

Introduced: 3/8/76
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 *CS* HOUSE BILL NO. 857 *(Jud.) (Rules)*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the election campaign disclosure
7 law; and providing for an effective date."

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

9 * Section 1. AS 15.13.020(j) is amended to read:

10 (j) The commission shall establish an office, [WHICH MAY BE CALLED
11 A REGIONAL OFFICE,] in each senate district in the state to keep on file
12 for public inspection copies of all reports required to be filed with
13 the commission by candidates for statewide office and by candidates for
14 legislative office in that district; however, where one municipality
15 contains more than one election district, only one commission office
16 shall be established in that municipality. Each [THE REGIONAL] office
17 shall make all forms and pertinent material available to candidates.
18 Reports [ALL REPORTS] shall be filed by candidates, groups and indivi-
19 duals directly with the commission's central and district offices
20 [OFFICE]. The commission shall ensure [INSURE] that copies of all
21 reports by statewide [AND LEGISLATIVE] candidates, by legislative candi-
22 dates in each senate district, and by judges seeking electoral confirma-
23 tion [IN EACH SENATE DISTRICT] are forwarded promptly to the [THAT
24 DISTRICT OR REGIONAL] office located in the district in which the candi-
25 date or judge is seeking office.

26 * Sec. 2. AS 15.13.040(d) and (f) are amended to read:

27 (d) Every individual or [,] person [OR GROUP] making a contribu-
28 tion or expenditure shall make a full report, upon a form prescribed
29 by the commission, of the following contributions or expenditures:

1 (1) any contribution of cash, goods or services valued at
2 more than \$250 [~~\$100~~] a year to any group or candidate; or

3 (2) any expenditure whatsoever for advertising in newspapers,
4 on radio or on television; or, for the publication, distribution or
5 circulation of brochures, flyers, or other campaign material for any
6 candidate or ballot proposition or question.

7 (f) During each year in which an election occurs, all businesses,
8 persons, or groups which furnish any of the following services, facili-
9 ties, or supplies to a candidate or group shall maintain a record of
10 each transaction: newspapers, radio, television, advertising, advertis-
11 ing agency services, accounting, billboards, printing, secretarial,
12 public opinion polls, or research and professional campaign consultation
13 or management, media production or preparation, or computer services.
14 The records shall be maintained on the forms provided and in the manner
15 required by the commission. The supplier shall file a report of the
16 complete record of each transaction with all candidates or groups to
17 whom he provides services, facilities or supplies in excess of \$250
18 for each candidate or group in the aggregate in accordance with sec. 110
19 of this chapter. All records shall be available for public inspection.

20 * Sec. 3. AS 15.13.060(c) and (d) are amended to read:

21 (c) Each candidate shall file the name and address of the campaign
22 treasurer with the commission no later than seven days after the date of
23 filing his declaration of candidacy or his nominating petition. [THE
24 NAME OF THE CANDIDATE MAY BE PLACED ON THE BALLOT BY THE LIEUTENANT
25 GOVERNOR OR MUNICIPAL CLERK ONLY IF THE CANDIDATE HAS COMPLIED WITH THIS
26 SUBSECTION.]

27 (d) In the case of the death, resignation or removal of a campaign
28 treasurer, the candidate shall appoint a successor as soon as practicable
29 and file his name and address with the commission within 48 hours of the

1 appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO
2 HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION.]

3 * Sec. 4. AS 15.13.070(a) is amended to read:

4 (a) No person or group, including but not limited to all political
5 committees, businesses, corporations, and labor unions, may contribute
6 [TO OR EXPEND] more than \$1,000 a year to a candidate [ON BEHALF OF OR
7 IN OPPOSITION TO THE COMPETING CANDIDATES] for each elective office.
8 Political parties and their subdivisions are not subject to the limita-
9 tion prescribed in this subsection, but they are subject to the report-
10 ing requirements prescribed by secs. 40(b) and 110 of this chapter.
11 Nothing in this chapter prohibits

12 (1) a candidate from contributing more than \$1,000 of his own
13 money to his own campaign; or

14 (2) individuals or groups, including but not limited to all
15 political committees, businesses, corporations, and labor unions, from
16 contributing to or expending on behalf of a ballot proposition or ques-
17 tion more than \$1,000 a year; however, these contributions and expendi-
18 tures shall be reported in accordance with secs. 40 and 110 of this
19 chapter.

