

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4665

HJUD

HB 125

- HB 137

837

the time of the entry or remaining, is not open to the public and when the defendant is not otherwise privileged to do so;

(2) fail to leave premises or a propelled vehicle that is open to the public after being lawfully directed to do so personally by the person in charge; or

(3) enter or remain upon premises or in a propelled vehicle in violation of a provision in an order issued under AS 25.35.010(b) or 25.35.020.

(b) For purposes of this section, a person who, without intent to commit a crime on the land, enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, is privileged to do so unless

(1) notice against trespass is personally communicated to that person by the owner of the land or some other authorized person; or

(2) notice against trespass is given by posting in a reasonably conspicuous manner under the circumstances.

Sec. 11.46.480. CRIMINAL MISCHIEF IN THE FIRST DEGREE. (a) A person commits the crime of criminal mischief in the first degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to cause a substantial interruption or impairment of a service rendered to the public by a utility or by an organization which deals with emergencies involving danger to life or property, the person damages or tampers with property of that utility or organization and causes substantial interruption or impairment of service to the public;

(2) with intent to damage property of another by the use of widely dangerous means, the person damages property of another in an amount exceeding \$100,000 by the use of widely dangerous means;

(3) the person intentionally damages an oil or gas pipeline or supporting facility; or

(4) with intent to cause physical injury to another person, the person:

(A) tampers with an item that is a food, drug, or cosmetic or a container for the item; or

(B) delivers, dispenses, or distributes an item described in (A) of this paragraph knowing that a person has tampered with the item.

(b) Criminal mischief in the first degree is a class B felony.

(c) In (a)(4) of this section,

(1) "deliver" means the actual, constructive, or attempted transfer from one person to another of an item;

(2) "dispense" means to deliver a drug to an ultimate user or research subject by or under the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the drug for that delivery;

(3) "distribute" means to deliver an item, whether or not there is any money or other item of value exchanged; it includes sale, gift, or exchange;

(4) "drug" has the meaning given in AS 11.71.900(9);

(5) "tamper" means to interfere with something improperly, meddle with it, or make unwarranted alterations to its existing condition.

Sec. 11.46.482. CRIMINAL MISCHIEF IN THE SECOND DEGREE. (a) A person commits the crime of criminal mischief in the second degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with intent to damage property of another, the person damages property of another in an amount of \$500 or more;

(2) the person tampers with an oil or gas pipeline or supporting facility or an airplane or helicopter with reckless disregard for the risk of harm to or loss of the property;

(3) the person recklessly creates a risk of damage in an amount exceeding \$100,000 to property of another by the use of widely dangerous means; or

(4) the person drives, tows away, or takes the propelled vehicle of another and the vehicle or any other property of another is damaged or the owner incurs reasonable expenses as a result of the loss of use of the vehicle in a total amount of \$500 or more.

(b) Criminal mischief in the second degree is a class C felony.

Sec. 11.46.484. CRIMINAL MISCHIEF IN THE THIRD DEGREE. (a) A person commits the crime of criminal mischief in the third degree if, having no right to do so or any reasonable ground to believe the person has such a right

(1) with intent to damage property of another, the person damages property of another in an amount of \$50 or more but less than \$500;

(2) the person drives, tows away, or takes the propelled vehicle of another;

(3) having custody of a propelled vehicle under a written agreement with the owner of the vehicle that includes

an agreement to return the vehicle to the owner at a specified time, the person knowingly retains or withholds possession of the vehicle without the consent of the owner for so long a period beyond the time specified as to render the retention or possession of the vehicle an unreasonable deviation from the agreement;

(4) the person tampers with a fire protection device in a building that is a public place;

(5) the person knowingly accesses a computer, computer system, computer program, computer network, or any part of a computer system or network; or

(6) the person uses a device to descramble an electronic signal that has been scrambled to prevent unauthorized receipt or viewing of the signal unless the device is used only to descramble signals received directly from a satellite or unless the person owned the device before September 18, 1984.

(b) Except as provided in (c) of this section, criminal mischief in the third degree is a class A misdemeanor.

(c) A person convicted under (a)(2) of this section is guilty of a class C felony if, within the preceding seven years, the person was convicted under

- (1) the provisions of (a)(2) of this section;
- (2) former AS 28.35.010;
- (3) the provisions of AS 11.46.482(a)(4);
- (4) an offense involving the theft of a propelled vehicle under AS 11.46.120 - 11.46.147; or
- (5) a law or ordinance of this or another jurisdiction with elements substantially similar to those of the offenses described in (1) - (4) of this subsection.

Sec. 11.46.486. CRIMINAL MISCHIEF IN THE FOURTH DEGREE. (a) A person commits the crime of criminal mischief in the fourth degree if, having no right to do so or any reasonable ground to believe the person has such a right,

(1) with reckless disregard for the risk of harm to or loss of the property or with intent to cause substantial inconvenience to another, the person tampers with property of another;

(2) with intent to damage property of another, the person damages property of another in an amount less than \$50; or

(3) the person rides in a propelled vehicle knowing it has been stolen or that it is being used in violation of AS 11.46.482(a)(4) or 11.46.484(a)(2).

(b) Criminal mischief in the fourth degree is a class B misdemeanor.

STEVE COWPER
GOVERNOR



HB125

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 10, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that addresses the problem of discriminatory harassment -- that is, wrongful acts committed with the intent to intimidate or harass another person because of that person's sex, sexual orientation, race, color, religion, national origin, or physical or mental disability.

The bill creates a statutory private right of action under which a person can sue another for physical harm or property damage caused with the intent to intimidate or harass another person because of the factors just listed. The court may award actual and punitive damages to a prevailing plaintiff. Creating a special civil action such as this gives specific statutory authority for such an action, rather than relying on the broad authority of the common law. It also allows for easier tracking of lawsuits involving discrimination harassment, because an informational copy of a complaint filed under this statute along with the answer to it is to be served on the executive director of the Alaska State Commission for Human Rights. This service is the responsibility of the plaintiffs and defendants.

As is the Human Rights Commission, I am committed to the passage of legislation that seeks to discourage acts of malicious harassment based on discriminatory motivation. Human rights agencies nationwide are taking note of the significant number of racial incidents, of hate groups advocating violence and extremism, and of other instances of harassment motivated by various types of bigotry. We must all remain steadfast in our resolve to protect Alaskans from such offensive conduct and the odious intolerance that it represents. This bill will help.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper
Governor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Bill version: HB 125
Publish Date: 2/11/87

REQUEST: _____

Revision Date: _____
Title: Discriminatory Harrassment
773-87-0103

Agency Affected: Office of the Governor
BRU: Commissions/Special Offices

Sponsor: Governor
Requestor: Human Rights Commissioner

Components: Human Rights Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 0 | 0 | 0 | 0 | 0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|---|---|---|---|---|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 0 | 0 | 0 | 0 | 0 |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director *Man*
Division: Administrative Services

Phone: 465-3616
Date: 2-10-87

Approved by Commissioner: Carol P. Kastelic *CPC*
Agency: Office of the Governor

Date: 2-10-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

H B

137

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3600

LEGISLATIVE AFFAIRS AGENCY LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

| | | |
|---------|---------|-----------|
| H. JUD. | 2-24-88 | 1:30 p.m. |
| H. JUD. | 2-23-88 | 1:30 p.m. |
| H. JUD. | 2-1-88 | 1:30 p.m. |

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/18/88

FURTHER REFERRALS: Finance

DATE: Feb 24, 1988

The Judiciary Committee has considered SSHB 137

"An Act relating to the duration and financing of election campaigns."

RECOMMENDS:

- replace with CSHB 137 (Jud) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Signature]

[Signature]

Jim Cost

Mike Navare

SIGNING OTHER RECOMMENDATIONS:

[Signature]

Robin L. Taylor (NO Rec)

from Wilson - still prefer the State

Also Co. version of this bill

[Signature]
Chairman's signature

Adopted

A M E N D M E N T

#1

Offered in the HOUSE

By ^{S. 2} Brown

TO: C S S S H B 137(Judiciary)

Page 5, after line 29:

Insert a new bill section to read:

** Sec. 6. AS 15.13.110 is amended by adding a new subsection to read:

(f) The contributions received and expenditures made by each state, regional, and local executive committee of a political party shall be reported

(1) in even numbered years, within 10 days after the end of each calendar quarter until reports are due under (a) of this section;

(2) in odd numbered years, within 10 days after the end of each calendar quarter."

Renumber remaining bill sections accordingly.

Page 7, line 23:

Delete "4 - 9 and 11"

Insert "4 - 10 and 12"

Page 7, line 25:

Delete "4 - 6 and 10 - 11"

Insert "4 - 7 and 11 - 12"

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CSSSHB 137(Judiciary)

Page 4, after line 3:

Insert a new bill section to read:

"* Sec. 7. AS 15.13.110 is amended by adding a new subsection to read:

(f) The contributions received and expenditures made by each state, regional, and local executive committee of a political party shall be reported

(1) in even numbered years, within 10 days after the end of each calendar quarter until reports are due under (a) of this section;

(2) in odd numbered years, within 10 days after the end of each calendar quarter."

Renumber remaining bill sections accordingly.

Page 5, line 28:

Delete "5 - 11"

Insert "5 - 6 and 8 - 12"

Page 6, line 1:

Delete "5 - 11"

Insert "5 - 6 and 8 - 12"

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission and
7 to the duration and financing of election campaigns;
8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the
12 Alaska Public Offices Commission consisting of five members. The
13 governor shall appoint the members of the commission under (b) and (c)
14 of this section. The members of the commission are subject to confir-
15 mation by a majority of the members of the legislature meeting in
16 joint session.

17 * Sec. 2. AS 15.13.020(c) is repealed and reenacted to read:

18 (c) The members appointed by the governor under (b) of this
19 subsection shall nominate to the governor, by a majority vote, the
20 fifth member of the commission when a vacancy occurs in that position.
21 The governor shall either appoint the nominee of the commission or
22 request a new nomination from the commission.

23 * Sec. 3. AS 15.13 is amended by adding a new section to read:

24 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
25 candidate may accept a contribution only during an election campaign.

26 (b) During the election campaign, a candidate for the office of
27 governor or lieutenant governor may not accept

28 (1) more than \$1,000 in contributions from a person, a
29 corporation, a labor union, or a group other than a political party

1 and its subdivisions;

2 (2) a cumulative total of more than \$40,000 in contribu-
3 tions from corporations, labor unions, and groups other than political
4 parties and their subdivisions;

5 (3) a cumulative total of more than \$40,000 in contribu-
6 tions from political parties and their subdivisions.

7 (c) During the election campaign, a candidate for the state
8 senate may not accept

9 (1) more than \$1,000 in contributions from a person, a
10 corporation, a labor union, or a group other than a political party
11 and its subdivisions;

12 (2) a cumulative total of more than \$20,000 in contribu-
13 tions from corporations, labor unions, and groups other than political
14 parties and their subdivisions;

15 (3) a cumulative total of more than \$20,000 in contribu-
16 tions from political parties and their subdivisions.

17 (d) During the election campaign, a candidate for the state
18 house of representatives may not accept

19 (1) more than \$1,000 in contributions from a person, a
20 corporation, a labor union, or a group other than a political party
21 and its subdivisions;

22 (2) a cumulative total of more than \$10,000 in contribu-
23 tions from corporations, labor unions, and groups other than political
24 parties and their subdivisions;

25 (3) a cumulative total of more than \$10,000 in contribu-
26 tions from political parties and their subdivisions.

27 (e) Except for a candidate for mayor, during an election cam-
28 paign a candidate for municipal office and a candidate for office not
29 described in (b) - (d) of this section may not accept

1 (1) more than \$1,000 in contributions from a person, a
2 corporation, a labor union, or a group other than a political party
3 and its subdivisions;

4 (2) a cumulative total of more than \$10,000 in contribu-
5 tions from corporations, labor unions, and groups other than political
6 parties and their subdivisions;

7 (3) a cumulative total of more than \$10,000 in contribu-
8 tions from political parties and their subdivisions.

9 (f) Except as provided under (g) of this section, during an
10 election campaign a candidate for mayor may not accept

11 (1) more than \$1,000 in contributions from a person, a
12 corporation, a labor union, or a group other than a political party
13 and its subdivisions;

14 (2) a cumulative total of more than \$10,000 in contribu-
15 tions from corporations, labor unions, and groups other than political
16 parties and their subdivisions;

17 (3) a cumulative total of more than \$10,000 in contribu-
18 tions from political parties and their subdivisions.

19 (g) Notwithstanding (f) of this section, a candidate for mayor
20 in a municipality that contains more than one house election district
21 within its boundaries may accept contributions during an election
22 campaign with a cumulative total under (f)(2) and (3) of this section
23 multiplied by the number of house election districts that are located
24 within the municipality except that a candidate for mayor may not in
25 any case accept

26 (1) a cumulative total of more than \$40,000 in contribu-
27 tions from corporations, labor unions, and groups other than political
28 parties, and their subdivisions;

29 (2) a cumulative total of more than \$40,000 in

1 contributions from political parties and their subdivisions.

