

HB

488

COMMITTEE REPORT

5/13/75

HOUSE

Mr. Speaker:

Date 5-17-75

The Committee on JUDICIARY has had HR 488

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HR 488 AND THAT

CS FOR HR 488 DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
_____	_____	_____
<u>[Signature]</u>	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

_____	recommends: <u>DO NOT PASS</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

*Changes
in AS
in written in
this bill*

Introduced: 5/7/75
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 488

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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 15.13.010 is amended to read:

10 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in every
11 election for governor, lieutenant governor, a member of the state legis-
12 lature, a delegate to a constitutional convention, or judge seeking elec-
13 toral confirmation [OR FOR A MUNICIPAL OFFICE]. It also applies to every
14 candidate for election to a municipal office in a city or borough with
15 a population of more than 1,000 inhabitants according to the latest
16 United States census figures or estimates of population certified as
17 correct for administrative purposes by the Department of Community and
18 Regional Affairs. A municipality may exempt its elected municipal
19 officers [ITSELF] from the requirements of this chapter if a majority of
20 the voters voting on the question at any regular election, as defined by
21 AS 29.78.010(14), or a special municipality-wide election called for
22 that purpose, [A GENERAL ELECTION] vote to exempt its elected municipal
23 officers [THE MUNICIPALITY] from the requirements of this chapter. The
24 question of exemption from the requirements of this chapter may be
25 submitted by the city council or borough assembly by ordinance or by
26 initiative ordinance. Nothing in this chapter prohibits a municipality
27 from regulating by ordinance campaign contributions and expenditures.

28 * Sec. 2. AS 15.13.010 is amended by adding a new subsection to read:

29 (b) Except as otherwise provided, this chapter applies to contri-

1 butions, expenditures and communications made by a candidate, group,
2 municipality or individual for the purpose of influencing the outcome of
3 a ballot proposition or question as well as those made to influence the
4 nomination or election of a candidate.

5 * Sec. 3. AS 15.13.020(a) is amended to read:

6 (a) There is created in the office of the lieutenant governor the
7 Alaska Public Offices [ELECTION CAMPAIGN] Commission consisting of five
8 members.

9 * Sec. 4. AS 15.13.020(c) is amended to read:

10 (c) The four members selected under (b) of this section shall, by
11 a majority vote, appoint the remaining fifth member of the commission.
12 That fifth member, after the expiration of the term of office of the
13 person who is the incumbent fifth member on the effective date of this
14 Act, may not have been registered to vote as a member of either of the
15 political parties represented by the other four members for two years
16 before his appointment.

17 * Sec. 5. AS 15.13.020(d) is repealed and re-enacted to read:

18 (d) Upon selection of the commission's fifth member, the commis-
19 sion's four members selected under (b) of this section shall draw lots
20 to determine the length of their terms of office so that one commission
21 member serves one year, one serves two years, one serves three years and
22 one serves four years. However, the terms of no two commission members
23 who are members of the same political party may expire in consecutive
24 years. The term of office of the fifth member, appointed under (c) of
25 this section, expires in the fifth year. Terms of office of the initial
26 appointees to the commission, including the fifth member, shall date
27 from February 1 before their appointment. After the terms of office of
28 the initial appointees to the commission expire, the term of office of a
29 member of the commission is five years, or until his successor is

1 appointed and qualifies. No commission member may serve more than one
2 term. However, initial appointees to the commission who do not serve a
3 full five-year term and a person appointed to fill the unexpired term of
4 his predecessor may be appointed to a successive full five-year term.

5 * Sec. 6. AS 15.13.020(e) is amended to read:

6 (e) No member of the commission, during tenure, may

7 (1) hold or campaign for elective office;

8 (2) be an officer of a political party, [OR] political commit-
9 tee or group;

10 (3) permit his name to be used, or make any contributions
11 whatsoever, in support of or in opposition to a candidate or proposition
12 or question that appears on any ballot in the state including but not
13 limited to that of a municipality; however, contributions may be made to
14 a candidate for the office of President of the United States;

15 (4) participate in any way in an election campaign or partici-
16 rate in or contribute to any political party; or

17 (5) lobby, employ or assist a lobbyist.

