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REMARKS BY REPRESENTATIVE RICK UEHLING ON BEHALF OF SSB 165

Thank you, Mr. Chairman, members of the committee. I am here to today to ask that you favorably consider House Bill 165, which would effect various changes in the current law regarding the Public Offices Commission.

The current law specifies seven individual campaign reports: 30 days prior to each election, 7 days prior to each election, 10 days after each election, and at year end. Additionally, during the seven days immediately preceding the primary and general elections, each candidate is responsible for reporting to the APOC, within 24 hours, all contributions or expenditures in excess of \$250. As former candidates yourselves, you probably recognize the tremendous burden which these laws place on anyone seeking public office. I maintain that many of these regulations are largely unnecessary, even wasteful and counter-productive.

With your permission, Mr. Chairman, I would like to continue by briefly describing the intent behind my bill. Simply stated, HB 165 is intended to free the political candidate from some of the red-tape required to seek office. I recognize that we as public servants have a genuine responsibility to keep our campaign finances within the public domain and that reports to the APOC are an effective means to that end. What's more, I truly believe that most candidates feel just as I do. The problem arises only when the number and frequency of such reports become overwhelming, often times preventing adequate performance of more important political functions--debating the issues, presenting positions to the public.

SSHB 165 goes a long way toward eliminating many of these unnecessary restraints. The bill changes the present \$100 threshold for public disclosure of contributors to \$250; it raises the ceiling for cash transactions from \$100 to \$250; the bill allows a deputy campaign treasurer to complete required APOC report forms; and most importantly, HB 165 eliminates the requirement of a report 7 days before an election, and loosens highly restrictive reporting requirements on contributions and expenditures made during the week before an election.

Let me explain the rationale behind these main points.

I propose changing the threshold for public disclosure of contributors for two reasons. First, raising the threshold will reduce the bookkeeping requirements for candidates substantially; contributions for under \$250 will be recorded by amount and date only. This will significantly reduce the length and complexity of reports, without adversely affecting the essential qualities of the report. Second, the arbitrary \$100 figure was set nearly ten years ago; you don't have to be an economist to realize that \$100 in 1974 is about \$261 today. The changes I propose up-date the statutes to reflect the intent of the original law--that is, to record detailed information on all large contributors.

I also propose raising the ceiling for cash contributions. Arguments

similar to the ones previously mentioned also apply in this case.

You will also note that SSHB 165 extends to the deputy campaign treasurer the authority to complete APCC reports. The purpose and desirability of this provision should be obvious to anyone who has been responsible for completing campaign reports. Allowing the designated deputy campaign treasurer to officially perform the reporting function is a viable method of establishing accountability.

My final proposal in SSHB 165 is to 1. eliminate the APOC report due seven days before each election and 2. dramatically reduce the report requirements on campaign contributions and expenditures during the week immediately before each election. I propose both changes for basically the same reasons: the report requirements are an almost unbearable burden on some campaigns, especially those in which the candidate himself serves the function of campaign treasurer. Anyone who has run for office knows that the week just prior to election is the busiest and most hectic of all. Any reduction in report obligations would be welcome relief from the helter-skelter pace which we have all experienced.

That summarizes the main points of HB 165. Now I want to explain what my bill is not intended to do. This bill does not eliminate relevant campaign reporting responsibility; it merely reduces the number and frequency of reports. The same material is still legally required to be reported. SSHB 165 is not intended to allow the buying or selling of elections; there are no hidden agenda. This bill is only intended to loosen the bureaucratic paperwork.

Thank you, Mr. Chairman. I appreciate your allowing me to testify today. I would be pleased to take your questions at this time.

to, one candidate 50 per cent or more of its funds, the name of the candidate shall be a part of the name of the group. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent. (§ 1 ch 76 SLA 1974; am § 15 ch 189 SLA 1975)

Sec. 15.13.060. Campaign treasurers. (a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under AS 15.13.050.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing the declaration of candidacy or the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am §§ 16 — 19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977; am § 35 ch 59 SLA 1982)

Effect of amendments. — The 1977 amendment rewrote subsection (c).

The 1982 amendment, effective May 28, 1982, substituted "director" for "lieutenant governor" in the first sentence of subsection (c).