2 (h) A candidate is subject to the limitations established in
3 this section only for the office for which the candidate most recently
4 filed a declaration of candidacy or nominating petition. A candidate
5 who withdraws as a candidate for an office and refiles for an office
6 with a lower limitation on the acceptance of campaign contributions
7 shall return the amount of each contribution that exceeds the limita-
8 tions established for the current candidacy.

9 (i) In this section, "election campaign" means

10 (1) for a candidate for a nonstatewide state office who is
11 not a member of the legislature, the period between September 1 of the
12 year before the year in which the election will be held through the
13 day before the date of the general election;

14 (2) for a candidate who is a member of the legislature, the
15 period between September 1 of the year before the year in which the
16 election will be held through the day before the date of the general
17 election but excluding the period of any session of the legislature;

18 (3) for a candidate for a statewide office, the period
19 between September 1 of the year that is two years before the year in
20 which the election will be held through the day before the date of the
21 general election;

22 (4) for a candidate for municipal office, the period 90
23 days before the date of the municipal election through the day before
24 the date of the municipal election;

25 (5) for a candidate for municipal office at a run-off elec-
26 tion, the period from the day after the date of the municipal election
27 through the day before the date of the run-off election.

28 * Sec. 4. AS 15.13.070 is amended by adding a new subsection to read:

29 (i) An individual who accepts campaign contributions as a

1 candidate for public office may not convert surplus campaign funds to
2 personal income at any time. A candidate who has advanced funds to
3 the campaign may recover the amounts advanced. A candidate shall
4 dispose of campaign funds that were not spent or obligated during the
5 election campaign by

6 (1) leaving the funds in a campaign account for a future
7 election campaign;

8 (2) transferring the funds to an account for the office, in
9 the case of a successful candidate only, and using the funds only for
10 communication with constituents and other voters in the state by
11 telephone, newsletter, or personal contact;

12 (3) donating the funds to an organization that qualifies as
13 a charitable organization under 26 U.S.C. 501(c);

14 (4) donating the funds to the general fund of the state or
15 of a municipality of the state organized under AS 29;

16 (5) returning the funds to contributors on a pro rata
17 basis; or

18 (6) making campaign contributions not in violation of
19 AS 15.13.065 to another candidate or group or by making independent
20 expenditures.

21 * Sec. 5. AS 15.13.110 is amended by adding a new subsection to read:

22 (f) The contributions received and expenditures made by each
23 state, regional, and local executive committee of a political party
24 shall be reported

25 (1) in even numbered years, within 10 days after the end of
26 each calendar quarter until reports are due under (a) of this section;

27 (2) in odd numbered years, within 10 days after the end of
28 each calendar quarter.

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

1 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
2 ED REPORTS]. A person who fails to file a properly completed and
3 certified report within the time required by AS 15.13.110(a)(1), (3),
4 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
5 a day for each day the delinquency continues as determined by the
6 commission subject to right of appeal to the superior court. A person
7 who fails to file a properly completed and certified report within the
8 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
9 civil penalty of not more than \$50 a day for each day the delinquency
10 continues as determined by the commission subject to right of appeal
11 to the superior court. A candidate who accepts a contribution in
12 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
13 of not more than five times the amount of the contribution accepted.
14 An affidavit stating facts in mitigation may be submitted to the
15 commission by a person against whom a civil penalty is assessed.
16 However, the imposition of the penalties prescribed in this section or
17 in AS 15.13.120 does not excuse that person from filing reports re-
18 quired by this chapter.

19 * Sec. 7. AS 15.25.040 is amended by adding a new subsection to read:

20 (e) A statewide candidate may not file a declaration before
21 September 1 of the year that is two years before the year in which the
22 election will be held. Except for a statewide candidate, a declara-
23 tion may not be filed before September 1 of the year before the year
24 in which the election will be held.

25 * Sec. 8. AS 15.25.150 is amended by adding a new subsection to read:

26 (b) A statewide candidate may not file a petition before Septem-
27 ber 1 of the year that is two years before the year in which the
28 election will be held. Except for a statewide candidate, a petition
29 may not be filed before September 1 of the year before the year in

1 which the election will be held.

2 * Sec. 9. AS 24.60.030(f) is amended to read:

3 (f) It is a conflict of interest for a member of the legislature
4 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
5 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
6 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
7 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

8 * Sec. 10. AS 29.26.020 is amended by adding a new subsection to read:

9 (c) A nominating petition or declaration of candidacy may not be
10 filed more than 90 days before the date of the election.

11 * Sec. 11. The prohibition in AS 15.13.065, as added in sec. 3 of this
12 Act, against the acceptance of campaign contributions by a candidate for
13 elective office outside of an election campaign does not apply to the
14 acceptance by a candidate for

15 (1) state elective office of campaign contributions to retire
16 debt in existence on November 8, 1988, and the candidate may accept cam-
17 paign contributions at any time to retire that debt;

18 (2) municipal office of campaign contributions to retire debt in
19 existence on the day after the first municipal election occurring after
20 July 1, 1988, and the candidate may accept campaign contributions at any
21 time to retire that debt.

22 * Sec. 12. APPLICABILITY. The provisions of secs. 3 - 4, 6 - 8, 9 and
23 11 of this Act are applicable to state election campaigns started after
24 November 8, 1988. The provisions of secs. 3 - 4, 6, and 10 - 11 of this
25 Act are applicable to municipal election campaigns started after the day
26 after the first municipal election occurring after July 1, 1988.

27 * Sec. 13. AS 15.13.070(a) and AS 24.60.030(g) are repealed.

28 * Sec. 14. This Act takes effect July 1, 1988.

5-0227T
Bradley
2/22/88

Original sponsors: Brown, Ellis,
Davis, et al.

Adopted w/
Amend # 1 2-23-88
d Sec 2 deleted

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission and
7 to the duration and financing of election campaigns;
8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the
12 Alaska Public Offices Commission consisting of five members. The
13 governor shall appoint the members of the commission under (b) and (c)
14 of this section. The members of the commission are subject to confir-
15 mation by a majority of the members of the legislature meeting in
16 joint session.

17 * Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

18 (b) As the terms of members expire after each gubernatorial
19 election, the political party whose candidate for governor received
20 either the highest or the second highest number of votes for the
21 office of governor at the election is entitled to nominate two members
22 of the commission; a political party may not submit nominations in
23 consecutive years for members whose terms are expiring. The governor
24 shall make the appointment within 30 days after receiving four nomina-
25 tions from the central committee or other governing body of the party.

26 * Sec. 3. AS 15.13.020(c) is repealed and reenacted to read:

27 (c) The members appointed by the governor under (b) of this
28 subsection shall nominate to the governor, by a majority vote, the
29 fifth member of the commission when a vacancy occurs in that position.

1 The governor shall either appoint the nominee of the commission or
2 request a new nomination from the commission.

3 * Sec. 4. AS 15.13 is amended by adding a new section to read:

4 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
5 candidate may accept a contribution only during an election campaign.

6 (b) During the election campaign, a candidate for the office of
7 governor or lieutenant governor may not accept

8 (1) more than \$1,000 in contributions from a person, a
9 corporation, a labor union, or a group other than a political party
10 and its subdivisions;

11 (2) a cumulative total of more than \$40,000 in contribu-
12 tions from corporations, labor unions, and groups other than political
13 parties and their subdivisions;

14 (3) a cumulative total of more than \$40,000 in contribu-
15 tions from political parties and their subdivisions.

16 (c) During the election campaign, a candidate for the state
17 senate may not accept

18 (1) more than \$1,000 in contributions from a person, a
19 corporation, a labor union, or a group other than a political party
20 and its subdivisions;

21 (2) a cumulative total of more than \$20,000 in contribu-
22 tions from corporations, labor unions, and groups other than political
23 parties and their subdivisions;

24 (3) a cumulative total of more than \$20,000 in contribu-
25 tions from political parties and their subdivisions.

26 (d) During the election campaign, a candidate for the state
27 house of representatives may not accept

28 (1) more than \$1,000 in contributions from a person, a
29 corporation, a labor union, or a group other than a political party

1 and its subdivisions;

2 (2) a cumulative total of more than \$10,000 in contribu-
3 tions from corporations, labor unions, and groups other than political
4 parties and their subdivisions;

5 (3) a cumulative total of more than \$10,000 in contribu-
6 tions from political parties and their subdivisions.

7 (e) Except for a candidate for mayor, during an election cam-
8 paign a candidate for municipal office and a candidate for office not
9 described in (b) - (d) of this section may not accept

10 (1) more than \$1,000 in contributions from a person, a
11 corporation, a labor union, or a group other than a political party
12 and its subdivisions;

13 (2) a cumulative total of more than \$10,000 in contribu-
14 tions from corporations, labor unions, and groups other than political
15 parties and their subdivisions;

16 (3) a cumulative total of more than \$10,000 in contribu-
17 tions from political parties and their subdivisions.

18 (f) Except as provided under (g) of this section, during an
19 election campaign a candidate for mayor may not accept

20 (1) more than \$1,000 in contributions from a person, a
21 corporation, a labor union, or a group other than a political party
22 and its subdivisions;

23 (2) a cumulative total of more than \$10,000 in contribu-
24 tions from corporations, labor unions, and groups other than political
25 parties and their subdivisions;

26 (3) a cumulative total of more than \$10,000 in contribu-
27 tions from political parties and their subdivisions.

28 (g) Notwithstanding (f) of this section, a candidate for mayor
29 in a municipality that contains more than one house election district

1 within its boundaries may accept contributions during an election
2 campaign with a cumulative total under (f)(2) and (3) of this section
3 multiplied by the number of house election districts that are located
4 within the municipality except that a candidate for mayor may not in
5 any case accept

6 (1) a cumulative total of more than \$40,000 in contribu-
7 tions from corporations, labor unions, and groups other than political
8 parties, and their subdivisions;

9 (2) a cumulative total of more than \$40,000 in contribu-
10 tions from political parties and their subdivisions.

11 (h) A candidate is subject to the limitations established in
12 this section only for the office for which the candidate most recently
13 filed a declaration of candidacy or nominating petition. A candidate
14 who withdraws as a candidate for an office and refiles for an office
15 with a lower limitation on the acceptance of campaign contributions
16 shall return the amount of each contribution that exceeds the limita-
17 tions established for the current candidacy.

18 (i) In this section, "election campaign" means

19 (1) for a candidate for a nonstatewide state office who is
20 not a member of the legislature, the period between September 1 of the
21 year before the year in which the election will be held through the
22 day before the date of the general election;

23 (2) for a candidate who is a member of the legislature, the
24 period between September 1 of the year before the year in which the
25 election will be held through the day before the date of the general
26 election but excluding the period of any session of the legislature;

27 (3) for a candidate for a statewide office, the period
28 between September 1 of the year that is two years before the year in
29 which the election will be held through the day before the date of the

1 general election;

2 (4) for a candidate for municipal office, the period 90
3 days before the date of the municipal election through the day before
4 the date of the municipal election;

5 (5) for a candidate for municipal office at a run-off elec-
6 tion, the period from the day after the date of the municipal election
7 through the day before the date of the run-off election.

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

9 (i) An individual who accepts campaign contributions as a candi-
10 date for public office may not convert surplus campaign funds to
11 personal income at any time. A candidate who has advanced funds to
12 the campaign may recover the amounts advanced. A candidate shall
13 dispose of campaign funds that were not spent or obligated during the
14 election campaign by

15 (1) leaving the funds in a campaign account for a future
16 election campaign;

17 (2) transferring the funds to an account for the office, in
18 the case of a successful candidate only, and using the funds only for
19 communication with constituents and other voters in the state by
20 telephone, newsletter, or personal contact;

21 (3) donating the funds to an organization that qualifies as
22 a charitable organization under 26 U.S.C. 501(c);

23 (4) donating the funds to the general fund of the state or
24 of a municipality of the state organized under AS 29;

25 (5) returning the funds to contributors on a pro rata
26 basis; or

27 (6) making campaign contributions not in violation of
28 AS 15.13.065 to another candidate or group or by making independent
29 expenditures.

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

2 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
3 ED REPORTS]. A person who fails to file a properly completed and
4 certified report within the time required by AS 15.13.110(a)(1), (3),
5 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
6 a day for each day the delinquency continues as determined by the
7 commission subject to right of appeal to the superior court. A person
8 who fails to file a properly completed and certified report within the
9 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
10 civil penalty of not more than \$50 a day for each day the delinquency
11 continues as determined by the commission subject to right of appeal
12 to the superior court. A candidate who accepts a contribution in
13 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
14 of not more than five times the amount of the contribution accepted.
15 An affidavit stating facts in mitigation may be submitted to the
16 commission by a person against whom a civil penalty is assessed.
17 However, the imposition of the penalties prescribed in this section or
18 in AS 15.13.120 does not excuse that person from filing reports re-
19 quired by this chapter.

