

SB

275

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 20, 1998

FURTHER REFERRALS:

Date of Committee Action: 2/26/98

The STATE AFFAIRS Committee considered:

CSSB 275(STA)

CS FOR SENATE BILL NO. 275(STA)

FUND RAISING: GOV; LT. GOV; & CANDIDATES

"An Act specifying time periods for making, soliciting, or accepting campaign contributions to candidates for state office; and providing for an effective date."

recommends it be replaced with the following committee substitute

CSSB 275 (STA)

the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) _____

zero fiscal note(s) _____

zero fiscal note(s) APOC

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Shannette James</i>			✓	
<i>[Signature]</i>		✓		
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>		✓		

CHAIR'S SIGNATURE *Shannette James*

Alaska State Legislature

Mailing Address:
P.O. Box 55094
North Pole, Alaska 99705
Ph: (907) 488-0862
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MIKE MILLER
President of the Senate

While in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District Q

SPONSOR STATEMENT CSSB275(STA)

Senate Bill 275 amends Alaska law to place all candidates for state office under the same campaign financing rules.

AS 15.13.072 currently allows candidates who are the Governor and the Lieutenant Governor to raise funds during sessions, while legislators are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on raising funds during regular and special legislative sessions.

AS 15.13.074 currently allows candidates for the office of governor or lieutenant governor to receive campaign funds during regular legislative sessions, while candidates for legislative office are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on contributing funds to candidates for state office during regular and special legislative sessions.

There is an exemption from these fundraising restrictions during the 90 days immediately preceding an election in which the person is a candidate for state office.

This change will help level the playing field among candidates and will make the system more fair and equitable for all candidates seeking public office in Alaska.

Failed
4-2

#1

AMENDMENT

OFFERED IN THE HOUSE
TO: CSSB 275(STA)

BY REPRESENTATIVE BERKOWITZ

1 Page 1, line 7:
2 Delete "state office"
3 Insert "the state legislature"

4 Page 1, lines 8 - 11:
5 Delete "regular or special legislative session unless [. AND] the solicitation or
6 acceptance occurs during the 90 days immediately preceding an election in which the
7 candidate or individual is a candidate [MEMBER OF THE LEGISLATURE"
8 Insert
9 "(1) regular legislative session; or
10 (2) special legislative session, and the candidate or individual is a
11 member of the legislature ["

12 Page 2, line 1, through page 3, line 23:
13 Delete all material and insert:
14 "(c) A person or group may not make a contribution
15 (1) to a candidate for governor or lieutenant governor or an individual
16 who files with the commission the document necessary to permit that individual to
17 incur certain election-related expenses as authorized by AS 15.13.100 for governor or
18 lieutenant governor, when the office is to be filled at a general election, before the
19 later of the following dates:
20 (A) the date the individual
21 (i) becomes a candidate; or
22 (ii) files with the commission the document necessary
23 to permit the individual to incur certain election-related expenses as

1 authorized by AS 15.13.100; or

2 (B) January 1 of the year of the general election:

3 (2) to a candidate for the state legislature or an individual who files
4 with the commission the document necessary to permit that individual to incur certain
5 election-related expenses as authorized by AS 15.13.100 for the state legislature, when
6 the office is to be filled at a general election, while the legislature is convened in its
7 regular legislative session and before the later of the following dates:

8 (A) the date the individual

9 (i) becomes a candidate; or

10 (ii) files with the commission the document necessary
11 to permit the individual to incur certain election-related expenses as
12 authorized by AS 15.13.100; or

13 (B) January 1 of the year of the general election;

14 (3) to a candidate or an individual who files with the commission the
15 document necessary to permit that individual to incur certain election-related expenses
16 as authorized by AS 15.13.100 for an office that is to be filled at a special election
17 or municipal election before the later of the following dates:

18 (A) the date the individual

19 (i) becomes a candidate; or

20 (ii) files with the commission the document necessary
21 to permit that individual to incur certain election-related expenses as
22 authorized by AS 15.13.100;

23 (B) is nine months before the date of the general or regular
24 municipal election or that is before the date of the proclamation of the special
25 election at which the candidate or individual seeks election to public office:
26 or

27 (4) to any candidate later than the 45th day

28 (A) after the date of a primary election if the candidate

29 (i) has been nominated at the primary election or is
30 running as a write-in candidate; and

31 (ii) is not opposed at the general election;

32 (B) after the date of the primary election if the candidate was

1 not nominated at the primary election; or

2 (C) after the date of the general election, or after the date of
3 a municipal or municipal runoff election, if the candidate was opposed at the
4 general, municipal, or municipal runoff election;

5 (5) to a member of the state legislature who is a candidate for the
6 state legislature or who files with the commission the document necessary to
7 permit that individual to incur certain election-related expenses as authorized by
8 AS 15.13.100 for the state legislature, when the office is to be filled at a general
9 election, while the legislature is convened in a special legislative session."

ROSS FOR GOVERNOR
BOX 243626
ANCHORAGE, ALASKA 99524-3626

To: Members of the Alaska Legislature

From: Wayne Anthony Ross *WAR*
Republican National Committeeman,
Republican Candidate for Governor

Re: Senate Bill 275

Date: 19 February 1998

I am advised that Senate Bill 275, sponsored by Senate President Mike Miller, passed the Senate unanimously. I ask members of the Senate to move to reconsider this bill. I ask Members of the House to soundly defeat this bill when it comes before them for consideration.

As you no doubt know, I am a Republican candidate for Governor. Last year, the Alaska Legislature passed a very onerous bill revising Alaska's campaign finance laws. That bill made it quite difficult for an average person, wishing to involve themselves in running for office, to raise sufficient funds to mount an effective campaign. It cut off corporate contributions, limited the amount that could be raised outside the State, and severely curtailed the amount each individual Alaskan could contribute to a candidate they supported. Last year's legislation favored incumbents who enjoy free media publicity because of their incumbency, and candidates with large personal wealth, over average citizens who wished to enter public service and who had to raise funds for a campaign to do so.

Despite last year's legislation, I have entered the race for Governor. Three other viable candidates have also announced their intention to run for the Governor's position. Now, having launched a campaign for Governor, you propose to change the rules of the game, after the game has started! Senate Bill 275 would take effect immediately and would prohibit any candidate for Governor from raising funds during a legislative session. This is not only unfair but, I believe, highly improper.

Governor Knowles is the incumbent. He enjoys substantial public exposure because of his position. In addition, it is widely known that Governor Knowles has accumulated a substantial war chest for re-election purposes before passage of last year's legislation. Governor Knowles can readily afford to wait until the Legislature is out of session and still mount an effective campaign. Governor

Knowles has his picture and positions being put forth in the media, daily, during this legislative term, and he need not even begin to raise funds until June or July since he has no opponent in the Primary.

