

**НВ**

**179**

## Amendment #1

p. 3 Line 1 after [CHAIRMAN]

add

" Nothing in this section shall be construed to prohibit ~~information~~ surveys or polls, if the survey or poll is not intended to influence the election <sup>(etc.)</sup> (see p 2 line 26 to line 27 to "question".

of a candidate  
or outcome of a  
ballot proposition.

## Amendment #3

Conceptual amendment - make it back to 30 days from 10 days after contribution 15.13.40(c) is made.

& rationale is to make all deadlines consistent.

*conceptual  
Amendment #10  
construct a figure  
to the which will repeat  
contents of bill*

**CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 179(STA)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES COGHILL, Sanders**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the reporting of campaign contributions and to the  
2 identification of political campaign communications."

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

4 \* Section 1. AS 15.13.040(a) is amended to read:

5 (a) Except as provided in (g) of this section, each candidate shall make a full  
6 report, upon a form prescribed by the commission, listing the date and amount of all  
7 expenditures made by the candidate, the total amount of all contributions, including  
8 all funds contributed by the candidate, and for all contributions in excess of \$200  
9 [\$100] in the aggregate a year, the name, address, principal occupation, and employer  
10 of the contributor and the date and amount contributed by each contributor. The report  
11 shall be filed in accordance with AS 15.13.110 and shall be certified correct by the  
12 candidate or campaign treasurer.

13 \* Sec. 2. AS 15.13.040(b) is amended to read:

14 (b) Each group shall make a full report upon a form prescribed by the

*Amendment  
#15  
deletion  
1 & 2*

1 commission, listing

2 (1) the name and address of each officer and director;

3 (2) the aggregate amount of all contributions made to it; and, for all  
4 contributions in excess of ~~\$200~~ [100] in the aggregate a year, the name, address,  
5 principal occupation, and employer of the contributor, and the date and amount  
6 contributed by each contributor; and

7 (3) the date and amount of all contributions made by it and all  
8 expenditures made, incurred or authorized by it.

9 \* Sec. 3. AS 15.13.040(d) is amended to read:

10 (d) Every individual, person, or group making a contribution or expenditure  
11 shall make a full report, upon a form prescribed by the commission, of

12 (1) contributions made to a candidate or group and expenditures made  
13 on behalf of a candidate or group

14 (A) as soon as the total contributions and expenditures to that  
15 candidate or group exceeds [REACHES] \$500 in a year; and

16 (B) for all subsequent contributions and expenditures to that  
17 candidate or group in a year whenever the total contributions and expenditures  
18 to that candidate or group that have not been reported under this paragraph  
19 exceeds [REACHES] \$500;

20 (2) unless exempted from reporting by (h) of this section, any  
21 expenditure whatsoever for advertising in newspapers or other periodicals, on radio,  
22 or on television; or, for the publication, distribution, or circulation of brochures, flyers,  
23 or other campaign material for any candidate or ballot proposition or question.

24 \* Sec. 4. AS 15.13.090(a) is amended to read:

25 (a) All advertisements, billboards, handbills, paid-for television and radio  
26 announcements, and other communications intended to influence the election of a  
27 candidate or outcome of a ballot proposition or question shall be clearly identified by  
28 the words "paid for by" followed by the name and address of the candidate, group or  
29 individual paying for the advertising. In addition, candidates and groups must identify  
30 the name of their campaign chair. Telephone communications need only be  
31 identified by the name of the candidate, group, or individual paying for the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

communication [CHAIRMAN].

\* Sec. 5. AS 15.13.125(a) is amended to read:

(a) A person who fails to register when required by AS 15.13.050(a) or who fails to file a properly completed and certified report within the time required by AS 15.13.040(d) - (f), 15.13.060(b) - (d), [15.13.080(c),] 15.13.110(a)(1), (3), or (4), (e), or (f) is subject to a civil penalty of not more than \$50 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who fails to file a properly completed and certified report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$500 a day for each day the delinquency continues as determined by the commission subject to right of appeal to the superior court. A person who violates a provision of this chapter, except a provision requiring registration or filing of a report within a time required as otherwise specified in this section, is subject to a civil penalty of not more than \$50 a day for each day the violation continues as determined by the commission, subject to right of appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the commission by a person against whom a civil penalty is assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120 does not excuse that person from registering or filing reports required by this chapter.

\* Sec. 6. AS 15.13.080 is repealed.

Amend #4  
delete Section #5.

idea keep it but have we deleted the form that D uses

Don't repeal

so on 1st line a "with a value exceeding or in excess of \$500"

Amend #2

conceptual amend delete line 20 sec 15.13.080

change in A twice to make sure its in excess of \$500.

FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. HB 179

Revision Date: 4/25/00  
 Title: Companion Contribution to the  
of the Alaska State Bar Association  
 Sponsor: Rep. Coghill  
 Requester: \_\_\_\_\_

Dept. Affected \_\_\_\_\_  
 BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Component Serial No. \_\_\_\_\_

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
1091 Designated Program Receipts							
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	

Estimate of any current year (FY00) cost: \_\_\_\_\_

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by House State Affairs Committee  
Battling

Phone 465-6822  
 Phone 465-4963  
 Date 4/25/00

FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. HB 179

Revision Date: 4/25/00  
 Title: Calumet's Contribution to the State of Alaska's Legislative Communications  
 Sponsor: Rep. Coghill  
 Requirer: \_\_\_\_\_

Dept. Affected \_\_\_\_\_  
 BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Component Serial No. \_\_\_\_\_

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY00) cost: \_\_\_\_\_

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by

House State Affairs Committee / Blatting

Phone 465-6822

Phone 465-4963

Date 4/25/00

# FISCAL NOTE

**STATE OF ALASKA  
2000 LEGISLATIVE SESSION**

**BILL NO. CSSSHB 179 (STA)**

Revision Date/Time (Note if correction) 4/26/00 Dept. Affected Administration  
 Title An Act relating to reporting of campaign BRU Alaska Public Offices Commission  
 contributions ... Component Alaska Public Offices Commission  
 Sponsor Representative Coghill  
 Requester (H) JUD Component No. 70

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	11.7	0.0	0.0	0.0	0.0	0.0
Travel	2.1	0.0	2.1	0.0	2.1	0.0
Contractual	49.4	20.5	20.5	20.5	20.5	20.5
Supplies	0.6	0.6	0.6	0.6	0.6	0.6
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>63.8</b>	<b>21.1</b>	<b>23.2</b>	<b>21.1</b>	<b>23.2</b>	<b>21.1</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF	63.8	21.1	23.2	21.1	23.2	21.1
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>63.8</b>	<b>21.1</b>	<b>23.2</b>	<b>21.1</b>	<b>23.2</b>	<b>21.1</b>

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

See attached.

Prepared by: Karen Boorman, Director Phone 276-4176  
 Division Alaska Public Offices Commission Date/Time \_\_\_\_\_  
 Approved by Commissioner -- Robert Poe Jr. Date 4-26-00  
 Agency Department of Administration

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

## FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

BILL NO. CSSSHB 179 (STA)

CSSSHB 179 (STA) will result in additional costs for the Commission. To enable the Commission to implement the changes quickly and effectively, the Commission needs additional personal service, contractual, travel and supply funding.

The statute will take effect just before the statewide primary and will significantly affect the reporting responsibilities of filers and contributors. As a result, it is imperative that the Commission have adequate resources to implement the changes quickly and effectively.

Contractual funding is essential in the first year to pay for computer programming necessary to revise electronic filing software, the Commission's internal tracking database, and its new internet database to accommodate the changes. In subsequent years, contractual funds will be necessary to assist in the maintenance of those changes to the system.

Contractual money is also needed to cover costs associated with publishing the statutory notices required for the Commission to amend the campaign disclosure regulations to make them consistent with the new statute and to pay for postage to mail to filers revised report forms, manuals and educational materials.

In the first year only, additional personal service funding is required to cover overtime costs associated with quickly revising report forms and educating active candidates, groups and political parties about the statutory changes. The overtime will enable staff to expeditiously complete the following tasks:

- revise forms, manuals, and other educational materials to implement the new provisions.
- conduct educational training in Anchorage, Barrow, Fairbanks, Juneau, and Kenai to notify state and municipal candidates about the provisions.

Additional travel funding in the first year and all subsequent election years will enable staff to educate candidates, groups and political party districts about the new reporting requirements. Finally, the Commission believes that the statute will result in a modest increase in supply costs for printing, paper, envelopes and other office supplies.

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 416

## REPRESENTATIVE JOHN COGHILL

### HB 179 Political Campaign Communications Sponsor Statement

HB 179 eliminates a requirement in state law that requires an individual to report his or her contribution of \$500.00 to a candidate or a group. That responsibility should lie in the hands of the recipient, not the contributor.

HB 179 also addressing a recent decision on the part of the Alaska Public Offices Commission concerning telephone calls in campaigns. APOC has determined that phone calls made to invite folks to attend a fundraiser require a disclaimer. APOC claims that when a campaign worker calls a person as a follow up to sending the person an invitation to a fundraiser, the campaign worker is intending to influence the outcome of an election, therefore, a disclaimer, just like the disclaimer on a radio or TV ad is required.