20 * Sec. 7. AS 15.25.040 is amended by adding a new subsection to read:

21 (e) A statewide candidate may not file a declaration before
22 September 1 of the year that is two years before the year in which the
23 election will be held. Except for a statewide candidate, a declara-
24 tion may not be filed before September 1 of the year before the year
25 in which the election will be held.

26 * Sec. 8. AS 15.25.150 is amended by adding a new subsection to read:

27 (b) A statewide candidate may not file a petition before Septem-
28 ber 1 of the year that is two years before the year in which the
29 election will be held. Except for a statewide candidate, a petition

1 may not be filed before September 1 of the year before the year in
2 which the election will be held.

3 * Sec. 9. AS 24.60.030(f) is amended to read:

4 (f) It is a conflict of interest for a member of the legislature
5 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
6 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
7 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
8 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

9 * Sec. 10. AS 29.26.020 is amended by adding a new subsection to read:

10 (c) A nominating petition or declaration of candidacy may not be
11 filed more than 90 days before the date of the election.

12 * Sec. 11. The prohibition in AS 15.13.065, as added in sec. 4 of this
13 Act, against the acceptance of campaign contributions by a candidate for
14 elective office outside of an election campaign does not apply to the
15 acceptance by a candidate for

16 (1) state elective office of campaign contributions to retire
17 debt in existence on November 8, 1988, and the candidate may accept cam-
18 paign contributions at any time to retire that debt;

19 (2) municipal office of campaign contributions to retire debt in
20 existence on the day after the first municipal election occurring after
21 July 1, 1988, and the candidate may accept campaign contributions at any
22 time to retire that debt.

23 * Sec. 12. APPLICABILITY. The provisions of secs. 4 - 9 and 11 of this
24 Act are applicable to state election campaigns started after November 8,
25 1988. The provisions of secs. 4 - 6 and 10 - 11 of this Act are applicable
26 to municipal election campaigns started after the day after the first
27 municipal election occurring after July 1, 1988.

28 * Sec. 13. AS 15.13.020(h), 15.13.070(a), and AS 24.60.030(g) are
29 repealed.

* Sec. 14. This Act takes effect July 1, 1988.

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5-0227T ✓
Bradley
2/22/88

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission and
7 to the duration and financing of election campaigns;
8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the
12 Alaska Public Offices Commission consisting of five members. The
13 governor shall appoint the members of the commission under (b) and (c)
14 of this section. The members of the commission are subject to confir-
15 mation by a majority of the members of the legislature meeting in
16 joint session.

17 * Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

18 (b) As the terms of members expire after each gubernatorial
19 election, the political party whose candidate for governor received
20 either the highest or the second highest number of votes for the
21 office of governor at the election is entitled to nominate two members
22 of the commission; a political party may not submit nominations in
23 consecutive years for members whose terms are expiring. The governor
24 shall make the appointment within 30 days after receiving four nomina-
25 tions from the central committee or other governing body of the party.

26 * Sec. 3. AS 15.13.020(c) is repealed and reenacted to read:

27 (c) The members appointed by the governor under (b) of this
28 subsection shall nominate to the governor, by a majority vote, the
29 fifth member of the commission when a vacancy occurs in that position.

1 The governor shall either appoint the nominee of the commission or
2 request a new nomination from the commission.

3 * Sec. 4. AS 15.13 is amended by adding a new section to read:

4 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
5 candidate may accept a contribution only during an election campaign.

6 (b) During the election campaign, a candidate for the office of
7 governor or lieutenant governor may not accept

8 (1) more than \$1,000 in contributions from a person, a
9 corporation, a labor union, or a group other than a political party
10 and its subdivisions;

11 (2) a cumulative total of more than \$40,000 in contribu-
12 tions from corporations, labor unions, and groups other than political
13 parties and their subdivisions;

14 (3) a cumulative total of more than \$40,000 in contribu-
15 tions from political parties and their subdivisions.

16 (c) During the election campaign, a candidate for the state
17 senate may not accept

18 (1) more than \$1,000 in contributions from a person, a
19 corporation, a labor union, or a group other than a political party
20 and its subdivisions;

21 (2) a cumulative total of more than \$20,000 in contribu-
22 tions from corporations, labor unions, and groups other than political
23 parties and their subdivisions;

24 (3) a cumulative total of more than \$20,000 in contribu-
25 tions from political parties and their subdivisions.

26 (d) During the election campaign, a candidate for the state
27 house of representatives may not accept

28 (1) more than \$1,000 in contributions from a person, a
29 corporation, a labor union, or a group other than a political party

1 and its subdivisions;

2 (2) a cumulative total of more than \$10,000 in contribu-
3 tions from corporations, labor unions, and groups other than political
4 parties and their subdivisions;

5 (3) a cumulative total of more than \$10,000 in contribu-
6 tions from political parties and their subdivisions.

7 (e) Except for a candidate for mayor, during an election cam-
8 paign a candidate for municipal office and a candidate for office not
9 described in (b) - (d) of this section may not accept

10 (1) more than \$1,000 in contributions from a person, a
11 corporation, a labor union, or a group other than a political party
12 and its subdivisions;

13 (2) a cumulative total of more than \$10,000 in contribu-
14 tions from corporations, labor unions, and groups other than political
15 parties and their subdivisions;

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17 tions from political parties and their subdivisions.

18 (f) Except as provided under (g) of this section, during an
19 election campaign a candidate for mayor may not accept

20 (1) more than \$1,000 in contributions from a person, a
21 corporation, a labor union, or a group other than a political party
22 and its subdivisions;

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24 tions from corporations, labor unions, and groups other than political
25 parties and their subdivisions;

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27 tions from political parties and their subdivisions.

28 (g) Notwithstanding (f) of this section, a candidate for mayor
29 in a municipality that contains more than one house election district

1 within its boundaries may accept contributions during an election
2 campaign with a cumulative total under (f)(2) and (3) of this section
3 multiplied by the number of house election districts that are located
4 within the municipality except that a candidate for mayor may not in
5 any case accept

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8 parties, and their subdivisions;

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10 tions from political parties and their subdivisions.

11 (h) A candidate is subject to the limitations established in
12 this section only for the office for which the candidate most recently
13 filed a declaration of candidacy or nominating petition. A candidate
14 who withdraws as a candidate for an office and refiles for an office
15 with a lower limitation on the acceptance of campaign contributions
16 shall return the amount of each contribution that exceeds the limita-
17 tions established for the current candidacy.

18 (i) In this section, "election campaign" means

19 (1) for a candidate for a nonstatewide state office who is
20 not a member of the legislature, the period between September 1 of the
21 year before the year in which the election will be held through the
22 day before the date of the general election;

23 (2) for a candidate who is a member of the legislature, the
24 period between September 1 of the year before the year in which the
25 election will be held through the day before the date of the general
26 election but excluding the period of any session of the legislature;

27 (3) for a candidate for a statewide office, the period
28 between September 1 of the year that is two years before the year in
29 which the election will be held through the day before the date of the

1 general election;

2 (4) for a candidate for municipal office, the period 90
3 days before the date of the municipal election through the day before
4 the date of the municipal election;

5 (5) for a candidate for municipal office at a run-off elec-
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7 through the day before the date of the run-off election.

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

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11 personal income at any time. A candidate who has advanced funds to
12 the campaign may recover the amounts advanced. A candidate shall
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14 election campaign by

15 (1) leaving the funds in a campaign account for a future
16 election campaign;

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18 the case of a successful candidate only, and using the funds only for
19 communication with constituents and other voters in the state by
20 telephone, newsletter, or personal contact;

21 (3) donating the funds to an organization that qualifies as
22 a charitable organization under 26 U.S.C. 501(c);

23 (4) donating the funds to the general fund of the state or
24 of a municipality of the state organized under AS 29;

25 (5) returning the funds to contributors on a pro rata
26 basis; or

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28 AS 15.13.065 to another candidate or group or by making independent
29 expenditures.

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2 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
3 ED REPORTS]. A person who fails to file a properly completed and
4 certified report within the time required by AS 15.13.110(a)(1), (3),
5 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
6 a day for each day the delinquency continues as determined by the
7 commission subject to right of appeal to the superior court. A person
8 who fails to file a properly completed and certified report within the
9 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
10 civil penalty of not more than \$50 a day for each day the delinquency
11 continues as determined by the commission subject to right of appeal
12 to the superior court. A candidate who accepts a contribution in
13 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
14 of not more than five times the amount of the contribution accepted.
15 An affidavit stating facts in mitigation may be submitted to the
16 commission by a person against whom a civil penalty is assessed.
17 However, the imposition of the penalties prescribed in this section or
18 in AS 15.13.120 does not excuse that person from filing reports re-
19 quired by this chapter.

20 * Sec. 7. AS 15.25.040 is amended by adding a new subsection to read:

21 (e) A statewide candidate may not file a declaration before
22 September 1 of the year that is two years before the year in which the
23 election will be held. Except for a statewide candidate, a declara-
24 tion may not be filed before September 1 of the year before the year
25 in which the election will be held.

26 * Sec. 8. AS 15.25.150 is amended by adding a new subsection to read:

27 (b) A statewide candidate may not file a petition before Septem-
28 ber 1 of the year that is two years before the year in which the
29 election will be held. Except for a statewide candidate, a petition

1 may not be filed before September 1 of the year before the year in
2 which the election will be held.

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4 (f) It is a conflict of interest for a member of the legislature
5 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
6 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
7 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
8 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE-POLITICAL PURPOSES].

9 * Sec. 10. AS 29.26.020 is amended by adding a new subsection to read:

10 (c) A nominating petition or declaration of candidacy may not be
11 filed more than 90 days before the date of the election.

12 *Amf* * Sec. 11. The prohibition in AS 15.13.065, as added in sec. 4 of this
13 Act, against the acceptance of campaign contributions by a candidate for
14 elective office outside of an election campaign does not apply to the
15 acceptance by a candidate for

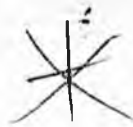
16 (1) state elective office of campaign contributions to retire
17 debt in existence on November 8, 1988, and the candidate may accept cam-
18 paign contributions at any time to retire that debt;

19 (2) municipal office of campaign contributions to retire debt in
20 existence on the day after the first municipal election occurring after
21 July 1, 1988, and the candidate may accept campaign contributions at any
22 time to retire that debt.

23 * Sec. 12. APPLICABILITY. The provisions of secs. 4 - 9 and 11 of this
24 Act are applicable to state election campaigns started after November 8,
25 1988. The provisions of secs. 4 - 6 and 10 - 11 of this Act are applicable
26 to municipal election campaigns started after the day after the first
27 municipal election occurring after July 1, 1988.

28 * Sec. 13. AS 15.13.020(h), 15.13.070(a), and AS 24.60.030(g) are
29 repealed.

1 * Sec. 14. This Act takes effect July 1, 1988.
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5-02271
Bradley
2/19/88

Original sponsors: Brown, Ellis,
Davis, et al.

P1, L24
P3, L2-8
P, L13

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission and
7 to the duration and financing of election campaigns;
8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the
12 Alaska Public Offices Commission consisting of five members. The
13 governor shall appoint the members of the commission under (b) and (c)
14 of this section. The members of the commission are subject to confir-
15 mation by a majority of the members of the legislature meeting in
16 joint session.

17 * Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

18 (b) Except as provided in (c) of this section, each year the
19 political party whose candidate for governor received either the
20 highest or the second highest number of votes for the office of gover-
21 nor at the most recent preceding gubernatorial election shall submit
22 nominations to the governor for two of the five members of the commis-
23 sion. [A political party may not submit nominations for a member of
24 the commission in any two consecutive years.] The governor shall make
25 the appointment within 30 days after receiving four nominations from
26 the central committee or other governing body of the party.

27 * Sec. 3. AS 15.13.020(c) is repealed and reenacted to read:

28 (c) The members appointed by the governor under (b) of this
29 subsection shall nominate to the governor, by a majority vote, the

1 fifth member of the commission when a vacancy occurs in that position.
2 The governor shall either appoint the nominee of the commission or
3 request a new nomination from the commission.

4 * Sec. 4. AS 15.13 is amended by adding a new section to read:

5 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
6 candidate may accept a contribution only during an election campaign.

7 (b) During the election campaign, a candidate for the office of
8 governor or lieutenant governor may not accept

9 (1) more than \$1,000 in contributions from a person, a
10 corporation, a labor union, or a group other than a political party
11 and its subdivisions;

12 (2) a cumulative total of more than \$40,000 in contribu-
13 tions from corporations, labor unions, and groups other than political
14 parties and their subdivisions;

15 (3) a cumulative total of more than \$40,000 in contribu-
16 tions from political parties and their subdivisions.

