

1 IN THE HOUSE

BY SWANSON

2 HOUSE BILL NO. 30

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to campaign election disclosure."

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

8 * Section 1. AS 15.13 is amended by adding new sections to read:

9 Sec. 15.13.031. DUTIES OF THE COMMISSION. The commission shall

10 (1) develop and provide all forms for the reports and state-
11 ments required to be made under AS 24.45 and AS 39.50, and forms which
12 may be used by candidates, groups or contributors for reports required
13 to be made under this chapter;

14 (2) assist candidates, groups and individuals in complying
15 with the requirements of this chapter;

16 (3) receive and hold open for public inspection reports and
17 statements required to be made under this chapter and, upon request,
18 furnish copies at cost to interested persons;

19 (4) compile and maintain a current list of all filed reports
20 and statements;

21 (5) examine, investigate and compare all reports, statements
22 and actions required by this chapter, AS 24.45 and AS 39.50, and report
23 to the attorney general and to the person or group the names of any
24 person or group which the commission has substantial reason to believe
25 has violated AS 24.45 or AS 39.50;

26 (6) notify, by registered or certified mail, all persons who
27 are delinquent in filing reports and statements required to be made
28 under this chapter;

29 (7) adopt regulations necessary to implement and clarify the

1 provisions of AS 24.45 and AS 39.50, subject to the provisions of the
2 Administrative Procedure Act (AS 44.62); and

3 (8) prepare and publish an annual report to the legislature
4 concerning the activities of the commission, the effectiveness of this
5 chapter, and recommendations and proposals for change.

6 Sec. 15.13.041. CONTRIBUTIONS AND EXPENDITURES. (a) Each can-
7 didate shall make a full report listing the aggregate amount of all
8 expenditures made by the candidate, the total amount of all contribu-
9 tions, including all funds contributed by the candidate himself, and,
10 for all contributions in excess of \$250 in the aggregate a year, the
11 name and address of each contributor and the amount contributed by each
12 contributor. The report shall be filed in accordance with sec. 101 of
13 this chapter and shall be certified correct by the candidate or campaign
14 treasurer.

15 (b) Each group shall make a full report listing

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

17 (2) the aggregate amount of all contributions made to it;

18 and, for all contributions in excess of \$250 in the aggregate a year,
19 the name and address of the contributor and the amount contributed by
20 each contributor; and

21 (3) the amount of all contributions made by it and all ex-
22 penditures made, incurred or authorized by it.

23 (c) The report required under (b) of this section shall be filed
24 in accordance with sec. 101 of this chapter and shall be certified
25 correct by the group's treasurer.

26 (d) Every individual or person making a contribution or expendi-
27 ture shall make a full report of the following contributions or expendi-
28 tures:

29 (1) any contribution of cash, goods or services valued at

1 more than \$250 a year to any group or candidate; or

2 (2) the aggregate amount of expenditures for advertising in
3 newspapers, on radio or on television; or for the publication, distri-
4 bution or circulation of campaign material for any candidate or ballot
5 proposition or question.

6 (e) The report required under (d) of this section shall contain
7 the name and address of the individual filing the report and shall be
8 filed with the commission by the contributor no later than 10 days after
9 the contribution or expenditure is made. A copy of the report shall be
10 furnished to the candidate or campaign treasurer at the time the contri-
11 bution or expenditure is made.

12 Sec. 15.13.051. GROUPS. (a) Each group, before making an ex-
13 penditure on behalf of, or in opposition to, a candidate or a contribu-
14 tion to a candidate, shall register with the commission. If the group
15 intends to support or oppose only one candidate, or to contribute to or
16 extend on behalf of, or in opposition to, one candidate 50 per cent or
17 more of its funds, the name of the candidate shall be a part of the name
18 of the group. Promptly upon receiving the registration, the commission
19 shall notify the candidate of the group's organization and intent.

20 (b) A group that makes expenditures or receives contributions with
21 the authorization or consent, express or implied, or under the control,
22 direct or indirect, of a candidate shall be considered to be controlled
23 by that candidate. A group whose major purpose is to further the
24 nomination, election or candidacy of only one person, or intends to
25 expend more than 50 per cent of its money on a single candidate, shall
26 be considered to be controlled by that candidate, and its actions done
27 with his knowledge and consent unless, within 10 days from the date the
28 candidate learns of the existence of the group, he files with the
29 commission an affidavit that the group is acting without his control. A

1 group organized for more than one year preceding an election and en-
2 dorsing candidates for more than one office or more than one political
3 party is presumed not to be controlled by a candidate.

4 Sec. 15.13.061. CAMPAIGN TREASURER. (a) Each candidate and group
5 shall appoint a campaign treasurer who is responsible for receiving,
6 holding and disbursing all contributions and expenditures, and for
7 filing all reports and statements required by law. A candidate who
8 fails to designate a campaign treasurer is responsible for filing
9 reports and statements required by law.

