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IN THE HOUSE

BY MRS. DIMOCK

HOUSE BILL NO. 111

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act pertaining to unlawful publications relating to candidates for election and to persons connected with social or religious drives or campaigns; defining offenses and prescribing penalties."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. When used in this Act, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof

(a) "Person" shall be taken to mean and include an individual, and where consistent with collective capacity, a committee, firm, partnership, company, corporation, club, organization, association, or other combination of individuals.

(b) "Public office" shall be taken to mean and include any Territorial office to which a salary attaches and which is filled either by election or by appointment.

(c) "Candidate" shall be taken to mean and include any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination, election or appointment.

(d) "Author", when used with reference to a committee, firm, partnership, company, corporation, club, organization, association, or other combination of individuals, shall be taken

1 to mean and include the secretary or other duly qualified officer
2 thereof.

3 Section 2. It shall be unlawful to write, print or
4 circulate or cause to be circulated through the mails or
5 otherwise any letter, circular, bill, placard, poster or other
6 publication relating to any election or to any candidate at any
7 election, or to any social or religious drive or campaign, unless
8 the same shall bear on its face the name and address of the
9 author and of the printer and publisher thereof. Any person who
10 shall violate this section of this Act shall be guilty of a
11 misdemeanor, and upon conviction shall be punished by a fine of
12 not less than twenty-five dollars nor more than five hundred
13 dollars.

14 Section 3. (a) If any letter, circular, poster, bill,
15 publication or placard shall contain any false statement or
16 charges reflecting on the character, morality or integrity of
17 any candidate or of any person connected with any social or
18 religious drive or campaign, the author thereof and any person
19 printing or knowingly assisting in the circulation thereof shall
20 be guilty of the crime of criminal libel, and upon conviction
21 shall be punished by imprisonment for not less than six months
22 nor more than two years, by a fine of not less than one hundred
23 dollars nor more than two thousand dollars, or by both such
24 imprisonment and fine.

25 (b) If any person charged with the crime of criminal
26 libel shall prove during the trial for such crime that there was
27 reasonable ground to believe that such statement or charges were
28 true and were so believed to be true, and that malice did not
29 actuate the making or circulation of such publication, then this

1 shall constitute a sufficient defense to the charge. In that
2 event, however, and as part of such defense, the author or
3 authors and the printer or publisher or other person charged
4 with such crime shall also prove (1) that at least fifteen days
5 before such letter, circular, bill, placard, poster or other
6 publication was printed or circulated such person caused to be
7 served personally and in person upon the complaining party to
8 whom it relates, a copy thereof in writing, calling such party's
9 attention particularly to the charges contained therein, and
10 (2) that before printing and publishing such charges, the person
11 charged with such crime received and read any denial, defense or
12 explanation, if any, of such charges, made or offered to him in
13 writing.

14 Section 4. The provisions of this Act shall apply with
15 equal force and effect to any publication or communication made
16 or broadcast over any commercial radio station or system or
17 radio telephone.