

ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 86/2

10460 HOUSE STATE AFFAIRS

30

Bill authorizes Whittier to launch a competitive
Ben Butler Mayor of Whittier

Economic Impact

Whittier has no jobs with the tunnel opening
and the railroad moving out other than
tourism related job.

Toll-free year good

Toll year - bad

Hours of operation of the tunnel - 10hrs ~~summer~~ winter
17hrs summer

Carolyn Allen - 110 day tourism season

Year round stimulus for a depressed economy

Frank Smith Homer

414 people registered to vote in Whittier although
only 100 year round residents

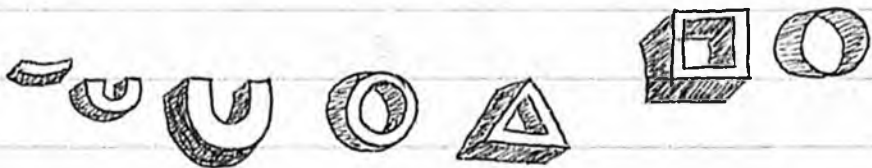
\$100 million tunnel

Freedom of information documentation

Frank Pruitt

worse than Delta Barley, McKerzite, Mark Air,

Marion Dye



SITE: HOMER LIO

COMMITTEE: HSTA

DATE: 2-28-02

SUBJECT OF MEETING:

HB 498

UPDATE #:



PRINT YOUR NAME
REPRESENTING TO TESTIFY?

DO YOU WANT
ADDRESS (MAILING & ZIP)

Y or N

PRINT YOUR NAME REPRESENTING TO TESTIFY?	DO YOU WANT ADDRESS (MAILING & ZIP)	DO YOU WANT	Y or N
Mako Haggerty	Box 2001, Homer	self	Y HB498
Email address:	mako@xyz.net		
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

SITE: ANCHORAGE LIO

COMMITTEE: House State
Affairs

DATE: 2-28-2002

SUBJECT OF MEETING:

HB 498

UPDATE #: 2



DO YOU WANT

P R I N T YOUR NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

TO TESTIFY?
Y or N

Matt Rowley		City of Whittier	Y-HB 498
Email address:			
Leonard Jones		City of Whittier	Y-HB 498
Email address:			
Dee Hubbard			Y-HB 498
Email address:			
Brad Wilson		PSSH	Y-HB 498
Email address:			
Email address:			
Email address:			
Email address:			

SITE: HOMER LIO

COMMITTEE: HSTA

DATE: 2-28-02

SUBJECT OF MEETING:

HB 498

UPDATE #:



DO YOU WANT

PRINT YOUR NAME
REPRESENTING TO TESTIFY?

ADDRESS (MAILING & ZIP)

Y or N

PRINT YOUR NAME REPRESENTING TO TESTIFY?	ADDRESS (MAILING & ZIP)	DO YOU WANT	Y or N
Mako Haggerty	Box 2001, Homer	self	Y HB498
Email address:	mako@xyz.net		
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			
Email address:			

3258

FACTORS FOR CONSIDERATION IN SITE SELECTION FOR CORRECTIONS FACILITY

- I. **General Concerns**
 - A. Public safety
 - B. Location and size of facility (minimum/maximum number of inmates to be housed in facility)
 - C. Type of facility: medium or close prison or regional jail
 - D. Construction costs
 - E. Operating costs
 - F. Community acceptance of proposal
 - G. Ultimate ownership of facility (state, local, or private) and proposed contractual relationship with the Department of Corrections

- II. **Construction Factors**
 - A. Is there state land that can be used in the proposed area?
 - B. Is the community proposing to build the facility, as opposed to DOTPF building it?
 - C. Will the location increase the costs of construction?
 - D. Adequacy and expense of electricity and fuel for
 - E. Adequacy and expense of water and sewage treatment
 - F. Adequacy of telephone and other communications services
 - G. Length of time anticipated to completion of construction

- III. **Operating Costs**
 - A. Does proposal include operating the facility?
 - B. Does area require state to pay differential?
 - C. Are supplies -- such as food -- available locally or must be shipped?
 - D. Maintenance of facilities and equipment (electronic and mechanical systems)

- IV. **Security**
 - A. Proposed site should not be in tsunami or flood plain area (because prisoners must be released in event of disaster)
 - B. Adequate space for facility
 1. 100 feet to inner fence
 2. 20-25 feet to second fence
 3. 300 foot "clear zone" w/ perimeter lighting and road around the perimeter fence
 - C. 10% of cells must be made available for a special segregation unit
 - D. If proposing to modify existing buildings, special issues:
 1. inmates cannot walk out or punch walls out

