

HB

311

<TARGET><BILL>HB 311</BILL><SUBJECT>HB
311</SUBJECT><COMM>HSTA27</COMM></TARGET>

Alaska State Legislature



A Communication From

REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us

Chairman
State Affairs Committee

Member
Judiciary Committee
Energy Committee
Joint Armed Services Committee
Military & Veterans Affairs Committee

Finance Subcommittees
Administration
Corrections
Military and Veterans Affairs

Session:
Alaska State Capitol, #108
Juneau, AK 99801-1182

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FAX

To: Legal Services

Fax #: 465-2029

From: Nancy Manly 465-2794 *N Manly*
Alaska State Capitol, Room 108
Juneau, AK 99801-1182

of Pages (including cover): 2

Phone: 907-465-4931

Fax: 907-465-4316

Re HB 311- Draft Final CS 27-LS1233\B

2-7-2012

HB 311 moved from the House State Affairs Committee this morning. Please prepare a final CS incorporating one amendment:

Amendment #1 (Gruenberg)
(see attached)

AMENDMENT #1

OFFERED IN THE HOUSE

BY Rep Gruenberg

TO: House Bill 311(27-LS1233\B)

- 1 Page 2, line 7, following "within"
- 2 Delete "10"
- 3 Insert "two working"

Passes

Version D

AMENDMENT # 1

OFFERED IN THE HOUSE

BY *Keller*

TO: CS HB 311 () [Work Draft 27-LS1233\D]

1 Page 2, line 15, following "subsection":

2 DELETE "'campaign period' means the period beginning on the date that a candidate files a
3 declaration of candidacy under AS 15.25.030 or letter of intent under AS 15.25.105 and
4 ending on the date that a report must be filed under AS 15.13.110(a)(4)."

5

6 INSERT "'campaign period' means the period beginning on the date that a candidate
7 becomes eligible to receive campaign contributions under this chapter and ending on the date
8 that a final report for the campaign must be filed."

that same

~~*Wilson Objects
Withdrawn*~~

*Keller moved HB 311 From Committee
Johansen Objects*

*Johansen N 5 Yea
Wilson X 1 Nay
Keller X
Lynn X
Seaton X
Peterson X*

27-LS1233\D
Bullard
2/8/12

CS FOR HOUSE BILL NO. 311()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

*Johanson moved &
Version D^{is} adopted*

Sponsor(s): HOUSE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the filing of information with the Alaska Public Offices Commission;**
2 **and providing for an effective date."**

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

4 * **Section 1.** AS 15.13.040 is amended by adding a new subsection to read:

5 (r) Notwithstanding the requirement in (a) of this section that a candidate shall
6 make a full report upon a form prescribed by the commission, the commission shall
7 accept information submitted electronically by a candidate if the information is

8 (1) entered onto a version of a form accessed on the Internet website of
9 the commission; or

10 (2) in the form of an electronic spreadsheet or data file that contains
11 field names and data types that conform to a standard defined by the commission.

12 * **Sec. 2.** AS 15.13.110(c) is amended to read:

13 (c) All reports required by this chapter shall be filed with the commission's
14 central office and shall be kept open to public inspection. **The commission shall keep**

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a report filed on paper under AS 15.13.040(m) open to public inspection by scanning the report and posting a copy of the scanned image on the commission's Internet website within two working days after the report is filed. The [WITHIN 30 DAYS AFTER EACH ELECTION, THE] commission shall prepare a summary of each report, which shall be made available to the public at cost upon request. Each summary must [SHALL] use uniform categories of reporting. Summaries for reports filed

(1) electronically shall be made available within 30 days after the report is filed; and

(2) on paper shall be made available within 30 days after each election.

* **Sec. 3.** AS 15.13.110 is amended by adding a new subsection to read:

(i) During a campaign period, the commission may not change the manner or format in which reports required of a candidate under this chapter must be filed. In this subsection, "campaign period" means the period beginning on the date that a candidate files a declaration of candidacy under AS 15.25.030 or a letter of intent under AS 15.25.105 and ending on the date that a report must be filed under AS 15.13.110(a)(4).

