HOUSE BILL NO. 219

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES NORDLUND, Navarre, Finkelstein

Introduced: 3/12/93
Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act requiring payment of reporting assessments by, and collection of reporting assessments from, candidates and groups for certain reports of campaign contributions that are filed with the Alaska Public Offices Commission; relating to appropriations of anticipated receipts of reporting assessments; and providing for an effective date."

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

*** Section 1.** AS 15.13.030 is amended by adding a new paragraph to read:

(11) collect and account for reporting assessments received under AS 15.13.150.

*** Sec. 2.** AS 15.13.040(a) is amended to read:

(a) Each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate, and

for all contributions in excess of $100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110, [AND] shall be certified correct by the candidate or campaign treasurer, **and shall be accompanied by the reporting assessment required by AS 15.13.150**.

*** Sec. 3.** AS 15.13.040(c) is amended to read:

(c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110, [AND] shall be certified as correct by the group's treasurer**, and shall be accompanied by the reporting assessment required by AS 15.13.150**.

*** Sec. 4.** AS 15.13.120(a) is amended to read:

(a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than $5,000. A violation includes but is not limited to any of the following acts or omissions:

(1) failing to make a statement or report required to be made under this chapter, [OR] failing to make a statement or report at the time the statement or report is required to be made under this chapter**, or failing to pay a reporting assessment at the time the assessment is required to be paid under AS 15.13.150**;

(2) making a campaign contribution that exceeds the limitations of AS 15.13.070;

(3) making a false statement or report under this chapter;

(4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of AS 15.13.090;

(5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of AS 15.13.090;

(6) knowingly accepting a contribution in violation of AS 15.13.070.

*** Sec. 5.** AS 15.13.120(c) is amended to read:

(c) Promptly after the final date for filing statements, [AND] reports, **and reporting assessments required by this chapter,** the commission shall notify all persons who have become delinquent in filing them, including contributors who failed

to file a statement in accordance with AS 15.13.040, and shall make available a list of these delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter.

* **Sec. 6.** AS 15.13.125 is amended to read:

Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS. A person who fails to file a properly completed and certified report **or pay the reporting assessment required by AS 15.13.150** within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than $10 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report **or pay the reporting assessment required by AS 15.13.150** within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than $50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports **and making the payment** required by this chapter.

* **Sec. 7.** AS 15.13 is amended by adding new sections to read:

Sec. 15.13.150. REPORTING ASSESSMENT TO ACCOMPANY REPORT OF CONTRIBUTIONS. (a) Every candidate or group required to file a report of contributions received under this chapter shall pay a reporting assessment. The assessment required by this section shall be paid at the time of filing the report of contributions.

(b) The assessment required to be paid under (a) of this section is three percent of the amount or value of all contributions accounted for in the report of contributions.

(c) An assessment paid under this section may not be refunded without prior approval of the Alaska Public Offices Commission.

(d) An indigent candidate who was exempted or who may be exempted from the payment of a filing fee under AS 15.25.050(b) is exempt from the payment of the

1 assessment required by this section.

2 Sec. 15.13.155. LAPSING OF APPROPRIATIONS. Unless provided
3 otherwise in the act making an appropriation of anticipated receipts from reporting
4 assessments collected under AS 15.13.150,

5 (1) the unobligated balance of the appropriation of money from those
6 receipts to the Alaska Public Offices Commission made for a fiscal year in which the
7 state conducts a general election does not lapse at the end of that fiscal year, but
8 remains available and may be used for the administration of this chapter by the Alaska
9 Public Offices Commission during the next following fiscal year;

10 (2) the unobligated balance of the appropriation of money from those
11 receipts to the Alaska Public Offices Commission made for a fiscal year in which the
12 state does not conduct a general election lapses at the end of that fiscal year under
13 AS 37.25.010.

14 * Sec. 8. This Act takes effect July 1, 1993.