

**SENATE CS FOR CS FOR SS FOR HOUSE BILL NO. 36(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/18/10

Referred: Finance

Sponsor(s): REPRESENTATIVES JOHANSEN, MILLETT, AND PEGGY WILSON, Johnson, Kelly,  
Neuman, Keller, Muñoz

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to ballot initiative proposal applications, to ballot initiatives and to  
2 those who file or organize for the purpose of filing a ballot initiative proposal, and to  
3 election pamphlet information relating to certain propositions."

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

5 \* **Section 1.** AS 15.13.040(k) is amended to read:

6 (k) Every individual, person, nongroup entity, or group contributing a total of  
7 \$500 or more to a group organized for the principal purpose of influencing the  
8 outcome of a proposition, **and every individual, person, nongroup entity, or group**  
9 **contributing a total of \$500 or more to a group organized for the principal**  
10 **purpose of filing an initiative proposal application under AS 15.45.020 or that has**  
11 **filed an initiative proposal application under AS 15.45.020,** shall report the  
12 contribution or contributions on a form prescribed by the commission not later than 30  
13 days after the contribution that requires the contributor to report under this subsection  
14 is made. The report must include the name, address, principal occupation, and

1 employer of the individual filing the report and the amount of the contribution, as well  
 2 as the total amount of contributions made to that group by that individual, person,  
 3 nongroup entity, or group during the calendar year.

4 \* **Sec. 2.** AS 15.13.050(a) is amended to read:

5 (a) Before making an expenditure in support of or in opposition to a candidate  
 6 or before making an expenditure in support of or in opposition to a ballot proposition  
 7 or question **or to an initiative proposal application filed with the lieutenant**  
 8 **governor under AS 15.45.020**, each person other than an individual shall register, on  
 9 forms provided by the commission, with the commission.

10 \* **Sec. 3.** AS 15.13.050 is amended by adding a new subsection to read:

11 (c) If a group intends to make more than 50 percent of its contributions or  
 12 expenditures in support of or opposition to a single initiative on the ballot, the title or  
 13 common name of the initiative must be a part of the name of the group. If the group  
 14 intends to make more than 50 percent of its contributions or expenditures in opposition  
 15 to a single initiative on the ballot, the group's name must clearly state that the group  
 16 opposes that initiative by using a word such as "opposes," "opposing," "in opposition  
 17 to," or "against" in the group's name.

18 \* **Sec. 4.** AS 15.13.065(c) is amended to read:

19 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for  
 20 the requirements of AS 15.13.050, 15.13.060, and 15.13.112 - 15.13.114, the  
 21 provisions of AS 15.13.010 - 15.13.116 do not apply to limit the authority of a person  
 22 to make contributions to influence the outcome of a ballot proposition. In this  
 23 subsection, in addition to its meaning in AS 15.60.010, "proposition" includes

24 **(1)** an issue placed on a ballot to determine whether

25 **(A)** [(1)] a constitutional convention shall be called;

26 **(B)** [(2)] a debt shall be contracted;

27 **(C)** [(3)] an advisory question shall be approved or rejected; or

28 **(D)** [(4)] a municipality shall be incorporated;

29 **(2)** **an initiative proposal application filed with the lieutenant**  
 30 **governor under AS 15.45.020.**

31 \* **Sec. 5.** AS 15.13.110(e) is amended to read:

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

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

7 (g) An initiative committee, person, group, or nongroup entity receiving  
 8 contributions exceeding \$500 or making expenditures exceeding \$500 in a calendar  
 9 year in support of or in opposition to an initiative on the ballot in a statewide election  
 10 or an initiative proposal application filed with the lieutenant governor under  
 11 AS 15.45.020 shall file a report within 10 days after the end of each calendar quarter  
 12 on the contributions received and expenditures made during the preceding calendar  
 13 quarter until reports are due under (a) and (b) of this section. If the report is a first  
 14 report, it must cover the period beginning on the day an initiative proposal application  
 15 is filed under AS 15.45.020 and ending three days before the due date of the report.

16 \* **Sec. 7.** AS 15.13.400(4) is amended to read:

17 (4) "contribution"

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

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

26 (ii) [, AND IN AS 15.13.010(b) FOR THE PURPOSE  
 27 OF] influencing a ballot proposition or question; **or**

28 (iii) **supporting or opposing an initiative proposal**  
 29 **application filed with the lieutenant governor under AS 15.45.020** [,  
 30 INCLUDING THE PAYMENT BY A PERSON OTHER THAN A  
 31 CANDIDATE OR POLITICAL PARTY, OR COMPENSATION FOR

1 THE PERSONAL SERVICES OF ANOTHER PERSON, THAT ARE  
 2 RENDERED TO THE CANDIDATE OR POLITICAL PARTY];

3 (B) does not include

4 (i) services provided without compensation by  
 5 individuals volunteering a portion or all of their time on behalf of a  
 6 political party, candidate, or ballot proposition or question;

