

Introduced: 3/15/71
Referred: State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 162

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the financing of election
7 campaigns; and providing for an effective date."

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

9 * Section 1. AS 15 is amended by adding a new chapter to read:

10 CHAPTER 56. CAMPAIGN EXPENDITURES,

11 CONTRIBUTIONS AND REPORTS.

12 Sec. 15.56.010. PURPOSE AND TITLE. (a) The purpose of this
13 chapter is to prevent the outcome of any state election from being
14 unduly influenced by the financial resources available to the
15 candidates or advocates of a particular position or by the expenditure
16 of funds, the source or origin of which is unknown to the electorate.

17 (b) This chapter may be cited as "The Alaska Election Reform
18 Act of 1971."

19 Sec. 15.56.020. CAMPAIGN EXPENDITURES AND CONTRIBUTIONS LIMITED.

20 (a) The maximum total amount which may be spent by or on behalf of
21 a candidate, including expenditures by other persons in support of a
22 candidate is as follows:

23 (1) a candidate for the state house of representatives --
24 \$3,000 in a primary election, \$3,000 in a general election, \$4,500
25 for the combined primary and general election if unopposed in the
26 primary election or in a special election;

27 (2) a candidate for the state senate -- \$6,000 in a primary
28 election, \$6,000 in a general election, \$9,000 for the combined primary
29 and general election if unopposed in the primary election or in a

1 special election;

2 (3) a candidate for any statewide office -- \$50,000 in a
3 primary election, \$75,000 in a general election, \$100,000 in a special
4 election;

5 (4) a candidate for delegate to a constitutional convention:
6 one-half of the allowance in a general election for a candidate for
7 state office running from the same district.

8 (b) No expenditure specified in (a) of this section may be made
9 by any person in whole or in part without the consent of the candidate
10 or a financial officer designated by him.

11 (c) No person, with intent to conceal the source of origin of
12 funds or avoid any prohibition of this chapter, may transfer funds to
13 another to enable the recipient to transfer or to contribute funds
14 to a political committee or candidate.

15 (d) No person may make a payment or promise of payment, directly
16 or indirectly, to a candidate or political committee or to any officer
17 or member thereof, or to any person acting under authority or in
18 behalf of such committee in any name except his own with intent to
19 conceal the source of origin of funds or avoid any prohibition of
20 this chapter. No person or political committee may knowingly receive
21 a payment or promise of payment or enter or cause the same to be
22 entered in the accounts or records of such committee, in any name
23 other than that of the person by whom it is made.

24 (e) The prohibitions of this section do not apply to expenditures
25 made for the purpose of promoting public understanding of the issues
26 and which inure to the benefit of candidates.

27 Sec. 15.56.030. REPORTS. (a) A candidate, the financial officer
28 of a political committee or any person receiving funds or making
29 expenditures not otherwise reported and totalling more than \$100 for

1 the reporting period, on behalf of a candidate or in aid of or
2 opposition to a question or proposition shall file with the lieutenant
3 governor the reports required by this section.

4 (b) Each first required report shall be filed either directly
5 or by deposit in the United States mails at least seven days before
6 the date of election and matters reported shall cover the period
7 from the first day of expenditure or contribution to be reported
8 through 10 days before the date of election. No later than 10 days
9 subsequent to the election a second report shall be filed for the
10 period from 10 days before the date of election to the date of
11 election.

12 (c) A person required to file reports shall keep, for at least
13 one year after the date of report to which it pertains, the receipted
14 bills or accounts stating the particulars of expenditures made by him.

15 (d) The lieutenant governor shall require the reporting of
16 campaign expenditures and contributions. For that purpose he shall:

17 (1) prepare a standard reporting form for use by persons
18 filing reports providing for the disclosure of

19 (A) the amount of each expenditure grouped by
20 category of expenditure;

21 (B) the name and mailing address of each person who
22 has made one or more contributions to or in support of the
23 candidate or in aid or support of the adoption or defeat of a
24 proposition or question in the aggregate amount of \$100 or more,
25 together with the amount and date of the contributions;

26 (C) the total amount of contributions made to or in
27 support of the candidate or in aid or support of the success or
28 defeat of a proposition or question and not reported under (B)
29 of this paragraph;

