

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

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Finance)
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 AS 15.13.020(c) is repealed and reenacted to read: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 \$80,000 in contribu-
3 tions from corporations, labor unions, and groups, including political
4 parties and their subdivisions.

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

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

10 (2) a cumulative total of more than \$40,000 in contribu-
11 tions from corporations, labor unions, and groups, including political
12 parties and their subdivisions.

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

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

18 (2) a cumulative total of more than \$20,000 in contribu-
19 tions from corporations, labor unions, and groups, including political
20 parties and their subdivisions.

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

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

27 (2) a cumulative total of more than \$20,000 in contribu-
28 tions from corporations, labor unions, and groups, including political
29 parties and their subdivisions.

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

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

6 (2) a cumulative total of more than \$20,000 in contribu-
7 tions from corporations, labor unions, and groups, including political
8 parties and their subdivisions.

9 (g) Notwithstanding (f) of this section, a candidate for mayor
10 in a municipality that contains more than one house election district
11 within its boundaries may accept contributions during an election
12 campaign with a cumulative total under (f)(2) and (3) of this section
13 multiplied by the number of house election districts that are located
14 within the municipality except that a candidate for mayor may not in
15 any case accept a cumulative total of more than \$80,000 in contribu-
16 tions from corporations, labor unions, and groups, including political
17 parties and their subdivisions.

18 (h) A candidate is subject to the limitations established in
19 this section only for the office for which the candidate most recently
20 filed a declaration of candidacy or nominating petition. A candidate
21 who withdraws as a candidate for an office and refiles for an office
22 with a lower limitation on the acceptance of campaign contributions
23 shall return the amount of each contribution that exceeds the limita-
24 tions established for the current candidacy.

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

26 (1) for a candidate for a nonstatewide state office who is
27 not a member of the legislature, the period between September 1 of the
28 year before the year in which the election will be held through Decem-
29 ber 31 of the year of the general election;

1 (2) for a candidate who is a member of the legislature, the
2 period between September 1 of the year before the year in which the
3 election will be held through December 31 of the year of the general
4 election but excluding the period of any session of the legislature;

5 (3) for a candidate for a statewide office, the period
6 between September 1 of the year that is two years before the year in
7 which the election will be held through December 31 of the year of the
8 general election;

9 (4) for a candidate for municipal office, the period 90
10 days before the date of the municipal election through the day that is
11 60 days after the date of the municipal election;

12 (5) for a candidate for municipal office at a run-off elec-
13 tion, the period from the day after the date of the municipal election
14 through the day that is 60 days after the date of the run-off elec-
15 tion.

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

17 (i) An individual who accepts campaign contributions as a candi-
18 date for public office may not convert surplus campaign funds to
19 personal income at any time. A candidate who has advanced funds to
20 the campaign may recover the amounts advanced, but may only do so
21 during the election campaign. A candidate shall dispose of campaign
22 funds that were not spent or obligated during the election campaign by

23 (1) leaving the funds in a campaign account for a future
24 election campaign;

25 (2) transferring the funds to an account for the office, in
26 the case of a successful candidate only;

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

29 (4) donating the funds to the general fund of the state or

1 of a municipality of the state organized under AS 29;

2 (5) returning the funds to contributors on a pro rata
3 basis; or

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

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

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

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

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

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

16 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
17 ED REPORTS]. A person who fails to file a properly completed and
18 certified report within the time required by AS 15.13.110(a)(1), (3),
19 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
20 a day for each day the delinquency continues as determined by the
21 commission subject to right of appeal to the superior court. A person
22 who fails to file a properly completed and certified report within the
23 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
24 civil penalty of not more than \$50 a day for each day the delinquency
25 continues as determined by the commission subject to right of appeal
26 to the superior court. A candidate who accepts a contribution in
27 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
28 of not more than five times the amount of the contribution accepted.
29 An affidavit stating facts in mitigation may be submitted to the

1 commission by a person against whom a civil penalty is assessed.
2 However, the imposition of the penalties prescribed in this section or
3 in AS 15.13.120 does not excuse that person from filing reports re-
4 quired by this chapter.

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

6 (e) A statewide candidate may not file a declaration before
7 September 1 of the year that is two years before the year in which the
8 election will be held. Except for a statewide candidate, a declara-
9 tion may not be filed before September 1 of the year before the year
10 in which the election will be held.

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

12 (b) A statewide candidate may not file a petition before Septem-
13 ber 1 of the year that is two years before the year in which the
14 election will be held. Except for a statewide candidate, a petition
15 may not be filed before September 1 of the year before the year in
16 which the election will be held.

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

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

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

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

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

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

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

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

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

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