

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

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HB 137

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LIMITATIONS ON CONTRIBUTIONS BY ORGANIZATIONS—Continued

<i>State or other jurisdiction</i>	<i>Corporate</i>	<i>Labor union</i>	<i>Separate segregated fund—political action committee (PAC)</i>	<i>Regulated industry</i>	<i>Political party</i>
South Carolina	Unlimited.	Unlimited.	Unlimited.	.....	Unlimited.
South Dakota	Prohibited.	Prohibited if union is a corporation; otherwise, unlimited.	Unlimited.	Prohibited.	Unlimited.
Tennessee	Prohibited.	Unlimited.	Unlimited.	Prohibited.	Unlimited.
Texas(a)	Prohibited.	Prohibited.	Unlimited.	Prohibited.	Unlimited.
Utah	Unlimited.	Unlimited.	Unlimited.	Unlimited.	Unlimited.
Vermont(a)	Limited to \$1,000 per candidate or committee, per election.	Same as corporate.	Limited to \$5,000 per candidate or committee per election.	Same as corporate.	Same as corporate.
Virginia	Unlimited.	Unlimited.	Unlimited.	.....	Unlimited.
Washington(a)	Unlimited, except aggregate contributions of more than \$5,000 may not be made to a candidate or political committee within 21 days of a general election.	Same as corporate.	Same as corporate.	Same as corporate.	Same as corporate.
West Virginia(a)	Prohibited.	Limited to \$1,000 per candidate, per election.	Same as labor union.	Prohibited.	Same as labor union.
Wisconsin(a)	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.
Dist. of Col.(a)	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 1986*. (Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1986).

Note: Consult state statutes for more details.

Key:

—No reference to contribution in the law.
 (a) Restriction on cash contributions. In Alaska, Arkansas, Florida, Kentucky, Maryland, Missouri, New York, North Carolina, Ohio, and Texas (no limit for general purpose committee): must be \$100 or less. In California and Colorado: must be less than \$100. In Connecticut,

Delaware, Massachusetts, Nebraska, Vermont, Washington, West Virginia, and Wisconsin: must be \$50 or less. In Hawaii: cash contribution of more than \$100 requires a receipt to the donor and a record of the transaction. In Louisiana: cash contributions of more than \$300 must be by written instrument; all cash contributions by corporations, labor organizations, and associations must be by check. In New Jersey: cash contributions are prohibited unless in response to public solicitation, or a written contributor statement is filed (cumulative maximum of \$100). In Pennsylvania: must be \$100 or less per candidate. In District of Columbia: must be less than \$50.

Table 5.6
CAMPAIGN FINANCE LAWS: LIMITATIONS ON CONTRIBUTIONS
BY INDIVIDUALS
(As of January 1986)

<i>State or other jurisdiction</i>	<i>Individual</i>	<i>Candidate</i>	<i>Candidate's family member</i>	<i>Government employees</i>	<i>Anonymous or in name of another</i>
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(a).....	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(a).....	Unlimited.	Unlimited.	Unlimited.	...	Contribution in the name of another prohibited.
Connecticut(a).....	Limited to an aggregate of \$15,000 per election and \$2,000 for governor; \$1,500 for other statewide office; \$1,000 for sheriff; \$500 for state senator or probate judge; \$250 for state representative, town, city or borough office; \$5,000 per year to state party.	Unlimited.	Unlimited.	May not be required. State department heads and deputy department heads may not solicit.	Anonymous contribution must be less than \$15. Contribution in the name of another prohibited.
Delaware(a).....	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.

LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS—Continued

<i>State or other jurisdiction</i>	<i>Individual</i>	<i>Candidate</i>	<i>Candidate's family member</i>	<i>Government employees</i>	<i>Anonymous or in name of another</i>
Georgia.....	Unlimited.	Unlimited.	Unlimited.	State employee may not coerce another state employee into contributing.	Anonymous contribution prohibited.
Hawaii(a).....	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. Contribution to other employees is prohibited.	Prohibited.
Idaho.....	Unlimited.	Unlimited.	Unlimited.	Contributions permitted. State employee may not coerce another state employee into contributing.	Anonymous contribution must be \$50 or less. Contribution in the name of another prohibited.
Illinois.....	Unlimited.	Unlimited.	Unlimited.	Generally prohibited.	Prohibited.
Indiana.....	Unlimited.	Unlimited.	Unlimited.	Contribution may not be required. Employees may not solicit or receive contributions.	Contribution in the name of another prohibited.
Iowa.....	Unlimited.	Unlimited.	Unlimited.	.....	Prohibited.
Kansas.....	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.
Kentucky(a).....	Limited to \$3,000 per candidate per election.	Unlimited.	Same as individual.	Contribution may not be required. Contribution may be prohibited, depending on who is recipient.	Anonymous contribution must be \$50 or less. Contribution in the name of another prohibited.
Louisiana(a).....	Unlimited.	Unlimited.	Unlimited.	Contribution may not be solicited.	Anonymous contribution generally prohibited if more than \$25. Contribution in the name of another prohibited.
Maine.....	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 into contributing.	Contribution in the name of another prohibited.
Maryland(a).....	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.
Massachusetts(a).....	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.
Michigan(a).....	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.

LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS—Continued

<i>State or other jurisdiction</i>	<i>Individual</i>	<i>Candidate</i>	<i>Candidate's family member</i>	<i>Government employees</i>	<i>Anonymous or in name of another</i>
Minnesota	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).	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.
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(a)	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/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.	Contributions by municipal employees in city with municipal commission form of government prohibited. Solicitation by municipal government employees prohibited.	Prohibited.
Nebraska(a)	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 solicited or required from classified state employees.	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).	Prohibited to demand from other public employees.	Prohibited.

LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS—Continued

<i>State or other jurisdiction</i>	<i>Individual</i>	<i>Candidate</i>	<i>Candidate's family member</i>	<i>Government employees</i>	<i>Anonymous or in name of another</i>
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 a maximum aggregate per office. Statewide: \$0.025 x voters (voters in party in primaries). Senate or assembly: \$0.05 x voters in district (voters in party in primaries) with \$2,500 min./\$50,000 max. for assembly member, and \$4,000 min./\$50,000 max. for senator.	Unlimited.	Spouse is unlimited. Other family member contributions are aggregated and subject to a maximum aggregate per office. Statewide: \$0.025 x voters (voters in party in primaries). Senate or assembly: \$0.25 x voters in district (voters in party in primaries) with \$20,000 min./\$100,000 max. for senator; \$12,500 min./\$100,000 max. for assembly member.	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 into contributing.	Prohibited.
North Carolina(a)...	Limited to \$4,000 per committee or candidate, per election.	Unlimited.	Unlimited.	State employee may not coerce another state employee into contributing.	Prohibited.
North Dakota	Unlimited.	Unlimited.	Unlimited.	...	Prohibited.
Ohio(a).....	Unlimited.	Unlimited.	Unlimited.	Classified service employees may not solicit or be solicited. Judge may not contribute to a political party in the year of candidacy. Court employees may not be solicited for a judicial candidate.	Anonymous contribution generally prohibited. Contribution in the name of another prohibited.
Oklahoma	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.	Prohibited.
Oregon	Unlimited.	Unlimited.	Unlimited.	Contribution may not be required. Solicitation prohibited during hours of employment.	Prohibited.
Pennsylvania(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 classified 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.	...	...

LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS—Continued

<i>State or other jurisdiction</i>	<i>Individual</i>	<i>Candidate</i>	<i>Candidate's family member</i>	<i>Government employees</i>	<i>Anonymous or in name of another</i>
Tennessee	Unlimited.	Unlimited.	Unlimited.	Superiors may not solicit their employees. Certain government contractors may not be solicited.	...
Texas	Unlimited.	Unlimited.	Unlimited.	...	Contribution in the name of another prohibited unless there is disclosure.
Utah	Unlimited.	Unlimited.	Unlimited.	Solicitation prohibited during hours of employment.	...
Vermont(a)	Limited to \$1,000 per candidate or committee, per election.	Unlimited.	Unlimited.	Solicitation by employees prohibited.	...
Virginia	Unlimited.	Unlimited.	Unlimited.	...	...
Washington	Unlimited, except aggregate contributions of more than \$5,000 may not be made to a candidate or political committee within 21 days of a general election.	Same as individual.	Unlimited.	...	Prohibited.
West Virginia(a)	Limited to \$1,000 per candidate, per election.	Same as individual.	Same as individual.	Contribution may not be solicited.	Anonymous contribution prohibited. Contributor disclosure required for contribution in the 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, unless candidate receives a grant from the election campaign fund, then limited to 200% of individual limit.	Unlimited as to funds or property owned jointly or as marital property by candidate and spouse.	Contribution and solicitation prohibited during hours of employment, or while engaged in official duties.	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.	...	...

LIMITATIONS ON CONTRIBUTIONS BY INDIVIDUALS—Continued

State or other jurisdiction	Individual	Candidate	Candidate's family member	Government employees	Anonymous or in name of another
Dist. of Col.(a)	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 1986*. (Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1986).

Note: Consult state statutes for more details.

Key:

—No reference to contribution in the law.

(a) Restriction on cash contributions. In Alaska, Arkansas, Florida, Kentucky, Maryland, New York, North Carolina, and Ohio: must be \$100

or less. In California and Colorado: must be less than \$100. In Connecticut, Delaware, Massachusetts, Nebraska, Vermont, West Virginia: must be \$50 or less. In Hawaii and Missouri: cash contribution of more than \$100 requires a receipt to the donor and a record of the transaction. In Louisiana: cash contributions of more than \$300 must be by written instrument. In Michigan: must be \$20 or less. In Pennsylvania: must be \$100 or less per candidate. In District of Columbia: must be less than \$50.

Table 5.7
CAMPAIGN FINANCE LAWS: LIMITATIONS ON EXPENDITURES
(As of January 1986)

<i>State or other jurisdiction</i>	<i>Who may make expenditures</i>	<i>Total expenditures allowed</i>	<i>Expenditures prior to first filing</i>	<i>For certain purposes</i>	<i>Use of surplus funds(a)</i>
Alabama.....	Committee named and designated by candidate.	....	....	Candidate's travel, filing fees, stenographic work, clerks for mailings, communications and stationery, voter lists, office rent, broadcast, advertising, campaign literature, compensation to those distributing literature, rent for rally halls, bands.	....
Alaska(b).....	Candidate, treasurer, deputy treasurer.	Gov./lt. gov.: \$ 40 x total population (with no more than 50% spent in any one primary or general election); senate/house: \$1 x district population divided by number of seats in district.	None permitted, except for personal travel expenses and public opinion surveys/polls.	....	May be given to charity, used to repay contributors, spent on a future campaign, used to repay candidate or used as income, contributed to another committee, or transferred to office allowance fund.
Arizona.....	....	....	None permitted until registration form is properly filed.	....	....
Arkansas(b).....	....	....	....	....	....
California(b).....	Must have authorization of treasurer or treasurer's designated agents.	....	....	....	....
Colorado(b).....	....	....	....	Must be reasonably related to election, voter registration, or political education.	May be contributed to a non-profit or charitable organization or to the state or political subdivision, but not to candidate or party.
Connecticut(b).....	....	....	None permitted until treasurer and campaign depository have been properly designated.	Polls, meeting halls and rally expenses, printing and advertising, professional services fee, travel, staff salaries, rent, supplies, voter transportation, communications, expenses incurred in circulating nominating petitions, and other necessary expenses.	May be donated to another committee(c) or distributed on a pro rata basis to contributors or used for transition expenses. Ballot question committees may distribute surplus to government agencies or tax exempt organizations.
Delaware.....	Those with candidate's written approval.	Primary: statewide candidates: \$ 25 x qualified voters; senate: greater of \$ 25 x qualified voters or \$4,000; house: greater of \$ 25 x qualified voters or \$2,000. General election: all figures doubled.	None permitted until registration form is properly filed.	Staff salaries, travel expenses, filing fees, communications and printing, food, office supplies, voter lists and canvasses, poll watchers, rent, advertising, rallies, state licensed counsel.	May be contributed to tax-exempt charitable or political organization with candidate's authorization.

