

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 27, 2023

3:33 p.m.

MEMBERS PRESENT

Senator Scott Kawasaki, Chair
Senator Matt Claman, Vice Chair
Senator Jesse Bjorkman
Senator Bill Wielechowski
Senator Kelly Merrick

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 138

"An Act relating to elections; relating to voters; relating to voting; relating to the crime of unlawful interference with voting in the first degree; relating to campaign signs; relating to the reporting of financial and business interests by certain municipal officers and former officers and candidates for municipal office; relating to the Redistricting Board; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 17

"An Act relating to political contributions; and providing for an effective date."

- HEARD & HELD

SENATE BILL NO. 19

"An Act relating to elections; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 138

SHORT TITLE: ELECTIONS; VOTER REG.; CAMPAIGNS

SPONSOR(s) : STATE AFFAIRS

04/25/23 (S) READ THE FIRST TIME - REFERRALS
04/25/23 (S) STA, FIN
04/26/23 (S) STA WAIVED PUBLIC HEARING NOTICE, RULE
23
04/27/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 17

SHORT TITLE: CAMPAIGN CONTRIBUTIONS

SPONSOR(s) : SENATOR(s) KAWASAKI

01/18/23 (S) PREFILE RELEASED 1/9/23
01/18/23 (S) READ THE FIRST TIME - REFERRALS
01/18/23 (S) STA, JUD
04/27/23 (S) STA AT 3:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

MATT LONGABAUGH, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Co-presented SB 138 on behalf of the committee.

DAVID DUNSMORE, Staff
Senator Bill Wielechowski
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Delivered a PowerPoint titled SB 138 Omnibus Elections Bill.

THOMAS FLYNN, Assistant Attorney General
Labor and State Affairs Section
Civil Division
Department of Law
Anchorage, Alaska

POSITION STATEMENT: Answered questions related to SB 138.

CAROL THOMPSON, Operations Manager
Division of Elections
Office of the Lieutenant Governor
Wasilla, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 138.

MATT LONGABAUGH, Staff
Senator Scott Kawasaki
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced SB 17 on behalf of the sponsor.

TOM LUCAS, Campaign Disclosure Coordinator
Alaska Public Offices Commission (APOC)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 17.

ACTION NARRATIVE

[3:33:39 PM](#)

CHAIR SCOTT KAWASAKI called the Senate State Affairs Standing Committee meeting to order at 3:33 p.m. Present at the call to order were Senators Bjorkman, Merrick, Claman, Wielechowski, and Chair Kawasaki.

SB 138-ELECTIONS; VOTER REG.; CAMPAIGNS

[3:34:47 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 138 "An Act relating to elections; relating to voters; relating to voting; relating to the crime of unlawful interference with voting in the first degree; relating to campaign signs; relating to the reporting of financial and business interests by certain municipal officers and former officers and candidates for municipal office; relating to the Redistricting Board; and providing for an effective date."

He noted that the committee heard a similar bill earlier in the session. He listed the individuals who were available to answer questions.

[3:35:32 PM](#)

MATT LONGABAUGH, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, introduced SB 138 by reading the sponsor statement:

Over 360,000 Alaskans voted in the 2020 election making it the election with the greatest participation in Alaska history. Yet 173,000 Alaskans were eligible to vote or registered to vote but did not. Senate Bill 138 seeks to build upon the participatory success of

the 2020 election by strengthening the voter registration system, tightening residency requirements, paying postage for by-mail absentee ballots, and requiring the Alaska Division of Elections to offer absentee voters the option to fix errors in their ballots. This bill facilitates participation for those legally eligible to vote and ensures the integrity of elections by updating absentee ballot verification and curing.

Currently, voters are not notified of errors in their absentee ballots until after the election is certified. Over 7,500 ballots were rejected in the 2022 special primary election, a 4.55% rejection rate. That's about 1/20 ballots. On average, if we all in this room had voted by mail, the Division of Elections would have rejected at least one of our ballots without notifying us until it was too late.