Editor's notes. — This section was redrafted by the revisor of statutes to remove personal pronouns in conformity with AS 01.05.031(c) and § 4, Chapter 58, SLA 1982.

to a candidate with a value of more than \$250 to influence the election of a candidate shall furnish the commission a signed statement, on a form made available by the commission. The statement shall itemize the contributions and goods and state that the contributor is not a person or group prohibited by law from contributing and that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by another person or group. The contributor's statement shall be filed with the commission by the contributor no later than 10 days after the contribution is made. A copy of the statement shall be furnished the candidate, campaign treasurer, or deputy campaign treasurer at the time the contribution is made. (§ 1 ch 76 SLA 1974; am § 29 ch 189 SLA 1975)

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 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 chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980)

Effect of amendments. — The 1980 amendment substituted "chairman" for "treasurer" at the end of the section. construction of state statute prohibiting anonymous political advertising. 4 ALR4th 741.

Collateral references. — Validity and

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 before the date upon 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. These expenditures shall be charged against the spending limitation that applies to the office for which he subsequently files, and shall be included in the first report required under this chapter after filing for office. (§ 1 ch 76 SLA 1974; am § 23 ch 189 SLA 1975)

Editor's notes. — For discussion notes and notes from the opinion of the attorney general dated May 13, 1973 relating to the enforcement of the expenditure limits of this chapter, see the editor's following AS 15.13.070.

Sec. 15.13.110. Filing of reports. (a) Each candidate and group shall make a full report in accordance with AS 15.13.040 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, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

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

(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

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

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

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public.

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section. (§ 1 ch 76 SLA 1974; am § 24 ch 189 SLA 1975; am § 2 ch 133 SLA 1977)

Effect of amendments. — The 1977 amendment added subsection (e). affected by the amendment, it is not set out.

As the rest of the section was not

NOTES TO DECISIONS

Stated in State, Pub. Officer Comm'n v. Marshal, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 15.13.120. Penalty; limitations on actions. (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;

(2) making the limitation

(3) making

(4) giving purpose of ma fictitious nam of AS 15.13.0

(5) making without ident

(6) knowing

(h) Repeale

(c) Promptl the commissio filing them, i accordance wi delinquents fo the attorney g campaign trea chapter.

(d) A person may file a cor mines there occurred, it sh include an inv plainant if he judgment of th nity for a hear acts or practic provision of th shall promptly appropriate ac recommendati mission within require additi of the commis

(e) Prosecut commenced aft violation.

(f) If, after candidate or th a person who v this chapter, p accordance wit

(1) art. II, s candidate for t

Section 1 amending AS 15.13.040(a) is consistent with the APOC's 1982 recommendations regarding the threshold at which a contributor's name is on a report. Expenditure reporting offers at least as much ground for amendments to lighten the reporting burden and will be explored further.

Section 2 of SSHB 165 should be replaced with language such as that which follows. This would still accomplish the same end with regard to reporting contributors, but would also make the language concerning groups parallel the language concerning candidates.

Section ____ AS 15.13.040(b) is repealed and reenacted to read:

(b) Each group shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made or obligations incurred by the group, the total amount of all contributions, and for each contribution in excess of \$250 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed.

Section 3 of SSHB 165 is fine; the following allows certification by the chairperson as well.

Section ____ 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 chairperson, campaign treasurer, or deputy campaign treasurer.

Section 4 of SSHB 165 is consistent with current practice. AS 15.13.040(d) is frequently the source of confusion because the words group and expenditure are used differently than elsewhere. The following language would not expand on the current law, but it would be clearer.

Section _____ AS 15.13.040(d) is amended to read:

(d) Every individual or [,] person, and every [OR] group that is not required to register in accordance with AS 15.13.050, shall make a full report, upon a form prescribed by the commission, of the following contributions or expenditures: (1) any contribution of cash, goods or services valued at more than \$250 [\$100] a year to any group or candidate; or (2) any independent expenditure [WHATSOEVER] for advertising in newspapers, on radio or on television[;] or[,] for the publication, distribution or circulation of brochures, flyers or other campaign material for or against any candidate, [OR] ballot proposition or question.

Section _____ AS 15.13.040 is amended by adding a new subsection to read:

(g) As used in this section, an "independent expenditure is a disbursement of funds supporting or opposing the election of a candidate or the passage of a ballot proposition or question, not made with the cooperation, consent, or at the request of a candidate, a campaign committee or controlled group of a candidate, or a group which is supporting or opposing the candidate or ballot proposition or question for which the funds are disbursed.