LIMITATIONS ON EXPENDITURES—Continued

State or other jurisdiction	Who may make expenditures	Total expenditures allowed	Expenditures prior to first filing	For certain purposes	Use of surplus funds(a)
Florida(b)	***	***	***	Expenditures only to influence results of election.	May be used to reimburse a candidate for his contributions; transferred to a public office account in amount up to \$10,000 for statewide candidate, \$5,000 for multi-county candidate, and \$2,500 x number of years in term of office for which legislative candidate is elected; returned pro rata to contributors; donated to a non-profit or charitable organization; or given to state or political subdivision.
Georgia	***	***	***	***	***
Hawaii	Campaign treasurer and deputy treasurer.	Voluntary election year limits: gov.: \$1.25 x qualified voters; lt. gov.: \$.70 x qualified voters; mayor: \$1 x qualified voters; house/senate/council/prosecutor: \$.70 x qualified voters; others: \$.10 x qualified voters.	***	Donations to community, youth, social, or recreational organizations; reports, surveys, or polls.	May be used for fundraising; candidate-sponsored political-related activity; ordinary and necessary officeholder expenses; or donated to any community service, scientific, educational, youth, recreational, charitable, or literary organization.
Idaho(b)	***	***	***	***	***
Illinois	***	***	***	***	Must be returned to contributors or transferred to other political or charitable organizations.
Indiana	Treasurer.	***	***	***	May be transferred to one or more political party committees or to the state election board.(d)
Iowa	***	***	***	Only for legitimate campaign purposes in general elections, including salaries, rent, advertising, supplies, travel, campaign paraphernalia, contributions to other candidates, and the like.	(e)
Kansas	***	***	***	***	***
Kentucky	Treasurer must make or authorize all expenditures on behalf of candidate.	***	***	***	May be returned pro rata to all contributors, transferred to candidate's party committee, or retained for election to the same office.

LIMITATIONS ON EXPENDITURES—Continued

State or other jurisdiction	Who may make expenditures	Total expenditures allowed	Expenditures prior to first filing	For certain purposes	Use of surplus funds(a)
Louisiana(b).....			None aggregating in excess of \$500 until statement of organization is properly filed.		
Maine.....	Candidate, treasurer.	Political action committee limited to \$5,000 per candidate or political committee in any election.			
Maryland(b).....	Public funds may only be spent upon authority of candidate or treasurer; other expenditures must be made by or through treasurer.	Publicly-financed candidates limited per primary or general elections: gov./lt. gov./senate: \$.10 x qualified voters; atty. gen./compr.: \$.025 x qualified voters; house: \$.05 x qualified voters; state's atty.: greater of \$2,500 or \$.025 x qualified voters; other: greater of \$1,000 or \$.01 x qualified voters.(f)	None permitted until registration form is properly filed.	Public contributions may only be used to further candidate's nomination or election, for legal purposes, and for expenses not incurred later than 30 days after election.	Surplus public contributions must be paid not later than 60 days after the election for which the funds were granted. Other funds must be returned on a pro rata basis to contributors, paid to a party central committee, or donated to a local board of education, recognized non-profit educational organization, or charitable organization.
Massachusetts(h).....				Candidates: limited to reasonable and necessary expenses directly related to candidate's campaign. Other committees: for enhancement of political future of candidate or principle.	Pro rata portion of public funds revert to state. Other funds must be donated to local aid fund.
Michigan(b).....	Expenditure may only be made with authorization of treasurer or treasurer's designee.	Publicly-financed candidates limited to \$1 million per election.(g)		Public funds may be spent only on services, facilities, materials, or other things of value to further candidate's election during election year.	Surplus public funds must be promptly repaid and may not be used in subsequent election. Other funds may be transferred to another committee, party, tax-exempt charitable institution or returned to contributors.
Minnesota(b).....	Authorized by treasurer or deputy treasurer of committee or fund.	Publicly financed candidates limited in election year to greater of following amounts Gov./lt. gov.: \$.125 per capita or \$600,000; atty. gen.: \$.025 per capita or \$100,000; secy of state, treas., and: \$.0125 per capita or \$50,000; senate: \$.20 per capita or \$15,000; house: \$.20 per capita or \$7,500. In non election year, to 20% of applicable limit.		Salaries, wages, fees, communications, mailing, transportation and travel, advertising and printing, office space and furnishings, supplies, and other expenses reasonably related to election.	

LIMITATIONS ON EXPENDITURES—Continued

<i>State or other jurisdiction</i>	<i>Who may make expenditures</i>	<i>Total expenditures allowed</i>	<i>Expenditures prior to first filing</i>	<i>For certain purposes</i>	<i>Use of surplus funds(a)</i>
Mississippi					
Missouri(b)	Expenditures must be made by or through treasurer; when treasurer's office is vacant candidate serves as treasurer.				
Montana(b)	Campaign treasurers, authorized deputy campaign treasurers of candidates and political committees.				
Nebraska(b)	Treasurers or treasurer's designees; however candidates and agents also permitted to make expenditures.		None may be made by committee until it files statement of organization and has treasurer.	Committee (other than political party committee) may use funds for goods, materials, services, or facilities to assist or oppose candidate or ballot question (h)	
Nevada					
New Hampshire	Candidate or fiscal agent, treasurer of political committee.		None may be made by non-party political committee until registration statement is filed and (if organized to support a candidate) written consent of candidate or financial agent has been secured and filed.		
New Jersey	Treasurer or deputy treasurer of candidate, political party committee, political committee, and continuing political committees.	Max. amount for gov. in primary: \$.35 x number of voters in preceding presidential election; in general election: \$.70 x number of voters in preceding presidential election.			
New Mexico	Treasurer of candidate or political committee.		None permitted until treasurer appointed.		
New York(b)	Treasurer of candidate or political committee.		None may be made by a political committee until designation of treasurer and depository have been filed.	Any lawful purpose	Surplus campaign funds may be used for any lawful purpose, including transfer to political party committee, return to donor, or held for use in subsequent campaign.
North Carolina(b)	Treasurer or asst. treasurer of candidate or political committee (i)		None permitted until treasurer appointed and certified (i)		
North Dakota					

LIMITATIONS ON EXPENDITURES—Continued

<i>State or other jurisdiction</i>	<i>Who may make expenditures</i>	<i>Total expenditures allowed</i>	<i>Expenditures prior to first filing</i>	<i>For certain purposes</i>	<i>Use of surplus funds(a)</i>
Ohio	Campaign treasurer, authorized deputy campaign treasurers for a campaign committee.	....	None may be made by candidate's campaign committee until candidate designates treasurer.	....	....
Oklahoma	Agents and sub-agents in the case of candidates and political parties.	....	....	Only to defray campaign expenditures or ordinary and necessary expenses incurred in connection with duties of public officeholder.	....
Oregon(b) .....	....	....	....	....	....
Pennsylvania .....	....	....	....	No expenditures except as provided by law.	....
Rhode Island	Campaign treasurers, deputy campaign treasurers.	....	....	....	....
South Carolina .....	....	....	....	....	....
South Dakota .....	....	....	....	Necessary expenditure of money for ordinary or usual expense of conducting political campaign unless expressly forbidden.	....
Tennessee	Political treasurer of candidate and political campaign committee.	....	None permitted until candidate and political committee certify name and address of treasurer.	Clerical/office force, dissemination of literature, public speakers, newspaper announcement of candidacy and transportation of voters unable to go to polls.	....
Texas	Candidate and campaign treasurer or asst. campaign treasurer, and campaign treasurer or asst. campaign treasurer of political committee.	Independent expenditures by individuals limited to \$1000(j), unless contribution is made or individual reports as a political committee.	None permitted until name of campaign treasurer has been filed.	....	....
Utah	Candidate and secretary and members of personal campaign committee in case of candidate.	....	None permitted until state office candidate files statement of appointment of personal campaign committee.	Any expenditures may be made, except those prohibited by law.	....
Vermont(b)	Designated treasurer.	....	....	....	May be used by candidate to reduce personal campaign debts.
Virginia(b) .....	....	....	(k)	....	After filing of final report, surplus funds may be used for next election.

LIMITATIONS ON EXPENDITURES—Continued

State or other jurisdiction	Who may make expenditures	Total expendi- tures allowed	Expenditures prior to first filing	For certain purposes	Use of surplus funds(a)
Washington(b).....	Campaign treasurer or candidate or person on authority of campaign treasurer or candidate.	.....	.....	.....	.....
West Virginia	Candidates, financial agents, political party committee treasurers.	.....	None may be made by political party committee until treasurer appointed.	.....	.....
Wisconsin(b)	Treasurer of candidate, political committee, political group, or individual.	State office candidates who receive election campaign fund grant may not spend more for campaign than amount specified in authorized disbursement schedule.	None permitted until registration statement is filed.	For any lawful purpose.	.....
Wyoming .....	.....	.....	.....	.....	.....
Dist. of Columbia(b)	Chairman, treasurer, or designated agents.	.....	.....	.....	May be contributed to a political party for political purposes; returned to donors; transferred to a scientific, technical, or literacy or educational organization; or used for constituent services with certain limitations.

Source: James A. Palmer and Edward D. Feigenbaum, *Campaign Finance Law 1986*. (Washington, D. C.: National Clearinghouse on Election Administration, Federal Election Commission, 1986).

Note: Consult state statutes for more details.

Key:

.....—No reference in the law.

(a) Post election.

(b) Restrictions on cash expenditures. In Alaska, California, Colorado, Connecticut, Louisiana, and New York: may not exceed \$100. In Arkansas, Massachusetts, Michigan, Nebraska, Oregon, Washington, and the District of Columbia: may not exceed \$50. In Florida: must be less than \$30. In Idaho and Maryland: must be less than \$25. In Minnesota: petty cash expenditures limited to \$100 per week for statewide elections and \$20 per week for legislative elections. In Missouri: single cash expenditures from petty cash fund may not exceed \$50; aggregate calendar year expenditures may not exceed the lesser of \$5,000 or 10 percent of the committee's total calendar year expenditures. In Montana: petty cash fund may be established to pay for office supplies, transportation expenses and other necessities of less than \$10. In North Carolina: cash expenditures permitted for non-media expenses of \$50 or less. In Vermont: expenditures by a candidate who has made expenditures or received contributions of \$500 or more and by a political committee must be paid by the treasurer by check from a single checking account. In Virginia: petty cash expenditures of less than \$25 are permitted; otherwise, only by check.

In Wisconsin: cash expenditures are prohibited.

(c) Except one established to further the candidate's future campaigns.

(d) Unless otherwise provided by the committee in its statement of organization.

(e) Public funds may not be used to lease or purchase any item whose benefits extend beyond the time within which the funds must be spent.

(f) In general election, parties are limited to expenditures for greater of \$250 or \$.002, per qualified voter in addition to the candidate limits.

(g) Except up to \$200,000 more can be spent to solicit contributions, and additional expenditures are authorized in response to editorials, endorsements, and the like.

(h) After an election, a committee may expend or transfer funds for: continued operation of campaign offices; social events for workers and volunteers; obtaining public input and opinion; repayment of campaign loans; newsletters and other political communications; gifts of acknowledgement; and candidate-related meals, lodging, and travel by officeholder and family.

(i) Except for independent expenditures.

(j) Plus donated services and personal traveling expenses.

(k) Candidate must appoint one campaign treasurer no later than upon acceptance of a contribution, expenditure of funds, or qualification as a candidate, whichever occurs first.

A M E N D M E N T

SA

Offered in the HOUSE

By Brown

TO: HB 137

Page 1, line 6:

Delete "elections"

Insert "the duration and financing of election campaigns"

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: HB 137

Page 1, lines 15 - 29:

Delete all material and insert:

"Sec. 15.13.041. PROHIBITED CONTRIBUTIONS. (a) A person may not make a contribution to a candidate for the office of governor or lieutenant governor and a candidate for either office may not accept a contribution on and after the day of a general or special election through the day after the general election that occurs two years later.

(b) A person may not make a contribution to a nonstatewide candidate and the nonstatewide candidate may not accept a contribution on and after the day of the general election through June 1 preceding the election for which the candidate files a declaration of candidacy or nominating petition.

(c) A person may not make a contribution to a municipal candidate and the candidate may not accept a contribution on and after the day of the municipal election through the date that is 150 days before the date of a municipal election at which the candidate will seek election."

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: HB 137

Page 2, line 10:

Delete "limitation"

Insert "limitations [LIMITATION]"

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: HB 137

Page 2, line 12, after "15.13.110.":

Insert "A candidate in an election for statewide office who withdraws from the campaign for statewide office and refiles as a candidate for nonstatewide office at the same election shall refund to the contributor the amount of each contribution accepted in excess of \$500."

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: HB 137

Page 2, after line 22:

Insert a new bill section to read

"* Sec. 4. AS 15.13.125 is amended to read:

Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED REPORTS]. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A candidate who accepts a contribution in violation of AS 15.13.041 is subject to a civil penalty of not more than five times the amount of the contribution accepted. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports required by this chapter."