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TEMPORARY EXCEPTION TO ELECTRONIC FILING REQUIREMENT. Notwithstanding AS 15.13.040(m), until February 16, 2013, the commission may request that a candidate submit information required under AS 15.13 electronically but shall accept any information required of a candidate under AS 15.13 that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION. Notwithstanding AS 15.13 and the rules of the Alaska Public Offices Commission, a candidate who has submitted information electronically in a format allowed under AS 15.13.040(r), enacted by sec. 1 of this Act, or on paper in a format approved by the

Seaton
828 ish

Johansen
826 ish

Hawker

Sec 5
Protection
Clause

L

1 commission, is not subject to a civil penalty under AS 15.13.390 for failure properly to file a
2 report under AS 15.13.040 if the information was filed after December 1, 2011, and before the
3 effective date of sec. 1 of this Act.

4 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **RETROACTIVITY.** Sections 1 and 4 of this Act are retroactive to December 1, 2011.

7 * **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).

AMENDMENT

OFFERED IN THE HOUSE

BY

TO: CS HB 311 () [Work Draft 27-LS1233\D]

1 Page 2, line 15, following “subsection”:

2 DELETE “‘campaign period’ means the period beginning on the date that a candidate files a
3 declaration of candidacy under AS 15.25.030 or letter of intent under AS 15.25.105 and
4 ending on the date that a report must be filed under AS 15.13.110(a)(4).”

5

6 INSERT “‘campaign period’ means the period beginning on the date that a candidate
7 becomes eligible to receive campaign contributions under this chapter and ending on the date
8 that a final report for the campaign must be filed.”

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 311
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB 311 Dept. Affected _____
Title Reports to APOC Appropriation _____
Allocation _____
Sponsor House Rules
Requester _____ OMB Component Number _____

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

None

Prepared by House State Affairs Committee
Division Representative Bob Lynn, Chair
Approved by _____

Phone (907) 465-2794
Date/Time 02/06/12 2:07pm
Date 02/06/12

Additional Documents *for* **HB 311**

- New CS (*to follow – not yet available*)
- CS Version I (amended version that moved from committee on 2/7/2012 – this action needs to be rescinded.)
- Memo from Legal Services – Alpheus Bullard concerning the application of HB 311 Version I (as amended in committee on 2/7/2012)
- Relevant Statutes
- Email answering member questions from Paul Dauphinais, Executive Director of APOC

CS FOR HOUSE BILL NO. 311(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

**Offered:
Referred:**

Sponsor(s): HOUSE RULES COMMITTEE

*Amended Version that
moved from Committee
on 2/7/12*

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain information filed with the Alaska Public Offices**
2 **Commission; and providing for an effective date."**

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

4 *** Section 1.** AS 15.13.040(m) is repealed and reenacted to read:

5 (m) The commission may request that the information required under this
6 chapter be submitted electronically but shall accept any information required under
7 this chapter that is typed in clear and legible black typeface or hand-printed in dark ink
8 on paper in a format approved by the commission or on forms provided by the
9 commission and that is filed with the commission. When information is submitted
10 electronically, the commission shall accept information

11 (1) entered onto a version of the form accessed on the Internet website
12 of the commission; or

13 (2) submitted to the commission in the form of an electronic
14 spreadsheet or data file that contains field names and data types that conform to a

1 standard defined by the commission.

2 * **Sec. 2.** AS 15.13.110(c) is amended to read:

3 (c) All reports required by this chapter shall be filed with the commission's
4 central office and shall be kept open to public inspection. **The commission shall keep**
5 **a report filed on paper under AS 15.13.040(m) open to public inspection by**
6 **scanning the report and posting a copy of the scanned image on the Internet**
7 **within two working days after the report is filed. The** [WITHIN 30 DAYS AFTER
8 EACH ELECTION, THE] commission shall prepare a summary of each report, which
9 shall be made available to the public at cost upon request. Each summary **must**
10 [SHALL] use uniform categories of reporting. **Summaries for reports filed**

11 **(1) electronically shall be made available within 30 days after the**
12 **report is filed; and**

13 **(2) on paper shall be made available within 30 days after each**
14 **election.**

15 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITION. Notwithstanding AS 15.13 and the rules of the Alaska Public Offices
18 Commission, a person who has submitted information electronically in a format allowed
19 under AS 15.13.040(m), as repealed and reenacted by sec. 1 of this Act, or on paper in a
20 format approved by the commission, is not subject to a civil penalty under AS 15.13.390 for
21 failure properly to file a report under AS 15.13.040 if the information was filed after
22 December 1, 2011, and before the effective date of this Act.

