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Referred: State Affairs  
Judiciary and Finance

1 IN THE HOUSE

BY JENKINS

2

HOUSE BILL NO. 682

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to elections."

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

8 \* Section 1. AS 15.13.040(a) is amended to read:

9 (a) Each candidate shall make a full report, upon a form pres-  
10 cribed by the commission, listing the date and amount of all expendi-  
11 tures made by the candidate, the total amount of all contributions,  
12 including all funds contributed by the candidate [HIMSELF], and for  
13 all contributions in excess of \$300 [\$100] in the aggregate a year,  
14 the name, address, principal occupation, and employer of the contribu-  
15 tor and the date and amount contributed by each contributor. The  
16 report shall be filed under [IN ACCORDANCE WITH] AS 15.13.110 and  
17 shall be certified correct by the candidate or campaign treasurer.

18 \* Sec. 2. AS 15.13.040(b) is amended to read:

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

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

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

23 and, for all contributions in excess of \$300 [\$100] in the aggregate a

24 year, the name, address, principal occupation, and employer of the

25 contributor, and the date and amount contributed by each contributor;

26 and

27 (3) the date and amount of all contributions in excess of

28 \$300 made by it and the date and amount of all expenditures in excess

29 of \$300 made, incurred or authorized by it.

1 \* Sec. 3. AS 15.13.045(c) is amended to read:

2 (c) Upon probable cause, the [THE] commission may examine the  
3 papers, books, records, accounts and documents of any person subject  
4 to this chapter to ascertain the correctness of a report filed with  
5 the commission, or in conjunction with an investigation or inspection  
6 conducted under (a) of this section.

7 \* Sec. 4. AS 15.13.045 is amended by adding new subsections to read:

8 (e) A person who believes a violation of this chapter has occur-  
9 red may file a complaint with the commission. If the commission  
10 determines there is substantial reason to believe that a violation has  
11 occurred, it shall expeditiously make an investigation of the matter  
12 complained of.

13 (f) When, in the judgment of the commission, after affording due  
14 notice and an opportunity for a hearing, a person has engaged or is  
15 about to engage in an act or practice that constitutes or will consti-  
16 tute a violation of a provision of this chapter or a regulation  
17 adopted or an order issued under it, it shall promptly report the  
18 information to the attorney general for appropriate action. The  
19 commission shall report its determination and recommendation to the  
20 person who filed the complaint with the commission within 60 days of  
21 receiving the complaint unless circumstances require additional time  
22 to make an adequate investigation.

23 (g) A person who files a complaint under (e) of this section  
24 alleging facts known by the person to be false is guilty of a class A  
25 misdemeanor.

26 \* Sec. 5. AS 15.13.050 is amended by adding new subsections to read:

27 (b) Two or more groups that share a common officer shall be  
28 treated as a single group for the purpose of determining whether the  
29 group has received contributions during the calendar year in an

1 aggregate amount exceeding \$2,500 or has made expenditures during the  
2 calendar year in an aggregate amount exceeding \$2,500.

3 (c) A group that supports or opposes a candidate for state  
4 office may not

5 (1) have as an officer an individual who serves as an  
6 officer of another group that supports or opposes the same candidate;

7 (2) act in concert with, make a contribution to or solicit  
8 a contribution for another group.

9 \* Sec. 6. AS 15.13.060(c) is amended to read:

10 (c) Each candidate for state office shall file the name and  
11 address of the campaign treasurer with the commission, or submit, in  
12 writing, the name and address of the campaign treasurer to the direc-  
13 tor for filing with the commission, no later than 15 days after the  
14 date of filing the declaration of candidacy or the nominating peti-  
15 tion. Each candidate for municipal office shall file the name and  
16 address of the campaign treasurer with the commission no later than 15  
17 [SEVEN] days after the date of filing the declaration of candidacy or  
18 the nominating petition. If the candidate does not designate a cam-  
19 paign treasurer, the candidate is the campaign treasurer.

20 \* Sec. 7. AS 15.13.060(d) is amended to read:

21 (d) In the case of the death, resignation or removal of a cam-  
22 paign treasurer, the candidate shall appoint a successor as soon as  
23 practicable and file the [HIS] name and address with the commission  
24 within 72 [48] hours of the appointment. [THE CANDIDATE IS DISQUAL-  
25 IFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN WILFUL VIOLATION OF THIS  
26 SUBSECTION.]

27 \* Sec. 8. AS 15.13.060(e) is amended to read:

28 (e) A campaign treasurer may appoint as many deputy campaign  
29 treasurers as are considered [HE CONSIDERS] necessary and [. THE

1 CANDIDATE] shall file the name and address of each deputy campaign  
2 treasurer [NAMES AND ADDRESSES OF THE DEPUTY CAMPAIGN TREASURERS] with  
3 the commission.

