

HB

86

# HOUSE COMMITTEE REPORT

(7)

Date Referred: January 30, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2-22-91

The STATE AFFAIRS Committee considered:

HB 86

HOUSE BILL NO. 86

YEAR-END CAMPAIGN FINANCE REPORTS

"An Act relating to the date for filing of year-end campaign finance reports."

### RECOMMENDATIONS:

be-replaced with CS HB 86 (State Affairs)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note Admin. 2-12-91

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	need
		Pass		
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				

Eugene G. Kubera  
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 86

Revision Date: \_\_\_\_\_ Department Affected: Dept. of Administration  
 Title: An Act relating to the date for BRU: Alaska Public Offices Commission  
 filing year-end campaign finance reports  
 Sponsor: Judiciary Committee Component: \_\_\_\_\_  
 Requestor: House State Affairs COMPONENT SERIAL NO. [ ] [ ] [ ] 7 [ ] 0

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

There will be no fiscal impact

Prepared By: Karen Bookman *Karen Bookman* Phone: 276-4176  
 Division: Alaska Public Offices Commission Date: 2/12/91  
 Approved by Commissioner: Annie Laurie Howard, Chair *Annie Laurie Howard*  
 Agency: Alaska Public Offices Commission Date: 2/12/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

HB 86

### SPONSOR STATEMENT

Under present law, year-end campaign finance reports are required to be submitted to the Alaska Public Offices Commission on December 31.

This requirement is impractical and works a hardship on candidates and groups, as well as on the staff of A.P.O.C., for the following reasons:

1) contributions received on December 31 have to be submitted in an amended report;

2) bank statements verifying expenditures, receipts, and interest earned for the month of December are not received until late January or early February, often requiring the submission of amended reports;

3) the filing and processing of amended reports is an unnecessary burden on candidates, groups and staff of A.P.O.C.;

4) the public's "right to know" is not well-served by the present requirement because any elections are over and certified by December 31; and

5) in recognition of the impracticality of the December 31 deadline, A.P.O.C. has for several years allowed year-end reports to be filed well after the statutory date.

I ask your support for this technical, but helpful, change in our campaign finance reporting law.

7-LS0374G  
Gaguine  
2/19/91

*Rep. Kukina*

CS FOR HOUSE BILL NO. 86 (STATE AFFAIRS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act setting the date of February 15 for filing year-end campaign finance reports;  
2 requiring reporting of zero year-end reports; and closing the two-day reporting gap in  
3 preelection reports."

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

5 \* Section 1. AS 15.13.110(a) is amended to read:

6 (a) Each candidate and group shall make a full report in accordance with AS 15.13.040  
7 for [DURING] the period ending three days before the due date of the report and beginning on  
8 the last day covered by the most recent previous report. If the report is a first report, it shall  
9 cover the period from the beginning of the campaign to the date [, OR, IF A FIRST  
10 REPORT, ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE] three  
11 days before the due date of the report. If the report is a report due February 15, it shall  
12 cover the period beginning on the last day covered by the most recent previous report or  
13 on the day that the campaign started, whichever is later, and ending on December 31 of the  
14 prior year. The report shall be filed [AT THE FOLLOWING TIMES:]

- 1 (1) 30 days before the election; however, this report is not required if the deadline  
2 for filing a nominating petition or declaration of candidacy is within 30 days of the election;  
3 (2) one week before the election;  
4 (3) 10 [TEN] days after the election; and  
5 (4) February 15 [DECEMBER 31 OF EACH YEAR] for expenditures made and  
6 contributions received that [WHICH] were not reported during the previous [THAT] year or  
7 when no expenditures were made or contributions received during the previous year.

8 \* Sec. 2. AS 15.13.110(b) is amended to read:

- 9 (b) Each contribution or expenditure that [WHICH] exceeds \$250 and that [WHICH]  
10 is made within nine days [ONE WEEK] of the election shall be reported to the commission by  
11 date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the  
12 candidate or campaign treasurer.



# Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

House State Affairs Committee

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

**FAX TRANSMISSION**

February 14, 1991

3 pages including cover

TO: Karen Boorman, Director  
APOC

FROM: Representative Gene Kubina  
465-4859

Karen:

Here is a draft copy of a CS for HB 86. The bill drafter did his best to incorporate the amendments you recommended in the APOC position paper and I'd like to get your feedback. Please give Mary McBurney a call if you have any comments or suggestions.

↓  
*Rep Kubina*

CS FOR HOUSE BILL NO. 86 (STATE AFFAIRS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:

Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

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FOR AN ACT ENTITLED

1 "An Act setting the date of February 15 for filing year-end campaign finance reports;  
2 requiring reporting of zero year-end reports; and closing the two-day reporting gap in  
3 pre-election reports.

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

5 • Section 1. AS 15.13.110(a) is amended to read:

6 (a) Each candidate and group shall make a full report in accordance with AS 15.13.040  
7 for [DURING] the period ending three days before the due date of the report and beginning on  
8 the last day covered by the most recent previous report. If the report is a first report, it shall  
9 cover the period from the beginning of the campaign to the date [ , OR, IF A FIRST  
10 REPORT, ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE] three  
11 days before the due date of the report. If the report is a report due February 15, other than  
12 a first report, it shall cover the period beginning on the last day covered by the most recent  
13 previous report and ending on December 31 of the prior year. The report shall be filed [AT  
14 THE FOLLOWING TIMES:]

*ATC  
changes*

*Wording: delete "other than last report"*  
New text underlined (old (DELETED TEXT BRACKETED))

1991 LEGISLATION  
POSITION PAPER  
DEPARTMENT OF ADMINISTRATION

Division Alaska Public Offices Commission Bill Number HB 86

Bill Title An Act relating to the date for filing of year-end campaign finance reports.

