

Offered: 4/2/90
Referred: Rules

6-1857D

Original sponsor(s): SEN. POURCHOT, Kelly

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 384 (Judiciary)

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 totaling \$1,000 or less and makes expenditures totaling \$1,000 or less
12 in seeking election, each [EACH] candidate shall make a full report,
13 upon a form prescribed by the commission, listing the date and amount
14 of each expenditure [ALL EXPENDITURES] made by the candidate, the
15 total amount of all contributions, including all funds contributed by
16 the candidate, and for each contribution [ALL CONTRIBUTIONS] in excess
17 of \$100 in the aggregate a year, the name, address, principal occupa-
18 tion, and employer of the contributor and the date and amount con-
19 tributed by each contributor. The report shall be filed in accordance
20 with AS 15.13.110 and shall be certified as correct by the candidate
21 or 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 post-
25 marked or delivered after December 31 of the year in which the candi-
26 date sought election. A candidate for election in a local election
27 may not accept a contribution postmarked or delivered more than 45
28 days after the local election.

29 (b) A candidate shall, by January 12 of the year after the year

1 in which the candidate sought public office, dispose of the campaign
2 funds that were not spent or obligated during the election campaign by
3 (1) transferring not more than \$10,000 of the the funds to
4 an account for a future election campaign;
5 (2) transferring the funds to a legislative office account
6 for expenditures qualifying as a business expense under 26 U.S.C. 162;
7 (3) donating the funds to an organization that qualifies as
8 a charitable organization under 26 U.S.C. 501(c);
9 (4) donating the funds to the general fund of the state or
10 of a municipality of the state organized under AS 29; or
11 (5) returning the funds pro rata as to contributions in
12 excess of \$100 in the aggregate a year.

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

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

22 * Sec. 3. AS 15.13.050 is amended to read:

23 Sec. 15.13.050. GROUPS. Each group, before making an independ-
24 ent expenditure on behalf of [,] or in opposition to [,] a candidate
25 [OR A CONTRIBUTION TO A CANDIDATE], shall register, on forms provided
26 by the commission, with the commission. If the group intends to make
27 independent expenditures of more than 50 percent of its funds [SUPPORT
28 OR OPPOSE ONLY ONE CANDIDATE, OR TO CONTRIBUTE TO OR EXPEND] on behalf
29 of [,] or in opposition to only [,] one candidate [50 PER CENT OR MORE

1 OF ITS FUNDS], the name of the candidate shall be a part of the name
2 of the group. Promptly upon receiving the registration, the commis-
3 sion shall notify the candidate of the group's organization and in-
4 tent. Each political party and each subdivision of a political party
5 shall register before making a contribution to a candidate.

6 * Sec. 4. AS 15.13.070(a) is amended to read:

7 (a) An individual [A PERSON OR GROUP, INCLUDING BUT NOT LIMITED
8 TO ALL POLITICAL COMMITTEES, BUSINESSES, CORPORATIONS, AND LABOR
9 UNIONS,] may not contribute [TO OR EXPEND] more than \$1,000 in the
10 aggregate a year on behalf of or in opposition to a candidate [THE
11 COMPETING CANDIDATES] for each elective office. Except for a politi-
12 cal party and its subdivisions, a group may not contribute to a candi-
13 date. Except for an individual, a person may not contribute to a
14 candidate. Political parties and their subdivisions are not subject
15 to the \$1,000 limitation prescribed in this subsection, but they are
16 subject to the reporting requirements prescribed by AS 15.13.040(b)
17 and 15.13.110. The state, agencies of the state, public corporations
18 of the state, and the University of Alaska may not use public funds to
19 support or oppose the election of a candidate. A municipality may not
20 use public funds of the municipality to support or oppose the election
21 of a candidate. This chapter does not prohibit

22 (1) a candidate from contributing more than \$1,000 of the
23 candidate's own money to the candidate's own campaign; [OR]

24 (2) individuals or groups, including but not limited to all
25 political committees, businesses, corporations, and labor unions, from
26 contributing to or expending on behalf of or in opposition to a ballot
27 proposition or question more than \$1,000 a year; however, these con-
28 tributions and expenditures shall be reported in accordance with
29 AS 15.13.040 and 15.13.110;

1 (3) the Alaska Judicial Council from providing information
2 and recommendations to the voters under AS 22.05.100, AS 22.07.060,
3 AS 22.10.150, and AS 22.15.195 on a justice or judge seeking retention
4 in office.

5 * Sec. 5. AS 15.13.070 is amended by adding a new subsection to read:

6 (1) An individual who accepts campaign contributions as a candi-
7 date for public office may not convert surplus campaign funds to
8 personal income at any time.

9 * Sec. 6. AS 15.13 is amended by adding a new section to read:

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

14 (b) A lobbyist may not

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

18 (2) solicit directly, receive, collect, handle, disburse,
19 or account for campaign contributions for a candidate for governor,
20 lieutenant governor, or the legislature.

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

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

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

27 * Sec. 7. AS 15.13.080 is amended to read:

28 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person [OR GROUP]
29 contributing to a candidate over \$250 or contributing goods or

1 services to a candidate with a value of more than \$250 to influence
2 the election of a candidate shall furnish the commission a signed
3 statement, on a form made available by the commission. The statement
4 shall itemize the contributions and goods and state that the contribu-
5 tor is not [A PERSON OR GROUP] prohibited by law from contributing and
6 that the contribution consists of funds or property belonging to the
7 contributor and has not been given or furnished by another person or
8 group. The contributor's statement shall be filed with the commission
9 by the contributor no later than 10 days after the contribution is
10 made. A copy of the statement shall be furnished the candidate,
11 campaign treasurer, or deputy campaign treasurer at the time the
12 contribution is made.

13 * Sec. 8. AS 15.13.110(a) is amended to read:

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

20 (1) 30 days before the election; however, this report is
21 not required if the deadline for filing a nominating petition or
22 declaration of candidacy is within 30 days of the election;

23 (2) one week before the election;

24 (3) 10 [TEN] days after the election; and

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

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

28 (B) disposals of campaign funds under AS 15.13.041(b)
29 that were not spent or obligated during the election campaign; or

1 (C) campaign funds transferred to an account for a
2 future campaign.

3 * Sec. 9. AS 15.13.110(b) is amended to read:

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

9 * Sec. 10. AS 15.13.125 is amended to read:

10 Sec. 15.13.125. CIVIL PENALTY [: LATE FILING OF REQUIRED RE-
11 REPORTS]. (a) A person who fails to file a properly completed and
12 certified report within the time required by AS 15.13.110(a)(1), (3),
13 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
14 a day [FOR EACH DAY THE DELINQUENCY CONTINUES AS DETERMINED BY THE
15 COMMISSION SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT].

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

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

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

29 (e) An individual who authorizes the use of public funds of the

1 state or of a municipality in violation of AS 15.13.070(a) is subject
2 to a civil penalty of an amount not to exceed three times the misused
3 funds. The determination of the commission is subject to a right of
4 appeal to the superior court.

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

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

10 * Sec. 11. Sections 1, 4, 6, 9, and 10 of this Act take effect immedi-
11 ately under AS 01.10.070(c).

12 * Sec. 12. Sections 2, 5, and 8 of this Act take effect February 1,
13 1991.