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3/8

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: An act relating to the Fair Campaign Practices Act
Sponsor: Rep. Finkelstein, et. al.
Requestor: _____

Agency Affected: AK Pub. Offices Commission
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	22.7	22.7	23.4	23.4	24.1	24.1
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	22.7	22.7	23.4	23.4	24.1	24.1

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Karla L. Forsythe, Executive Director
Division: Alaska Public Offices Commission

Phone: 276-4176
Date: 1/15/90

Approved by Commissioner: Burke Riley, Chair
Agency: Alaska Public Offices Commission

Date: 1-12-90

Distribution (by preparer) :

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

REVISED FISCAL NOTE

HB 318 NARRATIVE

This measure establishes a fair campaign practices code. It requires the commission to prepare a form for candidates to sign indicating they will abide by the code. The commission would be required to send a copy to each candidate who files reports under AS 15.13 and by implication would maintain copies of signed forms for public review. These administrative tasks could be absorbed with existing resources.

The commission anticipates a high volume of calls from citizens complaining that candidates have engaged in behavior which is contrary to the code. Since commission resources are stretched to the limit particularly in investigatory matters, the commission will need additional staff to handle the increased workload.

It is assumed that the time required to handle complaints of this nature, given the existing workload, would warrant a half-time paralegal investigator, Range 16.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 17, 1990

FURTHER REFERRALS:

Date of Committee Action: 2/9/90

The JUDICIARY Committee considered:

HB 318

HOUSE BILL NO. 318

CODE OF FAIR CAMPAIGN PRACTICES

"An Act relating to the Fair Campaign Practices Code."

RECOMMENDATIONS:

- [] be replaced with CS HB 318 (Judiciary) [] the same title
[] have attached amendment(s) [] a new title
[] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
[] zero fiscal note _____
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) Dispersions/Elections 1/31/90
[] zero fn/analysis _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>Terry W...</u>		<input checked="" type="checkbox"/>	

[Signature]
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: 2/1/90
Title: Relating to the Fair Campaign Practices Code
Sponsor: Rep. Finkelstein
Requestor: Rep. Finkelstein

Agency Affected: Office of the Governor
BRU: Elections

Components: 1 Elections

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	-0-	-0-	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The fiscal impact for FY 90 is -0-.

Prepared by: Linda Edgeworth

Phone: 465-4611

Division: Division of Elections

Date: 1/31/90

Approved by Commissioner: [Signature]

Date: 2-1-90

Agency: _____

Distribution (by preparer):

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

Original sponsor(s): BY REP. FINKELSTEIN, Wallis, M.Davis, Gruenberg, Menard, Ellis, Donley, Ulmer, Brown, Goll, Koponen, Boucher

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 318 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Fair Campaign Practices
7 Code."

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

9 * Section 1. AS 15.20 is amended by adding new sections to read:

10 ARTICLE 6. FAIR CAMPAIGN PRACTICES CODE.

11 Sec. 15.20.810. SUBSCRIPTION TO FAIR CAMPAIGN PRACTICES CODE.

12 (a) The director shall prepare a form that contains the Fair Campaign
13 Practices Code established under AS 15.20.820 with a place for a
14 candidate to sign the form and to indicate that the candidate en-
15 dors, subscribes to, and pledges to abide by the code.

16 (b) The director shall provide a copy of the Fair Campaign
17 Practices Code to each candidate who files a declaration of candidacy
18 or nominating petition with the director. A candidate who agrees to
19 comply with the Fair Campaign Practices Code shall sign the form and
20 return the signed copy to the director at the time the candidate files
21 a declaration of candidacy or nominating petition. A candidate who
22 does not sign the Fair Campaign Practices Code does not violate a
23 provision of this chapter.

24 Sec. 15.20.820. FAIR CAMPAIGN PRACTICES CODE. The Fair Campaign
25 Practices Code is:

26 There are basic principles of decency, honesty, and fair play
27 that every candidate for public office in the state has a moral obli-
28 gation to observe and uphold in order that, after vigorously contested
29 but fairly conducted campaigns, our citizens may exercise their

1 constitutional right to a free and untrammled choice and the will of
2 the people may be clearly expressed on the issues before the state.
3 Therefore,

4 I will conduct my campaign without the use of personal vilifica-
5 tion, character defamation, whispering campaigns, libel, slander,
6 or scurrilous attacks on my opponent or the personal or family
7 life of my opponent.

8 I will not use campaign material of any sort that misrepresents,
9 distorts, or otherwise falsifies the facts nor will I use mali-
10 cious or unfounded accusations that aim at creating or exploiting
11 doubts, without justification, as to the loyalty and patriotism
12 of my opponent.

