

**HOUSE BILL NO. 466**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 3/6/98

Referred: State Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to violations of state election laws."

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

3 \* **Section 1.** AS 15.56.014(a) is amended to read:

4 (a) A person commits the crime of campaign misconduct in the second degree  
5 if the person

6 (1) knowingly circulates or has written, printed or circulated a letter,  
7 circular, or publication relating to an election, to a candidate at an election, or an  
8 election proposition or question without the name and address of the author appearing  
9 on its face;

10 (2) except as provided by AS 15.13.090(b), knowingly prints or  
11 publishes an advertisement, billboard, placard, poster, handbill, paid-for television or  
12 radio announcement, or other communication intended to influence the election of a  
13 candidate or outcome of a ballot proposition or question without the words "paid for  
14 by" followed by the name and address of the candidate, group, or individual paying  
15 for the advertising or communication and, if a candidate or group, with the name of

1 the campaign chair [;

2 (3) KNOWINGLY WRITES OR PRINTS AND CIRCULATES, OR  
 3 HAS WRITTEN, PRINTED AND CIRCULATED, A LETTER, CIRCULAR, BILL,  
 4 PLACARD, POSTER, OR ADVERTISEMENT IN A NEWSPAPER, ON RADIO OR  
 5 TELEVISION

6 (A) CONTAINING FALSE FACTUAL INFORMATION  
 7 RELATING TO A CANDIDATE FOR AN ELECTION;

8 (B) THAT THE PERSON KNOWS TO BE FALSE; AND

9 (C) THAT WOULD PROVOKE A REASONABLE PERSON  
 10 UNDER THE CIRCUMSTANCES TO A BREACH OF THE PEACE OR  
 11 THAT A REASONABLE PERSON WOULD CONSTRUE AS DAMAGING  
 12 TO THE CANDIDATE'S REPUTATION FOR HONESTY, INTEGRITY, OR  
 13 THE CANDIDATE'S QUALIFICATIONS TO SERVE IF ELECTED TO  
 14 OFFICE].

15 \* **Sec. 2.** AS 15.56 is amended by adding a new section to read:

16 **Sec. 15.56.027. Campaign misconduct involving false information.** (a) A  
 17 person commits the crime of campaign misconduct involving false information if the  
 18 person disseminates false or misleading information, knowing that the information is  
 19 false or with reckless disregard for whether the information is false, and the  
 20 information

21 (1) relates to a candidate for an election; and

22 (2) would provoke a reasonable person under the circumstances to a  
 23 breach of the peace or that a reasonable person would construe as damaging to the  
 24 candidate's reputation for honesty, integrity, or qualification to serve if elected to  
 25 office.

26 (b) Violation of this section is a corrupt practice. However, notwithstanding  
 27 AS 15.20.540, only a defeated candidate may contest the nomination or election of a  
 28 person for violation of this section.

29 (c) In this section, "disseminates" means to convey to another person by any  
 30 means.

31 (d) Publication campaign misconduct is a class C felony.

1     \* **Sec. 3.** AS 15.56.025 is repealed.

2     \* **Sec. 4.** APPLICABILITY. This Act applies to offenses committed on or after the  
3 effective date of this Act.