Section ⁵~~A~~ of SSHB 165 is a logical extension of earlier amendments allowing deputy treasurers to certify reports but it does nothing to improve the poor quality of the existing language of AS 15.13.060(f).

The following is a first draft of language which could go somewhere in .060:

It is presumed that the candidate, or in the case of ^a group the chairperson and campaign treasurer, had knowledge of and approved the reports required to be filed under this chapter.

Sections 6 and 7 are logical extensions of the change in thresholds. Both are enforcement problems for which optimum solutions have not been worked out.

In Section 8 of SSHB 165, replacing the words "one week" with the words "nine days" has been discussed (see the next page for illustration) and the words "or recipient" should be deleted.

Section 9 as worded does such critical damage to the underlying intent of the Campaign Disclosure Law that it could result in no successful amendments; proposals to change the reporting of expenditures would be a more productive area of consideration.

Section 10, an immediate effective date, is quite feasible in a municipal election year so long as final passage does not approach the end of the fiscal year.

AUGUST 1982

sunday

monday

tuesday

wednesday

thursday

friday

saturday

1	2	3	4	5	6	7
8	9	10	11	12	13	14 LAST DAY IN 7 DAY REPORT
15 1ST DAY IN 10 DAY REPORT	16 GAP BETWEEN 24 HOUR	17 7 DAY DUE \$250+ 1ST DAY IN 24 HOUR REPORTS	18 \$250+ 24 DUE	19 \$250+ 24 DUE	20 \$250+ 24 DUE	21 \$250+ 24 DUE
22 TWO DAY 7 DAY & \$250+ 24 DUE	23 \$250+ 24 DUE	24 PRIMARY \$250+ 24 DUE	25	26	27	28
29	30	31	1 SEPTEMBER	2	3 10 DAY DUE	4

Cities and Boroughs with Highest Levels of Campaign Expenditures by Municipal Candidates

Year	Total Expenditures	Anchorage*	Fairbanks*	North Slope*	Kenai*	Juneau*	Ketchikan*	Kodiak*
1974	\$100,012	\$49,317 (49.3%)	\$32,904 (32.9%)	0/0	\$3,878 (3.8%)	\$6,927 (6.9%)	\$3,599 (3.6%)	\$331 (.3%)
1975	371,398	278,778 (75.1%)	31,849 (8.6%)	14,290 (3.8%)	25,604 (6.9%)	8,057 (2.2%)	2,124 (.6%)	6,638 (1.8%)
1976	188,913	103,822 (55.0%)	61,430 (32.5%)	0/0	2,884 (1.5%)	15,796 (8.4%)	1,085 (.6%)	1,095 (.6%)
1977	192,112	116,544 (60.7%)	50,634 (26.4%)	0/0	5,857 (3.0%)	5,382 (2.8%)	4,392 (2.3%)	3,139 (1.6%)
1978	454,980	336,709 (74.0%)	53,983 (11.8%)	34,586 (7.6%)	10,038 (2.2%)	10,295 (2.3%)	3,988 (.9%)	2,021 (.4%)
1979	323,972	221,895 (68.5%)	51,656 (15.9%)	0/0	8,834 (2.7%)	16,188 (5.0%)	8,839 (2.7%)	3,449 (1.1%)
1980	348,333	139,690 (40.1%)	65,725 (18.9%)	43,461 (12.5%)	51,799 (14.9%)	12,235 (3.5%)	4,842 (1.4%)	4,435 (1.3%)
1981	1,140,028	860,113 (75.4%)	45,175 (3.9%)	104,014 (9.0%)	64,790 (5.6%)	28,943 (2.5%)	10,249 (.8%)	6,683 (.1%)
1982	450,000	194,019 (43.1%)	167,400 (37.2%)	5,688 (1.3%)	13,203 (2.9%)	24,162 (5.4%)	14,692 (3.3%)	642 (0%)
Nine-Year Average		(64.5%)	(15.7%)	(5.7%)	(5.2%)	(3.6%)	(1.5%)	(.8%)

*Anchorage represents Municipality of Anchorage (also former City of Anchorage, Greater Anchorage Area Borough, former Eagle River Borough).

*Fairbanks represents Fairbanks North Star Borough and the City of Fairbanks.