17 (c) During the election campaign, a candidate for the state
18 senate may not accept

19 (1) more than \$1,000 in contributions from a person, a
20 corporation, a labor union, or a group other than a political party
21 and its subdivisions;

22 (2) a cumulative total of more than \$20,000 in contribu-
23 tions from corporations, labor unions, and groups other than political
24 parties and their subdivisions;

25 (3) a cumulative total of more than \$20,000 in contribu-
26 tions from political parties and their subdivisions.

27 (d) During the election campaign, a candidate for the state
28 house of representatives may not accept

29 (1) more than \$1,000 in contributions from a person, a

1 corporation, a labor union, or a group other than a political party
2 and its subdivisions;

3 (2) a cumulative total of more than \$10,000 in contribu-
4 tions from corporations, labor unions, and groups other than political
5 parties and their subdivisions;

6 (3) a cumulative total of more than \$10,000 in contribu-
7 tions from political parties and their subdivisions.

8 (e) Except for a candidate for mayor, during an election cam-
9 paign a candidate for municipal office and a candidate for office not
10 described in (b) - (d) of this section may not accept

11 (1) more than \$1,000 in contributions from a person, a
12 corporation, a labor union, or a group other than a political party
13 and its subdivisions;

14 (2) a cumulative total of more than \$10,000 in contribu-
15 tions from corporations, labor unions, and groups other than political
16 parties and their subdivisions;

17 (3) a cumulative total of more than \$10,000 in contribu-
18 tions from political parties and their subdivisions.

19 (f) Except as provided under (g) of this section, during an
20 election campaign a candidate for mayor may not accept

21 (1) more than \$1,000 in contributions from a person, a
22 corporation, a labor union, or a group other than a political party
23 and its subdivisions;

24 (2) a cumulative total of more than \$10,000 in contribu-
25 tions from corporations, labor unions, and groups other than political
26 parties and their subdivisions;

27 (3) a cumulative total of more than \$10,000 in contribu-
28 tions from political parties and their subdivisions.

29 (g) Notwithstanding (f) of this section, a candidate for mayor

1 in a municipality that contains more than one house election district
2 within its boundaries may accept contributions during an election
3 campaign with a cumulative total under (f)(2) and (3) of this section
4 multiplied by the number of house election districts that are located
5 within the municipality except that a candidate for mayor may not in
6 any case accept

7 (1) a cumulative total of more than \$40,000 in contribu-
8 tions from corporations, labor unions, and groups other than political
9 parties, and their subdivisions;

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11 tions from political parties and their subdivisions.

12 (h) A candidate is subject to the limitations established in
13 this section only for the office for which the candidate most recently
14 filed a declaration of candidacy or nominating petition. A candidate
15 who withdraws as a candidate for an office and refiles for an office
16 with a lower limitation on the acceptance of campaign contributions
17 shall return the amount of each contribution that exceeds the limita-
18 tions established for the current candidacy.

19 (i) In this section, "election campaign" means

20 (1) for a candidate for a nonstatewide state office who is
21 not a member of the legislature, the period between September 1 of the
22 year before the year in which the election will be held through the
23 day before the date of the general election;

24 (2) for a candidate who is a member of the legislature, the
25 period between September 1 of the year before the year in which the
26 election will be held through the day before the date of the general
27 election but excluding the period of any session of the legislature;

28 (3) for a candidate for a statewide office, the period
29 between September 1 of the year that is two years before the year in

which the election will be held through the day before the date of the general election;

(4) for a candidate for municipal office,

(A) the period one year before the date of the municipal election through the day before the date of the municipal

election; and

(B) the period from the day after the date of the municipal election through the day before the date of the run-off election, if one is held.

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

(i) An individual who accepts campaign contributions as a candidate for public office may not convert surplus campaign funds to personal income at any time. A candidate who has advanced funds to the campaign may recover the amounts advanced. A candidate shall dispose of campaign funds that were not spent or obligated during the election campaign by

(1) leaving the funds in a campaign account for a future election campaign;

(2) transferring the funds to an account for the office, in the case of a successful candidate only, and using the funds only for communication with constituents and other voters in the state by telephone, newsletter, or personal contact;

(3) donating the funds to an organization that qualifies as a charitable organization under 26 U.S.C. 501(c);

(4) donating the funds to the general fund of the state or of a municipality of the state organized under AS 29;

(5) returning the funds to contributors on a pro rata basis; or

(6) making campaign contributions not in violation of

① 1 year - 790 days
② 1-day hole
③ Limit - run-off to those who make it in.

1 AS 15.13.065 to another candidate or group or by making independent
2 expenditures.

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

4 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
5 ED REPORTS]. A person who fails to file a properly completed and
6 certified report within the time required by AS 15.13.110(a)(1), (3),
7 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
8 a day for each day the delinquency continues as determined by the
9 commission subject to right of appeal to the superior court. A person
10 who fails to file a properly completed and certified report within the
11 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
12 civil penalty of not more than \$50 a day for each day the delinquency
13 continues as determined by the commission subject to right of appeal
14 to the superior court. A candidate who accepts a contribution in
15 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
16 of not more than five times the amount of the contribution accepted.

17 An affidavit stating facts in mitigation may be submitted to the
18 commission by a person against whom a civil penalty is assessed.
19 However, the imposition of the penalties prescribed in this section or
20 in AS 15.13.120 does not excuse that person from filing reports re-
21 quired by this chapter.

22 * Sec. 7. AS 15.25.040 is amended by adding a new subsection to read:

23 (e) A statewide candidate may not file a declaration before
24 September 1 of the year that is two years before the year in which the
25 election will be held. Except for a statewide candidate, a declara-
26 tion may not be filed before September 1 of the year before the year
27 in which the election will be held.

28 * Sec. 8. AS 15.25.150 is amended by adding a new subsection to read:

29 (b) A statewide candidate may not file a petition before

1 September 1 of the year that is two years before the year in which the
2 election will be held. Except for a statewide candidate, a petition
3 may not be filed before September 1 of the year before the year in
4 which the election will be held.

5 * Sec. 9. AS 24.60.030(f) is amended to read:

6 (f) It is a conflict of interest for a member of the legislature
7 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
8 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
9 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
10 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

11 * Sec. 10. AS 29.26.020 is amended by adding a new subsection to read:

12 *90 days* (c) A nominating petition or declaration of candidacy may not be
13 filed more than one year before the date of the election.

14 * Sec. 11. The prohibition in AS 15.13.065, as added in sec. 4 of this
15 Act, against the acceptance of campaign contributions by a candidate for
16 elective office outside of an election campaign does not apply to the
17 acceptance by a candidate for

18 (1) state elective office of campaign contributions to retire
19 debt in existence on November 8, 1988, and the candidate may accept cam-
20 paign contributions at any time to retire that debt;

21 (2) municipal office of campaign contributions to retire debt in
22 existence on the day after the first municipal election occurring after
23 July 1, 1988, and the candidate may accept campaign contributions at any
24 time to retire that debt.

25 * Sec. 12. APPLICABILITY. The provisions of secs. 4 - 9 and 11 of this
26 Act are applicable to state election campaigns started after November 8,
27 1988. The provisions of secs. 4 - 6 and 10 - 11 of this Act are applicable
28 to municipal election campaigns started after the day after the first
29 municipal election occurring after July 1, 1988.

1 * Sec. 13. AS 15.13.020(h), 15.13.070(a), and AS 24.60.030(g) are
2 repealed.

3 * Sec. 14. This Act takes effect July 1, 1988.
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Adopted

- CS
- ① 1st 4 secs new, from Gov's bill re Appointment of APOL 5-0227T Bradley 2/1/88 ✓
- ② Pa 3, Line 18 - Conforming to APOL Reg. Language
- ③ Drafting error p 5, L 23 make more clear

Original sponsors: Brown, Ellis, Davis, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Public Offices Commission and

7 to the duration and financing of election campaigns;

8 and providing for an effective date."

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

10 * Section 1. AS 15.13.020(a) is amended to read:

11 (a) There is created in the Department of Administration the

12 Alaska Public Offices Commission consisting of five members. The

13 governor shall appoint the members of the commission under (b) and (c)

14 of this section. The members of the commission are subject to confir-

15 mation by a majority of the members of the legislature meeting in

16 joint session.

17 * Sec. 2. AS 15.13.020(b) is repealed and reenacted to read:

18 (b) Each of the two political parties whose candidates for

19 governor received the highest and the second highest number of votes

20 for the office of governor at the most recent preceding gubernatorial

21 election is, as vacancies occur, entitled to submit nominations to the

22 governor for two of the five members of the commission. The governor

23 shall make the appointment within 30 days after receiving four nomina-

24 tions from the central committee or other governing body of the party.

25 * Sec. 3. AS 15.13.020(c) is repealed and reenacted to read:

26 (c) The members appointed by the governor under (b) of this

27 subsection shall nominate to the governor, by a majority vote, the

28 fifth member of the commission when a vacancy occurs in that position.

29 The governor shall either appoint the nominee of the commission or

1 request a new nomination from the commission.

2 * Sec. 4. AS 15.13.020(d) is amended to read:

3 (d) [UPON SELECTION OF THE COMMISSION'S FIFTH MEMBER, THE COM-
4 MISSION'S FOUR MEMBERS SELECTED UNDER (b) OF THIS SECTION SHALL DRAW
5 LOTS TO DETERMINE THE LENGTH OF THEIR TERMS OF OFFICE SO THAT ONE
6 COMMISSION MEMBER SERVES ONE YEAR, ONE SERVES TWO YEARS, ONE SERVES
7 THREE YEARS AND ONE SERVES FOUR YEARS. HOWEVER, THE TERMS OF NO TWO
8 COMMISSION MEMBERS WHO ARE MEMBERS OF THE SAME POLITICAL PARTY MAY
9 EXPIRE IN CONSECUTIVE YEARS. THE TERM OF OFFICE OF THE FIFTH MEMBER,
10 APPOINTED UNDER (c) OF THIS SECTION, EXPIRES IN THE FIFTH YEAR.]
11 Terms of office of the [INITIAL] appointees to the commission [,
12 INCLUDING THE FIFTH MEMBER, SHALL] date from February 1 before their
13 appointment. The [AFTER THE TERMS OF OFFICE OF THE INITIAL APPOINTEES
14 TO THE COMMISSION EXPIRE, THE] term of office of a member of the
15 commission is five years and [, OR] until a [HIS] successor is ap-
16 pointed and qualifies. A [NO] commission member may not serve more
17 than one term. An individual [HOWEVER, INITIAL APPOINTEES TO THE
18 COMMISSION WHO DO NOT SERVE A FULL FIVE-YEAR TERM AND A PERSON] ap-
19 pointed to fill an [THE] unexpired term [OF HIS PREDECESSOR] may be
20 appointed to a successive full five-year term.

21 * Sec. 5. AS 15.13 is amended by adding a new section to read:

22 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
23 candidate may accept a campaign contribution only during an election
24 campaign after filing a declaration of candidacy or a nominating
25 petition.

26 (b) In this section, "election campaign" means:

27 (1) for a candidate for a nonstatewide state office, the
28 period between the day after the adjournment sine die of the second
29 regular session of the legislature through the day before the date of

1 the general election;

2 (2) for a candidate for a statewide office, the period
3 between January 2 of the year of the election through the day before
4 the date of the general election;

5 (3) for a candidate for municipal office, the period

6 (A) 90 days before the date of the municipal election
7 through the day before the date of the municipal election; and

8 (B) from the day after the date of the municipal
9 election through the day before the date of the run-off election,
10 if one is held.

11 * Sec. 6. AS 15.13.070 is amended by adding a new subsection to read:

12 (i) An individual who accepts campaign contributions as a candi-
13 date for public office may not convert surplus campaign funds to
14 personal income at any time. A candidate who has advanced funds to
15 the campaign may recover the amounts advanced. A candidate shall
16 dispose of campaign funds that were not spent or obligated during the
17 election campaign by

18 (1) leaving the funds in a campaign account for a future
19 election campaign;

20 (2) transferring the funds to an account for the office, in
21 the case of a successful candidate only, and using the funds only for
22 communication with constituents and other voters in the state by
23 telephone, newsletter, or personal contact;

24 (3) donating the funds to an organization that qualifies as
25 a charitable organization under 26 U.S.C. 501(c);

26 (4) donating the funds to the general fund of the state or
27 of a municipality of the state organized under AS 29;

28 (5) returning the funds to contributors on a pro rata
29 basis; or

1 (6) making campaign contributions not in violation of
2 AS 15.13.070(a) to another candidate or group or by making independent
3 expenditures.

