

Original sponsor(s): REP. FINKELSTEIN, Ulmer, Brown, Koponen

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR HOUSE BILL NO. 327 (State Affairs)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to election campaigns; 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) Except for a municipal candidate who accepts contributions  
11 of less than \$1,000 and makes expenditures of less than \$1,000 in  
12 seeking election, each [EACH] candidate shall make a full report, upon  
13 a form prescribed by the commission, listing the date and amount of  
14 each expenditure [ALL EXPENDITURES] made by the candidate, the total  
15 amount of all contributions, including all funds contributed by the  
16 candidate, and for each contribution [ALL CONTRIBUTIONS] in excess of  
17 \$100 in the aggregate a year, the name, address, principal occupation,  
18 and employer of the contributor and the date and amount contributed by  
19 each contributor. The report shall be filed in accordance with  
20 AS 15.13.110 and shall be certified as correct by the candidate or  
21 campaign treasurer.  
22 \* Sec. 2. AS 15.13 is amended by adding a new section to read:  
23 Sec. 15.13.041. CLOSURE OF CAMPAIGN ACCOUNTS. (a) A candidate  
24 for state office may not accept a contribution after December 31 of  
25 the year in which the candidate sought election until the person files  
26 a declaration of candidacy or a nominating petition. A candidate for  
27 local office may not accept a contribution more than 45 days after the  
28 date of the local election until the person files a declaration of  
29 candidacy or nominating petition.

1 (b) 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 shall dispose of campaign  
4 funds that were not spent or obligated during the election campaign by

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

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

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

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

13 (5) returning the funds to contributors on a pro rata  
14 basis.

15 (c) A candidate for state office shall close each campaign  
16 account before January 12 of the year after the year in which the  
17 candidate sought public office and shall report to the commission not  
18 later than February 15 the disposal of campaign funds. A candidate  
19 for local office shall close each campaign account 45 days after the  
20 election at which the candidate sought public office and shall report  
21 to the commission within 60 days after the election the disposal of  
22 campaign funds.

23 \* Sec. 3. AS 15.13.070(a) is amended to read:

24 (a) An individual or a group other than a political party or the  
25 subdivision of a political party [A PERSON OR GROUP, INCLUDING BUT NOT  
26 LIMITED TO ALL POLITICAL COMMITTEES, BUSINESSES, CORPORATIONS, AND  
27 LABOR UNIONS,] may not contribute [TO OR EXPEND] more than \$1,000 a  
28 year [ON BEHALF OF OR IN OPPOSITION] to a candidate [THE COMPETING  
29 CANDIDATES] for each elective office or to a group. A group may not

1 contribute more than \$1,000 a year to a political party and its subdi-  
2 visions. A candidate may not contribute more than \$1,000 to the  
3 candidate's own campaign. Political parties and their subdivisions  
4 are not subject to the \$1,000 limitation prescribed in this subsec-  
5 tion, but they are subject to the reporting requirements prescribed by  
6 AS 15.13.040(b) and 15.13.110. This section [CHAPTER] does not pro-  
7 hibit

8 [(1) A CANDIDATE FROM CONTRIBUTING MORE THAN \$1,000 OF THE  
9 CANDIDATE'S OWN MONEY TO THE CANDIDATE'S OWN CAMPAIGN; OR

10 (2)] individuals or groups, including but not limited to  
11 all political committees, businesses, corporations, and labor unions,  
12 from contributing to or expending on behalf of a ballot proposition or  
13 question more than \$1,000 a year; however, these contributions and  
14 expenditures shall be reported in accordance with AS 15.13.040 and  
15 15.13.110.

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

17 (i) The state, agencies of the state, public corporations of the  
18 state, and the University of Alaska may not use public funds of the  
19 state to support or oppose the election of a candidate. A municipal-  
20 ity may not use public funds of the municipality to support or oppose  
21 the election of a candidate. Public funds of the state, an agency of  
22 the state, a public corporation of the state, and the University of  
23 Alaska or of a municipality may not be used to urge the adoption or  
24 rejection of a ballot proposition or ballot question. This subsection  
25 does not prohibit the use of public funds of the state or of a munic-  
26 ipality to provide information on a public issue, including a ballot  
27 proposition or ballot question, if the state or municipality does not  
28 advocate a particular position.

