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BY SEN. POURCHOT, Kelly

1 IN THE SENATE

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SENATE BILL NO. 384

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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."

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

8 \* Section 1. AS 15.13.010(a) is amended to read:

9 (a) This chapter applies in every election for governor, lieu-  
10 tenant governor, a member of the state legislature, a delegate to a  
11 constitutional convention, or judge seeking electoral confirmation.  
12 It also applies to every candidate who accepts contributions in excess  
13 of \$1,000 or makes expenditures in excess of \$1,000 in seeking [FOR]  
14 election to a municipal office in a municipality with a population of  
15 more than 1,000 inhabitants according to the latest United States  
16 census figures or estimates of population certified as correct for  
17 administrative purposes by the Department of Community and Regional  
18 Affairs. A municipality may exempt its elected municipal officers  
19 from the requirements of this chapter if a majority of the voters  
20 voting on the question at a regular election, as defined by AS 29.-  
21 71.800(20), or a special municipality-wide election called for that  
22 purpose, vote to exempt its elected municipal officers from the re-  
23 quirements of this chapter. The question of exemption from the re-  
24 quirements of this chapter may be submitted by the governing body by  
25 ordinance or by initiative election. This chapter does not prohibit a  
26 municipality from regulating by ordinance campaign contributions and  
27 expenditures.

28 \* Sec. 2. AS 15.13 is amended by adding a new section to read:

29 Sec. 15.13.041. CLOSURE OF CAMPAIGN ACCOUNTS. (a) A candidate

1 for election in a state election may not accept a contribution after  
2 December 31 of the year in which the candidate sought election. A  
3 candidate for election in a local election may not accept a contribu-  
4 tion more than 45 days after the local election.

5 (b) A candidate shall close each campaign account by January 1  
6 of the year after the year in which the candidate sought public  
7 office.

8 (c) A candidate shall, by January 15 of the year after the year  
9 in which the candidate sought public office, dispose of the campaign  
10 funds that were not spent or obligated during the election campaign by

11 (1) transferring the funds to an account for a future  
12 election campaign;

13 (2) transferring the funds to a legislative office account  
14 for expenditures qualifying as a business expense under 26 U.S.C. 162;

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

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

19 (5) returning the funds to contributors; or

20 (6) making campaign contributions not in violation of  
21 AS 15.13.070(a) to another candidate or a group or by making indepen-  
22 dent expenditures.

23 (d) A candidate who transfers campaign funds to an account for a  
24 future election campaign under (c)(1) of this section shall file an  
25 annual report with the commission under AS 15.13.110(a)(4). Campaign  
26 funds transferred to an account for a future campaign may be used for  
27 a future campaign or disposed of under (c)(2) - (6) of this section.

28 \* Sec. 3. AS 15.13.110(a) is amended to read:

29 (a) Each candidate and group shall make a full report in

1 accordance with AS 15.13.040 during the period ending three days  
2 before the due date of the report and beginning on the last day  
3 covered by the most recent previous report, or, if a first report, all  
4 contributions received and expenditures made before three days before  
5 the due date of the report. The report shall be filed [AT THE FOLLOW-  
6 ING TIMES:]

7 (1) 30 days before the election; however, this report is  
8 not required if the deadline for filing a nominating petition or  
9 declaration of candidacy is within 30 days of the election;

10 (2) one week before the election;

11 (3) ten days after the election; and

12 (4) January 15 [DECEMBER 31 OF EACH YEAR] for

13 (A) expenditures made and contributions received that  
14 [WHICH] were not reported during the previous [THAT] year;

15 (B) disposals of campaign funds under AS 15.13.041(c)  
16 that were not spent or obligated during the election campaign; or

17 (C) campaign funds transferred to an account for a  
18 future campaign.

19 \* Sec. 4. 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. 5. 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) A person who fails to file a properly completed and certi-  
9 fied report within the time required by AS 15.13.060(c) is subject to  
10 a civil penalty of not more than \$10 a day.

11 (d) A person who fails to identify communications as required by  
12 AS 15.13.090 is subject to a civil penalty of not more than \$10 a day.

13 (e) The commission may assess the civil penalty for each day the  
14 commission determines that the delinquency continues. The determina-  
15 tion of the commission is subject to a right of appeal to the superior  
16 court.

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

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