John Lindauer, a Republican candidate, has been quoted as saying that he has over a million dollars of personal funds to put into his campaign. Mr. Lindauer does not need to raise money for a campaign. Obviously then, Mr. Lindauer can afford to wait out this legislative term before raising money.

Robin Taylor, your legislative colleague, is also a Republican candidate for Governor. Mr. Taylor, because of his position as a sitting Senator, also enjoys media attention while the Senate is in session. He entered the race for Governor, while retaining his Senate seat, knowing full well that because of last year's legislation, he can not raise funds while the Legislature is in session. Senator Taylor has a clear conflict of interest if he voted on this issue.

And finally, there is me, Wayne Ross, the third Republican candidate. Even after reviewing last year's legislation, I decided to get into the Governor's race. Despite last year's legislative burden on fundraising, I have played the game by the rules that you, the Legislature, established last year. I waited until 1 January 1998 to begin raising funds for my campaign. I am not a wealthy man. (I even have three kids presently in college.) But I chose to invest the time and effort into a campaign for public service, expecting to raise funds from the general public who appear to be tired of "politics as usual". Thus far, my campaign has been quite successful.

I have hired a campaign manager, a finance director, and rented a campaign headquarters. I have reserved facilities and scheduled fundraising events. Senate Bill 275, if enacted into law, would require me to terminate these activities for several months. My campaign would be the only gubernatorial campaign directly and adversely affected by this bill. The bill's effect would be to reward wealthy candidates, and those currently in the media limelight because of incumbency, while harming average citizens, like myself, who seek to run for Statewide office. The Bill has given Governor Knowles a clear advantage. He is, undoubtedly, happy with this legislation.

If your intention is to assist your colleague, Mr. Taylor, in his run for office, you will support this bill. If your intention is to restrict candidates to only the wealthy, you will support this bill. If your intention is to ensure that Governor Knowles has no viable opponents in the next election, you will support this bill. I hope these are not your intentions.

I chose to run for office to improve this State, to put an end to rule by state bureaucracy and political machinations just such as this. I hope you will join me in defeating Senate Bill 275 and its House equivalent.

ROSS FOR GOVERNOR

Campaign Headquarters: 3020 Minnesota Drive, # 14
Anchorage, Alaska 99503

Mailing Address: POB 243626, Anchorage, Alaska 99524-3626

Phone: (907) 274 - ROSS [effective Monday, February 23, 1998]

Temporary Phone: [until February 23, 1998] (907) - 276-5307

PRESS RELEASE.....

February 19, 1998

Calling action by the Alaska State Senate today "politics as usual in Juneau," Republican candidate for Governor Wayne A. Ross criticized the Senate's action in passing a bill that would, if enacted into law, change the ground rules for raising election campaign funds again. Senate Bill 275, introduced by Senate Republican Mike Miller (R - North Pole), passed unanimously through the Senate today. The bill purports to level the playing field for raising money by political candidates.

However, Ross said, *"What this bill really does is give Governor Tony Knowles a free ride to the Governor's office in November. Tony doesn't need to raise any money, he already has a fat campaign fund. He doesn't have an opponent in the primary election, and doesn't need to worry about raising campaign funds until later this year, June or July. Knowles is undoubtedly having a hearty laugh at the expense of the Republican majority in the Legislature."*

Further, Ross said, *"The legislature adopted a new law on campaign finance reform last year and we all started the race on January 1998 following the rules under that law, me included. Now that my campaign has caught fire and we've started to raise money, the 'Good Ol' Boys Club' in Juneau wants to change the rules. That's not fair!"*

Senator Robin Taylor, (R - Wrangell) another declared gubernatorial candidate, can not raise funds while the Legislature is in session according to the law adopted last year. But, according to Ross, *"Robin made his choice to stay in the Senate and run for Governor at the same time. He wanted to have it both ways. Now he has voted to change the rules. He has a slight conflict of interest in voting for this bill and getting his Senate colleagues to join him."*

John Lindauer, the other declared Republican candidate, is not in the Legislature, but has stated that he has \$2.0 million of his own money to put into his campaign. *"If that is accurate, Mr. Lindauer doesn't need to raise any money either,"* said Ross.

[more]

ROSS FOR GOVERNOR
Press Release, Feb. 19, 1998
Page 2.

Ross called the Senate's action, "Politics as usual from Juneau. It happened in what must be near record time. Were there any hearings on this bill? It is really disappointing that this kind of thing goes on in government. This is the kind of action that causes people to lose faith in our political system. I hope to have the opportunity to change the system when I am elected."

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February 24, 1998

Dear House State Affairs Committee member,

The following is my testimony during the teleconference held this morning concerning SB 275.

It is my understanding that the stated intention of SB 275 is to level the playing field in races for the Governor's and Lt. Governor's office and to bring the APOC rules for these races in line with the current rules for house and senate races. This bill falls to do that.

A gubernatorial race is not the same ball game as a house or senate race. In a statewide race there are many times the number of people a candidate has to reach. The geographic area to be covered is enormous. When these factors alone are considered, rules are not being made comparable with house and senate race rules, they are reducing statewide races to a highschool student council race. The restrictions placed on candidates for statewide office under the new APOC rules have already seriously hampered the ability of candidates to get their message out.

We live in the real world. And in the real world it cost more money to run a statewide race than it does to run a house or senate race. And it takes more time to raise that money. The legislature recognized this for one brief moment when it allowed a candidate to make a personal loan to his or her own campaign. There is one amount for house candidates, a larger amount for senate candidates, and an even larger amount for

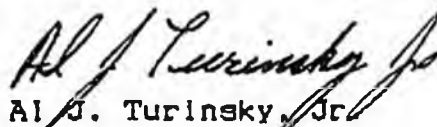
statewide office candidates. The rule proposed by this bill is not consistant with the existng personal loan rule.

The people of Alaska have a right to make an INFORMED declaion about who their vote should go to. We can't do that if candidates can't inform us of their position on important issues.

This bill says the offices of the Governor and Lt. Governor aren't very important. This bill says the voters of Alaska don't need to know very much about the candidates for Governor and Lt. Governor. And this bill is nothing more than an economic infringement on the right to free speech.

SB 275 passed the Senate by a unanimous vote. What is wrong with this picture? You can't put 20 senators in a room and get them to agree on the color of sugar. The only conclusion I can come to is that deals were made for political expedience. Madame chairman and members of this committee, I don't like deals being made with my vote. So I urge each and every one of you to vote against this bill.

Thank you for your time,



Al J. Turinsky, Jr.

Glennallen, AK

CS FOR SENATE BILL NO. 275(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/18/98

Referred: Rules

Sponsor(s): SENATORS MILLER, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act specifying time periods for making, soliciting, or accepting campaign
2 contributions to candidates for state office; and providing for an effective date."