4 * Sec. 7. AS 15.13.125 is amended to read:

5 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
6 ED REPORTS]. A person who fails to file a properly completed and
7 certified report within the time required by AS 15.13.110(a)(1), (3),
8 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
9 a day for each day the delinquency continues as determined by the
10 commission subject to right of appeal to the superior court. A person
11 who fails to file a properly completed and certified report within the
12 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
13 civil penalty of not more than \$50 a day for each day the delinquency
14 continues as determined by the commission subject to right of appeal
15 to the superior court. A candidate who accepts a contribution in
16 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
17 of not more than five times the amount of the contribution accepted.

18 An affidavit stating facts in mitigation may be submitted to the
19 commission by a person against whom a civil penalty is assessed.
20 However, the imposition of the penalties prescribed in this section or
21 in AS 15.13.120 does not excuse that person from filing reports re-
22 quired by this chapter.

23 * Sec. 8. AS 15.25.040 is amended by adding a new subsection to read:

24 (e) A statewide candidate may not file a declaration before
25 January 2 of the year in which the election will be held. Except for
26 a statewide candidate, a declaration may not be filed before the day
27 after the adjournment sine die of the second regular session of the
28 legislature.

29 * Sec. 9. AS 15.25.150 is amended by adding a new subsection to read:

1 (b) A statewide candidate may not file a petition before
2 January 2 of the year in which the election will be held. Except for
3 a statewide candidate, a petition may not be filed before the day
4 after the adjournment sine die of the second regular session of the
5 legislature.

6 * Sec. 10. AS 24.60.030(f) is amended to read:

7 (f) It is a conflict of interest for a member of the legislature
8 to accept campaign contributions except during an election campaign
9 described in AS 15.13.065 [MONEY FROM AN EVENT HELD WITHIN THE CAPITAL
10 CITY DURING THE SESSION IF A SUBSTANTIAL PURPOSE OF THE EVENT IS TO
11 RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE CAMPAIGN
12 PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

13 * Sec. 11. AS 29.26.020 is amended by adding a new subsection to read:

14 (c) A nominating petition or declaration of candidacy may not be
15 filed more than 90 days before the date of the election.

16 * Sec. 12. The prohibition in AS 15.13.065, as added in sec. 5 of this
17 Act, against the acceptance of campaign contributions by a candidate for
18 elective office outside of an election campaign does not apply to the
19 acceptance by a candidate for

20 (1) state elective office of campaign contributions to retire
21 debt in existence on November 8, 1988, and the candidate may accept cam-
22 paign contributions at any time to retire that debt;

23 (2) municipal office of campaign contributions to retire debt in
24 existence on the day after the first municipal election occurring after
25 July 1, 1988, and the candidate may accept campaign contributions at any
26 time to retire that debt.

27 * Sec. 13. AS 24.60.030(g) is repealed.

28 * Sec. 14. APPLICABILITY. The provisions of secs. 5 - 11 of this Act
29 are applicable to state election campaigns started after November 8, 1988.

1 are applicable to state election campaigns started after November 8, 1988.
2 The provisions of secs. 5 - 11 of this Act are applicable to municipal
3 election campaigns started after the day after the first municipal election
4 occurring after July 1, 1988.

5 * Sec. 15. This Act takes effect July 1, 1988.
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Key

Original sponsors: Brown, Ellis,
Davis, et al.

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IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the duration and financing of
election campaigns."

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

* Section 1. AS 15.13 is amended by adding a new section to read:

Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
candidate may accept a contribution only during an election campaign.

(b) During the election campaign, a candidate for the office of
governor or lieutenant governor may not accept

(1) more than \$1,000 in contributions from a person, a
corporation, a labor union, or a group other than a political party
and its subdivisions;

State more generally
(2) a cumulative total of more than \$40,000 in contribu-
tions from corporations, labor unions, and groups other than political
parties and their subdivisions;

(3) a cumulative total of more than \$40,000 in contribu-
tions from political parties and their subdivisions.

(c) During the election campaign, a candidate for the state
senate may not accept

(1) more than \$1,000 in contributions from a person, a
corporation, a labor union, or a group other than a political party
and its subdivisions;

(2) a cumulative total of more than \$20,000 in contribu-
tions from corporations, labor unions, and groups other than political
parties and their subdivisions;

1
2 (3) a cumulative total of more than \$20,000 in contribu-
3 tions from political parties and their subdivisions.

4 (d) During the election campaign, a candidate for the state
5 house of representatives may not accept

6 (1) more than \$1,000 in contributions from a person, a
7 corporation, a labor union, or a group other than a political party
8 and its subdivisions;

9 (2) a cumulative total of more than \$10,000 in contribu-
10 tions from corporations, labor unions, and groups other than political
11 parties and their subdivisions;

12 (3) a cumulative total of more than \$10,000 in contribu-
13 tions from political parties and their subdivisions.

14 *Municipal*
except *mayor* (e) Except for a candidate for mayor, during an election cam-
15 paign a candidate for municipal office and a candidate for office not
16 described in (b) - (d) of this section may not accept

17 (1) more than \$1,000 in contributions from a person, a
18 corporation, a labor union, or a group other than a political party
19 and its subdivisions;

20 (2) a cumulative total of more than \$10,000 in contribu-
21 tions from corporations, labor unions, and groups other than political
22 parties and their subdivisions;

23 (3) a cumulative total of more than \$10,000 in contribu-
24 tions from political parties and their subdivisions.

25 (f) Except as provided under (g) of this section, during an
26 election campaign a candidate for mayor may not accept

27 (1) more than \$1,000 in contributions from a person, a
28 corporation, a labor union, or a group other than a political party
29 and its subdivisions;

(2) a cumulative total of more than \$10,000 in

1 contributions from corporations, labor unions, and groups other than
2 political parties and their subdivisions;

3 (3) a cumulative total of more than \$10,000 in contribu-
4 tions from political parties and their subdivisions.

5 (g) Notwithstanding (f) of this section, a candidate for mayor
6 in a municipality that contains more than one house election district
7 within its boundaries may accept contributions during an election
8 campaign with a cumulative total under (f)(2) and (3) of this section
9 multiplied by the number of house election districts that are located
10 within the municipality.

11 (h) A candidate is subject to the limitations established in
12 this section only for the office for which the candidate most recently
13 filed a declaration of candidacy or nominating petition. A candidate
14 who withdraws as a candidate for an office and refiles for an office
15 with a lower limitation on the acceptance of campaign contributions
16 shall return the amount of each contribution that exceeds the limita-
17 tions established for the current candidacy. [Notwithstanding the
18 provisions of this subsection, a candidate is not required to return a
19 contribution spent in a good faith effort to seek election to the
20 office with the higher limitation.]

21 *OT?*
Enforcement
22 (i) In this section, "election campaign" means:

23 *14 months*
24 (1) for a candidate for a nonstatewide state office, the
25 period between September 1 of the year before the year in which the
26 election will be held through the day before the date of the general
27 election;

28 *24 months*
29 (2) for a candidate for a statewide office, the period
between September 1 of the year that is two years before the year in
which the election will be held through the day before the date of the
general election;

(3) for a candidate for municipal office, {either of the following periods, considered separately:}

(A) the period one year before the date of the municipal election through the day before the date of the ~~general~~ election; *See Jud CS*

(B) the period from the day after the date of the municipal election through the day before the date of the run-off election, if one is held.

Review 1/27/06

* Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

(i) An individual who accepts campaign contributions as a candidate for public office may not convert surplus campaign funds to personal income at any time. A candidate shall dispose of campaign funds that were not spent during the election campaign by

Same CS 1/27/06

(1) transferring the funds to an account for a future state election campaign;

(2) transferring the funds to *repay himself, if he made contributions to his own campaign* *before the election* ce, in ly for ate by

(3) donating the funds a charitable organization under 26 ies as

(4) donating the funds of a municipality of the state org; ate or

(5) returning the funds to contributors on a pro rata basis; or

(6) making campaign contributions to another candidate, *group or ballot proposition not to exceed 1,000.*

* Sec. 3. AS 15.13.125 is amended to read:

Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED REPORTS]. A person who fails to file a properly completed and

1 certified report within the time required by AS 15.13.110(a)(1), (3),
2 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
3 a day for each day the delinquency continues as determined by the
4 commission subject to right of appeal to the superior court. A person
5 who fails to file a properly completed and certified report within the
6 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
7 civil penalty of not more than \$50 a day for each day the delinquency
8 continues as determined by the commission subject to right of appeal
9 to the superior court. A candidate who accepts a contribution in
10 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
11 of not more than five times the amount of the contribution accepted.
12 An affidavit stating facts in mitigation may be submitted to the
13 commission by a person against whom a civil penalty is assessed.
14 However, the imposition of the penalties prescribed in this section or
15 in AS 15.13.120 does not excuse that person from filing reports re-
16 quired by this chapter.

17
18 * Sec. 4. AS 15.25.040 is amended by adding a new subsection to read:

19 (e) A statewide candidate may not file a declaration before
20 September 1 of the year that is two years before the year in which the
21 election will be held. Except for a statewide candidate, a declara-
22 tion may not be filed before September 1 of the year before the year
23 in which the election will be held.

24 * Sec. 5. AS 15.25.150 is amended by adding a new subsection to read:

25 (b) A statewide candidate may not file a petition before
26 September 1 of the year that is two years before the year in which the
27 election will be held. Except for a statewide candidate, a petition
28 may not be filed before September 1 of the year before the year in
29 which the election will be held.

* Sec. 6. AS 24.60.030(f) is amended to read:

1 (f) It is a conflict of interest for a member of the legislature
2 to accept campaign contributions [MONEY FROM AN EVENT HELD WITHIN THE
3 CAPITAL CITY] during the session [IF A SUBSTANTIAL PURPOSE OF THE
4 EVENT IS TO RAISE MONEY ON BEHALF OF THE MEMBER FOR STATE LEGISLATIVE
5 CAMPAIGN PURPOSES OR FOR OTHER STATE LEGISLATIVE POLITICAL PURPOSES].

6 * Sec. 7. AS 29.26.020 is amended by adding a new subsection to read:

7 (c) A nominating petition or declaration of candidacy may not be
8 filed more than one year before the date of the election.

9 * Sec. 8. The prohibition in AS 15.13.065, as added by sec. 1 of this
10 Act, against a candidate accepting a contribution after the date of the
11 general election through the dates specified in AS 15.13.065 does not apply
12 to contributions accepted by a candidate or elected public official after
13 the effective date of this Act that are used to retire campaign debt in
14 existence on January 1, 1988.

15 * Sec. 9. AS 15.13.070(a) and AS 24.60.030(g) are repealed.

16 *Exception for campaign contributors*

17 *see 2 AAC 50.401 - Post Election Fundraising*

18 *Dec 3*

19
20
21 *Now - how much debt do they have? Can they hold a fundraiser*
22 *to recoup it? File letter saying they want to recoup*

23 *X debt, who's found (which report) allow*
24 *them a year or two to recoup. Average 5-10,000.*

25
26 *could distinguish statutory cases - or longer*
27 *depend on how much debt*
28
29

FISCAL NOTE

REQUEST:

Revision Date: 2/24/88
Title: "An act relating to the duration & financing of election campaigns"
Sponsor: Brown, et. al.
Requestor: House Judiciary

Agency Affected: AK Public Offices Commissio
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 98.7 | 80.5 | 80.5 | 80.5 | 80.5 |
| TRAVEL | | | .4 | .4 | .4 | .4 |
| CONTRACTUAL | | 9.2 | .8 | .8 | .8 | .8 |
| SUPPLIES | | 1.2 | .8 | .8 | .8 | .8 |
| EQUIPMENT | | 4.6 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |

| | | | | | | |
|---------|--|---|---|---|---|---|
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
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| | | | | | | |
|---------|--|---|---|---|---|---|
| REVENUE | | 0 | 0 | 0 | 0 | 0 |
|---------|--|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|------|------|------|------|
| GENERAL FUND | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 2 | 2 | 2 | 2 | 2 |
| PART-TIME | | | | | | |
| TEMPORARY | | 1 | 0 | 0 | 0 | 0 |

ANALYSIS : (Attach a separate page if necessary)

Please see attached pages.

Prepared by: Karla L. Forsythe, Executive Director Phone: (907) 276-4176
Division: Alaska Public Offices Commission Date: 2/24/88

Approved by Commissioner: Daniel Patrick O'Tierney * Date: 2/24/88
Agency: Alaska Public Offices Commission

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

*Although the Commission chair is not available to sign this fiscal note, his signature appears on an identical fiscal note on SS HB 137, dated 1/12/88.