18 * Sec. 7. AS 15.13.020(f) is amended to read:

19 (f) Members of the commission shall receive compensation of \$100 a
20 day while attending commission meetings or participating in authorized
21 commission business and shall be entitled to necessary travel expenses
22 and per diem.

23 * Sec. 8. AS 15.13.020(h) is amended to read:

24 (h) A vacancy [VACANCY] on the commission shall be filled by the
25 appropriate appointing authority [OFFICER] within 30 days of the occur-
26 rence of the vacancy. The appointee shall serve for the remaining term
27 of his predecessor.

28 * Sec. 9. AS 15.13.020(j) is amended to read:

29 (j) The commission shall establish an office, which may be called

1 a regional office, in each senate district in the state to keep on file
2 for public inspection copies of all reports filed with the commission by
3 candidates for statewide office and by candidates for legislative office
4 in that district [AN OFFICE TO RECEIVE REPORTS AND STATEMENTS REQUIRED TO
5 BE FILED WITH IT]; however, where one municipality contains more than one
6 election district, only one commission office shall be established in
7 that municipality. The ~~district or~~ regional office shall make all forms
8 and pertinent material available to candidates. All reports shall be
9 filed by candidates, groups and individuals directly with the commis-
10 sion's central, ~~regional or district~~ office. The commission shall
11 insure that copies of all reports by statewide and legislative candi-
12 dates in each senate district are forwarded promptly to that ~~district or~~
13 regional office. [THE COMMISSION SHALL MAKE EVERY EFFORT TO INSURE THAT
14 ALL REPORTS ARE FORWARDED TO THE CENTRAL OFFICE PROMPTLY.]

15 * Sec. 10. AS 15.13.020 is amended by adding a new subsection to read:

16 (k) The commission shall ensure that copies of reports filed by
17 candidates for municipal office are made available for public inspection
18 in the appropriate municipality.

19 * Sec. 11. AS 15.13.030(2) is amended to read:

20 (2) prepare and publish a manual setting out uniform methods
21 of bookkeeping and reporting for use by persons required to make reports
22 and statements under this chapter and otherwise assist candidates, [AND]
23 groups, and individuals in complying with the requirements of this chapter;

24 * Sec. 12. AS 15.13.030(5) is amended to read:

25 (5) prepare [AND PUBLISH] a summary of each report filed
26 under sec. 110 of this chapter and make copies of this summary available
27 to interested persons at cost;

28 * Sec. 13. AS 15.13.040 is repealed and re-enacted to read:

29 Sec. 15.13.040. CONTRIBUTIONS, EXPENDITURES AND SUPPLYING OF

1 SERVICES TO BE REPORTED. (e) Each candidate shall make a full report,
2 upon a form prescribed by the commission, listing the date and amount
3 of all expenditures made by the candidate, the total amount of all con-
4 tributions, including all funds contributed by the candidate himself,
5 and for all contributions in excess of \$100 in the aggregate ^{per} year, the
6 name, address, principal occupation, and employer of the contributor and
7 the date and amount contributed by each contributor. The report shall be
8 filed in accordance with sec. 110 of this chapter and shall be certified
9 correct by the candidate or campaign treasurer.

10 (b) Each group shall make a full report upon a form prescribed by
11 the commission, listing

12 (1) the name and address of each officer and director;

13 (2) ^{the aggregate} all contributions made to it; and, for all contributions
14 in excess of \$100 in the aggregate ^{per} year, the name, address, principal
15 occupation, and employer of the contributor, and the date and amount
16 contributed by each contributor; and

17 (3) the date and amount of all contributions made by it and
18 all expenditures made, incurred or authorized by it.

19 (c) The report required under (b) of this section shall be filed
20 in accordance with sec. 110 of this chapter and shall be certified as
21 correct by the group's treasurer.