13 I will not make any appeal to prejudice based on race, sex,
14 creed, or national origin.

15 I will not undertake or condone any dishonest or unethical prac-
16 tice that tends to corrupt or undermine our American system of
17 free elections or that hampers or prevents the free and full
18 expression of the will of the voters.

19 Insofar as is possible, I will immediately and publicly repudiate
20 support deriving from any individual or group that resorts, on
21 behalf of my candidacy or in opposition to that of my opponent,
22 to the methods and tactics that I have pledged not to use or
23 condone.

24 * Sec. 2. AS 15.58.030 is amended by adding a new subsection to read:

25 (h) The page that contains the candidate's photograph or state-
26 ment must also prominently reflect whether the candidate has agreed to
27 the Fair Campaign Practices Code under AS 15.20.810 - 15.20.820.

Creation article

6-1282H
Bradley
2/5/90

Original sponsor(s): BY REP. FINKELSTEIN, Wallis, M.Davis, Gruenberg, Menard, Ellis, Donley, Ulmer, Brown, Goll, Koponen, Boucher

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 318 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Fair Campaign Practices
7 Code."

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

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11 Sec. 15.20.810. SUBSCRIPTION TO FAIR CAMPAIGN PRACTICES CODE.

12 (a) The director shall prepare a form that contains the Fair Campaign
13 Practices Code established under AS 15.20.820 with a place for a
14 candidate to sign the form and to indicate that the candidate en-
15 dorses, subscribes to, and pledges to abide by the code.

16 (b) The director shall send a copy of the form containing the
17 Fair Campaign Practices Code to each candidate who files a declaration
18 of candidacy or nominating petition with the director. The director
19 shall also make copies of the form containing the Fair Campaign Prac-
20 tices Code available to each municipal clerk for distribution to
21 candidates for municipal office. A candidate who agrees to comply
22 with the Fair Campaign Practices Code shall sign the form and return
23 the signed copy to the director. A candidate who fails or refuses to
24 sign the Fair Campaign Practices Code does not violate a provision of
25 this chapter.

26 Sec. 15.20.820. FAIR CAMPAIGN PRACTICES CODE. The Fair Campaign
27 Practices Code is:

28 There are basic principles of decency, honesty, and fair play
29 that every candidate for public office in the state has a moral

1 obligation to observe and uphold in order that, after vigorously
2 contested but fairly conducted campaigns, our citizens may exercise
3 their constitutional right to a free and untrammled choice and the
4 will of the people may be clearly expressed on the issues before the
5 state. Therefore,

6 I will conduct my campaign in the best American tradition, dis-
7 cussing the issues as I see them, presenting my record and poli-
8 cies with sincerity and frankness, and criticizing without fear
9 or favor the record and policies of my opponent and the party of
10 my opponent that merit such criticism.

11 I will defend and uphold the right of every Alaskan voter to full
12 and equal participation in the electoral process.

13 I will conduct my campaign without the use of personal vilifica-
14 tion, character defamation, whispering campaigns, libel, slander,
15 or scurrilous attacks on my opponent or the personal or family
16 life of my opponent.

17 I will not use campaign material of any sort that misrepresents,
18 distorts, or otherwise falsifies the facts nor will I use mali-
19 cious or unfounded accusations that aim at creating or exploiting
20 doubts, without justification, as to the loyalty and patriotism
21 of my opponent.

22 I will not make any appeal to prejudice based on race, sex,
23 creed, or national origin.

24 I will not undertake or condone any dishonest or unethical prac-
25 tice that tends to corrupt or undermine our American system of
26 free elections or that hampers or prevents the free and full
27 expression of the will of the voters.

28 Insofar as is possible, I will immediately and publicly repudiate
29 support deriving from any individual or group that resorts, on

1 behalf of my candidacy or in opposition to that of my opponent,
2 to the methods and tactics that I have pledged not to use or
3 condone.