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session (unless [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

14 * Sec. 2. AS 15.13.074(e) is amended to read:

Am Municipal office

*Delete line 9-13
AM 2 Feb 1998
Failed 4-2*

1 (c) A person or group may not make a contribution

2 (1) [TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT
3 GOVERNOR OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE
4 DOCUMENT NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR
5 CERTAIN ELECTION-RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100
6 FOR GOVERNOR OR LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO
7 BE FILLED AT A GENERAL ELECTION, BEFORE THE LATER OF THE
8 FOLLOWING DATES:

9 (A) THE DATE THE INDIVIDUAL

10 (i) BECOMES A CANDIDATE; OR

11 (ii) FILES WITH THE COMMISSION THE
12 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
13 INCUR CERTAIN ELECTION-RELATED EXPENSES
14 AS AUTHORIZED BY AS 15.13.100; OR

15 (B) JANUARY 1 OF THE YEAR OF THE GENERAL
16 ELECTION;

17 (2)] to a candidate for state office [THE STATE LEGISLATURE] or
18 an individual who files with the commission the document necessary to permit that
19 individual to incur certain election-related expenses as authorized by AS 15.13.100 for
20 state office [THE STATE LEGISLATURE, WHEN THE OFFICE IS TO BE FILLED
21 AT A GENERAL ELECTION,] while the legislature is convened in a [ITS] regular
22 or special legislative session, unless the contribution is made during the 90 days
23 immediately preceding an election in which the candidate or individual is a
24 candidate, or [AND] before the later of the following dates:

25 (A) the date the individual

26 (i) becomes a candidate; or

27 (ii) files with the commission the document necessary
28 to permit the individual to incur certain election-related expenses as
29 authorized by AS 15.13.100; or

30 (B) January 1 of the year of the [GENERAL] election;

31 (2) [(3)] to a candidate or an individual who files with the commission

ASCI.10.1070

insert p. 3 line 23 after (c):

for candidates for
state office who
currently hold
state office,
and on May 15 for
candidates for state
office who currently
do not hold state
office.

Am # 4 - Lyon

Parson
Fails 3-3

1 the document necessary to permit that individual to incur certain election-related
2 expenses as authorized by AS 15.13.100 for an office that is to be filled at a
3 [SPECIAL ELECTION OR] municipal election before the later of the following dates:

4 (A) the date the individual

5 (i) becomes a candidate; or

6 (ii) files with the commission the document necessary
7 to permit that individual to incur certain election-related expenses as
8 authorized by AS 15.13.100;

9 (B) is nine months before the date of the [GENERAL OR
10 REGULAR] municipal election [OR THAT IS BEFORE THE DATE OF THE
11 PROCLAMATION OF THE SPECIAL ELECTION AT WHICH THE
12 CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO PUBLIC OFFICE];

13 or

14 (3) [(4)] to any candidate later than the 45th day

15 (A) after the date of a primary election if the candidate

16 (i) has been nominated at the primary election or is
17 running as a write-in candidate; and

18 (ii) is not opposed at the general election;

19 (B) after the date of the primary election if the candidate was not
20 nominated at the primary election; or

21 (C) after the date of the general election, or after the date of a
22 municipal or municipal runoff election, if the candidate was opposed at the
23 general, municipal, or municipal runoff election.

24 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c)

*# 4 Supp's suggestion:
Add: "for incumbents + May 15th for non-incumbents"*

*Delete 1 mte 24
Am # 2 election
Failed 4-2*

*Candidates for state office who
state office*

*Amend in Rules
or on the
floor?*

Jeannette,

Portia from Sen. Miller's office brought this by.

It looks to me like it solves everyone's problem and should make everyone happy.

She's taking it to Mike Heathwold. She said it would be good if there were a caucus on this before it comes to the floor next Wednesday.

Barbara
3/11/98

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB275(STA)

- 1 Page 1, line 9, following "session":
- 2 Insert **"if the candidate or individual holds office as a member of the**
- 3 **state legislature, as the governor, or as the lieutenant governor"**

CS FOR SENATE BILL NO. 275(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 2/18/98

Referred: Rules

Sponsor(s): SENATORS MILLER, Pearce

A BILL

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2 contributions to candidates for state office; and providing for an effective date."

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session ~~unless~~ [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

Insert here.

14 * Sec. 2. AS 15.13.074(c) is amended to read:

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer
Legislative Counsel

Handwritten notes:
↓
This applies to SB 275 also!
They can make a "technical change."
title

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.^{1/} To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state **or municipal** office."

^{1/} Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

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TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer
Legislative Counsel

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As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.^{1/} To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

^{1/} Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Senator Tim Kelly

February 26, 1998

Page 2

Although the bill is in the second house, it is my opinion that the title change described above does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee of the second house from reporting out a committee substitute or amendment that requires a title change, other than a clerical or technical one, the title change here is not "required" by an amendment or change in the second house. Rather, it is required to correct the defective title in bill as passed by the first house. Accordingly, our office has in the past considered such changes to be "technical." The requirements of Uniform Rules 35 and 41(b) are consistent with Uniform Rule 24, stating that motions or propositions that require a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, are out of order. Of course, the Senate will still have the right to consider whether to concur in any changes to the bill made by the House, including a change to the title.

Please let me know if you have additional questions on this matter.

TC:jdr

98-118.jdr

Collateral references. — 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. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

(b) A candidate or an individual who has filed with the commission the document necessary to permit the individual to incur election-related expenses under AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds \$100.

(c) An individual, or one acting directly or indirectly on behalf of that individual, may not solicit or accept a contribution

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

(d) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution if the legislature is convened in a regular or special legislative session, and the candidate or individual is a member of the legislature, or employed as a member of the legislator's staff or as a member of the staff of a legislative committee.

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another.

(c) A person or group may not make a contribution

(1) to a candidate for governor or lieutenant governor or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for governor or lieutenant governor, when the office is to be filled at a general election, before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(2) to a candidate for the state legislature or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for the state legislature, when the office is to be filled at a general election, while the legislature is convened in its regular legislative session and before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(3) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100;

(B) is nine months before the date of the general or regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(4) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been nominated at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not nominated at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

(d) A person or group may not make a contribution to a candidate or a person or group who is prohibited by AS 15.13.072(c) from accepting it.

(e) A person or group may not make a cash contribution that exceeds \$100.

