

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241

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 election campaign financing and  
7 the Alaska Public Offices Commission; and providing  
8 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 all members of the commission in the manner  
14 prescribed in (b) and (c) of this section, subject to confirmation by  
15 a majority of the legislature meeting in joint session.

16 \* Sec. 2. AS 15.13.020(c) is amended to read:

17 (c) The four members selected under (b) of this section shall,  
18 by a majority vote, nominate to the governor an individual to serve as  
19 [APPOINT] the [REMAINING] fifth member of the commission. The  
20 governor shall either appoint the nominee to the commission, or shall  
21 reject the nominee and request the commission to nominate another  
22 individual to serve as the fifth member of the commission.

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

24 Sec. 15.13.041. USE OF CONTRIBUTIONS. Contributions may not be  
25 used, taken, or spent as personal income by a candidate.

26 \* Sec. 4. AS 15.13.045 is amended by adding a new subsection to read:

27 (e) All documentary material, information, and testimony of  
28 witnesses which is produced, obtained, recorded, or compiled during an  
29 investigation by the commission may not be disclosed to anyone other

1 than a commission member, an authorized employee of the commission for  
2 use in the investigation, the attorney general, or the person or group  
3 who produced the material or gave the testimony until such times as

4 (1) an accusation is filed under AS 44.62;

5 (2) the commission, by majority vote, closes an inves-  
6 tigation without filing an accusation under AS 44.62; or

7 (3) the superior court, for good cause shown, orders the  
8 information disclosed.

9 \* Sec. 5. AS 15.13.050 is amended to read:

10 Sec. 15.13.050. GROUPS. Each group, before making an expendi-  
11 ture on behalf of[,] or in opposition to[,] a candidate, and a politi-  
12 cal party, before making [OR] a contribution to a candidate, shall  
13 register [, ON FORMS PROVIDED BY THE COMMISSION,] with the commission  
14 on forms provided by the commission. If the group intends to support  
15 or oppose only one candidate, or to contribute to or expend [ON BEHALF  
16 OF, OR IN OPPOSITION TO, ONE CANDIDATE] 50 percent or more of its  
17 funds on behalf of or in opposition to one candidate, the name of the  
18 candidate must [SHALL] be a part of the name of the group. Promptly  
19 upon receiving the registration, the commission shall notify the  
20 candidate of the group's organization and intent.

21 \* Sec. 6. AS 15.13.070(a) is amended to read:

22 (a) An individual [NO PERSON OR GROUP, INCLUDING BUT NOT LIMITED  
23 TO ALL POLITICAL COMMITTEES, BUSINESSES, CORPORATIONS, AND LABOR  
24 UNIONS,] may not contribute [TO OR EXPEND] more than \$1,000 a year [ON  
25 BEHALF OF OR IN OPPOSITION] to a candidate [THE COMPETING CANDIDATES  
26 FOR EACH ELECTIVE OFFICE]. No group other than a political party, and  
27 no person other than an individual, may contribute to a candidate.  
28 Political parties and their subdivisions are not subject to the limi-  
29 tation prescribed in this subsection, but they are subject to the

1 reporting requirements prescribed by AS 15.13.040(b) end 15.13.110.

2 Nothing in this chapter prohibits

3 (1) a candidate from contributing more than \$1,000 of the  
4 candidate's [HIS] own money to the candidate's [HIS] own campaign; or

5 (2) individuals or groups, including but not limited to all  
6 political committees, businesses, corporations, and labor unions, from  
7 contributing to or expending on behalf of a ballot proposition or  
8 question more than \$1,000 a year; however, these contributions and  
9 expenditures shall be reported in accordance with AS 15.13.040 and  
10 15.13.110.

11 \* Sec. 7. AS 15.13 is amended by adding a new section to read:

12 Sec. 15.13.075. CAMPAIGN ACTIVITIES BY LOBBYISTS. An individu-  
13 al who is registered as a lobbyist under AS 24.45 may contribute the  
14 lobbyist's own money, goods, and services to a candidate, subject to  
15 the limits of AS 15.13.070. However, no person registered as a  
16 lobbyist under AS 24.45 may

17 (1) serve as a campaign treasurer or deputy campaign trea-  
18 surer for a candidate for governor, lieutenant governor, or the legis-  
19 lature; or

20 (2) directly or indirectly solicit, receive, collect,  
21 handle, disburse, or account for campaign contributions for a candi-  
22 date for governor, lieutenant governor, or the legislature.