22 (d) Every individual, person or group shall make a full report,
23 upon a form prescribed by the commission, of the following contributions
24 or expenditures:

25 (1) ^{any} a contribution ^{in excess of} ~~of~~ \$100 ~~or more~~ ^{per year} to any group or to any
26 candidate; ~~including all groups that support only one candidate;~~

27 (2) ^{any} a contribution of goods or services valued ^{in excess of} at \$100 ~~or~~ ^{per year}
28 ~~more~~ to any group or candidate, including all groups that support only
29 that candidate; or

1 (3) any expenditure whatsoever for advertising in newspapers,
2 on radio or on television; or, for the publication, distribution or
3 circulation of brochures, flyers, or other campaign material for any
4 candidate or ballot proposition or question.

5 (e) The report required under (d) of this section shall contain
6 the name, address, principal occupation and employer of the individual
7 filing the report, and an itemized list of expenditures. The report
8 shall be filed with the commission by the contributor no later than 10
9 days after the contribution or expenditure is made. A copy of the
10 report shall be furnished to the candidate, campaign treasurer or deputy
11 campaign treasurer at the time the contribution is made.

12 (f) During each year in which an election occurs, all businesses,
13 persons, or groups which furnish any of the following services, facili-
14 ties, or supplies to a candidate or group shall maintain a record of each
15 transaction: newspapers, radio, television, advertising, advertising
16 agency services, accounting, billboards, printing, secretarial, public
17 opinion polls, or research and professional campaign consultation or
18 management, media production or preparation, or computer services. The
19 records shall be maintained on the forms provided and in the manner
20 required by the commission. The supplier shall file a report of the
21 complete record of each transaction with all candidates or groups to
22 whom he provides services, facilities or supplies in accordance with
23 sec. 110 of this chapter. All records shall be available for public
24 inspection.

25 * Sec. 14. AS 15.13 is amended by adding a new section to read:

26 Sec. 15.13.045. INVESTIGATIONS, HEARINGS. (a) The commission may
27 issue subpoenas, administer oaths, hold hearings and conduct investiga-
28 tions.

29 (b) In conjunction with (a) of this section, the commission may

1 compel the attendance of witnesses and production of papers, books,
2 records, accounts, documents, and testimony, and may have the deposition
3 of witnesses taken in a manner prescribed by court rule or law for the
4 taking of depositions in civil actions when consistent with the powers
5 and duties assigned to the commission by this chapter.

6 (c) The commission may examine the papers, books, records, accounts
7 and documents of any person subject to this chapter to ascertain the
8 correctness of a report filed with the commission, or in conjunction with
9 an investigation or inspection conducted under (a) of this section.

10 (d) Subpoenas may be issued and shall be served in the manner
11 prescribed by AS 44.62.430 and court rule. The failure, refusal or
12 neglect to obey a subpoena is punishable as contempt in the manner
13 prescribed by law or court rule. The superior court may compel obedience
14 to the commission's subpoena in the same manner as prescribed for
15 obedience to a subpoena issued by the court.

16 * Sec. 15. AS 15.13.050 is amended to read:

17 Sec. 15.13.050. GROUPS. Each group, before making an expenditure
18 on behalf of, or in opposition to, a candidate or a contribution to a
19 candidate, shall register, on forms provided by the commission, with the
20 commission. If the group intends to support only one candidate, or to
21 contribute to or expend on behalf of one candidate 60 per cent of its
22 funds, the name of the candidate shall be a part of the name of the
23 group. If the group receives over 60 per cent of its contributions from
24 a single source, the name of that source must be a part of the name of
25 the group. Promptly upon receiving the registration, the commission
26 shall notify the candidate of the group's organization and intent.

27 * Sec. 16. AS 15.13.060(b) is amended to read:

28 (b) Each group shall file the name and address of its [THE]
29 campaign treasurer with the commissioner at the time it registers with the

1 commission under sec. 50 of [THE FIRST CONTRIBUTION OR EXPENDITURE REPORT
2 IS REQUIRED TO BE FILED BY THE GROUP UNDER] this chapter.