*Juneau represents City and Borough of Juneau.

*Kenai represents Kenai Peninsula Borough and the Cities of Kenai, Seward, Soldotna, and Homer.

*North Slope represents North Slope Borough and the City of Barrow.

*Ketchikan represents Ketchikan Gateway Borough and the City of Ketchikan.

*Kodiak represents Kodiak Island Borough and the City of Kodiak.

Sectional Analysis

SSHB165

SECTION 1

This section cleans up the language by substituting candidate with himself. It raises the threshold of aggregate contributions from \$100 to \$250. A position of Deputy Campaign treasurer is added to the list of people authorized to certify reports.

SECTION 2

The threshold of contributions made to a group is raised from \$100 to \$250.

SECTION 3

A Deputy Campaign treasurer is added as a person who may certify reports as correct.

SECTION 4

The aggregate threshold for contributors is raised from \$100 to \$250.

SECTION 5

This section needs to be amended. The drafters added language to eliminate pronouns in accordance with their rules and it appears to be in conflict. Should read : "appointed by the treasurer"not"appointed by the candidate" because in section (e) the campaign treasurer is given the authority to appoint deputy treasurers.

SECTION 6

The threshold for acceptance of cash contributions is raised from \$100 to \$250.

SECTION 7

The threshold for cash expenditures is raised from \$100 to \$250.

SECTION 8

24 hour reporting of expenditures is eliminated. The threshold for 24 hour reporting of contributions is raised from \$250 to \$500. 24 hour reporting is changed to 48 hour reporting. Language is cleaned up: recieved is changed to made, deletes expenditure, adds Candidate and Deputy Campaign treasurer to people responsible for receipt of contributions.

SECTION 9

7 day reporting is eliminated.

SECTION 10

An immediate effective date is provided for.

PROPOSED AMENDMENT SSHB 165

Page 2, line 7: Delete "candidate" and insert "campaign treasurer".

The drafters of this bill inadvertently created a conflict between the provisions of (f) as amended and the provisions of (e) in this section. Subsection (e) states that the campaign treasurer has the authority to appoint deputy campaign treasurers. The drafter's language in (f) states that the candidate appoints the deputy treasurer. This ambiguity will allow controversy over interpretation when it is implemented. Therefore, in order to avoid confusion, the above language change is proposed.

As of 3/27/83

ANALYSIS OF CSSHBL65

General Overview: The purpose of this legislation is to clean up the Campaign Disclosure Laws without sacrificing their original intent. In order to accomplish this goal, the following changes are proposed: 1) raise reporting threshold relating to monetary transactions; 2) clarify the roles of campaign officers; 3) simplify required reports; and 4) more clearly contrast the applicability of statutes as to groups or candidates.

Specific amendments to existing statutes are as follows:

P. 1, l. 14: Raises yearly threshold for reporting campaign contributions to candidates from \$100 to \$250 in the aggregate.

P. 1, l. 18: Adds reference to revised section 60(a) which deals with certification of reports and statements.

P. 1, l. 21-28: This section deals with groups. It has been rewritten to parallel (a) which pertains to candidates. This section raises aggregate yearly threshold for reporting contributions made to the group to \$250. It incorporates former section (c), which has subsequently been listed for repeal in section 19. Former subsection (1) has been omitted since it is duplicated in 60(b). This section references revised section 060(a) which delineates who may certify the reports and statements required by law to be filed with APOC.

P. 2, l. 1-3: Language added to clarify that section applies to groups which are not primarily organized for political purposes and are not raising funds for the purposes of influencing the outcome of an election.

P. 2, l. 6: Raises threshold for reporting total contributions made to a candidate or group in a year from \$100 to \$250.

P. 2, l. 7: Adds "independent" to expenditure. See new (g) which defines meaning of "independent".

P. 2, l. 10: Adds "or against any candidate," This clarifies that the intent of the expenditure is to influence the outcome of the election either negatively or positively.

P. 2, l. 12-19: Definition section added to clarify that the transaction referred to in section 40(d) (2) is not made in cooperation with an affected entity.

P. 2, l. 21-29: Clarifies roles of campaign officers for groups and candidates. Requires groups to appoint chairmen along with treasurer.

Specifies that candidate will be assumed to be officer if another's name has not been filed with APOC.

P. 3, l. 1-2: Specifically states that a candidate may perform function of treasurer even if campaign treasurer is another person.

