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# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: CSSB 425 campaign contributions  
DATE: March 29, 1984

### Committee Substitute

The proposed committee substitute raises the campaign contribution reporting threshold as in the original version of the bill, but deletes from the original bill the sections allowing the increase in the maximum contribution allowed for individual contributors.

### Original version of the bill

This bill proposes to increase the campaign contribution reporting threshold and raise the maximum contribution allowed by a person or group to candidates for elective office. It also would eliminate sections regarding candidate campaign expenditure limitations that have been determined to be unconstitutional.

### Sectional analysis of the original bill

Section 1. Presently, candidates are required to report the name, address, occupation, and date and amount contributed by each contributor who gives more than \$100 in the aggregate each year. This reporting threshold is raised to \$250 in this section.

Section 2. As is Section 1, the reporting ceiling is increased from \$100 to \$250.

Section 3. This section also increases the reporting threshold from \$100 to \$250 for any contribution or cash, goods, or services.

Section 4. The maximum contribution made by a person or group is increased from \$1000 to \$2000 to candidates for elective office.

Section 5. This section repeals AS 15.13.070 (f) and (g). Part f establishes an absolute limit on campaign expenditures for election of the governor, lieutenant governor, and state legislature. The governor may not

spend more than \$.40 times the total population of the state. No more than 50% may be spend in either the primary or general election. State legislative candidates may only spend \$1 times the population they represent. In Buckley vs. Valco (1976), the US Supreme Court ruled that limitations as described in this section are unconstitutional. The State attorney general has since determined that the commission cannot enforce this provision.

Part g provides the authority to the Alaska Public Offices Commission to adjust the campaign expenditure limitations as established in section f. This section becomes moot, as section is no longer relevant.

Section 6. In order to avoid possible confusion for this year's election reporting procedures, the act takes effect January 1, 1985.

The issue considered in this legislation include:

Fiscal information  
zero fiscal note

Back-up information

fiscal note from Dept. of Admin.  
transmittal letter from governor  
Common Cause Summary of Contribution Limits for State Elections



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee  
FROM: Senate State Affairs Committee Staff  
RE: SB 425  
DATE: March 15, 1984

This bill proposes to increase the campaign contribution reporting threshold and raise the maximum contribution allowed by a person or group to candidates for elective office. It also would eliminate sections regarding candidate campaign expenditure limitations that have been determined to be unconstitutional.

### Sectional Analysis

Section 1. Presently, candidates are required to report the name, address, occupation, and date and amount contributed by each contributor who gives more than \$100 in the aggregate each year. This reporting threshold is raised to \$250 in this section.

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010

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

**REQUEST**  
 Bill/Resolution No.: \_\_\_\_\_  
 Title: An act relating to election  
campaign contrib. & expenditures...  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**  
 Agency Affected: Administration  
 Program Category Affected: Independent  
Operations  
 BRU, Program or Subprogram(s) Affected:  
Alaska Public Offices Commission

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Theda S. Pittman *Theda Pittman* Phone: 276-4176  
 Division: Alaska Public Offices Commission Date: Jan. 17, 1984

Approved by Commissioner: Lisa Rudd *Lisa Rudd* Date: 1/19/84  
 Agency: Dept. of Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*fiscal note / Admin* 12/1/83

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 8, 1984

The Honorable Jalmar Kerttula  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill to raise the election campaign contribution reporting threshold from \$100 to \$250 and to raise the contribution limitation from \$1,000 to \$2,000. I believe that the proposed amounts are more realistic in view of today's economy and campaigns, especially considering that the present dollar amounts were established when AS 15.13 was enacted in 1974. In addition, language limiting expenditures is deleted, in light of the United States Supreme Court's holding in Buckley v. Valeo, 424 U.S. 1, 39 -- 59 (1976), that expenditure limitations are unconstitutional.

Since some campaigns for the 1984 primary and general elections may have started before this bill is enacted, January 1, 1985 is set as the effective date to avoid confusion.

Sincerely,

*Bill Sheffield*  
Bill Sheffield  
Governor

*Transmitted ltr from Governor 2/8/84*



# Alaska State Legislature

## Senate Committee on State Affairs

Vic Fischer, Chair • Pouch V  
Juneau, Alaska 99811  
(907) 465-4954

Official Business

### MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

RE: SB 425

DATE: March 15, 1984

This bill proposes to increase the campaign contribution reporting threshold and raise the maximum contribution allowed by a person or group to candidates for elective office. It also would eliminate sections regarding candidate campaign expenditure limitations that have been determined to be unconstitutional.

### Sectional Analysis

Section 1. Presently, candidates are required to report the name, address, occupation, and date and amount contributed by each contributor who gives more than \$100 in the aggregate each year. This reporting threshold is raised to \$250 in this section.

Section 2. As is Section 1, the reporting ceiling is increased from \$100 to \$250.

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Section 4. The maximum contribution made by a person or group is increased from \$1000 to \$2000 to candidates for elective office.

Section 5. This section repeals AS 15.13.070 (f) and (g). Part f establishes an absolute limit on campaign expenditures for election of the governor, lieutenant governor, and state legislature. The governor may not spend more than \$.40 times the total population of the state. No more than 50% may be spend in either the primary or general election. State legislative candidates may only spend \$1 times the population they represent. In Buckley vs. Valco (1976), the US Supreme Court ruled that limitations as described in this section are unconstitutional. The State attorney general has since determined that the commission cannot enforce this provision.

Part g provides the authority to the Alaska Public Offices Commission to adjust the campaign expenditure limitations as established in section f. This section becomes moot, as section is no longer relevant.

Section 6. In order to avoid possible confusion for this year's election reporting procedures, the act takes effect January 1, 1985.

The issue considered in this legislation include:

\*whether or not the present \$100 reporting threshold is either too burdensome and/or irrelevant, and

\*whether or not the relative influence of an individual through campaign contributions should be increased. Most states have established some type of campaign contribution limitation. Most of these state distinguish between statewide and district elections to establish separate contribution ceilings. Present Alaska statute does not make this distinction. Some states have prohibited corporations from making direct contributions to candidates.

Fiscal information

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Back-up information

fiscal note from Dept. of Admin.

transmittal letter from governor

Common Cause Summary of Contribution Limits for State Elections



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p. 0-4

3/15/84

# YOUR OPINION IS NEEDED ON

- A NUCLEAR FREE ARCTIC (Senate Joint Resolution 38)
- ETHICS AND STANDARDS OF CONDUCT FOR PERSONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT (Senate Bill 501)
- POLITICAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES (Senate Bill 425)

At A Public Hearing Conducted By  
 The Senate Committee on State Affairs  
 State Senator Vic Fischer, Chairman

**WHERE?** In Anchorage at the Legislative Information Offices' 2nd Floor Conference Room, located at 1024 West 6th Avenue.