Therefore, SB 138 establishes a ballot tracking system and a ballot curing process. The ballot curing process requires the Division to notify voters if the signature on their ballot does not match the one on their registration. Other updates to the election system include:

- requiring the Division of Elections to count absentee ballots starting at least seven days before election day and beginning to release vote tallies at 8pm on election day,
- tightening and clarifying residency requirements for voting in order to clean Alaska's voter rolls,
- replacing the witness signature requirement with a signature verification system and requiring the Division of Elections to ballot cure for signature discrepancies,
- pre-paying vote by mail postage and allowing a verifiable date sent (such as a USPS bar code), rather than the postmarked date, to serve as the date on which the voter voted,
- making explicit what happens when someone votes twice and maintaining that it is a crime to intentionally vote more than once.

Voting rights are fundamental to American democracy, which works best when eligible voters can participate and have the freedom to choose our elected leaders. Optimizing and strengthening our voting system ensures that these freedoms and rights prevail.

[3:38:35 PM](#)

CHAIR KAWASAKI asked Mr. Dunsmore to begin the presentation.

[3:38:46 PM](#)

DAVID DUNSMORE, Staff, Senator Bill Wielechowski, Alaska State Legislature, Juneau, Alaska, delivered the presentation titled SB 138 Omnibus Elections Bill. He stated that he would briefly walk through the individual policies in SB 138, the first of which is to require signature verification for absentee by-mail ballots. He reviewed the signature requirements listed on slide 4.

- Signatures on absentee ballot envelopes would be compared to the voter's signature on file with the division of elections.
- Signatures can be verified electronically, and reviewers will be trained to identify handwriting patterns to manually verify signatures.
- The Municipality of Anchorage has successfully employed signature verification since 2018.
- Voters would have the opportunity to cure their ballots if their signature cannot be verified.

MR. DUNSMORE stated that SB 138 repeals the witness Signature requirement. He reviewed the specifics of that policy outlined on slide 6, "The requirement for a witness signature for by-mail ballots disenfranchises Alaskans."

- In the 2022 special primary election, 2,724 ballots were rejected because of a missing witness signature- 1.7% of all ballots cast.
- Witness signature rejections disproportionately affected rural Alaska.
- In District 38, 10.9% of all ballots cast were rejected for missing witness signatures.
- There is no indication of any misconduct with these rejected ballots.

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MR. DUNSMORE advanced to slide 7, "The witness signature requirement provides no meaningful election integrity protection." He spoke to the following points.

- The Division of Elections has testified that they do not have any way to verify that witness signatures meet the statutory requirement that they be from a person at least 18.
- The Division accepts as valid any mark made in the witness signature portion of the envelope.
- The absentee by-mail envelope does not even provide space for the witness to print their name or provide their date of birth.

MR. DUNSMORE described the ballot curing policy and process outlined on slides 8-10.

A voter will be able to cure their ballot and have it counted if it would be rejected because:

- The voter did not sign the ballot envelope.
- The voter's signature cannot be verified.
- The voter did not provide an identifier that can be verified.

The Ballot Curing Process

- Within 24 hours of receiving the ballot, the Division mails a deficiency notice with curing instructions.
- If the voter has a phone number on file, the Division will call and text them as well.
- The voter returns the cure form confirming they voted the ballot with a copy of their ID and a signature.
- The cure process may be done electronically.
- A properly cured ballot will be counted if it is otherwise valid.
- If the voter responds that they did not vote the ballot, it will be referred to the Attorney General.

MR. DUNSMORE described the policy about voter registration within 30 days of an election outlined on slides 11-12.

Allows voters who register within 30 days of an election to vote

- Currently a voter must register in the state and district in which they are voting 30 days before the election.
- This means an Alaska resident who moves within 30 of the election might not be able to validly vote in any district.
- The Division already conducts same day registration for presidential elections, but these votes are only counted for president.
- Voters registering within 30 days will only be able to vote absentee, early, or questioned ballots which will be reviewed to ensure the voter is eligible.

