

1 IN THE SENATE

BY KERTTULA

2 SENATE BILL NO. 26

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 the regulation of election  
7 campaign expenditures."

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 Sec. 15.56.010. CAMPAIGN EXPENDITURES LIMITED. (a) The maximum  
12 total amount that may be spent by or on behalf of a candidate,  
13 including expenditures by other persons in support of a candidate,  
14 is as follows:

15 (1) a candidate for the state house of representatives or  
16 for the state senate -- \$7,500 in a primary election, \$7,500 in a  
17 general election, \$7,500 for the combined primary and general election  
18 if unopposed in the primary election or in a special election;

19 (2) a candidate for governor -- \$100,000 in a primary  
20 election, \$100,000 in a general election, \$100,000 for the combined  
21 primary and general election if unopposed in the primary election or  
22 in a special election;

23 (3) a candidate for lieutenant governor -- \$50,000 in a  
24 primary election only;

25 (4) a candidate for United States Senator or United States  
26 Representative in Congress -- \$75,000 in a primary election, \$75,000  
27 in a general election, \$75,000 for the combined primary and general  
28 election if unopposed in the primary election or in a special election.

29 (b) The limitations on expenditures in this section apply only

1 to expenditures by a candidate, or a political committee on behalf  
2 of a candidate, for advertising in the media, including but not  
3 limited to radio, television, newspapers and magazines. The limitations  
4 do not apply to expenditures made for the purpose of promoting public  
5 understanding of the issues which inure to the benefit of a candidate  
6 or candidates.

7 Sec. 15.56.020. FINANCIAL OFFICER; RECORDS. (a) A candidate,  
8 or a political committee organizing support on behalf of a candidate,  
9 shall appoint a treasurer or other financial officer who shall disburse  
10 and keep a true account of all money expended for campaign purposes.  
11 Each candidate or political committee shall certify the full name and  
12 complete address of the treasurer or financial officer to the lieuten-  
13 ant governor. A candidate or political committee may remove the  
14 treasurer or financial officer. In case of the death, resignation or  
15 removal of the treasurer or financial officer before compliance with  
16 the provisions of this chapter, the candidate or political committee  
17 shall appoint a successor and certify the name and address of the  
18 successor in the manner provided for an original appointment. No  
19 expenditure may be made by or on behalf of a candidate or political  
20 committee (1) until the candidate or political committee appoints a  
21 treasurer or financial officer and certifies the name and address of  
22 the treasurer or financial officer to the lieutenant governor and  
23 (2) unless the expenditure is made by or through the treasurer or  
24 financial officer of the candidate or political committee.

25 (b) No expenditure specified in sec. 10 of this chapter may  
26 be made by any person in whole or in part without the consent of the  
27 candidate or the treasurer or financial officer designated by him.

28 Sec. 15.56.030. REPORTS. (a) A candidate, a political committee  
29 on behalf of a candidate, or his or its treasurer or financial officer,

1 or a person making expenditures on behalf of a candidate not otherwise  
2 reported and totaling \$100 or more for the reporting period, shall  
3 file reports required by this section with the lieutenant governor.

4 (b) The first report required by this section shall be filed  
5 either in person or by mail at least seven days before the date of  
6 the election, and the expenditures reported shall cover the period  
7 from the first day of expenditure through 10 days before the date of  
8 the election. A second report shall be filed not later than 30 days  
9 after an election for the period from 10 days before the date of the  
10 election to the date of the election.

11 (c) A person required to file reports under this section shall  
12 keep the receipted bills or accounts stating the particular expenditures  
13 made by him, for a least one year after the date of the report, or  
14 the date of the election to which the expenditures pertain, whichever is  
15 later.

16 Sec. 15.56.040. DUTIES OF THE LIEUTENANT GOVERNOR. The lieutenant  
17 governor shall require the reporting of campaign expenditures. For that  
18 purpose he shall

19 (1) prepare a standard report form for use by persons in  
20 filing reports that disclose

21 (A) the amount of each expenditure grouped by category  
22 of expenditure;

23 (B) the total amount of expenditures made during the  
24 reporting period;

25 (C) the name and mailing address of each person to  
26 whom an expenditure in the aggregate amount of \$25 or more was  
27 paid, the amount, date, purpose and method of payment of the  
28 expenditure;

29 (D) the amount and nature of debts and obligations owed

1 by the candidate, political committee or other persons on behalf  
2 of a candidate, for campaign expenditures;

3 (E) the affidavit of the candidate, treasurer or  
4 financial officer or other person making the report verifying  
5 the information in the report;

6 (F) other information to carry out the purposes of  
7 this chapter that the lieutenant governor considers appropriate  
8 and establishes as requisite for compliance with this chapter  
9 by the issuance of appropriate regulations under paragraph (7) of  
10 this section.

11 (2) prepare a summary of each report required under (1)  
12 of this section, as soon as possible, but in any event not later  
13 than three days before an election, and distribute copies of the  
14 summary to news media;

15 (3) make reports available for public inspection and furnish  
16 copies of the reports upon request;

17 (4) preserve reports for a period of at least six years  
18 from the date of receipt or the date of the election for which the  
19 reports are made, whichever is later;

20 (5) promptly after the filing date for reports under sec.  
21 30(b) of this chapter, notify persons delinquent in filing and submit  
22 names of delinquent candidates, political committees, treasurers,  
23 financial officers or other persons to the attorney general;

24 (6) provide a copy of the provisions of this chapter to a  
25 candidate upon the filing of his declaration of candidacy;

26 (7) promulgate regulations to implement this chapter under  
27 the Administrative Procedure Act (AS 44.62).

