

Offered: 2/14/85
Referred: Finance

Original sponsor: Ray

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR SENATE BILL NO. 87 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL
6 For an Act entitled: "An Act relating to campaign financing; and providing
7 for an effective date."

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

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

10 (a) Each candidate shall keep an accurate record of contribu-
11 tions received and of expenditures made and shall make a sworn [FULL]
12 report, upon a form prescribed by the commission, listing the informa-
13 tion required by this chapter [DATE AND AMOUNT OF ALL EXPENDITURES
14 MADE BY THE CANDIDATE, THE TOTAL AMOUNT OF ALL CONTRIBUTIONS, INCLUD-
15 ING ALL FUNDS CONTRIBUTED BY THE CANDIDATE HIMSELF, AND FOR ALL CON-
16 TRIBUTIONS IN EXCESS OF \$100 IN THE AGGREGATE A YEAR, THE NAME, AD-
17 DRESS, PRINCIPAL OCCUPATION, AND EMPLOYER OF THE CONTRIBUTOR AND THE
18 DATE AND AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR]. The report shall be
19 filed under [IN ACCORDANCE WITH] AS 15.13.110 and shall be certified
20 correct by the candidate or campaign treasurer.

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

22 (b) Each group shall keep an accurate record of contributions
23 received and of expenditures made and shall make a sworn [FULL] re-
24 port, upon a form prescribed by the commission, listing the informa-
25 tion required by this chapter. The report shall be filed under
26 AS 15.13.110 and shall be certified correct by the chairman or cam-
27 paign treasurer of the group

28 [(1) THE NAME AND ADDRESS OF EACH OFFICER AND DIRECTOR;

29 (2) THE AGGREGATE AMOUNT OF ALL CONTRIBUTIONS MADE TO IT;

1 AND, FOR ALL CONTRIBUTIONS IN EXCESS OF \$100 IN THE AGGREGATE A YEAR,
2 THE NAME, ADDRESS, PRINCIPAL OCCUPATION, AND EMPLOYER OF THE CONTRIBU-
3 TOR, AND THE DATE AND AMOUNT CONTRIBUTED BY EACH CONTRIBUTOR; AND

4 (3) THE DATE AND AMOUNT OF ALL CONTRIBUTIONS MADE BY IT AND
5 ALL EXPENDITURES MADE, INCURRED OR AUTHORIZED BY IT].

6 * Sec. 3. AS 15.13.040(c) is repealed and reenacted to read:

7 (c) Each report filed under (a) and (b) of this section and
8 under AS 15.13.110 shall list the name, the business or residence
9 address, and the telephone number of the campaign treasurer and shall
10 contain the following information:

11 (1) the total amount of all contributions received, includ-
12 ing the funds contributed by the candidate;

13 (2) the total amount of all expenditures made during the
14 reporting period;

15 (3) the total amount of all contributions of \$250 or less
16 received;

17 (4) the date, the amount, the full name and complete
18 address of the payee, and the purpose of each expenditure;

19 (5) the full name and complete address, the principal
20 occupation, and the employer of each person from whom contributions in
21 the aggregate amount of more than \$250 were received during the calen-
22 dar year, and the date and the amount of the contributions;

23 (6) the total amount of all contributions returned to
24 contributors;

25 (7) the full name and complete address of each contributor
26 whose contribution of more than \$250 was returned and the amount of
27 the contribution returned;

28 (8) the full name and complete address of each person who
29 assisted a candidate or group to obtain credit or a loan of money, if

1 the credit or the loan of money was involved, directly or indirectly,
2 in an election, and the date and the total amount of the credit or
3 loan;

4 (9) the full name and complete address of each person who
5 guaranteed or agreed to assume a financial obligation of benefit to a
6 candidate or group, if the guaranty or assumption of the financial
7 obligation was involved, directly or indirectly, in an election, and
8 the date and the amount of the guaranty or the assumption of the
9 financial obligation;

10 (10) the total amount of unexpended contributions received
11 and the outstanding indebtedness from expenditures of the candidate or
12 group.

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

14 (d) Every individual or [,] person and every [OR] group that is
15 not required to register under AS 15.13.050 [MAKING A CONTRIBUTION OR
16 EXPENDITURE] shall make a sworn [FULL] report, upon a form prescribed
17 by the commission, of [THE FOLLOWING CONTRIBUTIONS OR EXPENDITURES:]

18 (1) any contribution of cash, goods or services valued at
19 more than \$250 [\$100] a year to any group or candidate; or

20 (2) any independent expenditure [WHATSOEVER] for advertis-
21 ing in newspapers, on radio or on television [;] or [,] for the publi-
22 cation, distribution or circulation of brochures, flyers, or other
23 campaign material for or against any candidate, [OR] ballot proposi-
24 tion or question.