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MR. DUNSMORE described the policy relating to the voter registration cancellation process outlined on slides 13-14.

Creates a statutory procedure for voters to cancel their registration

- Currently the Division of Elections will cancel a voter's registration if they request, but it is not required by statute.
- Voters would be allowed to cancel their registration in person or electronically.
- The process for cancelling a registration would be posted at polling places.

MR. DUNSMORE described the policy relating to poll watchers and ballot review observers for candidates and question campaigns on slides 15-16.

Poll Watchers and Ballot Review Observers for Candidates and Question Campaigns

- Currently statutes only provide for observers for political parties, initiatives, referenda, and recalls.
- This provision clarifies that candidates and ballot question campaigns may have observers.

- Ballot questions include constitutional amendments, judicial retention, bond propositions, and advisory votes.

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MR. DUNSMORE advanced to slides 17 and 18.

Allow Ballot Review Observers at All Review Tables

- This provision ensures that campaigns may have observers at all locations where ballots are reviewed in the same counting center.

MR. DUNSMORE advanced to slides 19 and 20 to discuss allowing international election observers.

Allow international election observers at polling places and counting centers

- Only international organizations that the United States belong to may have observers.
- Observation missions must be invited by the U.S. State Department.
- International observers will not be allowed to make challenges.
- The Organization for Security and Cooperation is the only organization the State Department regularly invites to observe elections.

MR. DUNSMORE advanced to slides 21-22 relating to repealing the requirement for APOCV to have offices in every senate district.

Current law requires the Alaska Public Offices Commission to have offices in every Senate district. They have never been given the funding necessary to comply with this requirement.

- This bill replaces the requirement for Senate district offices with a requirement that reports filed with APOC be available online.

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MR. DUNSMORE advanced to slides 23-24 relating to clarifying how to handle when a voter votes more than once.

Creates a consistent standard for when a voter votes more than once

- Currently, depending on how a voter votes multiple times, they will have either one or counted or all their votes will be rejected.
- This bill clarifies that if a voter votes in person and by another means, the in-person vote shall count. Otherwise, the first ballot to be reviewed shall be the one that is counted.
- Under no circumstances will a voter have more than one vote counted.
- General multiple voting is the result of honest mistakes by voters with memory issues, but all cases of multiple voting must be referred to the Attorney General.

MR. DUNSMORE advanced to slides 25-26 to discuss risk-limiting audits.

Risk-limiting audits are designed to reduce the risk of certifying an incorrect result

- These audits take place after counting is completed and before the election is certified.
- Risk-limiting audits are used in at least 16 states.
- The Division shall develop statistical methods to determine what results to audit.
- Campaigns will be able to observe the audit process.

MR. DUNSMORE advanced to slides 27-28.

Postage Paid Return Envelopes for Absentee Ballots

- Requires return postage to be paid for absentee ballot envelopes to facilitate voting.

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MR. DUNSMORE continued to slides 29 and 30 relating to preventing special needs ballots from being rejected because of mistakes by poll workers or the representatives of special needs voters.

Currently special needs ballots can be rejected because of mistakes by poll workers or voter representatives.

- In the 2022 general election 8% of special needs ballots were rejected, compared with only 1.3% of by-mail ballots.
- This bill would prevent special needs ballots from being rejected if they meet the requirements for an absentee ballot to be counted.

MR. DUNSMORE advanced to slides 31-32 relating to tracking barcodes for absentee ballot envelopes.

Requires the Division to provide a ballot tracking system for voters

- The Division already offers ballot tracking and this bill places it into statute.
- Voters can check the status of their ballot online and see whether it has been counted or rejected.
- This bill requires a multi-factor authentication system to protect voters' privacy

MR. DUNSMORE advanced to slides 33-34 to discuss the rules for challenging ballots.

