

SB

313

SENATE COMMITTEE REPORT

First Committee of Refer.

DATE: 2/16/98

FURTHER: Finance

Date of 5-Day Notice: 3/5/98
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3-18-98

Judiciary Committee considered

SENATE BILL NO. 313

PETITION CIRCULATION

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>Phyllis Ellis</i>	X		
		<i>Sean Parnell</i>	X		
CHAIR: <i>Wain L Taylor</i>	✓	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
<i>GOVERNOR, ELECTIVE OPS.</i>	<i>3-6-98</i>	✓	

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
Bill Version: SB313
(S) Publish Date: 3/19/98

Revision Date (Note if correction) _____ Dept. Affected Office of the Governor
Title Relating to initiative petitions BRU Elective Operations
Component Elections
Sponsor Senator Sharp
Requester Senate Judiciary Committee Component Serial No. #21

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Gail Fenumial *Gail Fenumial* Phone 465-3935
Division Division of Elections Date 3/6/98
Approved by C Lt. Governor Fran Ulmer *FU* Date 3/6/98
Agency Office of the Lieutenant Governor

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SPONSOR STATEMENT

SB-313

BY: SENATOR BERT SHARP

IT IS OFTEN ASSUMED THAT PERSONS OBTAINING SIGNATURES ON A BALLOT INITIATIVE ARE VOLUNTEERS WHO BELIEVE STRONGLY IN THEIR CAUSE. UNFORTUNATELY, THAT IS MORE OFTEN NOT THE CASE. INSTEAD, IT IS MORE LIKELY THESE SOLICITORS ARE SIGNATURE BOUNTY HUNTERS WHO ARE PAID BY THE SPONSOR OF THE INITIATIVE .

IN AN EFFORT TO BRING THE INITIATIVE PROCESS BACK TO A MORE GRASSROOTS EFFORT, SB-313 REQUIRES VISUAL IDENTIFICATION OF NAME AND A VOTER REGISTRATION IDENTIFICATION NUMBER OF THE PETITION CIRCULATORS AND ALSO PROHIBITS PAYMENT PER SIGNATURE BY THE SPONSOR.

THIS BILL ALSO PROHIBITS PAYING A PERSON TO SIGN A PETITION.

IN ADDITION, EXISTING LAW GRANTS A 30 DAY EXTENSION TO A SPONSOR IF THEY ARE UNSUCCESSFUL IN OBTAINING THE REQUIRED NUMBER OF VERIFIED SIGNATURES WITHIN THE ALLOWED TIME FRAME. SB-313 WILL ELIMINATE THIS 30 DAY EXTENSION. THIS WAY IF THE REQUIRED NUMBER OF SIGNATURES ARE NOT SUCCESSFULLY OBTAINED, THE INITIATIVE SIMPLY DOES NOT APPEAR ON THE BALLOT.

SIMPLY PUT, YOU EITHER GOT'EM OR YOU DONT'T!!!

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 23, 1998

SUBJECT: Sectional Summary of SB 313

TO: Senator Bert Sharp
Attn: Marilyn Wilson

FROM: Richard A. Glover - *RAG*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 of the bill enacts a requirement for petition circulators to display identification. The section enacts a provision that prohibits payments to petition circulators if the payments are based on the number of signatures gathered. Payments to signatories of initiative petitions are also prohibited. A violation is made a class B misdemeanor.

Section 2 of the bill enacts additional requirements of petition sponsors filing initiative petitions. The sponsors must state in the filing affidavit (in addition to the current requirements) that the signatories are qualified voters, that no payments to the sponsor on a per signature basis were received or agreed to, and the sponsor did not pay or offer payment to signatories.

Section 3 of the bill makes technical corrections required by section 6 of the bill.

Section 4 of the bill makes a technical correction required by sec. 6 of the bill.

Section 5 of the bill makes acts of accepting, soliciting, or agreeing to accept payment for signing a petition, crimes of improper subscription to a petition.

Section 6 of the bill eliminates the provisions for supplemental initiative petitions, and repeals the statute that prohibits invalidation of an initiative based on an insufficiency of the initiative's application or petitions.

Senator Bert Sharp
February 23, 1998
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Section 7 of the bill specifies the applicability of the bill sections to conform to various constitutional requirements.

RAG:pl:jr
98-036.plm

Collecting signatures often more than just a grass-roots effort

The young man sat next to his crutches on the floor of the arctic entryway to the Lucy Cuddy Center Monday morning. An initiative signature book lay in his lap, with a title page that read: "A bill prohibiting trapping of trapping wolves with snares."

"This is a great job for me, because I have a broken leg," he said. "I'm a laborer. You can't be a laborer on crutches."



MIKE DOOGAN

For every bona fide Alaska voter the young man can cajole into signing his petition, he will be paid from 50 cents to \$1. The young man, who didn't want to give me his name, wouldn't say exactly how much he was being paid. Neither would the man in charge of this petition drive, Kneeland Taylor.