**WHEN?** Friday, March 16th, beginning at 1 p.m.

**HOW?** Just show up; the hearing is open to the public.

For more information, please call the Senate State Affairs Committee:

In Anchorage 278-3654 or 278-3668  
 In Juneau - 465-4954

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

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter, AS 24.45 or AS 39.50;

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

(10) adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50 and this chapter, subject to the provisions of the Administrative Procedure Act (AS 44.62). (§ 1 ch 76 SLA 1974; am § 24 ch 25 SLA 1975; am §§ 11, 12 ch 189 SLA 1975; am §§ 3—5 ch 167 SLA 1976)

Legislative history reports. — For CSHR 522), see 1976 House Journal, pp. report on ch. 167, SLA 1976 (FCCS SCS 470, 552.

NOTES TO DECISIONS

- I. General Consideration.
- II. Regulations.

I. GENERAL CONSIDERATION.

Applied in Messerli v. State, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

II. REGULATIONS.

The absence of regulations is not fatal to enforcement of the AS 15.13.120(b) sanction because they are not necessary to implement the sanction or to protect a constitutional right. State,

Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

No regulations were necessary to implement the mandatory provisions for filing an appointment of campaign treasurer established by AS 15.13.069(c). Silides v. Thomas, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Sec. 15.13.040. Contributions, expenditures and supply of services to be reported. (a) Each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate himself, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

(b) Each group shall make a full report upon a form prescribed by the commission, listing

(1) the name  
 (2) the aggregate contributions address, principal occupation, and amount  
 (3) the date and amount of expenditures  
 (c) The report in accordance with the group's treasurer  
 (d) Every expenditure of the commission,  
 (1) any contribution of \$100 or more a year  
 (2) any expenditure for radio or on television of brochures, ballot propositions  
 (e) The report shall name, address, and be filed with the treasurer after the contribution has been furnished to the treasurer at  
 (f) During the term of office, persons, or facilities, or the name of each transaction, advertising material, public relations, consultation or computer services provided and in excess of \$100 shall file a report. Candidates or groups with contributions in excess of \$100 a year. Records shall be maintained in accordance with am § 13 ch 1

Constitution First Nat'l Bank 98 S. Ct. 1407, 5 denied, 438 U.S.

(SB 425) Statutes

§ 15.13.040

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ELECTIONS

§ 15.13.040

- (1) the name and address of each officer and director;
  - (2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; and
  - (3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.
- (c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110 and shall be certified as correct by the group's treasurer.
- (d) Every individual, person or group making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, of the following contributions or expenditures:
- (1) any contribution of cash, goods or services valued at more than \$100 a year to any group or candidate; or
  - (2) any expenditure whatsoever for advertising in newspapers, on radio or on television; or, for the publication, distribution or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question.
- (e) The report required under (d) of this section shall contain the name, address, principal occupation and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission by the contributor no later than 10 days after the contribution or expenditure is made. A copy of the report shall be furnished to the candidate, campaign treasurer or deputy campaign treasurer at the time the contribution is made.
- (f) During each year in which an election occurs, all businesses, persons, or groups which furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. The records shall be maintained on the forms provided and in the manner required by the commission. The supplier shall file a report of the complete record of each transaction with all candidates or groups to whom he provides services, facilities or supplies in excess of \$250 in the aggregate in accordance with AS 15.13.110. All records shall be available for public inspection. (§ 1 ch 76 SLA 1974; am § 13 ch 189 SLA 1975)

NOTES TO DECISIONS

Constitutionality. — In the case of *First Nat'l Bank v. Bellotti*, 435 U.S. 765, 98 S. Ct. 1407, 55 L. Ed. 2d 707, rehearing denied, 438 U.S. 907, 98 S. Ct. 3126, 57 L. Ed. 2d 1150 (1978), the supreme court of the United States has indicated in unmistakable terms that state disclosure laws pertaining to ballot issues are

constitutional. *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

When there is no showing that an individual must remain anonymous with respect to advertising as to ballot propositions because of the possibility of being subject to reprisals, economic or otherwise, the state campaign disclosure laws are not

unconstitutional as applied to a contributor hoping to influence the outcome of a ballot issue because the objective of an informed electorate is sufficiently compelling to overcome an interest in anonymous political expression. *Messerli v. State*, Sup. Ct. Op. No. 2236 (File No. 4326), 626 P.2d 81 (1980).

**Collateral references.** — Construction and application of statute regarding statement by candidate as to his expenses, or his interest in, or the financial value of publicity through, newspapers or other publicity sources. 103 ALR 1424.

Statement by candidate regarding salary or fees of office as violation of Corrupt Practice Acts or bribery. 106 ALR 493.

**Sec. 15.13.045. Investigations, hearings.** (a) The commission may issue subpoenas, administer oaths, hold hearings and conduct investigations.

(b) In conjunction with (a) of this section, the commission may compel the attendance of witnesses and production of papers, books, records, accounts, documents, and testimony, and may have the deposition of witnesses taken in a manner prescribed by court rule or law for the taking of depositions in civil actions when consistent with the powers and duties assigned to the commission by this chapter.

(c) The commission may examine the papers, books, records, accounts and documents of any person subject to this chapter to ascertain the correctness of a report filed with the commission, or in conjunction with an investigation or inspection conducted under (a) of this section.

(d) Subpoenas may be issued and shall be served in the manner prescribed by AS 44.62.430 and court rule. The failure, refusal or neglect to obey a subpoena is punishable as contempt in the manner prescribed by law or court rule. The superior court may compel obedience to the commission's subpoena in the same manner as prescribed for obedience to a subpoena issued by the court. (§ 14 ch 189 SLA 1975)

NOTES TO DECISIONS

Cited in *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

**Sec. 15.13.050. Groups.** Each group, before making an expenditure on behalf of, or in opposition to, a candidate or a contribution to a candidate, shall register, on forms provided by the commission, with the commission. If the group intends to support or oppose only one candidate, or to contribute to or expend on behalf of, or in opposition

to, one candidate receiving the group's 189 SLA 19

**Sec. 15.13.060.** group shall receiving, h and for filir may be a ca

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NOTES TO DECISIONS

- I. General Consideration.
- II. Subsection (c).