4 * Sec. 2. AS 15.58.030 is amended by adding a new subsection to read:

5 (h) The page that contains the candidate's photograph or state-
6 ment must also prominently reflect whether the candidate has agreed to
7 the Fair Campaign Practices Code under AS 15.20.810 - 15.20.820.
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HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF
HB 318

Code of Fair Campaign Practices

Received April 27, 1989

By Reps. Finkelstein, Wallis, M. Davis, Gruenberg,
Menard, Ellis, Donley, Ulmer, Brown, Goll, Koponen, and
Boucher

Heard May 3, 1989

Heard January 16, 1990

Passed Out of Committee January 16, 1990

3 Do Pass

1 No Recommendation

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- Item 2:** Fiscal Note by APOC
- Item 3:** Memorandum from Rep. Finkelstein, January 10, 1990
- Item 4:** Position Statement and Fiscal Note Narrative by APOC, January 17, 1990

HOUSE COMMITTEE REPORT

(7)

Date Referred: April 27, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee considered:

HB 318

HOUSE BILL NO. 318 [CODE OF FAIR CAMPAIGN PRACTICES]
"An Act relating to the Fair Campaign Practices Code."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact APDC 4/15/90 fiscal note(s) _____
- zero fiscal note _____ zero fiscal note(s) _____
- zero with analysis _____ zero fn/analysis _____

SIGNING DO PASS:

[Handwritten signatures]

SIGNING:

(Check approp. column)

	Do Not Pass	No Rec	Amend
<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Handwritten signature]
Chairman's Signature

Item 2

FISCAL NOTE

REQUEST:

Revision Date: 1/15/90
Title: An act relating to the Fair Campaign Practices Act
Sponsor: Rep. Finkelstein, et. al.
Requestor: _____

Agency Affected: AK Pub. Offices Commission
BRU: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	22.7	22.7	23.4	23.4	24.1	24.1
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	22.7	22.7	23.4	23.4	24.1	24.1

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Karla L. Forsythe, Executive Director
Division: Alaska Public Offices Commission

Phone: 276-4176
Date: 1/15/90

Approved by Commissioner: Burke Riley, Chair
Agency: Alaska Public Offices Commission

Date: 1-12-90

Distribution (by preparer) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act Relating to Fair
Campaign Practices Code
Sponsor: Finkelstein, et. al.
Requestor: House State Affairs Committee

Agency Affected: AK Public Offices Commission
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Karla Forsythe, Executive Director
Division: Alaska Public Offices Commission
Approved by Commissioner: Acting Chairman, Burke Riley
Agency: Alaska Public Offices Commission

Phone: 276-4175
Date: 5/2/89
Date: 5/2/89

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

FISCAL NOTE

HB 318

NARRATIVE

This measure establishes a fair campaign practices code. It requires the commission to prepare a form for candidates to sign indicating they will abide by the code. The commission would have to send a copy to each candidate who files reports under AS 15.13, and by implication would maintain copies of signed forms for public review. These administrative tasks could be absorbed with existing resources.

The commission has been advised that the bill is not intended to authorize citizens to file complaints alleging that candidates who signed the code have not abided by it. Nonetheless, the commission anticipates a high volume of calls from citizens who will be aware of the code, but will not be aware that APOC's investigatory, quasi-judicial authority does not extend to these types of complaints. Staff time will be expended responding to citizens' confusion and disappointment about APOC's inability to investigate and responding to inquiries about remedies available to a member of the public who believes a candidate has not abided by the code. Although the additional time dealing with these questions cannot be quantified for purposes of this fiscal note, the commission believes this bill would result in a noticeable increase in work which will have to be absorbed by an already overextended staff.

Item 3



Alaska State Legislature

House

Official Business

P.O. BOX V
State Capitol
Juneau, Alaska 99811

January 10, 1990

MEMORANDUM

- TO: Representative Red Boucher
State Affairs Committee Chairman
- FR: Representative David Finkelstein
- RE: Background on HB 318, Fair Campaign Practices Code

HB 313 is based on the Fair Campaign Practices Code adopted by Montana in 1979. Since that statute was implemented, campaigns are considered to have gotten much cleaner there.

The Montana Commission of Campaign Practices is responsible for providing the code to all local, county and state candidates. Signing the code is voluntary although Commissioner Delores Colberg states no candidate has ever refused to sign the code.

Attachment

MONTANA CODE ANNOTATED

Adopted by Chapter 1, Laws of 1979

Gregory J. Petesch
Code Commissioner
&
Director Legal Services

Staff Attorneys

John MacMaster
H. David Cogley
Lee Heiman

Jim Lear
Valencia Lane
Mary Kelly McCue

Eddy McClure, Legal Reseacher
Doug Sternberg, Paralegal

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13-35-230. Repealed. Sec. 407, Ch. 571, L. 1979.
History: En. 23-47-137 by Sec. 37, Ch. 334, L. 1977; R.C.M. 1947, 23-47-137.

13-35-231. Unlawful for political party to endorse judicial candi-
date. A political party may not endorse, contribute to, or make an expendi-
ture to support or oppose a judicial candidate.

History: En. 23-47-138 by Sec. 38, Ch. 334, L. 1977; R.C.M. 1947, 23-47-138, and. Sec. 223,
Ch. 571, L. 1979.