Renumber remaining bill sections accordingly.



A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CSHB 137 (State Affairs)

Page 2, line 17, after "subject to the":

Insert "limitations prescribed in (i) of this section and to the"

Page 3, after line 3:

Insert a new bill section to read:

** Sec. 4. AS 15.13.070 is amended by adding a new subsection to read:

(i) A candidate for statewide office may not accept more than \$40,000 cumulatively for each general election for that candidate from political parties and their subdivisions. A candidate for the state senate may not accept more than \$20,000 cumulatively for each general election for that candidate from political parties and their subdivisions. A candidate for the state house of representatives may not accept more than \$10,000 cumulatively for each general election for that candidate from political parties and their subdivisions. A candidate for municipal office may not accept more than \$10,000 cumulatively for each municipal election for that candidate from political parties and their subdivisions."

Renumber remaining bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CSHB 137(SA)

Page 4, after line 3:

Insert a new bill section to read:

"* Sec. 8. The prohibition in AS 15.13.041, as enacted in sec. 2 of this Act, against a candidate accepting a contribution after the date of the general election through the dates specified in AS 15.13.041 does not apply to contributions accepted by a candidate or elected public official after the effective date of this Act, but before January 1, 1988, that are used to retire campaign debt in existence on January 1, 1987."

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CSHB 137 (State Affairs)

Page 3, after line 3:

Insert a new bill section to read:

"* Sec. 4. AS 15.13.070 is amended by adding a new subsection to read:

(i) A candidate for statewide office may not accept more than \$40,000 cumulatively for each general election for that candidate from corporations, labor unions, and groups. A candidate for the state senate may not accept more than \$20,000 cumulatively for each general election for that candidate from corporations, labor unions, and groups. A candidate for the state house of representatives may not accept more than \$10,000 cumulatively for each general election for that candidate from corporations, labor unions, and groups. A candidate for municipal office may not accept more than \$10,000 cumulatively for each municipal election for that candidate from corporations, labor unions, and groups."

Renumber remaining bill sections accordingly.

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 137 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. The legislature determines that the payment of a political
10 contribution to a successful candidate after a general election raises
11 questions involving a conflict of interest of the elected official. This
12 Act is enacted in an attempt to regulate that conduct and assure that
13 proper standards of conduct are maintained in elections to public office
14 and in the acceptance of contributions by a candidate for public office.

15 * Sec. 2. AS 15.13 is amended by adding a new section to read:

16 Sec. 15.13.041. PROHIBITED CONTRIBUTIONS. (a) A person may not
17 make a contribution to a candidate for the office of governor or
18 lieutenant governor and a candidate for either office may not accept a
19 contribution on and after the day of a general or special election
20 through the day after the general election that occurs two years
21 later.

22 (b) Except as provided in (c) of this section, a person may not
23 make a contribution to a nonstatewide candidate and the nonstatewide
24 candidate may not accept a contribution on and after the day of the
25 general election through June 1 preceding the election for which the
26 candidate files a declaration of candidacy or nominating petition.

27 (c) A person may not make a contribution to a municipal candi-
28 date and the candidate may not accept a contribution on and after the
29 day of the municipal election through the date that is 150 days before

1 the date of a municipal election at which the candidate will seek
2 election.

3 (d) A candidate or a public officer of the state or a municipal-
4 ity of the state is subject to the limitation established in this
5 section only for the office for which the individual most recently
6 filed a declaration of candidacy or a nominating petition.

7 * Sec. 3. AS 15.13.070(a) is amended to read:

8 (a) A person or group, including but not limited to political
9 committees, businesses, corporations, and labor unions, may not con-
10 tribute more than \$1,000 a year to a candidate for statewide elective
11 office. A [NO] person or group, including but not limited to [ALL]
12 political committees, businesses, corporations, and labor unions, may
13 not contribute [TO OR EXPEND] more than \$500 [\$1,000] a year to a
14 candidate [ON BEHALF OF OR IN OPPOSITION TO THE COMPETING CANDIDATES]
15 for each nonstatewide elective office or to a group. Political par-
16 ties and their subdivisions are not subject to the limitations [LIMI-
17 TATION] prescribed in this subsection, but they are subject to the
18 reporting requirements prescribed by AS 15.13.040(b) and 15.13.110. A
19 candidate in an election for statewide office who withdraws from the
20 campaign for statewide office and refiles as a candidate for nonstate-
21 wide office at the same election shall refund to the contributor the
22 amount of each contribution accepted in excess of \$500. Nothing in
23 this chapter prohibits

24 (1) a candidate from contributing more than \$500 of person-
25 al funds to the personal campaign of the candidate [\$1,000 OF HIS OWN
26 MONEY TO HIS OWN CAMPAIGN]; or

27 (2) independent expenditures [INDIVIDUALS OR GROUPS, IN-
28 CLUDING BUT NOT LIMITED TO ALL POLITICAL COMMITTEES, BUSINESSES,
29 CORPORATIONS, AND LABOR UNIONS, FROM CONTRIBUTING TO OR EXPENDING ON

1 BEHALF OF A BALLOT PROPOSITION OR QUESTION MORE THAN \$1,000 A YEAR;
2 HOWEVER, THESE CONTRIBUTIONS AND EXPENDITURES SHALL BE] reported in
3 accordance with AS 15.13.040 and 15.13.110.

4 * Sec. 4. AS 15.13.125 is amended to read:

5 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF RE-
6 QUIRED REPORTS]. A person who fails to file a properly completed and
7 certified report within the time required by AS 15.13.110(a)(1), (3),
8 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
9 a day for each day the delinquency continues as determined by the
10 commission subject to right of appeal to the superior court. A person
11 who fails to file a properly completed and certified report within the
12 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
13 civil penalty of not more than \$50 a day for each day the delinquency
14 continues as determined by the commission subject to right of appeal
15 to the superior court. A candidate who accepts a contribution in
16 violation of AS 15.13.041 is subject to a civil penalty of not more
17 than five times the amount of the contribution accepted. An affidavit
18 stating facts in mitigation may be submitted to the commission by a
19 person against whom a civil penalty is assessed. However, the imposi-
20 tion of the penalties prescribed in this section or in AS 15.13.120
21 does not excuse that person from filing reports required by this
22 chapter.

23 * Sec. 5. AS 15.25.040 is amended by adding a new subsection to read:

24 (e) Except for a statewide candidate, a declaration may not be
25 filed before January 2 of the year in which the election will be held.

26 * Sec. 6. AS 15.25.150 is amended by adding a new subsection to read:

27 (b) Except for a statewide candidate, a petition may not be
28 filed before January 2 of the year in which the election will be held.

29 * Sec. 7. AS 29.26.020 is amended by adding a new subsection to read:

1 (c) A nominating petition or declaration of candidacy may not be
2 filed more than 150 days before the election at which the candidate
3 seeks election.
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10B

5-0227X ✓
Bradley
5/8/87

1 IN THE HOUSE

BY BROWN, ELLIS, DAVIS, FRANK,
SWACKHAMMER AND MENARD

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
11 candidate may accept a contribution only during an election campaign
12 under this section.

13 (b) During the election campaign, a candidate for the office of
14 governor or lieutenant governor may accept

15 (1) not more than \$1,000 in contributions from a person, a
16 group other than a political party or its subdivisions, a corporation,
17 or a labor union;

18 (2) a cumulative total of not more than \$40,000 in contri-
19 butions from corporations, labor unions, and groups other than politi-
20 cal parties and their subdivisions;

21 (3) a cumulative total of not more than \$40,000 in contri-
22 butions from political parties and their subdivisions.

23 (c) During the election campaign, a candidate for the state
24 senate may accept

25 (1) not more than \$1,000 in contributions from a person, a
26 group other than a political party or its subdivisions, a corporation,
27 or a labor union;

28 (2) a cumulative total of not more than \$20,000 in contri-
29 butions from corporations, labor unions, and groups other than

1 political parties and their subdivisions;

2 (3) a cumulative total of not more than \$20,000 in contri-
3 butions from political parties and their subdivisions.

4 (d) During the election campaign, a candidate for the state
5 house of representatives may accept

6 (1) not more than \$1,000 in contributions from a person, a
7 group other than a political party or its subdivisions, a corporation,
8 or a labor union;

9 (2) a cumulative total of not more than \$10,000 in contri-
10 butions from corporations, labor unions, and groups other than politi-
11 cal parties and their subdivisions;

12 (3) a cumulative total of not more than \$10,000 in contri-
13 butions from political parties and their subdivisions.

14 (e) During the election campaign, a candidate for municipal
15 office and a candidate for any other office not described in (b) - (d)
16 of this section may accept

17 (1) not more than \$1,000 in contributions from a person, a
18 group other than a political party or its subdivisions, a corporation,
19 or a labor union;

20 (2) a cumulative total of not more than \$10,000 in contri-
21 butions from corporations, labor unions, and groups other than politi-
22 cal parties and their subdivisions;

23 (3) a cumulative total of not more than \$10,000 in contri-
24 butions from political parties and their subdivisions.

25 (f) A candidate is subject to the limitations established in
26 this section only for the office for which the candidate most recently
27 filed a declaration of candidacy or nominating petition. A candidate
28 who withdraws as a candidate for an office and refiles for an office
29 with a lower limitation on the acceptance of campaign contributions

1 shall return the amount of each contribution that exceeds the limita-
2 tions established for the current candidacy. Notwithstanding the
3 provisions of this subsection, a candidate is not required to return a
4 contribution spent in a good faith effort to seek election to the
5 office with the higher limitation.

6 (g) In this section, "election campaign" means the period from
7 January 2 of the year in which the candidate file a declaration of
8 candidacy or a nominating petition through the day before the date of
9 the general election or the municipal election.

10 * Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

11 (i) A candidate for public office may not take contributions as
12 personal income during an election campaign, as defined in AS 15.13.-
13 065, or during tenure as an elected public official.

14 * Sec. 3. AS 15.13.125 is amended to read:

15 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
16 ED REPORTS]. A person who fails to file a properly completed and
17 certified report within the time required by AS 15.13.110(a)(1), (3),
18 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
19 a day for each day the delinquency continues as determined by the
20 commission subject to right of appeal to the superior court. A person
21 who fails to file a properly completed and certified report within the
22 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
23 civil penalty of not more than \$50 a day for each day the delinquency
24 continues as determined by the commission subject to right of appeal
25 to the superior court. A candidate who accepts a contribution in
26 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
27 of not more than five times the amount of the contribution accepted.

28 An affidavit stating facts in mitigation may be submitted to the
29 commission by a person against whom a civil penalty is assessed.

1 However, the imposition of the penalties prescribed in this section or
2 in AS 15.13.120 does not excuse that person from filing reports re-
3 quired by this chapter.

4 * Sec. 4. AS 15.25.040 is amended by adding a new subsection to read:

5 (e) A statewide candidate may not file a declaration before
6 January 2 of the year preceding the year in which the election will be
7 held. Except for a statewide candidate, a declaration may not be
8 filed before January 2 of the year in which the election will be held.

9 * Sec. 5. AS 15.25.150 is amended by adding a new subsection to read:

10 (b) A statewide candidate may not file a petition before
11 January 2 of the year preceding the year in which the election will be
12 held. Except for a statewide candidate, a petition may not be filed
13 before January 2 of the year in which the election will be held.

14 * Sec. 6. AS 29.26.020 is amended by adding a new subsection to read:

15 (c) A nominating petition or declaration of candidacy may not be
16 filed before January 2 of the year in which the election is to be
17 held.

18 * Sec. 7. The prohibition in AS 15.13.065, as added by sec. 1 of this
19 Act, against a candidate accepting a contribution after the date of the
20 general election through the dates specified in AS 15.13.065 does not apply
21 to contributions accepted by a candidate or elected public official after
22 the effective date of this Act that are used to retire campaign debt in
23 existence on January 1, 1987.

24 * Sec. 8. AS 15.13.070(a) is repealed.



Official Business

Alaska State Legislature

House

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

TO: Committee Members,
House State Affairs

FROM: Representative Fran Ulmer, Chair
House State Affairs

DATE: April 21, 1987

RE: Campaign Finance

The following compares and contrasts the proposed CS's for HB 137 and HB 234. Also attached you will find a summary of proposed amendments to HB 137 by Rep. Brown.

I would like to thank Peggy Mentele (Rep. Brown) and Bob Herron (Rep. Hoffman) for working closely with my staff in the preparation of this information.

