

CS FOR HOUSE BILL NO. 333(STA) am S

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Amended: 4/15/12

Offered: 3/15/12

Sponsor(s): REPRESENTATIVES HAWKER, Gruenberg

SENATOR Menard

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to candidate forums and contributions in state election campaigns;**
2 **relating to the disposition of certain unused campaign contributions; and relating to**
3 **public office expense term accounts and public office expense term account reserves."**

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

5 * **Section 1.** AS 15.13.116(a) is amended to read:

6 (a) A candidate who, after the date of the general, special, municipal, or
7 municipal runoff election or after the date the candidate withdraws as a candidate,
8 whichever comes first, holds unused campaign contributions shall distribute the
9 amount held on February 1 for a general election or within 90 days after a special
10 election. The distribution may only be made to

11 (1) pay bills incurred for expenditures reasonably related to the
12 campaign and the winding up of the affairs of the campaign, including a victory or
13 thank you party, thank you advertisements, and thank you gifts to campaign
14 employees and volunteers, and to pay expenditures associated with post-election fund

1 raising that may be needed to raise funds to pay off campaign debts;

2 (2) make donations, without condition, to

3 (A) a political party;

4 (B) the state's general fund;

5 (C) a municipality of the state; or

6 (D) the federal government;

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

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

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

15 (A) to all contributors;

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

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

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

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

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

26 (B) \$10,000, if the transfer is made by a candidate for the state
27 senate;

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

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

1 (8) transfer all or a portion of the unused campaign contributions to a
 2 public office expense term account [OR TO A PUBLIC OFFICE EXPENSE TERM
 3 ACCOUNT RESERVE IN ACCORDANCE WITH (d) OF THIS SECTION]; a
 4 transfer under this paragraph is subject to the following:

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

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

10 (C) all amounts expended from the public office expense term
 11 account shall be annually accounted for under AS 15.13.110(a)(4); [AND]

12 (D) a transfer under this paragraph is limited to \$5,000
 13 multiplied by the number of years in the term to which the candidate is elected
 14 plus any accumulated interest; and

15 **(E) unused campaign contributions transferred under this**
 16 **paragraph must be disposed of as provided in (2), (3), or (5) of this**
 17 **subsection at the end of the term of office immediately following the**
 18 **campaign for which the contributions were received; and**

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

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

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

27 (C) all amounts expended from the municipal office account
 28 shall be annually accounted for under AS 15.13.110(a)(4); [AND]

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

30 **(E) unused campaign contributions transferred under this**
 31 **paragraph must be disposed of as provided in (2), (3), or (5) of this**

1 **subsection at the end of the term of office immediately following the**
 2 **campaign for which the contributions were received.**

3 * **Sec. 2.** AS 15.13.150 is amended to read:

4 **Sec. 15.13.150. Election educational activities not prohibited.** This chapter
 5 does not prohibit a person from engaging in educational election-related
 6 communications and activities, including

7 (1) the publication of the date and location of an election;

8 (2) the education of students about voting and elections;

9 (3) the sponsorship of [OPEN] candidate debate forums **open to the**
 10 **public;**

11 (4) participation in get-out-the-vote or voter registration drives that do
 12 not favor a particular candidate, political party, or political position;

13 (5) the dissemination of the views of all candidates running for a
 14 particular office.

15 * **Sec. 3.** AS 15.13.400(4) is amended to read:

16 (4) "contribution"

17 (A) means a purchase, payment, promise or obligation to pay,
 18 loan or loan guarantee, deposit or gift of money, goods, or services for which
 19 charge is ordinarily made, and includes the payment by a person other than a
 20 candidate or political party, or compensation for the personal services of
 21 another person, that is rendered to the candidate or political party, and that is
 22 made for the purpose of

23 (i) influencing the nomination or election of a
 24 candidate;

25 (ii) influencing a ballot proposition or question; or

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

28 (B) does not include

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

1 (ii) ordinary hospitality in a home;

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

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

9 (v) any communication in the form of a newsletter from
10 a legislator to the legislator's constituents, except a communication
11 expressly advocating the election or defeat of a candidate or a
12 newsletter or material in a newsletter that is clearly only for the private
13 benefit of a legislator or a legislative employee; [OR]

14 (vi) a fundraising list provided without compensation
15 by one candidate or political party to a candidate or political party; **or**

16 **(vii) an opportunity to participate in a candidate forum**
17 **provided to a candidate without compensation to the candidate by another**
18 **person and for which a candidate is not ordinarily charged;**

19 * **Sec. 4.** AS 15.13.116(d) is repealed.

20 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TRANSITIONAL PROVISION. A candidate for the state legislature who was elected
23 to the state legislature before the effective date of this Act and who holds funds in a public
24 office expense term account reserve shall transfer those funds to a public office expense term
25 account before January 1, 2013.