2. good visibility exists within and outside facility
3. building lends itself to efficient staff design
4. cells can be plumbed with sinks and toilets
5. must meet *Cleary* standards (see Final Settlement Order)

V. Transportation

- A. How far is proposed site from the Anchorage bowl area (where most inmates come from)?
- B. How far is proposed site from a large population center (30,000 or more residents)
- C. Proximity to families of inmates
- D. If not accessible by road, what size aircraft can airport accommodate (often necessary for group of prisoners to be transported; a large shift of employees might wish to commute to nearby larger community)

VI. Staffing Issues

- A. Availability of housing for staff and families (1 staff for every 2½ inmates)
- B. Jobs for family members
- C. Medical/dental support for families
- D. Schools and pediatricians for children
- E. Recreational/cultural/travel/shopping options

VII. Programs

- A. Availability or proximity of people to deliver program services such as education, work training, etc.
- B. Chaplaincy programs in the institution, which depend completely on community religious volunteers

VIII. Medical Services

- A. In-patient hospital in community or within short driving distance
- B. Existing medical community (a number of physicians, including specialists such as an internist, a general surgeon and an orthopedist, nurses)
- C. Existing dental community
- D. Willingness of medical and dental personnel to provide services in institution
- E. Psychiatrist in community

IX. Availability of Emergency Services

- A. Fire services
- B. Medi-vac availability
- C. Back up for power failures
- D. Communications

[Fwd: Address]

Subject: [Fwd: Address]

Date: Fri, 19 Apr 2002 17:16:40 -0800

From: Lori Roland <Lori_Roland@legis.state.ak.us>

To: Rynnieva Moss <Rynnieva_Moss@legis.state.ak.us>

For your records Rynnieva

Lori

Subject: Address

Date: Fri, 19 Apr 2002 17:21:27 -0800


From: Kent Dawson <kdawson@alaska.com>

To: Lori_Roland@legis.state.ak.us





The address you requested for Marvin Wiebe, Senior Vice President of
Cornell Companies is:

1700 West Loop South, Suite 1500
Houston, TX 77027

Jenny Dawson



Sole sourcing in Whittier
Private vs Public



Does this HB⁴⁹⁸ allow the state to negotiate with Whittier

Similar to HB 244 vetoed as sole source.

HB 244 didn't make ROW happen, allowed it to happen.
HB 498 is permissive not mandatory.

Fate → Other areas are interested.


→ That particular location lacks easy access for families. ^{visitation}

→ Very little infrastructure

→ Bad natural elements - tsunami & avalanche

Because someone steps up to the plate doesn't mean that's the right place.

Stevens - easy access to Anchorage



Crawford - believe 1200 bed prison is a mistake
need regional increase of jail space
need to be tried in court where crime was committed.

language would allow them to bring inmates to Alaska to fill beds

James - capital costs

BILL J. ALLEN
Publisher

Voice of the Times

A CONSERVATIVE VOICE FOR ALASKANS

WILLIAM J. TOBIN
Senior editor

Time to break impasse on prisons

By FRANK PREWITT

ANWR, subsistence, the budget deficit, "all day long the noise of policy war rolls across the winter sea" muffling the sound of a lesser battle where loss, rather than quality, of life is threatened. The engagement is over how best to manage Alaska's prisons and jails. Like other battles, the impasse from years of turf struggle weighs most heavily on the innocent and powerless. In Corrections' case, innocent staff and powerless offenders.

Twelve out of Alaska's 15 correctional facilities are, again, operating at emergency levels of overcrowding. Bad things happen when prisons and jails are overcrowded. Facilities and equipment break down, tempers flare, routine is disrupted, security is compromised and people get hurt, sometimes killed.

These life-threatening conditions are the result of a philosophical standoff between two legitimate, but distinctly different approaches to managing state resources.

One approach is the Department of Corrections' new master plan, "Corrections & Community Partnerships: A New Way of Doing Business." This session, four bills have been introduced to implement this plan. But rather than "a new way of doing business," the plan simply re-packages the old, increasingly impractical and cost-prohibitive approach to managing correctional services.

The other approach is the Whittier prison plan. The most obvious distinction between the two is the cost for the proposed beds. The department's plan adds 1,269 beds, to 10 facilities, for a construction cost of \$239 million. The Whittier private/public partnership adds the same number of beds, in one central facility, for a construction cost of \$110 million.

At an average daily operating cost, per bed, of \$111, the department's plan will increase the operating budget by nearly \$50 million, plus capital costs. The Whittier prison provides the same number of beds for a combined daily capital and operating cost of \$89 to \$91 per bed.

Both plans meet state and national



standards. The difference is that Corrections' plan continues the practice of housing prison and jail services under one roof, sacrificing economy of scale in favor of duplicating services throughout the state.