3 * Sec. 17. AS 15.13.060(c) is amended to read:

4 (c) Each candidate shall file the name and address of the campaign
5 treasurer with the commission no later than ^{7 days} ~~48 hours~~ after the date of
6 filing his declaration of candidacy or his nominating petition. The name
7 of the candidate may be placed on the ballot by the lieutenant governor or
8 municipal clerk only if the candidate has complied with this subsection.

9 * Sec. 18. AS 15.13.060(d) is amended to read:

10 (d) In the case of the death, resignation or removal of a campaign
11 treasurer, the candidate shall appoint a successor as soon as practicable
12 and file his name and address with the commission within 48 hours of the
13 appointment. The candidate shall be [IS] disqualified by the lieutenant
14 governor or municipal clerk if he fails to comply with this subsection.

15 * Sec. 19. AS 15.13.060 is amended by adding a new subsection to read:

16 (f) The candidate is responsible for the performance of his
17 campaign treasurer, and any default or violation by the treasurer also
18 shall be considered a default or violation by the candidate.

19 * Sec. 20. AS 15.13.070(a) is repealed and re-enacted to read:

20 (a) No ~~person~~ or group, including but not limited to all political
21 committees, businesses, corporations, and labor unions, may contribute
22 to or expend on behalf of any candidate, ~~or any group, more than \$1,000~~ ^{in support of the competing candidate}
23 ~~a year.~~ For purposes of this section, an expenditure against a candidate ^{for an}
24 shall be considered an expenditure on behalf of his opponent. Political ^{elect off.}
25 parties and their subdivisions are not subject to the limitation pre-
26 scribed in this subsection, but they are subject to the reporting require-
27 ments prescribed by secs. 40(b) and 110 of this chapter. Nothing in
28 this chapter prohibits

29 (1) a candidate from contributing more than \$1,000 of his own

More than \$1,000 a year

1 money to his own campaign; or

2 (2) individuals or groups, including but not limited to all
3 political committees, businesses, corporations, and labor unions, from
4 contributing to or expending on behalf of a ballot proposition or ques-
5 tion more than \$1,000 a year; however, these contributions and expendi-
6 tures shall be reported in accordance with secs. 40 and 110 of this
7 chapter.

8 * Sec. 21. AS 15.13.070(f) is amended to read:

9 (f) The total amount of expenditures made by a candidate and by
10 all groups operating under his control may not exceed (1) 40 cents times
11 the total population of the state according to the latest United States
12 census figures, or estimates of population certified as correct for
13 administrative purposes by the Department of Community and Regional
14 Affairs, if the candidacy is for governor or lieutenant governor, of
15 which amount no more than 50 [40] per cent may be spent in a primary
16 election campaign and no more than 50 [60] per cent in the general
17 election campaign [, IF THE CANDIDACY IS FOR GOVERNOR AND NO MORE THAN
18 50 PER CENT IN THE PRIMARY ELECTION CAMPAIGN AND NO MORE THAN 50 PER
19 CENT IN THE GENERAL ELECTION IF THE CANDIDACY IS FOR LIEUTENANT GOVER-
20 NOR]; (2) $\frac{1}{2}$ times the total population of the geographical area of the
21 constituency according to the latest United States census figures, or
22 estimates of population certified as correct for administrative purposes
23 by the Department of Community and Regional Affairs, divided by the
24 number of seats in the senate district if the candidacy is for the state
25 senate; (3) \$1 times the total population of the geographical area of
26 the constituency according to the latest United States census figures, or
27 estimates of population certified as correct for administrative
28 purposes by the Department of Community and Regional Affairs, divided by
29 the number of seats in the house district if the candidacy is for the

These expenses shall be charged against the spending limit that applies to the office for which the subsequent report is filed, and shall be included in the first report required under the above filing for office

state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

- * Sec. 22. AS 15.13.080 is repealed.
- * Sec. 23. AS 15.13.090 is amended to read:

Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly [SIGNED OR] identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign treasurer [OR CAMPAIGN TREASURER OF THE CANDIDATE OR GROUP ON WHOSE BEHALF THE COMMUNICATION APPEARS].