Cross-References

Election of Supreme Court Justices, 3-2-101,
3-2-102

Election of District Court Judges, 3-5-201,

3-5-202

Election of Justice of the Peace, 3-10-201

Violation as misdemeanor, 13-35-103

13-35-232. Repealed. Sec. 407, Ch. 571, L. 1979.
History: En. 23-47-139 by Sec. 39, Ch. 334, L. 1977; R.C.M. 1947, 23-47-139.

13-35-233. Solicitation of votes on election day. (1) It is unlawful
for a person or a political committee to place an advertisement supporting or
opposing a candidate or a ballot issue for use on election day. Failure to
remove billboards, yard signs, or posters on election day is not considered a
violation.

(2) A person convicted of solicitation of votes on election day is guilty of
a misdemeanor and shall be imprisoned in the county jail for a term not to
exceed 6 months or be fined not to exceed \$1,000, or both.

History: En. Sec. 1, Ch. 539, L. 1979.

13-35-234. Political criminal libel — misrepresenting voting
records. (1) It is unlawful for any person to make or publish any false state-
ment or charge reflecting on any candidate's character or morality or to
knowingly misrepresent the voting record or position on public issues of any
candidate. A person making such a statement or representation with knowl-
edge of its falsity or with a reckless disregard as to whether it is true or not
is guilty of a misdemeanor.

(2) In addition to the misdemeanor penalty of subsection (1), a successful
candidate who is adjudicated guilty of violating this section may be removed
from office as provided in 13-35-106 and 13-35-107.

History: En. Sec. 2, Ch. 539, L. 1979; and. Sec. 1, Ch. 545, L. 1983.

Cross-References

When owner of radio station not held respon-
sible for defamatory broadcast, 27-1-811

Misdemeanor penalty, 46-18-212.

Part 3

Code of Fair Campaign Practices

13-35-301. Adoption of code of fair campaign practices. The fol-
lowing code of fair campaign practices is adopted by Montana:

"There are basic principles of decency, honesty, and fair play that every
candidate for public office in the United States has a moral obligation to
observe and uphold, in order that, after vigorously contested but fairly con-
ducted campaigns, our citizens may exercise their constitutional right to a
free and untrammled choice and the will of the people may be fully and
clearly expressed on the issues before the country. Therefore:

I will conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I will defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I will conduct my campaign without the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on my opposition or his personal or family life.

I will not use campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which aim at creating or exploiting doubts, without justification, as to the loyalty and patriotism of my opposition.

I will not make any appeal to prejudice based on race, sex, creed, or national origin.

I will not undertake or condone any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

Insofar as is possible, I will immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I have pledged not to use or condone."

History: *En. Sec. 1, Ch. 475, L. 1979.*

13-35-302. Candidates to be given opportunity to subscribe to campaign practices code — publicity. (1) The commissioner of campaign practices shall prepare a form which contains the code of fair campaign practices provided for in 13-35-301 and a place for a candidate to sign the form and to indicate that the candidate endorses, subscribes to, and pledges to abide by the code.

(2) Each candidate required to file statements or reports with the commissioner shall be sent a copy of this form. Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form shall be sent for each election as soon as feasible. The signed form shall be returned to the commissioner.

(3) The commissioner shall supply the secretary of state, the county registrars, and the city and town clerks with forms. Any candidate not required to file with the commissioner but wishing to subscribe to the code may obtain the form from the commissioner, the secretary of state, a county registrar, or a city or town clerk and may sign the form and deliver it to the commissioner.

History: *En. Sec. 2, Ch. 475, L. 1979.*

CHAPTER 36

CONTESTS

Part 1 — General Provisions

- 13-36-101. Grounds for contest of nomination or election to public office.
 13-36-102. Time for commencing contest.
 13-36-103. Court having jurisdiction of proceedings.

13-36-104. Nomination co

- 13-36-201. Contents of cor
 13-36-202. Reception of ill
 13-36-203. Form of compl
 13-36-204. Bond required
 13-36-205. Recovery of cos
 13-36-206. Notice of filing
 13-36-207. Hearing of cont
 13-36-208. Advancement of
 13-36-209. Forfeiture of no
 13-36-210. Punishment
 13-36-211. When nominati
 13-36-212. Declaration of n

Chapter Cross-References

- Salaries withheld during
 2-16-202.
 Role and duties of Co
 Recorder, 7-4-2611.
 Challenges to local gover
 nments, 7-7-105.
 Definitions applicable
 13-1-101.

