

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 4/22/25

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain reports required by the Alaska Public Offices Commission;**
2 **and relating to the use of campaign contributions held by a candidate or group."**

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

4 *** Section 1.** AS 15.13.112(a) is amended to read:

5 (a) Except as otherwise provided, campaign contributions held by a candidate
6 or group may be used only to pay

7 **(1) civil penalties assessed against the candidate or group under**
8 **this chapter; and**

9 **(2)** the expenses of the candidate or group, and the campaign expenses
10 incurred by the candidate or group, that reasonably relate to election campaign
11 activities, and in those cases only as authorized by this chapter.

12 *** Sec. 2.** AS 15.13.112 is amended by adding a new subsection to read:

13 (d) Notwithstanding (a)(1) of this section, the commission may prohibit a
14 candidate or group from using campaign contributions held by the candidate or group

1 to pay a civil penalty assessed under this chapter if a court determines that the
 2 candidate, campaign treasurer, or deputy campaign treasurer intentionally caused or
 3 participated in the violation for which the civil penalty is imposed.

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

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

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

15 (2) make donations, without condition, to

16 (A) a political party;

17 (B) the state's general fund;

18 (C) a municipality of the state; or

19 (D) the federal government;

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

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

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

28 (A) to all contributors;

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

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

31 (6) establish a fund for, and from that fund to pay, attorney fees or

1 costs incurred in the prosecution or defense of an administrative or civil judicial action
2 that directly concerns a challenge to the victory or defeat of the candidate in the
3 election;

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

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

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

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

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

14 (8) transfer all or a portion of the unused campaign contributions to a
15 public office expense term account; a transfer under this paragraph is subject to the
16 following:

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

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

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

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

27 (E) unused campaign contributions transferred under this
28 paragraph must be disposed of as provided in (2), (3), or (5) of this subsection
29 at the end of the term of office immediately following the campaign for which
30 the contributions were received; [AND]

31 (9) transfer all or a portion of the unused campaign contributions to a

1 municipal office account; a transfer under this paragraph is subject to the following:

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

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

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

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

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

15 **(10) unless prohibited by AS 15.13.112(d), pay civil penalties that**
16 **relate to the campaign assessed against the candidate under this chapter.**

17 * **Sec. 4.** AS 15.13.380(a) is amended to read:

18 (a) Promptly after the final date for filing statements and reports under this
19 chapter, the commission shall notify all persons who have become delinquent in filing
20 them, including contributors who failed to file a statement in accordance with
21 AS 15.13.040, and shall make available a list of those delinquent filers for public
22 inspection. **The list must include persons who have not filed reports and persons**
23 **who filed incomplete reports, and must distinguish persons who have not filed**
24 **reports from persons who timely filed incomplete reports under AS 15.13.390(g).**
25 **An incomplete report filed under AS 15.13.390(g) must be open to public**
26 **inspection, but the commission shall identify the report as incomplete until all**
27 **required information is submitted.** The commission shall also report to the attorney
28 general the names of all candidates in an election whose campaign treasurers have
29 failed to file the reports required by this chapter.

30 * **Sec. 5.** AS 15.13.390(a) is amended to read:

31 (a) **Except as provided in (g) of this section, a** [A] person who

1 (1) fails to register when required by AS 15.13.050(a) or who fails to
 2 file a properly completed and certified report within the time required by
 3 AS 15.13.040, 15.13.060(b) - (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a
 4 civil penalty of not more than \$50 a day for each day the delinquency continues as
 5 determined by the commission subject to right of appeal to the superior court. A
 6 person who fails to file a properly completed and certified report within the time
 7 required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not
 8 more than \$500 a day for each day the delinquency continues as determined by the
 9 commission subject to right of appeal to the superior court;

10 (2) whether as a contributor or intermediary, delays in reporting a
 11 contribution as required by AS 15.13.040(r) is subject to a civil penalty of not more
 12 than \$1,000 a day for each day the delinquency continues as determined by the
 13 commission subject to right of appeal to the superior court;

14 (3) whether as a contributor or intermediary, misreports or fails to
 15 disclose the true source of a contribution in violation of AS 15.13.040(r) or
 16 15.13.074(b) is subject to a civil penalty of not more than the amount of the
 17 contribution that is the subject of the misreporting or failure to disclose; upon a
 18 showing that the violation was intentional, a civil penalty of not more than three times
 19 the amount of the contribution in violation may be imposed; these penalties as
 20 determined by the commission are subject to right of appeal to the superior court;

21 (4) violates a provision of this chapter, except as otherwise specified in
 22 this section, is subject to a civil penalty of not more than \$50 a day for each day the
 23 violation continues as determined by the commission, subject to right of appeal to the
 24 superior court; and

25 (5) is assessed a civil penalty may submit to the commission an
 26 affidavit stating facts in mitigation; however, the imposition of the penalties
 27 prescribed in this section or in AS 15.13.380 does not excuse that person from
 28 registering or filing reports required by this chapter.

29 * **Sec. 6.** AS 15.13.390 is amended by adding a new subsection to read:

30 (g) Notwithstanding AS 15.13.040, 15.13.050(a), 15.13.060, 15.13.074(g),
 31 15.13.100, and 15.13.110, a person may file a report required under this chapter

1 without including all information relating to contributions, contributors, or campaign
2 expenditures that is required in the report if the person attests, under penalty of
3 perjury, that the information is not being provided because the person does not have it,
4 and that the person will file the information with the commission within 30 days or
5 another period determined by the commission. If a person fails to file the missing
6 information within 30 days, or another period determined by the commission, the
7 person is subject to civil penalties as determined under (a) of this section from the date
8 the original report was due. The commission shall adopt regulations necessary to
9 implement this subsection.

10 * **Sec. 7.** AS 15.13.112(b)(6) is repealed.