I. GENERAL CONSIDERATION.

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

II. SUBSECTION (C).

Editor's notes. — *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977), cited in the notes below, was decided under subsection (c) as it existed before the 1977 amendment. Prior to that amendment, subsection (c) read: "Each candidate shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. The name of the candidate may be placed on the ballot by the lieutenant governor or municipal clerk only if the candidate has complied with this subsection."

This section is not unconstitutional in that it sets up "invalid class legislation." *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

The two groups classified by virtue of this section are those candidates who have complied with the law and those who have not; the failure to adhere to this section is the dividing line. Therefore, under any possible equal protection test this section passes constitutional muster. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Statutory requirement that a candidate's designation of treasurer be filed by a specified due date is not constitutionally unreasonable. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Subsection (c) should be strictly enforced. — *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Effect of unequal enforcement of AS

39.50.020 on enforcement of subsection (c). — Unequal enforcement of AS 39.50.020, which requires candidates to file a financial disclosure statement did not require the conclusion that a candidate had in fact substantially complied with the filing requirements of subsection (c) where the record did not show any intentional or purposeful discrimination against the candidate. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Subsection (c) requires candidates to "file" campaign treasurer statements within a specified time limit. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

The definition of "file" is well established in the law. It has been consistently held that a document is filed only when the proper officer has received it, and that it is not considered filed when it is deposited in the mails. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

Telephone conversation not appropriate filing. — Given the text of subsection (c), the legal meaning of the term "file" and the supreme court's adoption of the doctrine that statutory election deadlines are to be strictly enforced, a telephone conversation between the candidate's treasurer and the Alaska Public Offices Commission seven days after the declaration of candidacy was filed cannot be deemed an appropriate filing within the intentment of subsection (c). *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

No regulations were necessary to implement the mandatory provisions for filing an appointment of campaign treasurer established by subsection (c) of this section. *Silides v. Thomas*, Sup. Ct. Op. No. 1362 (File Nos. 3019, 3020, 3021), 559 P.2d 80 (1977).

**Sec. 15.13.070. Contributions and expenditures; amount and form of payment.** (a) No person or group, including but not limited to all political committees, businesses, corporations, and labor unions, may contribute to or expend more than \$1,000 a year on behalf of or in opposition to the competing candidates for each elective office. Political parties and their subdivisions are not subject to the limitation

prescribed in the requirements prescribed in this chapter provide

(1) a candidate may contribute more than \$1,000 to or for the election of a candidate for elective office

(2) individual political committees, labor unions, or other organizations contributing to or for the election of a candidate for elective office shall not be subject to the limitations of this section.

(b) No contribution shall be made for the election of a candidate for elective office if the donor is found to be a candidate for elective office.

(c) No expenditure shall be made for the election of a candidate for elective office if the donor is found to be a candidate for elective office.

(d) No contribution shall be made for the election of a candidate for elective office if the donor is found to be a candidate for elective office.

(e) Contributions received by, or for the election of, a candidate for elective office may be made by any person or group.

(f) The total contributions received by, or for the election of, a candidate for elective office shall be reported to the Alaska Public Offices Commission and shall be included in the total population census figures for administrative purposes. The Alaska Public Offices Commission shall determine the amount of the contribution which amount shall be included in the total population census figures for administrative purposes.

prescribed in this subsection, but they are subject to the reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. Nothing in this chapter prohibits

(1) a candidate from contributing more than \$1,000 of his own money to his own campaign; or

(2) individuals or groups, including but not limited to all political committees, businesses, corporations, and labor unions, from contributing to or expending on behalf of a ballot proposition or question more than \$1,000 a year; however, these contributions and expenditures shall be reported in accordance with AS 15.13.040 and 15.13.110.

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

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

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

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

(f) The total amount of expenditures made by a candidate and by all groups operating under his control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, if the candidacy is for governor or lieutenant governor, of which amount no more than 50 per cent may be spent in a primary election campaign and no more than 50 per cent in the general election campaign; (2) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional Affairs, divided by the number of seats in the senate district if the candidacy is for the state senate; (3) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures, or estimates of population certified as correct for administrative purposes by the Department of Community and Regional

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ween the candi-  
Alaska Public  
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a (c). Silides v.  
1362 (File Nos.  
2d 80 (1977)).

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omas, Sup. Ct.  
19, 3020, 3021),

amount and  
not limited to  
labor unions,  
behalf of or  
office. Polit-  
e limitation

Affairs, divided by the number of seats in the house district if the candidacy is for the state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

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

(h) No campaign expenditure of any type whatsoever shall be made by any candidate, treasurer, or group unless the source is disclosed as required by the provisions of this chapter whether or not those funds were received prior to May 10, 1974. (§ 1 ch 76 SLA 1974; am §§ 20, 21 ch 189 SLA 1975)

*Editor's notes.* — In Buckley v. Valeo, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), the supreme court held that the 1st amendment of the federal constitution required the invalidation of certain provisions of the Federal Election Campaign Act of 1971, as amended in 1974. Its independent expenditure ceiling, 18 U.S.C. § 608(e)(1), its limitation on a candidate's expenditures from his own personal funds, 18 U.S.C. § 608(n), and its ceiling on overall campaign expenditures, 18 U.S.C. § 608(c), since these provisions placed substantial and direct restrictions on the ability of candidates, citizens, and associations to engage in protected political expression. This holding has been accepted as law in Alaska and the expenditure limits in this chapter have not been enforced. See notes from the opinion of the attorney general dated May 13, 1976, cited below.

*Opinions of attorney general.* — There seems to be no difference between § 608(c) of the Federal Elections Campaign Act of 1971, former 18 U.S.C. § 608(c), and subsection (f) of this section; accordingly, based on the reasons stated in Buckley v. Valeo, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976), for finding unconstitutional § 608(c) of the federal act, subsection (f) of this section is invalid as a violation of the rights and privileges protected by the 1st amendment. May 13, 1976, Op. Att'y Gen.

The Public Offices Commission should not undertake investigations of violations of subsection (f) of this section, and candidates or others may be advised that no implementation or enforcement of subsection (f) of this section is planned by the office of the attorney general. May 13, 1976, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

*Collateral references.* — Construction and application of provisions of corrupt practices act regarding contributions by corporations. 125 ALR 1029.

Power of corporation to make political

contribution or expenditure under state law. 79 ALR3d 491.

State regulation of the giving or making of political contributions or expenditures by private individuals. 94 ALR3d 944.