The phrase "other communications" is a broad, catchall phrase commonly used in statutes to accommodate new technology. For instance, the Internet would qualify as other communications. Internet has become a widely used media for campaigning and is under the term "other communications" required to have disclaimers.

When Alaska's campaign laws were written, however, telephones were already a means of communication. It is my contention that if telephones were meant to be covered in identification of communication, telephones would have been mentioned in the language in a specific manner.

Normally, in legal terms of notification for court rules and statutes relevant to legal and court proceedings, telephone calls are not recognized as a means of communication. I contend that they should not be defined as other communications in campaign law either.

HB 179 would specifically exempt telephone calls from a broad, catch all term that are open to interpretation. I favor specific statutes that are not subject to interpretation.

It would appear that this is a reaction to the increasingly annoying push polls that are inundating people's homes at all hours of the day and night. Political polls have become increasingly used to get public opinion in elections. While this is annoying, it does not merit restricting all telephone communications to a disclaimer requirement. If push polling is the problem than campaign laws should specifically address political polls and a disclaimer requirement.

# ALASKA STATE HOUSE OF REPRESENTATIVES

Interim Address:  
119 N. Cushman, Suite 211  
Fairbanks, AK 99701  
(907)-456-5081  
Fax# (907)-456-8245



Session Contact:  
(907)-465-3719  
FAX# (907)-465-3258  
State Capitol  
Room 416

## REPRESENTATIVE JOHN COGHILL

### HB 179 Political Campaign Communications Sectional

**Section 1: Amends** Sec. 15.13.040(a) to increasing the limit for individually reporting contributors from in excess of \$100 to \$200. This means that a candidate needs only report the name, address, principal occupation and employer of a contributor after the contributor has contributed more than \$200.

**Section 2: Amends** Sec. 15.13.040(d). Contributions, expenditures and supplying of services to be reported. It requires every individual, person, or group making a contribution to or expenditure for a candidate or group and expenditures made on behalf of a candidate or group exceeding \$500.00 in a year. Current law requires reporting when the total reaches \$500.00. This \$1.00 change would exempt individuals from reporting under this section, because individuals can not contribute more than \$500.00.

**Section 3: Adds** a new subsection (c) that provides that telephone communications are not required to do a complete disclaimer, but need only identify the name of the candidate, group or individual paying for the communication.

**Section 4: Repeals** individuals in AS 15.13.080 from civil penalties and late filing of required reports under Sec. 15.13.125 as they will no longer be required to report the contributions. Reporting will be left exclusively to the candidate or group.

**Section 4: Repeals** AS 15.13.080 which requires individuals contributing \$500.00 to file a contributor's statement with APOC.

STATUTES EFFECTED BY HB 179

• **Sec. 15.13.040. Contributions, expenditures and supplying of services to be reported.**

(a) Except as provided in (g) of this section, each candidate shall make a full report, upon a form prescribed by the commission, listing the date and amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

(b) Each group shall make a full report upon a form prescribed by the commission, listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; and

(3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.

(c) The report required under (b) of this section shall be filed in accordance with AS 15.13.110 and shall be certified as correct by the group's treasurer.

(d) Every individual, person, or group making a contribution or expenditure shall make a full report, upon a form prescribed by the commission, of

(1) contributions made to a candidate or group and expenditures made on behalf of a candidate or group

(A) as soon as the total contributions and expenditures to that candidate or group reaches \$500 in a year; and

(B) for all subsequent contributions and expenditures to that candidate or group in a year whenever the total contributions and expenditures to that candidate or group that have not been reported under this paragraph reaches \$500;

(2) unless exempted from reporting by (h) of this section, any expenditure whatsoever for advertising in newspapers or other periodicals, on radio, or on television; or, for the

publication, distribution, or circulation of brochures, flyers, or other campaign material for any candidate or ballot proposition or question.

(e) The report required under (d) of this section shall contain the name, address, principal occupation and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the commission by the contributor no later than 10 days after the contribution or expenditure is made. A copy of the report shall be furnished to the candidate, campaign treasurer or deputy campaign treasurer at the time the contribution is made.

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial, public opinion polls, or research and professional campaign consultation or management, media production or preparation, or computer services. Records of provision of services, facilities, or supplies shall be available for inspection by the commission.

(g) The provisions of (a) of this section do not apply if a candidate

(1) indicates, on a form prescribed by the commission, an intent not to raise and not to expend more than \$2,500 in seeking election to office, including both the primary and general elections;

(2) accepts contributions totaling not more than \$2,500 in seeking election to office, including both the primary and general elections; and

(3) makes expenditures totaling not more than \$2,500 in seeking election to office, including both the primary and general elections.

