

Introduced: 4/30/75  
Referred: Judiciary

1 IN THE SENATE

BY CROFT BY REQUEST

2 SENATE BILL NO. 409

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns; and providing  
7 for an effective date."

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

9 \* Section 1. AS 15.13.010 is amended to read:

10 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in every  
11 election for governor, lieutenant governor, a member of the state legis-  
12 lature, a delegate to a constitutional convention, or judge seeking elec-  
13 toral confirmation [OR FOR A MUNICIPAL OFFICE]. It also applies to every  
14 candidate for election to a municipal office in a city or borough with  
15 a population of more than 1,000 inhabitants according to the latest  
16 United States census figures or estimates of population certified as  
17 correct for administrative purposes by the Department of Community and  
18 Regional Affairs. A municipality may exempt its elected municipal  
19 officers [ITSELF] from the requirements of this chapter if a majority of  
20 the voters voting on the question at any regular election, as defined by  
21 AS 29.78.010(14), or a special municipality-wide election called for  
22 that purpose, [A GENERAL ELECTION] vote to exempt its elected municipal  
23 officers [THE MUNICIPALITY] from the requirements of this chapter. The  
24 question of exemption from the requirements of this chapter may be  
25 submitted by the city council or borough assembly by ordinance or by  
26 initiative ordinance. Nothing in this chapter prohibits a municipality  
27 from regulating by ordinance campaign contributions and expenditures.

28 \* Sec. 2. AS 15.13.010 is amended by adding a new subsection to read:

29 (b) Except as otherwise provided, this chapter applies to contri-

1 butions, expenditures and communications made by a candidate, group,  
2 municipality or individual for the purpose of influencing the outcome of  
3 a ballot proposition or question as well as those made to influence the  
4 nomination or election of a candidate. Expenditures made by the state  
5 are not considered contributions for the purpose of influencing a ballot  
6 proposition.

7 \* Sec. 3. AS 15.13.020(a) is amended to read:

8 (a) There is created in the office of the lieutenant governor the  
9 Alaska Public Offices [ELECTION CAMPAIGN] Commission consisting of five  
10 members.

11 \* Sec. 4. AS 15.13.020(c) is amended to read:

12 (c) The four members selected under (b) of this section shall, by  
13 a majority vote, appoint the remaining fifth member of the commission.  
14 That fifth member, after the expiration of the term of office of the  
15 person who is the incumbent fifth member on the effective date of this  
16 Act, may not have been registered to vote as a member of either of the  
17 political parties represented by the other four members for two years  
18 before his appointment.

19 \* Sec. 5. AS 15.13.020(d) is repealed and re-enacted to read:

20 (d) Upon selection of the commission's fifth member, the commis-  
21 sion's initial four members shall draw lots to determine the length of  
22 their terms of office so that one commission member serves one year, one  
23 serves two years, one serves three years and one serves four years.  
24 However, the terms of no two commission members who are members of the  
25 same political party may expire in consecutive years. The term of office  
26 of the fifth member, appointed under (c) of this section, expires in the  
27 fifth year. Terms of office of the initial appointees to the commission,  
28 including the fifth member, shall date from February 1 before their  
29 appointment. After the terms of office of the initial appointees to the

1 commission expire, the term of office of a member of the commission is  
2 five years, or until his successor is appointed and qualifies. No com-  
3 mission member may serve more than one term.

4 \* Sec. 6. AS 15.13.020(e) is amended to read:

5 (e) No member of the commission, during tenure, may

6 (1) hold or campaign for elective office;

7 (2) be an officer of a political party, [OR] political commit-  
8 tee or group;

9 (3) permit his name to be used, or make any contributions  
10 whatsoever, in support of or in opposition to a candidate or proposition  
11 or question that appears on any ballot in the state including but not  
12 limited to that of a municipality; however, contributions may be made to  
13 a candidate for the office of President of the United States;

14 (4) participate in any way in an election campaign or partici-  
15 pate in or contribute to any political party; or

16 (5) lobby, employ or assist a lobbyist.

17 \* Sec. 7. AS 15.13.020(f) is amended to read:

18 (f) Members of the commission shall receive compensation of \$100  
19 a day while attending commission meetings or participating in authorized  
20 commission business and shall be entitled to necessary travel expenses  
21 and per diem.