10 (b) A group shall file the name and address of its campaign
11 treasurer with the commission at the time it registers with the com-
12 mission under sec. 51(a) of this chapter.

13 (c) In the case of death, resignation or removal of a person
14 designated by a candidate or group to serve as campaign treasurer, the
15 candidate or group shall appoint a successor as soon as practicable and
16 file his name and address with the commission within 48 hours of the
17 appointment.

18 (d) The candidate or group is responsible for the performance of
19 the campaign treasurer, and any default or violation by the treasurer
20 also shall be considered a default or violation by the candidate or
21 group if the candidate or group knew or had reason to know of the
22 default or violation.

23 Sec. 15.13.071. STATEMENT BY CONTRIBUTOR. A person or group con-
24 tributing to a candidate over \$250 or contributing goods or services to
25 a candidate with a value of more than \$250 to influence the election of
26 a candidate shall furnish the commission a signed statement itemizing
27 the contributions and goods and state that the contribution consists of
28 funds or property belonging to the contributor and has not been given or
29 furnished by another person or group. The contributor's statement shall

1 be filed with the commission by the contributor no later than 10 days
2 after the contribution is made. A copy of the statement shall be
3 furnished to the candidate or campaign treasurer at the time the contri-
4 bution is reported to the commission.

5 Sec. 15.13.081. IDENTIFICATION OF COMMUNICATION. All advertise-
6 ments, billboards, handbills, paid-for television or radio announcements
7 and other communications intended to influence the election of a candi-
8 date or outcome of a ballot proposition shall be clearly identified by
9 the words "paid for by" followed by the name and address of the candi-
10 date, group or individual paying for the advertising.

11 Sec. 15.13.091. EXPENDITURES BEFORE FILING. (a) Political cam-
12 paign contributions or expenditures may be received or accepted and made
13 or incurred by a person in an election before the date upon which he
14 files for nomination for the office he seeks. All contributions re-
15 ceived or expenditures incurred shall be included in the first report
16 required under this chapter.

17 (b) No political campaign expenditure may be made or incurred by
18 a person or group with the knowledge of a candidate and on his behalf
19 before the date upon which he files for nomination to the office which
20 he seeks.

21 Sec. 15.13.101. FILING OF REPORTS. (a) Each candidate and group
22 shall make a full report in accordance with sec. 41 of this chapter
23 during the period ending three days before the due date of the report
24 and beginning on the last day covered by the most recent previous
25 report, or, if a first report, all contributions received and expendi-
26 tures made before three days before the due date of the report. The
27 report shall be filed at the following times:

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

1 of candidacy is within 30 days of the election;

2 (2) one week before the election;

3 (3) 10 days after the election;

4 (4) December 31 of each year for expenditures and contribu-
5 tions which were not reported in that year.

6 (b) Each contribution or expenditure which exceeds \$250 and which
7 is made within 10 days of the election shall be reported to the commis-
8 sion by date, amount and contributor or recipient within 24 hours of
9 receipt or expenditure by the candidate or campaign treasurer.

10 (c) All statements, records and reports required by this chapter
11 are public records and shall be kept open for public inspection. Within
12 30 days after each election, the commission shall prepare a summary of
13 reports which shall be made available to the public at cost upon request.
14 Each summary shall use uniform categories of reporting.

15 (d) Whenever a candidate or group is required to submit a report
16 under this chapter, the candidate or group may report the information on
17 a form prepared and furnished by the commission or, in the alternative,
18 submit a financial statement or summary in any form sufficient to pro-
19 vide the information required to be reported.

20 Sec. 15.13.111. CIVIL PENALTY. A person who fails to file a
21 properly completed and certified report within the time required by sec.
22 101(a)(1), (3), or (4) of this chapter is subject to a civil penalty of
23 not more than \$10 a day for each day the delinquency continues as
24 determined by the commission, not to exceed \$50, subject to the right of
25 appeal to the superior court. A person who fails to file a properly
26 completed and certified report within the time required by sec. 101(a)-
27 (2) or 101(b) of this chapter is subject to a civil penalty of not more
28 than \$50 a day for each day the delinquency continues as determined
29 by the commission, not to exceed \$200, subject to the right of appeal to

1 the superior court. An affidavit stating facts in mitigation may be
2 submitted to the commission by a person against whom a civil penalty is
3 assessed. However, the imposition of the penalties prescribed in this
4 section does not excuse that person from filing reports required by this
5 chapter.

6 Sec. 15.13.121. ENFORCEMENT. (a) Promptly after the final date
7 for filing statements and reports, the commission shall notify all per-
8 sons who have become delinquent in filing them, including contributors
9 who failed to file a statement in accordance with sec. 41 of this chap-
10 ter, and shall make available a list of these delinquencies for public
11 inspection.