13-36-101. Grounds for contest of nomination or election to public office. An election or election to public office shall be contested for any of the following reasons:

- (1) on the ground of violation of the law relating to the election;
- (2) whenever the person elected is ineligible to serve the election, eligible to serve the election, or ineligible to receive the vote;
- (3) on account of illegal practices or fraud.

History: *En. Sec. 45, Init. R.C.M. 1935; Sec. 94-1464, R.C.M. 1959, Ch. 365, L. 1977; R.C.M. 1977.*

Cross-References
 Definition of "elector" and
 13-1-101.

13-36-102. Time for commencing contest. A candidate who has been certified for nomination to any public office may contest the nomination of any other person whose nomination he contests. The contestant shall

STATE OF ALASKA

STEVE COWPER, GOVERNOR

Item 4

ALASKA PUBLIC OFFICES COMMISSION

REPLY TO:

2221 E. Northern Lights, Room 128
Anchorage, AK 99508
(907) 276-4176

Juneau Branch Office
Box CO
Juneau, AK 99811-0222
(907) 465-4864

January 17, 1990

Representative H. A. "Red" Boucher
Pouch V
Juneau, Alaska 99811

RECEIVED

JAN 12 1990

Dear Representative Boucher:

I am writing with regard to HB 318, an act relating to the Fair Campaign Practices Code.

This measure establishes a fair campaign practices code. It requires the commission to prepare a form for candidates to sign, indicating that they will abide by the provisions of the code. The commission would be required to send a copy to each candidate who files reports under AS 15.13, and by implication would maintain copies of signed reports for public review.

As you may be aware, during the last session the commission submitted a fiscal note indicating this measure would not have a fiscal impact on the workload of the commission. At its November 30, 1989 meeting, the commission reviewed the assumptions upon which this note was based, and asked me to submit a revised fiscal note indicating that resources will be required.

With regard to the substance of the proposal, commission members support the ideals expressed in the code, but expressed concerns about the practical value of enacting this type of legislation. These concerns are exacerbated by the potential for workload increases for an already overextended staff.

This measure does not directly authorize citizens to file complaints with APOC. It is the commission's understanding that there would be first amendment problems with imposing sanctions for violations of a code of this nature. But under AS 15.13, a person who believes the chapter has been violated is entitled to file a complaint with the commission. It is reasonable to believe that the public and candidates will file complaints under AS 15.13.120(d) alleging violations of the code.

This expectation is borne out by the experience in Montana and Washington, two jurisdictions which have adopted fair campaign practice codes. I discussed this measure with Delores Colberg, Commissioner of Political Practices for Montana. Ms. Colberg

Representative H. A. "Red" Boucher
January 17, 1990
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indicates that her office receives complaints, and investigates them informally. Although these complaints are few in number, some level of review does take place.

I also spoke with Graham Johnson, Director of the Washington State Public Disclosure Commission. He indicates that the original version of Washington's law did not include a complaint investigation provision. However, the Public Disclosure Commission soon realized that it needed to establish a procedure to handle complaints. The method devised was to send a copy of the complaint to the respondent and request a response. Once the respondent provides a response, commission staff then drafts a press release outlining the contents of the complaint and the response. In the release the commission makes clear that it has no observations or comments on the matter. Thus, the commission makes the complaint and response public, without undertaking investigation. Again, there are very few complaints of this nature, but when they are filed with the commission they receive some level of review.

APOC has much higher visibility as a complaint enforcement agency than either of these two offices. Even if the commission took the position that callers would be informed that the commission does not investigate complaints of this nature, staff time would be spent fielding the telephone calls, and explaining to citizens why there is no remedy. The commission already has more investigation work than can be handled within the time frames anticipated by law. For these reasons, given the added volume of work which the commission believes would occur as a result of this measure, the commission believes the bill would require additional resources.

The commission further believes it may be appropriate to consider placing the administration of this code elsewhere, perhaps within the Division of Elections, which is not generally perceived as an agency which investigates complaints.

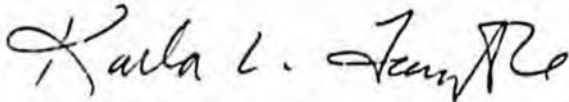
A different approach brought to my attention by Graham Johnson involves using the private sector rather than a government agency to monitor elections. I have attached materials provided to me by Mr. Johnson, which describe an organization in Chicago called CONDUCT. CONDUCT is an interfaith, inter-racial, nonpartisan civic organization dedicated to discouraging bigotry and bias in Chicago area election campaigns. CONDUCT has promulgated a code of fair campaign practices, monitors local campaigns, investigates complaints, and sends letters of censure if a campaign is found in violation of the code.