22 \* Sec. 8. AS 15.13.020(h) is amended to read:

23 (h) A vacancy [VACANCY] on the commission shall be filled by the  
24 appropriate appointing authority [OFFICER] within 30 days of the occur-  
25 rence of the vacancy. The appointee shall serve for the remaining term  
26 of his predecessor.

27 \* Sec. 9. AS 15.13.020(j) is amended to read:

28 (j) The commission shall establish an office, which may be called  
29 a regional office, in each senate district in the state to keep on file

1 for public inspection copies of all reports filed with the commission by  
2 candidates for statewide office and by candidates for legislative office  
3 in that district [AN OFFICE TO RECEIVE REPORTS AND STATEMENTS REQUIRED TO  
4 BE FILED WITH IT]; however, where one municipality contains more than one  
5 election district, only one commission office shall be established in  
6 that municipality. The district or regional office shall make all forms  
7 and pertinent material available to candidates. All reports shall be  
8 filed by candidates, groups and individuals directly with the commis-  
9 sion's central office. The commission shall insure that copies of all  
10 reports by statewide and legislative candidates in each senate district  
11 are forwarded promptly to that district or regional office. [THE COM-  
12 MISSION SHALL MAKE EVERY EFFORT TO INSURE THAT ALL REPORTS ARE FORWARDED  
13 TO THE CENTRAL OFFICE PROMPTLY.]

14 \* Sec. 10. AS 15.13.020 is amended by adding a new subsection to read:

15 (k) The commission shall ensure that copies of reports filed by  
16 candidates for municipal office are made available for public inspection  
17 in the appropriate municipality.

18 \* Sec. 11. AS 15.13.030(2) is amended to read:

19 (2) prepare and publish a manual setting out uniform methods  
20 of bookkeeping and reporting for use by persons required to make reports  
21 and statements under this chapter and otherwise assist candidates, [AND]  
22 groups, and individuals in complying with the requirements of this  
23 chapter;

24 \* Sec. 12. AS 15.13.030(5) is amended to read:

25 (5) prepare [AND PUBLISH] a summary of each report filed  
26 under sec. 110 of this chapter and make copies of this summary available  
27 to interested persons at cost;

28 \* Sec. 13. AS 15.13.040 is repealed and re-enacted to read:

29 Sec. 15.13.040. CONTRIBUTIONS, EXPENDITURES AND SUPPLYING OF

1 SERVICES TO BE REPORTED. (a) Each candidate shall make a full report,  
2 upon a form prescribed by the commission, listing the date and amount  
3 of all expenditures made by the candidate, the total amount of all con-  
4 tributions, including all funds contributed by the candidate himself,  
5 and for all contributions in excess of \$25 in the aggregate a year, the  
6 name, address, principal occupation, and employer of the contributor and  
7 the date and amount contributed by each contributor. The report shall be  
8 filed in accordance with sec. 110 of this chapter and shall be certified  
9 correct by the candidate or campaign treasurer.

10 (b) Each group shall make a full report upon a form prescribed by  
11 the commission, listing

12 (1) the name and address of each officer and director;

13 (2) all contributions made to it; and, for all contributions  
14 in excess of \$25 in the aggregate a year, the name, address, principal  
15 occupation, and employer of the contributor, and the date and amount  
16 contributed by each contributor; and

17 (3) the date and amount of all contributions made by it and  
18 all expenditures made, incurred or authorized by it.

19 (c) The report required under (b) of this section shall be filed  
20 in accordance with sec. 110 of this chapter and shall be certified as  
21 correct by the group's treasurer.

22 (d) Every individual, person or group shall make a full report,  
23 upon a form prescribed by the commission, of the following contributions  
24 or expenditures:

25 (1) a contribution of \$100 or more to any group or to any  
26 candidate, including all groups that support only one candidate;

27 (2) a contribution of goods or services valued at \$100 or  
28 more to any group or candidate, including all groups that support only  
29 that candidate; or

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

5 (e) The report required under (d) of this section shall contain  
6 the name, address, principal occupation and employer of the individual  
7 filing the report, and an itemized list of expenditures. The report  
8 shall be filed with the commission by the contributor no later than 10  
9 days after the contribution or expenditure is made. A copy of the  
10 report shall be furnished to the candidate, campaign treasurer or deputy  
11 campaign treasurer at the time the contribution is made.

