

Offered: 3/23/76  
Referred: Judiciary

Original sponsor: State Affairs Committee

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 857

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  
11 CALLED A REGIONAL OFFICE,] in each senate district in the state to keep  
12 on file for public inspection copies of all reports required to be filed  
13 with the commission by candidates for statewide office and by candidates  
14 for 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] district offices [OFFICE].  
20 The commission shall ensure [INSURE] that copies of all reports by  
21 statewide [AND LEGISLATIVE] candidates, by legislative candidates in  
22 each senate district, and by judges seeking electoral confirmation [IN  
23 EACH SENATE DISTRICT] are forwarded promptly to the [THAT DISTRICT OR  
24 REGIONAL] office located in the district in which the candidate or judge  
25 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 by  
29 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 or [,] persons [, OR GROUPS] which furnish any of the following services,  
9 facilities, or supplies to a candidate or group shall maintain a record  
10 of each transaction: newspapers, radio, television, advertising,  
11 advertising agency services, accounting, billboards, printing, secre-  
12 tarial, public opinion polls, or research and professional campaign  
13 consultation or management, media production or preparation, or computer  
14 services. The records shall be maintained on the forms provided and in  
15 the manner required by the commission. The supplier shall file a report  
16 of the complete record of each transaction with all candidates or groups  
17 to 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 15.13.050 is amended by adding a new subsection to read:

21 (b) A group that makes expenditures or receives contributions with  
22 the authorization or consent, express or implied, or under the control,  
23 direct or indirect, of a candidate shall be considered to be controlled  
24 by that candidate. A group whose major purpose is to further the nomi-  
25 nation, election, or candidacy of only one person, or intends to expend  
26 more than 50 per cent of its money on a single candidate, shall be con-  
27 sidered to be controlled by that candidate and its actions done with his  
28 knowledge and consent unless, within 10 days from the date the candidate  
29 learns of the existence of the group he files with the commission, on a

1 form provided by the commission, an affidavit that the group is operat-  
2 ing without his control. A group organized for more than one year  
3 preceding an election and endorsing candidates for more than one office  
4 or more than one political party is presumed not to be controlled by a  
5 candidate.

6 \* Sec. 4. AS 15.13.060(c) and (d) are amended to read:

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

13 (d) In the case of the death, resignation or removal of a campaign  
14 treasurer, the candidate shall appoint a successor as soon as practi-  
15 cable and file his name and address with the commission within 48 hours  
16 of the appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN  
17 FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION.]

18 \* Sec. 5. AS 15.13.070(a) is amended to read:

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

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

29 (2) individuals or groups, including but not limited to all

1 political committees, businesses, corporations, and labor unions, from  
2 contributing to or expending on behalf of a ballot proposition or ques-  
3 tion more than \$1,000 a year; however, these contributions and expendi-  
4 tures shall be reported in accordance with secs. 40 and 110 of this  
5 chapter.

6 \* Sec. 6. AS 15.13.090 is amended to read:

7 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-  
8 ments, billboards, handbills, paid-for television and radio announce-  
9 ments and other communications intended to influence the election of a  
10 candidate or outcome of a ballot proposition or question shall be clear-  
11 ly identified by the words "paid for by" followed by the name and  
12 address of the candidate, group or individual paying for the advertis-  
13 ing. [IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE NAME OF THEIR  
14 CAMPAIGN TREASURER.]

15 \* Sec. 7. AS 15.13.100 is amended to read:

16 Sec. 15.13.100. EXPENDITURES BEFORE FILING. Political [NO POLITI-  
17 CAL] campaign expenditure may be made or incurred by a person in an  
18 election or by a person or group with his knowledge and on his behalf  
19 before the date upon which he or she files for nomination for the office  
20 which the person seeks [, EXCEPT FOR PERSONAL TRAVEL EXPENSES OR FOR  
21 OPINION SURVEYS OR POLLS]. However, these [THESE] expenditures [SHALL  
22 BE CHARGED AGAINST THE SPENDING LIMITATION THAT APPLIES TO THE OFFICE  
23 FOR WHICH HE SUBSEQUENTLY FILES, AND] shall be included in the first  
24 report required under this chapter after filing for office.

25 \* Sec. 8. AS 15.13.110(b) and (c) are amended to read:

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

1 (c) [THE REPORTS OF CANDIDATES SHALL BE FILED WITH THE COMMIS-  
2 SION'S CENTRAL OFFICE.] All statements, records and reports required by  
3 this chapter are public records and shall be kept open for [TO] public  
4 inspection. Within 30 days after each election, the commission shall  
5 prepare a summary of reports [EACH REPORT] which shall be made available  
6 to the public at cost upon request. Each summary shall use uniform  
7 categories of reporting.

8 \* Sec. 9. AS 15.13 is amended by adding a new section to read:

9 Sec. 15.13.121. CRIMINAL AND CIVIL PENALTIES; FORFEITURE OF  
10 OFFICE; LIMITATIONS ON ACTIONS. (a) A person who violates a provision  
11 of this chapter is guilty of a misdemeanor and upon conviction is  
12 punishable by imprisonment for not more than one year or by a fine of  
13 not more than \$5,000. A violation includes but is not limited to any of  
14 the following acts or omissions:

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

16 (2) giving or furnishing money to another person or group for  
17 the purpose of making a contribution or expenditure anonymously, in a  
18 fictitious name, or in the name of another, or contributing in violation  
19 of sec. 70(d) of this chapter;

20 (3) making a communication to support or defeat a candidate  
21 without identification of sponsorship, in violation of sec. 90 of this  
22 chapter;

23 (4) knowingly accepting a contribution in violation of sec.  
24 70 of this chapter;

25 (5) providing false or misleading information in the course  
26 of an investigation.

