

Introduced: 3/22/79  
Referred: State Affairs and  
Judiciary

BY THE STATE AFFAIRS COMMITTEE  
(for the Special Subcommittee on  
Elections)

1 IN THE HOUSE

2 HOUSE BILL NO. 422

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of election cam-  
7 paigns; and providing 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  
13 electoral confirmation. It also applies to every candidate for election  
14 to a municipal office in a city or borough with a population of more  
15 than 1,000 inhabitants according to the latest United States census  
16 figures or estimates of population certified as correct for administra-  
17 tive purposes by the Department of Community and Regional Affairs. A  
18 municipality may exempt all its candidates and all persons and groups  
19 active in its election campaigns [ITS ELECTED MUNICIPAL OFFICERS] from  
20 the requirements of this chapter if a majority of the voters voting on  
21 the question at any regular election, as defined by AS 29.78.010(14), or  
22 a special municipality-wide election called for that purpose, vote to  
23 exempt all candidates and all persons and groups active in its election  
24 campaigns [ITS ELECTED MUNICIPAL OFFICERS] from the requirements of this  
25 chapter. The question of exemption from the requirements of this chap-  
26 ter may be submitted by the city council or borough assembly by ordi-  
27 nance or by initiative ordinance. Nothing in this chapter prohibits a  
28 municipality from regulating by ordinance campaign contributions and  
29 expenditures.

1 (b) Except as otherwise provided, this chapter applies to contri-  
2 butions, expenditures and communications made by a candidate, group,  
3 municipality or individual for the purpose of influencing the outcome of  
4 a ballot proposition or question as well as those made to influence the  
5 nomination or election of a candidate, and those made for the circula-  
6 tion of an initiative, referendum or recall petition.

7 \* Sec. 2. AS 15.13.040(a) is amended to read:

8 (a) Each candidate shall make a full report, upon a form pre-  
9 scribed by the commission, listing the date, purpose, and amount of all  
10 expenditures made by the candidate, the total amount of all contribu-  
11 tions, including all funds contributed by the candidate himself, and for  
12 all contributions in excess of \$100 in the aggregate a year, the name,  
13 address, principal occupation, and employer of the contributor and the  
14 date and amount contributed by each contributor. The report shall be  
15 filed in accordance with AS 15.13.110 and shall be certified correct by  
16 the candidate or campaign treasurer.

17 \* Sec. 3. AS 15.13.040(b)(3) is amended to read:

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

21 \* Sec. 4. AS 15.13.040(d) is amended to read:

22 (d) Every individual or [,] person, and every [OR] group which is  
23 not required to report in accordance with (b) of this section, making an  
24 [A CONTRIBUTION OR] expenditure shall make a full report, upon a form  
25 prescribed by the commission, of [THE FOLLOWING CONTRIBUTIONS OR EXPEN-  
26 DITURES: (1) ANY CONTRIBUTION OF CASH, GOODS OR SERVICES VALUED AT  
27 MORE THAN \$100 A YEAR TO ANY GROUP OR CANDIDATE; OR (2)] any expenditure  
28 whatsoever for advertising in newspapers, on radio or on television; or,  
29 for the publication, distribution or circulation of brochures, flyers,

1 or other campaign material for or against any candidate, [OR] ballot  
2 proposition or question, or initiative, referendum or recall petition.

3 \* Sec. 5. AS 15.13.040(e) is amended to read:

4 (e) The report required under (d) of this section shall contain  
5 the name, address, principal occupation and employer of the individual  
6 filing the report, and an itemized list of expenditures. The report  
7 shall be filed with the commission [BY THE CONTRIBUTOR] no later than 10  
8 days after the [CONTRIBUTION OR] expenditure is made. [A COPY OF THE  
9 REPORT SHALL BE FURNISHED TO THE CANDIDATE, CAMPAIGN TREASURER OR DEPUTY  
10 CAMPAIGN TREASURER AT THE TIME THE CONTRIBUTION IS MADE.]

11 \* Sec. 6. AS 15.13.040(f) is amended to read:

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  
15 each transaction: newspapers, radio, television, advertising, advertis-  
16 ing agency services, accounting, billboards, printing, secretarial,  
17 public opinion polls, or research and professional campaign consultation  
18 or management, media production or preparation, or computer services.  
19 The records shall be maintained [ON THE FORMS PROVIDED AND] in the  
20 manner required by the commission. [THE SUPPLIER SHALL FILE A REPORT OF  
21 THE COMPLETE RECORD OF EACH TRANSACTION WITH ALL CANDIDATES OR GROUPS TO  
22 WHOM HE PROVIDES SERVICES, FACILITIES OR SUPPLIES IN EXCESS OF \$250 IN  
23 THE AGGREGATE IN ACCORDANCE WITH AS 15.13.110.] All records shall be  
24 available for public inspection.

