ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

3626 HSTA CAMPAIGN FINANCING (FILE 1)

502

begun within one year after the date of the election in connection with which the offense is alleged to have been committed.

* Sec. 32. AS 15.13.020(c), 15.13.040(f), 15.13.070(f) and (g), 15.13.-110(d), and 15.13.120(d) are repealed.

* Sec. 33. This Act takes effect immediately in accordance with AS 01.-10.070(c).

# STATE OF ALASKA
# THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

**LEGISLATIVE AFFAIRS AGENCY**

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May, 1988

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

Mary Van Nimwegen

SSA 10-9-84 2:10pm
(Senate State Affairs)

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS COMMITTEE
SENATOR VIC FISCHER, CHAIRMAN
POUCH V, JUNEAU 99811
(907) 465-4954

MEMORANDUM

TO: Senate State Affairs Committee

FROM: Senate State Affairs Committee Staff

RE: Campaign Financing

DATE: August 30, 1984

Over the last few years, concern has been expressed on the general area of campaign practices in Alaska, and specifically on the subject of campaign financing. The state affairs committee staff under the direction of the committee chair began working on this area during the 1983 interim.

Section I of this preliminary memo is a very brief summary of the staff work done on campaigns, and campaign financing from 1983 to date. Section II is more in depth on the effect of money in campaigns, and Section III is a laundry list of problem areas and issues that have been brought up by various groups, legislators, citizens, and articles, etc.. on the issue of campaign disclosure and campaign financing.

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SECTION I

SUMMARY OF STAFF WORK ON CAMPAIGN FINANCING

1983 Interim/Staff Work on Campaign Financing

Under the direction of the Committee Chair, staff began to research the area of campaign financing. The emphasis was to find out the options for curtailing the escalating costs of campaigns. Following this page is an August 30, 1983 memorandum by Dick Bradley on the constitutionality of certain options (see page 5 of that document).

1984 Interim staff work on Campaign Financing

Under the direction of the Committee Chair, staff once again began researching the area of campaign financing. This year the emphasis has been on collecting statistical data on costs (see accompanying report), isolating issues (section III of this memo), and the effect of money in campaigns (section II of this memo).

# STATE OF ALASKA
# THE LEGISLATURE
## LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

M E M O R A N D U M August 30, 1983

SUBJECT: Election campaign reform
(Work Order No. 13-1520)

TO: Senator Vic Fischer

FROM: Richard A. Bradley
Legislative Counsel

You have filed a work order request on the above subject; you suggested that I contact Ginger Baim if I had questions. I have a number. And to some extent, the constitutional questions raised are addressed in these comments.

Apropos the two concepts, I have numbered the paragraphs of each and would appreciate your judgement on the following matters. And as you might guess, I expect to need to generate additional work order requests for the separate subjects of these proposals unless you feel that they should remain within one bill; perhaps some creative phrase could be invented which would encompass all that is suggested; I would prefer two or more bills.

I. Legislative Reform.

I note initially that the topics contained within this request do not all fall under the general topic; paragraphs 3, 4, and probably 6 deal with issues extraneous to the legislature.

Paragraph 1 seems to state a constitutional goal. Buckley v. Valeo, 44 USLW 4127 (1976) agrees that limitations on contributions (as opposed to expenditures) are constitutional as appropriate legislative weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions. The Court held that the ceilings imposed in that case, $1000, serve the basic governmental interest of safeguarding the integrity of the electoral process without

impinging on the rights of individual citizens and candidates to engage in political debate and discussion.

While I do not see any comments in the Court's opinion in Buckley on the significance of $1000 as a threshold amount, in my view a limitation on contributions to state candidates from lobbyists at $100 seems prima facie valid, particularly as I note the limitation on other contributions from non-lobbyists at $500.

The limitation suggested on the times within which contributions are forbidden: "during or within 45 days after" a legislative session -- seems curious since issues of concern to lobbyists are frequently identified before a legislative session.

I note that the list of organizations prohibited from contributing under this paragraph does not literally include, for example, corporations.

Regarding paragraph 2, is it suggested that a contribution is prohibited only when "in direct consequence of" (apparently meaning "after" in addition to "as a result of") a legislative act while the same contribution would not be prohibited if it anticipated the legislative act.

To what extent is this intended to displace existing bribery statutes; see AS 11.56.100. Note that subsection (a) provides:

> Sec. 11.56.100. BRIBERY. (a) A person commits the crime of bribery if he confers, offers to confer, or agrees to confer a benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, action, decision, or exercise of discretion in his official capacity.

I do note that AS 11.56.130(1) defines "benefit" to exclude "political campaign contributions reported in accordance with AS 15.13." Perhaps the answer to the first aspect of paragraph 2 is simply to delete the provisions of AS 11.-56.130(1).

And I understand the latter aspect of paragraph 2 to suggest that while a "campaign contribution" in any amount "in direct consequence of" a vote is prohibited, the legislator may engage in a business transaction amounting to $5000 or

less within a year of the vote, even if the vote was on a "measure of direct financial interest" to the person benefitting and apparently offering the business transaction.

Regarding paragraph 3, I assume that the prohibition on the raising of funds for reelection purposes starts at the time of taking office; the paragraph merely states that the prohibition ends on the January 1st of the reelection year. I assume that a governor who comes into office with an election debt can raise funds at any time until the debt is paid; I further assume that a governor who had, for example, "lent" personal funds to his campaign may engage in fund raising efforts until he is repaid.

No similar concepts are suggested for legislative offices.

Concerning paragraph 4, what is intended by the phrase "appointed official"? Note that to some extent every person serving in the executive branch (except the governor and lieutenant governor) is an "appointed official". Among the options you may wish to consider (under the assumption that a blanket prohibition is not intended) are (1) officers required to be confirmed by the legislature (Article II, sections 25, 26, Alaska Constitution); (2) individuals in (1) plus deputy commissioners and directors; (3) individuals compensated above a stated salary level; or perhaps something else.

Paragraph 5 presents some constitutional problems. While it is clear that a legislator is under a substantial burden to avoid conflicts of interest so that his motives for voting for an issue are not clouded, it is the constitution that gives the legislator a vote and I doubt the ability of the legislature to take the vote away, even for the best of reasons. I believe that there is a longstanding constitutional policy of denying to a majority of the legislature the right to decide whether a single legislator may vote, at least apart from the constitutional procedures of expulsion.

I note some logical tension between a prohibition on a vote if there is a "direct financial interest," apparently in any amount, and a prohibition on a vote to benefit a interest only if the interest contributed more than $5000 to the legislator's last campaign.

The application of these rules to executive decisions and administrative orders seems awkward; note that apart from the governor and the lieutenant governor, presumably no one in the executive branch has engaged in a political campaign, at least for the office occupied. And while the governor may have the conflict, I assume that that presents no disability on a commissioner or a lower executive officer to act even in the presence of a gubernatorial conflict.

Paragraph 6 seems unconstitutional on its face; I can see no connection between the principal place of business of an enterprise outside the state (such as Alaska Airlines) and the right of that enterprise to contribute to a candidate. And since First Amendment rights are involved, I believe that any judicial review would involve strict scrutiny. And would not survive that scrutiny.

Paragraph 7 seems unfocused. Perhaps the governor could be requested to make recommendations for further implementation but I don't see the legislative information offices having much of a formal role. And it seems unnecessary to suggest that officers having the responsibility for implementation of a law may suggest improvements to it.

II. Fair Campaign Practices.

I understand the suggestion in paragraph 1 to propose an amendment to the state credit for contributions to political campaigns [AS 43.20.013(a)] from the existing $100 to $500. And it seems that implicit in subsequent provisions is the premise that the credit be available only to individuals making contributions to candidates who have themselves agreed to the limitations on campaign expenditures and the other limitations established in the scheme.

Paragraph 2 limits the contribution to a campaign to $500; understood as a limitation on a contribution to a campaign and not as a limitation on independent expenditures, the provision seems constitutional. I note that the statement of the provision is unclear to the extent that it does not make clear whether the maximum contribution is $500 in all cases or rather only in those cases where the candidate has agree to campaign limitations. In earlier schemes that I have drafted and in laws in other states, the limitation on campaign contributions only applies to candidates who accept the limitations but I believe either solution is constitutional.

Paragraph 3 establishes a maximum cumulative contribution to all campaigns in a year for the contributor of $10,000; again understood as a limitation on contributions to campaigns and not as a limitation on independent expenditures, I believe the limitation would be constitutional.

Paragraph 4 appears to create no constitutional problems. I assume that the figures are within the ballpark; as a question of drafting, I suggest that the dollar figure per registered voter is a simpler formula. I note that no inflation index is suggested.

As I understand the concepts in paragraph 4, a candidate would agree to accept the limitation on campaign contributions, presumably by filing a statement with the director of elections or the APOC. The candidate would then accept contributions within that formula, up to the maximum, but only for the primary. A candidate who is nominated having accepted the limitation, is then entitled to state funding for the general election under the formula suggested in paragraph 4.

A problem encountered in this area arises under the constitutional requirement that candidates for governor and lieutenant governor run as a team: have you considered how you would wish to deal with the question of one candidate of the team having accepted and the other not having accepted. One solution is to deny general election campaign funds to both candidates unless each has agreed to accept limits.

The provisions for municipalities to participate in similar programs may create some problems. Recognize that the analogy to municipal elections is imperfect since municipalities have no primaries and the primary election qualification/general election grants dichotomy seems important for the structure of the concept.

Paragraph 5 seems to create no problems. The ten percent limit of obligations and expenditures in excess of receipts may not create problems and I assume that a candidat may fund his own election limits to extent of his wishes; I assume for the purposes of this paragraph that personal candidate funding constitutes a receipt.

I assume that an "independent committee" is similar or identical to the concept of a group not controlled by the candidate under AS 15.13. I suggest, however, that this

limitation on independent expenditures may constitute a "restriction" which "while neutral as to the ideas expressed, limit[s] political expression "at the core of our electoral process and of First Amendment freedoms'." Buckley, 44 USLW at 4138, citing Williams v. Rhodes, 393 U.S. 23, 32 (1968). With regard to the limitation on contributions by a political party or a subdivision of a political party or a combination of them (but what about contributions from different political parties?), the limitations appear valid under Buckley. See 44 USLW at 4137. Some of the Court's comments there may be relevant to your consideration of this bill:

> Section 608(b)(2) of Title 18 [of the U.S. Code] permits certain committees, designated as "political committees," to contribute up to $5,000 to any candidate with respect to any election for federal office. In order to qualify for the higher contribution ceiling, a group must have been registered with the [Federal Election] Commission as a political committee under 2 U.S.C. sec. 433 for not less than six months, have received contributions from more than 50 persons and, except for state political party organizations, have contributed to five or more candidates for federal office. Appellants argue that these qualifications unconstitutionally discriminate against ad hoc organizations in favor of established interest groups and impermissibly burden free association. The argument is without merit. Rather than undermining freedom of association, the basic provision enhances the opportunity of bona fide groups to participate in the election process, and the registration, contribution, and candidate conditions serve the permissible purpose of preventing individuals from evading the applicable contribution limitations by labeling themselves committees.

Buckley, at 4137.

The provisions regulating the qualification of "third or independent parties" are somewhat complicated in their constitutionality. But before addressing that question, let me restate my understanding of its proposals. It appears that third or independent parties wishing to qualify for the "general election grant" may qualify for the grant if they received 15 percent of the vote in the "previous or comparable election." What does this phrase mean? Do, for

example, the Libertarian Party candidates for the legislature qualify if its candidate for governor in the last gubernatorial election qualifies. What about the gubernatorial candidate qualifying if one or more candidates for the legislature qualify. Is qualification by district, by office, and only if it is continuously maintained.

I believe that the constitutionality of the general concept under the U. S. Constitution is likely. Anderson v. Celebreezze, 50 LW 2322. The constitutionality of the question under the state constitution is less certain. The Alaska Supreme Court intervened into legislative prerogatives, that is, in line drawing in its March 3, 1983 decision in Vogler v. Miller. While that case is not precisely on point, its logic is instructive and I am concerned that the thresholds suggested may be too high.

I assume that if the party seeks to qualify by gathering signatures on registered voters in the relevant election districts, it may qualify by obtaining the signatures of any qualified voters, not by getting the signatures of qualified voters registered to that persuasion. And I assume that the "15 percent of the registered voters in the relevant election district or 10 percent of registered voters statewide" constitutes formulae for particular candidates in either a house or senate district or for a statewide candidate and not options for either.

With regard to paragraph 7, is it intended to limit state credit funds only to initiatives and referenda and not to recall elections; the latter was omitted from the discussion.

And I suspect that there must be some shorthand used in the description, i.e., I assume that there would need to be a qualification period during which contributions of $500 or less would be required before the group is entitled to receive state grants -- not as suggested in the request, where the entitlement seems to arise on certification of the group for initiative or referendum purposes.

And finally, as suggested in the discussion on "legislative reform," I see no meaningful purpose to requiring APOC and elections people to comment on implementation after the bill is adopted; the bill should be comprehensive and perhaps "amendments" might be in order (and will be doubtless

proposed, whether requested or not, if needed) but no recommendations for "implementation."

If I may be of further assistance, please advise.

RAB:ljb
28/009

SECTION II

INFLUENCE OF MONEY IN ELECTIONS

Some of the ideas that have been discussed regarding campaign financing are presented in this section. The concepts outlined come from a review of some articles, books, statutes, and court decisions. Where appropriate, portions of texts are included as each subject is discussed.

The purpose of this section is to help the Committee understand the vast range of approaches that are available. Some ideas may not make sense for Alaska; others may have been inadvertently overlooked.

"The point is that what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry -- or that often it is not even a contest. It is not just that citizens without organized economic power pay the bill for the successes of those with organized economic power. It is not relevant which interests happen to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative government, the soul of this country."

--Elizabeth Drew, Washington Correspondent,
The New Yorker

INFLUENCE OF MONEY IN ELECTIONS

The issue of campaign financing is not a new one. The first major federal legislation prohibiting corporations and national banks from making money contributions passed in 1907 at the suggestion of President Theodore Roosevelt. This measure was followed by other important laws and US Supreme Court opinions relating to campaign financing throughout the century (see Summary of Key Federal Legislation and US Supreme Court Actions Affecting Campaign Financing, attached).

With the tremendous of growth of political action committees (PACs) in recent years, the nation has once again focused on the influence of money in elections. Major stories on campaign financing have appeared in Business Week, The New Yorker, The New Republic, Time, The New York Times, The Washington Post, The Los Angeles Times, Newsweek, US News and World Report, and other publications across the country. In Alaska, the rising costs of campaigns and some fundraising issues have required that we, too, look at our approach to regulating campaign financing.

The subjects discussed are:

1. Disclosure of Contributions
2. Disclosure of Expenditures
3. Contribution Limits
4. Prohibited Contributions
5. Loan Limits
6. Public Financing
7. Independent Committees
8. Prohibiting Political Advertising and Providing Free Air Time
9. Other Ideas
10. Concluding Statement

"Money not only can make the difference, but can make a huge difference. People make decisions based upon the way they see the world, and the way they see the world is conditioned by the information they have; and money can influence not only the information they have, but also the perceptions they have, and therefore influences who wins and loses."

--Richard Wirthlin, Republican Pollster

## SUMMARY OF KEY FEDERAL LEGISLATION AND US SUPREME COURT ACTIONS AFFECTING CAMPAIGN FINANCING

Tillman Act (1907). This measure prohibited corporations and national banks from making money contributions in connection with any election. It was enacted at the suggestion of President Theodore Roosevelt in the wake of charges during his 1904 campaign that he had received large corporate contributions from prospective government contractors.

Corrupt Practices Act (1925). This act extended the earlier prohibition to all contributions (not just monetary ones), while excluding primary elections and nominating conventions from its restrictions.

Smith-Connally Act (1943). Labor unions were prohibited from using union membership dues as campaign contributions. This measure established the precedent of allowing separate funds for this purpose, in other words, political action committees.

Taft-Hartley Act (1947). This measure further extended the ban for both corporations and labor unions to expenditures, as well as contributions. Vague and easy to circumvent, this act served as the principal means of regulating federal campaign activity until 1972.

Federal Election Campaign Act (1971). The concept of the political action committee was codified here.

Federal Election Campaign Act Amendments (1974). A response to Watergate, this measure imposed limits on campaign contributions and expenditures, and created the Federal Election Commission. Penalties for violating the limits were raised significantly from $5000 to $25,000 and for officers of organizations found guilty of violations from $10,000 to $50,000. Government contractors were allowed to establish PACs. Most important was the creation of the public financed Presidential races.

US Supreme Court Decision: Buckley v. Valeo (1976). This decision upheld the notion of limits on contributions, while nullifying expenditure limits. It specifically declares the limitation on independent expenditures as unconstitutional. It supports the constitutionality of ceilings upon contributions, for example endorsing the concept of limits on the total amount a candidate may accept from all PACs.

Federal Election Campaign Act Amendments (1976). Responding to the Buckley decision, this measure placed restrictions on the types of employees corporations could solicit, guidelines for soliciting contributions for PACs, and a limit on the proliferation of PACs within an organization.

US Supreme Court Decision: Common Cause v. Schmidt (1982). This action shows that the question of unlimited expenditures has not been closed. The Court divided 4-4, with the ninth Justice disqualified, upon the question of whether Congress may prohibit independent expenditures by a "political committee" in support of a Presidential candidate who has elected to run on public funds.

1. DISCLOSURE OF CONTRIBUTIONS. Most states require some type of information regarding disclosure of contributions. The following is a presentation of how many states require disclose information and the contribution amount for which this information must be provided (see Blue Book, page 7).

| | |
|---|---|
| All Contributions | 9 states |
| Contributions over $10 | 1 state (AL) |
| 20 | 1 state (MI) |
| 25 | 5 states |
| 30 | 1 state (CT) |
| 50 | 6 states |
| 100 | 15 states, including AK |
| 200 | 3 states |
| 250 | 1 state (AR) |
| 500 | 2 states |
| 1000 | 1 state (LA) |

We are the only human beings in the world who are expected to take thousands of dollars from perfect strangers on important matters and not be affected by it."