Jails are meant to hold prisoners from arrest to sentencing and through appeal. The mission of a jail is safe and secure confinement — no frills, no programs, just confinement. After sentencing, most convicted felons in other states and the federal system are transferred to central prisons designed to meet their security and program needs. Only prisoners with short sentences remain in local jails.

Prisons require access to mental health, adult education, vocational training and other resources that are in limited supply in many Alaska communities — resources like CIR's Southcentral Foundation, the University of Alaska, the Alaska Native Medical Center and a host of other programs and practitioners committed to fostering behavioral change in people. Within a year or two of release, offenders should be transferred to halfway houses, close to family and the community support systems needed for successful reintegration.

Duplicating these services in facilities

throughout the state is inefficient, expensive and often ineffective because quality and continuity are difficult to maintain.

The department's plan adds 473 beds for sentenced felons in Palmer and Kenai. Add 760 Alaskan prisoners in Arizona and the state needs all 1,200 of the beds proposed by the Whittier plan. There is also a need for jail beds at other facilities around the state. But until jails are used as jails and prisons are used as prisons, it is difficult, if not impossible, to determine regional demand.

Edmund Burke said, "all government — indeed, every human benefit and enjoyment, every virtue and every prudent act — is founded on compromise or barter." It is time to compromise or barter through the impasse in Corrections by expanding state and municipal jails where there is a clear need, and by supporting private/public partnerships that can build and manage new prison beds at lower public expense.

The state simply cannot afford to become stuck fast in yesterday's way of doing business.

Frank Prewitt, an Anchorage attorney, is former commissioner of Corrections and a consultant to the Whittier prison project

HB

509

ALASKA STATE LEGISLATURE


Representative Lisa Murkowski Chair
Representative Andrew Halcro Vice-Chair
Representative Pete Kott
Representative Kevin Meyer
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes



Alaska State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4954
Fax: (907) 465-2293
Representative_Lisa_Murkowski@legis.state.ak.us

HOUSE LABOR AND COMMERCE COMMITTEE

Memorandum

Date: March 25, 2002
To: Representative John Coghill
State Affairs Chair
From: Representative Lisa Murkowski 
Subject: Hearing Request

House Bill 509 makes one minor change to Alaska statute to allow the Alaska Children's Trust to market its license plates to commercial motor vehicle owners. This small change will allow the Alaska Children's Trust to respond positively to requests by industry and private business to purchase children's trust license plates for fleet vehicles and to market sales to an additional 56,500 vehicle owners—a potential boost of \$5,650,000 for the prevention of child abuse and neglect.

Attached you will find a copy of House Bill 509, sponsor statement, and background information. Please schedule House Bill 509 in State Affairs the earliest your schedule will allow. Thank you for your accommodation.

ALASKA STATE LEGISLATURE

Representative Lisa Murkowski Chair
Representative Andrew Halcro Vice-Chair
Representative Pete Kott
Representative Kevin Meyer
Representative Norman Rokeberg
Representative Harry Crawford
Representative Joe Hayes



Alaska State Capitol
Juneau, AK 99801-1182
Telephone: (907) 465-4954
Fax: (907) 465-2293
Representative_Lisa_Murkowski@legis.state.ak.us

HOUSE LABOR AND COMMERCE COMMITTEE

Memorandum

Date: April 1, 2002
To: State Affairs Committee Member
From: Amy Erickson
L&C Committee Aide
Subject: CS HB 509

The attached committee substitute for House Bill 509, Alaska Children's Trust License Plates, simply deletes "pickup" and "non-commercial" and makes the plates available to any commercial or non-commercial passenger vehicle, truck, bus, van, or motor home as was the intent of the bill.

The previous version opened motorcycles up to children's trust plates. Motorcycles are non-commercial vehicles. However, motorcycle plates are too small for the standard-sized special request plates. Therefore, motorcycles have been excluded and other commercial and non-commercial vehicles included in the committee substitute for your consideration.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 509
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to Alaska children's BRU Motor Vehicles
trust registration plates..... Component _____
 Sponsor House Labor and Commerce
 Requester H (STA) Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
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 ()	5.0	2.5	2.5	2.5	2.5	2.5
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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--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill allows commercial vehicles to obtain children's trust license plates. It is estimated that 50 commercial vehicles will obtain the plates in the first year and 25 each year thereafter. There is a one-time fee of \$100 for the plates in addition to the regular registration fees.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 3/29/02
 Approved by: _____ Date _____
 Agency _____