P. 3, l. 4-6: Adds group campaign chairman to officers required to be on file with APOC.

P. 3, l. 7-11: This paragraph restricts persons from acting in the capacity of campaign chairman or treasurer for a candidate if their names and addresses are not on file with APOC. The candidate's assumption of responsibility for the treasurer's duties has been transferred to new section 60(a). Former section required candidate to file name of campaign treasurer with APOC within a specific time period.

P. 3, l. 13-18: Added language specifies that section pertains to groups and expands scope to include all officers whose appointment is required under new section 60(b). Penalties for non-compliance by candidates are removed from section.

P. 3, l. 20-25: Changes responsibility for filing name of deputy campaign treasurer from the candidate to the person responsible for appointing them (the treasurer). Explicitly bars deputy campaign treasurers from certifying reports or statements.

P. 3, l. 27-29: Delineation of responsibility. Candidate is responsible for the performance of the campaign treasurer who is responsible for the performance of the deputy campaign treasurer(s).

P. 4, l. 1-4: Removes language joining legal responsibility of candidate with treasurer.

P. 4, l. 5-11: New section specifies that only officers specifically mentioned within this chapter may receive or expend funds. Applies to both groups and candidates.

P. 4, l. 13: Raises threshold for cash contribution to \$250.

P. 4, l. 17: Raises threshold for cash expenditure to \$250.

P. 4, l. 28: Changes officer required to be stated in disclaimer on literature or communications from campaign chairman to campaign treasurer. Listing the campaign treasurer is more consistent with the actual duties of this officer as set forth by statute.

P. 5, l. 2: Adds reference to new section 60(a) relating to certification of reports.

P. 5, l. 13: Changes due date for year-end report from three days prior to December 31st to 15 days after December 31st. (See AS 15.13.110(a).)

P. 5, l. 17-22: Changes the Twenty-Four Hour Report. Expands period to 9 days, eliminates reporting of expenditures, raises threshold for

reporting contributions from \$250 to \$500, specifies that it is receipt of contribution which brings it under the purview of this reporting requirement (ref. l. 18 "made" to "received"), and expands report intervals from 24 hours to 48 hours. Specifies that this report applies to both candidates and groups.

P. 5, l. 24-25: Added language specifies campaign treasurer rather than candidate and expands scope of this paragraph to apply to treasurers of groups.

P. 6, l. 3-9: Added language refers specifically rather than generally to campaign treasurer of a group since new 60(a) mandates appointment of group treasurers who, then, are solely responsible for certifying reports and statements.

P. 6, l. 10: Repealers. 40(c) is incorporated in re-write of (b). Sections 70(f) and 70(g) are campaign expenditure ceilings and inflation adjustment clauses which were declared unconstitutional for national campaigns by the U.S. Supreme Court in Buckley v. Valeo. An Alaska Attorney General Opinion of 1976 subsequently declared sections void for enforcement purposes on state level.

P. 6, l. 11: Immediate effective date.

Bradley
3/25/83 ✓

Original sponsors: Uehling, Barnes,
Bussell, et al

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 165 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission;
7 and providing 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) Each candidate shall make a full report, upon a form pre-
11 scribed by the commission, listing the date and amount of all expendi-
12 tures made by the candidate, the total amount of all contributions,
13 including all funds contributed by the candidate [HIMSELF], and for
14 all contributions in excess of \$250 [\$100] in the aggregate a year,
15 the name, address, principal occupation, and employer of the contribu-
16 tor and the date and amount contributed by each contributor. The
17 report shall be filed in accordance with AS 15.13.110 and shall be
18 certified as correct under AS 15.13.060(a) [BY THE CANDIDATE OR CAM-
19 PAIGN TREASURER].

20 * Sec. 2. AS 15.13.040(b) is repealed and reenacted to read:

21 (b) Each group shall make a full report, upon a form prescribed
22 by the commission, listing the date and amount of all expenditures
23 made by the group, the total amount of all contributions; and for all
24 contributions in excess of \$250 in the aggregate a year, the name,
25 address, principal occupation, and employer of the contributor and the
26 date and amount contributed by each contributor. The report shall be
27 filed in accordance with AS 15.13.110 and shall be certified as cor-
28 rect under AS 15.13.060(a).

