



KETCHIKAN GATEWAY BOROUGH

2019 CANDIDATE HANDBOOK

**Borough Clerk's Office
1900 First Avenue Ste 115
Ketchikan, AK 99901
907-228-6605**



TABLE OF CONTENTS

Directory of Borough and State Election Offices and APOC Office	ii.
Election Calendar.....	iii.

SECTION ONE: FILING FOR OFFICE

1. General Information.....	1
A. Candidate Qualifications.....	1
B. Nominating Petitions.....	1
C. Financial Disclosure Statement.....	1
D. Registration Statements.....	1
E. Write-In Candidates.....	2
II. Instructions for Filing.....	2
III. Excerpts from the Ketchikan Gateway Borough Code.....	3

SECTION TWO: PUBLIC OFFICES COMMISSION

1. Financial Disclosure – AS 39.50	
A. Introduction and General Information.....	6
B. Properly Completed Statements.....	6
II. Campaign Disclosure – AS 15.13	
A. General Information.....	7
B. Which Report to File.....	7
C. Registration Due Date.....	8

SECTION THREE: MISCELLANEOUS INFORMATION

1. Candidate Information Sheets	
A. Mayor.....	9
B. Assembly.....	10
C. School Board.....	11
II. Qualification of Voters.....	12
III. Absentee Voting Procedures.....	12
IV. Campaign Advertising.....	13
V. Political Signs Along State Highways.....	14

**DIRECTORY OF
BOROUGH AND STATE ELECTIONS OFFICES
AND
ALASKA PUBLIC OFFICES COMMISSION LOCATIONS**

Ketchikan Gateway Borough
<http://www.kgbak.us>

Ketchikan Gateway Borough
1900 First Avenue Ste 115
Ketchikan, AK 99901

Kacie Paxton, Borough Clerk
Jenni Fox, Deputy Clerk
Phone: 907-228-6605
Fax: 907-228-6697

Division of Elections
<http://www.elections.alaska.gov/>

Region I
P.O. Box 110018
Juneau, AK 99811-0018

Lauri Wilson, Supervisor
Phone: 907-465-3021
Fax: 907-465-2289

Director's Office
P.O. Box 110017
Juneau, AK 99811-0017

Gail Fenumiai, Director
Phone: 907-465-4611
Fax: 907-465-3203

Alaska Public Offices Commission
<http://doa.alaska.gov/apoc/>

2221 E. Northern Lights, Room 128
Anchorage, AK 99508-4149

Heather Hebdon, Executive Director
Phone: 907-276-4176
Toll Free: 1-800-478-4176
Fax: 907-276-7018

KETCHIKAN GATEWAY BOROUGH ELECTION TIMELINE OCTOBER 1, 2019

Seats up for Election:

Mayor	(1) 3-year term:	David Landis
Assembly	(2) 3-year terms:	Judith McQuerry; Rodney Dial
School Board	(2) 3- year terms:	Bridget Mattson; Tom Heutte
	(1) 1-year term:	Leslie Becker

DATE	ACTION	KGB CODE	NOTES
January 1	Requests for absentee ballots accepted for the year	5.35.070	
July 1	Nominating petitions available to the public	5.15.020 (c)	
August 1	Filing for office begins	5.15.020 (d)	8:00 a.m.
August 26, Noon	Filing for office ends	5.15.020 (d)	Noon.
August 19	Last meeting for Assembly adoption of ballot measures	5.05.060	
September 1	Last date to register to vote for October 1 election	5.10.010	30 days prior to election date
September 11	Last date to mail Election Brochure (optional)	5.05.100	At least 20 days prior to election
September 11	Printed ballots available for inspection	5.20.030	20 days prior to election
September 16	Begin absentee in-person voting	5.35.060	15 days prior to election
September 24	Last date to postmark absentee by-mail ballot requests	5.35.070	Not less than seven days before election
September 30	Last day for applications for voting by electronic transmission	5.35.080	Not less than day immediately preceding election
September 30	Last day for absentee in-person voting	5.35.060	5:00 p.m.
October 1	LOCAL ELECTION DAY	5.05.040	First Tuesday of October
October 2	Canvass Board Meeting 1:00 p.m. City Council Chambers	5.40.020	No later than Wed. following election
October 7	Special meeting to certify election/annual organization meeting	5.40.060 2.10.070(a)	No later than Monday following election
November 4	Vice Mayor selected/committee appointments made	2.10.070(b)	First regular meeting in November

