATE, GROUP, OR NONGROUP ENTITY] may not
 13 make an expenditure unless the source of the expenditure has been disclosed as
 14 required by this chapter.

15 * **Sec. 8.** AS 15.13.084 is amended to read:

16 **Sec. 15.13.084. Prohibited expenditures.** A person may not make an
 17 expenditure

18 (1) anonymously, unless the expenditure is

19 (A) paid for by an individual acting independently of any
 20 **person** [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF
 21 ANY OTHER INDIVIDUAL];

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

24 (C) made for

25 (i) a billboard or sign; or

26 (ii) printed material, other than an advertisement made
 27 in a newspaper or other periodical;

28 (2) using a fictitious name or using the name of another.

29 * **Sec. 9.** AS 15.13.086 is amended to read:

30 **Sec. 15.13.086. Authorized makers of expenditures.** An expenditure

31 (1) authorized by or **on** [IN] behalf of a candidate may be made only

1 by

2 (A) the candidate; or

3 (B) the candidate's campaign treasurer or a deputy campaign
4 treasurer;

5 (2) authorized [BY AS 15.13.067(3)] by or **on** [IN] behalf of a group
6 may be made only by the group's campaign treasurer.

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

8 **Sec. 15.13.090. Identification of communication.** (a) All communications
9 shall be clearly identified by the words "paid for by" followed by the name and
10 address of the **person** [CANDIDATE, GROUP, NONGROUP ENTITY, OR
11 INDIVIDUAL] paying for the communication. In addition,

12 (1) candidates and groups may identify the name of their campaign
13 chairperson; **and**

14 (2) **a person other than a candidate, an individual, or a political**
15 **party shall clearly**

16 (A) **identify the person's principal officer and the officer's**
17 **title;**

18 (B) **include a statement from the principal officer**
19 **approving the communication;**

20 (C) **provide the address of the person's principal place of**
21 **business; and**

22 (D) **identify the person's five largest contributors under**
23 **AS 15.13.040(e)(5), if any, during the 12-month period before the date of**
24 **the communication, with the words "top five contributors".**

25 (b) The provisions of (a) of this section do not apply when the communication

26 (1) is paid for by an individual acting independently of any **other**
27 **person** [GROUP OR NONGROUP ENTITY AND INDEPENDENTLY OF ANY
28 OTHER INDIVIDUAL];

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

31 (3) is made for

1 (A) a billboard or sign; or

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

4 * **Sec. 11.** AS 15.13.090 is amended by adding a new subsection to read:

5 (c) A person other than a candidate, individual, or political party may not
6 make a communication under (a) of this section unless the person's principal officer
7 has certified to the commission in writing that the officer has reviewed the
8 communication, and, based on the officer's knowledge, the communication is not
9 defamatory and does not contain any defamatory statements.

10 * **Sec. 12.** AS 15.13.110 is amended by adding a new subsection to read:

11 (g) An expenditure report required under AS 15.13.040(e) shall be filed with
12 the commission not later than three days after an expenditure has been made. An
13 expenditure report filed under this subsection must include any expenditure not yet
14 reported that was made before the filing of the report. However, an expenditure that
15 exceeds \$250 and that is made within nine days of an election shall be reported to the
16 commission not later than 24 hours after the expenditure is made.

17 * **Sec. 13.** AS 15.13.111(a) is amended to read:

18 (a) Each [CANDIDATE, GROUP, NONGROUP ENTITY, OR] person
19 required to report under this chapter shall preserve all records necessary to substantiate
20 information required to be reported under this chapter for a period of six years from
21 the date of the election for which the information was required to be reported, unless
22 the records have been submitted to the commission under (c) of this section.

23 * **Sec. 14.** AS 15.13.135 is amended to read:

24 **Sec. 15.13.135. Independent expenditures for or against candidates.** (a)
25 [ONLY AN INDIVIDUAL, GROUP, OR NONGROUP ENTITY MAY MAKE AN
26 INDEPENDENT EXPENDITURE SUPPORTING OR OPPOSING A CANDIDATE
27 FOR ELECTION TO PUBLIC OFFICE.] An independent expenditure supporting or
28 opposing a candidate for election to public office, except an independent expenditure
29 made by a nongroup entity with an annual operating budget of \$250 or less, shall be
30 reported in accordance with AS 15.13.040 and 15.13.100 - 15.13.110 and other
31 requirements of this chapter.

1 (b) A person [AN INDIVIDUAL, GROUP, OR NONGROUP ENTITY] who
2 makes independent expenditures for a mass mailing, for distribution of campaign
3 literature of any sort, for a television, radio, newspaper, or magazine advertisement, or
4 any other communication that supports or opposes a candidate for election to public
5 office

6 (1) shall comply with AS 15.13.090; and

7 (2) shall place the following statement in the mailing, literature,
8 advertisement, or other communication so that it is readily and easily discernible:

9 This NOTICE TO VOTERS is required by Alaska law. (I/we) certify
10 that this (mailing/literature/advertisement) is not authorized, paid for,
11 or approved by the candidate.

12 * **Sec. 15.** AS 15.13.067 and 15.13.140(a) are repealed.

13 * **Sec. 16.** This Act takes effect immediately under AS 01.10.070(c).