--Barney Frank, US Representative (D-MA)

2. DISCLOSURE OF EXPENDITURES. Campaign expenditures is another area that many states have chosen to review. The expenditure amount requiring disclosure is listed below (see Blue Book, page 7).

| | |
|---|---|
| All Expenditures | 25 states, including AK |
| Expenditures over $5 | 1 state (AL) |
| 25 | 3 states |
| 50 | 7 states |
| 100 | 8 states |
| 150 | 1 state (IL) |
| 250 | 1 state (MS) |
| 5000 | 1 state (RI) |

Campaign Finance, Ethics & Lobby Law, Blue Book 1984-85, The Council on Governmental Ethics Law, The Council of State Governments

## CAMPAIGN FINANCE

| | DISCLOSURE | | | | | PROHIBITED CONTRIBUTIONS from: | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | CONTRIBUTIONS | | EXPENDITURES | | | | | | | | | | |
| | Over $ | All | Over $ | All | Government Employees | Lobbyists | Anonymous Donors | Corporations | Labor Unions | Government Contractors | In Name of Another | Cash (over $ | Other |
| Alabama | 10 | | 5 | | | X | | | | X | | | |
| Alaska | 100 | X | | X | | X | | | | X | | | |
| Arizona | | | | | | | X | X | | | | | |
| Arkansas | 250 | | 100 | | | X | | | | | 50 | | |
| California | 100 | | 100 | | | X | | | | X | 100 | | |
| Colorado | 25 | | 25 | | | X | | | | | 100 | | |
| Connecticut | 30 | X | | X | | X | X | X | | X | 50 | X | |
| Delaware | | X | | X | | X | | | | X | 50 | | |
| Dist of Columbia | | | | X | | X | | | | X | 50 | | |
| Federal | 200 | | 200 | | | | X | X | X | X | 100 | X | |
| Florida | | X | | X | | X | | | | X | 100 | | |
| Georgia | 101 | X | 101 | X | | | | | | X | | X | |
| Hawaii | 100 | X | | X | | X | | | | X | 2,000 | | |
| Idaho | 50 | X | 25 | X | | X | | | | X | | | |
| Illinois | 150 | X | 150 | X | | X | | | | X | | | |
| Indiana | 100 | | 100 | | | | | | | X | | | |
| Iowa | | X | | X | | X | X | | | X | | | |
| Kansas | 50 | | 50 | | | X | | | | X | | X | |
| Kentucky | 100 | | 50 | | | X | X | | | X | 100 | X | |
| Louisiana | 1,000 | | | | | | | | | | 300 | | |
| Maine | 50 | | | X | | | | | | X | | | |
| Maryland | | X | | X | | X | | | | | 99 | | |
| Massachusetts | 15/25 | X | 2?.99 | X | | X | X | | | X | 50 | X | |
| Michigan | 20 | | 50 | | | X | X | | | | 20 | | |
| Minnesota | 50 | X | 100 | X | | X | X | | | | | X | |
| Mississippi | 500 | X | 250 | X | | | | | | | | | |
| Missouri | 50 | | 50 | | | X | | | | X | 50 | X | |
| Montana | 25 | X | | X | | X | X | | | X | | | |
| Nebraska | 100 | X | 100 | X | | X | | | | X | 50 | | |
| Nevada | 500 | | | X | | | | | | | | X | |
| New Hampshire | | X | | X | X | X | X | X | | | | | |
| New Jersey | 100 | | | X | | X | | | | X | | X | |
| New Mexico | | X | | X | | | | | | | | X | |
| New York | 99 | | 50 | | | X | | | | X | 100 | | |
| North Carolina | 100 | X | | X | | X | X | X | | X | | X | |
| North Dakota | 100 | X | | | | | X | | | X | | | |
| Ohio | | X | | X | | | X | | X | | 100 | | |
| Oklahoma | 200 | | | X | | | X | | | | | | |
| Oregon | 100 | | | X | | X | X | | | X | | | |
| Pennsylvania | 50 | X | | X | | X | X | X | | X | 100 | X | |
| Rhode Island | 200 | | 5,000 | | | X | | | | | | | |
| South Carolina | 100 | | | X | | | | | | | | | |
| South Dakota | 100 | | | X | | | X | X | | | | | |
| Tennessee | 100 | X | 100 | X | | | X | | | | | | |
| Texas | 50 | | 50 | | | X | X | X | | X | 100 | | |
| Utah | | X | | X | | | | | | | | | |
| Vermont | 25 | X | 1 | | | | | | | | 25 | | |
| Virginia | 100 | | 100 | | | X | | | | X | | | |
| Washington | 25 | | 50 | | | | | | | | | | |
| West Virginia | | | | | | X | X | | X | X | 50 | | |
| Wisconsin | | X | | X | | X | X | | | X | 50 | | |
| Wyoming | | X | | X | | | X | X | | | | X | |
| | | | | | | | | | | | | | |
| CANADA | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| Alberta | 375 | | | X | | X | | | | X | | X | |
| Federal CEO | 100 | X | | X | | X | | | | X | | | |
| Manitoba | 350 | | | X | | | | | | | | X | |
| Ontario | 100 | | | X | | X | | | | | | X | |
| Quebec | 100 | | | X | | | X | X | X | X | 100 | | |
| Saskatchewan | 100 | | 25 | | | X | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

3. CONTRIBUTION LIMITS. Limiting the amount one can contribute is one method many states have chosen to regulate the influence of money in elections. Several approaches are described below.

"The ceilings on giving and spending take from wealthy citizens, candidates or organizations only certain limited advantages totally unrelated to the merits of their argument -- advantages which all too frequently obscure the merits of their arguments."
--Judge Skelly Wright

* Campaign Contribution Limits. Contribution limits have been established for specific elections in many states. The following reviews which races the states have required contribution limits (see Blue Book page 8).

| | |
|---|---|
| Governor | 18 states, including AK[#] |
| Lt. Governor | 11 states, including AK |
| Combined Gov/Lt. Gov | 3 states |
| Other Statewide Office | 18 states |
| Legislature | 21 states, including AK |
| Municipal | 12 states, including AK |
| Judicial | 7 states, including AK |

* Limit contributions made by members of family.

* Provide different contribution limits for statewide versus district elections.

* Establish aggregate totals that PACs, political parties, and individuals can contribute. In a memo to Senator Vic Fischer, Richard Bradley, Legislative Counsel states that he believes such a limitation would be constitutional (see Bradley Memorandum on Election Campaign Reform, August 30, 1983, page 5).

* Establish aggregate totals candidates may accept from PACs. Montana recently passed legislation with this purpose.

"When a large number of groups which have made substantial contributions to Congress are all lobbying on the same side of an issue, the pressure generated from these aggregate contributions is enormous and warps the process. It is as if they made a single, extremely large contribution."
--David Obey, US Representative (D-WI)

* Prohibit campaign expenditures in excess of 10% of the receipts on hand in the campaign treasury, including personal and other loans (see Bradley Memorandum, page 5).

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[#] Alaska statute limits contributions to $1000.

Campaign Finance, Ethics & Lobby Law, Blue Book 1984-85, The Council on Governmental Ethics Law, The Council of State Governments

**CAMPAIGN FINANCE**

| | CONTRIBUTION LIMITS | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Governor | Lieutenant Governor | Other Statewide | Senate | House | County | Municipal | Judicial | Other | |
| Alabama | | | | | | | | | | |
| Alaska | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | | 1,000 | 1,000 | | |
| Arizona | | | | | | | | | | |
| Arkansas | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | | | | |
| California | | | | | | | | | | |
| Colorado | | | | | | | | | | |
| Connecticut | 2,500 | 1,500 | 1,500 | 500 | 250 | 1,000 | 1,000 | 500 | | |
| Delaware | 1,000 | 1,000 | 1,000 | 500 | 500 | 500 | 500 | | | |
| Dist of Columbia | | | | | | | | | | |
| Federal | | | | 1,000 | 1,000 | | | | X | |
| Florida | 3,000 | | 3,000 | 1,000 | 1,000 | 1,000 | 1,000 | var. | | |
| Georgia | | | | | | | | | | |
| Hawaii | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | | | |
| Idaho | | | | | | | | | | |
| Illinois | | | | | | | | | | |
| Indiana | | | | | | | | | X | |
| Iowa | | | | | | | | | | |
| Kansas | 3,000 | | 3,000 | 750 | 750 | | | | | |
| Kentucky | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | | |
| Louisiana | | | | | | | | | | |
| Maine | 1,000 | | | 1,000 | 1,000 | 1,000 | | | X | |
| Maryland | | | | | | | | | X | |
| Massachusetts | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | | | |
| Michigan | 1,700 | 1,700 | 1,700 | 450 | 250 | | | | X | |
| Minnesota | 60,000 | | var. | 1,500 | 750 | | | | | |
| Mississippi | | | | | | | | | | |
| Missouri | | | | | | | | | | |
| Montana | 8,000 | | 2,000 | 600 | 300 | 300 | 300 | 300 | X | |
| Nebraska | | | | | | | | | | |
| Nevada | | | | | | | | | | |
| New Hampshire | 5,000 | | 5,000 | 5,000 | 5,000 | 5,000 | | | | |
| New Jersey | 800 | | | | | | | | | |
| New Mexico | | | | | | | | | | |
| New York | | | | | | | | | | |
| North Carolina | | | | | | | | | | |
| North Dakota | | | | | | | | | | |
| Ohio | | | | | | | | | | |
| Oklahoma | 5,000 | | 5,000 | 5,000 | 5,000 | 1,000 | 1,000 | | X | |
| Oregon | | | | | | | | | | |
| Pennsylvania | | | | | | | | | | |
| Rhode Island | | | | | | | | | | |
| South Carolina | | | | | | | | | | |
| South Dakota | 1,000 | 1,000 | 1,000 | 250 | 250 | 250 | | | Y | |
| Tennessee | | | | | | | | | | |
| Texas | | | | | | | | | | |
| Utah | | | | | | | | | | |
| Vermont | 1,000 | | 1,000 | 1,000 | 1,000 | | | | | |
| Virginia | | | | | | | | | | |
| Washington | | | | | | | | | | |
| West Virginia | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | X | |
| Wisconsin | * | * | * | 1,000 | 500 | var. | var. | var. | X | |
| Wyoming | 1,000 | | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | | Y | |
| | | | | | | | | | | |
| CANADA | | | | | | | | | | |
| | | | | | | | | | | |
| Alberta | | | | | | | | | Y | |
| Federal CEO | | | | | | | | | | |
| Manitoba | | | | | | | | | | |
| Ontario | | | | | 8,000 | | | | | |
| Quebec | | | | | 3,000 | | 500 | | | |
| Saskatchewan | | | | | | | | | | |

* 10,000

4. PROHIBITED CONTRIBUTIONS. In order to avoid situations where the integrity of the law-making or administrative process may be jeopardized, some states have instituted prohibitions on certain campaign contributions. The following are some of the methods that been discussed. A section on campaign contributions in the Book of States, Volume 25 and a Common Cause Summary of Contribution Limits for State Elections is attached.

* Prohibited Campaign Contributions. The list below describes the types of contributions that some states have chosen to prohibit. In the case of corporations and labor unions, this prohibition applies to the entities themselves and their respective PACs in most instances (see Blue Book, page 7).

| | |
|---|---|
| (a) Government Employees | 1 state (NH) |
| (b) Lobbyists | -0- |
| (c) Anonymous Donors | 33 states, including AK |
| (d) Corporations | 22 states |
| (e) Labor Unions | 9 states |
| (f) Government Contractors | 3 states |
| (g) In Name of Another | 31 states, including AK |
| (h) Public Utilities or Insurance Companies | 18 states |

* Government Employees are prohibited from the solicitation of funds during employment hours.

* The providing of contributions to campaigns just preceeding, during and immediately following the legislative session.

THE BOOK OF THE STATES 1984-1
VOLUME 25
THE COUNCIL OF STATE GOVERNMENTS
LEXINGTON, KENTUCKY

## Table 2
## CAMPAIGN FINANCE LAWS: LIMITATIONS ON CONTRIBUTIONS BY ORGANIZATIONS
### (As of January 1984)

| State or other jurisdiction | Corporate | Labor Union | Separate segregated fund—political action committee (PAC) | Regulated industry | Political party |
|---|---|---|---|---|---|
| Alabama | Limited to $500 to any one candidate, political committee or political party per election. | Unlimited. | Unlimited. | Public utility regulated by public service commission may only contribute through a PAC. | Unlimited. |
| Alaska(a) | Limited to $1,000 per year for each elective office. | Same as corporate. | Same as corporate. | . . . | Unlimited. |
| Arizona | Prohibited. | Prohibited. | Unlimited. | Prohibited | Unlimited. |
| Arkansas(a) | Limited to $1,500 per candidate, per election. | Same as corporate. | Same as corporate. | . . . | Limited to $2,500 per candidate, per election. |
| California(a) | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Colorado(b) | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Connecticut(c) | Prohibited. | Prohibited. | Labor organization PAC limited to an aggregate of $50,000 per election, and same limits per candidate as individuals. Corporate PAC limited to an aggregate of $100,000 per election, and twice the limits per candidate as individuals. | Prohibited | Unlimited. |
| Delaware(c) | Limited to $1,000 per statewide candidate per election, $500 per non-statewide candidate, per election. | Same as corporate. | Same as corporate. | . . . | . . . |
| Florida(a) | Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee, per election. | Same as corporate. | Same as corporate. | . . . | Unlimited, except that party may not contribute to a candidate for judicial office. |
| Georgia | Unlimited. | Unlimited. | Unlimited. | Public utility corporation regulated by public service commission may not contribute, directly or indirectly. | Unlimited. |
| Hawaii(d) | Limited to $2,000 in any election period. | Same as corporate. | Same as corporate. | . . . | Sliding scale percentage limit based upon candidate expenditure limits. |
| Idaho | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Illinois | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Indiana | Limited to an aggregate of $5,000 for statewide candidates; an aggregate of $5,000 for state party central committees; an aggregate of $2,000 for other offices; and an aggregate of $2,000 for other party committees. | Same as corporate. | Unlimited. | . . . | Unlimited. |
| Iowa | | | | | |
| Kansas | | | | | |
| Kentucky(a) | | | | | |
| Louisiana(c) | | | | | |
| Maine | | | | | |
| Maryland(a) | | | | | |
| Massachusetts(c) | | | | | |
| Michigan(f) | | | | | |
| Minnesota | | | | | |
| Mississippi | | | | | |
| Missouri(d) | | | | | |

| State or other jurisdiction | Corporate | Labor Union | Separate segregated fund—political action committee (PAC) | Regulated industry | Political party |
|---|---|---|---|---|---|
| [illegible] | Prohibited. | Unlimited. | Unlimited. | Prohibited for insurance companies. | Unlimited. |
| [illegible] | Limited to $3,000 per statewide candidate per election, and $750 per candidate, per election for other offices. | Same as corporate. | Same as corporate. | Prohibited. | Unlimited. |
| [illegible] | Prohibited. | Unlimited. | Unlimited. | Prohibited. | Unlimited. |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| [illegible] | Limited to $5,000 per candidate per election. | Same as corporate. | Same as corporate. | Same as corporate. | Same as corporate. |
| [illegible] | Limited to an aggregate of $2,500 per election and $1,000 per candidate, per election. | Same as corporate. | Unlimited. | . . . | Unlimited. |
| [illegible] | Prohibited. | Unlimited. | Unlimited. | Prohibited. | Unlimited. |
| [illegible] | Prohibited. | Limited to $1,700 for a statewide office, $450 for state senator, $250 for state representative candidates per election. | Same as labor union. | Prohibited. | State central committee is limited to $34,000 for a statewide office, $4,500 for state senator, $2,500 for state representative candidates, per election. Local party is limited to $17,000 for a statewide office, $4,500 for a state senator, $2,500 for state representative candidates, per election. |
| Minnesota | Prohibited. | Limited to $60,000 per election year for governor/lt. governor ($12,000 in non-election years); $10,000 per election year for attorney general ($2,000 in non-election years); $5,000 per election year for other statewide offices ($1,000 in non-election years); $1,500 per election year for state senate ($300 in non-election years), $750 per election year for state representative ($150 in non-election years). | Same as labor union. | Prohibited for insurance companies. | Limited to $300,000 per election year for governor/lt. governor ($60,000 in non-election years); $50,000 per election year for attorney general ($10,000 in non-election years); $25,000 per election year for other statewide offices ($5,000 in non-election years); $7,500 per election year for state senator ($1,500 in non-election years); $3,750 per election year for state representative ($750 in non-election years). |
| Mississippi | Limited to $1,000 per candidate per year and $250 for judicial office primary candidates. | Unlimited, except in contributions to judicial office primary candidates ($250 limit). | Same as labor union. | Generally prohibited. | Same as labor union. |
| Missouri | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |

## Table 2—Continued

| State or other jurisdiction | Corporate | Labor Union | Separate segregated fund—political action committee (PAC) | Regulated industry | Political party |
|---|---|---|---|---|---|
| Montana | Prohibited. | Limited for all elections in a campaign to $8,000 for governor/lt. governor; $2,000 for other statewide candidates; $1,000 for public service commissioner; $600 for state senator; $300 for other candidates. | Same as labor union. | Prohibited. | Contributions to judicial candidates are prohibited. |
| Nebraska(c) | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Nevada | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| New Hampshire | Prohibited. | Prohibited. | . . . | Prohibited. | Unlimited. |
| New Jersey | Unlimited, except in contributions to governor in any primary or general election ($800 limit). | Same as corporate. | Same as corporate. | Prohibited for insurance corporations or associations and certain other corporations. | Unlimited, in state committee contribution to governor in general election ($800 limit). |
| New Mexico | Unlimited. | Unlimited. | Unlimited. | . . . | Prohibited in primary elections, otherwise unlimited. |
| New York(a) | Limited to an aggregate of $5,000 per calendar year. | Same as corporate. | Same as corporate. | Public utilities may not contribute from public service revenues unless cost is charged to shareholders. | Unlimited. |
| North Carolina(a) | Prohibited. | Prohibited. | Limited to $4,000 per committee or candidate, per election. | Prohibited for insurance companies. | Unlimited. |
| North Dakota | Prohibited. | Prohibited. | Unlimited. | Prohibited. | Unlimited. |
| Ohio(a) | Prohibited. | Unlimited. | Unlimited. | Prohibited for public utilities. | Unlimited. |
| Oklahoma | Prohibited. | Limited to $5,000 to a political party or organization or a state office, and $1,000 for a local office candidate. | Same as labor union. | Prohibited. | Same as labor union. |
| Oregon | Unlimited. | Unlimited. | Unlimited. | Generally prohibited. | Unlimited. |
| Pennsylvania(g) | Prohibited. | Prohibited. | Unlimited. | Prohibited. | Unlimited. |
| Rhode Island | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| South Carolina | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| South Dakota | Prohibited. | Prohibited. | Unlimited. | Prohibited. | Unlimited. |
| Tennessee | Prohibited. | Unlimited. | Unlimited. | Prohibited. | Unlimited. |
| Texas | Prohibited. | Prohibited. | Unlimited. | Prohibited. | Unlimited. |
| Utah | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Vermont(c) | Limited to $5,000 per candidate or committee, per election. | Same as corporate. | Same as corporate. | . . . | Same as corporate. |
| Virginia | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |
| Washington | Unlimited. | Unlimited. | Unlimited. | . . . | Unlimited. |

| State or other jurisdiction | Corporate | Labor Union | Separate segregated fund—political action committee (PAC) | Regulated industry | Political party |
|---|---|---|---|---|---|
| Virginia(c) | Prohibited. | Limited to $1,000 per candidate, per election. | Same as labor union. | Prohibited. | Same as labor union. |
| Wisconsin | Prohibited. | Limited according to formula for statewide candidates; and $1,000 for state senator; $500 for state representative; and $6,000 for political parties. | Same as labor union. | Public utilities may not offer special privileges to candidates. | Certain specified percentage limits per candidate. |
| Wyoming | Prohibited. | Prohibited. | Unlimited. | Prohibited. | Prohibited in primary elections. |
| D. of Col.(h) | Limited to an aggregate of $4,000 per election and $2,000 for mayor, $1,500 for council chairman, $1,000 for council member at-large, $400 for council member from a district and board of education member at-large, $200 for board of education member from a district or a party official, $25 for neighborhood advisory commission member. | Same as corporate. | Same as corporate. | . . . | . . . |

*Source:* James A. Palmer and Edward D. Feigenbaum, *Campaign Finance Law 1984* (Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1984).

