

**SENATE BILL NO. 363**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Introduced: 4/18/02  
Referred: State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to electioneering communications and communications intended to  
2 influence the outcome of an election and to campaign misconduct in the second degree;  
3 and providing for an effective date."

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

5 \* **Section 1.** AS 15.13.090(a) is amended to read:

6 (a) All advertisements, billboards, handbills, paid-for television and radio  
7 announcements, and other communications intended to influence the election of a  
8 candidate or outcome of a ballot proposition or question, **including electioneering**  
9 **communications**, shall be clearly identified by the words "paid for by" followed by  
10 the name and address of the candidate, group, or individual paying for the advertising  
11 **and the total production costs of the advertising**. In addition, candidates and  
12 groups must identify the name of their campaign chairperson.

13 \* **Sec. 2.** AS 15.13.090 is amended by adding a new subsection to read:

14 (c) A party, group, or nongroup entity making a communication described in

1 (a) of this section shall report to the commission the source of funds used to pay for  
 2 the communication. If the communication is made within nine days of an election, the  
 3 source of funds used to pay for the communication shall be reported to the  
 4 commission within 24 hours of the communication.

5 \* **Sec. 3.** AS 15.56.014(a) is amended to read:

6 (a) A person commits the crime of campaign misconduct in the second degree  
 7 if the person

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

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

19 (3) knowingly writes or prints and circulates, or has written, printed,  
 20 and circulated, a letter, circular, bill, placard, poster, or advertisement in a newspaper,  
 21 on radio or television, **or makes an electioneering communication**

22 (A) containing false factual information relating to a candidate  
 23 for an election;

24 (B) that the person knows to be false; and

25 (C) that would provoke a reasonable person under the  
 26 circumstances to a breach of the peace or that a reasonable person would  
 27 construe as damaging to the candidate's reputation for honesty **or** [,] integrity,  
 28 or **to** the candidate's qualifications to serve if elected to office.

29 \* **Sec. 4.** AS 15.60.010 is amended by adding a new paragraph to read:

30 (38) "electioneering communication" means a communication that is  
 31 intended to influence the election of a candidate and that

1 (A) clearly identifies one or more candidates or political  
2 parties;

3 (B) is made within the 60 days preceding a general election or  
4 the 30 days preceding a primary election;

5 (C) is made by way of direct mail, newspaper, Internet,  
6 broadcast, cable, or satellite media to an audience that includes voters who will  
7 have the opportunity to vote on a candidate clearly identified in the  
8 communication, or on a candidate of a party clearly identified in the  
9 communication; and

10 (D) must, when read as a whole, and with limited reference to  
11 external events, be susceptible of no other reasonable interpretation but as an  
12 exhortation to vote for or against a specific candidate.

13 \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).