

Original Sponsor: Croft, T. Miller  
Kerttula, Palmer and Ray

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1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns; and providing  
7 for an effective date."

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

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

10 CHAPTER 13. STATE ELECTION CAMPAIGNS.

11 Sec. 15.13.010. APPLICABILITY. This chapter applies in every  
12 election for governor, lieutenant governor, a member of the state legis-  
13 lature, or for a municipal office. A municipality may exempt itself  
14 from the requirements of this chapter if a majority of the voters at a  
15 general election vote to exempt the municipality from the requirements  
16 of this chapter. Nothing in this chapter prohibits a municipality  
17 from regulating by ordinance campaign contributions and expenditures.

18 Sec. 15.13.020. ALASKA ELECTION CAMPAIGN COMMISSION. (a) There  
19 is created in the office of the lieutenant governor the Alaska Election  
20 Campaign Commission.

21 (b) The governor shall appoint two members of the commission who may  
22 not be members of the same political party; the president of the senate  
23 shall appoint one commission member; the speaker of the house, one member;  
24 and the chief justice of the supreme court, one member. No member of the  
25 commission may be a member of the legislature. The original members  
26 shall be appointed within 30 days after the effective date of this Act.

27 (c) The term of each member shall be four years except that one  
28 of the two original appointments by the governor shall serve a term of  
29 two years, and the appointment by the chief justice shall serve a term

1 of two years. No member of the commission may serve more than one  
2 term.

3 (d) No member of the commission, during tenure, may

4 (1) hold or campaign for elective office;

5 (2) be an officer of a political party or political com-  
6 mittee;

7 (3) permit his name to be used, or make any contributions,  
8 in support of or in opposition to a candidate;

9 (4) participate in any way in an election campaign; or

10 (5) lobby, employ or assist a lobbyist.

11 (e) Members of the commission shall receive compensation of \$100  
12 a day while attending commission meetings and shall be entitled to  
13 necessary travel expenses and per diem.

14 (f) The members shall elect a chairman. Three members of the  
15 commission constitutes a quorum. A vacancy does not impair the powers  
16 of the remaining members to exercise all of the powers of the commis-  
17 sion.

18 (g) Vacancy on the commission shall be filled by the appropriate  
19 appointing officer within 30 days of the occurrence of the vacancy.  
20 The appointee shall serve for the remaining term of his predecessor.

21 (h) The commission may employ an executive director and other  
22 employees it considers necessary. Neither the executive director nor  
23 an employee may have a vote.

24 (i) The commission shall establish in each senate district in  
25 the state an office to receive reports and statements required to be  
26 filed with it; however, where one municipality contains more than one  
27 election district, only one commission office shall be established  
28 in that municipality. The commission shall make every effort to  
29 insure that all reports are forwarded to the central office promptly.

1           Sec. 15.13.030. DUTIES OF THE COMMISSION. The commission shall

2           (1) develop and provide all forms for the reports and state-  
3           ments required to be made under this chapter;

4           (2) prepare and publish a manual setting out uniform methods  
5           of bookkeeping and reporting for use by persons required to make reports  
6           and statements under this chapter and otherwise assist candidates and  
7           groups in complying with the requirements of this chapter;

8           (3) receive and hold open for public inspection reports and  
9           statements required to be made under this chapter and, upon request,  
10          furnish copies at cost to interested persons;

11          (4) compile and maintain a current list of all filed reports  
12          and statements;

13          (5) prepare and publish a summary of each report filed  
14          under sec. 110 of this chapter;

15          (6) notify, by registered or certified mail, all persons  
16          who are delinquent in filing reports and statements required to be  
17          made under this chapter;

18          (7) report within 60 days after the election the names of  
19          all persons and groups who have failed to comply with any of the  
20          provisions of the chapter to the office of the attorney general;

21          (8) investigate all reports, statements and actions required  
22          by this chapter and to report to the attorney general the names of all  
23          persons or groups which the commission has substantial reason to  
24          believe have violated this chapter;

25          (9) prepare and publish an annual report to the legislature  
26          concerning the activities of the commission, the effectiveness of this  
27          chapter, its enforcement by the attorney general's office, and recom-  
28          mendations and proposals for change;

29          (10) adopt regulations necessary to effectuate and clarify

1 the provisions of this chapter.