(h) The provisions of (d)(2) of this section do not apply to one or more expenditures made by an individual acting independently of any group and independently of any other individual if the expenditures

(1) cumulatively do not exceed \$250 during a calendar year; and

(2) are made only for billboards, signs, or printed material concerning a ballot proposition as that term is defined by AS 15.13.065(c).

(i) The permission of the owner of real or personal property to post political signs, including bumper stickers, or to use space for an event or to store campaign-related materials is not considered to be a contribution to a candidate under this chapter unless the owner customarily charges a fee or receives payment for that activity. The fact that the owner customarily charges a fee or receives payment for posting signs that are not

political signs is not determinative of whether the owner customarily does so for political signs.

**Sec. 15.13.090. Identification of communication.**

(a) All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign chairman.

(b) The provisions of (a) of this section do not apply when the advertisement

(1) is paid for by an individual acting independently of any group and independently of any other individual;

(2) is made to influence the outcome of a ballot proposition as that term is defined by AS 15.13.065 (c); and

(3) is made for

(A) a billboard or sign; or

(B) printed material other than an advertisement made in a newspaper or other periodical.

- Repeals individuals in AS 15.13.080 from civil penalties and late filing of required reports under Sec. 15.13.125.
- **REPEALED LANGUAGE IN SECTION 4:**

**Sec. 15.13.080. Statement by contributor.**

(a) An individual who contributes \$500, or goods or services with a value of \$500, to a candidate shall file a contributor's statement as required by this section.

(b) An individual required to file a contributor's statement under (a) of this section shall file on a form made available by the commission. The statement must

(1) identify the contributor and the candidate and all groups receiving contributions;

(2) itemize the contributions and goods; and

(3) state that the contributor is not 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.

(c) The contributor's statement shall be filed with the commission by the contributor no later than 30 days after the contribution that requires the contributor to report under AS 15.13.040 (d) is made.

- A "person" can be defined a business, individual, union, committee, club, other organization, or group of individuals, therefore, a person is not an individual.<sup>1</sup>

---

<sup>1</sup> Sec. 36.30.990(15), Definitions. STATE PROCUREMENT CODE

# STATE OF ALASKA

## Department of Administration

### Alaska Public Offices Commission

TONY KNOWLES, GOVERNOR

- 2221 EAST NORTHERN LIGHTS, RM 128  
ANCHORAGE ALASKA 99508-4149  
PHONE: (907) 276-4176  
FAX: (907) 276-7018  
e-mail: *First Name\_Last Name@admin.state.ak*
- P.O.BOX 110222  
JUNEAU, ALASKA 99811-0222  
PHONE: (907) 465-4864  
FAX: (907) 465-4832

April 25, 2000

Conor Sullivan  
Office of Rep. John Cowdery  
State Capitol  
Juneau, Alaska 99801-1182

Re: Identification of Telephone Communications

Dear Mr. Sullivan:

This letter responds to your request this morning that I describe the position of the Alaska Public Offices Commission ("Commission") with regard to the responsibility of campaigns to identify telephone communications. The statutory provision that directs campaigns to identify political communications is fairly broad. AS 15.13.090 applies to all communications intended to influence the election of a candidate or outcome of a ballot proposition.

As I mentioned to you, questions related to campaign telephone calls have not arisen often. In the past, Commission staff have received public inquiries from individuals frustrated by the absence of identification on polling calls. Because the primary purpose of most polls is to gather information rather than solicit money or influence voters, however, polling calls do not trigger the identification requirements of AS 15.13.090.

Recently, however, with new technological developments in mass communication, we have received an increasing number of inquiries from members of the public contacted by automatic recorded campaign messages that failed to identify the responsible campaign. In these cases, Commission staff has directed campaigns to include in the recorded message the name of the candidate or group paying for the messages.

In general, staff believes that by disclosing the name of the entity responsible for the communication, the campaign satisfies the intent of the statutory requirement and avoids the potential damage to the public caused by anonymous campaign communications. Staff has not objected to the failure of a campaign to include in a telephone communication, the words "paid for by"; the address of the candidate, group or individual paying for the communications; or the name of the campaign chair.

Informal Advice to Conor Sullivan  
Re: Identification of Telephone Communications

April 25, 2000  
Page 2

I hope this informal advice helps clarify the matter. Please contact me at 276-4176 if you have any questions.

Sincerely,  
ALASKA PUBLIC OFFICES COMMISSION

Karen Boorman  
Executive Director