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IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST OF THE GOVERNOR

SENATE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the financing of election  
campaigns."

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

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

CHAPTER 56. CAMPAIGN EXPENDITURES,

CONTRIBUTIONS AND REPORTS.

Sec. 15.56.010. POLICY, PURPOSE AND FINDING. It is the policy  
of the state that private wealth should not be decisive in a democracy,  
either in electing an official or in influencing public policy. The  
purpose of this chapter is to prevent the outcome of a state election  
from being unduly influenced by the financial resources available to  
a candidate or to the advocates of a particular position on a ballot  
proposition, or by the expenditure of funds, the source or origin of  
which is unknown to the electorate. It is found and declared by the  
legislature that the need to protect the integrity of the electoral  
system through public disclosure of essential information relating to  
the financing of political campaigns outweighs the right to privacy,  
if applicable, of candidates and persons regarding the information.

Sec. 15.56.020. APPOINTMENT OF TREASURERS. (a) Each candidate  
and each political committee, shall appoint a treasurer and certify  
the full name and complete address of the treasurer together with the  
signature of the person accepting the appointment to the lieutenant  
governor on a form prescribed by him. The candidate may be appointed  
treasurer.

1 (b) A candidate or political committee may remove his or its  
2 treasurer. In case of the death, resignation or removal of a  
3 treasurer before compliance with all the obligations of a treasurer  
4 under this chapter, the candidate or political committee shall appoint  
5 a successor and certify the name and address of the successor in the  
6 manner provided in the case of an original appointment.

7 Sec. 15.56.030. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES.  
8 No contribution may be received or expenditure made by or on behalf  
9 of a candidate or political committee

10 (1) until the candidate or political committee appoints a  
11 treasurer and certifies the name and address of the treasurer to the  
12 lieutenant governor;

13 (2) unless the contribution is received or expenditure made  
14 with the concurrence of the treasurer of the candidate or political  
15 committee;

16 (3) without the consent of the candidate when the con-  
17 tribution or expenditure is on behalf of a candidate.

18 Sec. 15.56.040. CAMPAIGN EXPENDITURE LIMITATIONS. The total  
19 expenditures made by or on behalf of a candidate for state office in  
20 a primary, general or special election campaign, exclusive of the  
21 candidate's own transportation expenses, may not exceed

22 (1) 45 cents times the total population of the geograph-  
23 ical area of the constituency according to the latest United States  
24 census figures if the candidacy is for the state legislature;

25 (2) 25 cents times the total population of the state  
26 according to the latest United States census figures if the candidacy  
27 is for Governor;

28 (3) 15 cents times the total population of the state  
29 according to the latest United States census figures if the candidacy

1 is for lieutenant governor.

2 Sec. 15.56.050. MANNER OF MAKING CONTRIBUTIONS. (a) No person  
3 may make a payment to or on behalf of a candidate in any name except  
4 his own. No person may make a payment in support of or in opposition  
5 to a ballot proposition in any name except his own.

6 (b) No person may transfer funds to another to enable the reci-  
7 pient to transfer or to contribute funds to a political committee or  
8 candidate or attempt to influence the results of an election in a  
9 manner that conceals the true source of the funds.

10 Sec. 15.56.060. REPORTS. (a) The treasurer of each candidate  
11 and political committee shall file reports of contributions and  
12 expenditures with the lieutenant governor on forms prescribed by him.  
13 The reports shall be filed

14 (1) not less than 25 days before the date of the election  
15 covering all contributions and expenditures through the thirty-first  
16 day before the election;

17 (2) not less than seven days before the date of election  
18 covering all contributions and expenditures beginning with the  
19 thirtieth day before the election through the 11th day before the  
20 election;

21 (3) not more than 16 days after the election covering all  
22 contributions and expenditures beginning with the 10th day before the  
23 election through the 10th day after the election. This last report  
24 shall include a statement of any further contributions by way of  
25 pledge or promise which the treasurer expects to receive.

26 (b) The reports made pursuant to this section shall be certified  
27 as true and accurate under penalty of perjury pursuant to AS 09.65.012.