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the

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individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

incur

(h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

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- (1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or
- (2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116(a)(3)(A). (§ 11 ch 48 SLA 1996)

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Contingent amendment of Subsection (c). — Section 33(b), ch. 48, SLA 1996 provides that § 12 of ch. 48, SLA 1996, which has the effect of amending subsection (c) of this section, takes effect only if the following occurs: a court order is entered and becomes final declaring that in subsection (c), as enacted by § 11, ch. 48, SLA 1996, the dates set out as being the dates before which campaign contributions may not be accepted are unconstitutional. If this contingency occurs, under § 12, ch. 48, SLA 1996, subsection (c) will read as follows: "A person or group may not make a contribution

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"(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

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"(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of

idate:

the proclamation of the special election at which the candidate or individual seeks election to public office; or

- "(3) to any candidate later than the 45th day
- "(A) after the date of a primary election if the candidate
 - "(i) has been nominated at the primary election or is running as a write-in candidate; and
 - "(ii) is not opposed at the general election;
- "(B) after the date of the primary election if the candidate was not nominated at the primary election; or
- "(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election."

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Section 34, ch. 48, SLA 1996 provides that if § 12, ch. 48, SLA 1996, which contingently amends subsection (c) of this section, takes effect, it takes effect on the day after the date a court order described in § 33(b), ch. 48, SLA 1996.

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Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

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Sec. 15.13.076. Authorized recipients of contributions. [Effective January 1, 1997.] A contribution to a

- (1) candidate may be received only by
 - (A) the candidate; or
 - (B) the candidate's campaign treasurer or a deputy campaign treasurer;
- (2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

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Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

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Sec. 15.13.078. Contributions and loans from the candidate. [Effective January 1, 1997.] (a) The provisions of this chapter do not prohibit the individual who is a candidate from giving any amount of the candidate's own money or other thing of value to the campaign of the candidate. Donations made by the candidate to the candidate's

FEB 15 10 10:31 AM THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA IOWA NO. 3030030003 P. 02/04

States that Prohibit Campaign Contributions during Legislative Sessions

- Alabama** s 17-22A-7. Candidates for state offices may not solicit or accept contributions during the period when the Legislature is convened in session.
- Alaska**
- Arizona** s 41-1234.01. Contributions to a member of the legislature prohibited during regular session; contributions to the governor prohibited during regular session and when regular session legislation is pending veto
- Arkansas** s 7-6-203(g). It is unlawful for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of State, Attorney General, Commissioner of state Lands, and members of the General Assembly to accept a contribution during the period beginning 30 days before any regular session of the General Assembly and ending 30 days after.
- Colorado** can't find the statute
- * **Connecticut** s 9-333f (e). Lobbyists and political committees established by or on behalf of lobbyists are prohibited from soliciting contributions on behalf of a candidate for nomination/election to the general assembly during regular and special sessions of the general assembly
- Florida (by rule)** Florida's statutory provision was struck down by the state supreme court
- Georgia** Code, 21-5-35. No member of the General Assembly or that member's campaign committee or public officer elected state wide or campaign committee or such public officer shall accept a contribution during a legislative session.
- Indiana** contributions to legislative caucus committees, but not individual members
- Iowa** s 56.15A. A lobbyist or political committee shall not contribute to the campaign funds of an elected state official, member of the general assembly, or candidate for public office on the state level on any day during the regular legislative session and, in the case of the governor or a gubernatorial candidate, during the thirty days following the adjournment of a regular legislative session allowed for the signing of bills.
- * **Kansas** s 25 4153a. No registered lobbyist or political committee shall make a contribution to any legislator, candidate for membership in the senate or house of representatives at any time in which the legislature is in session, nor shall any such person accept any contribution.

Texas

V.T.C.A., Election Code s 253.034. During a period beginning on the 30th day before the date a regular session convenes and continuing through the day of adjournment, a person may not make a political contribution to a statewide officeholder or a member of the legislature, and such persons shall not accept a political contribution during this period.

* **Utah**

U.C.A. 1953 s 20-14-6.5. A lobbyist or principal may not make a campaign contribution to a legislator during the time the Legislature is convened in annual general or veto override session, or in a special session.

Vermont

can't find statute.

Virginia

s 24.2-940. No member of the General Assembly or statewide official shall solicit or accept a contribution from any person or political committee on and after the first day of a regular session of the General Assembly through adjournment sine die of that session.

Washington

Initiative Measure No. 134, passed 11/92. During the period beginning on the 30th day before the date a regular legislative session convenes and continuing 30 days past the date of adjournment, and during special sessions, no state official may solicit or accept contributions.

Wisconsin

s 13.625. Campaign contributions to any elective state official or candidate for an elective state office may be made in the year of an election between June 1 and the day of the general election, except that campaign contributions to candidates for legislative office may be made during such period only if the legislature is not in session or has recessed.

CS FOR SENATE BILL NO. 275(STA)(title am H)(efd fld H)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 3/20/98

Offered: 2/18/98

Sponsor(s): SENATORS MILLER, Pearce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to time periods for making, soliciting, or accepting campaign
2 contributions."

The drafter made a "technical" title change!

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

4 * Section 1. AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to state office may not solicit or accept a
8 contribution while [IF] the legislature is convened in a regular or special legislative
9 session unless [, AND] the solicitation or acceptance occurs during the 90 days
10 immediately preceding an election in which the candidate or individual is a
11 candidate [MEMBER OF THE LEGISLATURE, OR EMPLOYED AS A MEMBER
12 OF THE LEGISLATOR'S STAFF OR AS A MEMBER OF THE STAFF OF A
13 LEGISLATIVE COMMITTEE].

14 * Sec. 2. AS 15.13.074(c) is amended to read:

1 (c) A person or group may not make a contribution

2 (1) [TO A CANDIDATE FOR GOVERNOR OR LIEUTENANT
3 GOVERNOR OR AN INDIVIDUAL WHO FILES WITH THE COMMISSION THE
4 DOCUMENT NECESSARY TO PERMIT THAT INDIVIDUAL TO INCUR
5 CERTAIN ELECTION-RELATED EXPENSES AS AUTHORIZED BY AS 15.13.100
6 FOR GOVERNOR OR LIEUTENANT GOVERNOR, WHEN THE OFFICE IS TO
7 BE FILLED AT A GENERAL ELECTION, BEFORE THE LATER OF THE
8 FOLLOWING DATES:

9 (A) THE DATE THE INDIVIDUAL

10 (i) BECOMES A CANDIDATE; OR

11 (ii) FILES WITH THE COMMISSION THE
12 DOCUMENT NECESSARY TO PERMIT THE INDIVIDUAL TO
13 INCUR CERTAIN ELECTION-RELATED EXPENSES
14 AS AUTHORIZED BY AS 15.13.100; OR

15 (B) JANUARY 1 OF THE YEAR OF THE GENERAL
16 ELECTION;