2 Sec. 15.13.040. CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED.

3 (a) Each candidate shall make a full report, upon a form prescribed  
4 by the commission, of all expenditures made by or on behalf of the  
5 candidate, the total amount of all contributions including all funds  
6 contributed by the candidate himself, and for contributions in excess  
7 of \$100 in the aggregate per annum the name, address and principal  
8 occupation of the contributor and amount contributed by each contributor.  
9 The reports shall be filed according to sec. 110 of this chapter and  
10 shall be certified as correct by the candidate or campaign treasurer.

11 (b) Each group shall make a full report, upon a form prescribed  
12 by the commission, of all contributions made to or by it and all  
13 expenditures made, incurred, or authorized by it. The report shall  
14 contain the name and address of each officer and director, and the  
15 name and address of and amount contributed by each contributor in  
16 excess of \$100 in the aggregate per annum, and an itemized list of the  
17 expenditures. The report shall be filed with the commission no later  
18 than noon on the dates designated in sec. 110 of this chapter.

19 Sec. 15.13.050. GROUPS. Each group, before making an expenditure  
20 on behalf of a candidate or a contribution to a candidate, shall regis-  
21 ter, on forms provided by the commission, with the commission. If the  
22 group intends to support only one candidate, the name of the candidate  
23 shall be a part of the name of the group. Promptly upon receiving the  
24 registration, the commission shall notify the candidate of the group's  
25 organization and intent.

26 Sec. 15.13.060. CAMPAIGN TREASURERS. (a) Each candidate and  
27 group shall appoint a campaign treasurer who is responsible for receiving,  
28 holding, and disbursing all contributions and expenditures, and for  
29 filing all reports and statements required by law. A candidate may be

1 a campaign treasurer.

2 (b) Each group shall file the name and address of the campaign  
3 treasurer with the commission at the time the first contribution or  
4 expenditure report is required to be filed by the group under this  
5 chapter.

6 (c) Each candidate shall file the name and address of the campaign  
7 treasurer with the commission no later than the date of filing his  
8 declaration of candidacy or his nominating petition. The name of the  
9 candidate may be placed on the ballot only if the candidate has complied  
10 with this subsection.

11 (d) In the case of the death, resignation or removal of a campaign  
12 treasurer, the candidate shall appoint a successor as soon as practi-  
13 cable and file his name and address with the commission within 48 hours  
14 of the appointment. The candidate is disqualified if he fails to comply  
15 with this subsection.

16 (e) A campaign treasurer may appoint as many deputy campaign  
17 treasurers as he considers necessary. The candidate shall file the  
18 names and addresses of the deputy campaign treasurers with the commis-  
19 sion.

20 Sec. 15.13.070. CONTRIBUTIONS AND EXPENDITURES; AMOUNT AND FORM  
21 OF PAYMENT. (a) No person may contribute, other than to his own  
22 campaign, in excess of \$1,000 in the aggregate per annum to any one  
23 candidate.

24 (b) No contribution over \$100 may be made in cash or by cash  
25 payment and it may not be accepted by or on behalf of a candidate.

26 (c) No expenditures over \$100 may be made in cash or by cash  
27 payment unless a written receipt is obtained and filed with the com-  
28 mission.

29 (d) No contribution may be made, and no expenditure may be made

1 or incurred, directly or indirectly, anonymously, in a fictitious name,  
2 or by one person or group in the name of another, to influence the  
3 election of a candidate in an election. A contribution made by a  
4 person wishing to remain anonymous, and received by a candidate,  
5 campaign treasurer or deputy campaign treasurer, may not be used or  
6 expended, but shall be returned to the donor, if his identity is  
7 known, and if no donor is found, the contribution escheats to the  
8 state if not donated by the candidate to the charity of his choice.

9 (e) Contributions to a candidate or a political committee may be  
10 received by, and expenditures of a candidate or political committee may  
11 be made by, only the candidate, campaign treasurer, or deputy campaign  
12 treasurer.