20 * Sec. 5. AS 15.13.090 is amended to read:

21 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-
22 ments, billboards, handbills, paid-for television and radio announce-
23 ments and other communications intended to influence the election of a
24 candidate or outcome of a ballot proposition or question shall be clear-
25 ly identified by the words "paid for by" followed by the name and
26 address of the candidate, group or individual paying for the advertising.
27 [IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE NAME OF THEIR
28 CAMPAIGN TREASURER.]

29 * Sec. 6. AS 15.13.100 is amended to read:

1 Sec. 15.13.100. EXPENDITURES BEFORE FILING. No political campaign
2 expenditure may be made or incurred by a person in an election or by a
3 person or group with his knowledge and on his behalf before the date
4 upon which he or she files for nomination for the office which the
5 person seeks, except for personal travel expenses or for opinion surveys
6 or polls. These expenditures [SHALL BE CHARGED AGAINST THE SPENDING
7 LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSEQUENTLY FILES,
8 AND] shall be included in the first report required under this chapter
9 after filing for office.

10 * Sec. 7. AS 15.13.110(b) and (c) are amended to read:

11 (b) Each contribution or expenditure which exceeds \$250 and which
12 is made within 10 days [ONE WEEK] of the election shall be reported to
13 the commission by date, amount, and contributor or recipient within 24
14 hours of receipt or expenditure by the candidate or campaign treasurer.

15 (c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH THE COMMIS-
16 SION'S CENTRAL OFFICE.] All reports required by this chapter shall be
17 kept open to public inspection. Within 30 days after each election, the
18 commission shall prepare a summary of each report which shall be made
19 available to the public at cost upon request. Each summary shall use
20 uniform categories of reporting.

21 * Sec. 8. AS 15.13 is amended by adding a new section to read:

22 Sec. 15.13.121. CRIMINAL AND CIVIL PENALTIES; FORFEITURE OF
23 OFFICE; LIMITATIONS ON ACTIONS. (a) A person who violates a provision
24 of this chapter is guilty of a misdemeanor and upon conviction is punish-
25 able by imprisonment for not more than one year or by a fine of not more
26 than \$5,000. A violation includes but is not limited to any of the
27 following acts or omissions:

28 (1) failing to make a statement or report required to be made
29 under this chapter, or failing to make a statement or report at the time

1 the statement or report is required to be made under this chapter;

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

3 (3) giving or furnishing money to another person or group for
4 the purpose of making a contribution or expenditure anonymously, in a
5 fictitious name, or in the name of another, or contributing in violation
6 of sec. 70(d) of this chapter;

7 (4) making a communication to support or defeat a candidate
8 without identification of sponsorship, in violation of sec. 90 of this
9 chapter;

10 (5) knowingly accepting a contribution in violation of sec.
11 70 of this chapter;

12 (6) providing false or misleading information in the course
13 of an investigation.

14 (b) In addition to the penalties provided for in (a) of this sec-
15 tion, a person who violates secs. 60 and 110 of this chapter is liable,
16 in a civil action, to the state for a sum to be assessed by the court of
17 not less than \$1,000 nor more than \$10,000 for each day on which the
18 violation occurs and which shall reflect, where applicable:

19 (1) reasonable compensation in the nature of liquidated
20 damages according to the benefit received by the candidate in not dis-
21 closing his campaign expenses; or

22 (2) reasonable costs incurred by the state in detection, in-
23 vestigation, and attempted correction of the violation.

24 (c) Action under (b) of this section may not be used for punitive
25 purposes and sums assessed by the court must be compensatory or remedial
26 in nature.

27 (d) Notwithstanding the criminal penalties and civil sums assessed
28 otherwise under this section, no candidate who files reports required by
29 secs. 60(c) - (d) and 110(a)(1) - (2) of this chapter later than three

1 days after the date established in secs. 60(c) - (d) and 110(a) of this
2 chapter may have his name placed on the ballot or have votes cast for
3 him counted by the lieutenant governor or municipal clerk. Determina-
4 tion that reports have not been filed shall be certified promptly by the
5 commission to the lieutenant governor or municipal clerk. The nomina-
6 tion to office or election to office shall be certified to the highest
7 vote getter for that nomination for that office who complies within the
8 time limits specified and that person shall be declared nominated or
9 elected.

10 (e) Notwithstanding the criminal and civil sums assessed otherwise
11 under this section, a successful candidate who files reports required
12 under secs. 110(a)(3) - (4) and 110(b) of this chapter later than three
13 days after the date established in secs. 110(a)(3) - (4) and 110(b) of
14 this chapter may not hold office. The nomination for office or election
15 to office shall be certified to the highest vote getter for that nomina-
16 tion for that office who complies within the time limits specified and
17 that person shall be declared nominated or elected.