25 * Sec. 5. AS 15.13.040(f) is repealed and reenacted to read:

26 (f) Except as provided in AS 15.13.110(b), a candidate or a
27 group is required to report an expenditure or a contribution on the
28 first report occurring after the expenditure is made or the contribu-
29 tion is received.

1 * Sec. 6. AS 15.13.040 is amended by adding new subsections to read:

2 (g) A report required to be filed under this chapter must con-
3 tain the following affidavit:

4 "I do solemnly swear that, to the best of my knowl-
5 edge, the foregoing report is in all respects true
6 and correct and fully shows all information required
7 to be reported by me under AS 15.13."

8 (h) A report filed under this chapter is a public record under
9 AS 09.25.110 - 09.25.120 and shall be preserved for four years after
10 the election for which it was filed.

11 (i) A report or statement required to be filed under this chap-
12 ter other than a report required under AS 15.13.110(b) is considered
13 filed when deposited in the United States mail and addressed to the
14 commission with the proper postage affixed. While a postmark is prima
15 facie evidence of the time of filing, an individual may offer evidence
16 as to the actual time of placing the report or statement in the United
17 States mail.

18 * Sec. 7. AS 15.13.045 is amended by adding a new subsection to read:

19 (e) A person who believes a violation of this chapter has oc-
20 curred may file a complaint with the commission. If the commission
21 determines there is substantial reason to believe that a violation has
22 occurred, it shall expeditiously make an investigation, which may also
23 include an investigation of reports and statements filed by the com-
24 plainant, of the matter complained of. When, in the judgment of the
25 commission, after affording due notice and an opportunity for a hear-
26 ing, a person has engaged or is about to engage in an act or practice
27 that constitutes or would constitute a violation of this chapter or a
28 regulation adopted or order issued under it, it shall promptly report
29 the information to the attorney general for appropriate action. The

1 commission shall report its determination and recommendation to the
2 person who filed the complaint with the commission within 60 days of
3 receiving the complaint unless circumstances require additional time
4 to make an adequate investigation.

5 * Sec. 8. AS 15.13.060(a) is amended to read:

6 Sec. 15.13.060. CAMPAIGN OFFICERS [TREASURERS]. (a) Each
7 candidate may and each group shall appoint a campaign chairman. Each
8 candidate and group shall appoint a campaign treasurer who is respon-
9 sible for receiving, holding, and disbursing all contributions and
10 expenditures, and for filing all reports and statements required by
11 law. Each candidate and each group may appoint deputy campaign trea-
12 surers at any time. A candidate may be a campaign treasurer.

13 * Sec. 9. AS 15.13.060(b) is amended to read:

14 (b) Each group shall file the name, [AND] address, and telephone
15 number of its campaign chairman, its campaign treasurer, and any
16 deputy campaign treasurers with the commission at the time it regis-
17 ters with the commission under AS 15.13.050. The group shall report
18 changes or additions with the commission as they occur. The address
19 of the campaign treasurer is the mailing address of the group unless
20 the group files a different mailing address with the commission.

21 * Sec. 10. AS 15.13.060(c) is repealed and reenacted to read:

22 (c) An individual may not act as the campaign chairman, campaign
23 treasurer, or deputy campaign treasurer for a candidate until the
24 name, address, and telephone number of the individual has been filed
25 with the commission. The address of the campaign treasurer, if a
26 campaign treasurer is appointed, is the address of the candidate
27 unless the candidate files a different mailing address with the com-
28 mission.

29 * Sec. 11. AS 15.13.060(d) is amended to read:

1 (d) In the case of the death, resignation or removal of a cam-
2 campaign officer required to be appointed under this section [TREASURER],
3 the candidate or group shall appoint a successor as soon as practic-
4 able and file the [HIS] name, [AND] address, and telephone number of
5 the successor with the commission within 48 hours of the appointment.
6 [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO HAVE BEEN IN
7 WILFUL VIOLATION OF THIS SUBSECTION.]

8 * Sec. 12. AS 15.13.060(e) is repealed and reenacted to read:

9 (e) A candidate may receive contributions and make expenditures
10 either personally or by a campaign chairman, a campaign treasurer, or
11 a deputy campaign treasurer. A group may receive contributions and
12 make expenditures only by the campaign chairman, campaign treasurer,
13 or deputy campaign treasurer of the group.