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

25 \* Sec. 14. AS 15.13 is amended by adding a new section to read:

26 Sec. 15.13.045. INVESTIGATIONS, HEARINGS. (a) The commission may  
27 issue subpoenas, administer oaths, hold hearings and conduct investiga-  
28 tions.

29 (b) In conjunction with (a) of this section, the commission may

1 compel the attendance of witnesses and production of papers, books,  
2 records, accounts, documents, and testimony, and may have the deposition  
3 of witnesses taken in a manner prescribed by court rule or law for the  
4 taking of depositions in civil actions when consistent with the powers  
5 and duties assigned to the commission by this chapter.

6 (c) The commission may examine the papers, books, records, accounts  
7 and documents of any person subject to this chapter to ascertain the  
8 correctness of a report filed with the commission, or in conjunction with  
9 an investigation or inspection conducted under (a) of this section.

10 (d) Subpoenas may be issued and shall be served in the manner  
11 prescribed by AS 44.62.430 and court rule. The failure, refusal or  
12 neglect to obey a subpoena is punishable as contempt in the manner  
13 prescribed by law or court rule. The superior court may compel obedience  
14 to the commission's subpoena in the same manner as prescribed for  
15 obedience to a subpoena issued by the court.

16 \* Sec. 15. AS 15.13.050 is amended to read:

17 Sec. 15.13.050. GROUPS. Each group, before making an expenditure  
18 on behalf of, or in opposition to, a candidate or a contribution to a  
19 candidate, shall register, on forms provided by the commission, with the  
20 commission. If the group intends to support only one candidate, or to  
21 contribute to or expend on behalf of one candidate 60 per cent of its  
22 funds, the name of the candidate shall be a part of the name of the  
23 group. If the group receives over 60 per cent of its contributions from  
24 a single source, the name of that source must be a part of the name of  
25 the group. Promptly upon receiving the registration, the commission  
26 shall notify the candidate of the group's organization and intent.

27 \* Sec. 16. AS 15.13.060(b) is amended to read:

28 (b) Each group shall file the name and address of its [THE]  
29 campaign treasurer with the commission at the time it registers with the

1 commission under sec. 50 of [THE FIRST CONTRIBUTION OR EXPENDITURE REPORT  
2 IS REQUIRED TO BE FILED BY THE GROUP UNDER] this chapter.

3 \* Sec. 17. AS 15.13.060(c) is amended to read:

4 (c) Each candidate shall file the name and address of the campaign  
5 treasurer with the commission no later than 48 hours after the date of  
6 filing his declaration of candidacy or his nominating petition. The  
7 name of the candidate may be placed on the ballot by the lieutenant gov-  
8 ernor or municipal clerk only if the candidate has complied with this  
9 subsection.

10 \* Sec. 18. AS 15.13.060(d) is amended to read:

11 (d) In the case of the death, resignation or removal of a campaign  
12 treasurer, the candidate shall appoint a successor as soon as practicable  
13 and file his name and address with the commission within 48 hours of the  
14 appointment. The candidate shall be [IS] disqualified by the lieutenant  
15 governor or municipal clerk if he fails to comply with this subsection.

16 \* Sec. 19. AS 15.13.060 is amended by adding a new subsection to read:

17 (f) The candidate is responsible for the performance of his  
18 campaign treasurer, and any default or violation by the treasurer also  
19 shall be considered a default or violation by the candidate.

20 \* Sec. 20. AS 15.13.070(a) is repealed and re-enacted to read:

21 (a) No person or group, including but not limited to all political  
22 committees, businesses, corporations, and labor unions, may contribute  
23 to or expend on behalf of any candidate, or any group, more than \$1,000  
24 a year. An expenditure against a candidate shall be considered an expen-  
25 diture on behalf of his opponent. Political parties and their sub-  
26 divisions are not subject to the limitation prescribed in this subsection  
27 but they are subject to the reporting requirements prescribed by secs.  
28 40(b) and 110 of this chapter. Nothing in this chapter prohibits

29 (1) a candidate from contributing more than \$1,000 of his own

1 money to his own campaign; or

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

8 \* Sec. 21. AS 15.13.070(f) is amended to read:

