

Offered: 2/26/90  
Referred: Judiciary

6-1857J

Original sponsor(s): SEN. POURCHOT, Kelly

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE  
2 CS FOR SENATE BILL NO. 384 (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 \$1,000 or less or makes expenditures of \$1,000 or less in seeking  
12 election, each [EACH] candidate shall make a full report, upon a form  
13 prescribed by the commission, listing the date and amount of each  
14 expenditure [ALL EXPENDITURES] made by the candidate, the total amount  
15 of all contributions, including all funds contributed by the candi-  
16 date, and for each contribution [ALL CONTRIBUTIONS] in excess of \$100  
17 in the aggregate a year, the name, address, principal occupation, and  
18 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 election in a state election may not accept a contribution after  
25 December 31 of the year in which the candidate sought election. A  
26 candidate for election in a local election may not accept a contribu-  
27 tion more than 45 days after the local election.

28 (b) A candidate shall, by January 12 of the year after the year  
29 in which the candidate sought public office, dispose of the campaign

1 funds that were not spent or obligated during the election campaign by  
2 (1) transferring not more than \$10,000 of the the funds to  
3 an account for a future election campaign;  
4 (2) transferring the funds to a legislative office account  
5 for expenditures qualifying as a business expense under 26 U.S.C. 162;  
6 (3) donating the funds to an organization that qualifies as  
7 a charitable organization under 26 U.S.C. 501(c);  
8 (4) donating the funds to the general fund of the state or  
9 of a municipality of the state organized under AS 29; or  
10 (5) returning the funds to contributors.

11 (c) A candidate shall close each campaign account by January 12  
12 of the year after the year in which the candidate sought public of-  
13 fice.

14 (d) A candidate who transfers campaign funds to an account for a  
15 future election campaign under (b)(1) of this section shall file  
16 annually with the commission the report required by AS 15.13.-  
17 110(a)(4). Campaign funds transferred to an account for a future  
18 campaign may be used for a future campaign or disposed of under  
19 (b)(2) - (5) of this section.

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

21 (a) A person or group, including but not limited to all politi-  
22 cal committees, businesses, corporations, and labor unions, may not  
23 contribute to or expend more than \$1,000 a year on behalf of or in  
24 opposition to the competing candidates for each elective office and  
25 may not contribute more than \$10,000 in the aggregate a year to a  
26 political party and its subdivisions. Political parties and their  
27 subdivisions are not subject to the limitation prescribed in this  
28 subsection, but they are subject to the reporting requirements pre-  
29 scribed by AS 15.13.040(b) and 15.13.110. The state, agencies of the

1 state, public corporations of the state, and the University of Alaska  
2 may not use public funds to support or oppose the election of a candi-  
3 date or on behalf of or in opposition to a ballot proposition or  
4 question. A municipality may not use public funds of the municipality  
5 to support or oppose the election of a candidate or on behalf of or in  
6 opposition to a ballot proposition or question. This chapter does not  
7 prohibit

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 all  
11 political committees, businesses, corporations, and labor unions, from  
12 contributing to or expending on behalf of or in opposition to a ballot  
13 proposition or question more than \$1,000 a year; however, these con-  
14 tributions and expenditures shall be reported in accordance with  
15 AS 15.13.040 and 15.13.110; or

16 (3) the state, agencies of the state, public corporations  
17 of the state, the University of Alaska, or a municipality from using  
18 public funds of the state or the municipality for neutral informa-  
19 tional purposes in connection with a ballot proposition or question;  
20 however, these expenditures shall be reported in accordance with  
21 AS 15.13.040 and 15.13.110.

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

23 (1) A contribution accepted by a candidate may not be used by  
24 the candidate as personal income at any time.

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

26 Sec. 15.13.075. CAMPAIGN ACTIVITIES BY LOBBYISTS. (a) An  
27 individual who is registered as a lobbyist under AS 24.45 may con-  
28 tribute the lobbyist's own money, goods, and services to a candidate,  
29 subject to the limits of AS 15.13.070.

1 (b) A lobbyist may not

2 (1) serve as a campaign treasurer or deputy campaign trea-  
3 surer for a candidate for governor, lieutenant governor, or the legis-  
4 lature; or

5 (2) receive, collect, handle, disburse, or account for  
6 campaign contributions for a candidate for governor, lieutenant gover-  
7 nor, or the legislature.

8 (c) In (b) of this section, "lobbyist"

9 (1) means a person who has registered under AS 24.45.041  
10 within the last 12 months and is described under AS 24.45.171(8)(A);

11 (2) does not include a volunteer lobbyist described in  
12 AS 24.45.161(a)(1) or a representational lobbyist as defined under  
13 regulations of the commission.

14 \* Sec. 6. AS 15.13.110(a) is amended to read:

15 (a) Each candidate and group shall make a full report in accor-  
16 dance with AS 15.13.040 during the period ending three days before the  
17 due date of the report and beginning on the last day covered by the  
18 most recent previous report, or, if a first report, all contributions  
19 received and expenditures made before three days before the due date  
20 of the report. The report shall be filed [AT THE FOLLOWING TIMES:]

21 (1) 30 days before the election; however, this report is  
22 not required if the deadline for filing a nominating petition or  
23 declaration of candidacy is within 30 days of the election;

24 (2) one week before the election;

25 (3) 10 [TEN] days after the election; and

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

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

29 (B) disposals of campaign funds under AS 15.13.041(b)

1           that were not spent or obligated during the election campaign; or  
2                           (C) campaign funds transferred to an account for a  
3           future campaign.

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

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

10       \* Sec. 8. AS 15.13.125 is amended to read:

11           Sec. 15.13.125. CIVIL PENALTY [LATE FILING OF REQUIRED RE-  
12           PORTS].

13           (a) A person who fails to file a properly completed and certified  
14           report within the time required by AS 15.13.110(a)(1), (3), (4) or  
15           15.13.110(d) is subject to a civil penalty of not more than \$10 a day  
16           [FOR EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE COMMIS-  
17           SION SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT].

18           (b) A person who fails to file a properly completed and certi-  
19           fied report within the time required by AS 15.13.110(a)(2) or 15.13.-  
20           110(b) is subject to a civil penalty of not more than \$50 a day [FOR  
21           EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE COMMISSION  
22           SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT].

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

27           (d) A person who fails to identify communications as required by  
28           AS 15.13.090 is subject to a civil penalty of not more than \$250. The  
29           determination of the commission is subject to a right of appeal to the

1     superior court.

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

4             (f) The [HOWEVER, THE] imposition of the penalties prescribed in  
5 this section or in AS 15.13.120 does not excuse that person from  
6 filing reports required by this chapter.

7     \* Sec. 9. Sections 1, 3, 5, 7, and 8 of this Act take effect immedi-  
8 ately under AS 01.10.070(c).

9     \* Sec. 10. Sections 2, 4, and 6 of this Act take effect February 1,  
10 1991.