SECTION ONE

FILING FOR OFFICE

I. GENERAL INFORMATION

A. Candidate Qualifications

Borough Mayor

- qualified voter of the Borough
- resident of the Borough for at least one year immediately preceding the date of election or appointment
- has not served more than two terms consecutively as mayor

Assembly Member

- qualified voter of the Borough
- resident of the Borough for at least one year immediately preceding the date of election or appointment
- has not served more than two terms consecutively as Assembly Member

School Board Member

- qualified voter of the Borough

B. Nominating Petitions

- All candidates must file a Nominating Petition which has been signed by ten qualified voters of the Borough.
- **Where to file:** Nominating petitions must be filed with the Borough Clerk's Office, 1900 First Avenue Ste 115 .
- **Deadline:** The deadline for filing for office is August 25 at 5:00 p.m. If August 25 falls on Saturday or Sunday, the deadline is 12:00 noon on the following Monday.

C. Financial Disclosure Statement (See SECTION TWO for details)

- A candidate for Borough Mayor, Assembly or School Board must file a Candidate Financial Disclosure Statement at the time of filing a Nominating Petition
- **Deadline:** Date of filing a Nominating Petition.

D. Registration Statements

- A Registration Statement or Exemption Statement for a candidate or candidate's

campaign committee must be filed with the Alaska Public Offices Commission. The forms are available from the Borough Clerk's Office.

- **Deadline:** 7 days after filing Nominating Petition.

E. Write-In Candidates

- Write-in votes are not tallied unless:
 - a person running as a write-in candidate has, at least before 5:00 p.m. of the day before the election filed a declaration they are willing to assume the office if elected and have filed a completed Public Officials Financial Disclosure statement with the Borough Clerk; or
 - the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

NOTE: This section is for general information only. A candidate is responsible for reviewing the specifics of the law which are not contained in this booklet.

II. INSTRUCTIONS FOR FILING

Please read the "General Information" carefully and be sure you meet the specific requirements before you file for office.

- Complete Nominating Petition and have it signed by at least ten qualified voters of the Borough. Make sure they have completed the "identifier" information on the form. You should try to get at least fifteen signatures in order to assure you meet the ten qualified voters requirement.
- Sign and have your Petition notarized. It may be notarized at the Borough Clerk's Office at the time of filing.
- Complete and submit a Financial Disclosure Statement and check the box for "Candidate Filing"

III. EXCERPTS FROM THE *KETCHIKAN GATEWAY BOROUGH CODE*—CANDIDATE QUALIFICATIONS

5.15.010 Candidate qualifications.

(a) All elected officials of the borough, including members of the school board, shall be elected at the regular election in such years as the respective current term of the office to which they seek election shall expire.

(b) A candidate for borough mayor must meet the qualifications as listed in KGBC 2.05.020.

(c) A candidate for borough assembly must meet the qualifications as listed in KGBC 2.10.040 and 2.10.050(c).

(d) A candidate for school board must meet the qualifications as listed in AS 14.12.080.

5.15.020 Nomination of candidates.

(a) Nominations for the filling of elective offices of mayor, assembly member and school board member shall be made only by petition of at least ten (10) qualified voters residing within the borough.

(b) A nominating petition shall be in a form provided by the borough clerk and shall state the following:

(1) The full name of the candidate, and the manner in which the candidate's name is to appear on the ballot;

(2) The full residence and mailing addresses of the candidate;

(3) A statement that the candidate is qualified to fill the office as provided by law and the candidate's willingness to do so;

(4) The date and notarized signature of the candidate certifying the information contained in the nominating petition is true and accurate;

(5) Any other information that the borough clerk reasonably requires to determine whether the candidate is qualified for the office as provided by law.

(c) Nominating petitions shall be provided by the borough clerk not earlier than thirty (30) days prior to the opening of the filing period.

(d) Nominating petitions shall be completed and filed with the borough clerk from August 1st through August 25th, 5:00 p.m. Should August 25th be a Saturday or Sunday, then candidates shall have until noon on the first Monday following to file their nominating petition.

(e) If an office is to be filled for an unexpired term at a special election, nominating petitions shall be provided by the borough clerk not later than sixty (60) days prior to the special election and must be filed not later than thirty (30) days before the special election.

(f) Within four (4) days after the filing of a nominating petition the borough clerk shall notify the candidate named in the petition and the person who filed it whether or not the

petition is in proper form and is signed by at least ten (10) qualified voters. If the petition is deficient in any way, the borough clerk shall immediately return it to the person who filed it with a statement certifying wherein it is deficient. A new petition, or the same petition, if the deficiency is in the number of signatures, for the same candidate may be filed within the time for filing nominating petitions.