**Sec. 15.13.080. Statement by contributor.** A person or group contributing to a candidate over \$250 or contributing goods or services

to a candidate of a candidate form made the contributor person or contributor and has no contributor contribute of the state or deputy (ch 76 SLA

Sec. 15.13.080. Contributions. — Contributions to a candidate shall be disclosed by name and amount in the campaign advertisement of their candidate. May 13, 1975; am

Effect of amendment "treasurer" and "collateral"

Sec. 15.13.080. Campaign expenditure by a person or group upon a person or group or polls. The limitation shall be in effect for filing for

Editor's notes relating to the expenditure limits of

Sec. 15.13.080. The commission shall make a report beginning on or, if a first report before three months after filed at the

§ 15.13.080

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Elections Cam-  
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D of this section;  
reasons stated in  
1, 96 S. Ct. 612,  
76), for finding  
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section is invalid  
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ALR3d 944.

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§ 15.13.090

ELECTIONS

§ 15.13.110

to a candidate with a value of more than \$250 to influence the election of a candidate shall furnish the commission a signed statement, on a form made available by the commission. The statement shall itemize the contributions and goods and state that the contributor is not a person or group prohibited by law from contributing and that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by another person or group. The contributor's statement shall be filed with the commission by the contributor no later than 10 days after the contribution is made. A copy of the statement shall be furnished the candidate, campaign treasurer, or deputy campaign treasurer at the time the contribution is made. (§ 1 ch 76 SLA 1974; am § 29 ch 189 SLA 1975)

**Sec. 15.13.090. Identification of communication.** All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980)

**Effect of amendments.** — The 1980 amendment substituted "chairman" for "treasurer" at the end of the section.  
**Collateral references.** — Validity and

construction of state statute prohibiting anonymous political advertising. 4 ALR4th 741.

**Sec. 15.13.100. Expenditures before filing.** No political campaign expenditure may be made or incurred by a person in an election or by a person or group with his knowledge and on his behalf before the date upon which he or she files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls. These expenditures shall be charged against the spending limitation that applies to the office for which he subsequently files, and shall be included in the first report required under this chapter after filing for office. (§ 1 ch 76 SLA 1974; am § 23 ch 189 SLA 1975)

**Editor's notes.** — For discussion relating to the enforcement of the expenditure limits of this chapter, see the editor's

notes and notes from the opinion of the attorney general dated May 13, 1976 following AS 15.13.070.

**Sec. 15.13.110. Filing of reports.** (a) Each candidate and group shall make a full report in accordance with AS 15.13.040 during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the due date of the report. The report shall be filed at the following times:

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;

(2) one week before the election;

(3) ten days after the election; and

(4) December 31 of each year for expenditures and contributions received which were not reported that year.

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

(c) The reports of candidates shall be filed with the commission's central office. All reports required by this chapter shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

(d) Within 30 days after each election, each supplier shall make a full report to the commission in accordance with AS 15.13.040. Within 60 days after each election, the commission shall prepare a summary by candidate or group of the transactions and make the summaries public.

(e) A group formed to sponsor an initiative, a referendum or a recall shall report 30 days after its first filing with the lieutenant governor. Thereafter each group shall report within 10 days after the end of each calendar quarter on the contributions received and expenditures made during the preceding calendar quarter until reports are due under (a) of this section. (§ 1 ch 76 SLA 1974; am § 24 ch 189 SLA 1975; am § 2 ch 133 SLA 1977)

Effect of amendments. — The 1977 amendment added subsection (e). As the rest of the section was not affected by the amendment, it is not set out.

As the rest of the section was not

NOTES TO DECISIONS

Stated in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 15.13.120. Penalty; limitations on actions. (a) A person who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year or by a fine of not more than \$5,000. A violation includes but is not limited to any of the following acts or omissions:

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

(2) making the limitation

(3) making

(4) giving purpose of fictitious name of AS 15.13.

(5) making without identification

(6) knowing

(b) Repeat

(c) Promptly file the commission's records in accordance with the attorney general's chapter.

(d) A person may file a statement if it occurs, it includes an applicant if judgment of a party for a hearing or a provision of shall prom appropriate recommend mission with require add of the com

(e) Prose commenced violation.

(f) If, after candidate or a person with this chapter accordance

(1) art. I candidate f

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

BILL SHEFFIELD, GOVERNOR

REPLY TO:

610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176

JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 485-4864

March 15, 1984

SB 425

The Commission first proposed a contribution limit of \$2,000 and a disclosure threshold of \$250 for contributor names in 1982. In light of the increasing size of campaigns and the rate of inflation, it continues to support both proposals.

### Contribution Limitation

Contribution limitations exist in 20 states other than Alaska and range from \$250 to \$60,000. In Minnesota, which also has expenditure limitations, a contributor is allowed to give a gubernatorial candidate no more than ten percent of the expenditure limit which is \$600,000. A number of states have different contribution limits for statewide candidates and legislative candidates.

Gubernatorial contribution limits in 20 states:

\$60,000 - 1 state	\$2,500 - 1
\$10,000 - 1	\$2,000 - 1
\$8,000 - 1	\$1,500 - 1
\$5,000 - 2	\$1,700 - 1
\$3,000 - 3	\$1,000 - 7
	\$800 - 1