29 \* Sec. 5. AS 15.13 is amended by adding a new section to read:

1           Sec. 15.13.073. PROHIBITED CONTRIBUTIONS AND EXPENDITURES. (a)  
2           A corporation and a labor organization may not make a contribution or  
3           expenditure in connection with an election for a candidate at a state  
4           or local election. A candidate and the campaign and deputy campaign  
5           treasurers of a candidate may not knowingly accept a contribution from  
6           a corporation or a labor organization. An officer or director of a  
7           corporation may not consent to the contribution to or expenditure for  
8           a candidate at a state or local election by the corporation. An  
9           officer of a labor organization may not consent to the contribution to  
10          or expenditure for a candidate at a state or local election by the  
11          labor organization.

12           (b) The provisions of (a) of this section do not prohibit  
13           (1) the communication by  
14                (A) a corporation to its stockholders and executive or  
15                administrative personnel and their families; or  
16                (B) a labor organization to its members and their  
17                families;  
18           (2) nonpartisan registration and get-out-the-vote campaigns  
19           by a corporation or a labor organization; or  
20           (3) the establishment of, administration of, and sollicita-  
21           tion of contributions to a separate segregated fund to be used for  
22           political purposes by a corporation or labor organization.

23          \* Sec. 6. AS 15.13.090 is amended to read:

24           Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-  
25           ments, billboards, handbills, paid-for television and radio announce-  
26           ments, and other communications intended to influence the election of  
27           a candidate or outcome of a ballot proposition or question shall have  
28           their source [BE] clearly identified. The commission may adopt regu-  
29           lations to implement this section [BY THE WORDS "PAID FOR BY" FOLLOWED

1 BY THE NAME AND ADDRESS OF THE CANDIDATE, GROUP OR INDIVIDUAL PAYING  
2 FOR THE ADVERTISING. IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY  
3 THE NAME OF THEIR CAMPAIGN CHAIRMAN].

4 \* Sec. 7. AS 15.13.110(a) is amended to read:

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

11 (1) 30 days before the election; however, this report is  
12 not required if the deadline for filing a nominating petition or  
13 declaration of candidacy is within 30 days of the election;

14 (2) one week before the election;

15 (3) ten days after the election; and

16 (4) February 15 [DECEMBER 31] of each year for expenditures  
17 made and contributions received that [WHICH] were not reported the  
18 previous [THAT] year.

19 \* Sec. 8. AS 15.13.110(b) is amended to read:

20 (b) Each contribution or expenditure that [WHICH] exceeds \$250  
21 and that [WHICH] is made within nine days [ONE WEEK] of the election  
22 shall be reported to the commission by date, amount, and contributor  
23 or recipient within 24 hours of receipt or expenditure by the candi-  
24 date or campaign treasurer.

25 \* Sec. 9. AS 15.13.125 is amended to read:

26 Sec. 15.13.125. CIVIL PENALTY [: LATE FILING OF REQUIRED RE-  
27 PORTS]. (a) A person who fails to file a properly completed and  
28 certified report within the time required by AS 15.13.110(a)(1), (3),  
29 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10

1 a day [FOR EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE  
2 COMMISSION SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT].

3 (b) A person who fails to file a properly completed and certi-  
4 fied report within the time required by AS 15.13.110(a)(2) or 15.13.-  
5 110(b) is subject to a civil penalty of not more than \$50 a day [FOR  
6 EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE COMMISSION  
7 SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT].

8 (c) The commission may assess the civil penalty for each day the  
9 commission determines that the delinquency continues under (a) - (b)  
10 of this section. The determination of the commission is subject to a  
11 right of appeal to the superior court.

12 (d) A person who fails to identify communications as required by  
13 AS 15.13.090 is subject to a civil penalty of not more than \$250.  
14 The determination of the commission is subject to a right of appeal to  
15 the superior court.

16 (e) An individual who uses public funds of the state or of a  
17 municipality in violation of AS 15.13.070 is subject to a civil pen-  
18 alty of an amount not to exceed three times the misused funds. The  
19 determination of the commission is subject to a right of appeal to the  
20 superior court.

21 (f) An affidavit stating facts in mitigation may be submitted to  
22 the commission by a person against whom a civil penalty is assessed.

23 (g) The [HOWEVER, THE] imposition of the penalties prescribed in  
24 this section or in AS 15.13.120 does not excuse that person from  
25 filing reports required by this chapter.

26 \* Sec. 10. Sections 1, 4, and 7 - 9 of this Act take effect immediately  
27 under AS 01.10.070(c).

28 \* Sec. 11. Sections 2, 3, 5, and 6 of this Act take effect January 1,  
29 1991.