12 (b) The commission may examine the papers, books, records, accounts
13 and documents of any person subject to this chapter to ascertain the
14 correctness of a report filed with the commission.

15 (c) A person who believes that a candidate, group or individual
16 has failed to make a statement or report required to be made under this
17 chapter may file a complaint with the commission. If the commission
18 determines there is substantial reason that a candidate, group or indi-
19 vidual has failed to report, it shall expeditiously make an investiga-
20 tion of the matter complained of. The commission shall report its
21 determination to the person who filed the complaint with the commission
22 within 10 days of receiving the complaint unless circumstances require
23 additional time to make an adequate investigation.

24 * Sec. 2. AS 15.13.020(j) is amended to read:

25 (j) The commission shall establish an office [, WHICH MAY BE
26 CALLED A REGIONAL OFFICE,] in each senate district in the state to keep
27 on file for public inspection copies of all reports required to be filed
28 with the commission by candidates for statewide office and by candidates
29 for legislative office in that district; however, where one municipality

1 contains more than one election district, only one commission office
2 shall be established in that municipality. Each [THE REGIONAL] office
3 shall make all forms and pertinent material available to candidates.
4 Reports [ALL REPORTS] shall be filed by candidates, groups and indivi-
5 duals directly with the commission's central or district offices
6 [OFFICE]. If the candidate files required reports with the commission's
7 central office, the [THE] commission shall ensure [INSURE] that copies
8 of all reports by statewide [AND LEGISLATIVE] candidates, by legislative
9 candidates in each senate district, and by judges seeking electoral
10 confirmation [IN EACH SENATE DISTRICT] are forwarded promptly to the
11 [THAT DISTRICT OR REGIONAL] office located in the district in which the
12 candidate or judge is seeking office.

13 * Sec. 3. AS 15.13.130(3) and (4) are amended to read:

14 (3) "group" means every state and regional executive commit-
15 tee of a political party and, in addition, means any combination of two
16 or more persons or individuals acting jointly who take action the major
17 purpose of which is to influence the outcome of an election, including
18 efforts to promote or defeat the candidacy of a person or persons for
19 nomination or election to any contested office [A GROUP THAT MAKES EX-
20 PENDITURES OR RECEIVES CONTRIBUTIONS WITH THE AUTHORIZATION OR CONSENT,
21 EXPRESS OR IMPLIED, OR UNDER THE CONTROL, DIRECT OR INDIRECT, OF A
22 CANDIDATE SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE; A
23 GROUP WHOSE MAJOR PURPOSE IS TO FURTHER THE NOMINATION, ELECTION OR
24 CANDIDACY OF ONLY ONE PERSON, OR INTENDS TO EXPEND MORE THAN 50 PER CENT
25 OF ITS MONEY ON A SINGLE CANDIDATE, SHALL BE CONSIDERED TO BE CONTROLLED
26 BY THAT CANDIDATE AND ITS ACTIONS DONE WITH HIS KNOWLEDGE AND CONSENT
27 UNLESS, WITHIN 10 DAYS FROM THE DATE THE CANDIDATE LEARNS OF THE EXIS-
28 TENCE OF THE GROUP HE FILES WITH THE COMMISSION, ON A FORM PROVIDED BY
29 THE COMMISSION, AN AFFIDAVIT THAT THE GROUP IS OPERATING WITHOUT HIS

1 CONTROL; A GROUP ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION
2 AND ENDORSING CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE
3 POLITICAL PARTY IS PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE; HOWEVER,
4 A GROUP THAT CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON
5 BEHALF OF ONE CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDIDATE
6 FOR PURPOSES OF SEC. 70 OF THIS CHAPTER, WHETHER OR NOT CONTROL OF THE
7 GROUP HAS BEEN DISCLAIMED BY THE CANDIDATE];

8 (4) "expenditure" means a purchase or a transfer of money or
9 anything of value, or promise or agreement to purchase or transfer money
10 or anything of value, incurred or made for the purpose of (A) influencing
11 the nomination or election of a candidate or of any individual who files
12 for nomination at a later date and becomes a candidate; or (B) use by a
13 political party; or (C) the payment by a person other than a candidate
14 or political party of compensation for the personal services of another
15 person which are rendered to a candidate or a political party; (D) in-
16 fluencing the outcome of a ballot proposition or question; however,
17 "expenditure" does not include a candidate's filing fee, [OR] the cost
18 of preparing reports and statements required by this chapter, or expen-
19 ses associated with communication with constituents incurred by an
20 incumbent seeking election to the same office unless incurred after a
21 date which is 30 days before an election;

22 * Sec. 4. AS 15.13.030 - 15.13.125 are repealed.
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