25 \* Sec. 7. AS 15.13 is amended by adding a new section to read:

26 Sec. 15.13.042. FILING A REPORT OF NO CAMPAIGN ACTIVITY. (a) A  
27 candidate who does not intend to receive contributions or make expendi-  
28 tures may, at his option, file a report, upon a form prescribed by the  
29 commission, making this intent known to the public. This report shall

1 be filed only once, either before or at the time the candidate's first  
2 report is due under AS 15.13.110, and shall be certified as correct by  
3 the candidate.

4 (b) A candidate who receives contributions or makes expenditures  
5 after certifying to no campaign activity under (a) of this section is no  
6 longer exempt from the reporting requirements of this chapter, and shall  
7 file reports of his activity in accordance with AS 15.13.110. The first  
8 report is due on the reporting date following the receipt of a contribu-  
9 tion or making of an expenditure by the candidate.

10 (c) A candidate who receives an unsolicited contribution may  
11 return that contribution to the contributor without losing the reporting  
12 exemption provided in this section.

13 \* Sec. 8. AS 15.13.050 is amended to read:

14 (a) Each group, before making an expenditure on behalf of, or in  
15 opposition to, a candidate, or a contribution to a candidate, shall  
16 register, on forms provided by the commission, with the commission. If  
17 the group intends to support or oppose only one candidate, or to contri-  
18 bute to or expend on behalf of, or in opposition to, one candidate 50  
19 per cent or more of its funds, the name of the candidate shall be a part  
20 of the name of the group. Promptly upon receiving the registration, the  
21 commission shall notify the candidate of the group's organization and  
22 intent. A group that makes expenditures or receives contributions with  
23 the express or implied authorization or consent, or under the direct or  
24 indirect control, of a candidate, shall be considered to be controlled  
25 by that candidate. A group whose major purpose is to further the nomi-  
26 nation or election of only one person, or which intends to expend  
27 50 per cent or more of its money on a single candidate, shall be con-  
28 sidered to be controlled by that candidate and its actions shall be con-  
29 sidered to have been done with his knowledge and consent unless, within

1 10 days from the date the candidate learns from the commission of the  
2 existence of the group, he files with the commission, on a form provided  
3 by the commission, an affidavit that the group is operating without his  
4 control. A group organized for more than one year preceding an elec-  
5 tion and endorsing candidates for more than one office or candidates  
6 of more than one political party is presumed not to be controlled by  
7 a single candidate. However, a group that contributes 50 per cent or  
8 more of its money to or on behalf of a single candidate shall be con-  
9 sidered to support only that single candidate for purposes of AS 15.13.-  
10 070, whether or not control of the group has been disclaimed by the  
11 candidate.

12 \* Sec. 9. AS 15.13.050 is amended by adding new subsections to read:

13 (b) Each group, before receiving contributions or making expendi-  
14 tures in support of or in opposition to a ballot proposition or ques-  
15 tion, or an initiative, referendum or recall petition, shall register  
16 with the commission on forms provided by the commission.

17 (c) A group as defined in AS 15.13.130(3) and reporting in accor-  
18 dance with AS 15.13.040(b) shall annually renew its registration under  
19 this section.

20 \* Sec. 10. AS 15.13.060(f) is amended to read:

21 (f) The candidate is responsible for the performance of his cam-  
22 paign treasurer and deputy campaign treasurers, and any default or  
23 violation by the treasurer or a deputy treasurer also shall be con-  
24 sidered a default or violation by the candidate if he knew or had reason  
25 to know of the default or violation.

26 \* Sec. 11. AS 15.13.070(a) is amended to read:

27 (a) A [NO] person or group, including but not limited to all  
28 political committees, businesses, corporations, and labor unions, may  
29 not contribute [TO OR EXPEND] more than \$1,000 a year on behalf of or in

1 opposition to a candidate [THE COMPETING CANDIDATES] for [EACH] elective  
2 office. Political parties and their subdivisions are not subject to the  
3 limitation prescribed in this subsection, unless the party or subdivi-  
4 sion supports or opposes a single candidate or contributes to or  
5 expends on behalf of, or in opposition to, a single candidate 50 per  
6 cent or more of the funds of the party or subdivision. However,  
7 political parties and their subdivisions [BUT THEY] are subject to the  
8 reporting requirements prescribed by AS 15.13.040(b) and 15.13.110.  
9 Nothing in this chapter prohibits

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

12 (2) individuals or groups, including but not limited to all  
13 political committees, businesses, corporations, and labor unions, from  
14 contributing to or expending on behalf of a ballot proposition or ques-  
15 tion, or an initiative, referendum or recall petition, more than \$1,000  
16 a year; however, these contributions and expenditures shall be reported  
17 in accordance with AS 15.13.040 and 15.13.110.