23 \* Sec. 8. AS 15.13.080 is amended to read:

24 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person or politi-  
25 cal party [GROUP] contributing [TO A CANDIDATE] over \$250 in money,  
26 [OR CONTRIBUTING] goods, or services to a candidate [WITH A VALUE OF  
27 MORE THAN \$250 TO INFLUENCE THE ELECTION OF A CANDIDATE] shall furnish  
28 the commission a signed statement, on a form made available by the  
29 commission. The statement shall itemize the contribution [AND GOODS]

1 and state that the contributor is not a person or group prohibited by  
2 law from contributing and that the contribution consists of funds or  
3 property belonging to the contributor and has not been given or fur-  
4 nished by another person or group. The contributor's statement shall  
5 be filed with the commission by the contributor no later than 10 days  
6 after the contribution is made. A copy of the statement shall be  
7 furnished the candidate, campaign treasurer, or deputy campaign trea-  
8 surer at the time the contribution is made.

9 \* Sec. 9. AS 15.13 is amended by adding a new section to read:

10 AS 15.13.115. CLOSING OF CAMPAIGNS AND FINAL REPORTS. (a) A  
11 candidate shall close all campaign accounts, and file a final report  
12 with the commission, no later than July 1 of the year following the  
13 year in which the election was held. The final report must be in  
14 accordance with AS 15.13.040 and must be on a form prescribed by the  
15 commission.

16 (b) After the date a final report is due, a contribution may not  
17 be accepted by or on behalf of the candidate, and an expenditure may  
18 not be made by or on behalf of the candidate.

19 (c) Contributions not spent before the date a final report is  
20 due must be

21 (1) donated to an organization that qualifies as a charita-  
22 ble organization under 26 U.S.C. 501(c); or

23 (2) returned to contributors on a pro rata basis.

24 \* Sec. 10. AS 15.13.110(a) is amended to read:

25 (a) Each candidate and group shall make a full report in  
26 accordance with AS 15.13.040 during the period ending three days  
27 before the due date of the report and beginning on the last day  
28 covered by the most recent previous report, or, if a first report, all  
29 contributions received and expenditures made before three days before

1 the due date of the report. The report shall be filed at the  
2 following times:

3 (1) 30 days before the election; however, this report is  
4 not required if the deadline for filing a nominating petition or  
5 declaration of candidacy is within 30 days of the election;

6 (2) one week before the election;

7 (3) 10 days after the election; and

8 (4) December 31 of each year in which a final report is not  
9 filed with the commission in accordance with AS 15.13.115 [FOR EXPEN-  
10 DITURES AND CONTRIBUTIONS WHICH WERE NOT REPORTED THAT YEAR].

11 \* Sec. 11. AS 15.13.125 is amended to read:

12 Sec. 15.13.125. CIVIL PENALTY; LATE FILING OF REQUIRED REPORTS.  
13 A person who fails to file a properly completed and certified report  
14 within the time required by AS 15.13.110(a)(1), (3), or (4), [OR]  
15 15.13.110(d), or 15.13.115 is subject to a civil penalty of not more  
16 than \$10 a day for each day the delinquency continues as determined by  
17 the commission subject to right of appeal to the superior court. A  
18 person who fails to file a properly completed and certified report  
19 within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is  
20 subject to a civil penalty of not more than \$50 a day for each day the  
21 delinquency continues as determined by the commission subject to right  
22 of appeal to the superior court. An affidavit stating facts in  
23 mitigation may be submitted to the commission by a person against whom  
24 a civil penalty is assessed. However, the imposition of the penalties  
25 prescribed in this section or in AS 15.13.120 does not excuse that  
26 person from filing reports required by this chapter.

27 \* Sec. 12. This Act takes effect immediately under AS 01.10.070(c).

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