

1 IN THE HOUSE

BY M. MILLER

2 HOUSE BILL NO. 20

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns."

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

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

9 CHAPTER 13. STATE ELECTION CAMPAIGNS.

10 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in
11 every election for governor, lieutenant governor, or a member of the
12 state legislature.

13 (b) This chapter does not apply in a city or borough election.

14 Sec. 15.13.020. EXECUTIVE COMMITTEES AND OTHER GROUPS. (a) Each
15 state and regional executive committee of a political party, and every
16 other group, organized in whole or in part for the purpose of furthering
17 political candidacies, shall make a full report, upon a form prescribed
18 by the lieutenant governor, of all money, loans, or other things of
19 value contributed to it, and all expenditures made, incurred, or
20 authorized by it during the period ending on the date of the report
21 and beginning on the date of the most recent such report filed. The
22 report shall contain the name and address of each officer
23 of the committee or other group, the name and address of each
24 person or group contributing, the amount contributed by each person
25 or group, and an itemized list of the expenditures. The report shall
26 be filed with the lieutenant governor no later than noon on the dates
27 designated in sec. 60(b) of this chapter. The chairman or secretary
28 of the committee shall certify the correctness of each report.

29 (b) Each committee and other group shall designate an officer

1 responsible for handling funds received and contributions and expendi-
2 tures made by it and responsible for filing the required reports and
3 statements.

4 Sec. 15.13.030. CAMPAIGN TREASURERS AND CAMPAIGN CHECKING ACCOUNTS.

5 (a) Each candidate in an election shall appoint one campaign
6 treasurer and shall establish one campaign checking account no later than
7 the date of filing of his declaration of candidacy or his nominating
8 petition. The candidate may appoint himself or any other individual
9 as his campaign treasurer and may establish the account in any bank
10 authorized by law to transact business in the state. The candidate
11 shall file the name and address of the campaign treasurer and the bank
12 with the lieutenant governor. The candidate's filing for office is
13 not complete and his name may not be placed on the ballot until he has
14 met this requirement.

15 (b) A campaign treasurer may appoint as many deputy campaign
16 treasurers as he considers necessary and may designate one additional
17 campaign checking account in a bank in each area of the state in which
18 the campaign is conducted. The candidate shall file the names and
19 addresses of the deputy campaign treasurers and additional banks with
20 the lieutenant governor.

21 (c) A candidate may remove a campaign treasurer or deputy campaign
22 treasurer.

23 (d) In the case of the death, resignation, or removal of a
24 campaign treasurer, the candidate shall appoint a successor as soon
25 as practicable and shall file his name and address with the lieutenant
26 governor. The candidate is disqualified if he fails to comply with
27 this requirement.

28 Sec. 15.13.040. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. (a)
29 No contribution of money or other thing of value, nor obligation for

1 it, including contributions, loans, or obligations of the candidate
2 himself or of his family, may be made or received, and no expenditure
3 of money or other thing of value, nor obligation for it, including an
4 expenditure, loan, or obligation of the candidate himself or of his
5 family, may be made or incurred, directly or indirectly, to support
6 or defeat a candidate in an election, except through the properly
7 appointed campaign treasurer or deputy campaign treasurers of the
8 candidate.

9 (b) No expenditure may be made by or on behalf of a candidate to
10 support or defeat a candidate in an election except by means of a
11 check drawn on an account established for the purpose. When an
12 expenditure is made by a deputy campaign treasurer, he shall immediately
13 forward a record of it to the campaign treasurer.

14 Sec. 15.13.050. DEPOSIT OF CONTRIBUTIONS; STATEMENT OF CAMPAIGN
15 TREASURER. (a) All funds received by a campaign treasurer or deputy
16 campaign treasurer shall be deposited by the campaign treasurer or
17 deputy campaign treasurer in the candidate's campaign checking account
18 designated "Campaign Fund of [name of candidate]" on the next regular
19 day of business of the bank if possible, but no later than the fifth
20 regular day of business following receipt of the funds.

21 (b) All deposits made by a campaign treasurer or deputy campaign
22 treasurer shall be accompanied by a statement containing the name and
23 address of each person or group contributing or providing the funds
24 so deposited, and the amount contributed or provided by each person or
25 group. The statement shall be in triplicate, upon a form prescribed
26 by the lieutenant governor, two copies to be filed with the bank holding
27 the campaign checking account (one copy for retention in its records
28 and one copy to be filed by the bank in accordance with sec. 70 of
29 this chapter) and one copy to be retained by the campaign treasurer for

1 his records; in the case of deposits made by a deputy campaign treasurer,
2 the third copy shall be forwarded to the campaign treasurer to be
3 retained by him for his records.

4 Sec. 15.13.060. REPORTS. (a) Each campaign treasurer shall make
5 a full report, upon a form prescribed by the lieutenant governor, of
6 all money, loans, or other things of value (including transportation),
7 contributed to him or to the deputy campaign treasurers of the candidate,
8 during the period ending on the date of the report as designated in
9 (b) of this section, and beginning on the date the most recent such
10 report was filed, or, in the case of the first such report filed after
11 the appointment of the campaign treasurer, beginning on the date of the
12 appointment of the campaign treasurer. The report shall contain the
13 name and address of each person or group contributing and the amount
14 contributed by each person or group. The campaign treasurer and the
15 candidate shall certify the correctness of the report.