### Analysis of Proposed Changes in Disclosure Threshold

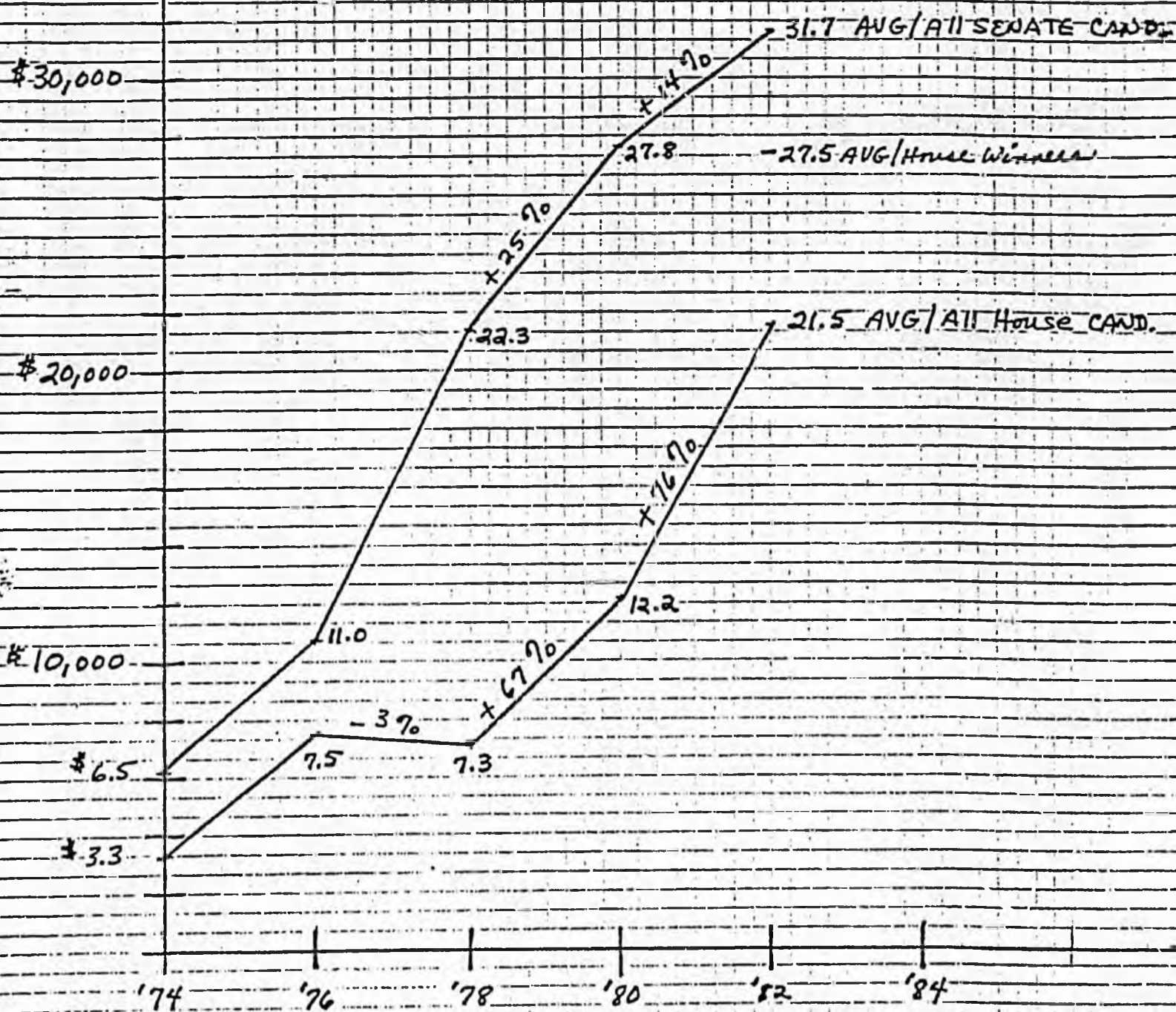
For each of eight Legislative campaigns, all reports filed in 1982 and 1983 were reviewed. At least six, and no more than eight, reports were required during this period.

1. Total Contributions From Others	\$18,085.
Number of over \$100 Contributors	35
Number of over \$250 Contributors	13
Number of \$101-\$250 Contributors	22 = 63% of names
Value of \$101-\$250 Contributions	\$4,350. = 24% of total contributions
Average \$101-\$250 Contribution	\$198.
22 names/contributor type	7 individual/4 PAC/11 bus.-labor-assn.

2. Total Contributions From Others \$31,968.  
 Number of over \$100 Contributors 58  
 Number of over \$250 Contributors 33  
 Number of \$101-\$250 Contributors 25 = 43% of names  
 Value of \$101-\$250 Contributions \$4,400. = 14% of total contributions  
 Average \$101-\$250 Contribution \$133.  
 25 names/contributor type 11 individual/5 PAC/9 bus.-labor-assn.
  
3. Total Contributions From Others \$41,255.  
 Number of over \$100 Contributors 57  
 Number of over \$250 Contributors 37  
 Number of \$101-\$250 Contributors 20 = 35% of names  
 Value of \$101-\$250 Contributions \$4,400. = 11% of total contributions  
 Average \$101-\$250 Contribution \$220.  
 20 names/contributor type 12 individual/4 PAC/4 bus.-labor-assn.
  
4. Total Contributions From Others \$53,781.  
 Number of over \$100 Contributors 95  
 Number of over \$250 Contributors 31  
 Number of \$101-\$250 Contributors 64 = 67% of names  
 Value of \$101-\$250 Contributions \$12,835. = 24% of total contributions  
 Average \$101-\$250 Contribution \$200.  
 64 names/contributor type 41 individual/11 PAC/12 bus.-labor-assn.
  
5. Total Contributions From Others \$54,545.  
 Number of over \$100 Contributors 97  
 Number of over \$250 Contributors 49  
 Number of \$101-\$250 Contributors 48 = 50% of names  
 Value of \$101-\$250 Contributions \$9,775. = 18% of total contributions  
 Average \$101-\$250 Contribution \$199.  
 48 names/contributor type 16 individual/2 PAC/30 bus.-labor-assn.
  
6. Total Contributions From Others \$67,880.  
 Number of over \$100 Contributors 105  
 Number of over \$250 Contributors 66  
 Number of \$101-\$250 Contributors 39 = 37% of names  
 Value of \$101-\$250 Contributions \$7,580. = 11% of total contributions  
 Average \$101-\$250 Contribution \$194.  
 39 names/contributor type 14 individual/6 PAC/19 bus.-labor-assn.
  
7. Total Contributions From Others \$22,662.  
 Number of over \$100 Contributors 31  
 Number of over \$250 Contributors 14  
 Number of \$101-\$250 Contributors 17 = 55% of names  
 Value of \$101-\$250 Contributions \$2,830. = 13% of total contributions  
 Average \$101-\$250 Contribution \$166.  
 17 names/contributor type 13 individual/2 PAC/2 bus.-labor-assn.
  
8. Total Contributions From Others \$12,620.  
 Number of over \$100 Contributors 17  
 Number of over \$250 Contributors 14  
 Number of \$101-\$250 Contributors 3 = 18% of names  
 Value of \$101-\$250 Contributions \$550. = 4% of total contributions  
 Average \$101-\$250 Contribution \$183.  
 3 names/contributor type 3 individual/0 PAC/0 bus.-labor-assn.