17 (2) to a candidate for state office [THE STATE LEGISLATURE] or
18 an individual who files with the commission the document necessary to permit that
19 individual to incur certain election-related expenses as authorized by AS 15.13.100 for
20 state office [THE STATE LEGISLATURE, WHEN THE OFFICE IS TO BE FILLED
21 AT A GENERAL ELECTION,] while the legislature is convened in a [ITS] regular
22 or special legislative session, unless the contribution is made during the 90 days
23 immediately preceding an election in which the candidate or individual is a
24 candidate, or [AND] before the later of the following dates:

25 (A) the date the individual

26 (i) becomes a candidate; or

27 (ii) files with the commission the document necessary
28 to permit the individual to incur certain election-related expenses as
29 authorized by AS 15.13.100; or

30 (B) January 1 of the year of the [GENERAL] election;

31 (2) [(3)] to a candidate or an individual who files with the commission

1 the document necessary to permit that individual to incur certain election-related
2 expenses as authorized by AS 15.13.100 for an office that is to be filled at a
3 [SPECIAL ELECTION OR] municipal election before the later of the following dates:

4 (A) the date the individual

5 (i) becomes a candidate; or

6 (ii) files with the commission the document necessary
7 to permit that individual to incur certain election-related expenses as
8 authorized by AS 15.13.100;

9 (B) is nine months before the date of the [GENERAL OR
10 REGULAR] municipal election [OR THAT IS BEFORE THE DATE OF THE
11 PROCLAMATION OF THE SPECIAL ELECTION AT WHICH THE
12 CANDIDATE OR INDIVIDUAL SEEKS ELECTION TO PUBLIC OFFICE];

13 or

14 (3) [(4)] to any candidate later than the 45th day

15 (A) after the date of a primary election if the candidate

16 (i) has been nominated at the primary election or is
17 running as a write-in candidate; and

18 (ii) is not opposed at the general election;

19 (B) after the date of the primary election if the candidate was not
20 nominated at the primary election; or

21 (C) after the date of the general election, or after the date of a
22 municipal or municipal runoff election, if the candidate was opposed at the
23 general, municipal, or municipal runoff election.

FISCAL NOTE

No. 1
 Bill Version: CS SB 275 (STA)
 (S) Publish Date: 2/18/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: (Note if correction)
 Title: "An Act relating to contributions to the governor, the lieutenant governor, and candidates..."
 Sponsor: Senator Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Alaska Public Offices Commission
 Component: Alaska Public Offices Commission

COMPONENT SERIAL NO. 70

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
↓ GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will not fiscally impact the Alaska Public Office Commission.

Prepared by: Karen Boorman
 Division: Alaska Public Offices Commission

Phone: (907) 276-4176
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/5/98

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MIKE MILLER
President of the Senate

White in Juneau
State Capitol
Juneau, Alaska
99801-1182
Ph: (907) 465-4976
Fax: (907) 465-3883

Senate District 0

SPONSOR STATEMENT CSSB275(STA)

Senate Bill 275 amends Alaska law to place all candidates for state office under the same campaign financing rules.

AS 15.13.072 currently allows candidates who are the Governor and the Lieutenant Governor to raise funds during sessions, while legislators are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on raising funds during regular and special legislative sessions.

AS 15.13.074 currently allows candidates for the office of governor or lieutenant governor to receive campaign funds during regular legislative sessions, while candidates for legislative office are prohibited. With the passage of SB275, all candidates for state office will be under the same campaign financing rules: prohibition on contributing funds to candidates for state office during regular and special legislative sessions.

There is an exemption from these fundraising restrictions during the 90 days immediately preceding an election in which the person is a candidate for state office.

This change will help level the playing field among candidates and will make the system more fair and equitable for all candidates seeking public office in Alaska.

A M E N D M E N T

OFFERED IN THE HOUSE

TO: CSSB 275(STA)

- 1 Page 1, line 1:
- 2 Delete "specifying"
- 3 Insert "relating to"

- 4 Page 1, line 2:
- 5 Delete "to candidates for state office"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Campaign funds (CSSB 275(STA))

TO: Senator Mike Miller
President of the Senate
Attn: Portia

FROM: Richard A. Glover *-RAG-*
Legislative Counsel

The latest version of CSSB 275(STA) (the "L" version) contains a defective title. The title is defective in that the reference to "candidates for state office" did not accurately describe the change to current law made by the bill on page 1, line 7. That change enables a member of the legislature who files or becomes a candidate for a municipal office to raise campaign funds during legislative sessions. The title of CSSB 275(STA) does not disclose this.

Although the bill is in the second house, it is my opinion that the title change does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee from reporting out a committee substitute or amendment that requires a title change, other than a technical one, the title change here is not "required" by an amendment or change in the second house, but rather by the defective title in the first house. Accordingly, our office has in the past considered such changes to be "technical." Unfortunately, because the title change does constitute a change to the bill, the Senate will have to concur in the title change, even if the House passed a version that was otherwise identical to the bill passed by the Senate.

Please accept my apology for discovering this problem at this late date. It is, however, best to correct the problem now, thereby avoiding a challenge to the bill on the grounds that the title did not reflect the contents of the bill. See sec. 13, Art. II, Constitution of the State of Alaska.

If I may be of further assistance, please advise.

RAG:glc:jr
98-109.glc

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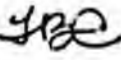
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 26, 1998

SUBJECT: Title of CSSB 105(FIN) am (Legislative and Executive branch ethics and campaign finance)

TO: Senator Tim Kelly
Attn: Ben Brown

FROM: Teresa B. Cramer 
Legislative Counsel

You have asked for a memorandum concerning whether a resolution is needed to waive application of the Uniform Rules for a title amendment to the campaign finance and ethics bill referenced above. The title as passed by the Senate reads:

"An Act relating to legislative and executive branch ethics; relating to campaign finances for candidates for state office; relating to the conduct and regulation of lobbyists with respect to public officials; relating to the filing of disclosures by certain state employees and officials; making a conforming amendment to the definition of 'public official' for employment security statutes; and providing for an effective date."

As passed by the Senate, the bill contains an amendment to AS 15.13.072(d) which affects municipal elections as well as elections for state office (for the governor, lieutenant governor, and members of the legislature) but there was a drafting error and the amendment inadvertently failed to amend the bill title.¹⁷ To correct this oversight, the title should be amended. One possibility is to amend the second clause of the title to read: "relating to campaign finances for candidates for state or municipal office."

¹⁷ Existing law prohibits a legislator or legislative employee who is a candidate for any office from soliciting and accepting contributions during a legislative session. The amendment to AS 15.13.072(d) in the bill prohibits all candidates who are running for election to state office from soliciting contributions during a legislative session. Current law prohibits legislators and legislative employees who are running for municipal office from soliciting or accepting contributions during a session but under the bill they would be permitted to do so.