*Note:* Consult state statutes for more details.

*Key:*

. . .—No reference to contribution in the law.

(a) Cash contribution must be $100 or less.

(b) Cash contribution must be less than $100.

(c) Cash contribution must be $50 or less.

(d) Cash contribution of more than $100 requires a receipt to the donor and a record of the transaction.

(e) All cash contributions by corporations, labor organizations and associations must be by check.

(f) Cash contribution must be $20 or less.

(g) Cash contribution must be $100 or less per candidate.

(h) Cash contribution must be less than $50.

## Table 3
## CAMPAIGN FINANCE LAWS: LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS
## (As of January 1984)

| *State or other jurisdiction* | *Individual* | *Candidate* | *Candidate's family member* | *Government employees* | *Anonymous or in name of another* |
|---|---|---|---|---|---|
| **Alabama** | Unlimited. | Unlimited. | Unlimited. | No solicitation of state employees for state political activities. City employees may contribute to county/state political activities; county employees may contribute to city/state political activities. | |
| **Alaska(a)** | Limited to $1,000 per year for each elective office. | Unlimited. | Same as individual. | Contribution may not be required of state employees. | Prohibited. |
| **Arizona** | Unlimited. | Unlimited. | Unlimited. | | |
| **Arkansas(a)** | Limited to $1,500 per candidate, per election. | Unlimited. | Same as individual. | Contribution may not be required of state employees. State division of social services/county board of public welfare employees may not solicit, nor may certain judges solicit for campaigns other than their own. | Anonymous contribution must be less than $50 per year. Contribution in the name of another prohibited. |
| **California(b)** | Unlimited. | Unlimited. | Unlimited. | Local agency employees may not solicit employees of their agency except incidentally through a large solicitation. | Anonymous contribution must be less than $100 per year. Contribution in the name of another prohibited. |
| **Colorado(b)** | Unlimited. | Unlimited. | Unlimited. | | Contribution in the name of another prohibited. |
| **Connecticut(c)** | Limited to an aggregate of $15,000 per election and $2,500 for governor, $1,500 for other statewide office; $1,000 for sheriff, $500 for state senator or probate judge; $250 for state representative; $1,000 for town, city or borough office; $5,000 per year to state party. | Unlimited. | Unlimited. | May not be required. | Anonymous contribution must be less than $15. Contribution in the name of another prohibited. |
| **Delaware(c)** | Limited to $1,000 per statewide candidate, per election; $500 per non-statewide candidate per election. | Limited to $5,000 per election. | Same as candidate. | | Prohibited. |
| **Florida(a)** | Limited to $3,000 for statewide office candidate per election; $2,000 for candidate for retention as district court of appeal judge; $1,000 for any other candidate or committee per election. | Unlimited. | Same as individual. | Judges not elected in public elections between competing candidates may not make contributions. Solicitation generally prohibited for state employees. Judges may not solicit contributions. | Contribution in the name of another prohibited. |
| **Georgia** | Unlimited. | Unlimited. | Unlimited. | Solicitation generally prohibited. State employee may not coerce another state employee. | Anonymous contribution prohibited. |
| **Hawaii(d)** | Limited to $2,000 in any election period. | Limited to an aggregate of $50,000 in any election year. | Same as candidate. | Solicitation of contributions prohibited. Contributions to other employees is prohibited. | Prohibited. |

| State or other jurisdiction | Individual | Candidate | Candidate's family member | Government employees | Anonymous or in name of another |
|---|---|---|---|---|---|
| [illegible] | Unlimited. | Unlimited. | Unlimited. | Contributions permitted. Solicitation prohibited. State employee may not coerce another state employee. | Anonymous contribution must be $50 or less. Contribution in the name of another prohibited. |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | Generally prohibited. | Prohibited. |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | Contribution may not be required. Employees may not solicit or receive contributions. | Contribution in the name of another prohibited. |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | [illegible] | Prohibited. |
| [illegible] | Limited to $3,000 per statewide candidate, per election; and $750 per candidate per election for other offices. | Unlimited. | Spouse is unlimited. | Contribution may not be required. | Anonymous contribution must be $10 or less. Contribution in the name of another prohibited. |
| [illegible] | Limited to $3,000 per candidate per election. | Unlimited. | Same as individual. | Contribution may not be required. Contribution may be prompted, depending on who is recipient. | Anonymous contribution must be $20 or less. Contribution in the name of another prohibited. |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | Contribution may not be solicited. | Anonymous contribution generally prohibited if more than $25. Contribution in the name of another prohibited. |
| [illegible] | Limited to an aggregate of $25,000 in a calendar year and $1,000 per candidate, per election. | Unlimited. | Spouse is unlimited. | State employee may not coerce another state employee. | Contribution in the name of another prohibited. |
| [illegible] | Limited to an aggregate of $2,500 per election and $1,000 per candidate per election. | Unlimited. | Spouse is unlimited. | Contribution may not be required. | Prohibited. |
| [illegible] | Limited to $1,000 per candidate, per year. Minors limited to $25 per year. | Unlimited. | Same as individual. | Contribution may not be required. Solicitation generally prohibited. | Contribution in the name of another prohibited. |
| [illegible] | Limited to $1,700 for statewide office, $450 for state senator, $250 for state representative candidates per election. | Limited to $25,000 per gubernatorial campaign. | Same as candidate. | Contribution may not be required. | Prohibited. |
| [illegible] | Limited to $40,000 per election year for governor/lt. governor ($12,000 in non-election years); $10,000 per election year for attorney general ($2,000 in non-election years); $5,000 per election year for other statewide offices ($1,000 in non-election years); $1,500 per election year for state senate ($300 in non-election years); $750 per election year for state representative ($150 in non-election years). | Unlimited. | Same as individual. | Contribution may not be required. Solicitation prohibited during hours of employment. | Anonymous contribution must be less than $20. Contribution in the name of another prohibited. |

## Table 3—Continued

| *State or other jurisdiction* | *Individual* | *Candidate* | *Candidate's family member* | *Government employees* | *Anonymous or in name of another* |
|---|---|---|---|---|---|
| Mississippi | Unlimited, except in contributions to judicial office primary candidates ($250 limit). | Same as individual. | Same as individual. | Contribution may not be required. Highway patrol or correctional system employees may not contribute. Solicitation prohibited for state correctional system employees. | . . . |
| Missouri(d) | Unlimited. | Unlimited. | Unlimited. | . . . | Anonymous contribution must be $10 or less. Contribution in the name of another prohibited. |
| Montana | Limited for all elections in a campaign to $1,500 for governor or lt. governor, $750 for other statewide candidates; $400 for public service commissioner, district court judge, or state senator; $250 for other candidates. | Unlimited. | Same as individual. | Solicitation prohibited during hours of employment. | Contribution in name of another. |
| Nebraska(c) | Unlimited. | Unlimited. | Unlimited. | Solicitation prohibited during hours of employment. | Prohibited. |
| Nevada | Unlimited. | Unlimited. | Unlimited. | Employees may not solicit from other employees. | . . . |
| New Hampshire | Limited to $5,000. | Unlimited. | Same as individual. | Contribution may not be required. | Prohibited. |
| New Jersey | Unlimited, except in contribution to governor in any primary or general election ($800 limit). Contributor's spouse may contribute up to $800 for governor in general election. | Unlimited, but if receiving public funds for governor, limited to $25,000 per election from own funds. | Unlimited, except in contribution to governor in any primary or general election ($800 limit). | Contribution by certain public officeholders prohibited. | Prohibited. |
| New Mexico | Unlimited. | Unlimited. | Unlimited. | Solicitation prohibited while on duty. | Anonymous contribution in excess of $50 subject to special report. |
| New York(a) | Limited to an aggregate of $150,000 in a calendar year and $0.005 x number of registered voters in state or in party for statewide and state party elections, respectively; $0.05 x number of registered voters in district or in party in district for district office ($4,000 for state senator *or* amt. determined by above formula, and $2,500 for assembly member *or* amt. determined by above formula, whichever is greater in each case) with a min. of $1,000 and max. of $50,000. | Unlimited. | Family member contributions are aggregated and limited to $0.025 x number of registered voters in state or in party for statewide and state party elections; $0.25 x number of registered voters in district or in party in district for district office *or* $1,250, whichever is greater ($25,000 for state senator *or* amt. determined by above formula, and $12,500 for assembly member *or* amt. determined by above formula, whichever is greater in each case) with a max. of $100,000 per election. | Contributions permitted, but may not be required. Judicial candidates may not solicit government employees or receive contributions from them. Police force members may not solicit for contributions from government employees. State employees may not coerce other state employees. | Prohibited. |

| State or other jurisdiction | Individual | Candidate | Candidate's family member | Government employees | Anonymous or in name of another |
|---|---|---|---|---|---|
| South Carolina[a] | Limited to $4,000 per committee or candidate, per election. | Unlimited. | Unlimited. | State employee may not coerce another state employee. | Prohibited. |
| [illegible] Dakota | Unlimited. | Unlimited. | Unlimited. | ... | ... |
| [illegible] | Unlimited. | Unlimited. | Unlimited. | Contribution by certain employees with taxation duties is prohibited. Employees may not solicit or be solicited. | Anonymous contribution generally prohibited. Contribution in the name of another prohibited. |
| [illegible]oma | Limited to $5,000 to a political party or organization or a state office, and $1,000 for a local office candidate, per person or family. | Unlimited. | Same as individual. | State employee may not solicit. Certain state employees may not receive contributions. | Anonymous contribution generally prohibited. Contribution in the name of another prohibited. |
| [illegible]egon | Unlimited. | Unlimited. | Unlimited. | Contribution may not be required. Solicitation prohibited during hours of employment. | Contribution in the name of another prohibited. |
| [illegible]ennsylvania[a] | Unlimited. | Unlimited. | Unlimited. | State employees may not be solicited, and may not solicit from other state employees. | Prohibited. |
| Rhode Island | Unlimited. | Unlimited. | Unlimited. | State employees may not be solicited, and may not solicit other state employees. | Prohibited. |
| South Carolina | Unlimited. | Unlimited. | Unlimited. | ... | ... |
| South Dakota | Limited to $1,000 for any statewide candidate; $250 for any other candidate; or $3,000 to a political party in any calendar year. | Unlimited. | Unlimited. | ... | ... |
| Tennessee | Unlimited. | Unlimited. | Unlimited. | Employees may not solicit during hours of employment. Superiors may not solicit their employees. Certain government contractors may not be solicited. | ... |
| Texas | Unlimited. | Unlimited. | Unlimited. | ... | ... |
| Utah | Unlimited. | Unlimited. | Unlimited. | Contribution may not be required. Solicitation prohibited during hours of employment. | ... |
| Vermont[c] | Limited to $1,000 per candidate or committee, per election. | Unlimited. | Unlimited. | Solicitation by employees prohibited. | ... |
| Virginia | Unlimited. | Unlimited. | Unlimited. | ... | ... |
| Washington | Unlimited. | Unlimited. | Unlimited. | Contribution may not be required. | Prohibited. |
| West Virginia[c] | Limited to $1,000 per candidate, per election. | Same as individual. | Same as individual. | Contribution may not be solicited. | ... |

## Table 3—Concluded

| State or other jurisdiction | Individual | Candidate | Candidate's family member | Government employees | Anonymous or in name of another |
|---|---|---|---|---|---|
| Wisconsin ..... | Limited to $10,000 for statewide candidates; $1,000 for state senator; $500 for state representative; other offices by formula, with an aggregate limit of $10,000. | Unlimited. | Unlimited as to funds or property owned jointly by candidate and spouse. | Contribution and solicitation prohibited during hours of employment. | Anonymous contribution must be less than $10. Contribution in the name of another prohibited. |
| Wyoming..... | Limited to an aggregate of $25,000 and $1,000 per candidate in any general election and the year preceding. | Unlimited. | Unlimited. | ... | ... |
| Dist. of Col.(h)..... | Limited to an aggregate of $4,000 per election and $2,000 for mayor, $1,500 for council chairman, $1,000 for council member at-large, $400 for council member from a district or board of education member at-large, $200 for board of education member from a district or a party official, $25 for neighborhood advisory commission member. | Same as individual. | Same as individual. | Contributions permitted, but district employees may not solicit or collect political contributions. | Contribution in the name of another prohibited. |

*Source:* James A. Palmer and Edward D. Feigenbaum, *Campaign Finance Law 1984* (Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1984).

*Note:* Consult state statutes for more details.

*Key:*

. . .—No reference to contribution in the law.

(a) Cash contribution must be $100 or less.

(b) Cash contribution must be less than $100.

(c) Cash contribution must be $50 or less.

(d) Cash contribution of more than $100 requires a receipt to the donor and a record of the transaction.

(e) All cash contributions of more than $30 must be by written instrument.

(f) Cash contribution must be $20 or less.

(g) Cash contribution must be $100 or less per candidate.

(h) Cash contribution must be less than $50.

Table 4
FUNDING OF STATE ELECTIONS: TAX PROVISIONS AND PUBLIC FINANCING
(As of January 1984)

July 1983

COMMON CAUSE SUMMARY OF
CONTRIBUTION LIMITS FOR STATE ELECTIONS

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

*/ Florida has three primaries.

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

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

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

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

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



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

5. LOAN LIMITS. Methods to regulate loans, as well as explicit contributions, have also been discussed. The following describes some concepts that address this potential problem (see Blue Book, page 9).

* Twelve states limit loans to electoral campaigns. In general, the maximum loan allowable is from $1000 - $3000.

* Prohibit the making of loans to campaigns just preceeding, during and immediately following the legislative session.

* Establish and enforce loan limits to campaigns that are equivalent to money contributions limitations.

Campaign Finance, Ethics & Lobby Law, Blue Book 1984-85, The Council of Governmental Ethics Law, The Council of State Governments

**CAMPAIGN FINANCE**

| | LOAN LIMITS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Governor | Lieutenant Governor | Other Statewide | Senate | House | County | Municipal | Judicial | Other |
| Alabama | | | | | | | | | |
| Alaska | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | | 1,000 | 1,000 | |
| Arizona | | | | | | | | | |
| Arkansas | | | | | | | | | |
| California | | | | | | | | | |
| Colorado | | | | | | | | | |
| Connecticut | 2,500 | 1,500 | 1,500 | 500 | 250 | 1,000 | 1,000 | 500 | |
| Delaware | | | | | | | | | |
| Dist of Columbia | | | | | | | | | |
| Federal | | | | 1,000 | 1,000 | | | | X |
| Florida | 3,000 | | 3,000 | 1,000 | 1,000 | 1,000 | 1,000 | var. | |
| Georgia | | | | | | | | | |
| Hawaii | | | | | | | | | X |
| Idaho | | | | | | | | | |
| Illinois | | | | | | | | | |
| Indiana | | | | | | | | | X |
| Iowa | | | | | | | | | |
| Kansas | 3,000 | | 3,000 | 750 | 750 | | | | |
| Kentucky | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | |
| Louisiana | | | | | | | | | |
| Maine | 1,000 | | | 1,000 | 1,000 | 1,000 | | | |
| Marvland | | | | | | | | | |
| Massachusetts | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | | |
| Michigan | | | | | | | | | |
| Minnesota | 60,000 | | var. | 1,500 | 750 | | | | |
| Mississippi | | | | | | | | | |
| Missouri | | | | | | | | | |
| Montana | 8,000 | | 2,000 | 600 | 300 | 300 | 300 | 300 | X |
| Nebraska | | | | | | | | | |
| Nevada | | | | | | | | | |
| New Hampshire | 5,000 | | 5,000 | 5,000 | 5,000 | 5,000 | | | |
| New Jersey | 800 | | | | | | | | X |
| New Mexico | | | | | | | | | |
| New York | | | | | | | | | |
| North Carolina | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | X |
| North Dakota | | | | | | | | | |
| Ohio | | | | | | | | | |
| Oklahoma | | | | | | | | | |
| Oregon | | | | | | | | | |
| Pennsylvania | | | | | | | | | |
| Rhode Island | | | | | | | | | |
| South Carolina | | | | | | | | | |
| South Dakota | | | | | | | | | |
| Tennessee | | | | | | | | | |
| Texas | | | | | | | | | |
| Utah | | | | | | | | | |
| Vermont | | | | | | | | | |
| Virginia | | | | | | | | | |
| Washington | | | | | | | | | |
| West Virginia | | | | | | | | | |
| Wisconsin | | | | | | | | | |
| Wyoming | | | | | | | | | |
| | | | | | | | | | |
| CANADA | | | | | | | | | |
| | | | | | | | | | |
| Alberta | | | | | | | | | |
| Federal CEO | | | | | | | | | |
| Manitoba | | | | | | | | | |
| Ontario | | | | | | | | | |
| Quebec | | | | | | | | | |
| Saskatchewan | | | | | | | | | |

6. PUBLIC FINANCING. Public financing of campaigns is an alternative approach that several states and the federal government has endorsed. The pros and cons of public financing are discussed in a paper from the Connecticut Office of Legislative Research which is attached. Some approaches to public financing are described below. For more information, Blue Book, page 11, Review of State Public Financing Laws, and Book of States, pages 197-198 have also been included in this section.