CS SS HB 137 (Judiciary)
Fiscal Detail

1. Personal Services

Permanent Full-time:

Range 12A, Administrative Assistant I, to
monitor and render specific disclosure advice
to those who file reports 35.5

Range 16A, Paralegal II, to assist in investigations
of violations; to present affidavits appealing fines
for failure to comply; to pursue collection of fines 45.0

First year, Temporary, 6 months:

Range 16A, Research Analyst II, to prepare initial
forms, manuals, revise regulations, develop public
information 18.2

2. Travel

1 trip, annually, for paralegal to pursue investigations
or fine collections in either Fairbanks or Juneau .4

3. Contractual Services

Ongoing costs:
telephone, postage, xeroxing @ .4/position .8

First year costs:
initial, additional costs to redesign manuals 3.0
modification of computer program to prepare
required summaries 5.0
telephone, postage, xeroxing support for Res. Anal. .4

4. Supplies

.4/position annually .8
.4/temporary, first year only .4

5. Equipment

One time costs:

2 double floppy computers, with monochrome monitors, 3.2
dot matrix printers
2 desks and office chairs 1.6

CS SS HB 137 (Judiciary)
Fiscal Note Analysis

Enactment of this measure would require substantial revision and expansion of the Alaska Public Office Commission's recordkeeping and tracking systems, as well as greater demand for compliance assistance from staff.

Under current law, candidates in all races are subject to the same contribution limits, with unlimited contributions allowed from political parties. Forms, manuals, monitoring systems, and staff assignments to help candidates with compliance questions are based on a division of campaign disclosure work into two functional areas: candidates and groups.

Although the \$1000 contribution limit for individuals, nonparty groups, corporations and unions would be retained under this bill, the measure would establish new provisions for cumulative limits on contributions, with amounts depending on the race and the source of the contribution. This means that new forms, manuals, recordkeeping procedures, policy guidelines and regulations would have to be developed, broken down by the type of candidate, type of group and type of contributor. Staff would still be required to administer provisions of the law relating to \$1000 contribution limits.

Staff administers the present law by processing campaign disclosure paperwork and by answering questions to assist candidates and groups in complying with the law. Under this bill, requests for advice will also come from contributors, inquiring about the status of candidates' cumulative contribution limits. Additional functional categories based on the type of race and contribution level would require even further specialization among staff, and the addition of another staff member to assist with this work.

Existing manuals and forms would need comprehensive revisions. Assuming this measure became effective in midsummer of 1988, implementation activity would be added to the ongoing workload of the office at the beginning of its busiest time of year. Existing staff could not absorb the work needed to implement the law while continuing to perform ongoing functions. To ensure timely implementation, the office would contract for six months with a position funded at the Range 16 level to redraft forms and manuals, to develop new internal processing procedures, and to review existing regulations for proposed revisions and additions to comport with the new law. Additionally, the new categories which the office would monitor would result in an overall increase in the volume of manuals and forms which the office must print and distribute. The campaign disclosure law also requires summaries of candidate activity. Existing computer programs would be revised to permit data entry and compilation in accordance with these categories, for a contractual services cost of \$5000.

It is anticipated that many more complaints alleging violations of the law would be filed with the commission. An additional staff member with paralegal skills will be needed to carry out the additional investigations, and also to help answer complicated compliance questions (such as those dealing with good faith expenditures by candidates refiling in a race with a lower contribution ceiling).

FISCAL NOTE

REQUEST:

Revision Date: 1/19/88
 Title: "An Act relating to the duration & financing of election campaigns"
 Sponsor: Rep. Brown et al
 Requestor: House State Affairs

Agency Affected: AK Public Offices Commission
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|----------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 20.7 | 20.7 | 20.7 | 20.7 | 20.7 |
| TRAVEL | | 0 | 0 | 0 | 0 | 0 |
| CONTRACTUAL SUPPLIES | | 12.0 | 12.0 | 12.0 | 12.0 | 12.0 |
| EQUIPMENT | | 0 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | 0 | 0 | 0 | 0 | 0 |
| GRANTS, CLAIMS | | 0 | 0 | 0 | 0 | 0 |
| MISCELLANEOUS | | 0 | 0 | 0 | 0 | 0 |
| TOTAL OPERATING | 0 | 32.7 | 32.7 | 32.7 | 32.7 | 32.7 |
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|---|------|------|------|------|------|
| GENERAL FUND | | 32.7 | 32.7 | 32.7 | 32.7 | 32.7 |
| FEDERAL FUNDS | | 0 | 0 | 0 | 0 | 0 |
| OTHER | | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 32.7 | 32.7 | 32.7 | 32.7 | 32.7 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 1 | 1 | 1 | 1 | 1 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

ANALYSIS : (Attach a separate page if necessary)

see attached page

Prepared by: Karla Forsythe, Executive Director Phone: 276 4176
 Division: AK Public Offices Commission Date: 1/29/88
 Approved by Commissioner: Daniel Patrick O'Malley Date: 1/29/88
 Agency: AK Public Offices Commission

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CS SS HB 137

Fiscal Detail:

1. Personal Services

Permanent, part-time, Paralegal Assistant I, Range 13A,
to assist filers during election season and pursue
investigations of contribution violations during the
remainder of the year.

20.7

2. Contractual Services

4 hearings/year on contribution violations; hearing officer
and transcription costs

12.0

CSSH 137

Fiscal Analysis

This bill replaces the limitations on sources of contributions outlined in SSB 137 with a limitation on the period during which campaign contributions can be accepted. A candidate who accepts contributions outside the prescribed period could be subject to a penalty of up to five times the amount of the contribution.

The previous APOC fiscal note for the sponsor substitute assumed that the primary impact on the agency would be reflected in the need for both new and substantially revised forms, manuals, regulations and procedures. Staff would spend considerable time monitoring campaigns, processing reports, and advising candidates. This implementation activity would focus on disclosure of contributions. Complaints alleging violations would be prioritized and pursued in accordance with resources currently available to the commission.

The committee substitute will primarily impact enforcement. In addition to complaints about violations of current provisions of the campaign disclosure law, complaints also will be filed against candidates who allegedly accept contributions outside the prescribed time, and those who allegedly use surplus funds for purposes other than those specifically allowed by law. As in the sponsor substitute, fines for these violations will be sizeable -- up to five times the amount of the contribution.

It is anticipated that three relatively simple and one complex complaint alleging violations will be filed with APOC for investigation. The position within the agency to whom investigatory duties currently are assigned will not be able to undertake these investigations given ongoing caseload, so a new half-time position with paralegal skills will be required. With a shortened time for candidates to raise funds and file reports, the agency will receive a higher volume of requests for staff assistance within a compressed time period. The new position would also be needed during the election cycle to provide advice to candidates. When the cycle is completed, the position would still be required to complete summaries of activity, update data entry, and audit filed reports, which are given a lower priority during times of high demand for compliance assistance.

Fine assessments will be sufficiently large to generate appeals. To comport with due process requirements in light of the substantial penalty, these matters will be assigned to hearing officers for formal administrative hearings, with final decisions rendered by the commission based on a review of the hearing officers' recommendations. The costs of these additional hearings are based upon the costs of retaining attorneys to serve as hearing officers and transcription expenses.

FISCAL NOTE

REQUEST:

Revision Date: 1/12/88

Title: "An Act relating to the duration & financing of election campaigns"

Sponsor: Rep. Brown, et. al.

Requestor: House State Affairs committee

Agency Affected: Alaska Public Offices Commission
BRU: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | 98.7 | 80.5 | 80.5 | 80.5 | 80.5 |
| TRAVEL | | | .4 | .4 | .4 | .4 |
| CONTRACTUAL | | 9.2 | .8 | .8 | .8 | .8 |
| SUPPLIES | | 1.2 | .8 | .8 | .8 | .8 |
| EQUIPMENT | | 4.6 | 0 | 0 | 0 | 0 |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |

| | | | | | | |
|---------|--|---|---|---|---|---|
| CAPITAL | | 0 | 0 | 0 | 0 | 0 |
|---------|--|---|---|---|---|---|

| | | | | | | |
|---------|--|---|---|---|---|---|
| REVENUE | | 0 | 0 | 0 | 0 | 0 |
|---------|--|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|------|------|------|------|
| GENERAL FUND | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 113.7 | 82.5 | 82.5 | 82.5 | 82.5 |

POSITIONS:

| | | | | | | |
|-----------|--|---|---|---|---|---|
| FULL-TIME | | 2 | 2 | 2 | 2 | 2 |
| PART-TIME | | | | | | |
| TEMPORARY | | 1 | 0 | 0 | 0 | 0 |

ANALYSIS : (Attach a separate page if necessary)

Please see attached page.

Prepared by: Karla L. Forsythe, Executive Director
Division: Alaska Public Offices Commission

Phone: 276-4176
Date: 1/12/88

Approved by Commissioner: Daniel Patrick O'Tierney
Agency: Alaska Public Offices Commission

Date: 1/12/88

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

SS HB 137
Fiscal Detail

Fiscal Note:

1. Personal Services

Permanent, Fulltime:

Range 12A, Administrative Assistant I, to
monitor and render specific disclosure advice
to those who file reports 35.5

Range 16A, Paralegal II, to assist in investigations
of violations; to present affidavits appealing fines
for failure to comply; to pursue collection of fines 45.0

First Year, Temporary, 6 months:

Range 16A, Research Analyst II, to prepare initial
forms, manuals, revise regulations, develop public
information 18.2

2. Travel

1 trip, annually, for paralegal to pursue investigations
or fine collections in either Fairbanks or Juneau .4

3. Contractual Services

Ongoing costs:
telephone, postage, xeroxing @ .4/position .8

First year costs:
initial, additional costs to redesign manuals 3.0
modification of computer program to prepare
required summaries 5.0
telephone, postage, xeroxing support for Res. Anal. .4

4. Supplies

.4/position annually .8
.4/temporary, first year only .4

5. Equipment

One time costs:
2 double floppy computers, with monochrome monitors,
dot matrix printers 3.2
2 desks and office chairs 1.6

Fiscal Note Analysis

Enactment of this measure would require substantial revision and expansion of the Alaska Public Office Commission's recordkeeping and tracking systems, as well as greater demand for compliance assistance from staff.

Under current law, candidates in all races are subject to the same contribution limits, with unlimited contributions allowed from political parties. Forms, manuals, monitoring systems, and staff assignments to help candidates with compliance questions are based on a division of campaign disclosure work into two functional areas: candidates and groups.

Although the \$1000 contribution limit for individuals, non-party groups, corporations and unions would be retained under SS HB 137, the measure would establish new provisions for cumulative limits on contributions, with amounts depending on the race and the source of the contribution. This means that new forms, manuals, recordkeeping procedures, policy guidelines and regulations would have to be developed, broken down by type of candidate, type of group and type of contributor. Staff would still be required to administer provisions of the law relating to \$1000 contribution limits.

Staff administers the present law by processing campaign disclosure paperwork and by answering questions to assist candidates and groups in complying with the law. Under SS HB 137, requests for advice will also come from contributors, inquiring about the status of candidates' cumulative contribution limits. Additional functional categories based on type of race and contribution level would require even further specialization among staff, and the addition of another staff member to assist with this work.

Existing manuals and forms would need comprehensive revisions. Assuming this measure became effective in mid-summer of 1988, implementation activity would be added to the ongoing workload of the office at the beginning of its busiest time of year. Existing staff could not absorb the work needed to implement the law while continuing to perform ongoing functions. To ensure timely implementation, the office would contract for six months with a position funded at the Range 16 level to redraft forms and manuals, to develop new internal processing procedures, and to review existing regulations for proposed revisions and additions to comport with the new law. Additionally, the new categories which the office would monitor would result in an overall increase in the volume of manuals and forms which the office must print and distribute. The campaign disclosure law also requires summaries of candidate activity. Existing computer programs would be revised to permit data entry and compilation in accordance with these categories, for a contractual services cost of \$5000.

It is anticipated that many more complaints alleging violations of the law would be filed with the commission. An additional staff member with paralegal skills will be needed to carry out the additional investigations, and also to help answer complicated compliance questions (such as those dealing with good faith expenditures by candidates refiling in a race with a lower contribution ceiling).

Since penalties for violations will probably increase, there will be more of an incentive for candidates to appeal fine assessments recommended by staff. However, the cost of these appeals is not included in the fiscal note, since there is no basis for estimating the number of additional appeals.

Kay Brown

**Alaska State Legislature
House of Representatives**

Please file

MAR 22 1988

MEMORANDUM

TO: All Members of the House

FROM: Representative Kay Brown

DATE: March 22, 1988

RE: Campaign Finance Reform

Attached for your review is background material and a copy of CS SS HB 137 (Finance), relating to the Public Offices Commission and the duration and financing of election campaigns. The bill was introduced early last session and has had extensive hearings in three standing committees.

The intent of this measure is to lower the cost of election campaigns so that common citizens, women, and minorities have a fair opportunity to compete for elective office. The bill also seeks to increase the influence of individual citizens relative to special interest groups, and to help restore public confidence in the political process.

