

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

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)
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 Public Offices Commission and
7 to the duration and financing of election campaigns;
8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the
12 Alaska Public Offices Commission consisting of five members. The
13 governor shall appoint the members of the commission under (b) and (c)
14 of this section. The members of the commission are subject to confir-
15 mation by a majority of the members of the legislature meeting in
16 joint session.

17 * Sec. 2. AS 15.13.020(c) is repealed and reenacted to read:

18 (c) The members appointed by the governor under (b) of this
19 subsection shall nominate to the governor, by a majority vote, the
20 fifth member of the commission when a vacancy occurs in that position.
21 The governor shall either appoint the nominee of the commission or
22 request a new nomination from the commission.

23 * Sec. 3. AS 15.13 is amended by adding a new section to read:

24 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
25 candidate may accept a contribution only during an election campaign.

26 (b) During the election campaign, a candidate for the office of
27 governor or lieutenant governor may not accept

28 (1) more than \$1,000 in contributions from a person, a
29 corporation, a labor union, or a group other than a political party

1 and its subdivisions;

2 (2) a cumulative total of more than \$40,000 in contribu-
3 tions from corporations, labor unions, and groups other than political
4 parties and their subdivisions;

5 (3) a cumulative total of more than \$40,000 in contribu-
6 tions from political parties and their subdivisions.

7 (c) During the election campaign, a candidate for the state
8 senate may not accept

9 (1) more than \$1,000 in contributions from a person, a
10 corporation, a labor union, or a group other than a political party
11 and its subdivisions;

12 (2) a cumulative total of more than \$20,000 in contribu-
13 tions from corporations, labor unions, and groups other than political
14 parties and their subdivisions;

15 (3) a cumulative total of more than \$20,000 in contribu-
16 tions from political parties and their subdivisions.

17 (d) During the election campaign, a candidate for the state
18 house of representatives may not accept

19 (1) more than \$1,000 in contributions from a person, a
20 corporation, a labor union, or a group other than a political party
21 and its subdivisions;

22 (2) a cumulative total of more than \$10,000 in contribu-
23 tions from corporations, labor unions, and groups other than political
24 parties and their subdivisions;

25 (3) a cumulative total of more than \$10,000 in contribu-
26 tions from political parties and their subdivisions.

27 (e) Except for a candidate for mayor, during an election cam-
28 paign a candidate for municipal office and a candidate for office not
29 described in (b) - (d) of this section may not accept

1 (1) more than \$1,000 in contributions from a person, a
2 corporation, a labor union, or a group other than a political party
3 and its subdivisions;

4 (2) a cumulative total of more than \$10,000 in contribu-
5 tions from corporations, labor unions, and groups other than political
6 parties and their subdivisions;

7 (3) a cumulative total of more than \$10,000 in contribu-
8 tions from political parties and their subdivisions.

9 (f) Except as provided under (g) of this section, during an
10 election campaign a candidate for mayor may not accept

11 (1) more than \$1,000 in contributions from a person, a
12 corporation, a labor union, or a group other than a political party
13 and its subdivisions;

14 (2) a cumulative total of more than \$10,000 in contribu-
15 tions from corporations, labor unions, and groups other than political
16 parties and their subdivisions;

17 (3) a cumulative total of more than \$10,000 in contribu-
18 tions from political parties and their subdivisions.

19 (g) Notwithstanding (f) of this section, a candidate for mayor
20 in a municipality that contains more than one house election district
21 within its boundaries may accept contributions during an election
22 campaign with a cumulative total under (f)(2) and (3) of this section
23 multiplied by the number of house election districts that are located
24 within the municipality except that a candidate for mayor may not in
25 any case accept

26 (1) a cumulative total of more than \$40,000 in contribu-
27 tions from corporations, labor unions, and groups other than political
28 parties, and their subdivisions;

29 (2) a cumulative total of more than \$40,000 in

1 contributions from political parties and their subdivisions.

2 (h) A candidate is subject to the limitations established in
3 this section only for the office for which the candidate most recently
4 filed a declaration of candidacy or nominating petition. A candidate
5 who withdraws as a candidate for an office and refiles for an office
6 with a lower limitation on the acceptance of campaign contributions
7 shall return the amount of each contribution that exceeds the limita-
8 tions established for the current candidacy.