23 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 RETROACTIVITY. Sections 1 and 2 of this Act are retroactive to December 1, 2011.

26 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

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

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 7, 2012

SUBJECT: Application of AS 15.13.040(m) (CSHB 311(STA))
(Work Order No. 27-LS1233I)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Nancy Manly

FROM: Alpheus Bullard *LAB*
Legislative Counsel

You asked who AS 15.13.040(m) applies to. The subsection applies to "information required under this chapter" (AS 15.13), both in the existing AS 15.13.040(m), and 15.13.040(m) as it would read if CSHB 311(STA) were enacted. AS 15.13 requires information from certain individuals, candidates, groups, persons making independent expenditures, delegates to a constitutional convention, judges seeking retention, political parties, political groups, nongroup entities, and in certain instances, the state, state agencies, state corporations, the University of Alaska and its Board of Regents, municipalities, school districts, regional attendance areas, and other political subdivisions of the state.

If you have further questions, please do not hesitate to contact me.

TLAB:plm
12-080.plm

Relevant Statutes

Chapter 15.13. STATE ELECTION CAMPAIGNS

Sec. 15.13.010. Applicability.

(a) This chapter applies

(1) in every election for governor, lieutenant governor, a member of the state legislature, a delegate to a constitutional convention, or judge seeking judicial retention;

(2) to every candidate for election to a municipal office in a municipality with a population of more than 1,000 inhabitants according to the latest United States census figures or estimates of population certified as correct for administrative purposes by the Department of Commerce, Community, and Economic Development unless the municipality has exempted itself from the provisions of this chapter; a municipality may exempt its elected municipal officers from the requirements of this chapter if a majority of the voters voting on the question at a regular election, as defined by AS 29.71.800(20), or a special municipality-wide election called for that purpose, votes to exempt its elected municipal officers from the requirements of this chapter; the question of exemption from the requirements of this chapter may be submitted by the governing body by ordinance or by initiative election.

(b) Except as otherwise provided, this chapter applies to contributions, expenditures, and communications made for the purpose of influencing the outcome of a ballot proposition or question as well as those made to influence the nomination or election of a candidate.

(c) This chapter does not prohibit a municipality from regulating by ordinance election campaign contributions and expenditures in municipal elections, or from regulating those campaign contributions and expenditures more strictly than provided in this chapter.

(d) This chapter does not limit the authority of a person to make contributions to influence the outcome of a voter proposition submitted to the public for a vote at a municipal election. In this subsection, in addition to its meaning under AS 15.13.065(c), "proposition" means a municipal reclassification, proposal to adopt or amend a home rule charter, a unification proposal, a boundary change proposal, or the approval of an ordinance when approval by public vote is a requirement for the ordinance.

Sec. 15.13.110. Filing of reports.

(a) Each candidate, group, and nongroup entity shall make a full report in accordance with AS 15.13.040 for the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report. If the report is a first report, it must cover the period from the beginning of the campaign to the date three days before the due date of the report. If the report is a report due February 15, it must cover the period beginning on the last day covered by the most recent previous report or on the day that the campaign started, whichever is later, and ending on February 1 of that year. The report shall be filed

(1) 30 days before the election; however, this report is not required if the deadline for filing a nominating petition or declaration of candidacy is within 30 days of the election;

(2) one week before the election;

(3) 105 days after a special election; and

(4) February 15 for expenditures made and contributions received that were not reported previously, including, if applicable, all amounts expended from a public office expense term account established under AS 15.13.116(a)(8) and all amounts expended from a municipal office account under AS 15.13.116(a)(9), or when expenditures were not made or contributions were not received during the previous year.

(b) Each contribution that exceeds \$250 and that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of influencing the outcome of an election that exceeds \$250 and that is made within nine days of the election shall be reported to the commission by date, amount, and contributor within 24 hours of receipt by the nongroup entity.

(c) All reports required by this chapter shall be filed with the commission's central office and shall be kept open to public inspection. Within 30 days after each election, the commission shall prepare a summary of each report which shall be made available to the public at cost upon request. Each summary shall use uniform categories of reporting.

Nancy Manly

From: Dauphinais, Paul R (DOA) <paul.dauphinais@alaska.gov>
Sent: Wednesday, February 08, 2012 1:11 PM
To: Rep. Bob Lynn; Nancy Manly
Subject: Questions regarding HB 311

Dear Representative Lynn,

This e-mail responds to questions from the State Affairs Committee regarding APOC during the committee meeting of February 7, 2012.