28 Sec. 15.56.070. CONTENTS OF REPORTS. (a) The reports required  
29 by sec. 60 of this chapter must include for the reporting period

1 (1) the total amount of all contributions for the  
2 reporting period;

3 (2) the amount contributed by and the full name and address  
4 of each person who has contributed an aggregate amount of \$50 or more;

5 (3) the total amount of contributions of less than \$50 each,  
6 and the treasurer must maintain a list of names of all contributors  
7 in this group and the amounts contributed by each but the list pre-  
8 pared pursuant to this paragraph is confidential unless opened for  
9 examination by court order;

10 (4) the total amount of contributions received from each  
11 fund raising event, the date and place of the event, and the costs of  
12 the event;

13 (5) the total amount of anonymous contributions;

14 (6) the amount of each loan, promissory note or security  
15 instrument to be used by or for the benefit of the candidate or  
16 political committee and the full name and address of the lender and  
17 each person liable directly, indirectly or contingently on the  
18 instrument;

19 (7) the amount of each contribution not otherwise listed,  
20 and the full name and address of the person who contributed;

21 (8) the total amount of expenditures made or liabilities  
22 incurred for the reporting period;

23 (9) the amount and full name and address of each person to  
24 whom an expenditure was made or a liability incurred in the aggregate  
25 amount of more than \$50, and the purpose of the expenditure; and

26 (10) the surplus or deficit of contributions over expendi-  
27 tures.

28 (b) The lieutenant governor may require by regulation that  
29 additional information be included in the reports required by sec. 60

1 of this chapter.

2 Sec. 15.56.080. SUPPLEMENTAL STATEMENTS. (a) If a report filed  
3 pursuant to sec. 60(a)(3) of this chapter shows an unexpended balance  
4 of contributions or an expenditure deficit, the treasurer of the  
5 candidate or political committee shall file supplemental statements  
6 with the lieutenant governor on a form prescribed by him. The first  
7 supplemental statement shall be filed not more than 30 days after the  
8 deadline for filing the report pursuant to sec. 60(a)(3) of this  
9 chapter. Thereafter an additional supplemental statement of con-  
10 tributions and expenditures shall be submitted every 60 days until no  
11 unexpended balance of contributions or expenditure deficit remains.

12 (b) The supplemental statements shall be certified as true and  
13 accurate under penalty of perjury pursuant to AS 09.65.012.

14 (c) Supplemental statements under this section need not be filed  
15 with respect to the primary campaign of a successful candidate by the  
16 treasurer of a political committee supporting the candidate if the  
17 committee continues to function in support of the candidate in the  
18 succeeding general election campaign.

19 Sec. 15.56.090. ANONYMOUS CONTRIBUTION. Reasonable effort shall  
20 be made to ascertain the identity of persons making anonymous con-  
21 tributions. If despite reasonable effort the donor is not identified,  
22 the contribution escheats to the state and is payable to the state at  
23 the same time reports are due under sec. 60 of this chapter.

24 Sec. 15.56.100. OUT-OF-STATE CONTRIBUTIONS. (a) A treasurer  
25 may not accept a contribution of more than \$100 from a person not a  
26 resident of Alaska unless the contribution is accompanied by a written  
27 statement setting forth the full name and complete address of each  
28 person who contributed more than \$25 of the contribution.

29 (b) A person who is not a resident of Alaska who contributes an

1 aggregate amount of over \$100 to an election campaign is thereby  
2 subject to the personal jurisdiction of the courts of this state for  
3 all matters relating to the enforcement of this chapter.

4 Sec. 15.56.110. REPORTS BY CONTRIBUTORS. Not more than 30 days  
5 after an election, each person who makes a contribution or expenditure  
6 in support of or in opposition to an individual candidate or ballot  
7 proposition in an aggregate amount over \$100 during an election  
8 campaign shall file a report with the lieutenant governor signed by  
9 the contributor; disclosing the contributor's name and address, and  
10 the date, nature, amount and recipient of all contributions or  
11 expenditures.