"There is nothing in the political system today that creates more mischief, more corruption, and more alienation and distrust on the part of the public than does our system of financing elections."
--John Gardner, former Chairman of Common Cause

* Many states have instituted some form of partial public financing of campaigns. The following presents which states use this method in support of which races or to support political parties.

| | |
|---|---|
| Governor | 15 states |
| Legislature | 8 states |
| Political Parties | 6 states |

* Public money to finance campaigns comes from some type of tax credit, check-off, or surcharge, as well as from general treasury funds.

* Some states support this program in the general election only, whereas others provide funds in both the primary and general elections. In order to make sure that frivolous candidates do not receive tax, primary candidates often have to qualify for the program by raising a certain amount of private dollars from small contributions.

* In some instances where public financing is provided to political parties, these monies can be used for political party administrative expenses, as well as for support of candidates.

* Some programs, such as New Jersey, provide a 2-1 match of state funds to small private contributions.

* Some states provide a ceiling on the amount of public funds that are available to each candidate and/or party.

* Some programs enforce spending limits to candidates who receive public funds. The US Supreme Court has upheld expenditure limits as part of a comprehensive public financing system. A bill now before Congress, H.R. 2490 with more than 120 cosponsors proposes a partial public financing scheme and limit on allowable expenditures.

* Alaska's political campaign contribution credit could be considered a form of partial public financing of campaigns. There has been some discussion of requiring candidates who want their contributors to receive the refund to be bound to certain campaign expenditure limits.

* The possibility of direct grants to major party nominees has also been considered. There should be special provisions for minor parties and independent candidates based on demonstrated public support.

Campaign Finance, Ethics & Lobby Law, Blue Book 1984-85,
The Council on Governmental Ethics Law, The Council of State Governments

**PUBLIC FINANCING**

| | ELIGIBLE RECIPIENTS | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Gubernatorial Candidates | | | | | | Other Statewide Candidates | | | | | | Legislative Candidates | | | | | | | |
| | Primary Election | General Election | Funds Given to Candidates | Funds Given to Party | Other | | Primary Election | General Election | Funds Given to Candidates | Funds Given to Party | Other | | Primary Election | General Election | Funds Given to Candidates | Funds Given to Party | Other | | | |
| Dist of Columbia | | | | | | | | | | | | | | | | | | | | |
| Federal | X | X | X | | X | | | | | | | | | | | | | | | |
| Hawaii | X | X | X | | | | X | X | X | | | | X | X | X | | | | | |
| Idaho | | | | X | | | | | | X | | | | | | X | | | | |
| Iowa | | | | X | | | | | | X | | | | | | X | | | | |
| Kentucky | | | X | | | | | | | | | | | | X | | | | | |
| Maine | | | | | | | | | | | | | | | | | | | | |
| Massachusetts | X | X | X | | | | X | X | X | | | | | | | | | | | |
| Michigan | X | X | | | | | | | | | | | | | | | | | | |
| Minnesota | | X | X | | | | | X | X | | | | | X | X | | | | | |
| Montana | | X | X | | | | | | | | | | | | | | | | | |
| New Jersey | X | X | X | | | | | | | | | | | | | | | | | |
| North Carolina | | X | | X | | | | X | | X | | | | | | | | | | |
| Oklahoma | | X | X | X | | | | X | X | X | | | | | | | | | | |
| Oregon | | | | | | | | | | | | | | | | | | | | |
| Texas | X | | | | | | X | | | | | | | | | | | | | |
| Utah | | | | X | | | | | | X | | | | | | X | | | | |
| Virginia | | | | X | | | | | | X | | | | | | X | | | | |
| Wisconsin | | X | X | | | | | X | X | | | | | X | X | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| CANADA | | | | | | | | | | | | | | | | | | | | |
| Federal CEO | | | | | | | | | | | | | | X | X | X | | | | |
| Manitoba | | | | | | | | | | | | | | | | | X | | | |
| Ontario | | | | | | | | | | | | | | | X | | | | | |
| Quebec | | | | | | | | | | | | | | X | X | X | | | | |

| | ELIGIBLE RECIPIENTS (cont'd) | | | | | | | SOURCE OF FUNDS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Judicial Candidates | | | | | | | | | | | | |
| | Primary Election | General Election | Funds Given to Candidates | Funds Given to Party | Other | | Other | Tax Credit | Tax Checkoff | Tax Deduction | Surcharge (add-on to Tax Ret.) | General Treasury Funds | Other |
| Dist of Columbia | | | | | | | | | X | | | | |
| Federal | | | | | | | | X | | | | | |
| Hawaii | | | | | | | | X | | | X | X | |
| Idaho | | | | | | | | X | | | | | |
| Iowa | | | | | | | | X | | | | | |
| Kentucky | | | | | | X | | X | | | | | |
| Maine | | | | | | | | X | | | | | |
| Massachusetts | | | | | | | | | | X | | | |
| Michigan | | | | | | | | X | | | | | |
| Minnesota | | | | | | | X | X | | | | | |
| Montana | | X | X | | | | | | | X | | | |
| New Jersey | | | | | | | | X | | | X | | |
| North Carolina | | X | | X | | X | | X | | | | | |
| Oklahoma | | | | | | | | X | | | | | |
| Oregon | | | | | | | | | | | | | |
| Texas | X | | | | | | | | | | X | | |
| Utah | | | | X | | | | | | | | | |
| Virginia | | | | | | X | | | | | | | |
| Wisconsin | | | | | | X | | X | | | | | |
| | | | | | | | | | | | | | |
| CANADA | | | | | | | | | | | | | |
| Federal CEO | | | | | | | X | | | | X | | |
| Manitoba | | | | | | | X | | | | | | |
| Ontario | | | | | | | | | | | X | | |
| Quebec | | | | | | | | | | | X | | |

October 1983

## STATE PUBLIC FINANCING LAWS

(1) HAWAII (H.B. 1671 of 1979): A taxpayer may checkoff $2 (or $4 for a joint return), to be paid over to the Hawaii "election campaign fund." The fund is administered by the Campaign Spending Commission, with distribution to candidates for statewide, legislative, and county office. Currently, candidates for governor, lieutenant governor, or mayor (who qualify for public money) receive matching funds up to 10% of applicable expenditure limit in each primary and general election campaign; for all other offices, the maximum amount allowable to candidates is $50 for the primaries and $50 for the general election. No significant amendments.

(2) IDAHO (H.B. 260 of 1975): A taxpayer may checkoff $1 for the "election campaign fund" and may designate that the $1 go to a political party or to the general "election campaign fund." The last gubernatorial election (with no more than 50% to any party and at least 10% to minor and new parties). The state central committees must spend the money "in furthering the election of a candidate for office or attempting to influence the election of a candidate for office or attempting to influence any election." No significant amendments.

(3) IOWA (1973): Under the campaign finance law, as amended, a taxpayer may checkoff $1 (or $2 for a joint return) for the "election campaign fund" for the account of a specified political party, or as a contribution, to be shared by all political parties. Contributions in the latter category are divided equally among each account maintained in the election campaign fund. Money received from the fund is distributed as directed by the party, to general election candidates and/or for administrative expenses of the party.

(4) KENTUCKY (1976): A tax payer may designate a $1 checkoff (or $2 for a joint return) to a political party of his or her choice. Public funds distributed to the parties may be used to help their candidates in the general election, or for administrative expenses of maintaining party headquarters. No significant amendments.

(5) MAINE (1973): A taxpayer may add $1 to his or her tax liability to be designated to a specified political party. No significant amendments.

(6) MARYLAND (1974): The 1974 Act provided that a taxpayer might add $2 to his or her tax liability ($4 for a joint return) to go to a Fair Campaign Financing Fund, which was to be distributed on a matching basis to general election candidates for state and local office. However, as a result of the inadequacy of funds collected under this provision (Chap. 263 of 1982),

delayed disbursement of public funds already collected until the 1986 elections, and directed that such funds should be distributed as provided in new legislation to be enacted by July 1985.

(7) MASSACHUSETTS (Chapter 774 of 1975): A taxpayer may add $1 (or $2 for a joint return) to his or her tax liability to go to a state "election campaign fund". The Fund is distributed on a 1 to 1 matching basis (based on individual contributions up to $250, received in the election year and in the year preceding the election) to primary and general election candidates for statewide office who qualify for public money. No significant amendments.

(8) MICHIGAN (S.B. 1570 of 1976): provides for partial public funding of gubernatorial primary and general elections. The state campaign fund is financed by a voluntary $2 checkoff ($4 for a joint return), and the fund is distributed on a 2 to 1 matching basis. Money designated by checkoff is matched by state appropriation in equal amounts from state's general fund. A candidate becomes eligible for matching funds when he or she has raised $50,000 in contributions of $100 or less. No significant amendments.

(9) MINNESOTA (1974): Under the amended statute a taxpayer may checkoff $2 (or $4 for a joint return) for a state "election campaign fund", and may designate that the money go to a particular political party, or to the general account. Funds designated for a particular political party are distributed after the primaries to eligible candidates of that party, pursuant to a formula. Funds designated for the general account are distributed after the general election to candidates for statewide offices who received 5% of the total vote; and to legislative candidates who received 10% of the vote.

(10) MONTANA (1974): Under the 1974 law, as amended, a taxpayer may add $1 to his or her tax liability (or either $1 or $2 on a joint return) to go to a state campaign fund. (This replaces the checkoff provision in the original law.) The fund is divided in equal amounts between gubernatorial candidates and between candidates for the State Supreme Court in the general election.

(11) NEW JERSEY (1974): The public financing law, as amended in 1980, provides for public funding of qualified gubernatorial candidates in both the primaries and general elections, on a matching basis (contributions to $800; 2 to 1 matching). A $1 tax checkoff ($2 for joint returns) provides funding. The maximum amount available to each candidate from public funding is $600,000 for primaries and $1.2 million for the general election -- determined by formula.

(12) NORTH CAROLINA (Chap. 775 of 1975): Under the amended statute, a taxpayer may checkoff $1 for the "election campaign fund" for the use of a designated political party. Where no

particular party is designated, available funds are distributed to the parties on a pro rata basis according to party registration. 50% of distributed funds must be expended by the parties for "legitimate campaign expenses." The remaining 50% must be allocated to individual candidates for Governor, Lieutenant Governor, U.S. Senator, U.S. House, Council of State, State Supreme Court and Court of Appeals, who has opposition in the general election. The distributed funds may be used for general elections only, and not for the primaries.

(13) OKLAHOMA (H.B. 1027 of 1979): A taxpayer may checkoff $1 (or $2 for a joint return) to go to a "campaign finance fund" in the state treasury. Such funds are distributed by the campaign commission as follows: 50% to eligible political parties; 50% to eligible candidates for Governor and other statewide offices, to be used in general elections. As a result of State Supreme Court decision, the law can not be implemented until the state legislature amends the act to comply with the Court's decision.

(14) OREGON (H.B. 3233 of 1977): The state public financing law, together with the taxpayer checkoff provision, was terminated in January 1981 under the terms of the state's Sunset law.

(15) RHODE ISLAND (1973): A taxpayer may checkoff $1 (or $2 for a joint return) for a political contribution to the account of a political party or a non-partisan general account (the latter being allocated to political parties in proportion to their statewide vote at the last general election). Under a 1978 amendment, any such funds may be used only for the party's administrative expenses, and may not be used for the campaign expenses of any candidate. There have been no other significant amendments.

(16) UTAH (1973, repealed and re-enacted by H.B. 135 of 1975): A taxpayer may checkoff $1 for the "election campaign fund" for a designated party. One-half of the party's fund goes to the state committee and the rest to county committees. There have been no significant amendments.

(17) WISCONSIN (Chapter 107 of 1977): A taxpayer may checkoff $1 to the Election Campaign Fund which will provide partial public funding for statewide and legislative candidates in general elections. Available funds are split equally between competing candidates in the general elections. Candidates must raise a specified percentage of their allowable spending limit in contributions of $100 or less to qualify for public funds. The law was challenged because of the Governor's use of the item-veto to change a $1 add-on to a $1 checkoff, but the state Supreme Court upheld the Governor's actions in an opinion that was issued in April of 1978. No significant amendments.

## Table 4
## FUNDING OF STATE ELECTIONS: TAX PROVISIONS AND PUBLIC FINANCING
## (As of January 1984)

| State or other jurisdiction | Tax provisions relating to individuals | | | | Public financing | |
|---|---|---|---|---|---|---|
| | Credit | Deduction | Checkoff | Surcharge | Source of funds | Distribution of funds |
| Alabama | ... | ... | ... | $1(a) | Surcharge | To political party designated by taxpayer |
| Alaska | $50 | ... | ... | ... | ... | |
| Arizona | ... | $100(a) | ... | ... | | |
| Arkansas | ... | $25 | ... | ... | | |
| California | ... | $100 | ... | $1, $5, $10 or $25(b) | Surcharge and an equal amount matched by state | To political parties for party activities and distribution to statewide general election candidates |
| Hawaii | ... | $100 for contributions to central or county party committees or $50 for contributions to candidates who abide by expenditure limits, with max. of $100 of a total contribution to a single candidate deductible | $2(a) | ... | Checkoff, appropriated funds, other moneys | To candidates for all non-federal elective offices |
| Idaho | 50% of contribution to max. $5(a) | ... | $1 | ... | Checkoff | To political party designated by taxpayer |
| Iowa | ... | ... | $1(a) | $2(a) | Checkoff/surcharge | To political party designated by taxpayer; if not specified, amount divided among qualifying parties for party activities; distribution to general election candidates |
| Kentucky | ... | ... | $2(a) | ... | Checkoff | To political party designated by taxpayer for party activities and distribution to general election candidates |
| Maine | ... | ... | ... | $1 | Surcharge | To political party designated by taxpayer |
| Massachusetts | ... | ... | ... | $1(a) | Surcharge | To candidates in statewide primary and general elections |
| Michigan | ... | ... | $2(a) | ... | Checkoff and an equal amount matched by state | To candidates in gubernatorial primaries and candidates for governor and lt. governor in general election |
| Minnesota | 50% of contribution to max. $50(a) | ... | $2(a) | ... | Checkoff and excess anonymous contribution | To candidates for governor, lt. governor, attorney general, secretary of state, state auditor, state treasurer, state senator and representative in primary and general elections |
| Montana | ... | ... | $1(a) | $1(a) for those with no tax liability | Checkoff/surcharge | To candidates opposed in elections for governor, lt. governor, Supreme Court chief justice and justices |

## FUNDING OF STATE ELECTIONS: TAX PROVISIONS AND PUBLIC FINANCING
### (As of January 1984)—Continued

| State or other jurisdiction | Tax provisions relating to individuals | | | | Public financing | |
|---|---|---|---|---|---|---|
| | Credit | Deduction | Checkoff | Surcharge | Source of funds | Distribution of funds |
| New Jersey | ... | ... | $1(a) | ... | Direct appropriations; Gubernatorial Gen. Elec. Fund from checkoff | To gubernatorial candidates |
| North Carolina | ... | $25 | $1(a) | ... | Checkoff | Divided among political parties according to registration; of amount—50% goes to party, 50% for other purposes |
| Oklahoma | ... | $1(a) | $1(a) | ... | Checkoff | 50% to political parties(c) ; 50% to eligible general election candidates(d) |
| Oregon | 50% of contribution to max. $25(a) unless taxpayer has claimed a federal tax credit for political contributions | ... | ... | ... | | |
| Rhode Island | $1(a) | ... | (e) | ... | Credit/checkoff | To political party designated by taxpayer; other funds allocated to parties based on number of elected state officials and of votes in most recent election |
| Utah | ... | ... | $1 | ... | Checkoff | 50% to state central committee of each party, 50% to county central committees of party designated by taxpayer |
| Wisconsin | ... | ... | $1(a) | ... | Checkoff | According to formula, to general election candidates for statewide and legislative offices(f) |
| Dist. of Col. | 50% of contribution to max. $50(a) | ... | ... | ... | | |

*Source:* James A. Palmer and Edward D. Feigenbaum, *Campaign Finance Law 1984* (Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1984).

*Note:* This table shows only those states that have a tax provision relating to individuals or a provision for public financing of state elections. Credits and deductions may be allowed only for certain types of candidates and/or political parties. Consult state laws for further details.

Key:
. . .—No provision.

(a) For joint returns, amount indicated above may be doubled.
(b) And a separate designation of $1, $5, $10 or $25.
(c) 10 percent to each party and remainder divided according to registration figures.
(d) 20 percent for governor, 15 percent for lieutenant governor, 15 percent for attorney general and 10 percent each for state treasurer, state auditor and inspector, commissioner of insurance, superintendent of public instruction and corporation commissioner.
(e) See credit. Designated to specified party or to non-partisan general account.
(f) Candidates must meet certain qualifications.