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

1 (d) Every individual or [,] person and every [OR] group that is
2 not required to register under AS 15.13.050 [MAKING A CONTRIBUTION OR
3 EXPENDITURE] shall make a full report, upon a form prescribed by the
4 commission, of the following contributions or expenditures:

5 (1) any contribution of cash, goods or services valued at
6 more than \$250 [\$100] a year to any group or candidate; or

7 (2) any independent expenditure [WHATSOEVER] for advertis-
8 ing in newspapers, on radio or on television [;] or [,] for the publi-
9 cation, distribution or circulation of brochures, flyers, or other
10 campaign material for or against any candidate, [OR] ballot proposi-
11 tion or question.

12 * Sec. 4. AS 15.13.040 is amended by adding a new subsection to read:

13 (g) As used in this section, an "independent expenditure" is a
14 disbursement of funds made to support or oppose the election of a
15 candidate or the passage of a ballot proposition or question not made
16 with the cooperation, consent, or at the request of a candidate, a
17 campaign committee or controlled group of a candidate, or a group that
18 is supporting or opposing the candidate or ballot proposition or
19 question for which the funds are disbursed.

20 * Sec. 5. AS 15.13.060(a) is amended to read:

21 Sec. 15.13.060. CAMPAIGN OFFICERS [TREASURERS]. (a) Each
22 candidate may and each group shall appoint a campaign treasurer who is
23 responsible for ~~RECEIVING~~ [RECEIVING, HOLDING, AND DISBURSING ALL
24 CONTRIBUTIONS AND EXPENDITURES, AND FOR FILING] all reports and state-
25 ments required by law. Each candidate may and each group shall ap-
26 point a campaign chairman. The campaign chairman and the campaign
27 treasurer may be the same individual. A candidate who does not ap-
28 point a campaign chairman is the campaign chairman. A candidate who
29 does not appoint a campaign treasurer is the [A CANDIDATE MAY BE A]

1 campaign treasurer. A candidate ~~is~~ certify a report required to
2 ~~certify~~

3 * Sec. 6. AS 15.13.060(b) is amended to read:

4 (b) Each group shall file the name and the address of its cam-
5 campaign chairman and its campaign treasurer with the commission at the
6 time it registers with the commission under AS 15.13.050.

7 * Sec. 7. AS 15.13.060(c) is repealed and reenacted to read:

8 (c) An individual may not act as either a campaign chairman or a
9 campaign treasurer of a candidate for state or for municipal office
10 until the candidate has filed the name and ~~the~~ of the campaign
11 chairman or the campaign treasurer with the commission.

12 * Sec. 8. AS 15.13.060(d) is amended to read:

13 (d) In the case of the death, resignation or removal of a cam-
14 campaign chairman or a campaign treasurer of a group, the group [CANDI-
15 DATE] shall appoint a successor as soon as practicable and file the
16 [HIS] name and address with the commission within 48 hours of the
17 appointment. [THE CANDIDATE IS DISQUALIFIED WHEN HE HAS BEEN FOUND TO
18 HAVE BEEN IN WILFUL VIOLATION OF THIS SUBSECTION].

19 * Sec. 9. AS 15.13.060(e) is amended to read:

20 (e) A campaign treasurer may appoint as many deputy campaign
21 treasurers as the campaign treasurer [HE] considers necessary. The
22 campaign treasurer [CANDIDATE] shall file the names and addresses of
23 the deputy campaign treasurers with the commission. A deputy campaign
24 treasurer may not certify reports and statements required to be certi-
25 fied by law.

26 * Sec. 10. AS 15.13.060(f) is amended to read:

27 (f) A [THE] candidate is responsible for the performance of ~~the~~
28 ~~the~~ chairman [HIS] campaign treasurer and a campaign
29 treasurer of a candidate or of a group is responsible for the

1 performance of the deputy campaign treasurers [, AND ANY DEFAULT OR
2 VIOLATION BY THE TREASURER ALSO SHALL BE CONSIDERED A DEFAULT OR
3 VIOLATION BY THE CANDIDATE IF HE KNEW OR HAD REASON TO KNOW OF THE
4 DEFAULT OR VIOLATION].

5 * Sec. 11. AS 15.13.060 is amended by adding a new subsection to read:

6 (g) Contributions to a candidate may be received and expendi-
7 tures of a candidate may be made only by the candidate, the campaign
8 chairman, the campaign treasurer, or a deputy campaign treasurer of
9 the candidate. Contributions to a group may be received and expendi-
10 tures of a group may be made only by the campaign chairman, campaign
11 treasurer, or a deputy campaign treasurer of the group.