39.7 AVG / Senate Winners

# Legislative Races - Average Value of Expenditures



# CAND.	171	166	158	173	187
VALUE OF EXPEN.	\$559.	\$1,063.	\$1,169.	\$1,949.	\$3,538.

ALASKA Public Offices Commission - 2/7/84

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48

SENATE

140

HOUSE

MONETARY CONTRIBUTIONS

\$ 0-999		7				
\$ 1,000-4,999		8				
\$ 5,000-9,999	2					
\$ 10,000-14,999	4					
\$ 15,000-19,999	4					
\$ 20,000-24,999	3					
\$ 25,000-29,999	5					
\$ 30,000-39,999	3					
\$ 40,000-49,999	3					
\$ 50,000-59,999	2					
\$ 60,000-69,999	3					
\$ 70,000-79,999	1					
\$ 80,000 PLUS	3					
\$ 0-999			18			
\$ 1,000-4,999				22		
\$ 5,000-9,999					23	
\$ 10,000-14,999			13			
\$ 15,000-19,999				16		
\$ 20,000-24,999		9				
\$ 25,000-29,999			12			
\$ 30,000-39,999				15		
\$ 40,000-49,999		8				
\$ 50,000-59,999	2					
\$ 60,000-69,999	1					
\$ 70,000-79,999	0					
\$ 80,000 PLUS	1					

In 1982 Legislative races, 48 Senate candidates received \$1.26 million in monetary contributions for an average of \$26,250 each; 140 House candidates received \$2.35 million in monetary contributions for an average of nearly \$17,000 each. Although there are a sizeable number of candidates who received less than \$10,000, the distribution at the middle and higher levels is surprisingly spread out.

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COMMON CAUSE SUMMARY OF  
CONTRIBUTION LIMITS FOR STATE ELECTIONS

	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Alabama	\$500 per candidate or party per election	None	None	None
Alaska	\$1,000 per year per candidate	\$1,000 per year per candidate	\$1,000 per year per candidate	\$1,000 per year per candidate
Arizona	Prohibited	None	Prohibited	None
Arkansas	\$1,500 per year per candidate	\$1,500 per year per candidate	\$1,500 per year per candidate	\$1,500 per year per candidate
California	None	None	None	None
Colorado	None	None	None	None
Connecticut	Prohibited	If established by individuals -- no limit If established by labor organization, same as individual limit -- \$50,000 aggregate limit per election If established by corporation, twice individual limit -- \$100,000 aggregate limit per election	Prohibited	Between \$2,500 for governor to \$250 for state representative per election (varies for each office) Aggregate limited to \$15,000 Individual contribution to political committee also limited
Delaware	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate
Florida	\$3,000 per statewide candidate, per election*/ \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others \$1,000 to political committee

\*/ Florida has three primaries.

Common Cause Summary of Contribution Limits for State Elections

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	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Georgia	Prohibited from agents of public utility corporations	None	None	None
Hawaii	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election \$50,000 aggregate limit from immediate family
Idaho	None	None	None	None
Illinois	None	None	None	None
Indiana	\$3,000 aggregate to statewide candidates and committees \$1,000 aggregate to others \$1,000 aggregate to all party committees (\$8,000 aggregate per calendar year)	None	\$3,000 aggregate to statewide candidates and committees \$1,000 aggregate to others \$1,000 aggregate to all party committees (\$8,000 aggregate to all party committees)	None
Iowa	Prohibited	None	None	None
Kansas	Prohibited from certain corporations and their majority stockholders Otherwise, \$3,000 to statewide candidates per election \$750 to others per election	\$3,000 to statewide candidates per election \$750 to others per election	\$3,000 to statewide candidates per election \$750 to others per election	\$3,000 per election to candidate for statewide office \$750 per election for legislative office
Kentucky	Prohibited	None	None	\$3,000 per candidate per election
Louisiana	None	None	None	None
Maine	\$5,000 per candidate per election	\$5,000 per candidate per election	\$5,000 per candidate per election	\$1,000 per candidate per election \$25,000 in the aggregate per calendar year

	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Maryland	\$1,000 per candidate \$2,500 aggregate per election	None, except for limits on out-of-state PACs to \$1,000 per candidate, \$2,500 per election	\$1,000 per candidate \$2,500 aggregate per election	\$1,000 per candidate \$2,500 aggregate
Massachusetts	Prohibited	None	None	\$1,000 per candidate and per committee per calendar year
Michigan	Prohibited	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative \$25,000 aggregate limit from immediate family
Minnesota	Prohibited	Between \$150 and \$12,000 in non-election years depending on office Limits are increased five times for contributions in election year	Between \$150 and \$12,000 in non-election years depending on office Limits are increased five times for contributions in election year	Between \$150 and \$12,000 in non-election years, depending on office Limits are increased five times for contributions in election year
Mississippi	\$1,000 per calendar year \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates
Missouri	None	None	None	None
Montana*/	Prohibited	\$8,000 to governor and lieutenant governor \$2,000 to other statewide \$600-300 non-statewide	\$8,000 to governor and lieutenant governor \$2,000 to other statewide \$600-300 non-statewide	\$1,500 to governor and lieutenant governor \$750 to other statewide \$400-250 others
Nebraska	None	None	None	None
Nevada	None	None	None	None

\*/ House candidates in Montana cannot accept more than \$600 from all PACs. Senate candidates cannot accept more than \$1,000 from all PACs.

	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
New Hampshire	Prohibited	None	Prohibited	\$5,000 per election per candidate
New Jersey	Prohibited from certain corporations and their majority stockholders \$800 per gubernatorial candidate	\$800 per gubernatorial candidate	\$800 per gubernatorial candidate	\$800 per gubernatorial candidate
New Mexico	None	None	None	None
New York	\$5,000 for all political activity per year Formula based on voter population	Formula based on voter population	Formula based on voter population	\$50,000 per campaign, \$150,000 for all political activity per calendar year, Formula based on voter population
North Carolina	Prohibited	\$4,000 per candidate per election	Prohibited	\$4,000 per candidate per election
North Dakota	Prohibited	None	Prohibited	None
Ohio	Prohibited	None	None	None
Oklahoma	Prohibited	\$5,000 to state candidates \$1,000 to local candidates	\$5,000 to state candidates \$1,000 to local candidates	\$5,000 to state candidates \$1,000 to local candidates \$5,000 to a party or organization
Oregon	Prohibited from certain corporations	None	None	None
Pennsylvania	Prohibited	None	Prohibited	None
Rhode Island	None	None	None	None
South Carolina	None	None	None	None
South Dakota	Prohibited	None	Prohibited	\$1,000 to statewide candidates \$250 to legislative or county candidates \$3,000 to parties

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	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Tennessee	Prohibited	None	None	None
Texas	Prohibited	None	Prohibited	None
Utah	None	None	None	None
Vermont	\$2,000 per candidate per election	\$5,000 per candidate per election	\$1,000 per candidate per election	\$1,000 per candidate per election
Virginia	None	None	None	None
Washington	None	None	None	None
West Virginia	Prohibited	\$1,000 per candidate	\$1,000 per candidate	\$1,000 per candidate
Wisconsin	Prohibited	\$1,000 to statewide \$500 to state assembly Others: 4% of spending limit which varies depending on office	Prohibited, if labor organization was incorporated after December 31, 1977	\$10,000 statewide per election \$1,000 for senate \$500 to state assembly Aggregate limit of \$10,000 per year for state and local office and committees
Wyoming	Prohibited	No limit	Prohibited	\$25,000 aggregate biennially \$1,000 per candidate biennially

16  
Sources: Federal Election Commission's National Clearinghouse on Election Administration, "Campaign Finance Law 81" (Washington, D.C. 20463)  
Haley, Martin Companies, Inc., Campaign Contributions and Lobbying Laws, 1982.