13 (f) The total amount of expenditures made by a candidate and by  
14 all groups operating under his control may not exceed (1) 40 cents  
15 times the total population of the state according to the latest United  
16 States census figures if the candidacy is for governor or lieutenant  
17 governor, of which amount no more than 40 per cent may be spent in a  
18 primary election campaign and no more than 60 per cent in the general  
19 election campaign; (2) \$1 times the total population of the geographi-  
20 cal area of the constituency according to the latest United States  
21 census figures divided by the number of seats in the senate district  
22 if the candidacy is for the state senate; (3) \$1 times the total  
23 population of the geographical area of the constituency according to  
24 the latest United States census figures divided by the number of seats  
25 in the house district if the candidacy is for the state house of  
26 representatives. The expenditure limitations in this section include  
27 expenditures for both a primary and a general election campaign, or  
28 for a special election.

29 (g) Each general election year the commission shall adjust the  
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1 campaign expenditure limitations for each category of (f) of this  
2 section to reflect cost-of-living changes as determined and published  
3 by the Bureau of Labor Statistics of the United States Department of  
4 Labor.

5 (h) No campaign expenditure of any type whatsoever shall be made  
6 by any candidate, treasurer, or group unless the source is disclosed  
7 as required by the provisions of this chapter whether or not such funds  
8 were received prior to the effective date of this Act.

9 Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person or group  
10 contributing to a candidate over \$100 or contributing goods or services  
11 to a candidate with a value of more than \$100 to influence the election  
12 of a candidate shall furnish the commission a signed statement, on a  
13 form made available by the commission. The statement shall itemize  
14 the contributions and goods and state that the contributor is not a  
15 person or group prohibited by law from contributing and that the con-  
16 tribution consists of funds or property belonging to the contributor  
17 and has not been given or furnished by another person or group. The  
18 contributor's statement shall be filed with the commission by the con-  
19 tributor no later than 10 days after the contribution is made. A copy  
20 of the statement shall be furnished the candidate, campaign treasurer,  
21 or deputy campaign treasurer at the time the contribution is made.

22 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertise-  
23 ments, billboards, handbills, paid-for television and radio announce-  
24 ments and other communications intended to influence the election of a  
25 candidate shall be signed or identified by the words "paid for by"  
26 followed by the name and address of the candidate or campaign treasurer  
27 of the candidate or group on whose behalf the communication appears.

28 Sec. 15.13.100. EXPENDITURES BEFORE FILING. No political campaign  
29 expenditure may be made or incurred by a person in an election or by

1 a person or group with his knowledge and on his behalf before the  
2 date upon which he or she files for nomination for the office which  
3 the person seeks, except for personal travel expenses or for opinion  
4 surveys or polls.

5 Sec. 15.13.110. REPORTS. (a) Each candidate and group shall  
6 make a full report, upon a form prescribed and prepared by the commis-  
7 sion, of all contributions made to or by the candidate, group, or  
8 treasurer and all expenditures made by or for the candidate, or group,  
9 during the period ending three days before the date of the report and  
10 beginning on the last day covered by the most recent previous report,  
11 or, if a first report, all contributions received and expenditures  
12 made before three days before the date of the report. The report shall  
13 contain the name and address of each person or group contributing, the  
14 date and amount contributed by each person or group, and the date and  
15 amount of the expenses incurred. The campaign treasurer or the candi-  
16 date shall certify the correctness of the report. The report shall be  
17 filed at the following times:

- 18 (1) one month before the election;
- 19 (2) one week before the election;
- 20 (3) ten days after the election; and
- 21 (4) December 31 of each year for expenditures made and

22 contributions received which were not reported that year.

23 (b) Each contribution or expenditure which exceeds \$250 and which  
24 is made within one week of the election shall be reported to the commis-  
25 sion by date, amount, and contributor or recipient within 24 hours of  
26 receipt or expenditure by the candidate or campaign treasurer.

27 (c) The reports of statewide candidates shall be filed with the  
28 commission at the state capital and all other reports shall be filed  
29 in the appropriate senate district office. All reports required by

1 this chapter shall be kept open to public inspection. Within one  
2 month after each election, the commission shall prepare a summary of  
3 each report which shall be made available to the public at cost upon  
4 request. Each summary shall utilize uniform categories of reporting.