Position Statement: Explain briefly what bill does, its impacts and Department's position, i.e.  
a) support, b) do not support, c) neutral or d) oppose.

SEE ATTACHED

APPROVED:

Director Karen Boorman Division AK Public Offices Commission  
print name

Signature Karen Boorman Date 2/12/91

Commissioner Millett Keller

Signature \_\_\_\_\_ Date \_\_\_\_\_

(For more information, call Barbara Pritchett 465-2200)

Rev. 1/23/91

Annie Laurie Howard Date 2-12-91  
Annie Laurie Howard, Chair  
Alaska Public Offices Commission

POSITION PAPER

APOC

HB 86

"An Act relating to the date for filing of year-end campaign finance reports."

This bill extends the deadline for year-end campaign disclosure reports from December 31 of each year to February 15 of the following year. This will allow candidates and groups the use of January bank statements and a longer time period to prepare a year-end report.

The Alaska Public Offices Commission has reviewed HB 86. This bill impacts the campaign disclosure law, AS 15.13 which the commission administers. The commission supports this legislation. The one month delay in year-end campaign disclosure report availability to the public is offset by more complete and accurate reports. (By APOC regulation 2 AAC 50.390, fines are not assessed until after January 16.)

The commission would like to request three additional changes to the legislation.

Amendment 1

The first clarifies the scope of the February 15 (year-end) report. The year-end reporting period starts with the most recent report filed or with the beginning of the campaign, whichever is later. The reporting period ends with the previous calendar year, not on February 12. This allows six weeks to fill out and file year-end reports.

Section 1, lines 6 and 7 ". . . day covered by the most recent

previous report[,] (or 1) If it is a first report, it shall cover all contributions received and expenditures made before three days before the due date of the report. If it is a report due February 15, it shall cover the period beginning on the last day covered by the most recent previous report or the beginning of the campaign, whichever is later, and ending with December 31 of the prior year. The report shall be filed . . .".

#### Amendment 2

The second would make zero year-end reports mandatory. This would allow APOC to monitor report filing and notify filers if no report is received. Currently, reports are filed only if activity has taken place since the last report. Filing a zero activity report is optional. APOC has no way of knowing and subsequently reminding a candidate or group whether a report should be filed. Requiring zero reports will avoid the problem of discovering at a later date that a report should have been filed and a significant fine has accrued.

Section 1, lines 13 and 14 "(4) February 15 [December 31 of each year for expenditures and contributions received which were not reported that year]."

When read in conjunction with 2 AAC 50.332(a), this change makes it clear that zero year-end reports are mandatory.

#### Amendment 3

The third suggestion involves a separate issue. Currently the statute is worded such that an inadvertent two day reporting gap occurs between the seven day pre-election reports and the 24 hour reports. Contributions over \$250 that should be reported during

the week before the election are not reported until the 10 day post-election report.

Amend AS 12.13.110(b) to read:

(b) Each contribution or expenditure that [which] exceeds \$250 and that [which] is made within nine days [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 candidate or campaign treasurer.

Since this last request changes the twenty four hour report filing, the title should be amended to delete "year-end".

**2 AAC 50.330. REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION.**  
Repealed 1/4/86.

**2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY.** (a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)  
AS 15.13.040(a) and (b)  
AS 15.13.110

**2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION.** A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(c) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)  
AS 15.13.070(c)

## REPORTING DATES

<u>REPORT TITLE</u>	<u>REPORTING PERIOD</u>	<u>DUE DATE</u>
1989 YEAR END	BEGINNING OF CAMPAIGN OR JANUARY 1 - DECEMBER 31, 1989	JANUARY 16, 1990
<u>PRIMARY ELECTION</u> <u>AUGUST 28, 1990</u>		
30 DAY PRE-PRIMARY	BEGINNING OF CAMPAIGN - JANUARY 1, 1990 - JULY 26, 1990	JULY 30, 1990
7 DAY PRE-PRIMARY two day gap	JULY 27, 1990 - AUGUST 18, 1990	AUGUST 21, 1990
24 HOUR REPORT	AUGUST 21, 1990 - AUGUST 27, 1990	WITHIN 24 HOURS OF RECEIPT OF +\$250.
10 DAY POST-PRIMARY	AUGUST 19, 1990 - SEPTEMBER 4, 1990	SEPTEMBER 7, 1990
<u>GENERAL ELECTION</u> <u>NOVEMBER 6, 1990</u>		
30 DAY PRE-GENERAL	SEPTEMBER 5, 1990 - OCTOBER 4, 1990	OCTOBER 9, 1990
7 DAY PRE-GENERAL two day gap	OCTOBER 5, 1990 - OCTOBER 27, 1990	OCTOBER 30, 1990
24 HOUR REPORT	OCTOBER 30, 1990 - NOVEMBER 5, 1990	WITHIN 24 HOURS OF RECEIPT OF +\$250.
10 DAY POST-GENERAL	OCTOBER 28, 1990 - NOVEMBER 13, 1990	NOVEMBER 16, 1990
1990 YEAR-END	NOVEMBER 14, 1990 - DECEMBER 31, 1990	JANUARY 15, 1991



# House State Affairs Committee

## Representative Gene Kubina, Chair

**DATE:** Feb. 22, 1991

**PLACE:** Capitol, Room 102

**SUBJECT OF MEETING:**  
 HB 86 - Relating to Year-End Campaign Finance Reports  
 HB 126 - Relating to Program Receipts Clean-Up

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Jay Hogan	Rep. Brown	502 Capitol			3727	Y	N	
John Lindback	Rep Brown	513 Capital			3998	Y	N	
DAVE DIERDORFF	LAA	510 COURT PLAZA			2450	Y	N	HB 126
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	