Connecticut Office of Legislative Research. "Public Financing of Political Campaigns." December, 1979.

## INTRODUCTION

This paper is intended to provide legislators with an overview of the issue of public financing of election campaigns. To that end, it includes arguments for and against the general proposition of public financing, a more detailed discussion of the possible options and alternatives for enacting public financing in Connecticut, a summary of the federal public financing law and a brief discussion of public financing laws which have been enacted or proposed in other states through the end of 1979.

## SUMMARY

Arguments in favor of public financing of political campaigns may be broadly summarized as follows:

1) that public financing will reduce corruption in government by eliminating the financial influence of "special interests" in political campaigns;

2) that public financing will open up the electoral process to a broader cross-section of candidates and ensure that the qualifications of the candidates will be the determining factor in election;

3) that the public will be encouraged to participate in the political process because they will have correspondingly greater influence on the process and more confidence in it once the influence of a small number of large contributors is eliminated; and

4) public financing, if enacted with corresponding spending limits, will hold down the high costs associated with political campaigns.

The arguments against public financing are, broadly, that:

1) public financing distorts the operation of the free market of ideas and engenders unwieldy elections by artificially supporting marginal or single issue candidacies which would otherwise be eliminated from contention;

2) public financing turns political parties and candidates into government-sponsored entities and is, therefore, potentially dangerous to the democratic integrity of the process;

3) public financing, if it is enacted in conjunction with spending limits, tends to favor incumbents;

4) public financing will increase the cost of election campaigns by increasing the number of candidates and primaries; and

5) voters have displayed no interest in public financing; an assumption which is supported by the low rate of participation in federal and state tax checkoffs.

Enactment of a public financing law in Connecticut requires that choices be made among a variety of options including which campaigns for which offices are to be publicly financed; whether public funds should be distributed through parties or directly to the candidates; whether primaries should be funded as well as general elections; how such a law is to be administered; how the funds are to be generated; which candidates will be eligible to receive public funds; and whether to impose spending limits. The various options associated with these questions are detailed below, together with a brief summary of the advantages and disadvantages of each option.

Many of the options described in this report are already being used in the federal public financing law, The Federal Elections Act (USCA 26 Secs. 9001-9042). The present federal law governing the financing of presidential campaigns was originally passed in 1974 and amended in 1976 as a result of a decision by the Supreme Court in the case of Bucklev v. Valeo. (96 S. Ct. 612)

Funds for public presidential campaign financing are derived exclusively from a voluntary one dollar check-off on the federal income tax (two dollars on joint returns). Funds so designated are earmarked for a Presidential Election Fund which is distributed among all candidates for president. These funds are automatically sent to the Presidential Elections Fund without requiring a formal Congressional appropriation. If money remains in the fund after a presidential election, that money reverts to the general funds of the U. S. Treasury. A full summary of the provisions of the Federal Elections Act will be found in this report. Public financing has also been enacted in 17 states. A brief discussion of these state laws, together with public financing proposals put forward in Florida, also follows.

## ARGUMENTS IN FAVOR OF PUBLIC FINANCING OF POLITICAL CAMPAIGNS

### The Good Government Arguments

Under the present system of financing political campaigns through private contributions, there is a danger that corruption may result from the necessity of candidates having to raise money from special interests. Often such interests command great financial resources and thus are able to make comparatively large campaign contributions. Even when no specific quid pro quo is demanded, the candidate is placed in an ambiguous position at best. At worst, the successful candidate may take his or her oath of office with strings attached.

Another facet of this argument is that the presence and influence of large contributions to campaigns tend to discourage participation by a larger proportion of the electorate, thus accentuating the influence of a small group and reinforcing voter apathy and cynicism about the electoral process. In addition, by accepting public funds, candidates could spare themselves the time-consuming

and sometimes degrading aspects of fundraising and devote themselves to discussing issues, thus improving both the quality of campaigns and the public's perception of the political process.

The Open Campaign Arguments

If the ultimate goal of an election is to select the best qualified person to hold a particular office, then it is desirable for the voters to have as wide a field of candidates to choose from as possible. It is also desirable to minimize such artificial distinctions among candidates as personal health, incumbency and/or easy access to large contributors. Public financing would reduce the effect of such factors and put all serious candidates in the position effectively to communicate with voters.

Because of the spending limits which are part of all existing state public financing laws, as well as the federal law, candidates who receive public financing compete on a more equal basis than was possible before. Access to private funding sources becomes less crucial. Public financing reduces the advantage of incumbency by eliminating dependence on private contributions which incumbents generally find easier to attract. This is especially true in legislative races.

Public financing allows qualified people who do not possess large personal fortunes to run for office. Public financing might encourage more non-traditional persons, such as women and minorities, to become candidates for public office and thus broaden the political process. Such candidates are at a disadvantage under the present system because thay are less likely than white males to be incumbents, wealthy, or part of the corporate world.

The Public Participation Arguments

Public financing of election campaigns would, by eliminating dependence on a small number of large contributors, broadening the field of candidates and reducing public cynicism about corruption, encourage more participation in the electoral process. In addition, because candidates would have to spend less time raising money and would be guaranteed approximately equal resources, competition among them would be based as much as possible on their actual qualities and views, undistorted by an inequality of opportunity to communicate with voters based on money. A concentration on issues and increased communication with voters would, in turn, lead to a more informed electorate, and, theoretically at least, to both better candidates and better and more credible democratic government.

The Cost Arguments

The final arguments in favor of public financing are based on the present high cost of running for political office. Not only does this high cost discourage the person who is not wealthy from running for office, it means than an even higher premium is placed on candidate fundraising and on larger and larger campaign contributions. Because private campaign funding requires candidates to spend a substantial portion of their time in

fundraising, proponents of public financing argue that the current system brings the election process into disrepute by distracting candidates from discussion of the issues. The present system encourages candidates to try to outspend each other. Campaigns thus become more and more expensive while seeming less and less substantive, with each election in turn driving up the costs of those which come after. Because public financing is almost by definition limited (by being limited to a finite pool of money, however generated), it provides a ceiling, enabling candidates to call a halt to the campaign cost spiral.

If candidates are limited in their spending, whether to the amount of money they receive from public funds or to some other amount, campaign costs should level off or even go down. Such a result would reinforce the tendency of public financing to put candidates on an equal footing in their ability to gain access to the voters.

## ARGUMENTS AGAINST PUBLIC FINANCING OF POLITICAL CAMPAIGNS

The political process resembles, to some extent, a marketplace, where ideas, programs and candidates are offered for public approval. Ideally, those ideas with little or no support or merit are weeded out. Public financing distorts the beneficial aspects of the marketplace of ideas by allowing floundering, single issue, or marginal candidacies to remain afloat past their time. Use of public funds, far from encouraging the best qualified candidates to come forth, may, on the contrary, have the effect of masking the true extent of a candidate's support or lack of support. As a result, public financing could lead to a proliferation of candidacies and primaries as public funds are used to support marginal or irresponsible challenges.

As evidence for this argument, opponents of public financing cite the 1976 presidential election where some candidates continued to use and receive public money after they had, to all intents and purposes, ceased to be candidates. Formal organizations remained in existence after the candidates had ceased to campaign in order to receive public matching funds and reduce deficits. Thus, candidates who had been virtually eliminated by primaries and who showed very little support, such as Senator Fred Harris, did not withdraw from the contest, leaving the field crowded and confused.

### The Political Freedom Argument

Few would deny that one of the basic components of political freedom is the freedom to leave, join or form political associations. Public financing means that, in effect, parties and elections are sponsored by the government and that the parties and candidates, by receiving tax money, become extensions of the government. Therefore, the freedom of political association could be endangered. Public financing removes control of elections from the electorate and the parties in three ways. First, to oversee the spending of public monies a new bureaucracy is created and interposed between the electorate and the candidates. The Federal Elections Commission is an example. Second, party responsibility is reduced because candidates are more independent of the parties. Third, minor parties and candidates are not treated fairly under most public financing systems.

The Incumbent Protection Argument

Public financing, far from being the means to open up the political process that proponents say it is, in fact tends to favor incumbents. Because incumbents are generally better known and, in addition, have the resources of their offices behind them, they have an advantage against virtually any challenger. One way for a challenger to overcome the advantage of incumbency is to increase his or her campaign spending. Candidates who accept public financing are generally required to accept spending limitations, however. When an incumbent and challenger spend an equal amount of money, the incumbent often has an overwhelming edge.

Furthermore, public financing tends to encourage large numbers of candidates. This too will usually work to the advantage of the incumbent because s/he would tend to stand out in a large field.

The Cost Arguments

Opponents of public financing dispute the arguments of proponents regarding the cost of political campaigns. They argue that high campaign costs are a function of lengthy campaigns rather than excessive private contributions or the absence of spending limits. Indeed, public financing could actually increase the cost of campaigns in several ways. The prospect of public reimbursement encourages one issue and marginal candidates to overspend their budgets. The increase in the number of candidacies anticipated under public financing tends to increase both the number of primaries and the length of campaigns and, therefore, the cost. More money would be spent in the aggregate under public financing, because the same amount of money is spent on all races rather than being funnelled to a few hotly-contested ones. Finally, there is a hidden cost in the checkoff system of public financing in that general state revenues are diminished thereby. The financing of political campaigns is not appropriate to an era where public resources are scarce.

The Apathy Argument

The final argument against public financing is that voters have shown that they do not want it by their historically low participation in checkoffs on both federal and state income tax returns. Private contribution tends to engender a sense of participation and identity with a candidate or party which a checkoff does not. Furthermore, large fields of candidates may actually increase voter apathy and, to the extent that public financing fosters large numbers of candidates, it has contributed to the recent low election turnouts.

## OPTIONS FOR A PUBLIC FINANCING LAW IN CONNECTICUT

If arguments in favor of public financing are assumed to be valid, the next consideration is what kind of public financing law should be enacted. In considering what kind of public financing proposal to enact in Connecticut, the legislature would have to address several questions and options. Each possible option and answer has advantages and disadvantages and each option

raises a series of issues. The issues, options and arguments are summarized below:

1. Which campaigns should be financed?

The major options under this heading are to finance campaigns for all state elective offices, both executive and legislative, or to limit public financing to campaigns for specific offices. For example, public financing might be limited to gubernatorial campaigns only or to campaigns for offices at the "top of the ticket" (i.e. Governor, Lieutenant Governor, Secretary of the State, Comptroller, Treasurer and Attorney General).

It might be argued that it is somewhat arbitrary to exclude particular offices from a public financing law. If public financing were adopted because of its potential beneficial effects on the political process and to reduce the possibility of corruption, then it would be most beneficial to extend the system to all state offices. Moreover, limitation of public financing to just the gubernatorial campaign would tend to reduce further the importance of the Under-Ticket, Assembly and State Senate races which are often underrated under the present system.

In response, one could argue that, as Connecticut has not previously had public financing and because all other states having public financing laws also have relatively simple methods of generating funds for them (i.e. an income tax checkoff) which Connecticut does not have, it might be more prudent to proceed gradually and thus fund only the gubernatorial campaign at the start.

Another argument for excluding General Assembly campaigns from the scope of a public financing law is that public financing could encourage a proliferation of candidates for the legislature and thus so reduce the amount of money available to each candidate (assuming a finite pool of money) as to make the amount insignificant or insufficient to run a campaign. To avoid such a contingency it might be necessary to increase the pool of money available, a course which might conflict with other state priorities.

If one chooses to finance Assembly campaigns from public funds, the additional problem of how much to allocate to each district arises. Connecticut Assembly districts are widely different and require different kinds of campaigns; thus, allocating a set amount to each district or imposing a set limit on spending may have inequitable results on candidates in some districts.

Multiple candidacies in the relatively small Assembly districts might also lead to fragmentation, smaller winning totals and reduced credibility of winners as representatives of their districts. The argument that public financing would result in an unmanageable or undesirable proliferation of candidacies becomes even more powerful if primaries as well as general election campaigns are financed (see #3 below). In that case, the disadvantages could apply to campaigns for executive offices as well.

Against the threat of a proliferation of candidacies, the political party may be interposed (see #2 below). If parties received funds and disbursed them in a discretionary fashion, then

candidates competing in hotly fought or close campaigns could receive more money than those under less serious challenge. This might reduce the incentive for marginal candidates to run.

There is also some evidence which goes to show that the fear of smaller majorities or even minority winners may be unjustified. Minnesota has had a public financing law since 1974 and though 87.1% of the candidates in the 1978 state election used public financing, there was no increase in the percentage of votes received by minor party candidates.

2. To whom should public funds be given?

Public funds may be distributed to the candidates directly, to the party committees or to some combination of the two.

Distribution directly to the candidates ensures that public campaign money would be used to finance campaigns for all state offices instead of being concentrated on "top of the ticket" or other particular races, which could occur if parties were given all the public money without any conditions being placed on their use of that money. In addition, independent candidates would be eligible for public funding even though they may be unaffiliated with a party.

Distribution through the party alone would enhance the role and importance of political parties and might thereby reduce the political fragmentation, intra-party bickering and influence of single-issue candidates and special interests in the electoral process. If parties were given discretion in the distribution of funds, they could target money to hotly contested races rather than to no-contest or long-shot ones. Finally, party committees are formal continuing groups rather than ad hoc committees responsible only to the candidate and thus may be more responsible receipients of public money. If greater party influence and control were a goal, then funneling public campaign funds through the party would tend to increase party power, both before and after the election, by making candidates and, therefore, office-holders, more beholden to the party committees.

If public funds were given to a combination of candidate and party, as in the federal presidential public financing system, some of the positive effects described above might still be obtained, while negative effects might be reduced. For example, parties could still channel some money as they saw fit, while independent candidates would not be ignored. However, party influence would probably be lessened in proportion to money given directly to candidates and the issue of whether to channel public money to ad hoc, non-continuous committees responsible only to the candidate would be unresolved.

It must be noted that if public financing of primary elections is contemplated (see #3 below), money could not be distributed through parties during primaries because candidates contending for a party's nomination could not be required to depend on the party for funds.

3. Should primary campaigns be funded?

The arguments for and against public financing of primaries are virtually the same as those enumerated in the general arguments section of this report. A further potential disadvantage of funding primary campaigns is that it could result in an unwieldy proliferation of primaries with concommittant higher costs, political fragmentation and an undesirable reduction in the influence of parties. (see #2 above)

4. Who should administer public financing of elections?

There are several subsidiary issues which may be grouped under the heading of administration. They are:

a) should the Elections Commission be given oversight of distribution of the campaign funds;

b) should public funds be granted on a matching basis;

c) should campaigns be funded from general revenues or should there be a separate fund;

d) how should corruption be regulated and should it carry civil or criminal penalties; and

e) if a separate fund is to be set up, how should the money be generated?

The options will be discussed in the same order as the points listed above.

a) If the Elections Commission is given oversight functions, it would likely require a substantial increase in staff to perform the monitoring and auditing functions which would be required by a public financing law.

b) If funds were distributed on a matching basis, a certain basic minimum of support for a candidate would be assured. However, such a system might not completely do away with the disadvantages of private financing of campaigns unless a ceiling were placed on individual contributions, as in the federal law. The proportion of public funds to private contributions might be adjusted, and the influence of private contributors correspondingly reduced, by matching on a greater than a dollar for dollar basis. For example, for each dollar of private funding, two or three dollars of public money could be allotted.

c) The advantages of using general revenues to fund public financing of campaigns are that no new system would be required to collect money and enough money to cover all qualified campaign expenses could be assured. The major disadvantage is that such a system would, in effect, be an involuntary contribution by all taxpayers to support candidates and political

positions which they might not wish to support. An answer to this concern is that taxpayers are not presently permitted to earmark their tax dollars only for programs of which they approve and that since political campaigns are legitimate public business, general revenues should be used.

d) If corruption were regulated by criminal penalties, the Elections Commission would, to a degree, lose control of the administration of the fund. This is because the imposition of criminal sanctions would require the intervention first of the Attorney General's office and then of the courts, whereas the Elections Commission itself could impose a fine. On the other hand, civil penalties might not be sufficient to prevent violations.

e) If a separate public financing fund is to be set up outside of the general fund and not requiring a specific appropriation, the funds must be generated either through some form of tax checkoff or through a surcharge. The advantage of the federal and state checkoff systems is that they are voluntary and the transfer of funds is automatic. The problem with using a tax checkoff in Connecticut arises from the fact that the state has no income tax. Alternatives to an income tax checkoff are checkoffs on motor vehicle registrations, drivers' license renewals or property tax payments.

The disadvantages of these are that none is as universal as an income tax. The drivers' license renewal occurs only once every four years on a staggered basis and the chance to checkoff and, consequently the funds generated, would be correspondingly limited. A property tax checkoff would require that the checkoff funds be transmitted from the town government to the state, since property taxes are paid to towns. This would likely result in increased cost, paperwork and inconvenience to towns. Also, towns might wish to be reimbursed for lost revenues. A property tax checkoff would tend to confine the opportunity to contribute to a particular economic class, i.e. property-owners and it could be argued that such a system would discriminate against the poor and/or urban citizen who often does not own property. Of the three, car registration checkoff has the fewest disadvantages in that it requires an annual renewal and would not require transfer of money between local and state governments.

Checkoffs have not historically had a high response rate, and unless the taxpayer is entitled to specify which party or candidate his contribution will go to, the involuntary contribution issue remains. Also, since, as noted above, taxpayers are not permitted to specify what proportion of their total tax is to go for which state program, one might say that the earmarking of funds for elections gives political campaigns special status.

Finally, it might be argued that the whole issue is moot since the loss in general state revenues resulting from tax checkoffs will have to be made up from the general fund anyway.

This would not be the case if taxpayers could voluntarily contribute an additional amount in the form of a surcharge on their tax. The disadvantages of the surcharge are that, if it is voluntary, public response would likely be low, thus reducing the amount of money generated and, because the surcharge would be over the regular taxes, it might be harder to justify not allowing the money to be earmarked for a particular party or candidate by the taxpayer. Such earmarking could lead to substantial inequities in public funding among candidates thus defeating one of the major goals of public financing: to make candidates most nearly equal in resources.