27 (b) In addition to the penalties provided for in (a) of this sec-  
28 tion, a person who violates secs. 60 and 110 of this chapter is liable,  
29 in a civil action, to the state for a sum to be assessed by the court of

1 not less than \$1,000 nor more than \$10,000 for each day on which the  
2 violation occurs and which shall reflect, where applicable:

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

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

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

11 (d) Notwithstanding the criminal penalties and civil sums assessed  
12 otherwise under this section, no candidate who files reports required by  
13 secs. 60(c) - (d) and 110(a)(1) - (2) of this chapter later than three  
14 days after the date established in secs. 60(c) - (d) and 110(a) of this  
15 chapter may have his name placed on the ballot or have votes cast for  
16 him counted by the lieutenant governor or municipal clerk. Determina-  
17 tion that reports have not been filed shall be certified promptly by the  
18 commission to the lieutenant governor or municipal clerk. The nomina-  
19 tion to office or election to office shall be certified to the highest  
20 vote getter for that nomination for that office who complies within the  
21 time limits specified and that person shall be declared nominated or  
22 elected.

23 (e) Notwithstanding the criminal and civil sums assessed otherwise  
24 under this section, a successful candidate who files reports required  
25 under secs. 110(a)(3) - (4) and 110(b) of this chapter later than three  
26 days after the date established in secs. 110(a)(3) - (4) and 110(b) of  
27 this chapter may not hold office. The nomination for office or election  
28 to office shall be certified to the highest vote getter for that nomina-  
29 tion for that office who complies within the time limits specified and

1 that person shall be declared nominated or elected.

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

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

8 (2) accepted a contribution in violation of secs. 70(b) or  
9 70(d) of this chapter;

10 (3) made a campaign expenditure in violation of secs. 70(c),  
11 70(h), or 100 of this chapter.

12 (g) When a violation of (f) of this section is charged, the case  
13 shall be promptly tried and the case shall be accorded a preferred  
14 status by the courts to ensure a speedy disposition on the matter.

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

22 (i) A person who believes a violation of this chapter has occurred  
23 may file a complaint with the commission. The commission shall expedi-  
24 tiously make an investigation of the matter complained of. When the  
25 commission has reasonable cause to believe that a person has engaged or  
26 is about to engage in any acts or practices which constitute or will  
27 constitute a violation of a provision of this chapter, or a regulation  
28 or order issued under it, it shall promptly report the information to  
29 the attorney general for appropriate action. The commission shall

1 promptly inform the person who filed the complaint of its disposition of  
2 the matter.

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

6 \* Sec. 10. AS 15.13.130(2) is amended to read:

7 (2) "contribution" means purchase, payment, promise or obli-  
8 gation to pay, loan or loan guarantee, deposit or gift of money, goods  
9 or services for which charge is ordinarily made and which is made for  
10 the purpose of influencing the nomination or election of a candidate,  
11 and in sec. 10(b) of this chapter for the purpose of influencing a  
12 ballot proposition or question, including the payment by a person other  
13 than a candidate or political party of [, OR] compensation for [OF] the  
14 personal services of another person which are rendered to the candidate  
15 or political party; however, "contribution" does not include

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

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

23 (C) ordinary hospitality in a home;

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

25 (3) "group" means every state and regional executive commit-  
26 tee of a political party and, in addition, means any combination of two  
27 or more persons or individuals acting jointly who take action the major  
28 purpose of which is to influence the outcome of an election; [A GROUP  
29 THAT MAKES EXPENDITURES OR RECEIVES CONTRIBUTIONS WITH THE AUTHORIZATION

1 OR CONSENT, EXPRESS OR IMPLIED, OR UNDER THE CONTROL, DIRECT OR INDIRECT  
2 OF A CANDIDATE SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE;  
3 A GROUP WHOSE MAJOR PURPOSE IS TO FURTHER THE NOMINATION, ELECTION, OR  
4 CANDIDACY OF ONLY ONE PERSON, OR INTENDS TO EXPEND MORE THAN 50 PER CENT  
5 OF ITS MONEY ON A SINGLE CANDIDATE, SHALL BE CONSIDERED TO BE CONTROLLED  
6 BY THAT CANDIDATE AND ITS ACTIONS DONE WITH HIS KNOWLEDGE AND CONSENT  
7 UNLESS, WITHIN 10 DAYS FROM THE DATE THE CANDIDATE LEARNS OF THE EXIS-  
8 TENCE OF THE GROUP HE FILES WITH THE COMMISSION, ON A FORM PROVIDED BY  
9 THE COMMISSION, AN AFFIDAVIT THAT THE GROUP IS OPERATING WITHOUT HIS  
10 CONTROL; A GROUP ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION  
11 AND ENDORSING CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLI-  
12 TICAL PARTY IS PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE; HOWEVER, A  
13 GROUP THAT CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON  
14 BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDI-  
15 DATE FOR PURPOSES OF SEC. 70 OF THIS CHAPTER, WHETHER OR NOT CONTROL OF  
16 THE GROUP HAS BEEN DISCLAIMED BY THE CANDIDATE;]

17 \* Sec. 12. AS 15.13.070(f) and (g), 15.13.080, and 15.13.120 are re-  
18 pealed.

19 \* Sec. 13. Sections 1 - 2 and 11 of this Act are retroactive to June 26,  
20 1975.

21 \* Sec. 14. This Act takes effect immediately in accordance with AS 01.10.  
22 070(c).  
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