The Division must adopt regulations establishing procedures for challenging ballot review decisions

- Currently it is unclear how long campaigns have to file a challenge and campaigns often have to negotiate this with the regional counting centers.
- This bill requires regulations to explicitly address the challenge process.
- These regulations must allow at least 24 hours to submit a challenge.

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MR. DUNSMORE continued to slides 35-36 to discuss codifying the ACLU of Alaska v. State of Alaska settlement terms.

In 2018, Alaska Settled a Lawsuit over the Ban on Political Signs Along State Roads

- Alaska's billboard law bans advertising along state roads. In this settlement the state agreed not to enforce this ban against political signs 32 square feet or smaller on private property if the sign is not in a highway right of way or displayed for compensation.
- This provision updates the statutes to codify these settlement terms.

MR. DUNSMORE turned to slides 37-38 to discuss financial disclosure for redistricting board members.

Currently there are no financial disclosure requirements for Redistricting Board members

- Redistricting Board members would be added to the list of officials who must file public official financial disclosures with APOC.
- Financial disclosures allow the public to know of any potential conflicts of interest.
- Dozens of boards already require financial disclosures.

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MR. DUNSMORE continued to slides 39-40 relating to the redistricting board being subject to the Open Meetings Act.

Clarifies the Open Meetings Act applies to the Redistricting Board

- The OMA requires public notice for meetings and that decisions be made in public.
- In two different redistricting cycles, courts have ruled against the board's argument that it was not subject to the OMA.
- This will make it crystal clear in statute that the board must follow the OMA

MR. DUNSMORE advanced to slides 41-42 to discuss ballot drop boxes requirements.

Requires secure drop boxes be provided for elections conducted by mail

- The division has the authority to conduct certain elections by mail, like the [2022] special primary election.
- Drop boxes would be required, if practicable, at Division of Elections offices and within municipalities of at least 20,000 people.
- There would be at least one drop box for every 20,000 residents.
- The division shall establish criteria for choosing drop box locations by regulation.

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MR. DUNSMORE continued to slides 43-44 to review residency clarifications.

Clarifies the definition of residency and process to challenge a voter's residency

- This bill clarifies that a voter's residence is a place where they have a definite, articulable, and reasonable plan to return to whenever they are absent.
- It also establishes that the presumption a voter's registered address is accurate can be rebutted by evidence that they reside at another location.

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MR. DUNSMORE advanced to slides 45-46 to discuss clarifying the timing for counting absentee ballots.

Beginning Scanning Absentee Ballots 7 Days Before Election Day

- This bill will allow election results to be available earlier by having the scanning of absentee ballots begin seven days before Election Day.
- Tabulated results will not be released until the polls close at 8pm on Election Day.

MR. DUNSMORE continued to slides 47-48 to discuss continuing absentee by-mail voting.

Allows voters to request to continue to receive absentee by-mail for future elections

- The Division currently allows this for military and overseas voters.
- This bill would allow voters to continue to receive by-mail if they vote at least once every four years.
- Every absentee ballot returned will continue to be reviewed to ensure it is valid.

[3:47:26 PM](#)

MR. DUNSMORE displayed slides 49-50 and discussed the requirements for language assistance.

Codifies language assistance requirements

- Federal law requires the state to provide language assistance for voting in certain languages.
- Currently Alaska provides assistance in 10 indigenous languages and dialects as well as Spanish and Tagalog.
- This bill requires that voters be able to request that election materials be mailed to them in any language for which the state is required to provide assistance.
- Information about the availability of language at polling where language assistance is available.

MR. DUNSMORE offered to answer questions.

[3:48:11 PM](#)

SENATOR CLAMAN asked what was in SB 138 that was not in the elections bill last year and what was in the bill last year that isn't in SB 138.