5 (d) During each year in which an election occurs, all persons,  
6 businesses, or groups which furnish any of the following services,  
7 facilities, or supplies to a candidate, or group shall maintain a  
8 record of each furnished transaction: newspaper, radio, television,  
9 advertising, billboards, printing, secretarial, public opinion polls,  
10 or research consulting, media production or preparation, or computer  
11 services. The record shall be maintained on the forms provided and in  
12 the manner required by the commission. The supplier shall report (1)  
13 those candidates or groups to whom he is providing services, facilities,  
14 or supplies to the commission within 30 days of the date on which the  
15 service, facility, or supply is to be furnished; and (2) the complete  
16 record of each transaction with all candidates and groups within 30  
17 days after the election. All records shall be available for public  
18 inspection. Within 60 days after each election, the commission shall  
19 prepare a summary by candidate of the transactions and make the summaries  
20 public.

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

26 (1) failing to make a statement or report required to be  
27 made under this chapter, or failing to make a statement or report at  
28 the time the statement or report is required to be made under this  
29 chapter;

1 (2) making a campaign contribution or expenditure which  
2 exceeds the limitations of sec. 70(f) of this chapter;

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

4 (4) giving or furnishing money to another person or group  
5 for the purpose of making a contribution or expenditure anonymously,  
6 in a fictitious name, or in the name of another, or contributing in  
7 violation of sec. 70(d) of this chapter;

8 (5) making a communication to support or defeat a candidate  
9 without identification of sponsorship, in violation of sec. 90 of this  
10 chapter;

11 (6) knowingly accepting a contribution in violation of sec.  
12 70 of this chapter.

13 (b) The nomination for, or election to, an office of a candidate  
14 who violates a provision of this chapter, or whose campaign treasurer  
15 or deputy campaign treasurer violates a provision of this chapter, is  
16 void, and, if he is elected, the successful candidate may not hold  
17 office and the office shall be filled as required by law in the case  
18 of a vacancy. When a violation of this chapter is alleged, the candi-  
19 date's right to the nomination or the office may be tested in an action  
20 brought in the supreme court as a matter of original jurisdiction. All  
21 cases of this nature shall be in a preferred position for purposes of  
22 argument and decision, so as to assure a speedy disposition of the  
23 matter.

24 (c) Promptly after the final date for filing statements and  
25 reports, the commission shall notify all persons who have become delin-  
26 quent in filing them, including contributors who failed to file a  
27 statement in accordance with sec. 40 of this chapter, and shall make  
28 available a list of these delinquents for public inspection. The  
29 commission shall also report to the attorney general the names of all

1 candidates in an election whose campaign treasurers have failed to  
2 file the reports required by this chapter.

3 (d) A person who believes a violation of this chapter has occurred  
4 may file a complaint with the commission. If the commission determines  
5 there is substantial reason to believe that a violation has occurred,  
6 it shall expeditiously make an investigation, which shall also include  
7 an investigation of reports and statements filed by the complainant if  
8 he is a candidate of the matter complained of. When, in the judgment  
9 of the commission, after affording due notice and an opportunity for  
10 a hearing, a person has engaged or is about to engage in any acts or  
11 practices which constitute or will constitute a violation of a provision  
12 of this chapter, or a regulation or order issued under it, it shall  
13 promptly report the information to the attorney general for appropriate  
14 action. The commission shall report its determination and recommenda-  
15 tion to the person who filed the complaint with the commission within  
16 60 days of receiving the complaint unless circumstances require addi-  
17 tional time to make an adequate investigation. The finding of the  
18 commission may be appealed to the supreme court by the person who filed  
19 the complaint with the commission.

20 (e) Prosecution for violation of a provision of this chapter may  
21 not be commenced after four years have elapsed from the date of the  
22 alleged violation.