5.15.030 Public official financial disclosure statement.

(a) Candidates for elective borough office shall file a public official financial disclosure statement with the borough clerk as required by AS 39.50 at the time of filing a nominating petition. The name of the candidate shall be placed on the ballot by the borough clerk only after the candidate has complied with this requirement.

(b) Each candidate is responsible for compliance with the campaign financing reporting requirements of AS 15.13.

5.15.040 Correction, amendments and withdrawal of nominating petitions.

(a) Any candidate nominated may withdraw his nomination at any time during the period for filing nominating petitions by appropriate written notice to the borough clerk. However, after the period for filing nominating petitions has closed, no nomination petition may be corrected, amended or withdrawn.

(b) Any petition filed with the borough clerk shall not be changed as to term of office. A new petition shall be requested from the borough clerk if a candidate desires to file for a different seat.

5.15.050 Review of candidate qualifications.

The borough clerk shall determine whether each candidate for borough office is qualified as provided by law. At any time before the election the borough clerk may disqualify any candidate whom the borough clerk finds is not qualified and immediately notify that candidate by certified mail. A candidate who is disqualified may request a hearing before the borough clerk within five (5) days of receiving the notice. The hearing shall be held no later than five (5) days after the request unless the candidate agrees in writing to a later date.

5.15.060 Prohibitions.

(a) A person may not serve simultaneously as mayor and as a member of the assembly, as mayor and a member of the school board, or as a member of the assembly and member of the school board.

(b) No elected official of the borough may hold any other compensated borough office or borough employment or elected position in the state or federal government while in office.

5.30.040 Write-in votes.

(a) Write-in votes shall not be tallied except:

(1) If the person running as a write-in candidate has, at least before 5:00 p.m. of the day before the election, filed a declaration of write-in candidacy on a form provided by the clerk stating that they are willing to assume the office if elected and have also filed a completed public officials financial disclosure statement with the borough clerk; or

(2) If the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot.

(b) In order to vote for a write-in candidate, the voter must, in the space provided, write in the candidate's name as the candidate's name appears on the candidate's declaration of write-in candidacy filed with the borough clerk. In addition, the voter must mark the square or oval opposite the candidate's name in accordance with KGBC 5.30.030(b). Stickers shall not be used.

(c) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

(d) If votes for write-in candidates are counted at the precinct level, election workers shall set aside any ballots which contain any abbreviation, misspelling, or other minor variation in the form of the name of a write-in candidate and forward those ballots to the canvass board for review and determination. The canvass board shall review such ballots and shall disregard any misspelling, or other minor variation in the form of the name of a write-in candidate, if the intention of the voter can be ascertained.

(e) In order to be elected, a write-in candidate must receive the number of votes required by this chapter.

SECTION TWO

ALASKA PUBLIC OFFICES COMMISSION

I. FINANCIAL DISCLOSURE – AS 39.50

A. Introduction and General Information

There are many requirements within the law and candidates are strongly advised to contact the Alaska Public Offices Commission with any questions:

Alaska Public Offices Commission
2221 E. Northern Lights, Room 128
Anchorage, AK 99508
Telephone: 907-276-4176 or 1-800-478-4176
Fax: 907-276-7018

Office hours are Monday through Friday from 8:00 a.m. until 5:00 p.m.

Candidates for BOROUGH MAYOR, ASSEMBLY and SCHOOL BOARD are required to file Statements with the Borough Clerk at the time their Nominating Petition is filed.

The law now requires that a statement must be filed within 90 days after an incumbent has left office.

B. Properly Completed Statements

The Borough Clerk cannot accept a Financial Disclosure Statement which has the wrong reporting period, lacks an original signature, is illegible, or is missing sections. The Statement will be returned for completion and will not be considered filed until it is corrected and resubmitted. Statements must be typed or written in ink.