12 Sec. 15.56.120. REPORTS PUBLIC RECORDS. All reports filed under  
13 this chapter are public records.

14 Sec. 15.56.130. POWERS AND DUTIES OF LIEUTENANT GOVERNOR. (a)  
15 The lieutenant governor shall

16 (1) publicize the requirements of this chapter so that  
17 persons having duties under this chapter may be informed of the duties;

18 (2) prescribe and distribute uniform forms for all reports  
19 required to be filed under this chapter;

20 (3) prepare and distribute standard instructions for keeping  
21 accounts for use by persons required to file reports under this  
22 chapter;

23 (4) prepare summaries of the reports received and make the  
24 summaries available to the news media and the public; the summaries of  
25 the reports required by sec. 60(a)(2) of this chapter shall be avail-  
26 able not later than the fourth day preceding an election;

27 (5) make reports available for public inspection and furnish  
28 copies of the reports upon request; and

29 (6) analyze and compare the reports received for possible

1 violations, and report evidence of probable violations to the  
2 attorney general.

3 (b) The lieutenant governor may

4 (1) promulgate regulations to implement, interpret or make  
5 more specific the provisions of this chapter; and

6 (2) exercise the same investigative powers available to the  
7 department of revenue under AS 43.05.040 to ascertain the correctness  
8 of reports and to enforce the provisions of this chapter.

9 Sec. 15.56.140. VIOLATION AFFECTING AN ELECTION. (a) If a court  
10 finds that the wilfull violation of a provision of this chapter by a  
11 candidate or campaign committee with the knowledge and consent by the  
12 candidate more likely than not resulted in the election of the candi-  
13 date to state office, the court shall nullify the election of the  
14 candidate. A resulting vacancy in state office shall be filled in the  
15 manner provided by law for filling vacancies for that office. If the  
16 general or special election for that office has not occurred, the  
17 violator may not have his name placed on the general election ballot,  
18 but the party of which he is a member may replace him under the  
19 procedures established in AS 15.25.110-130.

20 Sec. 15.56.150. PENALTIES. (a) A person who wilfully fails to  
21 file a report required under this chapter, or who wilfully fails to  
22 disclose required information or who files intentionally false or  
23 misleading information is guilty of a misdemeanor and upon conviction  
24 may be sentenced to imprisonment for up to one year or a fine of not  
25 less than \$1,000 but not more than \$5,000 or both.

26 (b) A person who violates sec. 40 or sec. 50 of this chapter is  
27 liable to the state for liquidated damages in an amount not to exceed  
28 three times the amount of an illegal contribution or expenditure or  
29 \$5,000, whichever is greater.

1 (c) A person who fails to file a report required under this  
2 chapter is liable to the state for liquidated damages not to exceed  
3 \$5,000.

4 (d) A citizen may bring an action to enforce the civil remedy  
5 provisions of this chapter.

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

7 (25) "candidate" means a person who files in a general or  
8 primary election for election to the state legislature, for governor,  
9 lieutenant governor, or delegate to a constitutional convention;

10 (26) "contribution" means any loan, gift, advance, deposit,  
11 transfer of funds or anything of value and includes a promise, or  
12 contract whether or not legally enforceable to make a contribution or  
13 expenditure in support of or in opposition to a candidate, political  
14 committee or ballot proposition, but does not include volunteered  
15 personal services for which no compensation is given;

16 (27) "expenditure" means a payment, loan, deposit or gift  
17 of money or anything of value in exchange for goods, services,  
18 facilities, or anything of value in exchange for goods, services,  
19 facilities or anything of value in support of or in opposition to a  
20 candidate, political committee or ballot proposition and the word  
21 includes a promise or contract whether or not legally enforceable, to  
22 make an expenditure;

23 (28) "political committee" means a person or political  
24 group which expects to spend in excess of \$100 for the purpose of  
25 influencing the outcome of an election for public office or a ballot  
26 proposition and which is not a part of another political committee  
27 reporting under AS 15.56.060 and whose fund gathering and expenditures  
28 are not otherwise reported and subject to the limitations of AS 15.56  
29 .010-100.