18 \* Sec. 12. AS 15.13.100 is amended to read:

19 Sec. 15.13.100. EXPENDITURES, CONTRIBUTIONS AND REGISTRATION BE-  
20 FORE FILING. Political campaign contributions may be made or received,  
21 and expenditures [NO POLITICAL CAMPAIGN EXPENDITURE] may be made or  
22 incurred by a candidate [PERSON] in an election, or by a person or group  
23 with the candidate's [HIS] knowledge and on the candidate's [HIS] be-  
24 half, before the date upon which the candidate [HE OR SHE] files for  
25 nomination for the office which he [THE PERSON] seeks. However, these  
26 contributions and expenditures [, EXCEPT FOR PERSONAL TRAVEL EXPENSES OR  
27 FOR OPINION SURVEYS OR POLLS. THESE EXPENDITURES SHALL BE CHARGED  
28 AGAINST THE SPENDING LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE  
29 SUBSEQUENTLY FILES, AND] shall be included in the first report required

1 under AS 15.13.110 [THIS CHAPTER AFTER FILING FOR OFFICE]. In addition,  
2 each candidate must register with the commission, on a form prescribed  
3 by the commission, before making an expenditure or receiving a contri-  
4 bution.

5 \* Sec. 13. AS 15.13.110(a)(1) is amended to read:

6 (1) 30 days before the election; however, this report is not  
7 required to be filed by a candidate for municipal office or by a group  
8 interested in a municipal election proposition or by a candidate for the  
9 state legislature, a delegate to a constitutional convention, or a judge  
10 seeking electoral confirmation if the aggregate amount of contributions  
11 does not exceed \$1,000 or the aggregate amount of expenditures does not  
12 exceed \$1,000 [IF THE DEADLINE FOR FILING A NOMINATING PETITION OR  
13 DECLARATION OF CANDIDACY IS WITHIN 30 DAYS OF THE ELECTION];

14 \* Sec. 14. AS 15.13.110(b) is amended to read:

15 (b) Each contribution [OR EXPENDITURE] which exceeds \$250 and  
16 which is made within one week of the election shall be reported to the  
17 commission by date, amount, and contributor [OR RECIPIENT] within 24  
18 hours of receipt [OR EXPENDITURE] by the candidate or campaign treasurer  
19 or deputy treasurer.

20 \* Sec. 15. AS 15.13.110 is amended by adding new subsections to read:

21 (f) The report required by (a)(3) of this section is the final  
22 report if

- 23 (1) there is no outstanding debt or obligation;  
24 (2) the campaign fund has been closed;  
25 (3) the campaign has been concluded; and  
26 (4) in the case of a group, if the group has dissolved.

27 (g) Reports shall be filed as required by (a)(4) of this section

28 by

29 (1) a candidate who has an outstanding debt or obligation

1 until the debt or obligation is satisfied;

2 (2) a group which has an outstanding debt or obligation until  
3 the debt or obligation is satisfied, or until the group is dissolved.

4 (h) When a final report has been submitted, the duties of the  
5 campaign treasurer cease and there is no obligation to file further  
6 reports.

7 \* Sec. 16. AS 15.13.120(a) is amended to read:

8 (a) A person who violates a provision of this section [CHAPTER] is  
9 guilty of a misdemeanor and, upon conviction, is punishable by imprison-  
10 ment for not more than one year or by a fine of not more than \$5,000. A  
11 violation includes [BUT IS NOT LIMITED TO] any of the following acts or  
12 omissions:

13 (1) refusing or failing to make a statement or report re-  
14 quired to be made under this chapter [, OR FAILING TO MAKE A STATEMENT  
15 OR REPORT AT THE TIME THE STATEMENT OR REPORT IS REQUIRED TO BE MADE  
16 UNDER THIS CHAPTER];

17 (2) knowingly making a campaign contribution [OR EXPENDITURE]  
18 which exceeds the limitations of AS 15.13.070(a) [AS 15.13.070(f)];

19 (3) knowingly making a false statement or report under this  
20 chapter;

21 (4) giving or furnishing money to another person or group for  
22 the purpose of making a contribution or expenditure anonymously, in a  
23 fictitious name, or in the name of another, or contributing in violation  
24 of AS 15.13.070(d);

25 [(5) MAKING A COMMUNICATION TO SUPPORT OR DEFEAT A CANDIDATE  
26 WITHOUT IDENTIFICATION OF SPONSORSHIP, IN VIOLATION OF AS 15.13.090;]

27 (6) knowingly accepting a contribution in violation of  
28 AS 15.13.070.