Question from Representative Gruenberg regarding postmarks as the date of filing. Representative Gruenberg's statement that the postmark on a filing sent via mail is considered the date of filing is correct. The postmark on a filing sent to APOC via mail is considered the date of filing.

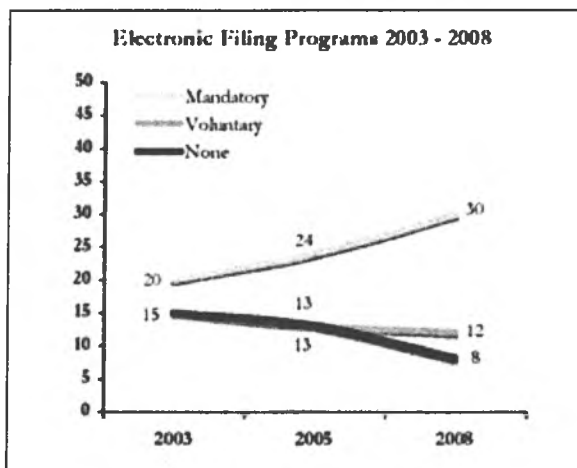
Question from Representative Keller regarding states that have mandatory requirements to file campaign disclosure electronically. Below please find an article from the Campaign Disclosure Project that provides the information requested in a relatively brief format. Additionally, an article grading Alaska's public disclosure laws and another article regarding electronic filing at the national level are included in this e-mail. Since this is somewhat dated, I would have to think that there are currently more than 30 states with required electronic reporting requirements—for instance Wyoming just recently mandated electronic filing. Attention is invited to the grade for Alaska's electronic filing program--F ranking it 42 of 50 states.

If I can provide further information please call upon me at any time.

Paul Dauphinais

Electronic Filing Programs

Grading State Disclosure 2008 offers a clear contrast to the findings presented in *Grading State Disclosure 2003* in both the quality and quantity of states' programs for filing campaign finances electronically. In 2003, there were 35 states with electronic filing programs as compared to 42 today, including Kansas and Montana, which implemented new programs in 2008. Twenty-four states earned grades in the A range in 2008, up from just eight in 2003.



[click image to enlarge](#)

The higher performance in the electronic filing category stems from more states making electronic filing mandatory for at least some candidates. In 2003, just twelve states required both statewide and legislative candidates to file electronically; today, 24 states have mandatory programs for all statewide and

legislative candidates, including South Carolina, which began its mandatory electronic filing program for legislative candidates since the last assessment. Further, four states have passed laws to implement or expand mandatory electronic filing over the next several years (Alaska in 2009; and Iowa, Louisiana, and Wyoming in 2010).

Along with the 24 As, four states earned Cs in 2008 and two earned Ds; the remaining 20 states failed this category. Because of the value placed on mandatory electronic filing requirements by this assessment, twelve states that operate electronic filing programs that are voluntary for all candidates are also among the failing states.

- States with the strongest electronic filing programs, all receiving an A+ and tied for first place in this category, are: Arizona; Colorado; Florida; Georgia; Hawaii; Illinois; Maryland; Massachusetts; Michigan; Missouri; New York; Ohio; Oregon; Rhode Island; South Carolina; Texas; and Washington.
- States with no electronic filing (all tied for the last place rank) are: Alabama; Idaho; Mississippi; Nebraska; North Dakota; South Dakota; Vermont; and Wyoming.

Electronic Filing: from Fs to As, 2003 to 2008
<ul style="list-style-type: none"> • Colorado • Maine • Michigan • New Jersey • New Mexico • Oklahoma • South Carolina • Tennessee

Significant 2008 findings:

- 42 states have an electronic filing program for candidate campaign finance reports;
- 30 states have a mandatory electronic filing requirement;
- 24 of these states require electronic filing by candidates for both statewide and legislative office;
- 6 states require electronic filing for statewide candidates only;
- 12 states have voluntary electronic filing for statewide and legislative candidates;
- 39 states reported having adequate funds to administer their electronic filing program and 3 reported inadequate funding; and
- 8 states have no electronic filing program.