- * Sec. 24. AS 15.13.100 is repealed and re-enacted to read:

Sec. 15.13.100. EXPENDITURES BEFORE FILING. If a person makes an expenditure or receives a contribution for the purpose of influencing his

nomi **Sec. 15.13.100. Expenditures before filing.** No political campaign expenditure may be made or incurred by a person in an election or by a person or group with his knowledge and on his behalf ^{the} ~~before the date upon~~ ⁱⁿ which he or she files for nomination for the office which the person seeks, except for personal travel expenses ^{or} for opinion surveys or polls. (§ 1 ch 76 SLA 1974) ^{all} in

accordance with sec. 110 of this chapter, and his expenditures shall accrue against the ~~spending limitation that applies to the office for which he subsequently files.~~

- * Sec. 25. AS 15.13.110 is repealed and re-enacted to read:

Sec. 15.13.110. FILING OF REPORTS. (a) Each candidate and group shall make a full report in accordance with sec. 40 of this chapter during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or

old am

1 if a first report, all contributions received and expenditures made
2 before three days before the due date of the report. The report shall be
3 filed at the following times:

4 (1) 30 days before the election; however, this report is not
5 required if the deadline for filing a nominating petition or declaration
6 of candidacy is within 30 days of the election;

7 (2) one week before the election;

8 (3) ten days after the election; and

9 (4) December 31 of each year for expenditures and contribu-
10 tions received which were not reported that year.

11 (b) Each contribution or expenditure which exceeds \$250 and which
12 is made within one week of the election shall be reported to the commis-
13 sion by date, amount, and contributor or recipient within 24 hours of
14 receipt or expenditure by the candidate or campaign treasurer.

15 (c) The reports of candidates shall be filed with the commission's
16 central, ~~regional or district office~~. All reports required by this
17 chapter shall be kept open to public inspection. Within 30 days after
18 each election, the commission shall prepare a summary of each report
19 which shall be made available to the public at cost upon request. Each
20 summary shall use uniform categories of reporting.

21 (d) Within 30 days after each election, each supplier shall make
22 a full report to the commission in accordance with sec. 40 of this
23 chapter. Within 60 days after each election, the commission shall pre-
24 pare a summary by candidate or group of the transactions and make the
25 summaries public.

26 * Sec. 26. AS 15.13.120(d) is amended to read:

27 (d) A person who believes a violation of this chapter has occurred
28 may file a complaint with the commission. If the commission determines
29 there is substantial reason to believe that a violation has occurred, it

1 shall expeditiously make an investigation, which may [SHALL] also include
2 an investigation of reports and statements filed by the complainant if
3 he is a candidate, of the matter complained of. When, in the judgment
4 of the commission, after affording due notice and an opportunity for a
5 hearing, a person has engaged or is about to engage in any acts or
6 practices which constitute or will constitute a violation of a provision
7 of this chapter, or a regulation or order issued under it, it shall
8 promptly report the information to the attorney general for appropriate
9 action. The commission shall report its determination and recommenda-
10 tion to the person who filed the complaint with the commission within 60
11 days of receiving the complaint unless circumstances require additional
12 time to make an adequate investigation. The finding of the commission
13 may be appealed to the superior [SUPREME] court [BY THE PERSON WHO FILED
14 THE COMPLAINT WITH THE COMMISSION].

15 * Sec. 27. AS 15.13 is amended by adding a new section to read:

16 Sec. 15.13.122. LEGAL COUNSEL. (a) The attorney general is legal
17 counsel for the commission. He shall advise the commission in legal
18 matters arising in the discharge of its duties and represent the commis-
19 sion in actions to which it is a party. If, in the opinion of the
20 commission, the public interest warrants, the commission may request the
21 chief justice of the supreme court to appoint a special prosecutor to
22 represent the commission in a proceeding involving an alleged violation
23 of this chapter and to prosecute that violation.