MR. DUNSMORE answered that SB 138 started with the negotiated compromise that didn't make it through the process last year. Changes were made to that bill. Some provisions that appear in SB 138 but were not in the bill from last year include the special needs ballot and the international election observer. Some provisions that were in the compromise bill but weren't included in SB 138 related to crimes. The thought was that they were redundant.

[3:49:54 PM](#)

SENATOR MERRICK referenced the provision in Section 30 on page 17 that says that drop boxes will be required if practicable. She asked how that should be interpreted.

CHAIR KAWASAKI asked Mr. Flynn to respond.

[3:50:19 PM](#)

THOMAS FLYNN, Assistant Attorney General, Labor and State Affairs Section, Civil Division, Department of Law, Anchorage, Alaska, said he assumes that it would be up to the division to determine what's practical under the circumstances.

SENATOR MERRICK opined that the language was ambiguous.

CHAIR KAWASAKI noted the point.

[3:51:08 PM](#)

SENATOR WIELECHOWSKI asked Mr. Flynn to describe a scenario under which it would not be practical to provide a ballot drop box.

MR. FLYNN responded that cost, availability, weather conditions, special elections, and the timeline to conduct an election could all be relevant considerations.

SENATOR WIELECHOWSKI suggested that the language in that section might need to be tightened.

[3:51:54 PM](#)

CHAIR KAWASAKI polled the committee and ascertained that it wasn't necessary for Mr. Longabaugh read the sectional analysis.

CHAIR KAWASAKI asked Carol Thompson to comment on how the process could work to get absentee ballots counted more quickly or if that provision would be difficult to implement.

[3:53:19 PM](#)

CAROL THOMPSON, Operations Manager, Division of Elections, Office of the Lieutenant Governor, Wasilla, Alaska, explained that there was a broad range of when ballots are counted. Absentee and early vote ballots start coming in prior to the election are scanned and tabulated after 8:00 p.m. election night. Those are published in the first vote round. All the 130 plus hand count locations count absentee and first choice ranked-choice voting (RCV) ballots on election night. Those results are called in and the results are entered into the system. Early vote ballots that are received up to a certain

date are also scanned and tabulated election night and put on the results.

DOE continues to receive absentee ballots after Election Day. The division records the receipt of those ballots and then they go before a ballot review board. Once they've been reviewed, the envelopes are opened and the ballots are tabulated. DOE tries to accomplish a 7 day count after Election Day followed by a 10 day count and a 15 day count.

Question ballots that are received on Election Day are returned to the regional offices. In urban areas they're delivered election night, but others have to be mailed. The regional offices have to record the receipt of those ballots and then they go before a review board that has to determine the count of those ballots. After that the ballots are opened and counted. This process also starts the seventh day following the election and continues on the 10th and 15th days following the election. In presidential year elections there are significantly more question ballots because there is same-day registration on Election Day.

She recapped that DOE typically counts and tabulates ballots starting on Election Day and for 15 days after for general elections and 10 days after for primary elections.

CHAIR KAWASAKI said he appreciates the explanation.

[3:58:04 PM](#)

SENATOR WIELECHOWSKI asked whether SB 138 addressed the concern that the preliminary ranking results for the ranked-choice voting were not available on election night.

MR. DUNSMORE said that is not addressed in the current draft of the bill. He deferred to DOE to speak to the technical feasibility of providing the results on election night.

SENATOR WIELECHOWSKI repeated the question for DOE and offered his understanding that the statute requires the first round results to be available on election night. He asked whether the administration intends to provide that information in the future.

MS. THOMPSON agreed that the law speaks to that and DOE had clarified that the precinct scanners that are used at the polls on election night don't perform ranked-choice voting. The data has to be sent to the ballot tabulation system in Juneau. Once

all the ballot images are gathered, ranked-choice voting can be performed. Those results are not all available on election night. Ballots from the hand count precincts, absentee ballots, and question ballots still have to be scanned and sent to the main scanner in Juneau where ranked-choice voting can be performed. At that point DOE doesn't know which races will go to ranked-choice voting. Races where one candidate receives 50 percent plus one vote don't go through RCV tabulation.

