

Offered: 1/18/88
Referred: Judiciary and
Finance

5-0227P

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 * Section 1. AS 15.13 is amended by adding a new section to read:

11 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
12 candidate may accept a campaign contribution only during an election
13 campaign after filing a declaration of candidacy or a nominating
14 petition.

15 (b) In this section, "election campaign" means:

16 (1) for a candidate for a nonstatewide state office, the
17 period between the day after the adjournment sine die of the second
18 regular session of the legislature through the day before the date of
19 the general election;

20 (2) for a candidate for a statewide office, the period
21 between January 2 of the year of the election through the day before
22 the date of the general election;

23 (3) for a candidate for municipal office, the period

24 (A) 90 days before the date of the municipal election
25 through the day before the date of the general election; and

26 (B) from the day after the date of the municipal
27 election through the day before the date of the run-off election,
28 if one is held.

29 * Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

1 (i) An individual who accepts campaign contributions as a candi-
2 date for public office may not convert surplus campaign funds to
3 personal income at any time. A candidate who has advanced funds to
4 the campaign may recover the amounts advanced. A candidate shall
5 dispose of campaign funds that were not spent or obligated during the
6 election campaign by

7 (1) transferring the funds to an account for a future
8 election campaign;

9 (2) transferring the funds to an account for the office, in
10 the case of a successful candidate only, and using the funds only for
11 communication with constituents and other voters in the state by
12 telephone, newsletter, or personal contact;

13 (3) donating the funds to an organization that qualifies as
14 a charitable organization under 26 U.S.C. 501(c);

15 (4) donating the funds to the general fund of the state or
16 of a municipality of the state organized under AS 29;

17 (5) returning the funds to contributors on a pro rata
18 basis; or

19 (6) making campaign contributions not in violation of
20 AS 15.13.070(a) to another candidate or group or by making independent
21 expenditures.

22 * Sec. 3. AS 15.13.125 is amended to read:

23 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
24 ED REPORTS]. A person who fails to file a properly completed and
25 certified report within the time required by AS 15.13.110(a)(1), (3),
26 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
27 a day for each day the delinquency continues as determined by the
28 commission subject to right of appeal to the superior court. A person
29 who fails to file a properly completed and certified report within the

1 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
2 civil penalty of not more than \$50 a day for each day the delinquency
3 continues as determined by the commission subject to right of appeal
4 to the superior court. A candidate who accepts a contribution in
5 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
6 of not more than five times the amount of the contribution accepted.
7 An affidavit stating facts in mitigation may be submitted to the
8 commission by a person against whom a civil penalty is assessed.
9 However, the imposition of the penalties prescribed in this section or
10 in AS 15.13.120 does not excuse that person from filing reports re-
11 quired by this chapter.

12 * Sec. 4. AS 15.25.040 is amended by adding a new subsection to read:

13 (e) A statewide candidate may not file a declaration before
14 January 2 of the year in which the election will be held. Except for
15 a statewide candidate, a declaration may not be filed before the day
16 after the adjournment sine die of the second regular session of the
17 legislature.

18 * Sec. 5. AS 15.25.150 is amended by adding a new subsection to read:

19 (b) A statewide candidate may not file a petition before
20 January 2 of the year in which the election will be held. Except for
21 a statewide candidate, a petition may not be filed before the day
22 after the adjournment sine die of the second regular session of the
23 legislature.

24 * Sec. 6. AS 24.60.030(f) is amended to read:

25 (f) It is a conflict of interest for a member of the legislature
26 to accept campaign contributions except during an election campaign
27 described in AS 15.13.065 [MONEY FROM AN EVENT HELD WITHIN THE CAPITAL
28 CITY DURING THE SESSION IF A SUBSTANTIAL PURPOSE OF THE EVENT IS TO
29 RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE CAMPAIGN

1 PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

2 * Sec. 7. AS 29.26.020 is amended by adding a new subsection to read:

3 (c) A nominating petition or declaration of candidacy may not be
4 filed more than 90 days before the date of the election.

5 * Sec. 8. The prohibition in AS 15.13.065, as added in sec. 1 of this
6 Act, against the acceptance of campaign contributions outside of an elec-
7 tion campaign does not apply to the acceptance of campaign contributions to
8 retire campaign debt in existence on November 8, 1988, and a candidate may
9 accept campaign contributions to retire debt in existence on November 8,
10 1988, at any time.

11 * Sec. 9. AS 24.60.030(g) is repealed.

12 * Sec. 10. APPLICABILITY. The provisions of this Act are applicable to
13 state election campaigns started after November 8, 1988. The provisions of
14 this Act are applicable to municipal election campaigns started after the
15 day after the first municipal election occurring after July 1, 1988.

16 * Sec. 11. This Act takes effect July 1, 1988.