Senator Tim Kelly

February 26, 1998

Page 2

Although the bill is in the second house, it is my opinion that the title change described above does not require a concurrent resolution waiving the Uniform Rules. While Uniform Rule 24(c) prohibits a committee of the second house from reporting out a committee substitute or amendment that requires a title change, other than a clerical or technical one, the title change here is not "required" by an amendment or change in the second house. Rather, it is required to correct the defective title in bill as passed by the first house. Accordingly, our office has in the past considered such changes to be "technical." The requirements of Uniform Rules 35 and 41(b) are consistent with Uniform Rule 24, stating that motions or propositions that require a change in the title of the bill as enacted in the house of origin, other than a clerical or technical change, are out of order. Of course, the Senate will still have the right to consider whether to concur in any changes to the bill made by the House, including a change to the title.

Please let me know if you have additional questions on this matter.

TC:jdr

98-118.jdr

Collateral references. — 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. 15.13.072. Restrictions on solicitation and acceptance of contributions. [Effective January 1, 1997.] (a) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution from

- (1) a person not authorized by law to make a contribution;
- (2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;
- (3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or
- (4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

(b) A candidate or an individual who has filed with the commission the document necessary to permit the individual to incur election-related expenses under AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds \$100.

(c) An individual, or one acting directly or indirectly on behalf of that individual, may not solicit or accept a contribution

- (1) before the date for which contributions may be made as determined under AS 15.13.074(c); or
- (2) later than the day after which contributions may not be made as determined under AS 15.13.074(c).

(d) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may not solicit or accept a contribution if the legislature is convened in a regular or special legislative session, and the candidate or individual is a member of the legislature, or employed as a member of the legislator's staff or as a member of the staff of a legislative committee.

(e) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

- (1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;
- (2) \$5,000, if the candidate or individual is seeking the office of state senator;
- (3) \$3,000, if the candidate or individual is seeking the office of state representative or municipal or other office.

(f) A group or political party may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made, but the amounts accepted from individuals who are not residents may not exceed 10 percent of total contributions made to the group or political party during the calendar or group year in which the contributions are received. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.074. Prohibited contributions. [Effective January 1, 1997.] (a) A person or group may not make a contribution if the making of the contribution would violate this chapter.

(b) A person or group may not make a contribution anonymously, using a fictitious name, or using the name of another.

(c) A person or group may not make a contribution

(1) to a candidate for governor or lieutenant governor or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for governor or lieutenant governor, when the office is to be filled at a general election, before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(2) to a candidate for the state legislature or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for the state legislature, when the office is to be filled at a general election, while the legislature is convened in its regular legislative session and before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit the individual to incur certain election-related expenses as authorized by AS 15.13.100; or

(B) January 1 of the year of the general election;

(3) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the later of the following dates:

(A) the date the individual

(i) becomes a candidate; or

(ii) files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100;

(B) is nine months before the date of the general or regular municipal election or that is before the date of the proclamation of the special election at which the candidate or individual seeks election to public office; or

(4) to any candidate later than the 45th day

(A) after the date of a primary election if the candidate

(i) has been nominated at the primary election or is running as a write-in candidate; and

(ii) is not opposed at the general election;

(B) after the date of the primary election if the candidate was not nominated at the primary election; or

(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election.

(d) A person or group may not make a contribution to a candidate or a person or group who is prohibited by AS 15.13.072(c) from accepting it.

(e) A person or group may not make a cash contribution that exceeds \$100.

(f) A corporation, company, partnership, firm, association, organization, business trust or surety, labor union, or publicly funded entity that does not satisfy the definition of group in AS 15.13.400 may not make a contribution to a candidate or group.

(g) An individual required to register as a lobbyist under AS 24.45 may not make a contribution to a candidate for the legislature at any time the individual is subject to the registration requirement under AS 24.45 and for one year after the date of the individual's initial registration or its renewal. However, the individual may make a contribution under this section to a candidate for the legislature in a district in which the

individual is eligible to vote or will be eligible to vote on the date of the election. An individual who is subject to the restrictions of this subsection shall report to the commission, on a form provided by the commission, each contribution made while required to register as a lobbyist under AS 24.45. This subsection does not apply to a representational lobbyist as defined in regulations of the commission.

(b) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant governor and a group that is not a political party and that, under the definition of the term "group," is presumed to be controlled by a candidate for governor or lieutenant governor, may not make a contribution to a candidate for another office, to a person who conducts a write-in campaign as a candidate for other office, or to another group of amounts received by that candidate or controlled group as contributions between January 1 and the date of the general election of the year of a general election for an election for governor and lieutenant governor. This subsection does not prohibit

(1) the group described in this subsection from making contributions to the candidates for governor and lieutenant governor whom the group supports; or

(2) the governor or lieutenant governor, or the group described in this subsection, from making contributions under AS 15.13.116(a)(3)(A). (§ 11 ch 48 SLA 1996)

Contingent amendment of Subsection (c). — Section 33(b), ch. 48, SLA 1996 provides that § 12 of ch. 48, SLA 1996, which has the effect of amending subsection (c) of this section, takes effect only if the following occurs: a court order is entered and becomes final declaring that in subsection (c), as enacted by § 11, ch. 48, SLA 1996, the dates set out as being the dates before which campaign contributions may not be accepted are unconstitutional. If this contingency occurs, under § 12, ch. 48, SLA 1996, subsection (c) will read as follows: "A person or group may not make a contribution

"(1) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 when the office is to be filled at a general election before the date that is 18 months before the general election;

"(2) to a candidate or an individual who files with the commission the document necessary to permit that individual to incur certain election-related expenses as authorized by AS 15.13.100 for an office that is to be filled at a special election or municipal election before the date that is 18 months before the date of the regular municipal election or that is before the date of

the proclamation of the special election at which the candidate or individual seeks election to public office: or

"(3) to any candidate later than the 45th day

"(A) after the date of a primary election if the candidate

"(i) has been nominated at the primary election or is running as a write-in candidate; and

"(ii) is not opposed at the general election;

"(B) after the date of the primary election if the candidate was not nominated at the primary election; or

"(C) after the date of the general election, or after the date of a municipal or municipal runoff election, if the candidate was opposed at the general, municipal, or municipal runoff election."

Section 34, ch. 48, SLA 1996 provides that if § 12, ch. 48, SLA 1996, which contingently amends subsection (c) of this section, takes effect, it takes effect on the day after the date a court order described in § 33(b), ch. 48, SLA 1996.

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.076. Authorized recipients of contributions. [Effective January 1, 1997.] A contribution to a

(1) candidate may be received only by

(A) the candidate; or

(B) the candidate's campaign treasurer or a deputy campaign treasurer;

(2) group may be received only by the group's campaign treasurer or a deputy treasurer. (§ 11 ch 48 SLA 1996)

Effective dates. — This section took effect on January 1, 1997. See editor's note at beginning of chapter.