7 (ii) ordinary hospitality in a home;

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

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

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

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

22 \* **Sec. 8.** AS 15.13.400(6) is amended to read:

23 (6) "expenditure"

24 (A) means a purchase or a transfer of money or anything of  
 25 value, or promise or agreement to purchase or transfer money or anything of  
 26 value, incurred or made for the purpose of

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

30 (ii) use by a political party;

31 (iii) the payment by a person other than a candidate or

1 political party of compensation for the personal services of another  
 2 person that are rendered to a candidate or political party; [OR]

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

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

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

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

11 \* **Sec. 9.** AS 15.13.400(8) is amended to read:

12 (8) "group" means

13 (A) every state and regional executive committee of a political  
 14 party; [AND]

15 (B) any combination of two or more individuals acting jointly  
 16 who organize for the principal purpose of influencing the outcome of one or  
 17 more elections and who take action the major purpose of which is to influence  
 18 the outcome of an election; a group that makes expenditures or receives  
 19 contributions with the authorization or consent, express or implied, or under  
 20 the control, direct or indirect, of a candidate shall be considered to be  
 21 controlled by that candidate; a group whose major purpose is to further the  
 22 nomination, election, or candidacy of only one individual, or intends to expend  
 23 more than 50 percent of its money on a single candidate, shall be considered to  
 24 be controlled by that candidate and its actions done with the candidate's  
 25 knowledge and consent unless, within 10 days from the date the candidate  
 26 learns of the existence of the group the candidate files with the commission, on  
 27 a form provided by the commission, an affidavit that the group is operating  
 28 without the candidate's control; a group organized for more than one year  
 29 preceding an election and endorsing candidates for more than one office or  
 30 more than one political party is presumed not to be controlled by a candidate;  
 31 however, a group that contributes more than 50 percent of its money to or on



1 and

2 (7) other specifications prescribed by the lieutenant governor to ensure  
3 proper handling and control.

4 \* **Sec. 12.** AS 15.45 is amended by adding a new section to read:

5 **Sec. 15.45.195. Public hearings.** (a) At least 30 days before the election at  
6 which an initiative is to appear on the ballot, the lieutenant governor or a designee of  
7 the lieutenant governor shall hold two or more public hearings concerning the  
8 initiative in each judicial district of the state. Each public hearing under this section  
9 shall include the written or oral testimony of one supporter and one opponent of the  
10 initiative.

11 (b) The lieutenant governor shall provide reasonable notice of each public  
12 hearing required under this section. The notice must include the date, time, and place  
13 of the hearing. The notice may be given using print or broadcast media. The lieutenant  
14 governor shall provide notice in a consistent fashion for all hearings required under  
15 this section.

16 (c) Penalties for a violation of this section may not include removal of an  
17 initiative from the ballot.

18 (d) If the lieutenant governor determines that it is technologically and  
19 economically feasible, the division shall provide a live audio and video broadcast of  
20 each hearing held under (a) of this section on the division's Internet website.

21 \* **Sec. 13.** AS 15.58.010 is amended to read:

22 **Sec. 15.58.010. Election pamphlet.** Before each state general election, and  
23 before each state primary **or special** election at which a ballot proposition is scheduled  
24 to appear on the ballot, the lieutenant governor shall prepare, publish, and mail at least  
25 one election pamphlet to each household identified from the official registration list.  
26 The pamphlet shall be prepared on a regional basis as determined by the lieutenant  
27 governor.

28 \* **Sec. 14.** AS 15.58.020(b) is amended to read:

29 (b) Each primary **or special** election pamphlet shall contain only the  
30 information specified in (a)(6) and (a)(9) of this section for each ballot measure  
31 scheduled to appear on the primary **or special** election ballot.

1 \* **Sec. 15.** AS 24.05 is amended by adding a new section to article 4 to read:

2           **Sec. 24.05.186. Legislative hearings on initiatives certified by the**  
3           **lieutenant governor.** (a) A standing committee of the legislature, selected jointly by  
4           the presiding officers of the house and senate, shall hold at least one hearing on an  
5           initiative that the lieutenant governor has determined was properly filed under  
6           AS 15.45.160.

7           (b) The standing committee selected jointly by the presiding officers of the  
8           house and senate under (a) of this section shall hold at least one hearing under this  
9           section within 30 days after the convening of the legislative session preceding the  
10          statewide election at which the initiative proposition must appear on the election ballot  
11          under AS 15.45.190.

12 \* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to  
13 read:

14           **APPLICABILITY.** This Act applies only to an initiative, the application for which is  
15          filed with the lieutenant governor under AS 15.45.020 on or after the effective date of this  
16          Act.