COMPARISON OF CS's FOR HB 137 AND HB 234

I. ISSUE: TITLE

HOFFMAN & BROWN:

"An Act relating to the duration and financing of election campaigns."

II. ISSUE: CONTRIBUTION LIMITS PER CAMPAIGN

	<u>HOUSE</u>	<u>SENATE</u>	<u>GOVERNOR</u> <u>LT. GOVERNOR</u>	<u>MUN/MISC</u>
<u>BY:</u>				
<u>INDIVIDUAL</u>				
HOFFMAN	\$1,000	\$1,000	N/A	N/A
BROWN	\$1,000	\$1,000	\$1,000	\$1,000
<u>GROUPS</u>				
HOFFMAN	\$1,000	\$1,000	N/A	N/A
(CUM)	\$10,000	\$20,000		
BROWN	\$1,000	\$1,000	\$1,000	\$1,000
(CUM)	\$10,000	\$20,000	[\$40,000]	[\$10,000]
<u>PARTIES</u>				
HOFFMAN (CUM)	\$10,000	\$20,000	N/A	N/A
BROWN (CUM)	\$10,000	\$20,000	[\$40,000]	[\$10,000]

III. ISSUE: USE OF CONTRIBUTIONS

HOFFMAN AND BROWN:

Prohibits a candidate or elected official from using excess contributions as personal income during candidacy or while in office.

IV. ISSUE: EXISTING DEBT

BROWN:

Candidates who incurred debt before Jan. 1, 1987 have until Jan. 1, 1988 to pay off debt.

[] = Proposed Amendments; MUN = Municipality; MISC = School Board

PROPOSED AMENDMENTS HB 137
BY: Rep. Kay Brown

I. PERIOD DURING WHICH CONTRIBUTIONS CAN BE ACCEPTED

SENATE AND HOUSE

- JAN 2 THROUGH DAY BEFORE ELECTION -

GOVERNOR AND LT. GOVERNOR

- JAN 2 THROUGH DAY BEFORE ELECTION -
(begins Jan 2 of the year preceding election)

MUN/MISC

- JAN 2 THROUGH DAY BEFORE ELECTION -

II. CIVIL PENALTIES

Candidates may be fined up to five times the amount of illegal contributions.

III. CANDIDATES WHO SWITCH FROM STATEWIDE TO NON-STATEWIDE OFFICE

Candidates who withdraw from one race and files for another must refund to the contributor the amount of each contribution accepted in excess of guidelines for second candidacy.

IV. OTHER AMENDMENTS

- * Bills place restraints on what a candidate can accept in contributions. Question remains whether to address the issue of placing limits on making excessive contributions.
- * "Bagman" provision not addressed.
- * Should we limit contributions to municipal candidates based on population? For example, campaign restrictions apply only to populations in excess of 5,000?
- * Does the Committee want to address the problem of last minute smear campaigns? For example, prohibiting the distribution of campaign literature or statements/allegations which attack or discredit the integrity, motivation or record of an opponent?

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 5:

Insert a new subsection to read:

"(f) A candidate is subject to the limitations established in this section only for the office for which the candidate most recently filed a declaration of candidacy or nominating petition. A candidate who withdraws as a candidate for an office and refiles for an office with a lower limitation on the acceptance of campaign contributions shall return the amount of each contribution that exceeds the limitations established for the current candidacy. Notwithstanding the provisions of this subsection, a candidate is not required to return a contribution spent in a good faith effort to seek election to the office with the higher limitation."

Reletter the remaining subsection accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 13:

Insert a new bill section to read:

"* Sec. 3. AS 15.13.125 is amended to read:

Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED REPORTS]. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A candidate who accepts a contribution in violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty of not more than five times the amount of the contribution accepted. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports required by this chapter."

5-0227Lc
Bradley

Renumber remaining bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, lines 3 - 5:

Delete all material and insert:

"(e) A candidate for municipal office and a candidate for any other office not described in (b) - (d) of this section may not accept

(1) more than \$1,000 in contributions from an individual, a group, a corporation, or a labor union;

(2) a cumulative total of more than \$10,000 in contributions from corporations, labor unions, and groups;

(3) a cumulative total of more than \$10,000 in contributions from political parties and their subdivisions."

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 19:

Insert a new bill section to read:

"* Sec. 5. AS 29.26.020 is amended by adding a new subsection to read:

(c) A nominating petition or declaration of candidacy may not be filed before January 2 of the year in which the election is to be held."

Renumber remaining bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 1, lines 13 - 15:

Delete all material and insert:

"(b) A candidate for the office of governor or lieutenant governor may not accept

(1) more than \$1,000 in contributions from an individual, a group, a corporation, or a labor union;

(2) a cumulative total of more than \$40,000 in contributions from corporations, labor unions, and groups;

(3) a cumulative total of more than \$40,000 in contributions from political parties and their subdivisions."

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, line 15, after "(e)":

Insert "A statewide candidate may not file a declaration before January 2 of the year preceding the year in which the election will be held."

Page 2, line 18, after "(b)":

Insert "A statewide candidate may not file a petition before January 2 of the year preceding the year in which the election will be held."

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 137 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
11 candidate may only accept a contribution during an election campaign
12 under this section.

13 (b) A candidate for governor or for lieutenant governor may not
14 accept more than \$1,000 from an individual, a group, a corporation, or
15 a labor union during the election campaign.

16 (c) During the election campaign, a candidate for the state
17 senate may not accept

18 (1) more than \$1,000 in contributions from an individual, a
19 group, a corporation, or a labor union;

20 (2) a cumulative total of more than \$20,000 in contribu-
21 tions from corporations, labor unions, and groups;

22 (3) a cumulative total of more than \$20,000 in contribu-
23 tions from political parties and their subdivisions.

24 (d) During the election campaign, a candidate for the state
25 house of representatives may not accept

26 (1) more than \$1,000 in contributions from an individual, a
27 group, a corporation, or a labor union;

28 (2) a cumulative total of more than \$10,000 in contribu-
29 tions from corporations, labor unions, and groups;

1 (3) a cumulative total of more than \$10,000 in contribu-
2 tions from political parties and their subdivisions.

3 (e) A candidate for municipal office may not accept more than
4 \$1,000 from an individual, a group, a corporation, or a labor union
5 during the election campaign.

6 (f) In this section, "election campaign" means the period from
7 January 2 of the year in which the candidate files a declaration of
8 candidacy or a nominating petition through the day before the date of
9 the general election or the municipal election.

10 * Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

11 (i) A candidate for public office may not take contributions as
12 personal income during an election campaign, as defined in AS 15.13.-
13 065, or during tenure as an elected public official.

14 * Sec. 3. AS 15.25.040 is amended by adding a new subsection to read:

15 (e) Except for a statewide candidate, a declaration may not be
16 filed before January 2 of the year in which the election will be held.

17 * Sec. 4. AS 15.25.150 is amended by adding a new subsection to read:

18 (b) Except for a statewide candidate, a petition may not be
19 filed before January 2 of the year in which the election will be held.

20 * Sec. 5. The prohibition in AS 15.13.065, as added by sec. 1 of this
21 Act, against a candidate accepting a contribution after the date of the
22 general election through the dates specified in AS 15.13.065 does not apply
23 to contributions accepted by a candidate or elected public official after
24 the effective date of this Act, but before January 1, 1988, that are used
25 to retire campaign debt in existence on January 1, 1987.

26 * Sec. 6. AS 15.13.070(a) is repealed.
27
28
29

Legislators tackle campaign reform

By JOHN LINDBACK
Daily News reporter

JUNEAU — Legislators launched this week yet another attempt to rewrite the state's campaign contribution laws — the same laws that have embroiled some of them in nasty charges of dirty politics.

Last year, an extensive campaign reform bill died in the House in the final days of the session. House members complained that the Senate had left them too little time to deal with a complicated subject and a badly written bill.

This year more than one bill that would change the campaign laws, and the goals of each bill vary with the goals of each author.

Some want to reduce the advantage of the wealthy, who can circumvent the state's \$1,000 annual contribution limit by giving money through their business, family members and political action committees. Some legislators want to reduce the fund-raising activities of powerful lobbyists.

Some legislators want to stop the proliferation and influence of political action committees, groups that form for the sole purpose of raising money and doling out

See Page B-3, REFORM

Anchorage Daily News

Saturday, March 7, 1987

Continued from Page B-1

campaign contributions to politicians.

Some legislators want to boost the clout of political parties in elections.

Some legislators want to boost the budget and improve the procedures of the Alaska Public Offices Commission, the agency that has taken some of them to task for their campaign activities.

Some at least appear to want to rein in the activities of the staff of the APOC, which they think has been too fast and loose with investigations that have embarrassed legislators.

Some legislators simply want to do a combination of things that cut the cost of campaigning, the force that drives candidates to seek more and more contributions from influence peddlers.

And at least one legislator wants to influence the media's coverage of Alaska's campaigns.

So far, most of the legislature's attention has been focused on an extensive and complicated rewrite of campaign laws proposed by Senate State Affairs Committee Chairman Mitch Abood, R-Anchorage. Abood is more than passingly familiar with campaign laws and the APOC.

His campaign is still under scrutiny for a last-minute political flier attacking his opponent that came out the Saturday before the 1984 election. Also, in 1984 the APOC ruled that VECO International, an oilfield services company, donated about \$6,500 to Abood through an illegal payroll deduction plan.

Abood's bill would:

- Cut back on the ways individuals circumvent the annual \$1,000 contribution limit. Only individuals and political parties could contribute to campaigns while corporations, political action committees, unions and other organizations would all be barred from donating.

- Reduce the number of contributions that are made public. Abood's bill requires all contributions of \$250 or more to be made public while present law requires public reporting of all donations of \$100 or more.

- Restrict how candidates spend surplus campaign funds after the election is over. Under present law they can spend them any way they want to. Abood's bill says they can only return the money to contributors, pay off campaign workers, donate it to any campaign account for an election within the next four years, pay office expenses or donate it to charity or to the state.

- Restrict post-election fund raising. Legislative candidates would have to close their accounts by Dec. 31 following an election.

- Remove all criminal penalties for campaign law violations. The bill increases fines that can be levied on violators of the law.

- Make it more difficult to prosecute violators of the law. The standard of proof necessary to gain a conviction would be raised from the present "preponderance of the evidence" standard to the "clear and convincing evidence" standard.

- Allow the APOC to investigate and fine the news media. The bill subjects candidates and the media that knowingly disseminate "false statements of material fact" about a candidate to fines of \$1,000 to \$10,000.

Abood's bill received its first hearing this week in State Affairs, the committee he chairs. Two other members of the committee — Senate President Jan Faiks, R-Anchorage, and Sen. Joe Josephson, D-Anchorage — also have been investigated by the APOC. Faiks has been publicly critical of the commission for its investigation of the VECO fund-raising plan. She also, according to the agency, received about \$6,500 in illegal 1984 VECO contributions.

The hearing, held Wednesday, turned into an interrogation by Faiks of APOC Chairwoman Jean Rogers, other commissioners and Executive Director Theda Pittman. Faiks made it clear that she thinks the commission does not exert enough control over the staff that investigates candidates.

One commissioner who is a personal friend of Faiks, Annie Laurie Howard of Anchorage, testified that she believes the commission gives too much of its responsibility to its staff.

Josephson said after the hearing that he is bothered by the tendency of some legislators to try to change the law based on how their own cases have been handled by the commission.

"We have to be careful not to take our personal histories into this debate and not make ground rules based on those personal histories," he said.

Josephson said it's likely a campaign reform bill will pass this year.

An assistant attorney general who analyzed Abood's bill praised some sections of it and criticized others. The sections that outline new violations are almost incomprehensible, said Richard Monkman in a written analysis for the governor's office. But new disclosure requirements for candidates who receive loans and the restrictions on spending of surplus campaign funds are improvements over present law, Monkman said.

The provision dealing with the media "poses some interesting constitutional, as well as policy, questions," Monkman said. A sectional analysis of the bill by Abood's office says the media provision of the bill is based on an Oregon law.

But Oregon officials this week said their law applies only to candidates who publish, or cause to be published, information about a candidate that they know to be false. Their law makes no mention of the media. Also,

they said, the law is enforced only by the courts and no state agency is empowered to investigate or rule on complaints.

Gov. Steve Cowper, who said in his state-of-the-state speech that campaign reform is one of his top priorities, is expected to introduce his own bill in the next few days.

The governor's bill also will restrict contributions to individuals, banning corporate, union and political action committee donations to candidates, according to Cowper press secretary David Ramseur. It will also outlaw campaign fund raising by registered lobbyists, Ramseur said.

In recent years, high-powered lobbyists such as Lew Dischner of Juneau and VECO International's Ed Dankworth have raised thousands of dollars for candidates.

In the House, Rep. Kay Brown and five co-sponsors are pushing a bill that applies only to legislative and municipal campaigns. In an effort to control the costs of campaigning, Brown's bill limits fund raising to a period of 150 days prior to an election.

If Brown's bill passed, legislators couldn't raise funds until June 1 of an election year, effectively cutting off fund-raising efforts during legislative sessions.

Brown's bill also would limit contributors to \$500 in donations to a candidate for a campaign. Now, if a candidate announces two to three years in advance of the election, a contributor can give as much as \$1,000 for each year.

Brown's bill has picked up support from the League of Women Voters and the Alaska Public Interest Research Group. An APOC analysis gave Brown's bill mostly positive comments, but said that creating a different set of standards for legislative and municipal candidates would make enforcement of the law more time-consuming and difficult.

Kay Brown

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Alaska State Legislature House of Representatives

MEMORANDUM

TO: Rep. Fran Ulmer, Chair
House State Affairs Committee

DATE: April 8, 1987

FROM: Rep. Kay Brown

RE: HB 137, An Act
relating to
Elections

Thank you for scheduling a second hearing on HB 137, An Act relating to Elections, on Friday, March 10 at 3:00 p.m.

Attached for your consideration is a proposed CS for HB 137, which incorporates the five amendments I presented at the first hearing and an amendment to amendment #2 proposed by the drafter. For your convenience, I have attached a summary of the changes incorporated in this proposed Committee Substitute.

At the first hearing I stated my willingness to work with the Committee to develop limitations on contributions by political parties. Since that time, Rep. Hoffman introduced HB 234 which limits contributions by political parties to Senate candidates to \$20,000 a year (\$40,000 per election). Party contributions to House candidates would be limited to \$10,000 a year (\$20,000 per election). HB 234 does not limit contributions by parties to statewide or municipal candidates.

I like the concept of HB 234, but I feel the proposed limitation on contributions is too high. I support a party contribution limit of \$20,000 per election for Senate candidates and \$10,000 per election for House and municipal candidates. I additionally feel a limit of \$40,000 per election should apply to statewide candidates. I have ordered an amendment incorporating these limits which I will forward to you as soon as it is available.

I additionally like the concept of limiting the cumulative total of contributions from corporations, unions and PACS. However, I again feel that the proposed limits in HB 234 are too high (\$20,000 a year/\$40,000 per election for Senate and \$10,000 a year/\$20,000 per election for House). I support the same limitations for these contributions as I support for

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Anchorage, AK 99520-2661
(907) 272-0207

During Session:
P. O. Box V
Juneau, AK 99811
(907) 465-4998

contributions from political parties. These limitations will also be included in the proposed amendment.

At the first hearing I also stated my interest in finding a workable solution to the conflict between existing election debts and HB 137's prohibition on post-election fundraising. The problem is that many candidates incurred substantial campaign debts which they plan to repay through post-election fundraising. It seems unfair to penalize those who relied on the current status of the law. Attached find a proposed amendment that would allow candidates to engage in post-election fundraising until January 1, 1988, but only to the extent necessary to repay campaign debt which was incurred prior to January 1, 1987. I will forward this amendment as soon as we receive it. I have also attached a recent House Research Agency report on existing debt.

Attachments

cc: Rep. Ellis
Rep. Davis
Rep. Frank
Rep. Swackhammer
Rep. Menard
Rep. Hoffman
Rep. Boucher
Rep. Davidson
Rep. Donley
Rep. Martin

S U M M A R Y O F A M E N D M E N T S
(Summarizes changes proposed in CS HB 137)

1. Page 1, Line 6

Changes title of bill from "a bill relating to elections" to "a bill relating to the duration and financing of election campaigns"; more accurate characterization.

2. Page 1, Lines 15-29 and Page 2, Lines 1-6 (a new sec. 2)

This amendment does 3 things:

a. It applies to statewide candidates (Gov. & Lt. Gov.) and prohibits them from accepting post-election contributions beginning the day before the election and for 2 years thereafter.

b. Amendment closes a potential loophole. As currently stated, HB 137 may be interpreted to limit incumbents, but NOT challengers, to 150 days of fundraising. The amendment makes it clear that all legislative candidates are limited equally.

c. The drafter's amendment adds subsec. (d) that makes it clear that a losing or resigning candidate may run and accept contributions for another office during the period of prohibition.

3. Page 2, Line 16

Technical change; changes limitation to limitations; APOC request to make clear that political parties are exempt from the limitations in the section.

4. Page 2, Line 19,

Closes a loophole: under HB 137 a candidate could file for a statewide office (Lt. Gov.), begin campaign during year before election, accept higher level contributions and then switch to legislative or municipal campaign. Amendment would require candidate to return all contributions in excess of \$500 limit.

5. Page 3, Lines 15 to 18

Allows APOC to fine a candidate who accepts a post-election contribution or an early contribution; fine may be up to 5 times the amount of the improper contribution.

A M E N D M E N T

Offered in the HOUSE

By Brown

TO: CSHB 137(SA)

Page 4, after line 3:

Insert a new bill section to read:

"* Sec. 8. The prohibition in AS 15.13.041, as enacted in sec. 2 of this Act, against a candidate accepting a contribution after the date of the general election through the dates specified in AS 15.13.041 does not apply to contributions accepted by a candidate or elected public official after the effective date of this Act, but before January 1, 1988, that are used to retire campaign debt in existence on January 1, 1987."



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

P.O. Box Y, State Capitol
Juneau, Alaska 99811-3100
Mail Stop 3100
(907) 465-3991

April 3, 1987

MEMORANDUM

TO: Representative Kay Brown

ATTN: Peg Mentele

FROM: Karen Oakley *KO*
Legislative Analyst

RE: Post-Election Finances of 1986 Alaska Gubernatorial and Legislative
Candidates
Research Request 87.200 (Supplemental Information)

Attached are the tables you requested summarizing data on candidate contributions and unpaid expenses of the 1986 candidates.

I hope you find this information useful. If you need any additional information, please let me know.

Attachments

TABLE A.1

SUMMARY OF POST-ELECTION FINANCES OF 1986 ALASKA GUBERNATORIAL AND LEGISLATIVE CANDIDATES

Office	Personal Funds Contributed			Amount owed on Dec. 31 1986	TOTAL DEBT AT YEAR END (unpaid expenses and personal contributions not repaid)
	Total	Amount Repaid by Year End	Amount Not Repaid by Year End		
Governor/Lt. Governor	\$506,602	\$43,500	\$463,102	\$83,405	\$546,507
Senate					
Losers	155,638	112	155,526	30,546	186,072
Winners	219,259	4,743	214,516	57,294	271,810
House of Representatives					
Losers	72,093	5,158	66,935	5,627	72,562
Winners	206,619	29,408	177,211	21,807	199,018
TOTAL	\$1,160,211	\$82,921	\$1,077,290	\$198,679	\$1,275,969

Data were taken from a table prepared by the Alaska Public Offices Commission (APOC) in March 1987 to summarize information from unaudited reports submitted to APOC by the candidates.

Prepared by the House Research Agency, April 1987 (APOCC2; 870330-05).

TABLE A.2

POST-ELECTION FINANCES OF 1986 CANDIDATES FOR ALASKA GOVERNOR AND LT. GOVERNOR

	Personal Funds Contributed			Amount owed on Dec. 31 1986	TOTAL DEBT AT YEAR END (unpaid expenses and personal contributions not repaid)
	Amount Repaid by Year End	Amount Not Repaid by Year End	Total		
Cowper/McAlpine	\$62,021	\$43,500	\$18,521	\$46,510	\$65,031
Marquez, Hector	19	0	19	0	19
O'Brannon/Barnes	711	0	711	0	711
Sturgulewski/Miller	402,350	0	402,350	0	402,350
Miller, Terry	26,605	0	26,605	36,081	62,686
Vogler/Rowe	13,934	0	13,934	0	13,934
Kydd, Bob	500	0	500	420	920
White, Ryal	462	0	462	0	462
Hoch, Ed	0	0	0	394	394
TOTAL	\$506,602	\$43,500	\$463,102	\$83,405	\$546,507

Data were taken from a table prepared by the Alaska Public Offices Commission (APOC) March 1987 to summarize information from unaudited reports submitted to APOC by the candidates.

Prepared by the House Research Agency, April 1987 (APOCG2, 870330-05).

TABLE A.3
POST-ELECTION FINANCES OF 1986 CANDIDATES FOR THE ALASKA SENATE

	Personal Funds Contributed			Amount owed on Dec. 31 1986	TOTAL DEBT AT YEAR END (unpaid expenses and personal contributions not repaid)
	Total	Amount Repaid by Year End	Amount Not Repaid by Year End		
LOSING CANDIDATES					
Fischer, Vic	\$12,610	\$0	\$12,610	\$18,654	\$31,264
Hall, Marvin	1,791	0	1,791	0	1,791
Homan, George	0	0	0	0	0
Lacher, Barbara	76,906	0	76,906	3,183	80,089
Levine, Jacob	246	0	246	0	246
Metcalfe, Ray	2,310	112	2,198	0	2,198
Miner, Ronald	1,155	0	1,155	0	1,155
Rasmussen, Leo	603	0	603	354	957
Roberts, Malcom	7,500	0	7,500	0	7,500
Stoops, Lee	20,313	0	20,313	0	20,313
Vaska, Anthony	7,904	0	7,904	8,355	16,259
Ziegler, Robert	24,300	0	24,300	0	24,300
TOTAL-LOSING CANDIDATES	\$155,638	\$112	\$155,526	\$30,546	\$186,072
WINNING CANDIDATES					
Binkley, John	\$28,121	\$0	\$28,121	\$1,861	\$29,982
Duncan, Jim	0	0	0	0	0
Fahrenkamp, Bettye	0	0	0	0	0
Faiks, Jan	36,918	2,539	34,379	12,330	46,709
Ferguson, Frank	0	0	0	0	0
Jones, Lloyd	5000	0	5000	0	5000
Kelly, Tim	0	0	0	0	0
Rodey, Patrick	77,026	0	77,026	4,630	81,656
Szymanski, Mike	17,300	0	17,300	19,869	37,169
Uehling, Rick	54,894	2,204	52,690	18,604	71,294
TOTAL-WINNING CANDIDATES	\$219,259	\$4,743	\$214,516	\$57,294	\$271,810
TOTAL-ALL CANDIDATES	\$374,897	\$4,855	\$370,042	\$87,840	\$457,882

Data were taken from a table prepared by the Alaska Public Offices Commission (APOC) in March 1987 to summarize unaudited reports submitted to APOC by the candidates.

Prepared by the House Research Agency, April 1987 (APOCS2; 870330-05).

TABLE A.4

POST-ELECTION FINANCES OF 1986 CANDIDATES FOR THE ALASKA HOUSE OF REPRESENTATIVES

	Personal Funds Contributed		Amount owed on Dec. 31 1986	TOTAL DEBT AT YEAR END (unpaid expenses and personal contributions not repaid)	
	Amount Repaid by Year End	Amount Not Repaid by Year End			
LOSING CANDIDATES					
Ault, Robert	\$2,870	\$0	\$2,870	\$0	\$2,870
Barker, Wally	7,388	0	7,368	0	7,388
Botelho, Bruce	5,541	0	5,541	0	5,541
Brockway, Dana	10,720	0	10,720	0	10,720
Charles, Bob Jr.	3,100	0	3,100	0	3,100
Copus, Gary	2,831	0	2,831	0	2,831
Dimmick, Marilyn	475	0	475	0	475
Dotomain, Caleb	1,835	0	1,835	0	1,835
Estell, Donna	0	0	0	1,566	1,566
Hoke, Owen	400	0	400	0	400
Hurley, Katie	936	0	936	3,371	4,307
Ingle, Lance	348	0	348	595	943
Jenkins, Roger	2,000	0	2,000	0	2,000
Kagak, Jacob	0	0	0	0	0
Knapman, Susan	1,863	542	1,321	0	1,321
Leary, Robert	423	0	423	0	423
Liska, John	1,000	583	417	0	417
Marrou, Andre	0	0	0	0	0
McArthur, John	0	0	0	0	0
Moffatt, Bill	7,451	0	7,451	0	7,451
Repasky, Daniel	2,059	0	2,059	0	2,059
Ringstad, John	0	0	0	0	0
Swanson, Leslie	5,000	0	5,000	0	5,000
Thompson, David	350	350	0	0	0
Wagoner, Thomas	0	0	0	0	0
Ward, Robert Jr.	916	0	916	95	1,011
Welsh, Darrel	3,150	0	3,150	0	3,150
Wilcox, Donald	11,437	3,683	7,754	0	7,754
TOTAL-LOSING CANDIDATES	\$72,093	\$5,158	\$66,935	\$5,627	\$72,562

TABLE A.4

POST-ELECTION FINANCES OF 1986 CANDIDATES FOR THE ALASKA HOUSE OF REPRESENTATIVES

	Personal Funds Contributed			Amount owed on Dec. 31 1986	TOTAL DEBT AT YEAR END (unpaid expenses and personal contributions not repaid)
	Total	Amount Repaid by Year End	Amount Not Repaid by Year End		
WINNING CANDIDATES					
Adams, Al	\$20,070	\$361	\$19,709	\$0	\$19,709
Barnes, Ramona	9,131	0	9,131	0	9,131
Boucher, H. A. (Red)	0	0	0	0	0
Boyer, Mark	10,000	0	10,000	285	10,285
Brown, Kay	2,640	0	2,640	0	2,640
Cato, Bette	0	0	0	0	0
Collins, Virginia	0	0	0	0	0
Cotten, Sam	0	0	0	0	0
Davidson, Clifford	951	951	0	0	0
Davis, Mike	3,000	0	3,000	1,891	4,891
Donley, Dave	37,750	5,000	32,750	0	32,750
Ellis, Johnny Jr.	9,050	0	9,050	9,393	18,443
Frank, Steve	0	0	0	0	0
Furnace, Walt	0	0	0	0	0
Goll, Peter	520	0	520	0	520
Gruenberg, Max Jr.	2,313	0	2,313	0	2,313
Grussendorf, Ben	0	0	0	0	0
Hanley, Alyce	1,050	0	1,050	0	1,050
Herrmann, Adelheid	1,295	0	1,295	0	1,295
Hoffman, Lyman	2,872	0	2,872	0	2,872
Hudson, Bill	17,912	0	17,912	0	17,912
Koponen, Niilo	3,308	0	3,308	5,091	8,399
Larson, Ronald	0	0	0	0	0
Martin, Terry	5,062	1,695	3,367	0	3,367
Menard, Curtis	30,246	4,561	25,685	0	25,685
Miller, Mike	0	0	0	0	0
Navarre, Mike	347	0	347	0	347
Pearce, Drue	100	0	100	5,147	5,247
Pettyjohn, Fritz	0	0	0	0	0
Phillips, Randy	0	0	0	0	0
Pourchot, Pat	0	0	0	0	0
Reiger, Steven	0	0	0	0	0
Schultz, Richard	0	0	0	0	0
Springer, Heinrich	900	0	900	0	900
Sund, John	0	0	0	0	0
Swackhammer, C. E.	3,000	0	3,000	0	3,000
Taylor, Robin	5,946	5,946	0	0	0
Ulmer, Frances	9,584	9,584	0	0	0
Wallis, Kay	791	0	791	0	791
Zawacki, James	28,781	1,310	27,471	0	27,471
TOTAL-WINNING CANDIDATES	\$206,619	\$29,408	\$177,211	\$21,807	\$199,018
TOTAL-ALL CANDIDATES	\$278,712	\$34,566	\$244,146	\$27,434	\$271,580

Data were taken from a table prepared by the Alaska Public Offices Commission (APOC) in March 1987 to summarize information from unaudited reports submitted to APOC by the candidates.

Prepared by the House Research Agency, April 1987 (APOCH2; 870330-05).



Official Business

Alaska State Legislature

House

13

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

TO: Committee Members,
House State Affairs

FROM: Representative Fran Ulmer, Chair
House State Affairs

DATE: April 21, 1987

RE: Campaign Finance

The following compares and contrasts the proposed CS's for HB 137 and HB 234. Also attached you will find a summary of proposed amendments to HB 137 by Rep. Brown.

I would like to thank Peggy Mentele (Rep. Brown) and Bob Herron (Rep. Hoffman) for working closely with my staff in the preparation of this information.

COMPARISON OF CS's FOR HB 137 AND HB 234

I. ISSUE: TITLE

HOFFMAN & BROWN:

"An Act relating to the duration and financing of election campaigns."

II. ISSUE: CONTRIBUTION LIMITS PER CAMPAIGN

	<u>HOUSE</u>	<u>SENATE</u>	<u>GOVERNOR</u> <u>LT. GOVERNOR</u>	<u>MUN/MISC</u>
<u>BY:</u>				
<u>INDIVIDUAL</u>				
HOFFMAN	\$1,000	\$1,000	N/A	N/A
BROWN	\$1,000	\$1,000	\$1,000	\$1,000
<u>GROUPS</u>				
HOFFMAN	\$1,000	\$1,000	N/A	N/A
(CUM)	\$10,000	\$20,000		
BROWN	\$1,000	\$1,000	\$1,000	\$1,000
(CUM)	\$10,000	\$20,000	[\$40,000]	[\$10,000]
<u>PARTIES</u>				
HOFFMAN (CUM)	\$10,000	\$20,000	N/A	N/A
BROWN (CUM)	\$10,000	\$20,000	[\$40,000]	[\$10,000]

III. ISSUE: USE OF CONTRIBUTIONS

HOFFMAN AND BROWN:

Prohibits a candidate or elected official from using excess contributions as personal income during candidacy or while in office.

IV. ISSUE: EXISTING DEBT

BROWN:

Candidates who incurred debt before Jan. 1, 1987 have until Jan. 1, 1988 to pay off debt.

.....
 [] = Proposed Amendments; MUN = Municipality; MISC = School Board

PROPOSED AMENDMENTS HB 137
BY: Rep. Kay Brown

I. PERIOD DURING WHICH CONTRIBUTIONS CAN BE ACCEPTED

SENATE AND HOUSE

- JAN 2 THROUGH DAY BEFORE ELECTION -

GOVERNOR AND LT. GOVERNOR

- JAN 2 THROUGH DAY BEFORE ELECTION -
(begins Jan 2 of the year preceding election)

MUN/MISC

- JAN 2 THROUGH DAY BEFORE ELECTION -

II. CIVIL PENALTIES

Candidates may be fined up to five times the amount of illegal contributions.

III. CANDIDATES WHO SWITCH FROM STATEWIDE TO NON-STATEWIDE OFFICE

Candidates who withdraw from one race and files for another must refund to the contributor the amount of each contribution accepted in excess of guidelines for second candidacy.

IV. OTHER AMENDMENTS:

- * Bills place restraints on what a candidate can accept in contributions. Question remains whether to address the issue of placing limits on making excessive contributions.
- * "Bagman" provision not addressed.
- * Should we limit contributions to municipal candidates based on population? For example, campaign restrictions apply only to populations in excess of 5,000?
- * Does the Committee want to address the problem of last minute smear campaigns? For example, prohibiting the distribution of campaign literature or statements/allegations which attack or discredit the integrity, motivation or record of an opponent?

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 5:

Insert a new subsection to read:

"(f) A candidate is subject to the limitations established in this section only for the office for which the candidate most recently filed a declaration of candidacy or nominating petition. A candidate who withdraws as a candidate for an office and refiles for an office with a lower limitation on the acceptance of campaign contributions shall return the amount of each contribution that exceeds the limitations established for the current candidacy. Notwithstanding the provisions of this subsection, a candidate is not required to return a contribution spent in a good faith effort to seek election to the office with the higher limitation."

Reletter the remaining subsection accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 13:

Insert a new bill section to read:

"* Sec. 3. AS 15.13.125 is amended to read:

Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED REPORTS]. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(1), (3), (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A candidate who accepts a contribution in violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty of not more than five times the amount of the contribution accepted. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from filing reports required by this chapter."

5-0227Lc
Bradley

Renumber remaining bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, lines 3 - 5:

Delete all material and insert:

"(e) A candidate for municipal office and a candidate for any other office not described in (b) - (d) of this section may not accept

(1) more than \$1,000 in contributions from an individual, a group, a corporation, or a labor union;

(2) a cumulative total of more than \$10,000 in contributions from corporations, labor unions, and groups;

(3) a cumulative total of more than \$10,000 in contributions from political parties and their subdivisions."

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, after line 19:

Insert a new bill section to read:

"* Sec. 5. AS 29.26.020 is amended by adding a new subsection to read:

(c) A nominating petition or declaration of candidacy may not be filed before January 2 of the year in which the election is to be held."

Renumber remaining bill sections accordingly.

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 1, lines 13 - 15:

Delete all material and insert:

"(b) A candidate for the office of governor or lieutenant governor may not accept

(1) more than \$1,000 in contributions from an individual, a group, a corporation, or a labor union;

(2) a cumulative total of more than \$40,000 in contributions from corporations, labor unions, and groups;

(3) a cumulative total of more than \$40,000 in contributions from political parties and their subdivisions."

A M E N D M E N T

Offered in the HOUSE

By the State Affairs Committee

TO: CSHB 137(State Affairs)

Page 2, line 15, after "(e)":

Insert "A statewide candidate may not file a declaration before January 2 of the year preceding the year in which the election will be held."

Page 2, line 18, after "(b)":

Insert "A statewide candidate may not file a petition before January 2 of the year preceding the year in which the election will be held."

Original sponsors: Brown, Ellis,
Davis, et al.

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 137 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
11 candidate may only accept a contribution during an election campaign
12 under this section.

13 (b) A candidate for governor or for lieutenant governor may not
14 accept more than \$1,000 from an individual, a group, a corporation, or
15 a labor union during the election campaign.

16 (c) During the election campaign, a candidate for the state
17 senate may not accept

18 (1) more than \$1,000 in contributions from an individual, a
19 group, a corporation, or a labor union;

20 (2) a cumulative total of more than \$20,000 in contribu-
21 tions from corporations, labor unions, and groups;

22 (3) a cumulative total of more than \$20,000 in contribu-
23 tions from political parties and their subdivisions.

24 (d) During the election campaign, a candidate for the state
25 house of representatives may not accept

26 (1) more than \$1,000 in contributions from an individual, a
27 group, a corporation, or a labor union;

28 (2) a cumulative total of more than \$10,000 in contribu-
29 tions from corporations, labor unions, and groups;

1 (3) a cumulative total of more than \$10,000 in contribu-
2 tions from political parties and their subdivisions.

3 (e) A candidate for municipal office may not accept more than
4 \$1,000 from an individual, a group, a corporation, or a labor union
5 during the election campaign.

6 (f) In this section, "election campaign" means the period from
7 January 2 of the year in which the candidate files a declaration of
8 candidacy or a nominating petition through the day before the date of
9 the general election or the municipal election.

10 * Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

11 (i) A candidate for public office may not take contributions as
12 personal income during an election campaign, as defined in AS 15.13.-
13 065, or during tenure as an elected public official.

14 * Sec. 3. AS 15.25.040 is amended by adding a new subsection to read:

15 (e) Except for a statewide candidate, a declaration may not be
16 filed before January 2 of the year in which the election will be held.

17 * Sec. 4. AS 15.25.150 is amended by adding a new subsection to read:

18 (b) Except for a statewide candidate, a petition may not be
19 filed before January 2 of the year in which the election will be held.

20 * Sec. 5. The prohibition in AS 15.13.065, as added by sec. 1 of this
21 Act, against a candidate accepting a contribution after the date of the
22 general election through the dates specified in AS 15.13.065 does not apply
23 to contributions accepted by a candidate or elected public official after
24 the effective date of this Act, but before January 1, 1988, that are used
25 to retire campaign debt in existence on January 1, 1987.

26 * Sec. 6. AS 15.13.070(a) is repealed.
27
28
29



14

4620 Southpark Bluff Dr.
Anchorage, Alaska 99516
March 6, 1987

RECEIVED

Representative Fran Ulmer
Alaska State Legislature
Box V (MS 3100)
Juneau, Alaska 99811

Fran
Dear ~~Representative Ulmer~~:

Thank you for taking time to meet with members of the League of Women Voters while we were in Juneau for our state board meeting. As you know, we have decided to support HB 137 insofar as it goes. We are still concerned about reducing the cost of conducting state-wide campaigns, which HB 137 specifically excludes. We also have a new concern that reducing individual contributions over the duration of the campaign will have the side effect of heightening the impact of the political parties.

Our concern about heightening the impact of the parties is, in part, that it would be detrimental to the campaigns of minority party and independent candidates. There might also be an argument that the parties would tend to support incumbents rather than giving non-incumbents fair consideration.

I think an additional concern might be the potential impact on women and minority candidates. I don't have any statistics at hand, but it does seem that the parties are not overwhelmingly anxious to support women and minorities.

If you have suggestions for dealing with the concerns we have, we'd be delighted to hear them. Perhaps there are solutions that we can work toward in the future, if not immediately.

Once again, thank you for taking the time to meet with us.

Sincerely,

Gay
Gay I. Leslie
President

HOUSE STATE AFFAIRS COMMITTEE
WORK SESSION SUMMARY: CAMPAIGN FINANCE REFORM
Anchorage -- October 7, 1987

CONTENTS

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I. SUMMARY OF TESTIMONY: SSHB 137

Representative Brown stated the intent of SSHB 137 was to build public confidence in the political process by increasing the role of the individual contributor relative to PACs, corporations, labor unions, and political parties. Under SSHB 137, cumulative limits are placed on contributions from groups, unions, and PACS. On the other hand, individual contributors are limited only in the sense they can give \$1,000 per campaign, but candidates can receive an unlimited cumulative amount of individual contributions up to \$1,000.

Building public confidence in the political process requires that campaign costs be reduced. High campaign costs: 1) discourage the average person from running for office; 2) require candidates to raise large amounts of money from individuals and groups that have business pending before the Legislature, thus creating the appearance of a conflict of interest; and 3) encourage candidates to incur debt resulting in post-campaign fund raising to recover that debt (see House Research Report 87.200 in Section VII).

SSHB 137 is comprehensive in scope and addresses both the issue of public confidence and campaign costs by:

- limiting the length of campaigns;
- establishing limits on what candidates can accept from corporations, unions, PACs and political parties;
- prohibiting the use of contributions as personal income during the campaign and while in office, and
- establishing civil penalties for accepting illegal contributions.

SSHB 137 Sectional Summary

Section 1 places limits on what local and statewide candidates can accept in campaign contributions from individuals, corporations, unions, and PACS. Section 1(g) defines the length of election campaigns for local and state legislative offices (Senate, House and Municipal candidates). Sections 4, 5 and 6 define the length of campaigns for Governor and Lt. Governor candidates. Thus, Sections 1, 4, 5 and 6 limit the length of campaigns which necessarily prohibits post-campaign fund raising.

Section 1(a) - contributions can only be accepted during the length of campaigns.

Section 1(b)(c)(d)(e) - place limits on what candidates for local and statewide races can receive.

Section 1(f) - a candidate who withdraws from one race and files for another must refund to the contributor the amount of each contribution accepted in excess of guidelines for the second candidacy. A candidate is not required to return a contribution spent in a good faith effort to seek election to office with the higher limitation.

Section 1(g) - sets the length of a campaign for Senate, House and Municipal elections from January 2 through the day before the election.

Section 2(i) - prohibits a candidate or elected official from using contributions as personal income during candidacy or while in office.

Section 3 - adds language which would fine candidates up to five times the amount of contributions accepted illegally; the statute currently is limited to failure to file.

Sections 4, 5 and 6 - addresses provisions for filing a declaration or petition of candidacy.

Section 7 - stipulates that the prohibition in Section 1 against accepting a contribution after the day of the general election does not apply if the debt was in existence on or before January 1, 1987.

Recommendations

Alaska Public Offices Commission (APOC)

- APOC expressed its support for SSHB 137 "as a reasonable means of encouraging individuals to contribute to campaigns and limiting the cost and duration of seeking public office".
- APOC suggested that section 1(b)(1) be reworded so there would be no misunderstanding about contributions from political parties.

The staff of APOC "reviewed the proposal and found it feasible to administrate, including penalties for violations".

- recommended stronger language in Section 2(i) and suggested it read:

"A candidate for public office may not take contributions as personal income."

Questions

- 1) SSHB 137 places restraints on what candidates can accept in contributions. Representative Brown questions whether it is proper to place limits on making excessive contributions -- are there constitutional issues here? Can penalties or sanctions be placed on persons making excessive contributions?

Response--Legislative Legal Counsel:

It seems clear that the legislature may prohibit excessive contributions. The legislature may determine the threshold at which the contribution becomes excessive. Buckley v. Valeo, 424 U.S. 1 (1976). In that case, the Congress had placed the threshold limitation at \$1,000 on contributions from individuals and groups to the candidates and their authorized campaign committees. The court explicitly acknowledged that there was no constitutional significance to the dollar figure involved; it would have been equally constitutional at \$2,000 (Buckley, at 4136); it approved the statement in the opinion on the U.S. Court of Appeals that "[i]f it is satisfied that some limit on contributions is necessary, a court has no scalpel to probe, whether, say, a \$2,000 ceiling might not serve as well as \$1,000".

And while the Court concluded that the Congress could equally have established the threshold at a higher figure, I believe that the Congress could equally have established the threshold at a somewhat lower figure. While I consider it clear that an extremely low threshold (e.g., \$25) might be found to be unconstitutional, in my view the decisions thus far in this area indicate that the courts will defer to the establishment of a reasonable threshold by the legislature.

- 2) Sections 4, 5 and 6 were included in SSHB 137 at the request of the drafter. It is not clear what the difference is between a nominating petition and a declaration of candidacy, and whether including the nominating petition is necessary.

Response--Legislative Legal Counsel:

A declaration of candidacy is the document filed by the member of a political party [cf. AS 15.60.010(20)] in order to become a candidate for nomination at the primary election of that political party. See also AS 15.25.010 - 15.25.130.

A nominating petition is the document filed by an individual who is a member of a political group [and therefore not a member of a political party; cf. AS 15.60.010(19)] in order to have the name of the candidate appear on the general election ballot. See AS 15.25.140 - 15.25.200.

The reason why both appear within the law is that each is the document that triggers the beginning of the campaign for the individual involved. Since the bill is concerned with limits on the initiation of those campaigns, each needs to be addressed.

- 3) Section 3 imposes a maximum civil penalty of five times the amount of the illegal contribution. According to Representative Martin, the federal government and other states serve a civil penalty of three times the amount of illegal contributions. The question was raised whether such a penalty could be challenged in court.

Response--Legislative Legal Counsel:

It is noted that a penalty within the bill is set at five times the dollar amount of the violation. The point is made that analogous federal legislation sets the penalty at three times the amount of the violation.

I (Bradley) do not believe that the difference is of a constitutional dimension. The legislature of a state has wide discretion in establishing penalties for the violation of its laws. Establishment of the penalty at two times, three times, or five times the amount of the violation is within that discretion.

- 4) Under Section 7 of SSHB 137, accepting a contribution after the day of the general election does not apply if the debt was in existence on or before January 1, 1987. The language in Section 7, however, appears to refer only to the "timing" issue as opposed to cumulative limits which are addressed in Section 1. Representative Brown raised the question of whether the language in Section 7 should read something to the effect that "any limitations added in Section 1 are not applicable to existing debt". (Note: there is no effective date in the bill.)

II. SUMMARY OF TESTIMONY: HB 234

The intent of CSHB 234 (work draft dated 4/23/87) is not to address a broad range of campaign issues within the state, but to improve the political process by placing "caps" on certain sources of contributions and by reducing campaign costs. Representative Hoffman emphasized that there was very little difference between CSHB 137 and what he intended to include in CSHB 234 -- a new committee substitute has not been drafted. It was argued that a specific bill which was limited in scope would have a better chance of passage in the legislature than one which addressed a number of different issues. Representative Hoffman noted that neither HB 234 nor SSHB 137 addresses the costs or campaigning in different districts although he indicated this shortcoming was beyond the intent of either bill.

Representative Hoffman clarified that the contribution limits he proposes refer to each campaign (as is the case with SSHB 137) rather than a calendar year. He also stated that, unlike SSHB 137, the length of the election campaign would run from September 1 through the day before the election. It was his feeling the additional four months were necessary for those candidates campaigning in rural areas.

Recommendations

Alaska Public Offices Commission (APOC)

- "Given the increased administrative costs and significant enforcement and problems, the commission does not support the proposal as it is currently drafted."
- recommended stronger language in Section 2(i) suggesting it read:

"A candidate for public office may not take contributions as personal income."

Questions

1) APOC

Dual Reporting System - HB 234 addresses only House and Senate candidates which sets up dual reporting system resulting in increased administrative costs.

Inconsistency In Statutes - there is an inconsistency between filing for candidacy and the length of a campaign; HB 234 defines length but not candidacy; this creates a statutory inconsistency which raises questions such as whether one could declare candidacy and raise money regardless of the campaign length.

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Campaign Finance

- 2) APOC: lack of penalties for violations of statutes means enforcement would occur only through an administrative hearing on willful or knowing violations.

III. SUMMARY OF DIFFERENCES AND SIMILARITIES
BETWEEN SSHB 137 AND CSHB 234 (WORK DRAFT)

Issues

1) Campaign Duration

SSHB 137

January 1 through the day before election for Senate, House
and Municipal candidates

January 2 of the year preceding the election through the day
before the election for Governor and Lt. Governor

CSHB 234 (work draft)

September 1 through the day before election for Senate and
House candidates

Note: Tentative consensus reached to begin campaign on
September 1 provided fund raising by incumbents is
prohibited during legislative sessions.

2) Campaign Contribution Limits

See Table 1

3) Use of Contributions as Supplemental Income

SSHB 137 and CSHB 234 (work draft) both prohibit a candidate
or elected official from using contributions as personal
income during candidacy or while in office.

4) Civil Penalties

Only SSHB 137 imposes civil penalties

5) Retiring Existing Debt

Only SSHB 137 allows for the opportunity to retire existing
campaign debt

6) Withdrawing From One Race and Entering Another

Only SSHB 137 addresses switching races

7) Filing Time

CSHB 234 (work draft)--There is an inconsistency in filing
for candidacy and campaign duration.

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Campaign Finance

SSHB 137--Filing for candidacy and campaign duration are consistent.

Table 1

Comparison of SSHB 137 and CSHB 234 (work draft)

CONTRIBUTION LIMITS PER CAMPAIGN

From:	<u>House</u>	<u>Senate</u>	<u>Governor Lt. Governor</u>	<u>Mun/Misc</u>
<u>Individuals</u>				
CSHB 234	\$1,000	\$1,000	\$1,000	\$1,000
SSHB 137	1,000	1,000	1,000	1,000
<u>Groups, Corporations, Unions, PACs</u>				
CSHB 234	1,000	1,000	N/A	N/A
(cum)	10,000	20,000	N/A	N/A
SSHB 137	1,000	1,000	1,000	1,000 ¹
(cum)	10,000	20,000	40,000	10,000
<u>Political Parties</u>				
CSHB 234 (cum)	10,000	20,000	N/A	N/A
SSHB 137(cum)	10,000	20,000	40,000	10,000

CONTRIBUTION LIMITS PER YEAR²

<u>Individuals</u>				
CSHB 234(cum)			2,000	2,000
<u>Groups, Corporations, Unions, PACs</u>				
CSHB 234(cum)			2,000	2,000

¹ See Section VII, memorandum from Representative Brown regarding contribution limits for municipal elections.

² Under CSHB 234 (work draft), House and Senate candidates receive campaign contributions "per campaign" (as is the case for SSHB 137). Candidates for Governor, Lt. Governor and Municipal Office, however, receive contributions "per year". An individual could give a cumulative total of \$2,000 (e.g., \$1,000 in 1987 and \$1,000 in 1988).

IV. GENERAL COMMENTS AND QUESTIONS

Campaign Contributions

- Under SSHB 137, individuals can give \$1,000 to a candidate, a PAC, a group and a union that support the same candidate. Representative Martin questions whether, in fact, the proposed legislation was putting limits on contributions. Representative Brown stated that while this may be possible, placing cumulative limits on groups, PACs, unions and political parties should control for this possibility.
- Representative Ulmer asked whether the proposed contribution limits were the right numbers? Should we consider a formula for defining amounts or go with straight numbers when asking, for example, should Senate candidates receive twice as much as House candidates? Are these limits reasonable or appropriate?
- By restricting or limiting campaign contributions, are we limiting individuals' or groups' rights to petition government and act as a body? In other words, are we violating an individual's or group's constitutional rights?
- Is making a contribution to a candidate of your choosing a freedom of speech? (Note: The Supreme Court has ruled that a contribution is conduct and therefore not pure speech. As such, contributions are subject to regulations.)
- Several states currently prohibit groups and unions from making any contributions. For example, Iowa prohibits corporations, banks, savings and loans and insurance companies from making contributions to political candidates.

Political Parties and Subdivisions

- What constitutes a political party and its subdivision(s)? APOC recommended that subdivisions of political parties be defined in both CSHB 234 (work draft) and SSHB 137.

Anonymous Letters and Flyers

- If APOC does not know who sent or paid for a letter or flyer, it is difficult to intercede and impose criminal sanctions.

In-Kind Services

- How does APOC handle in-kind service as contributions? APOC stated that in-kind services are adequately dealt with in statute, although there is a problem of determining the value of such services. APOC noted that volunteer services are not currently included.

Personal Use of Contributions

- Can candidates contribute to other candidates? (Note: Under current law, candidates can contribute to other candidates. The question becomes whether the legislature would want to continue this practice.)
- Candidates can disburse funds in a number of ways such as contributing to charity. There are no restrictions except on how expenditures are reported.

Fund Raiser

- Would the fund raising restrictions in SSHB 137 and CSHB 234 (work draft) apply to special sessions?
- What is the distinction between a fund raiser and a contribution?

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Campaign Finance

V. HOUSE BILLS/APOC POSITION PAPERS

1 IN THE HOUSE

BY BROWN, ELLIS, DAVIS, FRANK,
SWACKHAMMER AND MENARD

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 137

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.065. LIMITATIONS ON ACCEPTING CONTRIBUTIONS. (a) A
11 candidate may accept a contribution only during an election campaign
12 under this section.

13 (b) During the election campaign, a candidate for the office of
14 governor or lieutenant governor may accept

15 (1) not more than \$1,000 in contributions from a person, a
16 group other than a political party or its subdivisions, a corporation,
17 or a labor union;

18 (2) a cumulative total of not more than \$40,000 in contri-
19 butions from corporations, labor unions, and groups other than politi-
20 cal parties and their subdivisions;

21 (3) a cumulative total of not more than \$40,000 in contri-
22 butions from political parties and their subdivisions.

23 (c) During the election campaign, a candidate for the state
24 senate may accept

25 (1) not more than \$1,000 in contributions from a person, a
26 group other than a political party or its subdivisions, a corporation,
27 or a labor union;

28 (2) a cumulative total of not more than \$20,000 in contri-
29 butions from corporations, labor unions, and groups other than

1 political parties and their subdivisions;

2 (3) a cumulative total of not more than \$20,000 in contri-
3 butions from political parties and their subdivisions.

4 (d) During the election campaign, a candidate for the state
5 house of representatives may accept

6 (1) not more than \$1,000 in contributions from a person, a
7 group other than a political party or its subdivisions, a corporation,
8 or a labor union;

9 (2) a cumulative total of not more than \$10,000 in contri-
10 butions from corporations, labor unions, and groups other than politi-
11 cal parties and their subdivisions;

12 (3) a cumulative total of not more than \$10,000 in contri-
13 butions from political parties and their subdivisions.

14 (e) During the election campaign, a candidate for municipal
15 office and a candidate for any other office not described in (b) - (d)
16 of this section may accept

17 (1) not more than \$1,000 in contributions from a person, a
18 group other than a political party or its subdivisions, a corporation,
19 or a labor union;

20 (2) a cumulative total of not more than \$10,000 in contri-
21 butions from corporations, labor unions, and groups other than politi-
22 cal parties and their subdivisions;

23 (3) a cumulative total of not more than \$10,000 in contri-
24 butions from political parties and their subdivisions.

25 (f) A candidate is subject to the limitations established in
26 this section only for the office for which the candidate most recently
27 filed a declaration of candidacy or nominating petition. A candidate
28 who withdraws as a candidate for an office and refiles for an office
29 with a lower limitation on the acceptance of campaign contributions

1 shall return the amount of each contribution that exceeds the limita-
2 tions established for the current candidacy. Notwithstanding the
3 provisions of this subsection, a candidate is not required to return a
4 contribution spent in a good faith effort to seek election to the
5 office with the higher limitation.

6 (g) In this section, "election campaign" means the period from
7 January 2 of the year in which the candidate files a declaration of
8 candidacy or a nominating petition through the day before the date of
9 the general election or the municipal election.

10 * Sec. 2. AS 15.13.070 is amended by adding a new subsection to read:

11 (i) A candidate for public office may not take contributions as
12 personal income during an election campaign, as defined in AS 15.13.-
13 065, or during tenure as an elected public official.

14 * Sec. 3. AS 15.13.125 is amended to read:

15 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIR-
16 ED REPORTS]. A person who fails to file a properly completed and
17 certified report within the time required by AS 15.13.110(a)(1), (3),
18 (4) or 15.13.110(d) is subject to a civil penalty of not more than \$10
19 a day for each day the delinquency continues as determined by the
20 commission subject to right of appeal to the superior court. A person
21 who fails to file a properly completed and certified report within the
22 time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a
23 civil penalty of not more than \$50 a day for each day the delinquency
24 continues as determined by the commission subject to right of appeal
25 to the superior court. A candidate who accepts a contribution in
26 violation of AS 15.13.065 or 15.13.070 is subject to a civil penalty
27 of not more than five times the amount of the contribution accepted.
28 An affidavit stating facts in mitigation may be submitted to the
29 comm: ssion by a person against whom a civil penalty is assessed.

1 However, the imposition of the penalties prescribed in this section or
2 in AS 15.13.120 does not excuse that person from filing reports re-
3 quired by this chapter.

4 * Sec. 4. AS 15.25.040 is amended by adding a new subsection to read:

5 (e) A statewide candidate may not file a declaration before
6 January 2 of the year preceding the year in which the election will be
7 held. Except for a statewide candidate, a declaration may not be
8 filed before January 2 of the year in which the election will be held.

9 * Sec. 5. AS 15.25.150 is amended by adding a new subsection to read:

10 (b) A statewide candidate may not file a petition before
11 January 2 of the year preceding the year in which the election will be
12 held. Except for a statewide candidate, a petition may not be filed
13 before January 2 of the year in which the election will be held.

14 * Sec. 6. AS 29.26.020 is amended by adding a new subsection to read:

15 (c) A nominating petition or declaration of candidacy may not be
16 filed before January 2 of the year in which the election is to be
17 held.

18 * Sec. 7. The prohibition in AS 15.13.065, as added by sec. 1 of this
19 Act, against a candidate accepting a contribution after the date of the
20 general election through the dates specified in AS 15.13.065 does not apply
21 to contributions accepted by a candidate or elected public official after
22 the effective date of this Act that are used to retire campaign debt in
23 existence on January 1, 1987.

24 * Sec. 8. AS 15.13.070(a) is repealed.

MEMORANDUM

State of Alaska

Position Paper: "An Act Relating to the Duration and Financing of
Election Campaigns" HB 137

Summary of Bill:

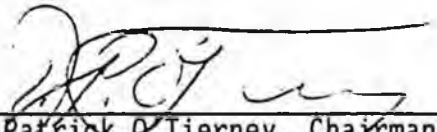
This bill amends the Campaign Disclosure Law to set contribution limits, by office and source of contributions. It restricts campaign activity to January 2, in the year preceding the election, until the day before the general or municipal election and penalizes violations. It also restricts a candidate from taking contributions as income during the campaign or while in office. It amends appropriate election codes to be consistent with the above provisions.

Comments:

The Alaska Public Offices Commission appreciates the opportunity to comment on HB 137. The Commission discussed this proposal at the September 14-15 meeting. As a matter of policy, the Commission supports an emphasis placed on contributions from individuals; limiting the cost and duration of campaigns; and, restricting the acceptance of campaign funds as personal income. In this regard, the Commission supports stronger language in Section 2, to read: "(i) a candidate for public office may not take contributions as personal income." Members of the Commission had mixed reactions to limits placed on group contributions, including questions on the Constitutionality of such restrictions. The Commission defers commenting on whether the amounts given as cumulative limits are reasonable or appropriate.

The staff of the Commission reviewed the proposal and found it feasible to administrate, including penalties for violations.

The Commission supports HB 137, with areas of concern noted above, as a reasonable means of encouraging individuals to contribute to campaigns and limiting the cost and duration of seeking public office. The Commission is requesting any proposals to amend the Campaign Disclosure Law to include revisions to the Commission appointment process to be consistent with the Alaska Constitution's requirements for quasi-judicial boards. Specific language to this effect is attached to this position paper.


Daniel Patrick O'Tierney, Chairman
Alaska Public Offices Commission

6 Oct 1987
Date

5-0936X
Bradley
4/23/87

Original sponsor: Hoffman

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 234 ()
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the duration and financing of
7 election campaigns."

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

9 * Section 1. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.065. CONTRIBUTION TO CANDIDATES FOR THE LEGISLATURE.

11 (a) A candidate for the legislature may accept a contribution only as
12 provided under AS 15.13.070 or this section.

13 (b) During the election campaign, a candidate for the state
14 senate may accept

15 (1) not more than \$1,000 in contributions from an
16 individual, a group, a corporation, or a labor union;

17 (2) a cumulative total of not more than \$20,000 in
18 contributions from corporations, labor unions, and groups;

19 (3) a cumulative total of not more than \$20,000 in
20 contributions from political parties and their subdivisions.

21 (c) During the election, campaign, a candidate for the state
22 house of representatives may accept

23 (1) not more than \$1,000 in contributions from an
24 individual, a group, a corporation, or a labor union;

25 (2) a cumulative total of not more than \$10,000 in contri-
26 butions from corporations, labor unions, and groups;

27 (3) a cumulative total of not more than \$10,000 in contri-
28 butions from political parties and their subdivisions.

29 (d) In this section, "election campaign" means the period from

1 September 1 of the year before the year in which the general election
2 will be held through the day before the date of the general election.

3 * Sec. 2. AS 15.13.070(a) is amended to read:

4 (a) An individual, [NO] person, or group, including but not
5 limited to all political committees, businesses, corporations, and
6 labor unions, may not contribute [TO OR EXPEND] more than \$1,000 a
7 year to a candidate for governor, lieutenant governor, or municipal
8 office [ON BEHALF OF OR IN OPPOSITION TO THE COMPETING CANDIDATES FOR
9 EACH ELECTIVE OFFICE]. Political parties and their subdivisions are
10 not subject to the limitation prescribed in this subsection, but they
11 are subject to the reporting requirements prescribed by AS 15.13.-
12 040(b) and 15.13.110. Nothing in this chapter prohibits

13 (1) a candidate from contributing more than \$1,000 to the
14 [OF HIS OWN MONEY TO HIS OWN] campaign of the candidate; or

15 (2) individuals, persons, or groups, including but not
16 limited to all political committees, businesses, corporations, [AND]
17 labor unions, and political parties from contributing to or expending
18 on behalf of a ballot proposition or question more than \$1,000 a year;
19 the [HOWEVER, THESE] contributions and expenditures shall be reported
20 under [IN ACCORDANCE WITH] AS 15.13.040 and 15.13.110.

21 * Sec. 3. AS 15.13.070 is amended by adding a new subsection to read:

22 (i) A candidate for public office may not take contributions as
23 personal income during an election campaign or during tenure as an
24 elected public official.
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MEMORANDUM

State of Alaska

Position Paper: "An Act Relating to the Duration and Financing of Election Campaigns" HB 234

Summary:

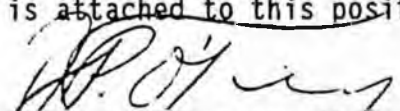
This bill sets cumulative limits, by race and contributor, to legislative races; restricts the duration of campaigns; and, restricts taking contributions as personal income.

Comments:

The Alaska Public Offices Commission appreciates the opportunity to comment on this proposal. The Commission discussed this bill at the September 14 -15 meeting. As a matter of policy, the Commission supports workable proposals to encourage individual contributions, restrict the duration and cost of campaigning, and restrict accessing contributions as personal income. In this regard, the Commission would support revising Section 3 to read: "(i) A candidate for public office may not take contributions as personal income." The Commission had mixed reactions to limits placed on contributions by groups and defers comments on whether the amounts given as cumulative totals are appropriate.

The staff had a number of concerns in administering the proposal. The cost of administration would significantly increase due to maintaining dual advising/reporting systems; the lack of penalties for violations would mean enforcement would occur only through an administrative hearing on willful or knowing violations; and, the definition of the campaign season - absent restrictions on filing declarations of candidacy - would be subterfuged.

Given the increased administrative costs and significant enforcement problems, the Commission does not support the proposal as it is currently drafted. As a matter of course, the Commission is requesting any amendments to the Campaign Disclosure Law also revise the appointment process for Commission members. Specific language to this effect is attached to this position paper.


Daniel Patrick O'Tierney, Chairman
Alaska Public Offices Commission


Date