II. CAMPAIGN DISCLOSURE -- AS 15.13

A. General Information

The Campaign Disclosure Law requires the Alaska Public Offices Commission to prepare, publish, and furnish to persons who must file reports and statements under the law a manual recommending uniform methods of bookkeeping and reporting. Information regarding the law can be obtained at the commission's website: www.state.ak.us/apoc

B. Which Report to File

There are three different kinds of reports a candidate might file depending on the extent of his or her campaign:

1. *APOC Exemption Statement* - you may submit the exemption form **ONLY** if you do not raise or spend more than \$5,000 on your election campaign. Once the exemption is filed, **no other reports are required** during your campaign.
2. *Registration Statement for a Candidate or a Candidate's Campaign Committee* - This form provides pertinent information concerning the candidate and gives the public the names of those who will be primarily responsible for handling the campaign finances, including the campaign chairman, if any. On this Statement, the candidate may appoint a treasurer and, as necessary, one or more deputy treasurers. If a candidate does not appoint a treasurer, it is assumed that he or she is his or her own treasurer.
3. *Campaign Disclosure Statement* – The Campaign Disclosure Statement is the cornerstone of the Campaign Disclosure Law. The statement filed by candidates consists of eight schedules:
 - a. Cover Page (for candidates and groups)
 - b. Campaign Summary
 - c. Campaign Income
 - d. Exempt Fund Raiser
 - e. Campaign Expenses
 - f. Campaign Debts
 - g. Additional Sheet for Income, Expense or Debts
 - h. 24 Hour Report

The report requires full disclosure of all contributions by name and address up

to \$250 and then by name, address, occupation and employer. A candidate must also list (itemize) every expenditure made; this list includes accrued (unpaid) expenditures.

4. Candidate Reimbursement Notification – This form is used to reimburse you after the election for a personal contribution or loan to the campaign.

C. Registration Due Date

Candidates are advised to file their Registration Statement at the same time they file for elective office. Candidates have seven (7) days to file this form. A candidate may at any time appoint a new treasurer or additional deputy treasurers. This may be done by filing a new Registration Statement with the additional appointment or deletions, or addressing a short note to the APOC listing the new information.

**SECTION THREE
MISCELLANEOUS INFORMATION**

I. CANDIDATE INFORMATION SHEETS

A. Mayor

GENERAL

The Borough Mayor is elected by the qualified voters of the Ketchikan Gateway Borough for a three-year term. The Borough Mayor is the presiding officer of the Assembly and does not vote unless it is necessary to break a tie. The Borough Mayor has the power to veto certain items of the Assembly, but the Assembly may override the veto with a 2/3 vote. At the first regular meeting in November an organizational meeting is held at which a vice mayor is selected from Assembly members by the Borough Mayor, subject to Assembly approval. Appointments of Assembly members to standing committees and other organizations are also made at that time. The Borough Mayor signs ordinances, acts as the ceremonial head of the Borough, and signs documents on the Borough's behalf upon Assembly authorization. The Borough Mayor is required by Alaska Statutes to file an annual Public Official Financial Disclosure Statement. Additional duties and responsibilities of the Borough Mayor are provided in KGBC Chapters 2.05-2.30, accessible through the Borough website at www.kgbak.us

MEETINGS

Regular Meetings, Special Meetings, Work Sessions

The Assembly meets twice a month at regular meetings which are scheduled on the first and third Mondays of each month beginning at 5:30 p.m. Regular meetings follow a prescribed agenda and Roberts Rules of Order are followed. Special meetings may be called to deal with items of immediate concern and work sessions are also held when necessary. The Mayor is expected to attend all meetings of the Assembly.

During the months of May and June special meetings are held by the Assembly to deal with the preparation of the budget for the upcoming fiscal year (July 1 - June 30).

Board of Adjustment

The Assembly acts as the Board of Adjustment for the purpose of hearing appeals from decisions of the Planning Commission on requests for conditional uses, variances, and administrative decisions of Borough employees made in the enforcement, administration, or application of land use regulations. Meetings of the Board of Adjustment are called throughout the year on an as-needed basis.

REIMBURSEMENT

The Borough Mayor receives a salary of \$500 per month. In addition, a stipend of \$75 is paid for each meeting of the Assembly attended by the Borough Mayor, howsoever designated. The

Borough Mayor receives an allowance for meals when traveling on Borough business and the Borough pays for hotels and airfare.

B. Assembly

GENERAL

Assembly members are elected at-large by the qualified voters of the Ketchikan Gateway Borough for three year terms. The Assembly consists of seven members. The presiding officer of the Assembly is the Borough Mayor who does not vote unless it is necessary to break a tie vote. At the first regular meeting in November an organizational meeting is held at which a vice mayor is selected from Assembly members by the Borough Mayor, subject to Assembly approval. Appointments of Assembly members to standing committees and other organizations are also made at that time.

Assembly members are required by Alaska Statutes to file an annual Public Official Financial Disclosure Statement.