Significant changes since 2007:

- 1 state added a mandatory electronic filing program for legislative candidates (South Carolina);
- 2 states added voluntary electronic filing programs (Kansas and Montana);
- 1 state passed legislation to require legislative candidates to file electronically beginning in 2010 (Louisiana); and
- 1 state passed legislation to require both statewide and legislative candidates to file electronically beginning in 2010 (Wyoming).

Types of Electronic Filing Programs

Mandatory electronic filing programs offer the public the best access to campaign finance data by ensuring greater numbers of candidates' filings are easily and quickly posted online. States vary in terms of which candidates are required to file electronically, with 30 states requiring at least some candidates to do so. Most states' electronic filing mandates are triggered when candidates reach a certain

fundraising or spending threshold, with the threshold amount ranging from zero (Hawaii) to \$250,000 (Connecticut). The average threshold for statewide candidates is approximately \$20,000, while legislative thresholds are closer to \$10,000 nationally on average.

While mandatory filing requirements are the ideal, and weighted heavily in this study, twelve states currently maintain electronic filing programs that are voluntary for candidates. It is important to note that these states, while receiving Fs in this category, are outperforming and rank higher than those states with no electronic filing program. Because electronic filing offers an easy and accurate way of complying with disclosure requirements, it is becoming more popular with candidates. Disclosure agencies continue to report increased use of voluntary programs, with participation rates for statewide candidates reported at 54 percent and 43 percent for legislative candidates, up from 25 percent and 27 percent in 2005, respectively.

Eight states do not currently have an electronic filing program for candidates. Wyoming's new mandatory program is scheduled to be online in 2010. Idaho, Mississippi, Nebraska, and Vermont reportedly have programs in development while Alabama, North Dakota, and South Dakota have not reported any progress.

Electronic Filing Programs in the States				
Mandatory: Statewide & Legislative Candidates		Mandatory: Statewide Candidates	Voluntary: All Candidates	No E-filing
24 States:		6 States:	12 States:	8 States:
Arizona	New Jersey	Connecticut	Alaska ☺	Alabama
California	New Mexico	Indiana	Arkansas	Idaho >>>
Colorado	New York	Louisiana ☺	Delaware	Mississippi >>>
Florida	Ohio	North Carolina	Iowa ☺	North Dakota
Georgia	Oklahoma	Virginia	Kansas	Nebraska >>>
Hawaii	Oregon	West Virginia	Kentucky	South Dakota
Illinois	Rhode Island		Minnesota	Vermont >>>
Maine	South Carolina		Montana	Wyoming ☺
Maryland	Tennessee		Nevada	
Massachusetts	Texas		New Hampshire	
Michigan	Wisconsin		Pennsylvania	
Missouri	Washington		Utah	
☺ State has adopted or expanded mandatory electronic filing to begin after 2008 >>> State has reported plans for an electronic filing program				

Electronic Filing Methods

States offer electronic filing programs through the use of software, web-based systems, or both. Currently, all state electronic filing programs are operated at no charge to candidates, with 34 states operating web-based programs, 15 providing software, and seven offering both options. Thirty-three states have developed a standard filing format (technical specifications) for filers, ensuring that electronically-filed reports are compatible with the disclosure agency's computer system and software, regardless of the filing method or software used. All 42



In this Internet Age, 81 senators have Twitter accounts for lightning-fast bursts of communication. Yet only a handful of them typically file their campaign finance reports electronically.

In recent days, only eight senators voluntarily fast-tracked their campaign finance numbers by electronically sending them to the Federal Election Commission, according to an analysis by the Center for Responsive Politics.

Those eight were Sens. Barbara Boxer (D-Calif.), Thad Cochran (R-Miss.), John Cornyn (R-Texas), Kirsten Gillibrand (D-N.Y.), Patrick Leahy (D-Vt.), Richard Lugar (R-Ind.), Bernie Sanders (I-Vt.) and Jon Tester (D-Mont.).

Until recently, Sen. Dianne Feinstein (D-Calif.) frequently had sent in her campaign finance reports electronically, but she has not done so since July. The reason for the change is unclear, but the Feinstein campaign's former treasurer, Kinde Durkee, was arrested last September and has been accused of embezzling millions of dollars from the campaign accounts of Feinstein and other California legislators.

Unlike politicians seeking the presidency or a spot in the U.S. House of Representatives, senators and U.S. Senate candidates are not required to submit their campaign finance records electronically.

E-filing makes the reports available to the public almost instantly, whereas it takes the FEC several weeks to process paper reports and make them available digitally.