6. Who should be eligible to receive public financing?

There are virtually an infinite number of options under this question depending on how difficult or easy the legislature wishes to make access to public campaign funds. If one's goal is to broaden access to the system, eligibility requirements cannot be made too stringent. Eligibility could be based on a candidate's or party's vote in a previous election, on the amount of preliminary money the candidate or party is able to raise in small contributions and/or (on a reimbursement basis) his or her vote in the current election. All of these mechanisms are used in the federal law. The object of eligibility requirements is to make the process as open as possible without going so far as to give public money to any candidate who simply declares himself or herself to be a candidate and demonstrates no real support from either a political party and/or the electorate.

7. Should spending limits be imposed?

The last issue is whether or not to set campaign spending limits for candidates accepting public funds. The advantages of having limits are that they tend to lower the high cost of campaigns; they place the candidates on a more nearly equal basis; and unless candidates have spending limits, they will merely add private contributions onto public funding, thus continuing the problems public financing is meant to solve.

The disadvantages of having limits are that they might tend to give incumbents an advantage, especially if they are set low, because incumbents have higher public recognition and greater resources than challengers simply by virtue of the fact that they are in office; and spending limits, unless they take into account inflation, may become unrealistic after only a short time and thus act as a disincentive to candidates to accept public funds. For these reasons, the federal public financing law includes a cost of living escalator clause. A summary of the federal law follows.

7. INDEPENDENT COMMITTEES. Because of the US Supreme Court's divided opinion in the Schmitt case, there has been considerable discussion about how to limit or counteract the ever-growing expenses of the independent committees. Some proposals are described below.

* Imposition of a very low ceiling upon independent expenditures by any "political committee", also known as independent committees, such as presently applies to a Presidential election campaign in which the candidate accepts public funds.

* Free response time to a candidate who has been attacked by an independent committee. The theory here is that if such expenditures are allowed at least they can be neutralized. In fact, the US Supreme Court's opinion in Red Lion Broadcasting v. FCC (1969) requires any broadcast licensee who allows the broadcast of a program or advertisement supporting one of rival candidates to give other candidates equal free time in which to reply.

* Broadcasts could be partially funded by public funds, if necessary, as well as using public funds for mailings to counter those of the independent committees.

8. PROHIBITING POLITICAL ADVERTISING AND PROVIDING FREE AIR TIME. America is one of the very few countries in the world that allow any purchase of television time for political broadcasts; no Western European nation does. This section discusses some of the concepts.

* A proposal by Elizabeth Drew suggests considering requirements that most of the free broadcast time be in segments of not less than five or ten minutes (a requirement in Great Britain). She claims that this would make it necessary for candidates to actually say something, in contrast to the one-minute or thirty-second spots, which are uninformative at best and misleading at worst.

* Arrangements would also have to be made to assure that the free time offered would be when people were likely to be watching.

* Acknowledging that the broadcast industry would oppose this idea, it may be possible to offer some public funding as part of a comprehensive public financing scheme.

9. OTHER IDEAS. The following ideas did not fit neatly into a specific category, however, they might be important to consider.

* Establish more comprehensive provisions for the use of funds remaining after an election to prevent abuse or misuse of these monies.

* Prohibit transfer of funds from one PAC, independent committee, or candidate to another.

* Limit honoraria and gifts allowable to candidates and elected officials.

* Prescribe more severe penalties to those who exceed the contribution or expenditure limits.

* Provide more support to those agencies responsible for enforcing the campaign contribution statutes and regulations.

* Require a type of truth in advertising to those organizations that solicit funds in order to support or oppose candidates or ballot measures. In this way, the contributor knows how the funds will be used.

10. CONCLUDING STATEMENT. State Affairs Committee staff has reviewed numerous articles, statutes, judicial opinions, and books on the issue of campaign financing. On the issue of the influence of money in elections, the following statement seems to best capture the basic question before this committee.

"The most fundamental question is, What kind of electoral process would give us the best kind of representation -- the best at representing the public interest and producing officials who, on the basis of experience and judgement, would make decisions that would not always represent passing public attitudes or be affected by financial contributions?"

--Elizabeth Drew, Washington Correspondent,
The New Yorker

SECTION III

## CAMPAIGN FINANCING/ISSUES AND PROPOSALS REGARDING ALASKA'S CAMPAIGN LAWS

Specific issues and proposals that have been discussed on Alaska's campaign laws may be found in this section. Some of the suggestions and issues may be rather insignificant, and others have much broader implications. The list focuses on the following three areas: 1) reporting and disclosure, 2) campaign financing, and 3) APOC.

The purpose of this section is to provide a basis for a more complete list of areas staff should research before the meetings in October. The list was compiled primarily from articles, statutes, APOC data, and discussions with candidates and legislators.

SECTION 3

CAMPAIGN FINANCING/ISSUES AND PROPOSALS REGARDING ALASKA'S CAMPAIGN LAWS

The following is a preliminary list of suggestions and "problem areas" on the subject of campaigning in Alaska. While section II addressed the general areas in campaigning financing, section III targets the more specific issues.

Once again, this is merely a preliminary list.

The areas of focus are:

1. Reporting and Disclosure
2. Campaign Financing
3. APOC

1. REPORTING AND DISCLOSURE

*Higher penalties for late or improperly completed group or candidate registration, and for failure to properly identify political communications (for example, a letter soliciting funds).

--Current misdemeanor penalties pay not be effective. Misdemeanor cases such as these are seldom prosecuted.

*Establishing a $250 threshold for disclosing source of income.

--APOC resources are limited and may be better spent in other areas.

*Reverse "expenditure before filing" prohibition and require that those who act like candidates be subject to AS 15.13 even though they have not filed.

--This was discussed in the context of allowing public access to information.

*The necessity for reporting to continue as long as campaign chests are accumulating funds.

--Increased campaign size and the ongoing interest in contributing to winners means that some campaigns never end.

*Reporting requirements for groups and PACs.

--APOC has no way of determining whether PACs that employ lobbyists are paying for the lobbyist with funds for which Political contribution credits are paid.

## 2. CAMPAIGN FINANCING

*Multiple contributions form parents and children. AS 15.30.070 prohibits parents or spouses from contributions in the name of one another.

--1982 saw an increase in multiple contributions (APOC).

*Prohibition of corporate and labor contributions (see section II of report for indepth information).

*Remove political organizations from those eligible to raise funds through raffles, bingo, monte carl, etc.

--This type of fundraising is difficult to control in the areas of reporting requirements, and separating out the funds used for political activity from those used for other purposes.

*Loans used for campaigns.

*Legal and ethical soliciting of funds from employees (public and private sector).

*Prior to a function put on by or for a public official, reuire that all those attending be notified whether or not the funds will be used for campaigning.

*Public financing (see section 2 for more depth).

*Fundraising by political parties.

## 2b. MISCELLANEOUS ISSUES

*Clarify the definition of contribution and expenditures. Current definitions rely heavily on the intent of the donor.

--Current definitions may undermine the $1000 limitation.

*Political Campaign Contributions

3. APOC

During research, APOC has come up as an issue over and again primarily in the context of its budget, and secondarily in the process APOC staff goes through during an investigation. A budget history for APOC, and the regulations on the APOC process (2 AAC 50.460, in the pink booklet attached) are directly following this subsection.

The process of an APOC investigation is briefly outlined below.

The staff of APOC my begin investigation under two conditions: when they receive a citizen complaint, or when they discover something in the normal course of business that would constitute a violation of the law.

In a "citizen's complaint investigation," APOC takes the following steps:

1. Determine allegations are sufficient to warrant an investigation.
2. If allegations are substantiated, they look into report.
3. Notify complainant and respondent on the status of the complaint.
4. Notify the Commission.
5. Carry out the commission's recommendations.

In a "normal course of affairs investigation." APOC takes the following steps:

1. In most cases, this type of investigation is concluded "in house." This type may only take a phone call to the respondent to notify him or her that a report is not in order.
2. The commission is notified, and once again the staff follows the commission's recommendations.

For the most part, APOC staff relies on people involved in campaigns to notify then of possible illegal activities. Many types of activities are not reflected in reports.

| | FY 84 Auth. | FY 84 Act. | FY 85 * Request | FY 85 Auth. | FY 86 ** APOC Request | = | Base | + | Increments |
|---|---|---|---|---|---|---|---|---|---|
| Personnel | $318.5 | $317.5 | $373.2 | $359.6 | $470.6 | | $375.7 | | $ 94.9 |
| Travel | 35.6 | 27.2 | 36.1 | 35.0 | 37.8 | | 35.0 | | 2.8 |
| Contractual Services | 101.2 | 83.9 | 144.2 | 107.2 | 246.8 | | 107.2 | | 139.6 |
| Commodities | 8.7 | 10.1 | 12.2 | 8.7 | 9.3 | | 8.7 | | .6 |
| Equipment | .3 | 15.5 | 25.4 | 25.4 | 25.4 | | 9.2 | | 16.2 |
| Total | $464.3 | $454.2 | $591.1 | $535.9 | $789.9 | = | $552.0 | + | $237.9 |
| Full-time/Part-time/Temp | 6/3/0 | | 7/3/1 | 6/5 | 9/2/1 | | | | |
| Staff months | | | | 108 | 133 | | | | |

* APOC + Gov Request -

** Submission to DOA in process

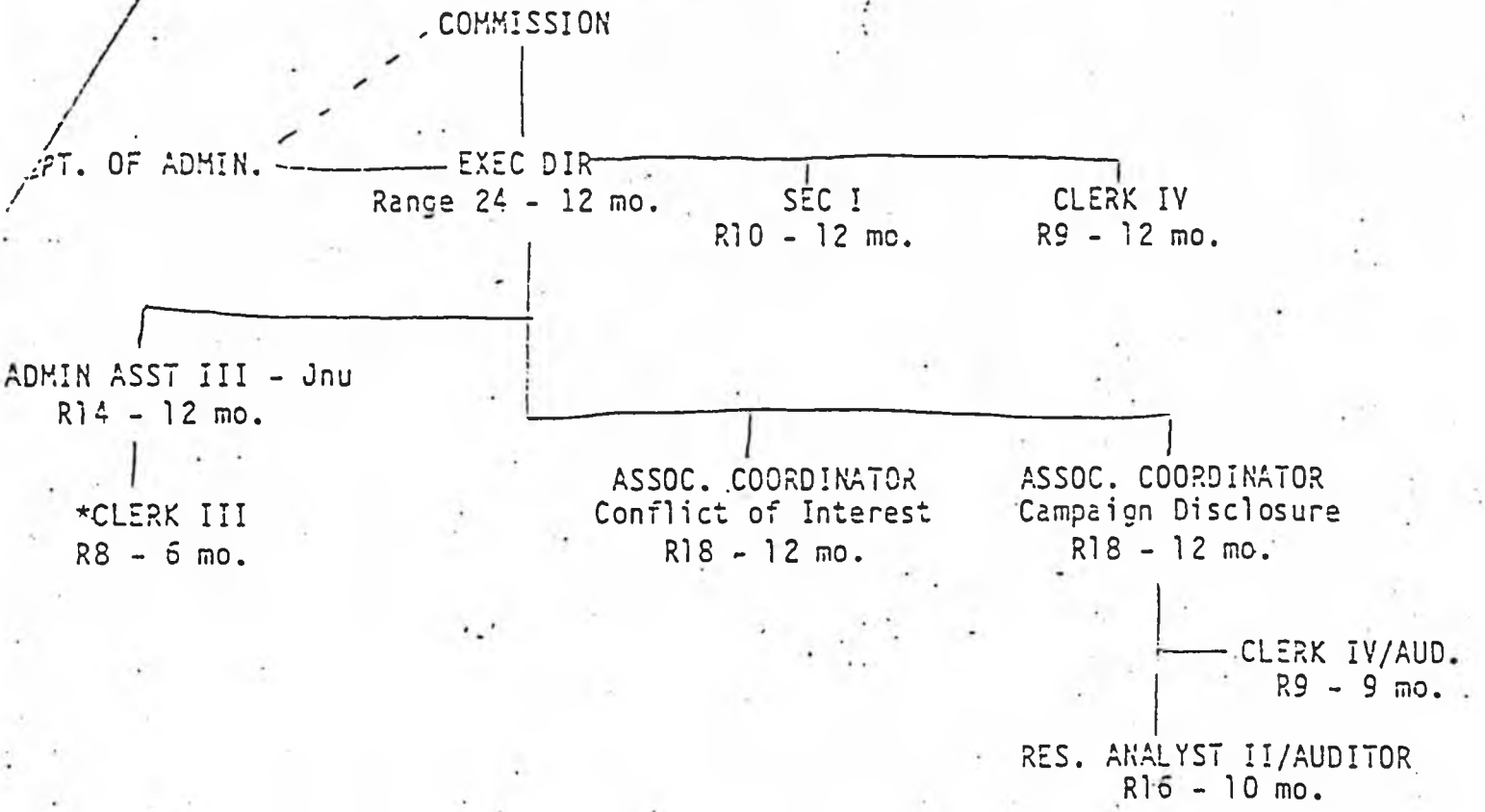
Table 3. Budgetary Summary: FY 81, FY 82, FY 83

| Classification | FY 81 Authorized | FY 81 Actual[1] | FY 82 Authorized | FY 82 Actual | FY 83 Authorized | FY 83 Actual[3] |
|---|---|---|---|---|---|---|
| Personnel | $243,400 | $291,100 | $293,900 | $293,900 | $368,000 | 373,200 |
| Travel | 33,000 | 35,200 | 36,800 | 36,700 | 53,500 | 36,100 |
| Contractual Services | 85,200 | 82,500 | 84,500[2] | 81,900 | 173,600 | 144,200 |
| Commodities | 6,000 | 6,200 | 6,500 | 8,700 | 8,700 | 12,200 |
| Equipment | 0 | 300 | 2,000 | 2,400 | 4,900 | 25,400 |
| Total | $367,600 | $415,300 | $423,700 | $423,600 | $608,700 | $591,100 |
| Full-Time/Part-Time | 6/5 | 6/5 | 6/3 | 6/3 | 7/4 | 7/4/1 |
| Staff months | 110.3 | 110.3 | 98.3 | 98.3 | 120.3 | |

[1]Adjustments sanctioned by the Administration.
[2]This figure no longer includes $21,300 for office leases; henceforth paid directly by Division of General Services and Supply.

# ALASKA PUBLIC OFFICES COMMISSION

FY 84 Organizational Chart - Operating Budget of $464.3



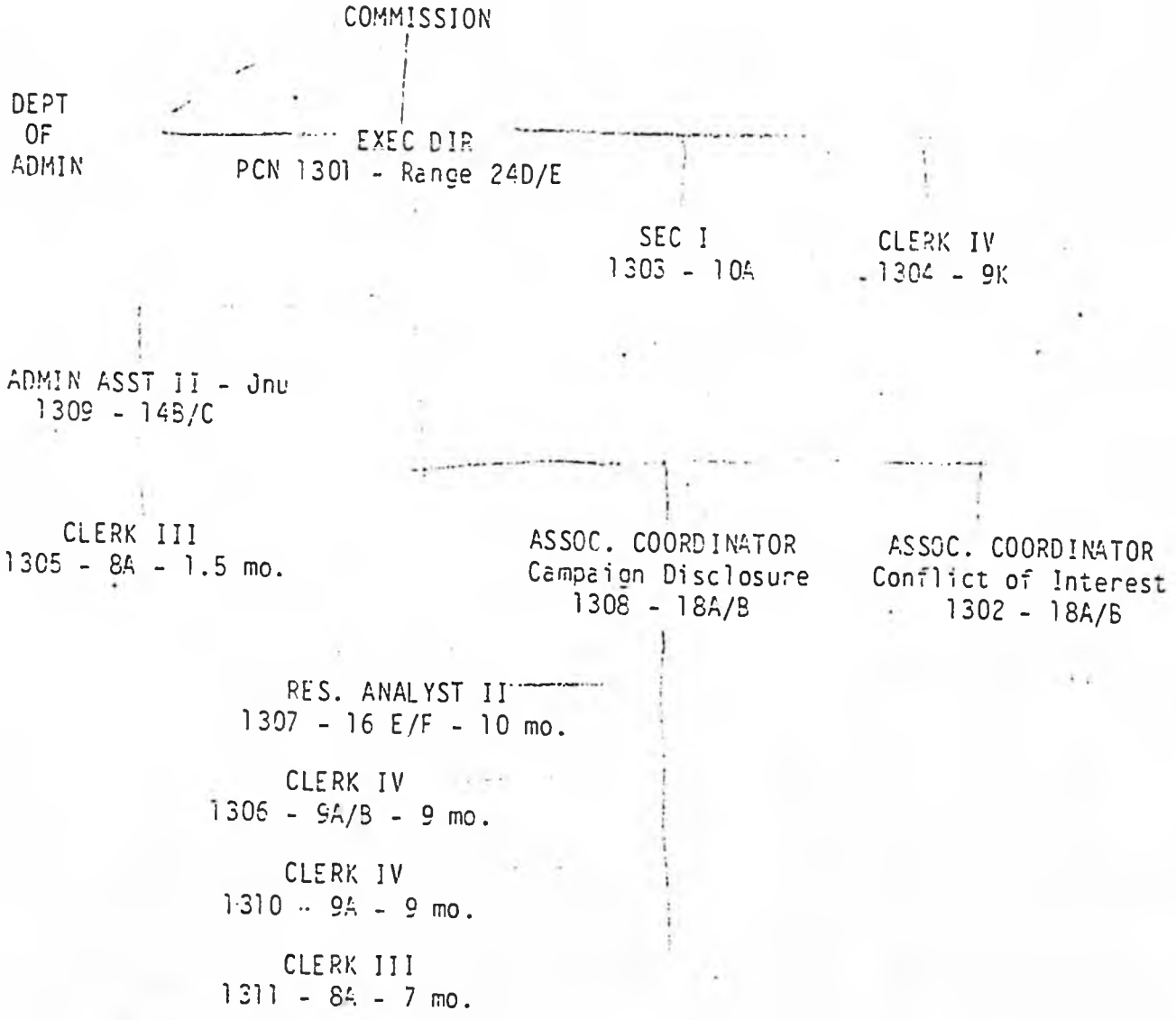

*Funding for this position is available for FY 84 only because of "savings" which accrued during the reclassification and hiring of the Associate Coordinator positions.

