

SB

275

Alaska State Legislature

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SPONSOR STATEMENT CSSB275(STA)

Senate Bill 275 amends Alaska law to place all candidates for state office under the same campaign financing rules.

AS 15.13.072 currently allows candidates who are the Governor and the Lieutenant Governor to raise funds during sessions, while legislators are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on raising funds during regular and special legislative sessions.

AS 15.13.074 currently allows candidates for the office of governor or lieutenant governor to receive campaign funds during regular legislative sessions, while candidates for legislative office are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on contributing funds to candidates for state office during regular and special legislative sessions.

There is an exemption from these fundraising restrictions during the 90 days immediately preceding an election in which the person is a candidate for state office.

This change will help level the playing field among candidates and will make the system more fair and equitable for all candidates seeking public office in Alaska.

Collateral references. — Power of corporation to make political contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

Sec. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

(b) A candidate or an individual who has filed with the commission the document necessary to permit the individual to incur election-related expenses under AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds \$100.

(c) An individual, or one acting directly or indirectly on behalf of that individual, may not solicit or accept a contribution

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

(d) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution if the legislature is convened in a regular or special legislative session, and the candidate or individual is a member of the legislature, or employed as a member of the legislator's staff or as a member of the staff of a legislative committee.

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another.

(c) A person or group may not make a contribution

(1) to a candidate for governor or lieutenant governor or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for governor or lieutenant governor, when the office is to be filled at a general election, before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(2) to a candidate for the state legislature or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for the state legislature, when the office is to be filled at a general election, while the legislature is convened in its regular legislative session and before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(3) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100;

(B) is nine months before the date of the general or regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(4) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been nominated at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not nominated at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

(d) A person or group may not make a contribution to a candidate or a person or group who is prohibited by AS 15.13.072(c) from accepting it.

(e) A person or group may not make a cash contribution that exceeds \$100.

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the

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individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

(h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

(1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or

(2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116(a)(3)(A). (§ 11 ch 48 SLA 1996)

Contingent amendment of Subsection (c). — Section 33(b), ch. 48, SLA 1996 provides that § 12 of ch. 48, SLA 1996, which has the effect of amending subsection (c) of this section, takes effect only if the following occurs: a court order is entered and becomes final declaring that in subsection (c), as enacted by § 11, ch. 48, SLA 1996, the dates set out as being the dates before which campaign contributions may not be accepted are unconstitutional. If this contingency occurs, under § 12, ch. 48, SLA 1996, subsection (c) will read as follows: "A person or group may not make a contribution

"(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

"(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of

the proclamation of the special election at which the candidate or individual seeks election to public office; or

"(3) to any candidate later than the 45th day

"(A) after the date of a primary election if the candidate

"(i) has been nominated at the primary election or is running as a write-in candidate; and

"(ii) is not opposed at the general election;

"(B) after the date of the primary election if the candidate was not nominated at the primary election; or

"(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election."

Section 34, ch. 48, SLA 1996 provides that if § 12, ch. 48, SLA 1996, which contingently amends subsection (c) of this section, takes effect, it takes effect on the day after the date a court order described in § 33(b), ch. 48, SLA 1996.

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.076. Authorized recipients of contributions. [Effective January 1, 1997.] A contribution to a

(1) candidate may be received only by

(A) the candidate; or

(B) the candidate's campaign treasurer or a deputy campaign treasurer;

(2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.078. Contributions and loans from the candidate. [Effective January 1, 1997.] (a) The provisions of this chapter do not prohibit the individual who is a candidate from giving any amount of the candidate's own money or other thing of value to the campaign of the candidate. Donations made by the candidate to the candidate's

Lawmakers debate bill to ban fund raising during

By PAUL QUEARY
The Associated Press

JUNEAU — New visions of campaign finance reform lived briefly and died quickly Wednesday during debate on the House floor.

The House was debating a bill that would prohibit all candidates for governor and lieutenant governor from raising campaign cash while the Legislature is in session.

Currently, candidates for governor and lieutenant governor can raise money during the session, but lawmak-

ers and candidates for the Legislature cannot.

That provision allows Democratic Gov. Tony Knowles to raise money while lawmakers are meeting but works against Sen. Robin Taylor, R-Wrangell, who is running for governor. Senate President Mike Miller, R-North Pole, introduced the bill, saying he wanted to level the playing field.

Democratic Rep. Tom Brice of Fairbanks accused the sponsor of "changing the rules in the middle of the

game."

Most attempts to change the bill failed Wednesday, and the measure was scheduled for a final vote on Friday.

Rep. Kim Elton proposed exempting candidates who don't currently hold office. The amendment put Elton, a Democrat, in the odd position of defending Wayne Anthony Ross, a conservative Republican candidate for governor.

The bill as written would put Ross at a disadvantage.

Another Republican candidate for governor, Anchorage businessman John Lindauer, has said he can rely on his own wealth.

"I think the immediate effect of this is as a torpedo that's going to sink (Ross) ship," Elton said.

Elton also tried to remove an earlier amendment to the bill that would let lawmakers raise money if they were running for a municipal office.

Rep. Ethan Berkowitz proposed eliminating the ban on fund raising during the session altogether to promote free speech and public discourse.

"Money can't buy you love, but it can buy you TV time," Berkowitz, D-Anchorage, quipped.

Rep. Fred Dyson, R-Eagle River, floated a proposal that may have alarmed many of his colleagues: ban fund raising for incumbents during

session

the session, but let challengers raise money.

Before the bill reached the House, the Senate Finance Committee amended it to allow lawmakers to raise money during the 90 days before an election, even if the Legislature is called into special session.

That provision is intended to prevent the governor from calling a special session as a way of blocking lawmakers' fund-raising efforts.
