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1 IN THE SENATE

BY CROFT AND MILLER

2 SENATE BILL NO. 95

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 15 is amended by adding a new chapter to read:

9 CHAPTER 13. STATE ELECTION CAMPAIGNS.

10 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in
11 every election for governor, lieutenant governor, a member of congress,
12 or a member of the state legislature.

13 (b) This chapter does not apply in a city or borough election.

14 Sec. 15.13.020. EXECUTIVE COMMITTEES AND OTHER GROUPS. (a) Each
15 state and regional executive committee of a political party, and every
16 other group, organized in whole or in part for the purpose of furthering
17 political candidacies, shall make a full report, upon a form prescribed
18 by the lieutenant governor, of all money, loans, or other things of
19 value contributed to it, and all expenditures made, incurred, or
20 authorized by it during the period ending on the date of the report
21 and beginning on the date of the most recent such report filed. The
22 report shall contain the name and address of each officer, director and
23 member of the committee or other group, the name and address of each
24 person or group contributing, the amount contributed by each person
25 or group, and an itemized list of the expenditures. The report shall
26 be filed with the lieutenant governor no later than noon on the dates
27 designated in sec. 70(c) of this chapter. The chairman or secretary
28 of the committee shall certify the correctness of each report.

29 (b) Each committee and other group shall designate an officer

1 responsible for handling funds received and contributions and expendi-
2 tures made by it and responsible for filing the required reports and
3 statements.

4 Sec. 15.13.030. CAMPAIGN TREASURERS AND CAMPAIGN DEPOSITORIES.

5 (a) Each candidate in an election shall appoint one campaign
6 treasurer and shall designate one campaign depository no later than
7 the date of filing of his declaration of candidacy or his nominating
8 petition. The candidate may appoint himself or any other individual
9 as his campaign treasurer and may designate any bank authorized by
10 law to transact business in the state as his campaign depository. The
11 candidate shall file the name and address of the campaign treasurer
12 and the campaign depository with the lieutenant governor. The candi-
13 date's filing is not complete and his name may not be placed on the
14 ballot until he has met this requirement.

15 (b) A campaign treasurer may appoint as many deputy campaign
16 treasurers as he considers necessary and may designate one additional
17 campaign depository in each area of the state in which the campaign
18 is conducted. The candidate shall file the names and addresses of
19 the deputy campaign treasurers and additional campaign depositories
20 with the lieutenant governor.

21 (c) A candidate may remove a campaign treasurer or deputy campaign
22 treasurer.

23 (d) In the case of the death, resignation, or removal of a
24 campaign treasurer, the candidate shall appoint a successor as soon
25 as practicable and shall file his name and address with the lieutenant
26 governor. The candidate is disqualified if he fails to comply with
27 this requirement.

28 Sec. 15.13.040. CAMPAIGN CONTRIBUTIONS AND EXPENDITURES. (a)

29 No contribution of money or other thing of value, nor obligation for

1 it, including contributions, loans, or obligations of the candidate
2 himself or of his family, may be made or received, and no expenditure
3 of money or other thing of value, nor obligation for it, including an
4 expenditure, loan, or obligation of the candidate himself or of his
5 family, may be made or incurred, directly or indirectly, to support
6 or defeat a candidate in an election, except through the properly
7 appointed campaign treasurer or deputy campaign treasurers of the
8 candidate or his opponent.

9 (b) A campaign treasurer or deputy campaign treasurer may not
10 refuse to accept any contribution of money or other thing of value,
11 or obligation for it, from any person or group which may lawfully
12 make such a contribution.

13 (c) A contribution made by a person wishing to remain anonymous,
14 and received by a campaign treasurer or deputy campaign treasurer,
15 may not be used or expended, but shall be returned to the donor, if
16 his identity is known, and if no donor is found, the contribution
17 escheats to the state.

18 (d) No corporation may make a contribution of money or other
19 thing of value to support or defeat a candidate in an election.

20 Sec. 15.13.050. DEPOSIT OF CONTRIBUTIONS; STATEMENT OF CAMPAIGN
21 TREASURER. (a) All funds received by a campaign treasurer or deputy
22 campaign treasurer shall be deposited by the campaign treasurer or
23 deputy campaign treasurer in a campaign depository of the candidate
24 in an account designated "Campaign Fund of [name of candidate] "
25 no later than the next regular day of business of the depository.

26 (b) All deposits made by a campaign treasurer or deputy campaign
27 treasurer shall be accompanied by a statement containing the name and
28 address of each person or group contributing or providing the funds
29 so deposited, and the amount contributed or provided by each person or

1 group. The statement shall be in triplicate, upon a form prescribed
2 by the lieutenant governor, one copy to be filed with the campaign
3 depository for retention in its records, one copy to be filed by the
4 campaign depository in accordance with sec. 80 of this chapter, and
5 one copy to be retained by the campaign treasurer for his records; in
6 the case of deposits made by a deputy campaign treasurer, the third
7 copy shall be forwarded to the campaign treasurer to be retained by
8 him for his records.