12 * Sec. 12. AS 15.13.070(b) is amended to read:

13 (b) No contribution over \$250 [\$100] may be made in cash or by
14 cash payment and it may not be accepted by or on behalf of a candi-
15 date.

16 * Sec. 13. AS 15.13.070(c) is amended to read:

17 (c) No expenditures over \$250 [\$100] may be made in cash or by
18 cash payment unless a written receipt is obtained and filed with the
19 commission.

20 * Sec. 14. AS 15.13.090 is amended to read:

21 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-
22 ments, billboards, handbills, paid-for television and radio announce-
23 ment^s and other communications intended to influence the election of a
24 candidate or outcome of a ballot proposition or question shall be
25 clearly identified by the words "paid for by" followed by the name and
26 address of the candidate, group or individual paying for the advertis-
27 ing. In addition, candidates and groups must identify the name of
28 their campaign treasurer [CHAIRMAN].

29 * Sec. 15. AS 15.13.110(a) is amended to read:

1 (a) Each candidate and group shall make a full report in accor-
2 dance with AS 15.13.040 that is certified under AS 15.13.060(a) during
3 the period ending three days before the due date of the report and
4 beginning on the last day covered by the most recent previous report,
5 or, if a first report, all contributions received and expenditures
6 made before three days before the due date of the report. The report
7 shall be filed at the following times:

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

11 (2) one week before the election;

12 (3) 10 [TEN] days after the election; and

13 (4) 15 days after the end [DECEMBER 31] of each year for
14 expenditures and contributions received which were not reported that
15 year.

16 * Sec. 16. AS 15.13.110(b) is amended to read:

17 (b) Each contribution [OR EXPENDITURE] which exceeds \$500 [\$250]
18 and which is received [MADE] within nine days [ONE WEEK] of the elec-
19 tion shall be reported to the commission by date, amount, and contrib-
20 utor [OR RECIPIENT] within 48 [24] hours of receipt [OR EXPENDITURE]
21 by the [CANDIDATE OR] campaign treasurer of the candidate or of the
22 group.

23 * Sec. 17. AS 15.13.110(c) is amended to read:

24 (c) The reports of the campaign treasurer of a candidate or a
25 group [CANDIDATES] shall be filed with the commission's central
26 office. All reports required by this chapter shall be kept open to
27 public inspection. Within 30 days after each election, the commission
28 shall prepare a summary of each report which shall be made available
29 to the public at cost upon request. Each summary shall use uniform

1 categories of reporting.

2 * Sec. 18. AS 15.13.110(e) is amended to read:

3 (e) The campaign treasurer of a [A] group formed to sponsor an
4 initiative, a referendum or a recall shall report 30 days after the
5 [ITS] first filing of the group with the lieutenant governor. There-
6 after the campaign treasurer of each group shall report within 10 days
7 after the end of each calendar quarter on the contributions received
8 and expenditures made during the preceding calendar quarter until
9 reports are due under (a) of this section.

10 * Sec. 19. AS 15.13.040(c) and AS 15.13.070(f) and (g) are repealed.

11 * Sec. 20. This Act takes effect immediately in accordance with AS 01.-
12 10.070(c).

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Elections.

CHAPTER 13.


State Election Campaigns.

CITATION: Sec. 15.13.040.

CATCH LINE

CONTRIBUTIONS, EXPENDITURES AND SUPPLYING OF SERVICES TO REPORTED.

TEXT

 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 himself, 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.

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

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

(2) the aggregate amount of all contributions made to it; 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; and

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

(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.

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

(1) any contribution of cash, goods or services valued at more than \$100 a year to any group or candidate; or

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

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

(f) During each year in which an election occurs, all businesses, persons, or groups which furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management,

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media production or preparation, or computer services. The records shall be maintained on the forms provided and in the manner required by the commission. The supplier shall file a report of the complete record of each transaction with all candidates or groups to whom he provides services, facilities or supplies in excess of \$250 in the aggregate in accordance with AS 15.13.110. All records shall be available for public inspection.

HISTORY (Sec. 1 ch 76 SLA 1974; am sec. 13 ch 189 SLA 1975)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND

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Elections.