# Senator Vic Fischer

Alaska State Legislature  
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



## MEMORANDUM

May 3, 1984

TO: Members, Senate Finance Committee  
FROM: Senator Vic Fischer

RE: CSSB 425 (Finance) An act relating to campaign contributions and expenditures.

Original Sponsor: Rules/Governor

The purpose of this bill is threefold: (1) To raise the reporting requirements on campaign contributions from \$100 to \$250, (2) to repeal unconstitutional statutes limiting campaign expenditures, and (3) to add a new section allowing campaign expenditures under APOC guidelines before filing for office.

Sections 1, 2, and 3 raise the threshold for reporting of campaign contributions from \$100 to \$250, including in-kind contributions.

Section 4, new in the Finance CS, allows additional campaign expenditures to be made, under certain stipulations, by a candidate before filing for office. Present law allows potential candidates to spend money only for personal transportation, polling, or voter surveys before filing for office. This often puts candidates into a "Catch 22" type of situation of not being able to spend money to declare their candidacy - APOC has prevented candidates from renting a hotel room to throw a party to declare their candidacy, for example. This provision would allow expenditures to be made in this situation if the candidate registers with the APOC and follows APOC guidelines for expenditures (i.e. "paid for by" disclaimers and the like.)

Section 5 repeals AS 15.13.070 (f) & (g) which were found unconstitutional by the U.S. Supreme Court in Buckley vs. Valco (1976). These sections, enacted in 1974, set an expenditure limit on campaigns for state office which was found to be unconstitutional under the 1st amendment.

Section 6 provides a January 1, 1985 effective date so as not to change the rules for this campaign season.

The bill has a zero fiscal note.

Amend to SB 425

Sen Vic Fischer

TO: ~~Suzanne Tryck~~  
c/o Senate State Affairs

Telecopy  
DATE: April 11, 1984

FROM: <sup>TSP</sup> Theda Pittman  
Executive Director  
Public Offices Commission

RE: AS 15.13.100

Thanks for the information about possible committee scheduling. One of my staff members suggested that using a familiar item such as the registration might result in less confusion. For example,

Sec. 2. AS 15.13.100 as amended by adding new subsections to read:

(b) An individual who anticipates accepting political campaign contributions or making political campaign expenditures before the date on which the individual files for office shall file a candidate's registration statement with the Commission. An individual filing a registration under this subsection need not identify the office.

(c) An individual filing a registration under (b) of this section who does not appoint a campaign chairman is the campaign chairman. An individual filing a registration under (b) of this section who does not appoint a campaign treasurer is the campaign treasurer.

(d) A political committee that anticipates accepting political campaign contributions or making political campaign expenditures on behalf of a specific individual who may become a candidate for office at some time in the future shall file a group registration with the Commission, including the name of the potential candidate and the names of the campaign chairman and treasurer of the political committee.

(e) An individual or a political committee that files a registration under this section shall file the reports required of a candidate or group under this chapter and shall comply with the chapter.

BILL SHEFFIELD, GOVERNOR

REPLY TO:

610 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4176

JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4884

ALASKA PUBLIC OFFICES COMMISSION

(Telecopy 4/7 - this plus 1 page)  
April 6, 1984

~~Senatorial Candidate~~  
Senate State Affairs Committee  
Pouch V  
Juneau, AK 99811

Dear Suzanne:

This morning I went over the proposed revisions to AS 15.13.100 with Pat Kennedy who serves as the Commission's counsel and we are in agreement that this is the best revision we've seen on this subject. It certainly appears to be consistent with the Commission's previous discussions indicating support for reversing the ban on pre-filing expenditures so long as the financial activity is required to be reported.

The one item we would suggest revising occurs on page 2, line 15 indicating that those filing a letter of intent "...shall file the reports required of a candidate..." That phrase seems too broad since, depending upon how early the letter of intent was filed, it could include all the periodic reporting deadlines which occur for every municipal and state election between the letter of intent and the actual filing for office.

The Commission's concept was that a year-end report [AS 15.13.110(a)(4)] would be required for every calendar year between the letter of intent and the filing for office. For example, if you filed a letter of intent now and eventually filed for governor in the 1986 election, you would file 1984 and 1985 year-end reports, but you would not be required to file the 30 Day, 7 Day or 10 Day reports that are due for 1984 state campaigns.

While on the subject of year-end reports, the Commission would also appreciate an amendment making January 15 the due date for year-end reports. Perhaps,

AS 15.13.110(a)(4) is amended to read:

(4) January 15 [DECEMBER 31 OF EACH YEAR] for expenditures and contributions received through December 31 of the preceding year which were not reported that year.

While neither Pat nor I saw any objection to the fact that the individual is not required to notify (i.e., file a registration) the Commission of the names of his or her campaign chairman, treasurer or deputy treasurers, the proper identification of communications -- the "paid for by" phrase -- which

Suzanne Tryck -- April 6, 1984 -- Page 2 of 2

is specified by AS 15.13.090 would be required and that's appropriate since it would suggest that the individual or group is aware of the law and is likely to have a letter of intent on file. We can hope that will save unnecessary phone calls about illegal fund-raiser invitations.

The January 1, 1985 effective date for the amendments in CSSB 425(SA) remains appropriate so that the 1984 campaigns (state and municipal) continue under the existing rules. However, a July 1, 1984 effective date would seem appropriate for these new sections as there may well be individuals interested in 1985 municipal or 1986 state races who wish to begin before the end of 1984.