24 (b) When the public interest warrants, the commission may employ
25 temporary legal counsel from time to time in matters in which the
26 commission is involved.

27 * Sec. 28. AS 15.13.125 is repealed.

28 * Sec. 29. AS 15.13.130 is amended to read:

29 Sec. 15.13.130. DEFINITIONS. In this chapter,

1 (1) "candidate" means a person who files for election to the
2 state legislature, for governor, for lieutenant governor, [OR] for
3 municipal office, for retention in judicial office, or for constitutional
4 convention delegate, or who campaigns as a write-in candidate for any of
5 these offices;

6 (2) "contribution" means purchase, payment, promise or obliga-
7 tion to pay, loan or loan guarantee, deposit or gift of money, goods or
8 services for which charge is ordinarily made and which is made for the
9 purpose of influencing the nomination or election of a candidate, and in
10 sec. ~~225~~⁰¹⁰ of this chapter for the purpose of influencing a ballot proposi-
11 tion or question, including the payment [,] by a person other than a
12 candidate or political party, or compensation of the personal services of
13 another person which are rendered to the candidate or political party;
14 however, "contribution" does not include

15 (A) services provided without compensation by individuals
16 volunteering a portion or all of ^{of their} time on behalf of a candidate
17 or ballot proposition or question; ~~it is long~~

18 (B) services provided by an accountant or other person to
19 prepare reports and statements required by this chapter;

20 (C) ordinary hospitality in a home;

21 (3) "group" means every state and regional executive committee
22 of a political party and, in addition, means any combination of two or
23 more persons or individuals acting jointly who take action the major
24 purpose of which is to influence the outcome of an election; a group that
25 makes expenditures or receives contributions [WHOSE MAJOR PURPOSE IS TO
26 INFLUENCE THE NOMINATION OR ELECTION OF A CANDIDATE OR WHOSE EXPENDITURES
27 OR CONTRIBUTIONS ARE MADE] with the authorization or consent, express or
28 implied, or under the control, direct or indirect, of a candidate shall
29 be considered to be controlled by that candidate [OR HIS AGENT]; a group

*but it does include proper services
volunteered by individuals for
which they ordinarily would
be paid either on wage.*

1 whose major [SOLE] purpose is to further the nomination, election, or
2 candidacy of only one person, or intends to expend more than 60 per cent
3 of its money on a single candidate, shall be considered to be controlled
4 by that candidate [PERSON] and its actions done with his knowledge and
5 consent unless, within 10 days from the date the candidate [PERSON]
6 learns of the existence of the group he files with the commission, on a
7 form provided by the commission, an affidavit that the group is operating
8 without his control ^{but however,} a group that contributes more than 60 per cent of
9 its money to or on behalf of one candidate, shall be considered to sup-
10 port only one candidate for purposes of sec. 70 of this chapter, whether
11 or not control of the group has been disclaimed by the candidate [A GROUP
12 ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION AND ENDORSING
13 CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLITICAL PARTY IS
14 PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE];

15 (4) "expenditure" means a purchase or a transfer of money or
16 anything of value, or promise or agreement to purchase or transfer money
17 or anything of value, incurred or made for purpose of (A) influencing the
18 nomination or election of a candidate or of any individual who files for
19 nomination at a later date and becomes a candidate; or (B) use by a
20 political party; or (C) the payment by a person other than a candidate
21 or political party of compensation for the personal services of another
22 person which are rendered to a candidate or political party; (D)
23 influencing the outcome of a ballot proposition or question; however,
24 "expenditure" does not include a candidate's filing fee or the cost of
25 preparing reports and statements required by this chapter;

26 (5) "individual" means a natural person;

27 (6) "municipality" means a home rule or general law borough
28 or city including but not limited to a unified municipality organized
29 under AS 29.68;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

(7) "person", in addition to the terms set out in AS 01.10.-
060(7), includes a labor union.

* Sec. 30. This Act takes effect immediately in accordance with AS 01.10.-
070(c).