12/22/83

# ALASKA PUBLIC OFFICES COMMISSION

FY 85 Organizational Chart

6 Full-time
5 Part-time
108 months

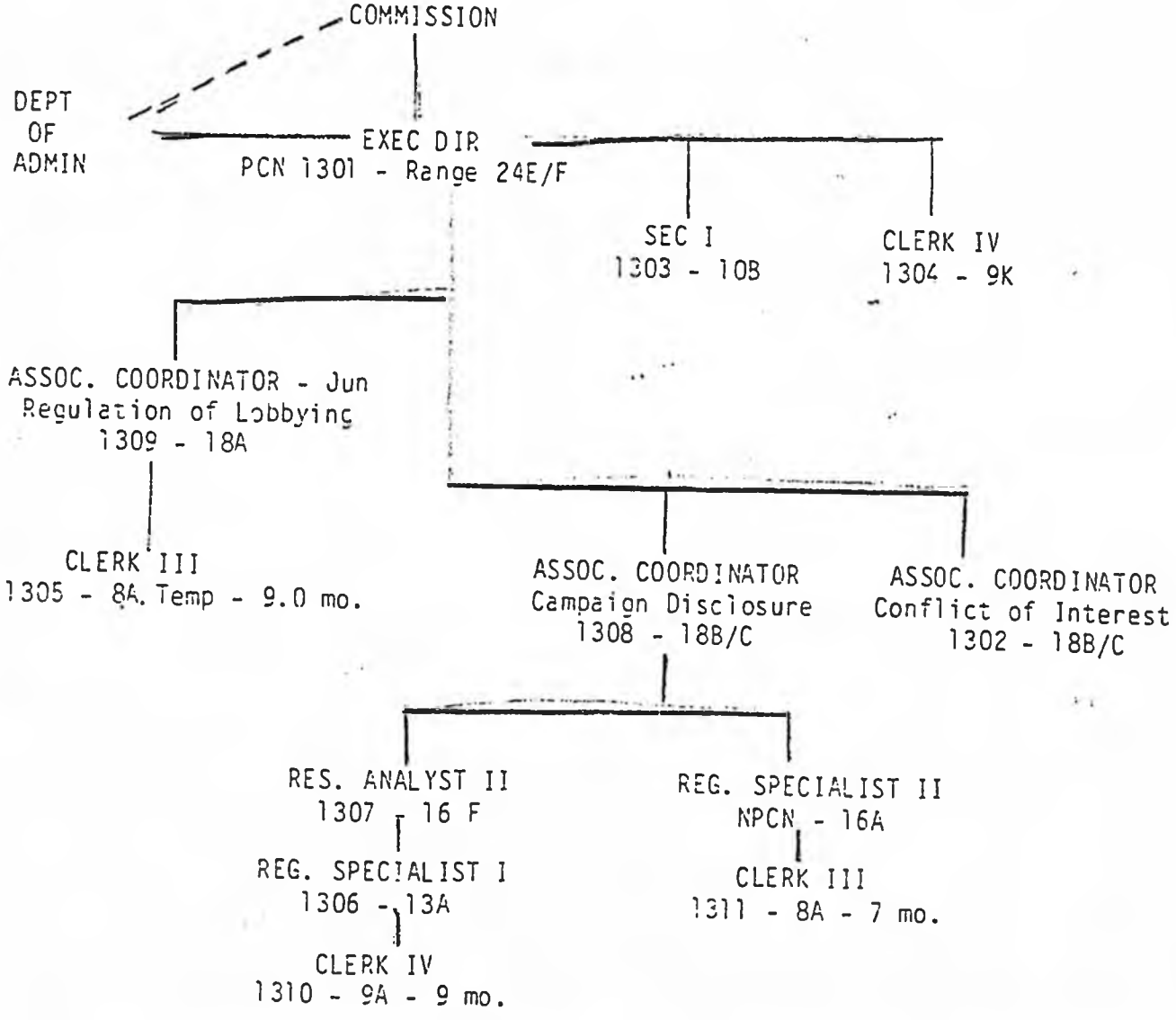



8/27/84

# ALASKA PUBLIC OFFICES COMMISSION

FY 86 Organizational Chart

9 Full-time
2 Part-time
1 Temporary
133 months




8/27/84

# CHAPTER 50.
# ALASKA PUBLIC OFFICES COMMISSION: CONFLICT OF INTEREST, CAMPAIGN DISCLOSURE AND REGULATION OF LOBBYING

Editor's Note: As of Register 78, the Alaska Public Offices Commission regulations which were formerly located in 6 AAC 29 are now located in 2 AAC 50, in light of Executive Order No. 41 (1980). The history notes under the sections in their new location carry forward the history of those provisions from their old location.

Article



## ARTICLE 1.
## CONFLICT OF INTEREST

Section



2 AAC 50.010. REPORTING SOURCES OF INCOME FOR RETAIL BUSINESSES. For purposes of reporting sources of income over $100 in accordance with AS 39.50.030(b)(1), the reporting official is not required to list individual customers of a retail business which is conducted on a cash basis. However, the business itself must be reported as a source of income. (Eff. 8/20/75, Reg. 55; am 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.030(b)(1)

2 AAC 50.020. REPORTING INTERESTS IN REAL PROPERTY. The reporting of interests in real property shall include a description of the nature of interest held in the property, the location of the property, and the current use of the property. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.030(b)(4)

2 AAC 50.030. REPORTING FINANCIAL DATA OF FAMILY MEMBERS. For purposes of AS 39.50.030(a), reporting of information for members of the official's family "to the extent that it is ascertainable" means an affirmative good faith effort to obtain the

information and also requires reporting of all required information actually known. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.030(a)

2 AAC 50.040. LOANS AND INDEBTEDNESS. AS 39.50.030(b)(6) includes all loans or indebtedness of $500 or more made or still outstanding during the preceding calendar year. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 39.50.030(b)(6)

2 AAC 50.050. RETAIL CHARGE ACCOUNTS. For purposes of reporting liabilities under AS 39.50.030(a) and 39.50.030(b)(6), the reporting official is not required to report retail charge accounts, revolving charge accounts or credit card obligations. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.030(a)
AS 39.50.030(b)(6)

2 AAC 50.060. WRITE-IN CANDIDATES. A public statement by an individual not appearing on the ballot that he will seek elective office constitutes a declaration of candidacy under AS 39.50.020. (Eff. 5/16/76, Reg. 58; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 39.50.020

2 AAC 50.070. INCOME. In this chapter and in AS 39.50, "income" includes gross income under Section 61 of the Internal Revenue Code (26 USC § 61) in effect on May 16, 1976. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.030(b)(1)

2 AAC 50.080. CONTROLLING INTEREST IN A CORPORATION. In AS 39.50.200(8), "controlling interest" in a corporation means ownership of more than 50 percent of the outstanding shares of a corporation at any time during the year for which a report is being filed. In this section, the rules of constructive ownership in Section 318 of the Internal Revenue Code (26 USC § 318) in effect on May 16, 1976, will be used to determine ownership of a corporation's shares. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.200

2 AAC 50.090. MUNICIPALITIES AS INSTRUMENTALITIES OF THE STATE. In AS 39.50.200(5), "instrumentality of the state" includes municipalities. (Eff. 5/16/76, Reg. 58)

Authority: AS 15.13.030(10)
AS 39.50.200(5)

2 AAC 50.100. CLAIMING CONSTITUTIONAL OR STATUTORY EXEMPTION FROM THE REPORTING REQUIREMENTS OF AS 39.50.030(b)(1). (a) Disclosure of another person's name in a report is not required and should not be made where that disclosure alone would likely result in disclosing sensitive information which the person would want to keep private and which, if made public, would tend to cause substantial concern, anxiety, or embarrassment to a reasonable person. The names of the following persons should not be disclosed:

(1) a patient of a physician whose primary practice is generally known to be in contraception or abortion;

(2) a patient of a psychiatrist;

(3) a patient of a psychologist;

(4) a patient of a physician whose primary practice is generally known to be in treating sexual problems or venereal disease;

(5) a married client who seeks legal or medical assistance without the spouse's knowledge, if disclosure would likely cause substantial embarrassment or opprobrium;

(6) a minor who seeks medical treatment without parental knowledge, if disclosure would likely cause substantial embarrassment or opprobrium.

(b) A physician, pursuant to (g) of this section, may request an exemption on behalf of any other patient similarly situated where the disclosure of that patient's name would likely result in disclosing information which he would want to keep private and which, if made public,

favorable to the person claiming the exemption, he need not disclose, and that ruling is final and closed with respect to the report for that year. If a request for an exemption is made in a future year on the same grounds, it is granted unless a relevant change of facts or law (or the general understanding of either or both) has intervened.

(3) If the ruling of the commission's staff is adverse to the person making the request, he may appeal to the commission by filing a written notice of appeal and stating his reasons for it with the commission's staff no later than 30 days after receiving notice of the staff's ruling. Unless the staff's ruling is appealed within the time required, it is final The commission will not hear an appeal if the notice and statement of reasons for it are not filed within the time required.

(4) An appeal timely made to the commission will be heard at the next regular meeting of the commission held more than 30 days after the filing, unless the appellant and the commission agree upon another time for the hearing.

(5) The hearing will be recorded. At the hearing, appellant may be represented by counsel and may request that the hearing be held in private in order to protect a person's character or otherwise avoid disclosing the information claimed as protected. Appellant presents his case first. The commission staff then presents its case. Strict rules of evidence do not apply, but the commission gives slight weight to the kind of information that would not be relied upon by prudent persons in the conduct of important affairs. Witnesses are sworn and testify upon oath. Legal arguments may be supported by a written memorandum. Either the appellant or the commission staff may, upon request to the commission – and shall upon the request of the commission – made no later than at the close of the hearing, file a post-hearing memorandum in support of its position within 15 days of the close of the hearing.

(6) Within 30 days after the close of the hearing the commission will make its decision and immediately thereafter notify the appellant of the result.

(7) If the decision of the commission is favorable to the appellant, he need not disclose, and that decision is final and closed with respect to the report for that year. If a request for an exemption based on the same grounds is made in a future year, it will be granted unless a relevant change of facts or law (or general understanding or either or both) has intervened.

(8) If the decision is adverse, the appellant has 30 days in which to appeal on the record to the superior court under Rule 45 of the Appellate Rules of the Alaska Court System. If a timely appeal is not made and the appellant continues not to disclose, the matter will be referred to the attorney general for appropriate action.

(9) Tapes of the hearing must be made available upon request to the appellant or his attorney or agent for listening within the offices of the commission. Transcripts of the hearing must be prepared by the commission staff upon request, with costs to be borne by the appellant.

(h) In considering the request for a ruling on the claimed exemption, the commission staff may seek an opinion from the attorney general as to whether it may reasonably be said that the state courts have determined that the constitutional right of privacy or legally privileged professional relationships preclude complete compliance with respect to the exemption claimed. If the attorney general finds that state courts have so determined, the staff ruling must be in favor of the person claiming the exemption, unless the facts he adduces fail to show that he falls within the scope of the exemption. If, in the attorney general's opinion, the courts have not determined that there is a bar to complete compliance with respect to the exemption claimed, the staff shall rule adversely.

(i) Until the matter has been finally decided administratively or judicially against him, a person claiming an exemption from disclosure requirements is not considered to be in wilful violation of the law for failure to disclose or file a report with respect to the subject of his claimed exemption, unless he thereafter continues to refuse or fails to disclose or it is judicially determined that his claim of exemption was not made in good faith but rather was made without any reasonable prospect for succeeding.

# CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

information and also requires reporting of all required information actually known. (Eff. 5/16/76, Reg. 58)

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AS 39.50.200(5)

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(1) a patient of a physician whose primary practice is generally known to be in contraception or abortion;

(2) a patient of a psychiatrist;

(3) a patient of a psychologist;

(4) a patient of a physician whose primary practice is generally known to be in treating sexual problems or venereal disease;

(5) a married client who seeks legal or medical assistance without the spouse's knowledge, if disclosure would likely cause substantial embarrassment or opprobrium;

(6) a minor who seeks medical treatment without parental knowledge, if disclosure would likely cause substantial embarrassment or opprobrium.

(b) A physician, pursuant to (g) of this section, may request an exemption on behalf of any other patient similarly situated where the disclosure of that patient's name would likely result in disclosing information which he would want to keep private and which, if made public,

would tend to cause substantial concern, anxiety, or embarrassment to a reasonable person, to be determined on a case-by-case basis as set forth in (g) of this section.

(c) A patient not exempted in (a) of this section may request, pursuant to (g) of this section, that his physician apply for an exemption on his behalf when disclosure of his name would likely result in disclosing information which he would want to keep private and which, if made public, would tend to cause substantial concern, anxiety, or embarrassment to a reasonable person, to be determined on a case-by-case basis as set forth in (g) of this section.

(d) It is recommended that an individual who is self-employed as described in AS 39.50.200(8), and who acts in such a way as to become subject to the requirements of AS 39.50, and whose business or profession is such that disclosure of the names of his clients or customers may significantly infringe on their constitutional guarantees to right of privacy, apprise those clients or customers not exempted by (a) of this section of his reporting requirements under law and the options available to the parties involved, as set forth in (b), (c), and (g) of this section.

(e) An individual who must submit a report pursuant to AS 39.50, and who is required to list the names of his clients or customers, but who claims an exemption for some or all of his clients or customers under (a) of this section, must request APOC Form 39-0, entitled "Claimed Exemption Report," from the commission. The form, which must be filed with and attached to the individual's conflict-of-interest statement, and signed under oath and on penalty of perjury, requires that the following information be disclosed:

(1) if the individual is claiming total exemption from the requirement, as in (a)(1), (2), (3), or (4) of this section, then he must

(A) state that the primary focus of his practice is the treatment of patients seeking psychiatric or psychological therapy, or seeking treatment related to sexual problems, venereal disease, contraception, or abortion, and that he is generally known in the area in which he practices as specializing in that practice;

(B) state that all income resulting from patients that was not derived as described in (1)(A) of this subsection was received in the practice of his profession and that all nonprofession related income is reported separately in Part 3 of the report, and followed by the letters "NE" (not exempt) to so identify;

(2) if the individual is claiming an exemption for some, but not all, of his clients or customers, as in (a)(5) or (6) of this section, then he must state the number of exemptions he is claiming in each of the applicable exempted categories listed on the form.

(f) An individual who must submit a report pursuant to AS 39.50, and who is required to list the names of his clients or customers, but who has been granted an exemption pursuant to (b), (c), or (g) of this section, will be furnished a completed copy of APOC Form 39-0, entitled "Claimed Exemption Report," from the commission within 10 days of the favorable decision granting the exemption. The original of the form will be placed in the individual's file.

(g) Any person not exempted by (a) of this section may claim an exemption either under the Alaska Constitution, art. I, sec. 22 (right of privacy) or under AS 39.50.035 (legally privileged professional relationship may preclude complete compliance) by proceeding as follows:

(1) As soon as practicable, but in any event no later than the time for filing the initial disclosure report, or, in the case of the annual filing, by April 15 of each following year, advise the commission of the claimed exemption and the reason for it, and request a staff ruling on the matter; if, in doing so, the person claiming the exemption finds that it may be necessary to reveal to the staff information which he believes is confidential, he shall so indicate, and that information must be kept confidential until an unappealed staff or commission ruling is made or the release is authorized by a court of competent jurisdiction.

(2) The staff will rule on a request within 30 days after its receipt. If the ruling of the staff is

favorable to the person claiming the exemption, he need not disclose, and that ruling is final and closed with respect to the report for that year. If a request for an exemption is made in a future year on the same grounds, it is granted unless a relevant change of facts or law (or the general understanding of either or both) has intervened.

(3) If the ruling of the commission's staff is adverse to the person making the request, he may appeal to the commission by filing a written notice of appeal and stating his reasons for it with the commission's staff no later than 30 days after receiving notice of the staff's ruling. Unless the staff's ruling is appealed within the time required, it is final. The commission will not hear an appeal if the notice and statement of reasons for it are not filed within the time required.

(4) An appeal timely made to the commission will be heard at the next regular meeting of the commission held more than 30 days after the filing, unless the appellant and the commission agree upon another time for the hearing.

(5) The hearing will be recorded. At the hearing, appellant may be represented by counsel and may request that the hearing be held in private in order to protect a person's character or otherwise avoid disclosing the information claimed as protected. Appellant presents his case first. The commission staff then presents its case. Strict rules of evidence do not apply, but the commission gives slight weight to the kind of information that would not be relied upon by prudent persons in the conduct of important affairs. Witnesses are sworn and testify upon oath. Legal arguments may be supported by a written memorandum. Either the appellant or the commission staff may, upon request to the commission – and shall upon the request of the commission – made no later than at the close of the hearing, file a post-hearing memorandum in support of its position within 15 days of the close of the hearing.

(6) Within 30 days after the close of the hearing the commission will make its decision and immediately thereafter notify the appellant of the result.

(7) If the decision of the commission is favorable to the appellant, he need not disclose, and that decision is final and closed with respect to the report for that year. If a request for an exemption based on the same grounds is made in a future year, it will be granted unless a relevant change of facts or law (or general understanding or either or both) has intervened.

(8) If the decision is adverse, the appellant has 30 days in which to appeal on the record to the superior court under Rule 45 of the Appellate Rules of the Alaska Court System. If a timely appeal is not made and the appellant continues not to disclose, the matter will be referred to the attorney general for appropriate action.

(9) Tapes of the hearing must be made available upon request to the appellant or his attorney or agent for listening within the offices of the commission. Transcripts of the hearing must be prepared by the commission staff upon request, with costs to be borne by the appellant.