"I'm not going to tell you that," Taylor said. He also said that many of his signature gatherers are volunteers who "believe in the cause."

The initiative process is the way individual Alaskans can write certain kinds of laws — if they can get enough of their fellow citizens to sponsor the law, sign up to put it on the ballot, and vote for it. All this citizen involvement gives the initiative process the veneer of grass-roots politics. Increasingly, that's not the case.

"We've hired a company to pay for signatures," said Ken Jacobus, one of the sponsors of the initiative to make English the official language of the state of Alaska. Through that company, National Voter Outreach, Jacobus' organization is paying \$1 a signature. Most of its money comes from a national organization called U.S. English.

"We used to pay less for signatures," Jacobus said, "and then the National Education Association entered the market and drove up the prices."

The NEA is part of an effort to pass an initiative to establish an endowment for elementary and secondary education in Alaska. A fourth initiative campaign, one to allow candidates to make term-limit pledges that would be printed on the state ballot, also is paying

for signatures. Some of the campaign's money, according to its chairman, Bob Bell, comes from a national organization called U.S. Term Limits.

To get on the 1998 ballot, initiative campaigns have to collect about 24,500 valid signatures by the time the Legislature convenes in January. Because a certain number of signatures will be disallowed for various reasons, that means most campaigns are shooting for 30,000 signatures. Eight initiatives are certified to collect signatures. Five are mounting all-out efforts to make the 1998 ballot. Of those, only the billboard initiative isn't paying signature gatherers.

"We're striving to make it an all-volunteer effort," said coordinator Michele Keck.

Those who are paying cite the sheer magnitude of collecting the signatures required for ballot certification.

"In order to get it by the legislative session, you almost have to pay for signatures," Jacobus said.

The fact that initiative campaigns are paying for signatures was a surprise to me, but not to people who pay close attention to the

political process.

"It's normal to pay," said Chris Ellingson, candidate coordinator for the Alaska Public Offices Commission.

Paying is normal now for a number of reasons, said Gary Jacobson, a professor of political science at the University of California, San Diego. One is that special interests often have money but no organization.

"If you're not responding to the grass roots, you can buy Astroturf," he said.

Another is that political parties have grown weaker, and the services they once offered are now available on the open market. A third is a change in the structure of the society.

"We don't have a lot of people with spare time," Jacobson said. "People have more money than they do time. Activities you used volunteers for, you can't find those people anymore. They'd rather give you the money."

□ Mike Doogan's opinion column appears in the Daily News each Tuesday, Friday and Sunday. His e-mail address is: mdoogan@pop.adn.com.

ADN 11-25-97

Anchorage Daily News

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Who is paying?

Initiative process has significant flaw

You have seen them for months now in shopping malls or libraries, wherever crowds form — signature gatherers for ballot petitions, clipboards at the ready.

Alaskans probably will face half a dozen advisory votes, and proposed changes in statutes next November. The issues range from billboards to the medicinal use of marijuana.

The 49th state is following a national trend. Voters in many states, especially California, are bypassing their legislatures to write their own laws. Often, these ballot initiatives are financed by special interest groups that have built political machines to one end: obtaining signatures to put their issue on the ballot.

It makes sense for Alaskans to know who is financing signature drives. Full disclosure helps inform the voters' judgment. But we don't have full financial disclosure in Alaska. In fact, we don't have anything like it.

To certify a ballot proposition, proponents must send the lieutenant governor a group filing statement containing the proposed language for the initiative and 100 signatures of supporters. Once certified after a legal review, these proponents can spend all they want on getting the 25,000 signatures or more needed for the ballot, but they don't have to disclose where the money came from or how they spent it.

Gren Granquist of the Alaska Public Offices Commission explains the situation this way. "Since 1981 the Commission has taken the position that funds raised and money spent solely to collect signatures to qualify a petition are not reportable under the Campaign Disclosure Law. This view is based, in part, on the constitutional right of citizens to petition their government, and in part, on the emphasis in AS 15.13 on the disclosure of finances that specifically influence the outcome of an election. Clearly, there is no election to influence unless the group successfully concludes the petition drive."

Only if a group rolls over money from a petition drive into the actual campaign — or raises money for the campaign while signature gathering — must it disclose its financial activities.

Mr. Granquist's interpretation of the law is correct — but the law is misguided.

This is a classic case of a conflict of rights: The right of citizens to petition their government and the right of the citizenry to know who is paying for a petition. We believe the right of an informed citizenry should prevail.

When lawmakers convene in January, they should take an immediate look at this hole in the campaign finance law and find out what can be done to close it. The initiative is a vital piece in the machinery of democracy, but it should not be permitted this remarkable exemption from financial disclosure.

In the meantime, the next time you meet a guy or a gal with a clipboard who wants your signature, don't hesitate to ask, "Who is paying for this?" Your John Henry is worth