ALASKA PUBLIC INTEREST RESEARCH GROUP

P. O. BOX 1093
ANCHORAGE, ALASKA 99510

PHONE 274-6765

May 14, 1975

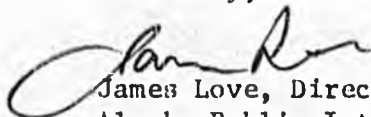
Terry Gardiner
Chairman
House Judiciary
Juneau, Alaska

Dear Terry:

This letter concerns HB 488 which amends the Campaign Disclosure Act passed last year. I have no major objections to any of the proposed changes, and feel that most of the bill is directed at closing loopholes not addressed in the original legislation. My concern is that the legislature not hold this bill over to next session, if at all possible. Most of the confusion during the last election stemmed from the fact that the law was new, the elections commission was operating without regulations and depended heavily on arbitrary decisions made in response to problems which developed while campaigns were progressing. If the legislature waits until next year to act on many of the changes proposed by HB 488, the administration of the act during the 1976 campaigns will suffer. I have discussed this with Mr. Jeff Haitt whom I understand has been in contact with you and your committee. I am sure that he can address these concerns in more detail than I.

In addition to the above concerns, our organization has been reviewing the penalties section of the act (which is largely untouched by HB 488). We have not completed our study, but it appears that serious problems exist with this section of the law. I have already discussed, in general terms, what some of these concerns are and will not detail them at length now. What strikes me about this, is that the elections commission and staff are similarly aware of problems with the penalties section of the law, but have not addressed these problems yet. It appears that legislative tampering with the penalties section (other than those changes proposed in HB 488) is unlikely this year. This being the case, I suggest that your committee give some direction for the elections commission to study this section and report back next year with proposed amendments. In addition, you might consider asking for an Attorney General opinion on several questions which I am attaching. Your interest in this matter is appreciated. Thank you for your help on the land leasing bills. I hope you can travel to Anchorage this year.

Sincerely,



James Love, Director

Alaska Public Interest Research Group

Draft copy of questions for the Attorneys General regarding the Campaign Disclosure Law:

- 1) Is a conviction under AS 15.13.120(a) necessary for an action to be taken under AS 15.13.120 (b)?
- 2) What recommendations or sanctions can the commission take other than an initial administrative ruling that a violation has occurred.
- 3) If a citizen files a complaint under AS 15.13.120 (d), and the commission rules that a violation has occurred, does this require prosecution by the Attorney General?
- 4) Is the original jurisdiction by the Supreme Court on appeals of commission decisions constitutional? How does the Supreme Court appeal on a commission decision affect the role of an appellate court in a criminal trial under AS 15.13.120 (a)?
- 5) Can a citizen require that a candidate's election is voided, under AS 15.13.120 (b)?
- 6) Who decides, in every conceivable case, whether or not a candidate is denied office or removed from office. How is this section enforced?
- 7) Over 40 legislators and the governor and the lieutenant governor all violated the law last year. Is removal from office discretionary and who makes those determinations.

TO: House Judiciary Committee
FROM: Marjorie Gorsuch and Janice Gates, Lobbyists, LWV.
RE: Alaska Public Offices Commission, HB 488
DATE: May 15, 1975

The duties of the Public Offices Commission have been expanded to include the responsibility for administering the provisions of the Conflict of Interest law as well as that of the Campaign Spending Act. Accordingly, a clear presentation of the Commission's role vis a vis these Acts calls for a bill which separates the composition of the Commission from its delineated functions.

The League of Women Voters of Alaska has recommendations concerning both the composition of the Commission and its functions as addressed in HB 488.