(h) In considering the request for a ruling on the claimed exemption, the commission staff may seek an opinion from the attorney general as to whether it may reasonably be said that the state courts have determined that the constitutional right of privacy or legally privileged professional relationships preclude complete compliance with respect to the exemption claimed. If the attorney general finds that state courts have so determined, the staff ruling must be in favor of the person claiming the exemption, unless the facts he adduces fail to show that he falls within the scope of the exemption. If, in the attorney general's opinion, the courts have not determined that there is a bar to complete compliance with respect to the exemption claimed, the staff shall rule adversely.

(i) Until the matter has been finally decided administratively or judicially against him, a person claiming an exemption from disclosure requirements is not considered to be in wilful violation of the law for failure to disclose or file a report with respect to the subject of his claimed exemption, unless he thereafter continues to refuse or fails to disclose or it is judicially determined that his claim of exemption was not made in good faith but rather was made without any reasonable prospect for succeeding.

(j) Nothing in this section precludes the commission or its staff from determining on its own initiative that information disclosed to it is either protected by the constitutional right of privacy or legally privileged, even if neither is claimed. Upon that determination, the information must be placed in a secure, confidential place, and, if it is also determined that there cannot reasonably be a good reason for retaining the information, it must be destroyed. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 39.50.035
AS 39.50.050(b)

2 AAC 50.105. FILING BY A STATE PUBLIC OFFICIAL OR A CANDIDATE FOR STATE ELECTIVE OFFICE. (a) All reports required to be filed under the provisions of AS 39.50 and this chapter must be received by the commission on or before the due date. "Received" means either

(1) hand-carried to the commission's central office or its branch office in the state capital; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) A person hired or appointed as an ombudsman, or hired or appointed within the executive branch as a department head, deputy department head, or division head, or as an assistant to the governor, must file a conflict-of-interest statement

(1) within 30 days of the first day of work for which compensation is received by the official; and

(2) no later than April 15 in each following year.

(c) A person hired or appointed as a commission chairman, or member of a state commission or board specified in AS 39.50.200(9) must file a conflict-of-interest statement

(1) within 30 days of the date the board member signs his oath of office; and

(2) no later than April 15 in each following year.

(d) A judicial officer must file a conflict-of-interest statement

(1) within 30 days of the date the judicial officer is sworn into office; and

(2) no later than April 15 in each following year.

(e) A legislator, the governor, and the lieutenant governor must file a conflict-of-interest statement no later than April 15 of each year.

(f) An incumbent state public official who campaigns for state public office need not file a conflict-of-interest statement at the time of filing a declaration of candidacy, or within 30 days of filing a petition or within 30 days of becoming a candidate by any other means, so long as a statement covering the year preceding the year in which he declares for office with the lieutenant governor is currently on file with the commission. Incumbent state public officials filing for elective municipal office must file a separate statement with the clerk of the municipality in which they seek public office. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 39.50.020
AS 39.50.050(b)
AS 39.50.200(1),(2), and (10)

2 AAC 50.110. CIVIL PENALTY ASSESSMENTS FOR LATE FILING OF A REPORT BY A STATE PUBLIC OFFICIAL. (a) The conflict-of-interest statement of a state public official is delinquent if not received by the commission on or before the due date.

(b) The statement continues to be delinquent and subject to a civil penalty until received by the commission, or until the state public official resigns or is removed from office for refusal or failure to file. Resignation or removal from office, however, does not relieve the official from the requirement that he file the conflict-of-interest statement.

(c) Commission staff will send notice to the state public official that he is delinquent, and

subject to a civil penalty, within five days of the due date of the report.

(d) Upon receipt of a delinquent conflict-of-interest statement, commission staff will

(1) determine the appropriate civil penalty, as follows:

(A) $1 a day through the first seven days of delinquency;

(B) $5 a day from the eighth day through the 21st day of the delinquency; and

(C) $10 a day from the 22nd day through the date the delinquent conflict-of-interest statement is filed, or until the state public official resigns or is removed from office for refusal or failure to file, whichever occurs sooner;

(2) within five days of receipt of a delinquent statement, send a notice of the civil penalty assessed against the state public official, and include

(A) a statement of the amount of his assessment; and

(B) an affidavit appeal form.

(e) The state public official subject to a civil penalty may

(1) submit, within 30 days of receipt of the assessment notice described in (d)(2) of this section, an affidavit stating reasons for his late filing to show why a civil penalty should not be assessed against him; an affidavit

(A) is a statement in writing made under oath and upon penalty of perjury; and

(B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster, or any other person authorized to administer oaths or, if none of the preceding alternatives is available, may be signed by the official without benefit of the oath so long as the official states, in writing, that the affidavit is signed under penalty for perjury; or

(2) pay, within 30 days of receipt of the assessment notice described in (d)(2) of this section, the civil penalty assessed against him.

(f) If a state public official subject to a civil penalty assessment for the late filing of a conflict-of-interest report refuses, or fails, within the time required, to submit an affidavit or make payment, then commission staff will refer the matter to the Office of the Attorney General for appropriate action. The commission will not hear an appeal if an affidavit is not filed within the time required.

(g) An affidavit timely filed with the commission will be considered at the next regular meeting of the commission. If a state public official's appeal is

(1) denied by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the civil penalty originally assessed against him within 30 days of the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify him of its decision within 15 days, informing him that the civil penalty assessment has been waived and that the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the reduced civil penalty assessment within 30 days of the date of the letter containing notification of the commission's decision.

(h) A state public official may appeal the Commission's decision to deny or partially accept his reasons for lateness to the superior court within 30 days of his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10) AS 39.50.050(b)
AS 39.50.020 AS 39.50.135

2 AAC 50.115. PROCEDURES FOLLOWED UPON A REFUSAL OR FAILURE BY THE OMBUDSMAN, OR A HIRED OR APPOINTED OFFICIAL IN THE EXECUTIVE BRANCH, OR A BOARD MEMBER, TO FILE THE CONFLICT-OF-INTEREST STATEMENT WHEN DUE. (a) If the initial statement is not filed within the 30-day time period required by 2 AAC 50.105(b)(1) or (c)(1), the commission will simultaneously

(1) notify the official by certified mail, return receipt requested, that the applicable due date has passed, that his initial conflict-of-interest statement is delinquent, and that he is now subject to criminal penalties;

(2) inform the Department of Administration that the official has not filed his initial statement, and request that all salary, per diem, travel expenses, and any other emoluments be forfeited until notified by the commission of the official's compliance; and

(3) inform the Office of the Attorney General that the official has not filed his initial statement.

(b) If the annual statement is not filed by April 15, pursuant to 2 AAC 50.105(b)(2) and (c)(2), the commission will

(1) not later than the eighth day of delinquency, notify the public official by certified mail, return receipt requested, that his or her statement has not been received, that he or she is now subject to civil penalties and that failure to file by the 30th day of delinquency will subject the official to removal from office and criminal penalties;

(2) on the 22nd day of delinquency, notify the public official by telegram that failure to file by the 30th day of delinquency will result in a request that the governor remove the official from office and a request that misdemeanor proceedings be initiated by the attorney general.

(c) If the annual statement is not filed by the 30th day of delinquency, on the 31st day of delinquency, commission staff will notify the commission, and under commission direction will

(1) inform the governor of the public official's failure to file his or her conflict-of-interest statement and request that the governor remove the official from office; and

(2) inform the attorney general that the public official has not complied, that the governor has been notified and is being requested to remove the public official from office, and request that the attorney general initiate misdemeanor proceedings. (Eff. 9/9/78, Reg. 67; am 10/18/81, Reg. 80)

Authority: AS 15.13.030(10)
AS 39.50.020
AS 39.50.050(b)
AS 39.50.060
AS 39.50.070
AS 39.50.200(1),(9) and (10)

2 AAC 50.120. PROCEDURES FOLLOWED UPON A REFUSAL OR FAILURE BY A JUDICIAL OFFICER TO FILE THE CONFLICT-OF-INTEREST STATEMENT WHEN DUE. (a) If the initial statement is not filed within 30 days of being sworn in, as required by 2 AAC 50.105(d)(1), the commission will simultaneously

(1) notify the judicial officer by certified mail, return receipt requested, that the applicable due date has passed, that his initial conflict-of-interest statement is delinquent, and that he is now subject to criminal penalties;

(2) inform the administrator of courts that the judicial officer has not filed his initial statement, and request that all salary, per diem, travel expenses, and any other emoluments be forfeited until notified by the commission of the officer's compliance; and

(3) inform the Office of the Attorney General that the judicial officer has not filed his initial statement.

(b) If the annual statement is not filed by April 15, pursuant to 2 AAC 50.105(d)(2), the commission will

(1) on or before the eighth day of delinquency, notify the judicial official by certified mail, return receipt requested, that his or her statement has not been received, that he or she is now subject to civil penalties and that failure

to file by the 30th day of delinquency will subject the official to loss of pay, removal from office and criminal penalties;

(2) on the 22nd day of delinquency, notify the judicial official by telegram that failure to file by the 30th day of delinquency will result in a loss of pay, a request that the official be removed from office, and a request that misdemeanor proceedings be initiated by the attorney general.

(c) If the annual statement is not filed by the 30th day of delinquency, on the 31st day of delinquency, staff will notify the commission, and under commission direction will

(1) inform the administrator of courts that the judicial officer has failed to file his or her conflict-of-interest statement and that he or she is now subject to loss of pay and recommend the administrator take the appropriate action;

(2) inform the Commission on Judicial Qualifications and the senate of the judicial officer's failure to file his or her statement, that he or she is now subject to removal from office, and request that the appropriate action be taken; and

(3) inform the attorney general that the judicial officer has not complied, that the Commission on Judicial Qualifications, the senate, and the administrator of courts have been notified and are being asked to take appropriate action, and request that the attorney general initiate misdemeanor proceedings. (Eff. 9/9/78, Reg. 67; am 10/18/81, Reg. 80)

Authority: AS 15.13.030(10) AS 39.50.060
AS 39.50.020 AS 39.50.110
AS 39.50.050(b) AS 39.50.200(2)

2 AAC 50.125. PROCEDURES FOLLOWED UPON A REFUSAL OR FAILURE BY A STATE ELECTED OFFICIAL TO FILE THE CONFLICT-OF-INTEREST STATEMENT WHEN DUE. Repealed 10/18/81.

2 AAC 50.126. PROCEDURES FOR FAILURE OR REFUSAL OF AN INCUMBENT STATE ELECTED OFFICIAL TO FILE THE ANNUAL CONFLICT-OF-INTEREST STATEMENT BY THE APRIL 15 DUE DATE. (a) If the annual statement is not filed by April 15, in accordance with AS 39.50.120 or 39.50.130 and 2 AAC 50.105, the commission staff will

(1) on or before the eighth day of delinquency, notify the public official by certified mail, return receipt requested, that his or her statement has not been received and that he or she is now subject to civil penalties and that failure to file by the 30th day of delinquency will subject the official to loss of pay and criminal penalties;

(2) on the 22nd day of delinquency, notify the public official by telegram that failure to file by the 30th day of delinquency will result in loss of pay and a request that misdemeanor proceedings be initiated by the attorney general.

(b) If the annual statement is not filed by the 30th day of delinquency, on the 31st day of delinquency, staff will notify the commission, and under commission direction will

(1) inform the Department of Administration and the Legislative Affairs Agency that the elected official has not filed his or her conflict-of-interest statement and request that salary, per diem, travel expenses, etc., be forfeited until notification by the commission of the official's compliance; and

(2) inform the attorney general that the elected official has not complied and request that misdemeanor proceedings be initiated. (Eff. 10/18/81, Reg. 80)

Authority: AS 15.13.030(10) AS 39.50.120
AS 15.13.020 AS 39.50.130
AS 39.50.050(b) AS 39.50.200(1)
AS 39.50.060

2 AAC 50.130. FILING BY A MUNICIPAL OFFICER. (a) All conflict-of-interest statements required to be filed by a municipal officer under the provisions of AS 39.50 and this chapter must be received by the municipal clerk or other municipal official in his community designated to receive the statements on or before the due date. Filing such a statement with the commission is not considered proper filing. "Received" means either

(1) hand-carried to the clerk or designated municipal official's office; or

(2) postmarked. The date shown by the postmark is presumed to be the date it was deposited in the United States mail.

(b) A borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, and a member of a city or borough planning or zoning commission must file a conflict-of-interest statement

(1) within 30 days of

(A) the first day of work for which compensation is received by the officer; or

(B) the date a municipal board or commission member takes the oath of office; or

(2) no later than April 15 in each year following

(A) his election to municipal office; or

(B) his hiring or appointment to a municipal position described in this section. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)
AS 39.50.020
AS 39.50.050(b)

Editor's Note: Register 74 inadvertently dropped subsection (b) of what is now 2 AAC 50.130. It has been restored as of Register 82.

2 AAC 50.135. CIVIL PENALTY ASSESSMENTS FOR LATE FILING BY MUNICIPAL OFFICERS. (a) The conflict-of-interest statement of a municipal officer is delinquent if not received by the municipal clerk or designated official on or before the due date.

(b) The statement continues to be delinquent and subject to a civil penalty until received by the municipal clerk or designated official.

(c) The municipal clerk or other municipal official designated to receive the filing shall notify the commission

(1) by telegram, of the name and address of any municipal officer who has refused or failed to file his conflict-of-interest statement within five days of the due date; and

(2) by letter, within 10 days of the required annual filing, that all municipal officers not delinquent filed on or before the April 15 due date.

(d) Commission staff will notify the municipal officer that he is delinquent, and subject to a civil penalty, within five days of notification by the municipal clerk or designated official of the municipal officer's delinquency.

(e) The municipal clerk or designated official shall notify the commission, by telegram, of the name and address of any municipal officer who filed a delinquent report, and the date on which the late report was received by the clerk or designated official. Upon notification of the receipt of a delinquent conflict-of-interest statement, commission staff will

(1) determine the appropriate civil penalty, as follows:

(A) $1 a day through four days following the date the delinquency notice is received by the municipal officer; and

(B) $5 a day from the fifth day following receipt of the delinquency notice through the date the delinquent report is filed;

(2) within five days of notification by the municipal clerk or designated official of receipt of a delinquent statement, send a notice of the civil penalty assessed against the municipal officer, and include

(A) a statement of the amount of his assessment; and

(B) an affidavit appeal form.

(f) The municipal officer subject to a civil penalty may

(1) submit, within 30 days of receipt of the assessment notice described in (e)(2) of this section, an affidavit stating reasons for his late filing to show why a civil penalty should not be assessed against him; an affidavit

(A) is a statement in writing made under oath and upon penalty of perjury; and

(B) must be sworn to before a notary public, municipal clerk, court clerk, postmaster, or any other person authorized to administer oaths or, if none of the preceding alternatives is available, may be signed by the officer without benefit of the oath so long as the officer states, in writing, that the affidavit is signed under penalty for perjury; or

(2) pay, within 30 days of receipt of the assessment notice described in (e)(2) of this section, the civil penalty assessed against him.

(g) If a municipal officer subject to a civil penalty assessment for the late filing of a conflict-of-interest report refuses or fails, within the time required, to submit an affidavit or to make payment, then the commission staff will refer the matter to the Office of the Attorney General for appropriate action. The commission will not hear an appeal if an affidavit is not filed within the time required.

(h) An affidavit timely filed with the commission will be considered at the next regular meeting of the commission. If a municipal officer's appeal is .

(1) denied by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the civil penalty originally assessed against him within 30 days of the date of the letter containing notification of the commission's decision; or

(2) accepted by the commission, commission staff will notify him of its decision within 15 days, informing him that the civil penalty assessment has been waived and the matter is considered closed; or

(3) accepted, in part, by the commission, commission staff will notify him of its decision within 15 days, and require that he pay the reduced civil penalty assessment within 30 days of the date of the letter containing notification of the commission's decision.

(i) A municipal officer may appeal the commission's decision to deny or partially accept his reasons for lateness to the superior court within 30 days of his receipt of the notice under Rule 45 of the Appellate Rules of the Alaska Court System. If no appeal is made within 30 days and no payment is made, the matter will be referred to the attorney general for appropriate action. (Eff. 9/9/78, Reg. 67; am 5/14/80, Reg. 74).

Authority: AS 15.13.030(10) AS 39.50.050(b)
AS 39.50.020 AS 39.50.135

2 AAC 50.140. PROCEDURES FOLLOWED UPON A REFUSAL OR FAILURE BY A MUNICIPAL OFFICER TO FILE THE CONFLICT-OF-INTEREST STATEMENT WHEN DUE. (a) If the statement is not filed by the applicable due dates described in 2 AAC 50.130(b), the commission will simultaneously

(1) notify the municipal officer by certified mail, return receipt requested, that the applicable due date has passed, that his conflict-of-interest statement is delinquent, and that he is now subject to criminal penalties;

(2) inform the applicable municipal clerk that the municipal officer has been notified of his delinquency by certified mail, and the officer is now subject to criminal penalties for late filing; and

(3) inform the Office of the Attorney General that the municipal officer has not filed his statement.

(b) If the statement is not filed within 30 days of the applicable due dates described in 2 AAC 50.130(b), the commission will simultaneously

(1) notify the municipal officer that the commission is notifying the Office of the Attorney General of his noncompliance and requesting that the attorney general take appropriate action;

(2) inform the applicable municipal clerk that the municipal officer has been notified of his failure, and that the attorney general is being notified; and

(3) inform the Office of the Attorney General that the municipal officer has not filed his statement, and request that appropriate proceedings be initiated by that office. (Eff. 9/9/78, Reg. 67)

Authority: AS 15.13.030(10) AS 39.50.060
AS 39.50.020 AS 39.50.200(6)
AS 39.50.050(b)

2 AAC 50.200. DEFINITIONS. In 2 AAC 50.010 – 2 AAC 50.200

(1) "board member" means a member of a state commission or board specified in AS 39.50.200(9);

(2) "judicial officer," as defined in AS 39.50.200(2), does not include a person appointed as an acting magistrate. (Eff. 9/9/78, Reg. 67)

Authority: AS 15.13.030(10)
AS 39.50.050(b)
AS 39.50.200(2) and (9)

## ARTICLE 2.
## CAMPAIGN DISCLOSURE

Section
310. Filing
315. Contribution limitation exemption
320. General recordkeeping requirements for candidates and groups
321. Reporting contributions and expenditures
322. (Repealed)