Several senators, led by Tester, are trying to change the rules to make e-filing the land of the law for senators as well.

At the start of the 112th Congress in January of last year, Tester introduced a bill called the Senate Campaign Disclosure Parity Act (S.219).

"This legislation provides all Americans quick access to information that is critical for a functioning democracy," Tester has said the e-filing legislation.

Among the voluntary e-filers, Cochran, Feinstein, Gillibrand, Leahy, and Lugar are sponsors of S.219, along with seventeen other senators who still file only on paper.

In addition to the co-sponsors, more than a dozen independent organizations, including the Center for Responsive Politics, have voiced support for Tester's bill.

Proponents of the legislation point to benefits in addition to rapid government transparency, including the fact that the FEC spends about \$250,000 in taxpayer money each year to transfer the paper reports over into an online database. The Sunlight Foundation has stated that six tons of trees are used up each year due to the current Senate rules on reporting campaign finances.

Despite the outside support, the number of senators willing to co-sponsor electronic filing legislation has fallen. When then-Sen. Russ Feingold (D-Wis.) introduced a version of the Senate Campaign Disclosure Parity Act in 2009, he gathered 41 co-sponsors. Tester's bill, however, has only 22 co-sponsors.

At the same time, a handful of U.S. Senate candidates have also embraced the voluntary e-filing of their year-end campaign finance reports.

As of press time, those candidates included Democrat Joe Donnelly of Indiana, Republican Gary Glenn of Michigan, Republican Joe Arwood of Minnesota and Republican Denny Rehberg of Montana, who is challenging Tester.

|

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB311
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB311-DOA-APOC-2-3-12 Dept. Affected Administration
 Title Reports to APOC Appropriation Alaska Public Offices Commission
 Allocation Alaska Public Offices Commission
 Sponsor Rules
 Requester House State Affairs OMB Component Number 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13					
Personal Services	62.8		62.8	62.8	62.8	62.8	62.8
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	62.8	0.0	62.8	62.8	62.8	62.8	62.8

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF	62.8		62.8	62.8	62.8	62.8	62.8
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		62.8	0.0	62.8	62.8	62.8	62.8	62.8

POSITIONS

Full-time	1		1	1	1	1	1
Part-time							
Temporary							

CHANGE IN REVENUES

--	--	--	--	--	--	--	--

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

not approved
 M
 HSTB
 2-1-12

Prepared by Paul Dauphinais
 Division Alaska Public Offices Commission
 Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-276-4176
 Date/Time 2/3/12 2:45 PM
 Date 2/3/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB311

Analysis

HB 311 requires that APOC continue to accept reports filed via paper indefinitely and to a larger population. This is a departure from the previously required transition to all electronic filing. As worded, HB 311 expands the ability of all state and municipal filers to file on paper by extending the current municipal exemption for municipalities under 15,000 to all municipal and state-wide candidates. This creates additional work for APOC staff by requiring scanning and manual transcription of reports, sometimes hand written, to an electronic form for all state-wide and municipal candidates from areas with populations over 15,000. This would add 600 to 1200 reports received annually by APOC in other than web format. Additionally, there will be more personally executed transactions as the public will have only limited access to information that was previously accessible electronically. This bill may require revision of newly enacted regulations.

Assumptions

More staff time will be required to perform the data entry operations of scanning and manual typing as well as providing more face-to-face transactions with the public.

Program Summary

Positions: 1 full time Law Office Assistant I, pay grade 11A, salary and employer costs per pay period \$2,620.62. This position will engage in the activities required by this bill; namely scanning, manual data input, and direct customer service.

The need for a full time position:

1) APOC's candidate reporting requirements are for multiple elections which require multiple reporting dates. Seasonal or temporary employees are not suitable for this work as it is on-going in nature throughout the year:

February-- State candidate and group year start reports

Anchorage municipal election candidate and group year start report

March-- Anchorage municipal election candidate and group 30 day reports
POFD/LFD filing deadline, not all POFD's are submitted electronically

Anchorage municipal election candidate and group 7 day reports

July-- Anchorage municipal election candidate and group 105 day reports
State candidate and group 30 day reports (primary)

August-- State candidate and group 24 hour reporting period begins (primary)
State candidate and group 7 day report (primary)

Sept-- State municipal election 30 day report
State municipal election 24 hour reports

State municipal election 7 day reports

Oct-- State general election 30 day reports
State general election 7 day reports

State general election 24 hour reports

Nov-- End of municipal candidates' ability to accept contributions

Other-- 105 day reports come in from unsuccessful candidates and successful candidates at varying times after each election.

