

H B

165

As of 3/27/83

ANALYSIS OF CSSHBI65

General Overview: The purpose of this legislation is to clean up the Campaign Disclosure Laws without sacrificing their original intent. In order to accomplish this goal, the following changes are proposed: 1) raise reporting threshold relating to monetary transactions; 2) clarify the roles of campaign officers; 3) simplify required reports; and 4) more clearly contrast the applicability of statutes as to groups or candidates.

Specific amendments to existing statutes are as follows:

P. 1, 1. 14: Raises yearly threshold for reporting campaign contributions to candidates from \$100 to \$250 in the aggregate.

P. 1, 1. 18: Adds reference to revised section 60(a) which deals with certification of reports and statements.

P. 1, 1. 21-28: This section deals with groups. It has been rewritten to parallel (a) which pertains to candidates. This section raises aggregate yearly threshold for reporting contributions made to the group to \$250. It incorporates former section (c), which has subsequently been listed for repeal in section 19. Former subsection (1) has been omitted since it is duplicated in 60(b). This section references revised section 60(a) which delineates who may certify the reports and statements required by law to be filed with APOC.

P. 2, 1. 1-3: Language added to clarify that section applies to groups which are not primarily organized for political purposes and are not raising funds for the purposes of influencing the outcome of an election.

P. 2, 1. 6: Raises threshold for reporting total contributions made to a candidate or group in a year from \$100 to \$250.

P. 2, 1. 7: Adds "independent" to expenditure. See new (g) which defines meaning of "independent".

P. 2, 1. 10: Adds "or against any candidate," This clarifies that the intent of the expenditure is to influence the outcome of the election either negatively or positively.

P. 2, 1. 12-19: Definition section added to clarify that the transaction referred to in section 40(d)(2) is not made in cooperation with an affected entity.

P. 2, 1. 21-29: Clarifies roles of campaign officers for groups and candidates. Requires groups to appoint chairmen along with treasurer.

Specifies that candidate will be assumed to be officer if another's name has not been filed with APOC.

P. 3, l. 1-2: Specifically states that a candidate may perform function of treasurer even if campaign treasurer is another person.

P. 3, l. 4-6: Adds group campaign chairman to officers required to be on file with APOC.

F. 3, l. 7-11: This paragraph restricts persons from acting in the capacity of campaign chairman or treasurer for a candidate if their names and addresses are not on file with APOC. The candidate's assumption of responsibility for the treasurer's duties has been transferred to new section 60(a). Former section required candidate to file name of campaign treasurer with APOC within a specific time period.

P. 3, l. 13-18: Added language specifies that section pertains to groups and expands scope to include all officers whose appointment is required under new section 60(b). Penalties for non-compliance by candidates are removed from section.

P. 3, l. 20-25: Changes responsibility for filing name of deputy campaign treasurer from the candidate to the person responsible for appointing them (the treasurer). Explicitly bars deputy campaign treasurers from certifying reports or statements.

P. 3, l. 27-29: Delineation of responsibility. Candidate is responsible for the performance of the campaign treasurer who is responsible for the performance of the deputy campaign treasurer(s).

P. 4, l. 1-4: Removes language joining legal responsibility of candidate with treasurer.

P. 4, l. 5-11: New section specifies that only officers specifically mentioned within this chapter may receive or expend funds. Applies to both groups and candidates.

P. 4, l. 13: Raises threshold for cash contribution to \$250.

P. 4, l. 17: Raises threshold for cash expenditure to \$250.

P. 4, l. 28: Changes officer required to be stated in disclaimer on literature or communications from campaign chairman to campaign treasurer. Listing the campaign treasurer is more consistent with the actual duties of this officer as set forth in statute.

P. 5, l. 2: Adds reference to new section 60(a) relating to certification of reports.

P. 5, l. 13: Changes due date for year-end report from three days prior to December 31st to 15 days after December 31st. (Sec AS 15.13.110(a).)

P. 5, l. 17-22: Changes the Twenty-Four Hour Report. Expands period to 9 days, eliminates reporting of expenditures, raises threshold for

reporting contributions from \$250 to \$500, specifies that it is receipt of contribution which brings it under the purview of this reporting requirement (ref. l. 18 "made" to "received"), and expands report intervals from 24 hours to 48 hours. Specifies that this report applies to both candidates and groups.

P. 5, l. 24-25: Added language specifies campaign treasurer rather than candidate and expands scope of this paragraph to apply to treasurers of groups.

P. 6, l. 3-9: Added language refers specifically rather than generally to campaign treasurer of a group since new 60(a) mandates appointment of group treasurers who, then, are solely responsible for certifying reports and statements.

P. 6, l. 10: Repealers. 40(c) is incorporated in re-write of (b). Sections 70(f) and 70(g) are campaign expenditure ceilings and inflation adjustment clauses which were declared unconstitutional for national campaigns by the U.S. Supreme Court in Buckley v. Valeo. An Alaska Attorney General Opinion of 1976 subsequently declared sections void for enforcement purposes on state level.

P. 6, l. 11: Immediate effective date.

STATE OF ALASKA
 PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 165

Date on Bill: 02/04/83

Title: "An Act relating to reports to the Public Offices Commission"

Sponsor: Uehling, Barnes, Bussell, Cowdery, Furnace, Ward and Herrmann

Requestor: _____

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1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

| | | | FY 83 | FY 84 | FY 85 | FY 86 | |
|-----------|--|--|-------|-------|-------|-------|--|
| Capital | | | | | | | |
| Operating | | | | | | | |
| Total | | | 0 | 0 | 0 | 0 | |

b. Revenues:

| | | | | | | | |
|---------|--|--|--|--|--|--|--|
| Revenue | | | | | | | |
|---------|--|--|--|--|--|--|--|

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

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Division: Alaska Public Offices Commission

Date: March 4, 1983

Approved by Commissioner: Lisa Rudd

*Lisa Rudd for the
 Commissioner*

Date: March 4, 1983

Department: Administration

5. Distribution:

- Original to Legislative Finance
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2/8/83