9 (i) In this section, "election campaign" means

10 (1) for a candidate for a nonstatewide state office who is
11 not a member of the legislature, the period between September 1 of the
12 year before the year in which the election will be held through the
13 day before the date of the general election;

14 (2) for a candidate who is a member of the legislature, the
15 period between September 1 of the year before the year in which the
16 election will be held through the day before the date of the general
17 election but excluding the period of any session of the legislature;

18 (3) for a candidate for a statewide office, the period
19 between September 1 of the year that is two years before the year in
20 which the election will be held through the day before the date of the
21 general election;

22 (4) for a candidate for municipal office, the period 90
23 days before the date of the municipal election through the day before
24 the date of the municipal election;

25 (5) for a candidate for municipal office at a run-off elec-
26 tion, the period from the day after the date of the municipal election
27 through the day before the date of the run-off election.

28 * Sec. 4. AS 15.13.070 is amended by adding a new subsection to read:

29 (i) An individual who accepts campaign contributions as a

1 candidate for public office may not convert surplus campaign funds to
2 personal income at any time. A candidate who has advanced funds to
3 the campaign may recover the amounts advanced. A candidate shall
4 dispose of campaign funds that were not spent or obligated during the
5 election campaign by

6 (1) leaving the funds in a campaign account for a future
7 election campaign;

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

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

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

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

18 (6) making campaign contributions not in violation of
19 AS 15.13.065 to another candidate or group or by making independent
20 expenditures.

21 * Sec. 5. AS 15.13.110 is amended by adding a new subsection to read:

22 (f) The contributions received and expenditures made by each
23 state, regional, and local executive committee of a political party
24 shall be reported

25 (1) in even numbered years, within 10 days after the end of
26 each calendar quarter until reports are due under (a) of this section;

27 (2) in odd numbered years, within 10 days after the end of
28 each calendar quarter.

29 * Sec. 6. AS 15.13.125 is amended to read:

1 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
2 ED REPORTS]. A person who fails to file a properly completed and
3 certified report within the time required by AS 15.13.110(a)(1), (3),
4 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
5 a day for each day the delinquency continues as determined by the
6 commission subject to right of appeal to the superior court. A person
7 who fails to file a properly completed and certified report within the
8 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
9 civil penalty of not more than \$50 a day for each day the delinquency
10 continues as determined by the commission subject to right of appeal
11 to the superior court. A candidate who accepts a contribution in
12 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
13 of not more than five times the amount of the contribution accepted.
14 An affidavit stating facts in mitigation may be submitted to the
15 commission by a person against whom a civil penalty is assessed.
16 However, the imposition of the penalties prescribed in this section or
17 in AS 15.13.120 does not excuse that person from filing reports re-
18 quired by this chapter.

19 * Sec. 7. AS 15.25.040 is amended by adding a new subsection to read:

20 (e) A statewide candidate may not file a declaration before
21 September 1 of the year that is two years before the year in which the
22 election will be held. Except for a statewide candidate, a declara-
23 tion may not be filed before September 1 of the year before the year
24 in which the election will be held.

25 * Sec. 8. AS 15.25.150 is amended by adding a new subsection to read:

26 (b) A statewide candidate may not file a petition before Septem-
27 ber 1 of the year that is two years before the year in which the
28 election will be held. Except for a statewide candidate, a petition
29 may not be filed before September 1 of the year before the year in

1 which the election will be held.

2 * Sec. 9. AS 24.60.030(f) is amended to read:

3 (f) It is a conflict of interest for a member of the legislature
4 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
5 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
6 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
7 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

8 * Sec. 10. AS 29.26.020 is amended by adding a new subsection to read:

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

11 * Sec. 11. The prohibition in AS 15.13.065, as added in sec. 3 of this
12 Act, against the acceptance of campaign contributions by a candidate for
13 elective office outside of an election campaign does not apply to the
14 acceptance by a candidate for

15 (1) state elective office of campaign contributions to retire
16 debt in existence on November 8, 1988, and the candidate may accept cam-
17 paign contributions at any time to retire that debt;

18 (2) municipal office of campaign contributions to retire debt in
19 existence on the day after the first municipal election occurring after
20 July 1, 1988, and the candidate may accept campaign contributions at any
21 time to retire that debt.

22 * Sec. 12. APPLICABILITY. The provisions of secs. 3 - 4, 6 - 8, 9 and
23 11 of this Act are applicable to state election campaigns started after
24 November 8, 1988. The provisions of secs. 3 - 4, 6, and 10 - 11 of this
25 Act are applicable to municipal election campaigns started after the day
26 after the first municipal election occurring after July 1, 1988.

27 * Sec. 13. AS 15.13.070(a) and AS 24.60.030(g) are repealed.

28 * Sec. 14. This Act takes effect July 1, 1988.