29 \* Sec. 17. AS 15.13.120(b) is amended to read:

1 (b) [THE NOMINATION FOR, OR ELECTION TO, AN OFFICE OF A CANDIDATE  
2 WHO VIOLATES A PROVISION OF THIS CHAPTER, OR WHOSE CAMPAIGN TREASURER OR  
3 DEPUTY CAMPAIGN TREASURER VIOLATES A PROVISION OF THIS CHAPTER, IS VOID,  
4 AND, IF HE IS ELECTED, THE SUCCESSFUL CANDIDATE MAY NOT HOLD OFFICE AND  
5 THE OFFICE SHALL BE FILLED AS REQUIRED BY LAW IN THE CASE OF A VACANCY.]

6 When a violation of this chapter is alleged, the candidate's right to  
7 the nomination or the office may be tested in an action brought in the  
8 supreme court as a matter of original jurisdiction. All cases of this  
9 nature shall be in a preferred position for purposes of argument and  
10 decision, so as to assure a speedy disposition of the matter. During  
11 the pendency of an action alleging a violation of AS 15.13.120(a)(1),  
12 (3), or (6), issuance of a certificate of election or evidence of nomina-  
13 tion or candidacy shall be withheld by the lieutenant governor or by  
14 a municipal official authorized to issue a certificate or other evidence  
15 of nomination or election.

16 \* Sec. 18. AS 15.13.120(c) is amended to read:

17 (c) Promptly after the final date for filing statements and re-  
18 ports, the commission shall notify all persons who have become delin-  
19 quent in filing them, [INCLUDING CONTRIBUTORS WHO FAILED TO FILE A  
20 STATEMENT IN ACCORDANCE WITH AS 15.13.040,] and shall make available a  
21 list of these delinquents for public inspection. The commission shall  
22 also report to the attorney general the names of all candidates and  
23 groups in an election whose campaign treasurers have failed to file the  
24 reports required by this chapter.

25 \* Sec. 19. AS 15.13 is amended by adding a new section to read:

26 Sec. 15.13.115. COMPLAINTS. (a) A person who believes that a  
27 violation of this chapter has occurred may file a complaint with the  
28 commission. If the commission determines that there is substantial  
29 reason to believe that a violation has occurred, it shall expeditiously

1 investigate the subject matter of the complaint. The investigation may  
2 include but is not limited to an investigation of the reports and state-  
3 ments filed by the complainant, if he is a candidate.

4 (b) When, in the judgment of the commission, after giving notice  
5 and affording an opportunity for a hearing, a person has engaged in or  
6 is about to engage in an act which constitutes or which will constitute  
7 a violation of the provisions of this chapter, or of a regulation or  
8 order issued under it, the commission shall promptly report the deter-  
9 mination to the attorney general for appropriate action.

10 (c) The commission shall report its determination and recommenda-  
11 tion to the person who filed the complaint within 60 days of receiving  
12 the complaint, unless circumstances require additional time to make an  
13 adequate investigation.

14 (d) The determination of the commission may be appealed to the  
15 superior court.

16 \* Sec. 20. AS 15.13.125 is repealed and re-enacted to read:

17 Sec. 15.13.125. CIVIL PENALTIES. (a) A person who violates a  
18 provision of this chapter is subject to a civil penalty of

19 (1) not more than \$10 a day for each day the delinquency  
20 continues if the person fails to file a properly completed and certified  
21 report or fails to file a report within the time allowed when required  
22 by AS 15.13.040(e), 15.13.110(a)(1), 15.13.110(a)(3), or 15.13.110-  
23 (a)(4);

24 (2) not more than \$50 a day for each day the delinquency  
25 continues if the person fails to file a properly certified report or  
26 fails to file a report within the time allowed when required by AS 15.-  
27 13.110(a)(2) or 15.13.110(b);

28 (3) \$50 a day for each day the delinquency continues if the  
29 person fails to register when required by AS 15.13.050, 15.13.060(c), or

1 15.13.100,

2 (4) not more than \$250 a day for each day the delinquency  
3 continues if the person

4 (A) fails to file a properly completed report when  
5 required by AS 15.13.040(c); or

6 (B) prints, publishes, or distributes a communication  
7 intended to influence the election of a candidate, the outcome of a  
8 ballot proposition or question, or the circulation of an initia-  
9 tive, referendum or recall petition, without proper identification  
10 of sponsorship when required by AS 15.13.090.