1 (D) the total amount of proceeds from fund raising
2 events, collections, and sales of campaign materials;

3 (E) each campaign receipt of \$100 or more not
4 otherwise provided for under (A) - (D) of this paragraph;

5 (F) the total amount of all campaign receipts during
6 the reporting period;

7 (G) the total amount of expenditures made during the
8 reporting period;

9 (H) the name and mailing address of each person to
10 whom an expenditure has been made in the aggregate amount of
11 \$100 or more, and the amount, date and purpose of the expenditure;

12 (I) the amount and nature of debts and obligations
13 owed by the candidates or other persons for campaign expenditures;

14 (J) the affidavit of the candidate or financial officer
15 or person making the report verifying the information in the
16 report;

17 (K) other information to carry out the purpose of
18 this chapter;

19 (2) prepare a summary of each report required under (1) of
20 this subsection and as soon as possible distribute copies of the
21 summary to news media;

22 (3) make reports available for public inspection and furnish
23 copies of reports upon request;

24 (4) preserve reports for a period of at least six years
25 from date of receipt;

26 (5) promptly after the filing date for filing reports under
27 (b) of this section, notify persons delinquent in filing the reports
28 and submit the names of delinquent persons to the attorney general;

29 (6) provide a copy of the provisions of this chapter to

1 each candidate upon the filing of his declaration of candidacy;

2 (7) promulgate rules and regulations to effectuate the
3 purposes of this chapter.

4 Sec. 15.56.040. VIOLATIONS. (a) A person is guilty of a
5 misdemeanor who wilfully violates secs. 20 or 30 of this chapter or
6 who wilfully fails to file or wilfully makes a false statement in
7 filing reports of expenditures and contributions under sec. 30 of
8 this chapter.

9 (b) Any qualified voter may bring a civil action to compel
10 compliance with the provisions of this chapter.

11 (c) The losing candidate with the highest vote may bring an
12 action for the recovery of damages against any person knowingly
13 exceeding the spending limitation of sec. 20 of this chapter,
14 or receiving or spending unreported funds in violation of sec. 30 of
15 this chapter. The damages of the losing candidate shall be measured
16 as three times the amount unreported or expended in excess of the
17 expenditure limitation.

18 (d) If, in his campaign for election to legislative office, a
19 member of the legislature wilfully exceeds the limits on expenditures
20 prescribed in sec. 20(a) of this chapter, the appropriate house may
21 expel the offending member under the provisions of Art. II, sec. 12
22 of the state constitution.

23 (e) If the amount spent in an attempt to influence the election
24 outcome on any proposition or question and unreported in violation
25 of sec. 30 of this chapter exceeds by 20 per cent the amount reported
26 by the advocates of the same position, the court may declare the
27 election on the proposition or question void.

28 * Sec. 2. Sec. 15.60.010 is amended by adding paragraphs to read:

29 (25) "candidate" means a person who files for election

1 to the state legislature, for governor, lieutenant governor, delegate
2 to a constitutional convention, or to the United States Congress;

3 (26) "contribution" means a gift, subscription, loan,
4 advance or deposit of money or other thing of value made for the
5 purpose of influencing the nomination for election or election of
6 a candidate; the term includes but is not limited to a contract,
7 promise or agreement, whether or not legally enforceable, to make
8 a contribution;

9 (27) "expenditure" means a purchase, payment, distribution,
10 loan, advance, deposit or gift of money or other thing of value made
11 for the purpose of influencing the nomination for election or election
12 of a candidate, but excluding living expenses; the term includes but
13 is not limited to a contract, promise or agreement, whether or not
14 legally enforceable, to make an expenditure;

15 (28) "political committee" means any committee or combination
16 of three or more persons cooperating to aid or promote the election
17 of a candidate with his consent or the adoption or defeat of any
18 proposition or question submitted to vote at a public election through
19 the collection or expenditure of money; however, a political committee
20 for purposes of the Alaska Election Code does not include any
21 committee or organization formed for discussion or advancement of
22 political questions or principles without connection with any state
23 election.

24 * Sec. 3. This Act takes effect on the day after its passage and
25 approval or on the day it becomes law without approval.
26
27
28
29