9 Sec. 15.13.060. AUTHORIZATION OF EXPENDITURES; RESTRICTIONS.

10 (a) No expenditure may be made or incurred by a candidate, or by any
11 person or group, to support or defeat a candidate in an election un-
12 less it is authorized in writing by a campaign treasurer or deputy
13 campaign treasurer before its incurrence. The authorization shall
14 state the amount and purpose of the proposed expenditure and shall be
15 signed by the campaign treasurer or deputy campaign treasurer.

16 (b) Except as provided in (c) of this section, no funds may be
17 withdrawn from or paid by a campaign depository from any campaign
18 fund account except upon the presentation of the written authorization
19 from a campaign treasurer or deputy campaign treasurer, accompanied by

20 (1) the certificate of the person claiming the payment
21 stating that the amount claimed, which may not exceed the amount
22 authorized under (a) of this section is justly due and owing to him,
23 that the authorization truly states all the purposes for which the
24 indebtedness was incurred, and that no other person is interested,
25 directly or indirectly, in the payment of the claim; and

26 (2) an order for payment, signed by the campaign treasurer
27 or deputy campaign treasurer who signed the original authorization,
28 and stating the amount to be paid.

29 (c) Funds may be withdrawn from or paid by a campaign depository

1 from a campaign fund account without a certificate of the claimant,
2 for anticipated travel expenses about to be incurred.

3 (d) The authorization, certificate of the claimant, and the order
4 for payment shall be part of a single form to be prescribed by the
5 lieutenant governor.

6 (e) No authorization under (a) of this section may be issued
7 unless there are funds on deposit in the candidate's campaign fund
8 accounts sufficient to pay the amount of the expenditure to be autho-
9 rized and all other expenditures previously authorized but as yet
10 unpaid.

11 (f) When a campaign contributor requests that all or any part
12 of his contribution be applied to a specified purpose which is not
13 prohibited by law, the campaign treasurer or deputy campaign treasurer
14 shall issue an authorization under (a) of this section, and an order
15 for payment under (b) of this section, up to the amount of the
16 contribution, for the purpose requested.

17 (g) When funds are to be withdrawn from or paid by a campaign
18 depository from a campaign fund account upon the authorization of a
19 deputy campaign treasurer, the deputy campaign treasurer shall forward
20 a copy of the form containing the authorization, certificate of the
21 claimant and order for payment to the campaign treasurer on the day
22 of the authorization.

23 (h) No political campaign expenditure may be made or incurred by
24 a candidate in an election, or by any person or group on his behalf,
25 before noon of the first filing date for nomination for the office
26 which the candidate seeks, except for personal travel expenses. But
27 a candidate, or any person or group on his behalf, may reserve, but
28 not use, advertising time and space and office facilities before the
29 filing date.

1 Sec. 15.13.070. REPORTS. (a) During the period between the
2 date of appointment of the campaign treasurer and the election, each
3 candidate shall report to his campaign treasurer on Monday of each
4 week, upon a form prescribed by the lieutenant governor, all expenditure
5 made, incurred, or authorized by the candidate for travel expenses
6 during the preceding seven days.

7 (b) Each campaign treasurer shall make a full report, upon a
8 form prescribed by the lieutenant governor, of all money, loans, or
9 other things of value, contributed to him or to the deputy campaign
10 treasurers of the candidate, during the period ending on the date of
11 the report as designated in (c) of this section, and beginning on the
12 date the most recent such report was filed, or, in the case of the
13 first such report filed after the appointment of the campaign treasurer,
14 beginning on the date of the appointment of the campaign treasurer.
15 Expenditures for travel expenses shall be reported on the Monday
16 preceding the date of the report. The report shall contain the name
17 and address of each person or group contributing and the amount
18 contributed by each person or group. The campaign treasurer and the
19 candidate shall certify the correctness of the report.

20 (c) The campaign treasurer's report shall be filed with the
21 lieutenant governor no later than noon on (1) the first Monday of
22 each month during the period between the date of appointment of the
23 campaign treasurer and the election; (2) the sixth day preceding the
24 election; and (3) 15 days after the election. In the case of an
25 election of a candidate for the legislature, a duplicate copy, properly
26 certified, shall be filed at the same time with the clerk of the district
27 court in the area of the judicial district in which the candidate
28 resides.

29 (d) All reports required by this chapter shall be kept open to

1 public inspection.