The bill would achieve these reforms by establishing a limited period during which contributions may be accepted, and by limiting the amount of contributions a candidate may receive from corporations, labor unions, political action committees, and political parties. An unlimited amount of contributions could be received from individuals, but each individual (as well as corporations, labor unions, and Political Action Committees) would be limited to a contribution of \$1,000 per candidate per campaign, rather than \$1,000 per year as provided in current law.

The bill also would limit post-election fundraising, and would prohibit acceptance of contributions during a legislative session.

P. O. Box 20-2661
Anchorage, AK 99520-2661
(907) 272-0207

During Session:
P. O. Box V
Juneau, AK 99811
(907) 465-4998

The reforms proposed in the bill would help free candidates and elected officials to vote and speak their consciences. The bill would allow elected officials to devote more of their energy and attention to public service without the distraction of needing to perpetually raise campaign funds. The bill would help shift the emphasis of our system toward issues and ideas and away from image-making, campaign consulting, poll-taking, and media advertising as the basis for gaining elective office.

We are all aware that politicians generally are not held in high esteem by the public. Without question, the perception of special-interest influence through campaign donations contributes to this public cynicism. This bill is an opportunity to help restore public confidence in our political system.

I would appreciate your careful review and favorable consideration of CS SS HB 137 (Finance), and would welcome the opportunity to answer questions or discuss any concerns you may have. Thank you for your consideration.

Attachments

Rep. Kay Brown
March 18, 1988

Campaign Finance Reform: CS SS HB 137 (Finance)

The Committee Substitute is **comprehensive in scope**, and it covers:

- Governor/Lieutenant Governor (statewide),
- House/Senate, and
- Municipal campaigns.

The bill would:

- **shorten the duration of campaigns** for statewide, legislative, and local races:
 - **Governor/Lt. Governor:** Could begin September 1 two years before the election;
 - **House/Senate:** Could begin September 1 of the year before the election;
 - **Municipal:** Could begin 90 days before the election.
- **set cumulative limits** for contributions from:
 - labor unions, corporations, PACs, and political parties.
- **limit contributions by individuals, labor unions, corporations, and PACs to \$1,000 per campaign (instead of per year).**
- **prohibit members of the legislature from accepting contributions during the session.**
- **prohibit use of contributions as personal income.**
- **limit post-election fundraising** to the year of the election for statewide and legislative candidates, and to the 60 days following the election for local office candidates.
- **establish civil penalties** for accepting an illegal contribution.
- **establish quarterly contribution and expenditure reporting requirements** for political parties.
- **not apply to existing campaign debt.**

Rep. Kay Brown
 March 22, 1988

**CONTRIBUTION LIMITS PER CANDIDATE PER CAMPAIGN
 CS SS HB 137 (Finance)**

| | <u>HOUSE</u> | <u>SENATE</u> | <u>GOVERNOR AND LT. GOVERNOR</u> | <u>MAYORAL AND MUNICIPAL</u> | <u>MAYORAL with more than one House District</u> |
|--|--------------|---------------|--|--------------------------------------|--|
| CONTRIBUTOR: | | | | | |
| <u>INDIVIDUAL:</u> | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| <u>CORPORATION, UNION OR GROUP:</u> | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 | \$ 1,000 |
| <u>PARTY:</u> | \$20,000 | \$40,000 | \$80,000 | \$20,000 | \$20,000 x number of House Districts, not to exceed \$80,000 |
| <u>CUMULATIVE TOTAL A CANDIDATE COULD ACCEPT FROM CORPORATIONS, UNIONS, GROUPS AND PARTIES:</u> | \$20,000 | \$40,000 | \$80,000 | \$20,000 | \$20,000 x number of House Districts, not to exceed \$80,000 |
| <u>TOTAL A CANDIDATE COULD ACCEPT FROM INDIVIDUALS:</u> | UNLIMITED | UNLIMITED | UNLIMITED | UNLIMITED | UNLIMITED |

Rep. Kay Brown
February 23, 1988

PROPOSED CS SS HB 137 (Judiciary)

The proposed Committee Substitute is comprehensive in scope.

The bill covers:

- * Governor/Lieutenant Governor (statewide),
- * House/Senate, and
- * Municipal campaigns.

The bill would:

- shorten the duration of campaigns for statewide, legislative, and local races:
 - * Governor/Lt. Governor: Could begin September 1 two years before the election;
 - * House/Senate: Could begin September 1 of the year before the election;
 - * Municipal: Could begin 90 days before the election.
- set cumulative limits for contributions from:
 - * labor unions, corporations and PACs, and
 - * political parties.
- base mayoral contribution limits on number of house districts in a municipality, but not exceeding the limits for statewide races;
- prohibit members of the legislature from accepting contributions during the session;
- prohibit post-election fundraising;
- prohibit use of contributions as personal income;
- establish civil penalties for accepting an illegal contribution;
- not apply to existing campaign debt.

Prepared by:
Rep. Kay Brown
Feb. 23, 1988

SECTIONAL ANALYSIS OF PROPOSED CS SS HB 137 (JUDICIARY)
Work Draft Dated February 22, 1988

"An Act relating to the Public Offices Commission and to the duration and financing of election campaigns; and providing for an effective date."

Section 1 amends AS 15.13.020(a) to provide that the governor shall appoint all members of the Alaska Public Offices Commission in the manner prescribed in (b) and (c) of this section, subject to confirmation by a majority of the legislature meeting in joint session.

Section 2 repeals and reenacts AS 15.13.020(b) to provide that the governor shall appoint four of the five members of the commission within thirty days after receiving nominations from the major political parties.

Section 3 repeals and reenacts AS 15.13.020(c) to provide that the four commission members selected under (b) of this section shall nominate to the governor by majority vote the fifth member of the commission when a vacancy occurs in that position. The governor shall either appoint the nominee of the commission or request a new nominee from the commission.

Section 4 amends AS 15.13 to provide that a candidate can only accept contributions during an election campaign, and limits contributions as follows:

(b) a candidate for governor or lieutenant governor may not accept more than

\$1,000 per campaign from a person, a corporation, a labor union, or group other than a political party;

\$40,000 cumulative total per campaign from corporations, unions, and groups other than political parties; and

\$40,000 cumulative total per campaign from political parties and their subdivisions.

(c) a candidate for the Senate may not accept more than

\$1,000 per campaign from a person, corporation, labor union or group other than a political party or its subdivision;

\$20,000 cumulative total per campaign from corporations, labor unions, or groups other than political parties;

\$20,000 cumulative total per campaign from political parties and their subdivisions.

(d) a candidate for the House may not accept more than:

\$1,000 per campaign from a person, labor union, corporation, or group other than a political party;

\$10,000 cumulative total per campaign from corporations, labor unions, or groups other than political parties;

\$10,000 cumulative total per campaign from political parties and their subdivisions.

(e) a candidate for a municipal office other than mayor may not accept more than:

\$1,000 per campaign from a person, labor union, corporation, or group other than a political party;

\$10,000 cumulative total per campaign from corporations, labor unions, or groups other than political parties;

\$ 10,000 cumulative total per campaign from political parties and their subdivisions.

(f) a candidate for mayor, except as provided under (g) in this section, may not accept more than:

\$1,000 per campaign from a person, labor union, corporation, or group other than a political party;

\$10,000 cumulative total per campaign from corporations, labor unions, or groups other than political parties;

\$10,000 cumulative total per campaign from political parties and their subdivisions.

- (g) notwithstanding (f) above, a candidate for mayor in a municipality with more than one house district may accept contributions with a \$10,000 cumulative total under (f)(2) and a \$10,000 cumulative total under (f)(3) multiplied by the number of house election districts, except that the candidate may not accept

a cumulative total of more than \$40,000 from corporations, labor unions, and groups other than political parties;

a cumulative total of more than \$40,000 from political parties and their subdivisions.

- (h) states that a candidate who withdraws candidacy from one office and refiles for a different office is subject to the limitations only for the office for which the candidate most recently filed. A candidate who withdraws and refiles for an office with a lower limitation on campaign contributions shall return the amount of each contribution that exceeds the limitations of the current candidacy.

- (i) defines election campaign as:

(1) September 1 of the year before the election for state House and Senate non-incumbent challengers;

(2) September 1 of the year before the election, but excluding the legislative session, for incumbent state Senators and Representatives;

(3) September 1 of the year two years before the election for Governor and Lieutenant Governor;

(4)(a) Ninety days before the municipal election for municipal candidates;

- (b) for municipal candidates involved in a run-off election, the period from the day after the election through the day before the date of the run-off.

Section 5 adds a new subsection (i) covering the use and disposal of surplus campaign funds. Converting campaign funds to personal income is prohibited. A candidate who has advanced funds to the campaign may recover the amounts advanced. A candidate shall dispose of campaign funds that were not spent or obligated during the campaign by:

- (1) leaving the money in a campaign account for a future campaign;
- (2) transferring the funds to an account for the office, in the case of a successful candidate only, and using the funds only for communication with constituents and other voters in the state by telephone, newsletter, or personal contact;
- (3) donating the funds to a charitable organization;
- (4) donating the funds to the general fund of the state or of a municipality of the state;
- (5) returning the funds to contributors on a pro rata basis; or
- (6) making campaign contributions not in violation of AS 15.13.065 to another candidate or group or by making independent expenditures.

Section 6 establishes a civil penalty for accepting an illegal contribution. The commission could levy a fine of up to five times the amount of the illegal contribution accepted.

Section 7 conforms the periods for filing of a declaration of candidacy for statewide and House and Senate elections to the changes in Section 4 of the bill.

Section 8 conforms the periods for filing of a nominating petition for

statewide and House and Senate elections to the changes in Section 4 of the bill.

Section 9 amends AS 24.60.030(f) to make it a conflict of interest for a legislator to accept a campaign contribution during the session.

Section 10 conforms the period for filing a nominating petition or a declaration of candidacy for municipal office to the changes in Section 4 of the bill.

Section 11 provides that the prohibition on accepting contributions outside the defined campaign period does not apply to accepting contributions to retire existing campaign debt.

Section 12 makes the bill's changes effective after the next general election for statewide, House and Senate campaigns, and after the first municipal election after July 1, 1988.

Section 13 repeals AS 15.13.020(h), which states that a vacancy on the commission shall be filled within 30 days of the vacancy; AS 15. 3.070(a), which limits campaign contributions to \$1000 per year; and AS 24.60.030(g), Conflicts of Interest, which exempts Juneau legislators from the prohibition on accepting money from campaign fundraisers during a legislative session.

Section 14 specifies an effective date of July 1, 1988.

Rep. Kay Brown
February 23, 1988

CONTRIBUTION LIMITS PER CAMPAIGN

PROPOSED CS SS HB 137 (Judiciary)
Work Draft Dated February 22

| | <u>HOUSE</u> | <u>SENATE</u> | <u>GOVERNOR AND LT. GOVERNOR</u> | <u>MAYORAL AND MUNICIPAL</u> | <u>MAYORAL with more than one House District</u> |
|--------------------|--------------|---------------|--|--------------------------------------|--|
| BY: | | | | | |
| <u>INDIVIDUAL</u> | \$1,000 | \$1,000 | \$1,000 | \$1,000 | \$1,000 |
| <u>GROUPS</u> | \$1,000 | \$1,000 | \$1,000 | \$1,000 | |
| cumulative: | \$10,000 | \$20,000 | \$40,000 | \$10,000 | \$10,000 x number of House Districts, not to exceed \$40,000 |
| <u>PARTIES</u> | | | | | |
| cumulative: | \$10,000 | \$20,000 | \$40,000 | \$10,000 | \$10,000 x number of House Districts, not to exceed \$40,000 |

Rep. Kay Brown
 Feb. 23, 1988
 Proposed CS SS HB 137(Judiciary)
 Work Draft Feb. 22, 1988
 Section 4(g)

**IMPACT OF CAP ON MAYORAL RACE CONTRIBUTIONS
 IN MUNICIPALITIES WITH ONE OR MORE HOUSE DISTRICTS**

| <u>MUNICIPALITY</u> | <u>NUMBER OF HOUSE DISTRICTS</u> | <u>POTENTIAL FROM CORPS. UNIONS. PACS</u> | <u>POTENTIAL FROM POLITICAL PARTIES</u> | <u>POTENTIAL FROM INDIVIDUALS</u> | <u>TOTAL POTENTIAL</u> |
|------------------------|--------------------------------------|---|---|---------------------------------------|----------------------------|
| Anchorage | 9 (17 seats) | \$ 40,000 | \$ 40,000 | Unlimited | \$ 80,000 + |
| Fairbanks | 4 (5 seats) | \$ 40,000 | \$ 40,000 | Unlimited | \$ 80,000 + |
| Juneau | 1 (2 seats) | \$ 10,000 | \$ 10,000 | Unlimited | \$ 20,000 + |
| Kenai Borough | 1 (2 seats) | \$ 10,000 | \$ 10,000 | Unlimited | \$ 20,000 + |
| North Slope Borough | 1 (1 seat) | \$ 10,000 | \$ 10,000 | Unlimited | \$ 20,000 + |
| Ketchikan | 1 (2 seats) | \$ 10,000 | \$ 10,000 | Unlimited | \$ 20,000 + |
| Mat-Su Borough | 1 (2 seats) | \$ 10,000 | \$ 10,000 | Unlimited | \$ 20,000 + |

Notes on campaign finance reform, Feb. 1, 1988
by Rep. Kay Brown

Why reform campaign finance laws?