14 * Sec. 13. AS 15.13.060(f) is amended to read:

15 (f) The candidate is responsible for the performance of the
16 campaign officers [HIS CAMPAIGN TREASURER,] and any default or vio-
17 lation by an officer [THE TREASURER] also shall be considered a de-
18 fault or violation by the candidate if the candidate [HE] knew or had
19 reason to know of the default or violation.

20 * Sec. 14. AS 15.13.070(a) is amended to read:

21 (a) No person or group, including but not limited to all politi-
22 cal committees, businesses, corporations, and labor unions, may con-
23 tribute to or expend more than \$1,000 a year on behalf of or in oppo-
24 sition to the competing candidates for each elective office. Politi-
25 cal parties and their subdivisions are not subject to the limitation
26 prescribed in this subsection, but they are subject to the reporting
27 requirements prescribed by AS 15.13.040(b) and 15.13.110. This chap-
28 ter does not prohibit [NOTHING IN THIS CHAPTER PROHIBITS]

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

1 personal funds to the candidate's own candidacy [HIS OWN MONEY TO HIS
2 OWN CAMPAIGN]; or

3 (2) individuals or groups, including but not limited to all
4 political committees, businesses, corporations, and labor unions, from
5 contributing to or expending on behalf of or in opposition to a ballot
6 proposition or question more than \$1,000 a year; however, these con-
7 tributions and expenditures shall be reported under [IN ACCORDANCE
8 WITH] AS 15.13.040 and 15.13.110.

9 * Sec. 15. AS 15.13.090 is amended by adding a new subsection to read:

10 (b) A person making an independent expenditure shall, within the
11 printed material or during a broadcast,

12 (1) state that the communication is not authorized by a
13 candidate or the authorized committee of a candidate;

14 (2) identify the name of the person or group that made the
15 independent expenditure.

16 * Sec. 16. AS 15.13.110(a) is amended to read:

17 (a) Each candidate and group shall make a full report in accor-
18 dance with AS 15.13.040 during the period ending three days before the
19 due date of the report and beginning on the last day covered by the
20 most recent previous report, or, if a first report, all contributions
21 received and expenditures made before three days before the due date
22 of the report. The report shall be filed at the following times:

23 (1) 30 days before the election; however, this report is
24 not required if the deadline for filing a nominating petition or
25 declaration of candidacy is within 30 days of the election;

26 (2) one week before the election;

27 (3) 10 [TEN] days after the election; and

28 (4) 31 days after the end [DECEMBER 31] of each year for
29 expenditures and contributions received which were not reported that

1 year.

2 * Sec. 17. AS 15.13.110(b) is amended to read:

3 (b) Each contribution received that [OR EXPENDITURE WHICH]
4 exceeds \$250 and that [WHICH] is received [MADE] within 10 days [ONE
5 WEEK] of the election shall be reported to the commission by date,
6 amount, and contributor [OR RECIPIENT] within 24 hours of receipt [OR
7 EXPENDITURE] by the candidate or campaign officer [TREASURER]. Each
8 person making an independent expenditure in the amount of \$1,000 or
9 more that is made within 30 days of an election shall report to the
10 commission the date, amount, and purpose of the expenditure within 72
11 hours of the expenditure and shall identify the name of the person or
12 group that made the expenditure.

13 * Sec. 18. AS 15.13.110(c) is amended to read:

14 (c) Each candidate and group shall file the reports required by
15 this chapter [THE REPORTS OF CANDIDATES SHALL BE FILED] with the
16 commission's central office and each report is [. ALL REPORTS RE-
17 QUIRED BY THIS CHAPTER SHALL BE KEPT] open to public inspection.
18 After [WITHIN 30 DAYS AFTER] each election, the commission shall, upon
19 request, prepare a summary of each report which shall be made avail-
20 able to the public at cost [UPON REQUEST]. Each summary shall use
21 uniform categories of reporting.

22 * Sec. 19. AS 15.13.130 is amended by adding a new paragraph to read:

23 (8) "independent expenditure" means the disbursement of
24 funds made to support or oppose the election of a candidate or the
25 passage or defeat of a ballot proposition or question that is not made
26 with the cooperation, consent, or at the request of a candidate, the
27 campaign committee or controlled group of a candidate, or a group that
28 is supporting or opposing the candidate or ballot proposition or
29 question for which the funds are disbursed.

- 1 * Sec. 20. AS 15.13.070(e) - (g), and 15.13.120(d) are repealed.
- 2 * Sec. 21. This Act takes effect immediately in accordance with AS 01.-
- 3 10.070(c).