(1) COMPOSITION OF THE COMMISSION:

The League is concerned about the lack of assurances that the Commission membership will adequately represent the primary geographical areas within Alaska. To accomplish this objective and to make the Commission membership less dependent on political partisanship, the LWV suggests the following language for Section 15.13.020 (this recommendation was submitted to the House State Affairs Committee on 2/20/75):

The Commission shall consist of five members, four of whom shall be appointed by the Governor in the following manner: The Judicial Council and the Legislative Council shall each submit to the Governor a list of five nominees to serve on the Commission. The Governor shall select two representatives from each list, neither of whom shall be members of the same political party. The four appointees shall select and appoint one nonpartisan member of the Commission. Out of the five appointees, four Judicial Districts shall be represented. All appointees must be confirmed by the Legislature in joint session by a majority of its members. No member of the Commission may be a member of the Legislature.

The term of each member is three years except that for the initial term a Democrat and a Republican will be replaced each year and the nonpartisan member replaced the third year. (i.e., in apportioning the terms of the initial appointees, the Governor shall respect the conditions of membership as specified above). No individual may serve more than two consecutive terms unless there is an intervening term.

In respect to the above proposed language and to the language contained in HB 488 (15.13.020 (c)), the LWV raises the question of the Constitutionality of permitting four Commission members to appoint a fifth member. Article 3, Section 26 of the Alaska State Constitution states:

Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

In view of the altered responsibilities of the Commission since originally formed, the LWV suggests that the Legislature may wish to reconsider the method of compensating members of the Commission (Sec. 15.13.020 (f), 11.20-22, p. 3).

(2) FUNCTIONS OF THE COMMISSION:

(a) HB 488, although spelling out the responsibilities of the Public Offices Commission, neglects to address those duties relating to the Conflict of Interest Law (39.50.020-39.50.200) as delegated in CSSB 62 am. Sections such as 15.13.020 and 15.13.030 should refer not only to "candidates" but to the appropriate appointed officials, State Board members, and others covered by the Conflict of Interest law.

(b) Section 15.13.020 (j): The glaring absence of campaign spending information during the previous election must be corrected. The location of the Commission's regional offices must be well publicized to assure public accessibility. In the opinion of the LWV, adequate public notice must be mandated in the law.

(c) Section 15.13.030 (5): Copies of campaign spending information and of public disclosure information should be available to interested persons for the cost of printing. The LWV has received reports that some State departments charge as high as \$1.00 per page for copying public documents. Such practices refute the accessibility provisions intended in the law.

(d) Section 15.13.070 (a): The LWV questions how line 23 (p. 8) within this section coincides with Section 15.13.130 (3), lines 5-8 (p.14) regarding expenditures on behalf of a candidate.

14 May, 1975
4:15

Terry:

Attached is a copy of HB 488 that I have made a few changes on. Please consider these changes in your session.

p. 2 This language has obvious merit, on the face of it, but I do not think it is a good change. The fifth member of the Commission should be selected from as large a pool as possible. Despite Abramczyk's rantings and ravings, the Commission is not partisan and it seems inconceivable to me that it ever will become partisan. Therefore, the fifth member should be a member of either party, or no party.

p. 4 There is no "district office"; only regional and central offices. Therefore, the noted deletions and addition should be made.

p. 5, line 5. Is "a year" clearly understood to mean "per year"? If so, no change is necessary.

p. 5, lines 26-29. Add "per year" (or, "a year") under (1) and (2). It may be that the language ". . . including all groups that support only that candidate" should be stricken. It seems to me that it is not sufficiently clear. The idea is that "candidate" should mean the person and those groups that support only him. Thus, a person who contributed \$100 to a candidate and \$1 to a group that supported only that candidate would have to make a report directly to the Commission. Perhaps the Commission can deal with this problem in regulations, and this awkward language removed from the bill.

p. 6. Delete. I am not sure what this was intended to mean, but since it doesn't make sense to me now, it should be removed. FLASH. It makes sense if the word "report" is changed to "form". Thus, the candidate has a statutory obligation to provide the form to the contributor when he receives the contribution. ~~Thus~~ With this change, the section makes sense and should remain.

p. 8. Insert the word "individual". We have used individual occasionally in place of person to distinguish between a natural and legal (corporate) person. Use of "individual" here would make the language of the entire set of changes more consistent (although the Commission will interpret person to mean natural person when necessary).

Gordon Garrison