SENATOR WIELECHOWSKI asked if this was something that can be fixed legislatively.

MR. DUNSMORE offered his understanding that it was technically feasible for the raw data from the polling machines to be released.

[4:01:46 PM](#)

CHAIR KAWASAKI found no questions. He remarked that the bill appears complex with 43 sections, but many of the elements have been discussed previously. He recounted the course of the bill that passed the House and nearly passed the Senate last year. He noted who his office had worked with in drafting SB 138 and relayed his hope to have good legislation that could be adopted through DOE regulations prior to the 2024 election. Public testimony will be heard next week and can be submitted to senate.state.affairs@akleg.gov.

[4:04:01 PM](#)

SENATOR BJORKMAN expressed appreciation for the bill. He opined that it was important to have election results released to voters as the raw data comes in on election night and thereafter. DOE wasn't expected to declare a winner at that point.

[4:05:16 PM](#)

SENATOR WIELECHOWSKI asked if there was a reason that DOE can't post the raw data that comes out on election night.

MS. THOMPSON replied that she didn't recall how it was done in 2022, but she thought that a certain amount of the raw data was posted. She was unclear on the timeline. She offered to follow up with more definitive information.

SENATOR WIELECHOWSKI asked her to follow up on what DOE did in 2022 and whether it has the capacity to release raw data as it comes in. He asked Ms. Thompson if it was her recollection that

the raw data was posted and if there was a requirement to provide that information on election night.

[4:06:49 PM](#)

MR. DUNSMORE said his recollection was that DOE released the raw data files after they were certified. That information was posted to the website but it was not released prior to having the complete results that were tabulated. To the second question, he said his understanding was that the current statute requires precinct results tapes to display the results after each ranking. That was not done in the last election but it was a requirement in Ballot Measure II.

SENATOR WIELECHOWSKI said that was his recollection; the ballot measure specifically required the raw data to be released but it wasn't until after it was certified, which was weeks after the election.

[4:08:00 PM](#)

CHAIR KAWASAKI agreed that should be examined further.

He set an amendment deadline on May 1 close of business.

[4:09:30 PM](#)

CHAIR KAWASAKI held SB 138 in committee.

SB 17-CAMPAIGN CONTRIBUTIONS

[4:09:37 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 17 "An Act relating to political contributions; and providing for an effective date."

[4:10:17 PM](#)

MATT LONGBAUGH, Staff, Senator Scott Kawasaki, Alaska State Legislature, Juneau, Alaska, introduced SB 17 by paraphrasing the sponsor statement.

Alaska has long regulated campaign contributions and limited the amount that can be donated to political campaigns. Following the VECO scandal in 2006, the people of Alaska approved a ballot initiative that established strict contribution limits. Part of the argument behind that initiative was that limiting the amount of money candidates can raise would curb the type of corruption seen during VECO.

In 2019 the 9th Circuit Court of Appeals overturned some of Alaska's political contribution limits in the case Thompson v. Hebdon. The Thompson decision struck down the limits, including the limits on contributions from individuals, nongroup entities, nonpolitical party entities, and joint campaigns for Governor and Lieutenant Governor.

This bill establishes new campaign contribution limits compliant with the Thompson decision. It increases these limits such that they are nearly indexed for the rate of inflation between 2006 and 2023. The limits are rounded to the nearest hundred. Here are the new limits:

- Individual contribution limits from \$500 to \$700
- Nonpolitical party group limits from \$1,000 to \$1,400
- Nongroup entity limits from \$1,000 to \$1,400
- Individual limits to a joint candidacy for Governor and Lieutenant Gov. from \$1,000 to \$1,400
- Group limits to a joint candidacy for Governor and Lieutenant Gov. from \$2,000 to \$2,800

The Thompson decision also stipulated that contribution limits must be indexed for inflation. SB 17 requires APOC to index contribution limits for inflation by regulation starting in 2024 and after subsequent terms of four years.