18 (f) The nomination for and election to an office of a candidate
19 who himself violates or whose campaign treasurer or deputy campaign
20 treasurer violates any of the following described provisions is void if
21 it is determined that a candidate knowingly

22 (1) made a false statement on any report required of him
23 under this chapter;

24 (2) accepted a contribution in violation of secs. 70(b) or
25 70(d) of this chapter;

26 (3) made a campaign expenditure in violation of secs. 70(c),
27 70(h), or 100 of this chapter.

28 (g) When a violation of (f) of this section is charged, the case
29 shall be promptly tried and the case shall be accorded a preferred

1 status by the courts to ensure a speedy disposition on the matter.

2 (h) The commission shall promptly notify all persons who are de-
3 linquent in filing reports and statements, including contributors who
4 failed to file a statement in accordance with sec. 40 of this chapter,
5 and shall make available a list of delinquents for public inspection.
6 The commission shall also report to the attorney general the names of
7 all candidates in an election whose campaign treasurers have failed to
8 file the reports required by this chapter.

9 (i) A person who believes a violation of this chapter has occurred
10 may file a complaint with the commission. The commission shall expedi-
11 tiously make an investigation of the matter complained of. When the
12 commission has reasonable cause to believe that a person has engaged or
13 is about to engage in any acts or practices which constitute or will
14 constitute a violation of a provision of this chapter, or a regulation
15 or order issued under it, it shall promptly report the information to
16 the attorney general for appropriate action. The commission shall
17 promptly inform the person who filed the complaint of its disposition of
18 the matter.

19 (j) Prosecution for violation of a provision of this chapter may
20 not be commenced after four years have elapsed from the date of the
21 alleged violation.

22 * Sec. 9. AS 15.13.130(2) is amended to read:

23 (2) "contribution" means purchase, payment, promise or
24 obligation to pay, loan or loan guarantee, deposit or gift of money,
25 goods or services for which charge is ordinarily made and which is made
26 for the purpose of influencing the nomination or election of a candi-
27 date, and in sec. 10(b) of this chapter for the purpose of influencing a
28 ballot proposition or question, including the payment by a person other
29 than a candidate or political party of [, OR] compensation for [OF] the

1 personal services of another person which are rendered to the candidate
2 or political party; however, "contribution" does not include

3 (A) services provided without compensation by individu-
4 als volunteering a portion or all of their time on behalf of a
5 candidate or ballot proposition or question, but it does include
6 professional services volunteered by individuals for which they
7 ordinarily would be paid a fee or wage;

8 (B) services provided by an accountant or other person
9 to prepare reports and statements required by this chapter;

10 (C) ordinary hospitality in a home;

11 * Sec. 10. AS 15.13.130(3) is amended to read:

12 (3) "group" means every state and regional executive commit-
13 tee of a political party and, in addition, means any combination of two
14 or more persons or individuals acting jointly who take action the major
15 purpose of which is to influence the outcome of an election; a group
16 that makes expenditures or receives contributions with the authorization
17 or consent, express or implied, or under the control, direct or indirect
18 of a candidate shall be considered to be controlled by that candidate;
19 a group whose major purpose is to further the nomination, election, or
20 candidacy of only one person, or intends to expend more than 50 per cent
21 of its money on a single candidate, shall be considered to be controlled
22 by that candidate and its actions done with his knowledge and consent
23 unless, within 10 days from the date the candidate learns of the exist-
24 tence of the group he files with the commission, on a form provided by
25 the commission, an affidavit that the group is operating without his
26 control; a group organized for more than one year preceding an election
27 and endorsing candidates for more than one office or more than one poli-
28 tical party is presumed not to be controlled by a candidate; [HOWEVER, A
29 GROUP THAT CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON

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BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDI-
DATE FOR PURPOSES OF SEC. 70 OF THIS CHAPTER, WHETHER OR NOT CONTROL OF
THE GROUP HAS BEEN DISCLAIMED BY THE CANDIDATE;]

* Sec. 11. AS 15.13.070(f) and (g), 15.13.080, and 15.13.120 are re-
pealed.

* Sec. 12. Sections 1 - 2 and 10 of this Act are retroactive to June 26,
1975.

* Sec. 13. This Act takes effect immediately in accordance with AS 01.10.
070(c).

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