Ballot initiative groups file a report each quarter until certified.

Groups may file final reports (end of existence) when purpose is fulfilled.



ALASKA STATE LEGISLATURE HOUSE RULES COMMITTEE

REPRESENTATIVE CRAIG JOHNSON, CHAIRMAN

State Capitol Room 216, Juneau, AK 99801-1182 (907) 465-4993, (907) 465-3872 Fax
716 W. 4th Ave., Ste. 300, Anchorage, AK 99501 (907) 269-0200, (907) 269-0204 Fax

SPONSOR STATEMENT

House Bill 311

“An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date.”

The Alaska Public Offices Commission (APOC) has an important mission, part of which is ensuring accountability between elected officials and the public. Open and transparent campaign finance reporting enables voters to make informed decisions and is a critical step in establishing and maintaining credibility between elected officials and the people. It is paramount that the public has timely access to accurate information. It is equally important that this is not accomplished in a way that is so restrictive that any Alaskan is ever discouraged or prohibited from seeking public office

House Bill 311 establishes clear guidelines allowing each candidate to provide APOC the most accurate, timely information possible. APOC can encourage candidates to use their online reporting system; however, candidates would also be able to upload an electronic file in a format that meets APOC's technical requirements. APOC would import those files into its database, in an efficient process that eliminates the chance of data re-entry errors. House Bill 311 also allows the option of paper filing for Alaskans who want to serve in public office, but may not have access to a computer or a reliable Internet connection.

Our state is proud to have a citizen legislature, where any Alaskan can stand for election. House Bill 311 allows every candidate to reasonably comply with Alaska's rigorous campaign finance reporting laws in the most accurate and efficient way possible, protecting the public's rights to that information.



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House Bill 311 Sectional Analysis

- Section 1:** Requires the Alaska Public Offices Commission (APOC) to accept campaign finance reports submitted in the following formats:
- Typed or legibly printed on a paper form provided by the commission;
 - Submitted electronically through the commission's website; or
 - Submitted electronically in a standardized spreadsheet or data file defined by the commission.
- Section 2:** Requires APOC to publish a report submitted on paper within ten days by scanning and posting the report on its website. Accelerates the deadline for APOC to prepare a summary for an electronic report to 30 days after the report is filed; paper report summaries would continue to have the deadline of 30 days after each election.
- Section 3:** Provides safe harbor transition language for reports that are filed after December 1, 2011 and before the effective date of this act.
- Section 4:** Establishes a retroactive effective date to December 1, 2011.
- Section 5:** Immediate effective date.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB311
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB311-DOA-APOC-2-3-12 Dept. Affected Administration
 Title Reports to APOC Appropriation Alaska Public Offices Commission
 Allocation Alaska Public Offices Commission
 Sponsor Rules
 Requester House State Affairs OMB Component Number 70

Expenditures/Revenues (Thousands of Dollars)

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

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services	62.8		62.8	62.8	62.8	62.8	62.8
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	62.8	0.0	62.8	62.8	62.8	62.8	62.8

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts						
1003	GF Match						
1004	GF	62.8	62.8	62.8	62.8	62.8	62.8
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		62.8	0.0	62.8	62.8	62.8	62.8

POSITIONS

Full-time	1		1	1	1	1	1
Part-time							
Temporary							

CHANGE IN REVENUES

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Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version

Prepared by Paul Dauphinais
 Division Alaska Public Offices Commission
 Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-276-4176
 Date/Time 2/3/12 2:45 PM
 Date 2/3/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

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MEMORANDUM

TO: Representative Bob Lynn, Chair
House State Affairs Committee

FROM: Representative Craig Johnson, Chair
House Rules Committee

DATE: February 1, 2012

SUBJECT: Scheduling Request for HB 311

I respectfully request that HB 311 "An Act relating to certain information filed with the Alaska Public Offices Commission; and providing for an effective date" be considered for scheduling in your committee at your earliest convenience.

Representative Hawker and Representative Kerttula will be presenting the bill in committee.

If you have any questions or need additional information, feel free to contact me or Juli Lucky, at 465-3733.

Thank you for your consideration of this request.