Representative H. A. "Red" Boucher
January 17, 1990
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Thank you for your consideration of these comments. If you or other committee members have any questions, please let me know.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION



Karla L. Forsythe
Executive Director

Attachments

cc: Representative Finkelstein
Representative Wallace
Representative Davis
Representative Gruenberg
Representative Menard
Representative Ellis
Representative Donley
Representative Ulmer
Representative Brown
Representative Koponen
Bob Evans, Office of the Governor
Sioux Plummer, Special Assistant, Dept. of Administration
APOC Members
APOC Senior Staff

REVISED FISCAL NOTE

HB 318 NARRATIVE

This measure establishes a fair campaign practices code. It requires the commission to prepare a form for candidates to sign indicating they will abide by the code. The commission would be required to send a copy to each candidate who files reports under AS 15.13 and by implication would maintain copies of signed forms for public review. These administrative tasks could be absorbed with existing resources.

The commission anticipates a high volume of calls from citizens complaining that candidates have engaged in behavior which is contrary to the code. Since commission resources are stretched to the limit particularly in investigatory matters, the commission will need additional staff to handle the increased workload.

It is assumed that the time required to handle complaints of this nature, given the existing workload, would warrant a half-time paralegal investigator, Range 16.

CONDUCT

COMMITTEE ON DECENT UNBIASED CAMPAIGN TACTICS

55 E. Jackson Blvd.-Suite 1870
Chicago, IL 60604
(312) 663-5500

STATEMENT OF PURPOSE

John A. McDermott, Chairman
Reverend Bernard Brown
Ronald Champagne
Charles A. Davis
Daniel Feldman
The Very Reverend Charles Greene
Octavia Harrison
Leon Jackson
Louise Aho Hueg Kerr
Mitchell Kobelinski
Donald N. Langenberg
Albert Logan
William E. Lowry, Jr.
Isidro Lucas
Raymond Mack
Edward Marciniak
Roscoe Mitchell
Reverend John Pollard
Barbara Proctor
Richard J. Rice
Reverend John T. Richardson, C.M.
Thomas F. Roeser
Edmund J. Rooney
Rabbi Herman E. Schaalman
Weathers Sykes
Arnold Weber
Rolf Weil
Maynard I. Wishner
Nancy Isserman, Executive Director

CONDUCT is an interfaith, interracial, non-partisan civic organization dedicated to discouraging bigotry and bias in Chicago area election campaigns. Members of CONDUCT's board serve as individuals, not as representatives of any group or institution.

CONDUCT respects and affirms the value of vigorous election campaigns and sharp debate. Such campaigns benefit the community. They can clarify issues and are very much a part of the Chicago political tradition. Campaign tactics that appeal to hate or fear, however, or that denigrate the opposition based on the opponent's race, religion, ethnicity or gender, are morally wrong, undermine community peace and subvert the political process.

CONDUCT has promulgated a Code of Fair Campaign Practice as a basic guideline for ethical campaign behavior. Candidates are invited to voluntarily commit themselves and their campaigns to observe the Code.

CONDUCT's staff monitors local political campaigns for violations of the Code. CONDUCT also investigates complaints of Code violations received from candidates, the press and members of the community.

If a candidate, campaign organization or partisan is found in serious violation of the Code, a letter of censure is sent to the offender including an appeal to cease and desist the practice in question. At the same time, the letter is released to the public and the press.

CONDUCT is an interfaith, interracial, non-partisan, civic organization dedicated to discouraging bigotry and bias in Chicago area election campaigns. Members serve as individuals, not as representatives of any group or institution. CONDUCT encourages ethical campaign practices but endorses no candidate or party.

I. HISTORY OF THE PROJECT

CONDUCT, the Committee on Decent Unbiased Campaign Tactics, an independent, non-partisan, interracial and interfaith group of Chicago leaders, was launched in June 1984 with the help of the American Jewish Committee to discourage appeals to bias and bigotry in Chicago's election campaigns. It was formed in response to the bitter racial polarization, use of smear tactics and racist and anti-Semitic literature which marred Chicago's 1983 mayoral election. The Joyce Foundation provided seed money for Chicago's CONDUCT to organize the board and develop a working program. In its 18 months of operation CONDUCT committee members developed an action program to combat appeals to bigotry in political campaigns. Education, monitoring, and public exposure emerged as the main elements of CONDUCT's program.

The 1986 special aldermanic elections in the seven remapped wards presented a special learning opportunity for CONDUCT, a chance to test its model on a small scale. The lessons from this experience could become the basis for a major program in the 1987 mayoral and aldermanic races. For this 1986 "trial run", CONDUCT developed a limited plan of action based on the key elements identified earlier; education, monitoring and public exposure.