16 (b) The campaign treasurer's report shall be filed with the
17 lieutenant governor no later than noon on (1) the second Monday of
18 each month during the period between the date of appointment of the
19 campaign treasurer and the election; (2) the sixth day preceding the
20 election; and (3) 30 days after the election. In the case of a
21 candidate for the legislature, a duplicate copy, properly certified,
22 shall be filed at the same time with the clerk of the district court
23 in the area of the judicial district in which the candidate resides.

24 (c) All reports required by this chapter shall be kept open to
25 public inspection.

26 (d) The lieutenant governor shall prepare a summary of each
27 report and shall mail copies of the summary to all newspapers of general
28 circulation in the candidate's constituency.

29 (e) If a candidate is unopposed in an election after the time

1 prescribed by law for filing for nomination or election to the
2 office, then he is not required to file the reports required by (a)
3 and (b) of this section, but he may continue to file the reports
4 voluntarily. A candidate who is opposed but receives no contributions
5 or makes no expenditures shall report that fact on the dates designated
6 in (b) of this section.

7 Sec. 15.13.070. BANK'S STATEMENT AFTER ELECTION. Within 30 days
8 after the election, each bank holding a campaign checking account of a
9 candidate shall file with the lieutenant governor the originals or
10 true copies of all statements filed with the bank by the campaign
11 treasurer or deputy campaign treasurers under sec. 50(b) of this
12 chapter, and a statement of the account as of the date of filing this
13 statement. In the case of a candidate for the legislature, true copies
14 of the statements shall be filed at the same time with the clerk of
15 the district court in the area of the judicial district in which the
16 candidate resides.

17 Sec. 15.13.080. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS;
18 INITIAL DATE OF EXPENDITURE. (a) No contribution of money or other
19 thing of value, nor obligation for it, may be made, and no expenditure
20 of money or other thing of value, nor obligation for it, may be made
21 or incurred, directly or indirectly, anonymously, in a fictitious name,
22 or by one person or group in the name of another, to support or defeat
23 a candidate in an election.

24 (b) A contribution made by a person wishing to remain anonymous,
25 and received by a campaign treasurer or deputy campaign treasurer,
26 may not be used or expended, but shall be returned to the donor, if
27 his identity is known, and if no donor is found, the contribution
28 escheats to the state.

29 (c) All advertisements, signs, handbills, paid-for television

1 and radio announcements and other communications intended to support
2 or defeat a candidate shall be signed or identified by the words
3 "Paid for by" followed by the committee name and address or the name
4 and address of the campaign treasurer of the candidate on whose behalf
5 the communication appears.

6 Sec. 15.13.090. RETENTION OF STATEMENTS AND REPORTS. Persons
7 with whom statements and reports, or copies of the statements or
8 reports, are required by this chapter to be filed shall securely keep
9 them for one year. A copy of a statement or report, certified by
10 the officer with whom it was filed, is admissible as evidence in any
11 state court.

12 Sec. 15.13.100. PENALTY; LIMITATIONS ON ACTIONS. (a) A person
13 who violates a provision of this chapter is guilty of a misdemeanor
14 and upon conviction is punishable by a fine of not more than \$1,000,
15 or by imprisonment of not more than one year, or by both. A violation
16 includes but is not limited to any of the following acts or omissions:

17 (1) failing to make a statement or report required to be
18 made under this chapter, or failing to make a statement or report at
19 the time the statement or report is required to be made under this
20 chapter;

21 (2) making a false statement or report under this chapter;

22 (3) giving or furnishing money to another person or group
23 for the purpose of making a contribution or expenditure anonymously,
24 in a fictitious name, or in the name of another, in violation of
25 sec. 80(a) of this chapter;

26 (4) making any communication to support or defeat a candi-
27 date without identification of sponsorship, in violation of sec. 80(c)
28 of this chapter.

29 (b) The nomination for, or election to, an office of a candidate

1 who violates a provision of this chapter, or whose campaign treasurer
2 or deputy campaign treasurer violates a provision of this chapter with
3 the candidate's knowledge, is void, and, in the case of election, the
4 successful candidate may not be sworn into office and the office shall
5 be filled as required by law in the case of a vacancy. When a
6 violation of this chapter is alleged, the candidate's right to the
7 nomination or the office may be tested in an action brought in the
8 supreme court as a matter of original jurisdiction. All cases of this
9 nature shall be in a preferred position for purposes of argument and
10 decision, so as to assure a speedy disposition of the matter.

11 (c) Promptly after the final date for filing statements and
12 reports, the lieutenant governor shall notify all persons who have
13 become delinquent in filing them and shall make available a list of
14 these delinquents for public inspection. The lieutenant governor shall
15 also report to the attorney general the names of all candidates in an
16 election, whose campaign treasurers or campaign depositories have
17 failed to file the reports required by this chapter.

18 (d) Any qualified voter may sue for injunctive relief to compel
19 compliance with the provisions of this chapter.

20 (e) Prosecution for violation of a provision of this chapter
21 may not be commenced after one year has elapsed from the date of
22 the violation.

23 Sec. 15.13.110. DEFINITION. In this chapter, "group" means
24 any combination of two or more persons acting jointly, including a
25 state and regional executive committee of a political party, for the
26 purpose of furthering political candidacies, or engaging in an activity
27 regulated or prohibited by this chapter.
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