[4:11:58 PM](#)

MR. LONGBAUGH presented the sectional analysis for SB 17.

Section 1. AS 15.13.070(b)

This amends the statute by increasing the individual contribution limit from \$500 to \$700. This applies to individuals donating to nongroup entities, candidates, write-in candidates, or nonpolitical party groups.

Section 2. AS 15.13.070(c)

Amends the statute by increasing the contribution limit for groups that are not political parties from \$1,000 to \$1,400. This applies to nonpolitical party groups donating to a candidate, a write-in candidate, another group, a non-group entity, or a political party.

Section 3. AS 15.13.070(f)

This section amends the statute by increasing the amount nongroup entities can donate from \$1,000 to \$1,400. This applies to nongroup entities donating to another nongroup entity, to candidates, to write-in candidates, to groups, or to political parties.

Section 4. AS 15.13.070(g)

This amends the statute by increasing the amount individuals and groups can donate to joint Gubernatorial and Lieutenant Gubernatorial campaigns. It increases the amount individuals can donate from \$1,000 to \$1,400, and groups from \$2,000 to \$2,800.

Section 5. AS 15.13.070(h)

This section adds a new subsection that indexes these campaign limits to inflation. Starting in 2024, and every term of four years thereafter, the commission shall by regulation adjust these contribution limits to account for inflation.

Section 6. Provides this bill with an immediate effective date.

[4:14:13 PM](#)

MR. LONGBAUGH continued the introduction of SB 17 with a PowerPoint, starting on slides 4-5.

A Brief History

- In 1995, citizens filed an initiative that included lowering the limits on individual campaign contributions from \$1000 to \$500.
- The legislature heard the call of the people and enacted a new law before the initiative came to fruition. The stated purpose of the new law was "to restore the public's trust in the electoral process and to foster good government."
- Years later, the legislature raised the limit back to \$1,000.
- In 2006, the people once again filed an initiative, and this time it came to be, lowering the limits again to \$500 - with 73% support.

- In 2021, the U.S. Ninth Circuit Court of Appeals ruled the limit unconstitutional.
 - The Court argued that because \$500 was unusually low, applied to all state races, and was not indexed with inflation to grow over time, that it infringed on donors' freedom of speech and gave an unfair advantage to incumbents.
 - In the aftermath of the decision, Alaska's Public Office Commission set the individual-to-candidate limit at \$1,500.

SB 17's ceilings would roughly track inflation for what Alaskans approved in 2006, though are a bit higher.

[4:16:16 PM](#)

MR. LONGBAUGH advanced to slide 6.

How it Could Survive Legal Challenge

To review, The Ninth Circuit Court argued that, since \$500 was unusually low, applied to all state races, and was not indexed with inflation to grow over time, it infringed on donors' freedom of speech and gave an unfair advantage to incumbents.

SB 17's limits are not unusually low and are indexed with inflation to grow over time. Thus, it follows from that ruling that these would survive a challenge made on the same grounds as the last one.

In the 40 states that do have limits on contributions to legislative candidates, the average is \$2,848 per election, ranging from \$180 in Montana to \$13,704 [in Ohio]. Ours would be slightly higher or lower depending on the source of the contribution—not unusual.

[4:17:36 PM](#)

MR. LONGBAUGH continued to slide 7.

Reviewing the Increases

Section 1:

- Individuals: \$500 >> \$700 per year

Section 2:

- A non-political party group: \$1000 >> \$1,400 per year

Section 3:

- Nongroup entity (such as XXX) : \$1000 >> \$1,400 per year

Section 4 concerning Governor and Lt. Governor campaigns:

- Individuals \$1,000 >> \$1,400; groups \$2,000 >> \$2,800 per year

MR. LONGABAUGH advanced to slide 8.