To monitor the seven races, CONDUCT sent three observers into the seven wards to observe the aldermanic campaigns. The three attended political rallies and forums, and visited campaign offices. They interviewed the candidates, their staffs and local community people. In addition they read the neighborhood newspapers and reviewed campaign literature. The observers found a few examples of racial and religious bigotry. More importantly, it became clear that their presence deterred some campaigns from playing on the fears and prejudices of the voters.

An educational program was undertaken aimed at the over 150 candidates running in the primary elections. Letters explaining CONDUCT'S support and willingness to investigate complaints were sent to all candidates for alderman and to candidates in contested state legislature or congressional races in the Chicago area. The public learned of CONDUCT through press conferences and the media coverage.

The CONDUCT board evaluated all the complaints it received and issued four letters of censure to the candidates involved. Copies were sent to the media.

II. THE PROGRAM

Based on the experience in 1986, a modified three part program was developed for the 1987 aldermanic and mayoral elections. CONDUCT drafted and publicized a Code of Fair Campaign Practice, a statement of ethical principles including six specific guidelines designed to prevent overt or covert appeals to bias. All candidates were asked to sign the code. CONDUCT also hired and trained a staff of 12 observers. Finally, CONDUCT invited complaints based on the standards of the code. It received and investigated 64 complaints.

A subcommittee of the CONDUCT board drafted The Code of Fair Campaign Practice which was revised and approved by the entire CONDUCT board. The final version of the Code was released to the public in mid December, 1986. At the same time, it was sent by certified mail to all the aldermanic and city-wide candidates and sent by messenger to all the mayoral candidates. A record of signed and returned copies was kept.

For the primary, 12 observers worked as monitors. The observers were politically sophisticated people with an extensive knowledge of the city and its politics. They were assigned to monitor campaigns in selected wards. Most worked in the wards with which they were familiar. The number of wards assigned to an observer varied depending on the sensitivity of the campaigns.

For the general election, which had fewer contests than the primary, nine observers were retained. Two, one white and one black, covered the 18th ward race where a white candidate opposed a black candidate. One observer covered all the South Side aldermanic run-off elections. Another observer covered the one West Side run-off. Two observers monitored the run-offs along the north lakefront. In addition, all the observers but one covered the mayoral candidates' appearances in their respective areas of the city. In both elections, observers attended political rallies and forums and visited campaign offices. They interviewed candidates, their staffs, and local community people. They also reviewed and collected campaign literature and monitored the neighborhood newspapers.

Complaints were received by letter, over the phone, from the observers and from the CONDUCT board. Upon receiving a complaint, staff made a thorough investigation. Reports to the board contain the following information.

- Nature of the complaint
- Results of the staff investigation including documentation.
- Information on the accused person or group.
- Information on the complainant.
- Where appropriate, response from the accused to the complaint.
- Recommendations to the board on action by CONDUCT.

When a complaint was confirmed by the board, the basic response was to: send a letter of censure via messenger to the accused with a copy to the complainant and a copy and a release to the press. When the complaint was not confirmed by the board or could not be documented, a note of explanation was sent to the complainant.

All complaints, investigative reports, and relevant materials were presented to the board at weekly, Wednesday morning board meetings. Letters and press releases, for the most part, were sent out a day or two after the meeting.

THE CODE OF FAIR CAMPAIGN PRACTICE

The right to seek public office in Chicago is a precious right which belongs to all qualified citizens of the city. Vigorous election campaigns and sharp debate are normal and healthy and very much a part of the Chicago political tradition. At its best, this process can help to clarify the issues and inform the voters. In their election campaigns, however, candidates have a solemn obligation to be truthful and fair and to respect the rights and dignity of their opponents and of all the individuals and groups who make up the community. Campaigns which appeal to fear or hate or which denigrate the opposition based on the opponent's race, religion, ethnicity or gender are morally wrong, undermine community peace and subvert the political process.

To help establish decent, unbiased, political campaigns in Chicago, CONDUCT, the Committee on Decent Unbiased Campaign Tactics, urges candidates for public office in Chicago to commit themselves to observe the following Code of Fair Campaign Practice:

CANDIDATES:

- should not suggest directly or indirectly through speeches or campaign literature, that their opponents ought to be defeated because of their race, religion, national origin or gender.
- should campaign among *all* the voters in the community they seek to represent or serve, being careful not to systematically exclude neighborhoods or groups other than their own.
- should not appeal to negative stereotypes or hostilities based on race, religion, ethnicity, gender or other irrelevant group identification.
- should not seek to gain support by arousing or exploiting the fears of one group toward other, different groups.
- should not use pamphlets, flyers, code words or advertising which appeal to bigotry or fear.
- should publicly condemn bigoted literature, statements or actions in support of their candidacy or in opposition to their opponent.
- should be accountable for the actions of their campaign staffs relative to this code.