28 Sec. 15.56.050. ENFORCEMENT. The lieutenant governor may not  
29 issue a certificate of nomination or election to a person who has

1 failed to file the reports required under sec. 30 of this chapter.

2 Sec. 15.56.060. LATE FILING; CORRECTIONS. (a) If a person  
3 seeks to file a report required under sec. 30 of this chapter after  
4 the date for filing, or to correct or supplement that report, he may  
5 do so only in accord with the provisions of this section.

6 (b) The superior court in the election district in which a  
7 campaign report required under sec. 30 of this chapter is filed, or  
8 is required to be filed, may on the completion of proper judicial  
9 proceedings by either the candidate, political committee or other  
10 persons on his behalf, allow a campaign report to be filed after  
11 the date specified in sec. 30 of this chapter or a campaign statement  
12 to be corrected or supplemented.

13 (c) A person may obtain relief from the superior court if he  
14 shows competent evidence that failure to comply with this chapter  
15 was occasioned not by any want of good faith on the part of the  
16 applicant, but by:

- 17 (1) the absence, illness or death of the candidate;  
18 (2) the absence, illness or death of the treasurer or  
19 financial officer of the candidate or political committee;  
20 (3) the misconduct of any person other than the applicant;  
21 (4) inadvertence or excusable neglect; or  
22 (5) any other reasonable cause.

23 (d) An application for relief under this section shall be filed  
24 in the office of the clerk of the superior court in the election district  
25 where the campaign statement was filed, or should have been filed.

26 (e) An order of the superior court relieves the applicant from  
27 any liability or consequences under this chapter with respect to  
28 matters excused by the order.

29 (f) After an order by the superior court allowing a campaign

1 report to be filed, corrected or amended, the candidate, political  
2 committee, treasurer or financial officer, or other person on behalf  
3 of the candidate, shall file the report in the same office where the  
4 original campaign report was filed, or should have been filed. A  
5 delinquent campaign report, or an amendment or a correction to an  
6 original report shall be in the same form and contain the same  
7 information as was required for the original campaign report.

8 Sec. 15.56.070. VIOLATIONS; PENALTIES. (a) A person who  
9 wilfully violates sec. 10 of this chapter by expending a sum in  
10 excess of five per cent or more over the campaign expenditure limits  
11 established by that section, or who wilfully fails to file, or  
12 wilfully makes a false statement in filing reports of campaign  
13 expenditures under sec. 30 of this chapter is guilty of a corrupt  
14 practice and is punishable as provided in AS 15.55.230 - 15.55.240.  
15 A vacancy thus created shall be filled as any other vacancy but not  
16 by the name of the same candidate. If the person who violates  
17 secs. 10 or 20 of this chapter was defeated, and is subsequently  
18 convicted of a corrupt practice under this chapter, he is punishable  
19 in addition to all other punishment that may be applicable by being  
20 deprived of the privilege of becoming a candidate for, or the holder  
21 of, public office in the state until the provisions of this chapter  
22 are complied with, or for a period of time equal to the period for  
23 which campaign reports for the office for which he was a candidate  
24 are required to be held by the lieutenant governor under sec. 40(4)  
25 of this chapter, unless the campaign report is filed before the  
26 filing of a declaration of candidacy under AS 15.25.030.

27 (b) If in his campaign for election to legislative office, a  
28 successful candidate for membership in the legislature wilfully exceeds  
29 by five per cent the limits on campaign expenditures prescribed in

1 sec. 10 of this chapter, or wilfully fails to file, or wilfully  
2 makes a false statement in filing reports of campaign expenditures  
3 under sec. 30 of this chapter, the appropriate house may expel the  
4 offending member under art. II, sec. 12, of the Constitution of the  
5 State of Alaska.

6 Sec. 15.56.080. DEFINITIONS. In this chapter

7 (1) "candidate" means a person who files for election to  
8 the state legislature, for governor, lieutenant governor, or to the  
9 United States Congress, under AS 15.25.030.

10 (2) "expenditure" means a purchase, payment, distribution,  
11 loan, advance, deposit or gift of money or other thing of value made  
12 for the purpose of influencing the nomination for election or election  
13 of a candidate by use of the advertising media described in sec. 10(b)  
14 of this chapter; the term includes, but is not limited to, a contract,  
15 promise or agreement, whether or not legally enforceable, to make an  
16 expenditure;

17 (3) "political committee" means an organization or  
18 combination of three or more persons cooperating to aid or promote  
19 the election of a candidate with his consent through expenditure of  
20 money; however, a political committee for purposes of this chapter  
21 does not include a committee or organization formed for discussion  
22 or advancement of political questions or principles without connection  
23 with any state election.

24 Sec. 15.56.090. Chapters 55 and 56 of the Alaska Election Code  
25 may be cited as the "Alaska Purity of Elections Law".

26 \* Sec. 2. AS 15.25.030 is amended by adding a new subsection to read:

27 (b) If the candidate previously has been a candidate for public  
28 office in the state, a declaration of candidacy executed under (a) of  
29 this section shall include a statement indicating that the candidate

1 has filed the campaign reports required by AS 15.56.030. If the  
2 declaration indicates that the candidate has not filed a required  
3 campaign report, and the officer authorized to accept the declaration  
4 executed under (a) of this section ascertains that the failure to  
5 file the report occurred during the period provided in AS 15.56.030,  
6 then the officer shall refuse to accept the declaration of candidacy  
7 until the candidate files his delinquent campaign report as provided  
8 in AS 15.56.