Sec. 15.13.078. Contributions and loans from the candidate. [Effective January 1, 1997.] (a) The provisions of this chapter do not prohibit the individual who is a candidate from giving any amount of the candidate's own money or other thing of value to the campaign of the candidate. Donations made by the candidate to the candidate's

(b) [Effective January 1, 1997.] The provisions of (a) of this section do not apply when the advertisement

(1) is paid for by an individual acting independently of any group and independently of any other individual;

(2) is made to influence the outcome of a ballot proposition as that term is defined by AS 15.13.065(c); and

(3) is made for

(A) a billboard or sign; or

(B) printed material other than an advertisement made in a newspaper or other periodical. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980; am § 15 ch 48 SLA 1996)

Effect of amendments. — The 1996 amendment, effective January 1, 1997, added subsection (b).

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

Collateral references. — Validity and construc-

Sec. 15.13.095. False statements in telephone polling and calls to convince.

(a) A candidate who is damaged as the result of a false statement about the candidate made with knowledge that it was false, or with reckless disregard for whether it was false or not, made as part of a telephone poll or an organized series of calls, and made with the intent to convince potential voters concerning the outcome of an election in which the candidate is running may recover damages in an action in superior court under this section against the individual who made the telephone call, the individual's employer, and the person who contracted for or authorized the poll or calls to convince. However, the employer of the individual or the person who contracted for or authorized the poll or calls to convince is liable to the defamed candidate only if the employer or person authorized the statement to be made, knowing that it was false or with reckless disregard for whether it was false or not, as part of the poll or calls to convince.

(b) The court may award damages, including punitive damages. If the court finds that the result of the statement places the integrity of the election process in substantial doubt, the eligibility of the successful candidate to hold the office to which elected shall be determined as provided in AS 15.56.110(b) or, in the case of a candidate for governor or lieutenant governor, by impeachment under art. II, sec. 20, Constitution of the State of Alaska. (§ 1 ch 142 SLA 1996)

Effective dates. — Section 1, ch. 142, SLA 1996, which enacted this section, took effect on November 4, 1996.

Sec. 15.13.100. Expenditures before filing. A political campaign expenditure may not be made or incurred by a person in an election or by a person or group with the person's knowledge and on the person's behalf before the date upon which the person files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls. These expenditures must 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; am § 25 ch 14 SLA 1987)

Effect of amendments. — The 1987 amendment in the first sentence substituted "A" for "No" at the beginning of the section, inserted "not" following "expenditure may," and substituted "the person's" for "his" in two places and "the person" for "he or she" and

in the last sentence substituted "must" for "shall be charged against the spending limitation that applies to the office for which he subsequently files, and shall."

Sec. 15.13.110. Filing of reports. (a) [See effect of amendments note.] Each candidate and group shall make a full report in accordance with AS 15.13.040 for 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. If the report is a first report, it shall cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it shall cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on December 31 of the prior year. The report shall be filed

(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) 10 days after the election; and

(4) February 15 for expenditures made and contributions received that were not reported during the previous year, including, if applicable, all amounts expended from a legislative office account established under AS 15.13.116(a)(9) and all amounts expended from a municipal office account under AS 15.13.116(a)(10), or when expenditures were not made or contributions were not received during the previous year.

(b) [See effect of amendments note.] Each contribution that exceeds \$250 and that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or deputy campaign treasurer.

(c) [See effect of amendments note.] All reports required by this chapter shall be filed with the commission's central office and 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) [Repealed, § 35 ch 126 SLA 1994.]

(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.

(f) During the year in which the election is scheduled, each of the following shall file the campaign disclosure reports in the manner and at the times required by this section:

(1) a person who, under the regulations adopted by the commission to implement AS 15.13.100, indicates an intention to become a candidate for elective state executive or legislative office;

(2) a person who has filed a nominating petition under AS 15.25.140 -- 15.25.200 to become a candidate at the primary election for elective state executive or legislative office;

(3) a person who campaigns as a write-in candidate for elective state executive or legislative office at the general election; and

(4) a group that receives contributions or makes expenditures on behalf of or in opposition to a person described in (1) -- (3) of this subsection. (§ 1 ch 76 SLA 1974; am § 24 ch 189 SLA 1975; am § 2 ch 133 SLA 1977; am §§ 1, 2 ch 49 SLA 1993; am § 35 ch 126 SLA 1994; am § 2 ch 59 SLA 1995; am § 13 ch 30 SLA 1996; am §§ 16 -- 18 ch 48 SLA 1996)

Cross references. -- For legislative purpose in enacting subsection (f), see § 1, ch. 59, SLA 1995 in the Temporary and Special Acts.

Effect of amendments. -- The 1993 amendment, effective September 1, 1993, in subsection (a), made a stylistic change in the first sentence, rewrote the second sentence, added the present third sentence, deleted "at the following times" following "filed" in the fourth sentence, made a stylistic change in paragraph (3), and rewrote paragraph

(4); and, in subsection (b), made stylistic changes and substituted "nine days" for "one week."

The 1994 amendment, effective July 1, 1994, repealed subsection (d), relating to required supplier reports pursuant to AS 15.13.040 and the commission's summary and publication of the results thereof.

The 1995 amendment, effective August 29, 1995, added subsection (f).

The first 1996 amendment, effective May 16, 1996,

News from the Senate Majority

Alaska State Legislature

Wendy Lindskoog
Senate Majority Press Secretary
Phone: 907/465-4582
Broadcast Actualities: 800/478-6540

State Capitol
Juneau, AK 99801-1182
<http://www.akrepublicans.org>

For Immediate Release: February 4, 1998

Contact: Portia Parker, 465-4711
Assistant to Senate President Mike Miller

Miller Strives to Level Political Playing Field **Measure Promotes Fairness in Fundraising**

Juneau -- Senate President Mike Miller will introduce legislation Wednesday to create one set of campaign fundraising rules for the Governor, Lieutenant Governor, Legislators and members of their staff.

Current state law prohibits legislators and members of their staff from raising campaign funds throughout an off-election year or during legislative sessions. Yet, the Governor, Lieutenant Governor and their staff have no similar restrictions.

"Restrictions on campaign fundraising ought to be fair and equitable for all people seeking public office," said Senate President Mike Miller "right now certain elected officials have an unfair advantage and we need to level the playing field."

This legislation will place the Governor, Lieutenant Governor and members of their staff, under the same campaign fundraising restrictions as legislators and members of their staff.

###

Broadcast Note: Radio actualities are available by calling 800/478-6540.