Thank you for the opportunity to look at the draft; please let me know if you'd like additional information.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



THEDA S. PITTMAN  
Executive Director

cc: Rebecca Burch, Dept. of Admin.  
APOC Members

COMMON CAUSE SUMMARY OF  
CONTRIBUTION LIMITS FOR STATE ELECTIONS

	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Alabama	\$500 per candidate or party per election	None	None	None
Alaska	\$1,000 per year per candidate	\$1,000 per year per candidate	\$1,000 per year per candidate	\$1,000 per year per candidate
Arizona	Prohibited	None	Prohibited	None
Arkansas	\$1,500 per year per candidate	\$1,500 per year per candidate	\$1,500 per year per candidate	\$1,500 per year per candidate
California	None	None	None	None
Colorado	None	None	None	None
Connecticut	Prohibited	If established by individuals -- no limit If established by labor organization, same as individual limit -- \$50,000 aggregate limit per election If established by corporation, twice individual limit -- \$100,000 aggregate limit per election	Prohibited	Between \$2,500 for governor to \$250 for state representative per election (varies for each office) Aggregate limited to \$15,000 Individual contribution to political committee also limited
Delaware	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate	\$1,000 per statewide candidate, per election \$500 per non-statewide candidate
Florida	\$3,000 per statewide candidate, per election*/ \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others	\$3,000 per statewide candidate, per election \$1,000 to others \$1,000 to political committee

\*/ Florida has three primaries.

	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Georgia	Prohibited from agents of public utility corporations	None	None	None
Hawaii	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election	\$2,000 aggregate per candidate, per election \$50,000 aggregate limit from immediate family
Idaho	None	None	None	None
Illinois	None	None	None	None
Indiana	\$3,000 aggregate to statewide candidates and committees \$1,000 aggregate to others \$1,000 aggregate to all party committees (\$8,000 aggregate per calendar year)	None	\$3,000 aggregate to statewide candidates and committees \$1,000 aggregate to others \$1,000 aggregate to all party committees (\$8,000 aggregate to all party committees)	None
Iowa	Prohibited	None	None	None
Kansas	Prohibited from certain corporations and their majority stockholders Otherwise, \$3,000 to statewide candidates per election \$750 to others per election	\$3,000 to statewide candidates per election \$750 to others per election	\$3,000 to statewide candidates per election \$750 to others per election	\$3,000 per election to candidate for statewide office \$750 per election for legislative office
Kentucky	Prohibited	None	None	\$3,000 per candidate per election
Louisiana	None	None	None	None
Maine	\$5,000 per candidate per election	\$5,000 per candidate per election	\$5,000 per candidate per election	\$1,000 per candidate per election \$25,000 in the aggregate per calendar year

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	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Maryland	\$1,000 per candidate \$2,500 aggregate per election	None, except for limits on out-of-state PACs to \$1,000 per candidate, \$2,500 per election	\$1,000 per candidate \$2,500 aggregate per election	\$1,000 per candidate \$2,500 aggregate
Massachusetts	Prohibited	None	None	\$1,000 per candidate and per committee per calendar year
Michigan	Prohibited	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative	\$1,700 to statewide office, \$450 to state senator, \$250 to state representative \$25,000 aggregate limit from immediate family
Minnesota	Prohibited	Between \$150 and \$12,000 in non-election years depending on office Limits are increased five times for contributions in election year	Between \$150 and \$12,000 in non-election years depending on office Limits are increased five times for contributions in election year	Between \$150 and \$12,000 in non-election years, depending on office Limits are increased five times for contributions in election year
Mississippi	\$1,000 per calendar year \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates	None, except for \$250 per primary for judicial candidates
Missouri	None	None	None	None
Montana <sup>*/</sup>	Prohibited	\$8,000 to governor and lieutenant governor \$2,000 to other statewide \$600-300 non-statewide	\$8,000 to governor and lieutenant governor \$2,000 to other statewide \$600-300 non-statewide	\$1,500 to governor and lieutenant governor \$750 to other statewide \$400-250 others
Nebraska	None	None	None	None
Nevada	None	None	None	None

\*/ House candidates in Montana cannot accept more than \$600 from all PACs. Senate candidates cannot accept more than \$1,000 from all PACs.

	<u>Corporate</u>	<u>FAC</u>	<u>Labor</u>	<u>Individual</u>
New Hampshire	Prohibited	None	Prohibited	\$5,000 per election per candidate
New Jersey	Prohibited from certain corporations and their majority stockholders \$800 per gubernatorial candidate	\$800 per gubernatorial candidate	\$800 per gubernatorial candidate	\$800 per gubernatorial candidate
New Mexico	None	None	None	None
New York	\$5,000 for all political activity per year Formula based on voter population	Formula based on voter population	Formula based on voter population	\$50,000 per campaign, \$150,000 for all political activity per calendar year, Formula based on voter population
North Carolina	Prohibited	\$4,000 per candidate per election	Prohibited	\$4,000 per candidate per election
North Dakota	Prohibited	None	Prohibited	None
Ohio	Prohibited	None	None	None
Oklahoma	Prohibited	\$5,000 to state candidates \$1,000 to local candidates	\$5,000 to state candidates \$1,000 to local candidates	\$5,000 to state candidates \$1,000 to local candidates \$5,000 to a party or organization
Oregon	Prohibited from certain corporations	None	None	None
Pennsylvania	Prohibited	None	Prohibited	None
Rhode Island	None	None	None	None
South Carolina	None	None	None	None
South Dakota	Prohibited	None	Prohibited	\$1,000 to statewide candidates \$250 to legislative or county candidates \$3,000 to parties

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	<u>Corporate</u>	<u>PAC</u>	<u>Labor</u>	<u>Individual</u>
Tennessee	Prohibited	None	None	None
Texas	Prohibited	None	Prohibited	None
Utah	None	None	None	None
Vermont	\$1,000 per candidate per election	\$5,000 per candidate per election	\$1,000 per candidate per election	\$1,000 per candidate per election
Virginia	None	None	None	None
Washington	None	None	None	None
West Virginia	Prohibited	\$1,000 per candidate	\$1,000 per candidate	\$1,000 per candidate
Wisconsin	Prohibited	\$1,000 to statewide \$500 to state assembly Others: 4% of spending limit which varies depending on office	Prohibited, if labor organization was incorporated after December 31, 1977	\$10,000 statewide per election \$1,000 for senate \$500 to state assembly Aggregate limit of \$10,000 per year for state and local office and committees
Wyoming	Prohibited	No limit	Prohibited	\$25,000 aggregate biennially \$1,000 per candidate biennially

Sources: Federal Election Commission's National Clearinghouse on Election Administration, "Campaign Finance Law 81" (Washington, D.C. 20463)  
Haley, Martin Companies, Inc., Campaign Contributions and Lobbying Laws, 1982.

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# COMMITTEE REPORT

## SENATE

FURTHER: FINANCE

2/8/84

Date

3/29/84

Mr. President

The Committee on STATE AFFAIRS considered SB 425

election campaign contributions and expenditures; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 425 (SN)
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" ~~[-] NEW FISCAL NOTE~~  
ZERO
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Rechy  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

V. Fishman  
Chairman

do pass  
Chairman recommendation