4 \* Sec. 9. AS 15.13.070(a) is amended to read:

5 (a) An individual [NO PERSON OR GROUP, INCLUDING BUT NOT LIMITED  
6 TO ALL POLITICAL COMMITTEES, BUSINESSES, CORPORATIONS, AND LABOR  
7 UNIONS,] may not contribute [TO OR EXPEND] more than \$2,500 [\$1,000] a  
8 year to a single candidate [ON BEHALF OF OR IN OPPOSITION TO THE  
9 COMPETING CANDIDATES] for each elective office. Political parties and  
10 their subdivisions are not subject to the limitation prescribed in  
11 this subsection, but they are subject to the reporting requirements  
12 prescribed by AS 15.13.040(b) and 15.13.110. A group other than a  
13 political party may not contribute more than \$5,000 a year to a single  
14 candidate for political office. This [NOTHING IN THIS] chapter does  
15 not prohibit [PROHIBITS] (1) a candidate from contributing more than  
16 \$2,500 [\$1,000] of personal funds [HIS OWN MONEY] to the [HIS OWN]  
17 campaign; or (2) individuals or groups, including but not limited to  
18 all political committees, businesses, corporations, and labor unions,  
19 from contributing to or expending on behalf of a ballot proposition or  
20 question more than \$2,500 [\$1,000] a year; however, all [THESE]  
21 contributions and expenditures shall be reported under [IN ACCORDANCE  
22 WITH] AS 15.13.040 and 15.13.110.

23 \* Sec. 10. AS 15.13.070(c) is amended to read:

24 (c) An expenditure over \$300 [NO EXPENDITURES OVER \$100] may not  
25 be made in cash or by cash payment unless a written receipt is ob-  
26 tained and filed with the commission.

27 \* Sec. 11. AS 15.13.080 is amended to read:

28 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person or group  
29 contributing to a candidate over \$500 [\$250] or contributing goods or

1 services to a candidate with a value of more than \$500 [\$250] to  
2 influence the election of a candidate shall furnish the commission a  
3 signed statement, on a form made available by the commission. The  
4 statement shall itemize the contributions and goods and state that the  
5 contributor is not a person or group prohibited by law from contribut-  
6 ing and that the contribution consists of funds or property belonging  
7 to the contributor and has not been given or furnished by another  
8 person or group. The contributor's statement shall be filed with the  
9 commission by the contributor no later than 20 [10] days after the  
10 contribution is made. A copy of the statement shall be furnished the  
11 candidate, campaign treasurer, or deputy campaign treasurer at the  
12 time the contribution is made.

13 \* Sec. 12. AS 15.13.090 is amended to read:

14 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All adver-  
15 tisements, billboards, handbills, paid-for television and radio an-  
16 nouncements and other communications intended to influence the elec-  
17 tion of a candidate or outcome of a ballot proposition or question  
18 shall be clearly identified by the words "paid for by" followed by the  
19 name and address of the candidate, group or individual paying for the  
20 advertising. [IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE  
21 NAME OF THEIR CAMPAIGN CHAIRMAN.]

22 \* Sec. 13. AS 15.13.100 is amended to read:

23 Sec. 15.13.100. EXPENDITURES BEFORE FILING. A [NO] political  
24 campaign expenditure may not be made or incurred by a candidate [PER-  
25 SON IN AN ELECTION] or by a person or group with the [HIS] knowledge  
26 and on [HIS] behalf of the candidate before the date upon which the  
27 candidate [HE OR SHE] files for nomination for the office which the  
28 person seeks, except for personal travel expenses or for opinion  
29 surveys or polls. These expenditures shall be [CHARGED AGAINST THE

1 SPENDING LIMITATION THAT APPLIES TO THE OFFICE FOR WHICH HE SUBSE-  
2 QUENTLY FILES, AND SHALL BE] included in the first report required  
3 under this chapter after filing for office.

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

5 (c) The reports of candidates shall be filed in an office of the  
6 commission [WITH THE COMMISSION'S CENTRAL OFFICE]. All reports re-  
7 quired by this chapter shall be kept open to public inspection.  
8 Within 30 days after each election, the commission shall prepare a  
9 summary of each report which shall be made available to the public at  
10 cost upon request. Each summary shall use uniform categories of  
11 reporting.

12 \* Sec. 15. AS 15.13.110(d) is amended to read:

13 (d) [WITHIN 30 DAYS AFTER EACH ELECTION, EACH SUPPLIER SHALL  
14 MAKE A FULL REPORT TO THE COMMISSION IN ACCORDANCE WITH AS 15.13.040.]  
15 Within 90 [60] days after each election, the commission shall prepare  
16 a summary by candidate or group of the transactions and make the  
17 summaries public.

18 \* Sec. 16. AS 15.13 is amended by adding a new section to read:

19 Sec. 15.13.119. PROHIBITED CAMPAIGN CONTRIBUTIONS. (a) A  
20 candidate and the campaign treasurer of a candidate may accept a  
21 contribution only from an individual, group, or political party.

22 (b) A political party may accept a contribution only from an  
23 individual or a group.