ROSS FOR GOVERNOR
BOX 243626
ANCHORAGE, ALASKA 99524-3626

To: Members of the Alaska Legislature

From: Wayne Anthony Ross *WAR*
Republican National Committeeman,
Republican Candidate for Governor

Re: Senate Bill 275

Date: 19 February 1998

I am advised that Senate Bill 275, sponsored by Senate President Mike Miller, passed the Senate unanimously. I ask members of the Senate to move to reconsider this bill. I ask Members of the House to soundly defeat this bill when it comes before them for consideration.

As you no doubt know, I am a Republican candidate for Governor. Last year, the Alaska Legislature passed a very onerous bill revising Alaska's campaign finance laws. That bill made it quite difficult for an average person, wishing to involve themselves in running for office, to raise sufficient funds to mount an effective campaign. It cut off corporate contributions, limited the amount that could be raised outside the State, and severely curtailed the amount each individual Alaskan could contribute to a candidate they supported. Last year's legislation favored incumbents who enjoy free media publicity because of their incumbency, and candidates with large personal wealth, over average citizens who wished to enter public service and who had to raise funds for a campaign to do so.

Despite last year's legislation, I have entered the race for Governor. Three other viable candidates have also announced their intention to run for the Governor's position. Now, having launched a campaign for Governor, you propose to change the rules of the game, after the game has started! Senate Bill 275 would take effect immediately and would prohibit any candidate for Governor from raising funds during a legislative session. This is not only unfair but, I believe, highly improper.

Governor Knowles is the incumbent. He enjoys substantial public exposure because of his position. In addition, it is widely known that Governor Knowles has accumulated a substantial war chest for re-election purposes before passage of last year's legislation. Governor Knowles can readily afford to wait until the Legislature is out of session and still mount an effective campaign. Governor

Knowles has his picture and positions being put forth in the media, daily, during this legislative term, and he need not even begin to raise funds until June or July since he has no opponent in the Primary.

John Lindauer, a Republican candidate, has been quoted as saying that he has over a million dollars of personal funds to put into his campaign. Mr. Lindauer does not need to raise money for a campaign. Obviously then, Mr. Lindauer can afford to wait out this legislative term before raising money.

Robin Taylor, your legislative colleague, is also a Republican candidate for Governor. Mr. Taylor, because of his position as a sitting Senator, also enjoys media attention while the Senate is in session. He entered the race for Governor, while retaining his Senate seat, knowing full well that because of last year's legislation, he can not raise funds while the Legislature is in session. Senator Taylor has a clear conflict of interest in he voted on this issue.

And finally, there is me, Wayne Ross, the third Republican candidate. Even after reviewing last year's legislation, I decided to get into the Governor's race. Despite last year's legislative burden on fundraising, I have played the game by the rules that you, the Legislature, established last year. I waited until 1 January 1998 to begin raising funds for my campaign. I am not a wealthy man. (I even have three kids presently in college.) But I chose to invest the time and effort into a campaign for public service, expecting to raise funds from the general public who appear to be tired of "politics as usual". Thus far, my campaign has been quite successful.

I have hired a campaign manager, a finance director, and rented a campaign headquarters. I have reserved facilities and scheduled fundraising events. Senate Bill 275, if enacted into law, would require me to terminate these activities for several months. My campaign would be the only gubernatorial campaign directly and adversely affected by this bill. The bill's effect would be to reward wealthy candidates, and those currently in the media limelight because of incumbency, while harming average citizens, like myself, who seek to run for Statewide office. The Bill has given Governor Knowles a clear advantage. He is, undoubtedly, happy with this legislation.

If your intention is to assist your colleague, Mr. Taylor, in his run for office, you will support this bill. If your intention is to restrict candidates to only the wealthy, you will support this bill. If your intention is to ensure that Governor Knowles has no viable opponents in the next election, you will support this bill. I hope these are not your intentions.

I chose to run for office to improve this State, to put an end to rule by state bureaucracy and political machinations just such as this. I hope you will join me in defeating Senate Bill 275 and its House equivalent.

JOHN
LINDAUER
GOVERNOR

★ Qualified ★ Compassionate ★ Conservative ★
4105 TURNAGAIN BLVD ANCH AK 99517

February 16, 1998

Honorable Mike Miller
President of the Senate
State Capitol
Juneau, AK 99801



Dear Senator Miller:

I commend you on your legislation to level the playing field with respect to soliciting contributions for campaigns by Governor Tony Knowles. The existing situation where legislators are prohibited from soliciting or accepting contributions during the session but Gov. Knowles is allowed to go about the state getting money for his campaign is both unfair and allows him to use the considerable authority of his office to "persuade" individuals to contribute.

However, there are three additional issues you may consider as part of this legislation. First, extend the prohibition on fundraising by the Governor to include the 20 days after session during which he has power to control a veto and therefore has the opportunity to once again "persuade" individuals to fund his reelection.

Second, if legislators are prohibited from holding fund-raisers for their respective parties so to should the Governor be restricted.

Third, not so much for Mr. Lindauer, but on behalf of other candidates who do not hold elective office, reconsider applying the prohibition to them. After all, those not in public office have no ability to use their office to "persuade" individuals to contribute to campaigns. Although Mr. Wayne Anthony Ross attacked Mr. Lindauer personally in his comments reported in the newspaper, we believe he should continue to be able to collect funds because he is not a public official.

The complaints from the Governor's office that your bill is "changing the rules of the game" are misguided. Someone should let the Governor know that this is not a "game" and that we expect a more serious approach to reducing the potential to abuse the public trust in exchange for campaign cash.

Thank you for your efforts and service to the people of Alaska.

Sincerely,

Tuckerman Babcock
Manager

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STATE OF ALASKA**

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FAX (907) 465-2029
Mail Stop 3101*

*130 Seward Street, Suite 400
Juneau, Alaska 99801-2105*

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House State Affairs
February 24, 1998
8:07 a.m.

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House State Affairs
February 26, 1998
8:08 a.m.

FISCAL NOTE

No. 1
 Bill Version: CS SB 275 (STA)
 (S) Publish Date: 2/18/98

STATE OF ALASKA
 1998 LEGISLATIVE SESSION

Revision Date: (Note if correction)
 Title: "An Act relating to contributions to the governor, the lieutenant governor, and candidates..."
 Sponsor: Senator Miller
 Requestor: (S) STA

Department Affected: Administration
 BRU: Alaska Public Offices Commission
 Component: Alaska Public Offices Commission
 COMPONENT SERIAL NO. 70

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

This bill will not fiscally impact the Alaska Public Office Commission.

Prepared by: Karen Boorman
 Division: Alaska Public Offices Commission

Phone: (907) 276-4176
 Date: _____

Approved by Commissioner: Mark Boyer
 Agency: Department of Administration

Date: 2/5/98

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