You may be familiar with some related cases

In McCutcheon v. Federal Election Commission (2014), the court held that states cannot place limits on aggregate contributions (the total of all contributions to all candidates) by individuals or groups. Existing limits on per-candidate contributions were not addressed and thus not changed. (NCSL)

In Citizens United v. Federal Election Commission (2010), independent expenditures were at hand. SB 17 would not limit those.

[4:19:09 PM](#)

SENATOR CLAMAN asked why the individual contribution limits from \$500-\$700 weren't higher.

MR. LONGABAUGH replied that the increase tracks the consumer price index (CPI) and is the limit that was approved by ballot initiative.

SENATOR CLAMAN summarized that the \$500 limit is adjusted for inflation.

MR. LONGABAUGH replied that it's at least tracked to inflation.

SENATOR CLAMAN questioned the reason that the presentation didn't include the full explanation of the \$1,500 individual-to-candidate limit that APOC set and then withdrew under pressure. It was noteworthy because that left basically no finance limits in the last election.

MR. LONGABAUGH acknowledged that was omitted from the presentation.

SENATOR CLAMAN pressed the point asking how the \$1,500 was relevant when APOC added it and then realized it was a bad idea and withdrew it.

[4:21:17 PM](#)

CHAIR KAWASAKI asked Mr. Lucas to discuss how APOC happened to set the \$1,500 limit, temporary though it was.

[4:21:40 PM](#)

TOM LUCAS, Campaign Disclosure Coordinator, Alaska Public Offices Commission (APOC), Anchorage, Alaska, explained that the \$1,500 limit was APOC staff's attempt to accommodate the Thompson decision. The commission withdrew the \$1,500 limit after it ultimately decided that any caps on the contribution limits should be set by the legislature.

SENATOR CLAMAN recounted that the court criticized that incumbents were advantaged by the structure of Alaska's contribution limits. The limit was set as an annual limit as opposed to a per campaign limit which favors incumbents because they oftentimes start running the year before and challengers often don't get involved until later so they're not fundraising the first year. He asked the reason for not shifting to campaign limits.

MR. LONGABAUGH responded that incumbents always have an advantage and it doesn't seem to be tied to annual versus campaign limits, but he would follow up after doing some research on that point.

SENATOR CLAMAN observed that Alaska was told that its campaign finance limits were unconstitutional and his perspective was that the Ninth Circuit wasn't likely to find SB 17 very different because it simply adjusts the limit to match inflation.

CHAIR KAWASAKI reviewed the variety of what other states do with campaign limits and posited that the legislature could decide what policy to adopt. His perspective was that the general opinion was that there is too much money in politics.

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SENATOR WIELECHOWSKI commented that the voters have overwhelmingly said they want campaign contribution limits and the court has said the limits are too low. He offered his perspective that the limits should be as low as possible and then inflation proofed. He said he appreciated the discussion.

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SENATOR BJORKMAN asked if SB 17 would limit the amount a candidate could contribute to their own campaign.

CHAIR KAWASAKI responded that the bill doesn't specifically address that and he didn't believe the law currently limited the amount a candidate could contribute to their own campaign. He asked Mr. Lucas to comment.

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MR. LUCAS responded that the one exception is that a candidate can only contribute an additional \$5,000 to their own campaign during the last 30 days before an election.

SENATOR CLAMAN asked what the laws are on how much a candidate can loan to their campaign.

MR. LUCAS responded that a candidate's loan to their own campaign is considered a contribution unless and until the candidate files a report indicating they would like to be reimbursed from the surplus funds at the end of the campaign. The amount that can be reimbursed is limited depending on the office the person is seeking. He offered to follow up with information about the specific statute.

SENATOR CLAMAN said he didn't need the information.

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CHAIR KAWASAKI set an amendment deadline and held SB 17 in committee for future consideration.

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There being no further business to come before the committee, Chair Kawasaki adjourned the Senate State Affairs Standing Committee meeting at 4:33 p.m.