9 (f) The total amount of expenditures made by a candidate and by all  
10 groups operating under his control may not exceed (1) 40 cents times the  
11 total population of the state according to the latest United States  
12 census figures if the candidacy is for governor or lieutenant governor,  
13 of which amount no more than 50 [40] per cent may be spent in a primary  
14 election campaign and no more than 50 [60] per cent in the general  
15 election campaign [, IF THE CANDIDACY IS FOR GOVERNOR AND NO MORE THAN  
16 50 PER CENT IN THE PRIMARY ELECTION CAMPAIGN AND NO MORE THAN 50 PER CENT  
17 IN THE GENERAL ELECTION IF THE CANDIDACY IS FOR LIEUTENANT GOVERNOR]; (2)  
18 \$1 times the total population of the geographical area of the constitu-  
19 ency according to the latest United States census figures divided by the  
20 number of seats in the senate district if the candidacy is for the state  
21 senate; (3) \$1 times the total population of the geographical area of the  
22 constituency according to the latest United States census figures divided  
23 by the number of seats in the house district if the candidacy is for the  
24 state house of representatives. The expenditure limitations in this  
25 section include expenditures for both a primary and a general election  
26 campaign, or for a special election.

27 \* Sec. 22. AS 15.13.080 is repealed.

28 \* Sec. 23. AS 15.13.090 is amended to read:

29 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-

1       ments, billboards, handbills, paid-for television and radio announcements  
2       and other communications intended to influence the election of a candi-  
3       date or outcome of a ballot proposition or question shall be clearly  
4       [SIGNED OR] identified by the words "paid for by" followed by the name  
5       and address of the candidate, group or individual paying for the adver-  
6       tising. In addition, candidates and groups must identify the name of  
7       their campaign treasurer [OR CAMPAIGN TREASURER OF THE CANDIDATE OR GROUP  
8       ON WHOSE BEHALF THE COMMUNICATION APPEARS].

9       \* Sec. 24. AS 15.13.100 is repealed and re-enacted to read:

10       Sec. 15.13.100. EXPENDITURES BEFORE FILING. If a person makes an  
11       expenditure or receives a contribution for the purpose of influencing his  
12       nomination for or election to an office for which he has not yet filed,  
13       he must appoint and register a campaign treasurer with the commission  
14       before making that expenditure or receiving that contribution, and all  
15       expenditures and contributions must be reported to the commission in  
16       accordance with sec. 110 of this chapter, and his expenditures shall  
17       accrue against the spending limitation that applies to the office for  
18       which he subsequently files.

19       \* Sec. 25. AS 15.13.110 is repealed and re-enacted to read:

20       Sec. 15.13.110. FILING OF REPORTS. (a) Each candidate and group  
21       shall make a full report in accordance with sec. 40 of this chapter  
22       during the period ending three days before the due date of the report and  
23       beginning on the last day covered by the most recent previous report, or,  
24       if a first report, all contributions received and expenditures made  
25       before three days before the due date of the report. The report shall be  
26       filed at the following times:

27               (1) 30 days before the election; however, this report is not  
28       required if the deadline for filing a nominating petition or declaration  
29       of candidacy is within 30 days of the election;

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(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

(b) Each contribution or expenditure which exceeds \$250 and which is made within one week of the election shall be reported to the commission by date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the candidate or campaign treasurer.

(c) The reports of candidates shall be filed with the commission's central office, where they will be copied and forwarded to appropriate regional or senate district offices and municipalities. All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with sec. 40 of this chapter. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public.

\* Sec. 26. AS 15.13.120(d) is amended to read:

(d) A person who believes a violation of this chapter has occurred may file a complaint with the commission. If the commission determines there is substantial reason to believe that a violation has occurred, it shall expeditiously make an investigation, which may [SHALL] also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. When, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in any acts or

1 practices which constitute or will constitute a violation of a provision  
2 of this chapter, or a regulation or order issued under it, it shall  
3 promptly report the information to the attorney general for appropriate  
4 action. The commission shall report its determination and recommendation  
5 to the person who filed the complaint with the commission with 60 days  
6 of receiving the complaint unless circumstances require additional time  
7 to make an adequate investigation. The finding of the commission may be  
8 appealed to the supreme court [BY THE PERSON WHO FILED THE COMPLAINT WITH  
9 THE COMMISSION].