2 (e) The lieutenant governor shall prepare a summary of each
3 report and shall mail copies of the summary to all newspapers of general
4 circulation in the candidate's constituency.

5 (f) If a candidate is unopposed in an election after the time
6 prescribed by law for filing for nomination or election to the
7 office, then he is not required to file the reports required by (b) and
8 (c) of this section, but he may continue to file the reports volun-
9 tarily. A candidate who is opposed but receives no contributions or
10 makes no expenditures shall report that fact on the dates designated
11 in (c) of this section.

12 Sec. 15.13.080. CAMPAIGN DEPOSITORY'S STATEMENT AFTER ELECTION.
13 Within 15 days after the election, each campaign depository of the
14 candidate shall file with the lieutenant governor the originals or
15 true copies of all statements filed with the campaign depositories
16 by the campaign treasurer or deputy campaign treasurers under sec.
17 50(b) of this chapter, and the originals or true copies of all authori-
18 zations of the campaign treasurer or deputy campaign treasurers under
19 sec. 60(a) of this chapter upon which funds were withdrawn from the
20 campaign depositories. In the case of a candidate for the legislature,
21 true copies of the statements and authorizations shall be filed at
22 the same time with the clerk of the district court in the area of
23 the judicial district in which the candidate resides.

24 Sec. 15.13.090. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICA-
25 TIONS; INITIAL DATE OF EXPENDITURE. (a) No contribution of money
26 or other thing of value, nor obligation for it, may be made, and no
27 expenditure of money or other thing of value, nor obligation for it,
28 may be made or incurred, directly or indirectly, anonymously, in a
29 fictitious name, or by one person or group in the name of another, to

1 support or defeat a candidate in an election.

2 (b) All advertisements, billboards, handbills, paid-for tele-
3 vision and radio announcements and other communications intended to
4 support or defeat a candidate shall be signed or identified by the
5 words "Paid for by" followed by the name and address of the campaign
6 treasurer of the candidate on whose behalf the communication appears,
7 and the name of the candidate he is serving. But when any such com-
8 munication is made pursuant to a request by a campaign contributor
9 in accordance with sec. 60(f) of this chapter, it shall be signed
10 with the words "Paid for and published at the request of" followed
11 by the name of the contributor, and by the name and address of the
12 campaign treasurer.

13 Sec. 15.13.100. STATEMENT BY CONTRIBUTOR. A person or group
14 contributing or spending over \$100 or furnishing goods or services with
15 a value of more than \$100, during a campaign, to support or defeat a
16 candidate shall furnish the campaign treasurer a signed statement,
17 on a form prescribed by the lieutenant governor, when all of the
18 contributions, in the aggregate, made by that person or group exceed
19 that amount. The statement shall itemize the contributions, expendi-
20 tures, goods and services, and shall state that the contributor is
21 not a person or group prohibited by law from contributing, and that
22 the contribution consists of funds or property belonging to the contri-
23 butor and has not been given or furnished by any other person or group.
24 The contributors' statements shall be filed with the lieutenant
25 governor by the campaign treasurer no later than noon on the nearest
26 of the dates designated in sec. 70(c) of this chapter.

27 Sec. 15.13.110. RETENTION OF STATEMENTS AND REPORTS. Persons
28 with whom statements and reports, or copies of the statements or
29 reports, are required by this chapter to be filed shall securely keep

1 them for four years. A copy of a statement or report, certified by
2 the officer with whom it was filed, is admissible as evidence in any
3 state court.

4 Sec. 15.13.120. PENALTY; LIMITATIONS ON ACTIONS. (a) A person
5 who violates a provision of this chapter is guilty of a misdemeanor
6 and upon conviction is punishable by a fine of not more than \$1,000,
7 or by imprisonment of not more than one year, or by both. A violation
8 includes but is not limited to any of the following acts or omissions:

9 (1) failing to make a statement or report required to be
10 made under this chapter, or failing to make a statement or report at
11 the time the statement or report is required to be made under this
12 chapter;

13 (2) making a false statement or report under this chapter;

14 (3) giving or furnishing money to another person or group
15 for the purpose of making a contribution or expenditure anonymously,
16 in a fictitious name, or in the name of another, in violation of
17 sec. 90(a) of this chapter;

18 (4) making any communication to support or defeat a candi-
19 date without identification of sponsorship, in violation of sec. 90(b)
20 of this chapter;

21 (5) contributing in violation of sec. 40(d) of this chapter.