23 Sec. 15.13.130. DEFINITIONS. In this chapter,

24 (1) "candidate" means a person who files for election to  
25 the state legislature, for governor, for lieutenant governor, or for  
26 municipal office;

27 (2) "contribution" means purchase, payment, promise or  
28 obligation to pay, loan or loan guarantee, deposit or gift of money,  
29 goods or services for which charge is ordinarily made and which is

1 made for the purpose of influencing the nomination or election of a  
2 candidate, including the payment, by a person other than a candidate  
3 or political party, or compensation of the personal services of another  
4 person which are rendered to the candidate or political party;

5 (3) "group" means every state and regional executive com-  
6 mittee of a political party and, in addition, means any combination of  
7 two or more persons acting jointly whose major purpose is to influence  
8 the nomination or election of a candidate or whose expenditures or  
9 contributions are made with the authorization or consent, express or  
10 implied, or under the control, direct or indirect, of a candidate or  
11 his agent; a group whose sole purpose is to further the nomination,  
12 election, or candidacy of only one person shall be considered to be  
13 controlled by that person and its actions done with his knowledge and  
14 consent unless, within 10 days from the date the person learns of the  
15 existence of the group, he files with the commission, on a form pro-  
16 vided by the commission, an affidavit that the group is operating  
17 without his control; a group organized for more than one year pre-  
18 ceding an election and endorsing candidates for more than one office  
19 or more than one political party is presumed not to be controlled by a  
20 candidate;

21 (4) "expenditure" means a purchase or transfer of money or  
22 anything of value, or promise or agreement to purchase or transfer  
23 money or anything of value, incurred or made for the purpose of

24 (A) influencing the nomination or election of a candi-  
25 date or of any individual who files for nomination at a later date  
26 and becomes a candidate; or

27 (B) use by a political party; or

28 (C) the payment by a person other than a candidate or  
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1 political party of compensation for the personal services of  
2 another person which are rendered to such a candidate or political  
3 party.

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

5 CHAPTER 57. ELECTION PAMPHLET.

6 Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor  
7 shall mail to all voters of the state before each state general elec-  
8 tion a candidate pamphlet containing photographs and campaign statements  
9 of eligible nominees who desire to participate in the pamphlet.

10 Sec. 15.57.020. STATEMENT AND PHOTOGRAPH TO BE FILED BY NOMINEE.  
11 No later than 60 days before the applicable state election, each  
12 nominee for the office of United States senator, United States represen-  
13 tative, governor, lieutenant governor, judicial officer, state senator  
14 and state representative may file with the lieutenant governor a  
15 typewritten statement advocating his candidacy. The statement may not  
16 exceed 150 words of biographical information and 200 words of informa-  
17 tion regarding issues and may be accompanied by a photograph not more  
18 than five years old and suitable for reproduction.

19 Sec. 15.57.030. PUBLICATION. The statements and photographs of  
20 nominees, as set out in secs. 10 and 20 of this chapter, shall be  
21 published by the lieutenant governor as a candidate pamphlet.

22 Sec. 15.57.040. CHARGES TO NOMINEES FOR SPACE. (a) The cost of  
23 one page of space in the candidate pamphlet is as follows:

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

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

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

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

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

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

8 (d) Political parties may each purchase one additional page for  
9 \$500.

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

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

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

23 \* Sec. 3. AS 43.20.010(c)(2)(C)(ii) is amended to read:

24 (ii) if the contributions or gifts were made  
25 within the tax year to the state or to a political sub-  
26 division of the state for use exclusively for public purposes  
27 in the state or to a nonprofit corporation or association  
28 formed or located in the state or to a person or organization  
29 for use exclusively for political campaigns or dues to a

1                    nonprofit organization organized primarily for the purpose  
2                    of influencing elections.

3       \* Sec. 4. AS 43.20.010(c) is amended by adding a new paragraph to read:

4                    (10) In computing his taxable income under this section, a  
5                    natural person is entitled to a tax credit not to exceed \$50 for the  
6                    amount of political campaign contributions made within the tax year.

7       \* Sec. 5. AS 43.05 is amended by adding a new section to read:

8                    Sec. 43.05.085. LIST OF CONTRIBUTORS. The commissioner of revenue  
9                    shall prepare and furnish to the commission by July 1 of each year a  
10                    list of all persons claiming a credit under AS 43.20.010(c), including  
11                    the dates, if available, and candidates or groups to which the con-  
12                    tribution was made. These lists or parts of them shall not be made  
13                    public except on order of the supreme court of the state.

14       \* Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

15                    (37) Alaska Election Campaign Commission.

16       \* Sec. 7. This Act takes effect on the day after its passage and  
17       approval or on the day it becomes law without approval.  
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