11 (b) The duration of a delinquency for which a civil penalty may be  
12 levied under (a) of this section and the amount of penalty shall be  
13 determined by the commission. An affidavit stating facts in mitigation  
14 of the penalty may be submitted to the commission by a person against  
15 whom a civil penalty is assessed.

16 (c) The imposition of a penalty prescribed in this section or in  
17 AS 15.13.120 does not excuse the person from filing reports required by  
18 this chapter.

19 \* Sec. 21. AS 15.13.122(a) is amended to read:

20 (a) The attorney general is legal counsel for the commission. He  
21 shall advise the commission in legal matters arising in the discharge of  
22 its duties and represent the commission in actions to which it is a  
23 party. If, in the opinion of the commission, the public interest  
24 warrants, the commission may request the chief justice of the supreme  
25 court or the attorney general to appoint a special prosecutor from the  
26 private bar to represent the commission in a proceeding involving an  
27 alleged violation of this chapter and to prosecute that violation.

28 \* Sec. 22. AS 15.13.130(1) is repealed and re-enacted to read:

29 (1) "candidate" means an individual who seeks nomination for

1 election to, or election to, the state legislature, the office of gover-  
2 nor or lieutenant governor, or municipal office, or who seeks retention  
3 in judicial office or nomination or election as a constitutional conven-  
4 tion delegate; an individual shall be considered to seek nomination or  
5 election if

6 (A) he has taken the action necessary under the law of  
7 this state to qualify himself for nomination or election to an  
8 office;

9 (B) he has received contributions or made expenditures  
10 before filing for office;

11 (C) he has given his consent, implicit or explicit, for  
12 a person or group to receive contributions or make expenditures to  
13 bring about his nomination or election to office;

14 (D) he has campaigned as a write-in candidate for  
15 office; or

16 (E) he is the subject of a recall election;

17 \* Sec. 23. AS 15.13.130(3) is amended to read:

18 (3) "group" means every state [AND REGIONAL EXECUTIVE] com-  
19 mittee of a political party and, in addition, means any combination of  
20 two or more persons, [OR] individuals, or organizations or associations  
21 acting jointly who take action the major purpose of which is to influ-  
22 ence the outcome of an election; [A GROUP THAT MAKES EXPENDITURES OR  
23 RECEIVES CONTRIBUTIONS WITH THE AUTHORIZATION OR CONSENT, EXPRESS OR  
24 IMPLIED, OR UNDER THE CONTROL, DIRECT OR INDIRECT, OF A CANDIDATE SHALL  
25 BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE; A GROUP WHOSE MAJOR  
26 PURPOSE IS TO FURTHER THE NOMINATION, ELECTION, OR CANDIDACY OF ONLY ONE  
27 PERSON, OR INTENDS TO EXPEND MORE THAN 50 PER CENT OF ITS MONEY ON A  
28 SINGLE CANDIDATE, SHALL BE CONSIDERED TO BE CONTROLLED BY THAT CANDIDATE  
29 AND ITS ACTIONS DONE WITH HIS KNOWLEDGE AND CONSENT UNLESS, WITHIN 10

1 DAYS FROM THE DATE THE CANDIDATE LEARNS OF THE EXISTENCE OF THE GROUP HE  
2 FILES WITH THE COMMISSION, ON A FORM PROVIDED BY THE COMMISSION, AN  
3 AFFIDAVIT THAT THE GROUP IS OPERATING WITHOUT HIS CONTROL; A GROUP  
4 ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION AND ENDORSING  
5 CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLITICAL PARTY IS  
6 PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE; HOWEVER, A GROUP THAT  
7 CONTRIBUTES MORE THAN 50 PER CENT OF ITS MONEY TO OR ON BEHALF OF ONE  
8 CANDIDATE SHALL BE CONSIDERED TO SUPPORT ONLY ONE CANDIDATE FOR PURPOSES  
9 OF AS 15.13.070, WHETHER OR NOT CONTROL OF THE GROUP HAS BEEN DISCLAIMED  
10 BY THE CANDIDATE;]

11 \* Sec. 24. AS 15.13.070(f), (g), and (h), 15.13.080, 15.13.110(d), and  
12 15.13.120(d) are repealed.

13 \* Sec. 25. This Act takes effect July 1, 1979.  
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