22 (b) The nomination for, or election to, an office of a candidate
23 who violates a provision of this chapter, or whose campaign treasurer
24 or deputy campaign treasurer violates a provision of this chapter with
25 the candidate's knowledge, is void, and, in the case of election, the
26 successful candidate may not be sworn into office and the office shall
27 be filled as required by law in the case of a vacancy. When a
28 violation of this chapter is alleged, the candidate's right to the
29 nomination or the office may be tested in an action brought in the

1 supreme court as a matter of original jurisdiction. All cases of this
2 nature shall be in a preferred position for purposes of argument and
3 decision, so as to assure a speedy disposition of the matter.

4 (c) Promptly after the final date for filing statements and
5 reports, the lieutenant governor shall notify all persons who have
6 become delinquent in filing them, including contributors who failed
7 to file a statement in accordance with sec. 100(a) of this chapter,
8 and shall make available a list of these delinquents for public
9 inspection. The lieutenant governor shall also report to the attorney
10 general the names of all candidates in an election, whose campaign
11 treasurers or campaign depositories have failed to file the reports
12 required by this chapter.

13 (d) Any qualified voter may sue for injunctive relief to compel
14 compliance with the provisions of this chapter.

15 (e) Prosecution for violation of a provision of this chapter
16 may not be commenced after four years have elapsed from the date of
17 the violation.

18 Sec. 15.13.130. DEFINITION. In this chapter, "group" means
19 any combination of two or more persons acting jointly, including a
20 state and regional executive committee of a political party, for the
21 purpose of furthering political candidacies, or engaging in an activity
22 regulated or prohibited by this chapter.

23 * Sec. 2. AS 15 is amended by adding a new chapter to read:

24 CHAPTER 57. ELECTION PAMPHLET.

25 Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor
26 shall mail to all voters of the state before each state general election
27 a candidate pamphlet containing photographs and campaign statements of
28 eligible nominees who desire to participate in the pamphlet.

29 Sec. 15.57.020. STATEMENT AND PHOTOGRAPH TO BE FILED BY NOMINEE.

1 Not later than 60 days before the applicable state election, each
2 nominee for the office of United States senator, United States repre-
3 sentative, governor, lieutenant governor, judicial officer, state
4 senator and state representative may file with the lieutenant governor
5 a typewritten statement advocating his candidacy. The statement may
6 not exceed 350 words and may be accompanied by a photograph not more
7 than five years old and suitable for reproduction.

8 Sec. 15.57.030. PUBLICATION. The statements and photographs of
9 nominees, as set out in secs. 10 and 20 of this chapter, shall be
10 published by the lieutenant governor as a candidate pamphlet. The
11 material shall be printed and bound in a single pamphlet according to
12 the following specifications: (1) the pages of the pamphlet shall
13 be not larger than eight and one-half by 11 inches in size; (2) the
14 outside measurement of the printed matter of each page shall be not
15 less than six by nine inches, including running head; (3) it shall be
16 printed in clear readable type; (4) the pamphlet shall be printed on
17 a quality and weight of paper which in the judgment of the lieutenant
18 governor best serves the voters. The lieutenant governor shall publish
19 in the pamphlet a table of contents, listing all candidates participat-
20 ing in the pamphlet.

21 Sec. 15.57.040. CHARGES TO NOMINEES FOR SPACE. (a) Nominees
22 shall pay for one page of space in the candidate pamphlet as follows:

23 (1) United States senator, United States representative and
24 all nominees for state offices voted upon throughout the state, \$100
25 each;

26 (2) judicial officers other than supreme court justice, \$50
27 each;

28 (3) state senator, \$50 each;

29 (4) state representative, \$25 each.

1 (b) All payments shall be made to the lieutenant governor when
2 the statement is offered to him for filing and shall be deposited in
3 the general fund.

4 (c) Nominees for president and vice president are each entitled
5 to one page without charge and each political party nominating a
6 presidential candidate is entitled to one page without charge.

7 (d) Political parties may each purchase one additional page for
8 \$500.

9 Sec. 15.57.050. DISTRIBUTION. (a) Not less than 30 days before
10 the election the lieutenant governor shall transmit by mail, to every
11 voter in the state whose address he can with reasonable diligence
12 ascertain, one copy of the pamphlet. When practical, the lieutenant
13 governor shall have the pamphlets printed so that no candidate's picture
14 or statement is included in the copy of the pamphlet going to a district
15 where the candidate's election is not to be voted upon.

16 (b) Additional copies of the pamphlet may be obtained from the
17 office of the lieutenant governor at cost.

18 Sec. 15.57.060. ORDER OF APPEARANCE. The candidates' photographs
19 and statements shall appear in the pamphlet in alphabetical order
20 within each category of office, in the sequence the offices sought
21 appear on the state general election ballot.

22 Sec. 15.57.500. REGULATIONS. The lieutenant governor may adopt
23 regulations necessary to effectuate and clarify the provisions of this
24 chapter.
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