The Assembly is the legislative body of the Borough and is responsible for the appointment of the Borough Manager, Borough Attorney, and Borough Clerk. All other employees of the Borough work for those individuals. Additional duties and responsibilities of the Assembly are provided in KGBC Chapters 2.10-2.30, accessible through the Borough website at www.kgbak.us

MEETINGS

Regular Meetings, Special Meetings, Work Sessions

The Assembly meets twice a month at regular meetings which are scheduled on the first and third Mondays of each month beginning at 5:30 p.m. Regular meetings follow a prescribed agenda and Roberts Rules of Order are followed. Special meetings may be called to deal with items of immediate concern and work sessions are also held when necessary.

During the months of May and June special meetings are held by the Assembly to deal with the preparation of the budget for the upcoming fiscal year (July 1 - June 30).

Board of Equalization

The Assembly acts as the Board of Equalization for the purpose of hearing appeals from a determination of the assessor. Meetings for this purpose are generally held during the months of March, April and May of each year.

Board of Adjustment

The Assembly acts as the Board of Adjustment for the purpose of hearing appeals from decisions of the Planning Commission on requests for conditional uses, variances, and administrative decisions of borough employees made in the enforcement, administration or application of land use regulations. Meetings of the Board of Adjustment are called throughout the year on an as-needed basis.

REIMBURSEMENT

Each Assembly member receives a salary of \$150 per month. In addition, they also receive \$75 for

each meeting of the Assembly, howsoever designated, that they attend. Assembly members receive an allowance for meals when traveling on Borough business and the Borough pays for hotels and airfare.

C. School Board

GENERAL

School Board members are elected for three year terms unless they are filling out the term of a prior School Board member. Any person eligible to be a voter in the district is eligible for Board membership. The School Board consists of seven members. (In addition, a student Board member sits on the Board and may cast an advisory vote.)

Within seven days of the certification of the municipal election, the Board meets to elect a president, vice president and clerk/treasurer.

The Board is responsible for the general control and direction of education in the district. The Superintendent serves as the chief executive officer of the Board. The Board delegates the Superintendent the authority to carry out Board decisions.

Board members are required by Alaska Statutes to file an annual *Public Official Financial Disclosure Statement*.

MEETINGS

Regular, Work Sessions, Committee

The School Board meets twice monthly at regular meetings scheduled on the second and fourth Wednesdays beginning at 6:00 p.m. During the months of June, July, November and December, only one regular meeting is held. Special meetings of the Board may be called by the presiding officer or a majority of Board members.

Work Sessions

During the annual budget preparation in March and April, budget hearings and work sessions are scheduled in addition to the regular meetings. From time to time, work sessions may also be scheduled for special topics.

Committees

There are several standing committees to which Board members are appointed. The committees meet as needed. In addition, Board members may be appointed to curriculum committees or other advisory committee.

STIPEND

Each Board member receives a monthly stipend. The individual serving as Board president receives an additional amount for that responsibility

II. QUALIFICATION OF VOTERS

- A. A person is qualified to vote in borough-wide elections who is registered to vote in state elections at a residence address within the Ketchikan Gateway Borough at least thirty (30) days before the election at which the person seeks to vote.
- B. A person is qualified to vote in a service area election if the requirements of KGB Code 5.10.010(a) are met and the person is registered to vote at a residence address located within the service area.
- C. For the purpose of determining residence for voting, the place of residence is governed by the rules set forth in AS 15.05.020.

III. ABSENTEE VOTING PROCEDURES

- A. Absentee Voting In Person: A voter may apply for and vote an absentee ballot at the Borough Clerk's Office as early as fifteen days prior to the election.
- B. Absentee Voting By Mail: A qualified voter may apply for an absentee ballot by mail if postmarked not earlier than the first of the year in which the election is to be held, nor less than seven days before an election. All applications for an absentee ballot by mail shall be either on a form provided by the borough clerk's office or in a letter containing the following information.
 - (1) the applicant's full Alaska residence address;
 - (2) the address the applicant desires the absentee ballot to be mailed; or if the application requests delivery of an absentee ballot by electronic transmission, the telephone electronic transmission number, to which the absentee ballot is to be returned
 - (3) the applicant's signature
 - (4) a voter identifier such as voter number, the last four (4) digits of the social security number, Alaska driver's license number, Alaska state identification number, or date of birth.

A request may be made by facsimile, scanning, or other electronic transmission. Another individual may apply for an absentee ballot on behalf of a qualified voter if that individual is designated to act on behalf of the voter in a written general power of attorney or a written special power of attorney that authorizes the other individual to apply for an absentee ballot on behalf of the voter.

