



LAWS OF ALASKA

1974

Source

Chapter No.

HCS CSSB 388 (Judiciary) am H

76

AN ACT

Relating to election campaigns; and providing for an effective date.

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

* Section 1. AS 15 is amended by adding a new chapter to read:

CHAPTER 13. STATE ELECTION CAMPAIGNS.

Sec. 15.13.010. APPLICABILITY. This chapter applies in every election for governor, lieutenant governor, a member of the state legislature, or for a municipal office. A municipality may exempt itself from the requirements of this chapter if a majority of the voters at a general election vote to exempt the municipality from the requirements of this chapter. Nothing in this chapter prohibits a municipality from regulating by ordinance campaign contributions and expenditures.

Sec. 15.13.020. ALASKA ELECTION CAMPAIGN COMMISSION.

(a) There is created in the office of the lieutenant governor the Alaska Election Campaign Commission.

(b) The governor shall appoint two members of each of the two political parties whose candidate for Governor received the highest number of votes in the most recent preceding general election at which a Governor was elected. The two appointees from each of these two parties shall be chosen from a list of four names to be submitted by the central committee of each party.

(c) The four members selected under (b) of this section shall, by a majority vote, appoint the remaining member of the commission.

(d) The term of each member shall be four years. No member of the commission may serve more than one term.

(e) No member of the commission, during tenure, may

(1) hold or campaign for elective office;

(2) be an officer of a political party or political committee;

(3) permit his name to be used, or make any contributions, in support of or in opposition to a candidate;

(4) participate in any way in an election campaign; or

(5) lobby, employ or assist a lobbyist.

(f) Members of the commission shall receive compensation of \$100 a day while attending commission meetings and shall be entitled to necessary travel expenses and per diem.

(g) The members shall elect a chairman. Three members of the commission constitutes a quorum. A vacancy does not impair the powers of the remaining members to exercise all of the powers of the commission.

(h) Vacancy on the commission shall be filled by the appropriate appointing officer within 30 days of the occurrence of the vacancy. The appointee shall serve for the remaining term of his predecessor.

(i) The commission may employ an executive director and other employees it considers necessary. Neither the executive director nor an employee may have a vote.

(j) The commission shall establish in each senate district in the state an office to receive reports and statements required to be filed with it; however, where one municipality contains more than one election district, only one commission office shall be established in that municipality. The commission shall make every effort to insure that all reports are forwarded to the central office promptly.

Sec. 15.13.030. DUTIES OF THE COMMISSION. The commission shall

(1) develop and provide all forms for the reports and statements required to be made under this chapter;

(2) prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter and otherwise assist candidates and groups in complying with the requirements of this chapter;

(3) receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;

- (4) compile and maintain a current list of all filed reports and statements;
- (5) prepare and publish a summary of each report filed under sec. 110 of this chapter;
- (6) notify, by registered or certified mail, all persons who are delinquent in filing reports and statements required to be made under this chapter;
- (7) report within 60 days after the election the names of all persons and groups who have failed to comply with any of the provisions of the chapter to the office of the attorney general;
- (8) investigate all reports, statements and actions required by this chapter and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter;
- (9) prepare and publish an annual report to the legislature concerning the activities of the commission, the effectiveness of this chapter, its enforcement by the attorney general's office, and recommendations and proposals for change;
- (10) adopt regulations necessary to effectuate and clarify the provisions of this chapter.

Sec. 15.13.040. CONTRIBUTIONS AND EXPENDITURES TO BE REPORTED. (a) Each candidate shall make a full report, upon a form prescribed by the commission, of all expenditures made by or on behalf of the candidate, the total amount of all contributions including all funds contributed by the candidate himself, and for contributions in excess of \$100 in the aggregate per annum the name, address and principal occupation of the contributor and amount contributed by each contributor. The reports shall be filed according to sec. 110 of this chapter and shall be certified as correct by the candidate or campaign treasurer.

(b) Each group shall make a full report, upon a form prescribed by the commission, of all contributions made to or by it and all expenditures made, incurred, or authorized by it. The report shall contain the name and address of each officer and director, and the name and address of and amount contributed by each contributor in excess of \$100 in the aggregate per annum, and an itemized list of the expenditures. The report shall be filed with the commission no later than noon on the dates designated in sec. 110 of this chapter.

Sec. 15.13.050. GROUPS. Each group, before making an expenditure on behalf of a candidate or a contribution to a candidate, shall register, on forms provided by the commission, with the commission. If the group intends to support only one candidate, the name of the candidate shall be a part of the name of the group. Promptly upon receiving the registration, the commission shall notify the candidate of the group's organization and intent.

Sec. 15.13.060. CAMPAIGN TREASURERS. (a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of the campaign treasurer with the commission at the time the first contribution or expenditure report is required to be filed by the group under this chapter.

(c) Each candidate shall file the name and address of the campaign treasurer with the commission no later than the date of filing his declaration of candidacy or his nominating petition. The name of the candidate may be placed on the ballot only if the candidate has complied with this subsection.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified if he fails to comply with this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

Sec. 15.13.070. CONTRIBUTIONS AND EXPENDITURES; AMOUNT AND FORM OF PAYMENT. (a) No person may contribute, other than to his own campaign, in excess of \$1,000 in the aggregate per annum to any one candidate.

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

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

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

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

(f) The total amount of expenditures made by a candi-

date and by all groups operating under his control may not exceed (1) 40 cents times the total population of the state according to the latest United States census figures if the candidacy is for governor or lieutenant governor, of which amount no more than 40 per cent may be spent in a primary election campaign and no more than 60 per cent in the general election campaign, if the candidacy is for governor and no more than 50 per cent in the primary election campaign and no more than 50 per cent in the general election if the candidacy is for lieutenant governor; (2) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures divided by the number of seats in the senate district if the candidacy is for the state senate; (3) \$1 times the total population of the geographical area of the constituency according to the latest United States census figures divided by the number of seats in the house district if the candidacy is for the state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

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

(h) No campaign expenditure of any type whatsoever shall be made by any candidate, treasurer, or group unless the source is disclosed as required by the provisions of this chapter whether or not such funds were received prior to the effective date of this Act.

Sec. 15.13.080. STATEMENT BY CONTRIBUTOR. A person or group contributing to a candidate over \$100 or contributing goods or services to a candidate with a value of more than \$100 to influence the election of a candidate shall furnish the commission a signed statement, on a form made available by the commission. The statement shall itemize the contributions and goods and state that the contributor is not a person or group prohibited by law from contributing and that the contribution consists of funds or property belonging to the contributor and has not been given or furnished by another person or group. The contributor's statement shall be filed with the commission by the contributor no later than 10 days after the contribution is made. A copy of the statement shall be furnished the candidate, campaign treasurer, or deputy campaign treasurer at the time the contribution is made.

Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate shall be signed or identified by the words "paid for by" followed by the name and address of the candidate or campaign treasurer of the candidate or group on whose behalf the communication appears.

Sec. 15.13.100. EXPENDITURES BEFORE FILING. No political campaign expenditure may be made or incurred by a person in an election or by a person or group with his

knowledge and on his behalf before the date upon which he or she files for nomination for the office which the person seeks, except for personal travel expenses or for opinion surveys or polls.

Sec. 15.13.110. REPORTS. (a) Each candidate and group shall make a full report, upon a form prescribed and prepared by the commission, of all contributions made to or by the candidate, group, or treasurer and all expenditures made by or for the candidate, or group, during the period ending three days before the date of the report and beginning on the last day covered by the most recent previous report, or, if a first report, all contributions received and expenditures made before three days before the date of the report. The report shall contain the name and address of each person or group contributing, the date and amount contributed by each person or group, and the date and amount of the expenses incurred. The campaign treasurer or the candidate shall certify the correctness of the report. The report shall be filed at the following times:

- (1) one month before the election;
- (2) one week before the election;
- (3) ten days after the election; and

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

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

(c) The reports of statewide candidates shall be filed with the commission at the state capital and all other reports shall be filed in the appropriate senate district office. All reports required by this chapter shall be kept open to public inspection. Within one month after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall utilize uniform categories of reporting.

(d) During each year in which an election occurs, all persons, businesses, or groups which furnish any of the following services, facilities, or supplies to a candidate, or group shall maintain a record of each furnished transaction: newspaper, radio, television, advertising, billboards, printing, secretarial, public opinion polls, or research consulting, media production or preparation, or computer services. The record shall be maintained on the forms provided and in the manner required by the commission. The supplier shall report (1) those candidates or groups to whom he is providing services, facilities, or supplies to the commission within 30 days of the date on which the service, facility, or supply is to be furnished; and (2) the complete record of each transaction with all candidates and groups within 30 days after the election. All records shall

be available for public inspection. Within 60 days after each election, the commission shall prepare a summary by candidate of the transactions and make the summaries public.

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

- (1) failing to make a statement or report required to be made under this chapter, or failing to make a statement or report at the time the statement or report is required to be made under this chapter;
- (2) making a campaign contribution or expenditure which exceeds the limitations of sec. 70(f) of this chapter;
- (3) making a false statement or report under this chapter;
- (4) giving or furnishing money to another person or group for the purpose of making a contribution or expenditure anonymously, in a fictitious name, or in the name of another, or contributing in violation of sec. 70(d) of this chapter;
- (5) making a communication to support or defeat a candidate without identification of sponsorship, in violation of sec. 90 of this chapter;
- (6) knowingly accepting a contribution in violation of sec. 70 of this chapter.

(b) The nomination for, or election to, an office of a candidate who violates a provision of this chapter, or whose campaign treasurer or deputy campaign treasurer violates a provision of this chapter, is void, and, if he is elected, the successful candidate may not hold office and the office shall be filled as required by law in the case of a vacancy. When a violation of this chapter is alleged, the candidate's right to the nomination or the office may be tested in an action brought in the supreme court as a matter of original jurisdiction. All cases of this nature shall be in a preferred position for purposes of argument and decision, so as to assure a speedy disposition of the matter.

(c) Promptly after the final date for filing statements and reports, the commission shall notify all persons who have become delinquent in filing them, including contributors who failed to file a statement in accordance with sec. 40 of this chapter, and shall make available a list of these delinquents for public inspection. The commission shall also report to the attorney general the names of all candidates in an election whose campaign treasurers have failed to file the reports required by this chapter.

(d) A person who believes a violation of this chapter has occurred may file a complaint with the commission. If the commission determines there is substantial reason to believe that a violation has occurred, it shall expedi-

tiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate of the matter complained of. When, in the judgment of the commission, after affording due notice and an opportunity for a hearing, a person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of a provision of this chapter, or a regulation or order issued under it, it shall promptly report the information to the attorney general for appropriate action. The commission shall report its determination and recommendation to the person who filed the complaint with the commission within 60 days of receiving the complaint unless circumstances require additional time to make an adequate investigation. The finding of the commission may be appealed to the supreme court by the person who filed the complaint with the commission.

(e) Prosecution for violation of a provision of this chapter may not be commenced after four years have elapsed from the date of the alleged violation.

Sec. 15.13.125. BALLOT PROPOSITIONS. (a) Sections 40(b), 60, 70(e), 80, 90 and 110 of this chapter apply to contributions, expenditures and communications made by a group for the purpose of influencing the outcome of a ballot proposition as well as those made to influence the nomination or election of a candidate. Expenditures made by the State of Alaska are not considered to be contributions or expenditures for the purpose of influencing a ballot proposition.

(b) In this section "group" means a combination of two or more persons acting jointly whose major purpose is to influence the outcome of a ballot proposition.

Sec. 15.13.130. DEFINITIONS. In this chapter,

(1) "candidate" means a person who files for election to the state legislature, for governor, for lieutenant governor, or for municipal office;

(2) "contribution" means purchase, payment, promise or obligation to pay, loan or loan guarantee, deposit or gift of money, goods or services for which charge is ordinarily made and which is made for the purpose of influencing the nomination or election of a candidate, and in sec. 125 of this chapter for the purpose of influencing a ballot proposition, including the payment, by a person other than a candidate or political party, or compensation of the personal services of another person which are rendered to the candidate or political party;

(3) "group" means every state and regional executive committee of a political party and, in addition, means any combination of two or more persons acting jointly whose major purpose is to influence the nomination or election of a candidate or whose expenditures or contributions are made with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate or his agent; a group whose sole purpose is to further the nomination, election, or candidacy of only one person shall be considered to be controlled by that person and its actions

done with his knowledge and consent unless, within 10 days from the date the person learns of the existence of the group, he files with the commission, on a form provided by the commission, an affidavit that the group is operating without his control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate;

(4) "expenditure" means a purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, incurred or made for the purpose of

(A) influencing the nomination or election of a candidate or of any individual who files for nomination at a later date and becomes a candidate; or

(B) use by a political party; or

(C) the payment by a person other than a candidate or political party of compensation for the personal services of another person which are rendered to such a candidate or political party.

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

CHAPTER 57. ELECTION PAMPHLET.

Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor shall mail to all voters of the state before each state general election a candidate pamphlet containing photographs and campaign statements of eligible nominees who desire to participate in the pamphlet. The pamphlet shall also contain, for each ballot proposition, (1) a neutral summary of the proposition prepared by the Legislative Affairs Agency, and (2) a statement by persons or organizations supporting the proposition, and (3) a statement by persons or organizations opposing the proposition.

Sec. 15.57.020. STATEMENT AND PHOTOGRAPH TO BE FILED BY NOMINEE. No later than 60 days before the applicable state election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, judicial officer, state senator and state representative may file with the lieutenant governor a type-written statement advocating his candidacy. The statement may not exceed 150 words of biographical information and 200 words of information regarding issues and may be accompanied by a photograph not more than five years old and suitable for reproduction.

Sec. 15.57.030. PUBLICATION. The statements and photographs of nominees, as set out in secs. 10 and 20 of this chapter, shall be published by the lieutenant governor as a candidate pamphlet.

Sec. 15.57.040. CHARGES TO NOMINEES FOR SPACE. (a) The cost of one page of space in the candidate pamphlet is as follows:

(1) United States senator, United States repre-

sentative, and all nominees for state offices voted upon throughout the state, \$100 each;

(2) judicial officer other than supreme court justice, \$50 each;

(3) state senator, \$50 each;

(4) state representative, \$25 each.

(b) All payments shall be made to the lieutenant governor when the statement is offered to him for filing and shall be deposited in the general fund.

(c) Nominees for president and vice-president are each entitled to one page without charge and each political party nominating a presidential candidate is entitled to one page without charge.

(d) Political parties may each purchase one additional page for \$500.

Sec. 15.57.050. DISTRIBUTION. (a) Not less than 30 days before the election the lieutenant governor shall transmit by mail, to every voter in the state whose address he can with reasonable diligence ascertain, one copy of the pamphlet. When practical, the lieutenant governor shall have the pamphlets printed so that no candidate's picture or statement is included in the copy of the pamphlet going to a district where the candidate's election is not to be voted upon.

(b) Additional copies of the pamphlet may be obtained from the office of the lieutenant governor at cost.

Sec. 15.57.060. ORDER OF APPEARANCE. The candidates' photographs and statements shall appear in the pamphlet in alphabetical order within each category of office, in the sequence the offices sought appear on the state general election ballot.

* Sec. 3. AS 43.20.010(c) is amended by adding a new paragraph to read:

(10) A natural person is entitled to a tax credit not to exceed \$50 for the amount of political campaign contributions, including but not limited to a contribution or gift to a person or organization for use exclusively for political campaigns or dues to a nonprofit organization organized primarily for the purpose of influencing elections made within the tax year.

* Sec. 4. AS 43.05 is amended by adding a new section to read:

Sec. 43.05.085. LIST OF CONTRIBUTORS. The commissioner of revenue shall prepare and furnish to the commission by July 1 of each year a list of all persons claiming a credit under AS 43.20.010(c), including the dates, if available, and candidates or groups to which the contribution was made. These lists or parts of them shall not be made public except on order of the supreme court of the

state.

* Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

(37) Alaska Election Campaign Commission.

* Sec. 6. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.