10 \* Sec. 27. AS 15.13.120 is amended by adding a new subsection to read:

11 (f) Upon the request of the commission, the chief justice of the  
12 supreme court shall appoint a special prosecutor to prosecute violations  
13 under this chapter.

14 \* Sec. 28. AS 15.13.125 is repealed.

15 \* Sec. 29. AS 15.13.130 is amended to read:

16 Sec. 15.13.130. DEFINITIONS. In this chapter,

17 (1) "candidate" means a person who files for election to the  
18 state legislature, for governor, for lieutenant governor, [OR] for  
19 municipal office, for retention in judicial office, or for constitutional  
20 convention delegate, or who campaigns as a write-in candidate for any of  
21 these offices;

22 (2) "contribution" means purchase, payment, promise or obliga-  
23 tion to pay, loan or loan guarantee, deposit or gift of money, goods or  
24 services for which charge is ordinarily made and which is made for the  
25 purpose of influencing the nomination or election of a candidate, and in  
26 sec. 125 of this chapter for the purpose of influencing a ballot proposi-  
27 tion or question, including the payment [,] by a person other than a  
28 candidate or political party, or compensation of the personal services of  
29 another person which are rendered to the candidate or political party;

1 however, "contribution" does not include

2 (A) services provided without compensation by individuals  
3 volunteering a portion or all of their time on behalf of a candidate  
4 or ballot proposition or question;

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

7 (C) ordinary hospitality in a home;

8 (3) "group" means every state and regional executive committee  
9 of a political party and, in addition, means any combination of two or  
10 more persons or individuals acting jointly who take action the major  
11 purpose of which is to influence the outcome of an election; a group that  
12 makes expenditures or receives contributions [WHOSE MAJOR PURPOSE IS TO  
13 INFLUENCE THE NOMINATION OR ELECTION OF A CANDIDATE OR WHOSE EXPENDITURES  
14 OR CONTRIBUTIONS ARE MADE] with the authorization or consent, express or  
15 implied, or under the control, direct or indirect, of a candidate shall  
16 be considered to be controlled by that candidate [OR HIS AGENT]; a group  
17 whose major [SOLE] purpose is to further the nomination, election, or  
18 candidacy of only one person, or intends to expend more than 60 per cent  
19 of its money on a single candidate, shall be considered to be controlled  
20 by that candidate [PERSON] and its actions done with his knowledge and  
21 consent unless, within 10 days from the date the candidate [PERSON]  
22 learns of the existence of the group he files with the commission, on a  
23 form provided by the commission, an affidavit that the group is operating  
24 without his control; a group that contributes more than 60 per cent of  
25 its money to or on behalf of one candidate, shall be considered to sup-  
26 port only one candidate for purposes of sec. 70 of this chapter, whether  
27 or not control of the group has been disclaimed by the candidate [A GROUP  
28 ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION AND ENDORSING  
29 CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLITICAL PARTY IS

1 PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE];

2 (4) "expenditure" means a purchase or a transfer of money or  
3 anything of value, or promise or agreement to purchase or transfer money  
4 or anything of value, incurred or made for purpose of (A) influencing the  
5 nomination or election of a candidate or of any individual who files for  
6 nomination at a later date and becomes a candidate; or (B) use by a poli-  
7 tical party; or (C) the payment by a person other than a candidate or  
8 political party of compensation for the personal services of another  
9 person which are rendered to such a candidate or political party; (D)  
10 influencing the outcome of a ballot proposition or question; however,  
11 "expenditure" does not include a candidate's filing fee or the cost of  
12 preparing reports and statements required by this chapter;

13 (5) "individual" means a natural person;

14 (6) "municipality" means a home rule or general law borough or  
15 city including but not limited to a unified municipality organized  
16 under AS 29.68;

17 (7) "party district committee" means the political party  
18 committee that performs the executive function of managing the affairs of  
19 a political party on a regional basis encompassing an area larger than  
20 the precinct or city and smaller than the state as a whole;

21 (8) "person", in addition to the terms set out in AS 01.10.-  
22 060(7), includes a labor union.

23 \* Sec. 30. This Act takes effect immediately in accordance with AS 01.10.-  
24 070(c).