CHAPTER 13.

State Election Campaigns.

CITATION Sec. 15.13.060.

CATCH LINE

CAMPAIGN TREASURERS.

TEXT

(a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under AS 15.13.050.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit,

in writing, the name and address of the campaign treasurer to the director for filing with the commission, no later than 15 days after the date of filing the declaration of candidacy or the nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing the declaration of candidacy or the nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his

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campaign treasurer, and any default or violation by the treasurer
also shall be considered a default or violation by the candidate,
if he knew or had reason to know of the default or violation.

HISTORY (Sec. 1 ch 76 SLA 1974; am secs. 16 - 19 ch 189 SLA 1975; am sec.
1 ch 133 SLA 1977; am sec. 35 ch 59 SLA 1982)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND

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CITATION Sec. 15.13.050.

CATCH LINE

GROUPS.

TEXT Each group, before making an expenditure on behalf of, or in opposition to, a candidate or a contribution to a candidate, shall register, on forms provided by the commission, with the commission. If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of, or in opposition to, one candidate 50 per cent or more of its funds, the name of the candidate shall be a part of the name of the group. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent.

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HISTORY (Sec. 1 ch 76 SLA 1974; am sec. 15 ch 189 SLA 1975)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND

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HEADINGS TITLE 15.

Elections.

CHAPTER 13.

State Election Campaigns.

CITATION Sec. 15.13.070.

CATCH LINE

CONTRIBUTIONS AND EXPENDITURES; AMOUNT AND FORM OF PAYM

TEXT

(a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute to or expend more than \$1,000 a year on behalf of or in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS

15.13.040(b) and 15.13.110. Nothing in this chapter prohibits

(1) a candidate from contributing more than \$1,000 of his own money to his own campaign; or

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

(b) No contribution over \$100 may be made in cash or by cash payment and it may not be accepted by or on behalf of a candidate.

(c) No expenditures over \$100 may be made in cash or by cash payment unless a written receipt is obtained and filed with the commission.

(d) No contribution may be made, and no expenditure may be made or incurred, directly or indirectly, anonymously, in a fictitious name, or by one person or group in the name of another, to influence the election of a candidate in an election. A contribution made by a person wishing to remain anonymous, and received by a candidate, campaign treasurer or deputy campaign treasurer, may not be used or expended, but shall be returned to the donor, if his identity is known, and if no donor is found,

the contribution escheats to the state if not donated by the candidate to the charity of his choice.

(e) Contributions to a candidate or a political committee may be received by, and expenditures of a candidate or political committee may be made by, only the candidate, campaign treasurer, or deputy campaign treasurer.

(f) The total amount of expenditures made by a candidate and by all groups operating under his control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, if the candidacy is for governor or lieutenant governor, of which amount no more than 50 per cent may be spent in a primary election campaign and no more than 50 per cent in the general election campaign; (2) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the senate

district if the candidacy is for the state senate; (3) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the house district if the candidacy is for the 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.

(g) Each general election year the commission shall adjust the campaign expenditure limitations for each category of (f) of this section to reflect cost-of-living changes as determined and published by the Bureau of Labor Statistics of the United States Department of Labor.

(h) No campaign expenditure of any type whatsoever shall be made by any candidate, treasurer, or group unless the source is disclosed as required by the provisions of this chapter whether or not those funds were received prior to May 10, 1974.

HISTORY (Sec. 1 ch 76 SLA 1974; am secs. 20, 21 ch 189 SLA 1975)

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Elections.

CHAPTER 13.

State Election Campaigns.

CITATION Sec. 15.13.110.

CATCH LINE

FILING OF REPORTS.

TEXT

(a) Each candidate and group shall make a full report in accordance with AS 15.13.040 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, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

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

(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

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

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

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission

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shall prepare a summary by candidate or group of the transactions
and make the summaries public.

(e) A group formed to sponsor an initiative, a referendum or
a recall shall report 30 days after its first filing with the
lieutenant governor. Thereafter each group shall report within
10 days after the end of each calendar quarter on the
contributions received and expenditures made during the preceding
calendar quarter until reports are due under (a) of this section.

HISTORY (Sec. 1 ch 76 SLA 1974; am sec. 24 ch 189 SLA 1975; am sec. 2 ch
133 SLA 1977)

R0601 * END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND