

HOUSE BILL NO. 227

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SULLIVAN-LEONARD

Introduced: 4/13/17

Referred: Community and Regional Affairs, State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting a legislator from controlling a group that solicits and accepts**
2 **contributions or makes certain contributions and expenditures; and prohibiting some**
3 **lobbyists from making campaign contributions to certain groups."**

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

5 * **Section 1.** AS 15.13.072 is amended by adding a new subsection to read:

6 (i) A legislator may not control a group that solicits or accepts a contribution
7 for the purpose of influencing the outcome of an election under this chapter.

8 * **Sec. 2.** AS 15.13.074(g) is repealed and reenacted to read:

9 (g) Except as provided in (j) of this section, an individual required to register
10 as a lobbyist under AS 24.45 may not, at any time the individual is subject to the
11 registration requirement under AS 24.45 and for one year after the date of the
12 individual's initial registration or its renewal, make a contribution to a candidate for
13 the legislature or to a group that

14 (1) is controlled by an individual who files for election to the state

1 legislature or campaigns as a write-in candidate for the state legislature; and

2 (2) makes expenditures or receives contributions to influence the
3 outcome of an election under this chapter.

4 * **Sec. 3.** AS 15.13.074 is amended by adding new subsections to read:

5 (j) An individual required to register as a lobbyist under AS 24.45 may make a
6 contribution to a candidate for the legislature in the district in which the individual is
7 eligible to vote or will be eligible to vote on the date of the election. An individual
8 who makes a contribution under this subsection shall report to the commission, on a
9 form provided by the commission, each contribution made while required to register
10 as a lobbyist under AS 24.45 and for one year after the date of the individual's initial
11 registration or renewal. Upon request of the commission, the information required
12 under this subsection shall be submitted electronically. In this subsection, "candidate"
13 means an individual who files for election to the legislature or who campaigns as a
14 write-in candidate for the legislature.

15 (k) The restriction on contributions by an individual required to register as a
16 lobbyist under AS 24.45 in (g) of this section and the reporting requirement of (j) of
17 this section do not apply to a representational lobbyist as defined in regulations of the
18 commission.

19 * **Sec. 4.** AS 15.13.082 is amended by adding a new subsection to read:

20 (d) A legislator may not control a group that makes contributions or
21 expenditures for the purpose of influencing the outcome of an election under this
22 chapter.

23 * **Sec. 5.** AS 15.13.400 is amended to read:

24 **Sec. 15.13.400. Definitions.** In this chapter, unless the context clearly
25 requires otherwise,

26 (1) "candidate"

27 (A) means an individual who files for election to the state
28 legislature, for governor, for lieutenant governor, for municipal office, for
29 retention in judicial office, or for constitutional convention delegate, or who
30 campaigns as a write-in candidate for any of these offices; and

31 (B) when used in a provision of this chapter that limits or

prohibits the donation, solicitation, or acceptance of campaign contributions, or limits or prohibits an expenditure, includes

(i) a candidate's campaign treasurer and a deputy campaign treasurer;

(ii) a member of the candidate's immediate family;

(iii) a person acting as agent for the candidate;

(iv) the candidate's campaign committee; and

(v) a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of the candidate;

(2) "commission" means the Alaska Public Offices Commission;

(3) "communication" means an announcement or advertisement disseminated through print or broadcast media, including radio, television, cable, and satellite, the Internet, or through a mass mailing, excluding those placed by an individual or nongroup entity and costing \$500 or less and those that do not directly or indirectly identify a candidate or proposition, as that term is defined in AS 15.13.065(c);

(4) "contribution"

(A) means a purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods, or services for which charge is ordinarily made, and includes the payment by a person other than a candidate or political party, or compensation for the personal services of another person, that is rendered to the candidate or political party, and that is made for the purpose of

(i) influencing the nomination or election of a candidate;

(ii) influencing a ballot proposition or question; or

(iii) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include

(i) services provided without compensation by

1 individuals volunteering a portion or all of their time on behalf of a
 2 political party, candidate, or ballot proposition or question;

3 (ii) ordinary hospitality in a home;

4 (iii) two or fewer mass mailings before each election by
 5 each political party describing the party's slate of candidates for
 6 election, which may include photographs, biographies, and information
 7 about the party's candidates;

8 (iv) the results of a poll limited to issues and not
 9 mentioning any candidate, unless the poll was requested by or designed
 10 primarily to benefit the candidate;

11 (v) any communication in the form of a newsletter from
 12 a legislator to the legislator's constituents, except a communication
 13 expressly advocating the election or defeat of a candidate or a
 14 newsletter or material in a newsletter that is clearly only for the private
 15 benefit of a legislator or a legislative employee;

16 (vi) a fundraising list provided without compensation
 17 by one candidate or political party to a candidate or political party; or

18 (vii) an opportunity to participate in a candidate forum
 19 provided to a candidate without compensation to the candidate by
 20 another person and for which a candidate is not ordinarily charged;

21 (5) "electioneering communication" means a communication that

22 (A) directly or indirectly identifies a candidate;

23 (B) addresses an issue of national, state, or local political
 24 importance and attributes a position on that issue to the candidate identified;
 25 and

26 (C) occurs within the 30 days preceding a general or municipal
 27 election;

28 (6) "expenditure"

29 (A) means a purchase or a transfer of money or anything of
 30 value, or promise or agreement to purchase or transfer money or anything of
 31 value, incurred or made for the purpose of

(i) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate;

(ii) use by a political party;

(iii) the payment by a person other than a candidate or political party of compensation for the personal services of another person that are rendered to a candidate or political party;

(iv) influencing the outcome of a ballot proposition or question; or

(v) supporting or opposing an initiative proposal application filed with the lieutenant governor under AS 15.45.020;

(B) does not include a candidate's filing fee or the cost of preparing reports and statements required by this chapter;

(C) includes an express communication and an electioneering communication, but does not include an issues communication;

(7) "express communication" means a communication that, when read as a whole and with limited reference to outside events, is susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate;

(8) "group" means

(A) every state and regional executive committee of a political party;

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to

1 be controlled by that candidate and its actions done with the candidate's
 2 knowledge and consent unless, within 10 days from the date the candidate
 3 learns of the existence of the group the candidate files with the commission, on
 4 a form provided by the commission, an affidavit that the group is operating
 5 without the candidate's control; a group organized for more than one year
 6 preceding an election and endorsing candidates for more than one office or
 7 more than one political party is presumed not to be controlled by a candidate;
 8 however, a group that contributes more than 50 percent of its money to or on
 9 behalf of one candidate shall be considered to support only one candidate for
 10 purposes of AS 15.13.070, whether or not control of the group has been
 11 disclaimed by the candidate; and

12 (C) any combination of two or more individuals acting jointly
 13 who organize for the principal purpose of filing an initiative proposal
 14 application under AS 15.45.020 or who file an initiative proposal application
 15 under AS 15.45.020;

16 (9) "immediate family" means the spouse, parent, child, including a
 17 stepchild and an adopted child, and sibling of an individual;

18 (10) "independent expenditure" means an expenditure that is made
 19 without the direct or indirect consultation or cooperation with, or at the suggestion or
 20 the request of, or with the prior consent of, a candidate, a candidate's campaign
 21 treasurer or deputy campaign treasurer, or another person acting as a principal or agent
 22 of the candidate;

23 (11) "individual" means a natural person;

24 (12) "issues communication" means a communication that

25 (A) directly or indirectly identifies a candidate; and

26 (B) addresses an issue of national, state, or local political
 27 importance and does not support or oppose a candidate for election to public
 28 office;

29 (13) "nongroup entity" means a person, other than an individual, that
 30 takes action the major purpose of which is to influence the outcome of an election, and
 31 that

1 (A) cannot participate in business activities;

2 (B) does not have shareholders who have a claim on corporate
3 earnings; and

4 (C) is independent from the influence of business corporations.

5 (14) "person" has the meaning given in AS 01.10.060, and includes a
6 labor union, nongroup entity, and a group;

7 (15) "political party" means any group that is a political party under
8 AS 15.80.010 and any subordinate unit of that group if, consistent with the rules or
9 bylaws of the political party, the unit conducts or supports campaign operations in a
10 municipality, neighborhood, house district, or precinct;

11 (16) "publicly funded entity" means a person, other than an individual,
12 that receives half or more of the money on which it operates during a calendar year
13 from government, including a public corporation.