CANDIDATE'S COMMITMENT

I pledge myself and my campaign to abide by the Code of Fair Campaign Practice.

Name _____

Date _____

CONDUCT

55 E. Jackson Blvd., Suite 1870
Chicago, IL 60604
(312) 663-5500

COMMITTEE ON DECENT UNBIASED CAMPAIGN TACTICS





Representative H.A. "Red" Boucher, Chair
House State Affairs Committee

DATE: 1/14/90

PLACE: Juneau

SUBJECT OF MEETING:
HB 318 Code of Fair Campaign Practices
HB 218 AHFC loans to Sr. Hsg

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/WHICH BILL?
RW SULLIVAN	AHFC	PO Box 101020 ANCHORAGE	99510		561 1900	(Y) N	HB 218
Bob Davitt	AARP St. Joseph's	130 Dewar St # 205 99801			586 2066	(Y) N	HB 218
Cindy Smith	AK NETWORK M. Dem. Vol. / SA	130 Seward Rm 301 99801			586 3650	(Y) N	HB 218
GREG POASE	AK. Col. KINGESS	5597 AISLER ST. 99801			780-4338	(Y) N	HB 218
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Representative Peter Goll, Co-Chair
Representative Max Gruenberg, Co-Chair
House Judiciary Committee

FROM: Representative David Finkelstein

DATE: January 18, 1990

RE: HB 318, 'Fair Campaign Practices Code'

I hope you will be able to schedule HB 318 at your earliest convenience. I also would like to get a chance to talk with you or the committee staff prior to the hearing.

The bill came about because in many elections both on the local and national level, a few candidates always end up using unscrupulous campaign tactics. This legislation would establish a 'Fair Campaign Practices Code', and each candidate for office would be given the opportunity to subscribe to the code.

I realize that this bill will not eliminate "dirty campaigning". It will help, though, to make the public aware of which candidates are committed to running issue-oriented campaigns. Montana has a similar voluntary code in place, and my understanding is that it has worked well there.

Nothing in this legislation is meant to imply that there is anything wrong with candidates being aggressive. The voters deserve a full airing of public policy issues, even if it involves 'negative campaigning'. The 'Fair Campaign Practices Code' would not discourage these kind of hard hitting campaigns, only those that are unethical or irresponsible.

BILL: HB 318

NAME:

TITLE: "AN ACT RELATING TO THE FAIR CAMPAIGN PRACTICES
CODE."

PRIME SPONSOR: FINKELSTEIN

CO-SPONSOR: WALLIS, DAVIS, H., GRUENBERG, MENARD, ELLIS, DONLEY, ULMER, BROWN
GOLL, KOPONEN, BOUCHER

CURRENT STATUS: (H) JUD
THEN FIN

STATUS DATE: 01/17/90

04/27/89	01300	(H)	READ THE FIRST TIME -- REFERRAL(S)	
04/27/89	01300	(H)	STATE AFFAIRS, JUDICIARY	
04/29/89	01376	(H)	CO-SPONSOR ADDED: BOUCHER	
01/17/90	02113	(H)	STA RPT 3DP 1NR	
01/17/90	02113	(H)	FISCAL NOTE (APOC) 1/17/90	
01/17/90	02113	(H)	ADDITIONAL REFERRAL TO FINANCE	
01/17/90	02113	(H)	REFERRED TO JUDICIARY	
01/17/90			HOUSE JOURNAL	PAGE 2113

HB 318

THE STATE AFFAIRS COMMITTEE HAS CONSIDERED:

HOUSE BILL NO. 318

"AN ACT RELATING TO THE FAIR CAMPAIGN PRACTICES
CODE."

RECOMMENDING DO PASS (3): BOUCHER (CHAIRMAN), MENARD,
FINKELSTEIN

NO RECOMMENDATION (1): HARLEY

A FISCAL NOTE BY THE ALASKA PUBLIC OFFICES COMMISSION WAS
PUBLISHED JANUARY 17, 1990.

THE SPEAKER ADDED A FINANCE COMMITTEE REFERRAL TO FOLLOW THE
JUDICIARY COMMITTEE REFERRAL.

HB 318 WAS REFERRED TO THE JUDICIARY COMMITTEE.