24 \* Sec. 17. AS 15.13.120(a) is amended to read:

25 (a) Except as provided in AS 15.13.045(g), a [A] person who  
26 violates a provision of this chapter is guilty of a misdemeanor and,  
27 upon conviction, is punishable by imprisonment for not more than one  
28 year and [OR] by a fine of not more than \$1,000 or four times the  
29 amount of the violation, whichever is more [\$5,000]. A violation

1 includes but is not limited to any of the following acts or omissions:

2 (1) failing to make a statement or report required to be  
3 made under this chapter, or failing to make a statement or report at  
4 the time the statement or report is required to be made under this  
5 chapter;

6 (2) [MAKING A CAMPAIGN CONTRIBUTION OR EXPENDITURE WHICH  
7 EXCEEDS THE LIMITATIONS OF AS 15.13.070(f);

8 (3)] making a false statement or report under this chapter;

9 (3) [(4)] giving or furnishing money to another person or  
10 group for the purpose of making a contribution or expenditure anony-  
11 mously, in a fictitious name, or in the name of another, or contribut-  
12 ing in violation of AS 15.13.070(d);

13 (4) [(5)] making a communication to support or defeat a  
14 candidate without identification of sponsorship, in violation of  
15 AS 15.13.090;

16 (5) [(6)] knowingly making, soliciting, or accepting a  
17 contribution in violation of AS 15.13.070 or 15.13.119.

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

19 (c) Promptly after the final date for filing statements and  
20 reports, the commission shall notify all persons who have become  
21 delinquent in filing them, including contributors who failed to file a  
22 statement in accordance with AS 15.13.040, and shall make available a  
23 list of these delinquents for public inspection. The commission shall  
24 also report to the attorney general or the special prosecutor the  
25 names of all candidates in an election whose campaign treasurers have  
26 failed to file the reports required by this chapter.

27 \* Sec. 19. AS 15.13.120(d) is amended to read:

28 (d) A person who believes a violation of this chapter has  
29 occurred may file a complaint with the commission under AS 15.13.045.

1 If the commission determines there is substantial reason to believe  
2 that a violation has occurred, it shall expeditiously make a confiden-  
3 tial [AN] investigation, that [WHICH] may also include an investiga-  
4 tion of reports and statements filed by the complainant [IF HE IS A  
5 CANDIDATE, OF THE MATTER COMPLAINED OF]. When, in the judgment of the  
6 commission, after affording due notice and an opportunity for a hear-  
7 ing, a person has engaged [OR IS ABOUT TO ENGAGE] in any acts or  
8 practices which constitute [OR WILL CONSTITUTE] a violation of a  
9 provision of this chapter, or a regulation or order issued under it,  
10 it shall promptly report the information to the attorney general or  
11 special prosecutor for appropriate action. The commission shall  
12 report its determination and recommendation to the candidate and the  
13 person who filed the complaint with the commission within 30 [60] days  
14 of receiving the complaint unless circumstances require additional  
15 time to make an adequate investigation. The finding of the commission  
16 may be appealed to the superior court.

17 \* Sec. 20. AS 15.13.122(a) is amended to read:

18 (a) The attorney general or a special prosecutor shall serve as  
19 [IS] legal counsel for the commission, [. HE] shall advise the com-  
20 mission in legal matters arising in the discharge of its duties, and  
21 represent the commission in actions to which it is a party. If, in  
22 the opinion of the commission, the public interest warrants, the  
23 commission may request the chief justice of the supreme court to  
24 appoint a special prosecutor to represent the commission in a proceed-  
25 ing involving an alleged violation of this chapter and to prosecute  
26 that violation. The commission shall request the chief justice of the  
27 supreme court to appoint a special prosecutor to represent the commis-  
28 sion in a proceeding involving the governor or the lieutenant  
29 governor.

1 \* Sec. 21. AS 15.13.125 is amended to read:

2           Sec. 15.13.125.   CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS.  
3           A person who fails to file a properly completed and certified report  
4           within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.-  
5           110(d) is subject to a civil penalty of not more than \$10 a day for  
6           each day the delinquency continues as determined by the commission but  
7           not more than \$5,000 subject to right of appeal to the superior court.  
8           A person who fails to file a properly completed and certified report  
9           within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is  
10           subject to a civil penalty of not more than \$50 a day for each day the  
11           delinquency continues as determined by the commission but not more  
12           than \$5,000 subject to right of appeal to the superior court. An  
13           affidavit stating facts in mitigation may be submitted to the commis-  
14           sion by a person against whom a civil penalty is assessed. The [HOW-  
15           EVER, THE] imposition of a penalty [THE PENALTIES] prescribed in this  
16           section or in AS 15.13.120 does not excuse that person from filing  
17           reports required by this chapter.

18 \* Sec. 22. AS 15.13.130(3) is repealed and reenacted to read:

19           (3) "group" means any combination of two or more persons or  
20           individuals that makes expenditures during a calendar year in an  
21           aggregate amount exceeding \$2,500 or receives contributions during a  
22           calendar year in an aggregate amount exceeding \$2,500;

23 \* Sec. 23. AS 15.13.040(c) - (f), 15.13.070(f) and (g), 15.13.120(d),  
24 and 15.13.130(7) are repealed.