- Skyrocketing costs for media advertising and other modern campaign techniques have raised the costs of running for public office to unacceptably high levels, and have caused candidates for public office to seek and accept campaign funds from special interests.
- Candidates' reliance on special interest funds contributes to public cynicism about our political process.
- The current system of financing campaigns has a deleterious effect on women and minorities seeking public office because these groups have been excluded from the "old boys" networks that have traditionally raised campaign funds.
- The vast majority of PAC money goes to incumbents, thereby further discriminating against women and minorities.
- Reform is needed to restore public confidence and to reduce the influence of money and special interests on the political process, thereby improving the quality of decision making.

Possible partial solutions:

- Limit the length of campaigns.
- Limit (or prohibit) contributions by corporations, PACs, unions, and parties.

Benefits of a shorter campaign:

- Elimination of post-election fundraising would remove opportunities for conflicts of interest and discourage accumulation of personal debt.
- Elimination of fundraising during session would remove the conflicts and apparent conflicts of interest.
- Less money would be raised and spent during a shorter campaign.
- The amount that could be contributed by an individual, corporation, union, or PAC would be reduced by at least half by allowing contributions only during the year of the campaign, rather than in multiple years.

- More emphasis would be placed on issues and ideas and less on a candidate's ability to raise money.
- The public would get a breather from constant campaigning and solicitations for contributions.
- Public officials would have more time and energy to spend on public business without the distraction of constant fundraising.
- Regarding concerns that shorter campaigns would give an even greater advantage to incumbents, nothing in the proposed bill precludes challengers from planning the campaign, attending community council meetings, participating in community organizations and events, organizing volunteers, even going door-to-door. Money could be spent for polling and travel at any time, and personal funds loaned for this purpose could be recouped from campaign funds.

Rep. Kay Brown
Jan. 15, 1988

CHANGES IN PROPOSED CS SS HB 137 (STATE AFFAIRS)
Work Draft 1-15-88

Several sections have been modified in the new proposed CS, including:

- Sections 1 (b); 4, 5.** • Campaigns could begin the day after adjournment of the legislative session, in the election year, for House and Senate races; Jan. 2 of the election year for statewide races; and 90 days before the election for municipal races.
- Sec. 2 (i)** • A candidate may recover loans he made to his own campaign.
- Sec. 10** • Applicability: state election campaigns started after November 8, 1988 and municipal elections started after the day after the first municipal election occurring after July 1, 1988.
- Sec. 11** • Effective Date of July 1, 1988.

Rep. Kay Brown
Jan. 15, 1988

PROPOSED CS SS HB 137 (State Affairs)
(Work Draft 1-15-88)

The new proposed Committee Substitute would:

- shorten the length of campaigns for statewide (Governor/Lieutenant Governor), Senate, House, and Municipal elections
- prohibit post-election fundraising
- prohibit use of contributions as personal income
- establish civil penalties for accepting an illegal contribution
- not apply to existing campaign debt; and
- add effective dates for statewide, House and Senate, and municipal candidates.

The new proposed Committee Substitute **deletes** sections that would:

- set cumulative limits for contributions from
 - political parties
 - labor unions, corporations and PAC's

Prepared by:
Rep. Kay Brown
Feb. 1, 1988

SECTIONAL ANALYSIS OF PROPOSED CS SS HB 137 (JUDICIARY)

"An Act relating to the Public Offices Commission and to the duration and financing of election campaigns; and providing for an effective date."

Section 1 amends AS 15.13.020(a) to provide that the governor shall appoint all members of the Alaska Public Offices Commission in the manner prescribed in (b) and (c) of this section, subject to confirmation by a majority of the legislature meeting in joint session.

Section 2 repeals and reenacts AS 15.13.020(b) to provide that the governor shall appoint members of the commission within 30 days after receiving nominations from the political parties, and to make minor clarifying amendments.

Section 3 repeals and reenacts AS 15.13.020(c) to provide that the four commission members selected under (b) of this section, shall nominate to the governor by majority vote the fifth member of the commission when a vacancy occurs in that position. The governor shall either appoint the nominee of the commission or request a new nominee from the commission.

Section 4 amends AS 15.13.020(d) to make clarifying changes.

Section 5 provides that a candidate may accept political contributions only during an election campaign. An election campaign is defined as:

- for state House and Senate races, the period between the day after adjournment of the second regular session of the legislature through the day before the general election;

- for statewide races, the period between January 2 of the election year through the day before the general election; and
- for municipal races, the period 90 days before the election, and the period between the election and a run-off election, if held.

Section 6 adds a new subsection (i) covering the use and disposal of surplus campaign funds. Converting campaign funds to personal income is prohibited. A candidate who has advanced funds to the campaign may recover the amounts advanced. A candidate shall dispose of campaign funds that were not spent or obligated during the campaign by:

- (1) leaving the money in a campaign account for a future campaign;
- (2) transferring the funds to an account for the office, in the case of a successful candidate only, and using the funds only for communication with constituents and other voters in the state by telephone, newsletter, or personal contact;
- (3) donating the funds to a charitable organization;
- (4) donating the funds to the general fund of the state or of a municipality of the state;
- (5) returning the funds to contributors on a pro rata basis; or
- (6) making campaign contributions not in violation of AS 15.13.070(a) to another candidate or group or by making independent expenditures.

Section 7 establishes a civil penalty for accepting an illegal contribution. The commission could levy a fine of up to five times the amount of the illegal contribution accepted.

Section 8 conforms the periods for filing of a declaration of candidacy for statewide and House and Senate elections to the changes in Section 5 of the bill.

Section 9 conforms the periods for filing of a nominating petition for

statewide and House and Senate elections to the changes in Section 5 of the bill.

Section 10 amends AS 24.60.030(f) to make it a conflict of interest for a legislator to accept a campaign contribution except during the election campaign.

Section 11 conforms the period for filing a nominating petition or a declaration of candidacy for municipal office to the changes in Section 5 of the bill.

Section 12 provides that the prohibition on accepting contributions outside the defined campaign period does not apply to accepting contributions to retire existing campaign debt.

Section 13 repeals AS 24.60.030(g), Conflicts of Interest, which exempts Juneau legislators from the prohibition on accepting money from campaign fundraisers during a legislative session.

Section 14 makes the bill's changes effective after the next general and municipal elections.

Section 15 specifies an effective date of July 1, 1988.

revert to certain provisions in the former draft CS presented to State Affairs, Work Draft dated 1-13-88, for the new proposed Judiciary working draft

- 1. September 1 start date (limit to one contribution per election campaign)
- 2. \$10,000 caps - cumulative limits
- 3. municipal race caps: add language at end of sentence, line 11, "up to but not exceeding the statewide limit." or something similar.
- 4. no post-election fundraising: cut off day after election
- 5. retain July 1, 1988 effective date
- 6. hold off on amending section re disposal of surplus funds
- 7. add a couple provisions from SB 356 that the Senate would be inclined to support

(clean up Bradley's language in Section 2); retain his Sections 1-4?

Dick Monkman
Dept. of Law
2-16-88

It is his opinion that setting cumulative caps on contributions may be a constitutional problem because it limits the total amount a candidate can spend.

He cites the Supreme Court case Buckley v. Valeo 424 US 1, in which it struck down the limits. The Court said it is okay to limit contributions from a single source, but not to set caps.

He allows that Kay's approach is different, but suspects that the courts would come up with the same decision because her approach would limit the amounts certain people can spend. The cumulative caps set an expenditure limit whereby early contributors can contribute more than later ones, or the last ones.

He personally thinks the Supreme Court is wrong.

Kay Brown

Alaska State Legislature
House of Representatives

FEB 06 1988



MEMORANDUM

TO: House Judiciary Committee

DATE: February 4, 1988

FROM: Rep. Kay Brown

RE: AKPIRG Position Paper on
CS HB 137 (State Affairs)



Attached for your information is a position paper from the Alaska Public Interest Research Group regarding the State Affairs version of HB 137. It arrived too late for inclusion in your bill folders last Monday.

P. O. Box 20-2661
Anchorage, AK 99520-2661
(907) 272-0207

During Session:
P. O. Box V
Juneau, AK 99811
(907) 465-4998



AKPIRG

ALASKA PUBLIC INTEREST RESEARCH GROUP

Post Office Box 10-1093 / Anchorage, Alaska 99510 / (907) 278-3661

Kay - FYI J

Letters to the Editor
Anchorage Daily News
Box 14-9001
Anchorage, AK 99514-9001

30 January 1988

Editor,

The Daily News is to be commended for being alert to implications of the current version of HB 137 which provides for major improvements to our current campaign financing laws. However, it may be that you have overreacted in your recent editorial to one key feature of the bill--the feature that would shorten all campaigns to begin June 1 and end the day before the election.

You have suggested that this approach will favor incumbents by virtue of giving challengers less time to develop name-recognition and to do fundraising. As one of the principal organizations involved in trying to improve these laws, AKPIRG would like to suggest taking a more open-minded position on what this will actually do. We soon hope to develop some information on just exactly how soon challengers actually start significant fundraising. And until it can be confirmed that much of that activity has occurred prior to June 1, it is premature to make the categorical statements found in that editorial.

Further, there is nothing to suggest that even if much fundraising and campaigning has occurred earlier, that its absence will cause things to change. The British and other democracies operate with abbreviated campaigns to no apparent detriment to the voters.

We do not disagree that the version of HB 137 that went into the committee, which contained specific limits on different categories of non-individual contributors (corporations, PACs, etc.) and a single "campaign period" beginning Sept. 1 of the year preceeding the election had very attractive features which are worth pursuing. However, the improvements contained in the current version are extremely important and we believe they're worth achieving even with the "half a loaf" represented by the June 1 campaign start date--especially until it's demonstrated otherwise--that such a date truly would impair challengers candidacies. After all, the incumbents won't have nearly as much time to build up their incredible "war chests". And they'll have completed their work in Juneau, so we won't have to worry about whose contribution is buying what.

Jeff Bohman
Jeff Bohman
Executive Director

How PAC's Operate

Political
Action
Committees

THE "FEDERAL ELECTION CAMPAIGN ACT" (FECA), which is the basic law covering campaign finance, provides specific definitions of political committees. The FEC defines Political Action Committees according to the following categories:

Political Committee

Any committee, club, or other group of persons which receives (or anticipates receiving) contributions, or makes expenditures exceeding \$1,000 during a calendar year.

Multicandidate Committee

A political committee with more than 50 contributors which has been registered for at least six months, and, with the exception of State party committees, has made contributions to five or more Federal candidates.

Separate Segregated Fund

A "separate segregated fund" political committee is one established by a national bank, corporation, labor organization, trade association, cooperative, or membership organization to accept voluntary contributions which are used to make donations to or expenditures on behalf of Federal candidates and political committees.

Affiliated Committee

All authorized committees of the same candidate, and all committees established, financed, maintained, or controlled by the same corporation, labor organization, person, or group.

Nonparty Committees

The FEC makes a fundamental distinction between political party committees and nonparty committees. There are six nonparty political committee categories:

Corporate

Political committees which have identified themselves as being connected with a corporate entity.

Labor

Those identifying themselves as connected with a labor organization.

Non-Connected

Those not reporting a connected organization.

Trade/Member/Health

Those connected with a trade association, a membership organization, or political committees in the health-oriented field.

Cooperative

Those connected with a cooperative.

Corporations Without Stock

Committees reporting a connection with a corporation without stock.

Organization

The Federal Election Commission requires a PAC to file a "statement of organization" within 10 days of its establishment. This form shows the name, address, type of committee, relationship and type of connected organization, committee position or custodian of records (such as treasurer) and a listing of depositories. These are virtually the only requirements.

Some PAC's may decide to incorporate. If a PAC does decide to incorporate, by-laws setting forth the goals, organizational structure, and guidelines for the PAC's operations are also filed with the FEC.

Income Taxes

PAC's are not entirely exempt from income tax. They are required to file tax returns. Many PAC's qualify for a limited tax-exempt status, however, if they are organized and operated primarily for the sole purpose of receiving contributions and making expenditures within the confines of the FECA.

Reports

According to law, the treasurer is required to maintain records of the PAC's various financial transactions. These must include:

- (1) an accounting of all contributions received;
- (2) names and addresses of individuals contributing more than \$50;
- (3) the employment status of individuals contributing more than \$200 in a year; and