- C. Absentee Voting by Electronic Transmission: A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made not less than the day immediately preceding the election. Absentee ballots will be

electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven days prior to the election, the ballot will be mailed in the manner provided in section 5.35.070 for absentee ballots by mail. The borough clerk will provide reasonable conditions for electronically transmitting absentee ballots.

A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling places is acceptable.

An absentee ballot that is completed and returned by the voter by electronic transmission must:

- (1) Contain the following statement: "I understand that by using electronic transmission to return my marked ballot, I am voluntarily waiving a portion of my right to a secret ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible.", followed by the voter's signature and date of signature; and
- (2) Be accompanied by a statement executed under oath as to the voter's identity; the statement under oath must be witnessed by a United States citizen who is 18 years of age or older.

D. Special Needs Voting: A qualified voter with a disability who, because of that disability, is unable to go to a polling place to vote may vote a special needs ballot. Special needs ballots shall be issued and accounted for in accordance with the rules adopted by the state for use in state elections and in effect at the time of the local election.

IV. CAMPAIGN ADVERTISING

The Alaska Public Offices Commission is responsible for administering Alaska law regarding campaign advertising. If you have any questions about the requirements or need addition information, please contact the APOC at 1-800-478-4176.

The following requirement applies to ALL candidates, INCLUDING exempt candidates:

All political communications must contain a "paid for by" identifier which includes the words "paid for by" followed by the name and address of the candidate, group or individual paying for the communication (media and print ads, fundraiser invitations, yard signs, bumper stickers, etc.). Candidates and groups may (but are not required to) identify the name of their campaign chairperson.

If the communication results from an independent expenditure, it must also include the following: "This NOTICE TO VOTERS is required by Alaska law. (I/We) certify that this (mailing/literature/advertisement) is not authorized, paid for, or approved by the candidate." There is a fine for inadequate or missing identifiers.

V. POLITICAL SIGNS ALONG STATE HIGHWAYS



Alaska law prohibits the placement of outdoor advertising along state highways. The State Department of Transportation has responsibility for enforcing this law. “Outdoor advertising may not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state” unless the advertising meets one of five specific exceptions set out in AS 19.25.105, AS 19.25.90. Furthermore, outdoor advertising may not be erected or maintained more than 660 feet from the edge of the right-of-way if the message is intended to be read by those traveling on the highway unless one of the five specific exceptions is met. AS 19.25.105(c). Finally, outdoor advertising may not be placed within highway rights-of-way. AS 19.25.105(d)

The law’s broad definition of outdoor advertising includes political signs. “‘Outdoor advertising’ includes any outdoor sign, display, or device used to advertise, attract attention or inform ... whether by printing, writing, painting, picture, light, drawing, or whether by the use of figures or objects, or a combination of these, or any other thing designed, intended, or used to advertise, inform, or attract attention.” AS 19.25.160(3)

Two of the exceptions specified in AS 19.25.105(a) may allow certain political signs to be placed near a highway right-of-way. The first exception allows outdoor advertising to “advertise activities conducted on the property.” AS 19.25.105(a)(2). This allows a campaign to place a political sign on the premises of the campaign office. The second exception allows for outdoor advertising on bus benches, bus shelters, and adjacent trash receptacles. AS 19.25.105(a)(5) and AS 19.25.105(d)(1)

A person who violates the prohibition on outdoor advertising in AS 19.25.105 is guilty of a misdemeanor and is subject to a fine of between \$50 and \$5,000. AS 19.25.130

Note that AS 19.25.105 only applies to outdoor advertising near interstate, primary, or secondary highways. Local governments may have additional provisions relating to outdoor advertising near other types of roads in their jurisdictions. If a sign is placed within a highway right-of-way and obstructs a state highway or road or amounts to a visual obstruction of or safety hazard on a state highway or road, the sign may be immediately removed by the Department of Transportation. AS 19.25.240

If the Department of Transportation confiscates a sign for encroachment, the sign may be recovered from the department only after its owner pays the department for (1) the expense of removing the encroaching sign; (2) all costs and expenses paid by the state as a result of claims filed against the state related to the encroachment; and (3) the state’s costs and expenses of suit. AS 19.25.250

If you are in doubt concerning the state right-of-way in a given area, please contact the Southeast Regional Office of the Statewide Design and Engineering Services Division, Department of Transportation and Public Facilities for information: Southeast Region / Juneau: 465-4428.