Sponsor and/or Committee Name			Date
HSTA- Rep. Coghill, Chair			4/4/02
Start/End Time	Chairing site	Juneau Room	Testimony
8am/10am	Juneau	Cap102	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Invitational <input type="checkbox"/>
Contact Person and	Phone Number	Other sites may add?	Testimony Limit
Rynniva Moss	465-4963	Yes	
Subject of meeting and/or Bills on agenda			
HB 509 AK Childrens Trust License Plates			
Sites - LIOs	Sites - Offnets		Phone #
Anchorage	Mary Marshburn		269-5008
Barrow	/ DMU Director		
Bethel			
Cordova			
Delta Junction			
Dillingham			
Fairbanks			
Glennallen			
Homer			
Juneau			
Kenai			
Ketchikan			
Kodiak			
Kotzebue			
Matsu			
Nome			
Petersburg			
Seward			
Sitka			
Tok			
Valdez			
Wrangell			
Notes			

HB

517

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 517
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to the disposition of surplus and BRU Centralized Administrative Services
obsolete state property. Component Property Management
 Sponsor (H) Community and Regional Affairs
 Requester (H) State Affairs Component No. 61

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	54.6	54.6	54.6	54.6	54.6	54.6
Travel						
Contractual						
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	56.6	56.6	56.6	56.6	56.6	56.6

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	56.6	56.6	56.6	56.6	56.6	56.6
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	56.6	56.6	56.6	56.6	56.6	56.6

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: _____

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

The bill will require additional personnel to physically remove permanent identifying markings from state property or equipment. Temporary identifying markings will replace permanent markings in order to assure control and accountability of the surplus or obsolete state property and equipment through disposal.

Removal of permanent identifying markings and their replacement with temporary markings will require one full time position located at the Department's Anchorage property office and one part time position located at the Department's Juneau property office. Both position's costs are calculated at range 7, or approximately \$11.58 per hour.

Prepared by: Chr's Parce, Director Phone (907)465-5687
 Division General Services Date/Time 4/22/02 3:30p.m.
 Approved by: Jim Duncan, Commissioner Date 4/22/2002
 Agency Department of Administration

Alaska State Legislature



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

Session:
State Capitol, Room 102
Juneau, AK 99801
(907) 465-3719 - Phone
(907) 465-3258 - Fax

Representative John Coghill

Date: April 23, 2002

To: Legislative Legal Services

From: Rynnieva Moss, Legislative Aide *R. Moss*

Re: HB 517 Work Draft LS 1694

Representative Coghill would like a final committee substitute for HB 517, Version "C" with the following amendments:

Page 1, Line 6, after the word "section":

Delete all language through line 8 to the word "shall"

Page 1,

Delete line 9 & 10

HOUSE BILL NO. 517

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE

Introduced: 4/12/02
Referred: State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the disposition of surplus and obsolete state property."

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

3 * Section 1. AS 44.68.110 is amended by adding a new subsection to read:

4 (b) Before a state agency transfers obsolete or surplus property to the
5 Department of Administration for sale, lease, licensing, or other disposition under (a)
6 of this section ~~or before the Department of Transportation and Public Facilities~~
7 disposes of equipment from the state equipment fleet under AS 36.30.005(b), the state
8 agency or the Department of Transportation and Public Facilities shall

9 ~~(1) remove all marks that identify the property or equipment as being~~
10 ~~property of the state; and~~

11 (2) reconfigure or erase all functions, including electronic functions, of
12 the property or equipment as necessary to prevent the property or equipment from
13 producing indicators that the property or equipment, or a product generated by the
14 property or equipment, is property of the state or is generated by a state agency.

*Zero Out
w/amendment* **FISCAL NOTE**

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 517
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to the disposition of surplus and BRU: Centralized Administrative Services
obsolete state property. Component: Property Management
Sponsor: (H) Community and Regional Affairs
Requester: (H) State Affairs Component No. 61

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	54.6	54.6	54.6	54.6	54.6	54.6
Travel						
Contractual						
Supplies	2.0	2.0	2.0	2.0	2.0	2.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	56.6	56.6	56.6	56.6	56.6	56.6

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

FUND SOURCE	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	56.6	56.6	56.6	56.6	56.6	56.6
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	56.6	56.6	56.6	56.6	56.6	56.6

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: _____

POSITIONS

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

ANALYSIS: *(Attach a separate page if necessary)*
The bill will require additional personnel to physically remove permanent identifying markings from state property or equipment. Temporary identifying markings will replace permanent markings in order to assure control and accountability of the surplus or obsolete state property and equipment through disposal.

Removal of permanent identifying markings and their replacement with temporary markings will require one full time position located at the Department's Anchorage property office and one part time position located at the Department's Juneau property office. Both position's costs are calculated at range 7, or approximately \$11.58 per hour.

Prepared by: Chris Parce, Director Phone (907)465-5687
Division: General Services Date/Time 4/22/02 3:30p.m.
Approved by: Jim Duncan, Commissioner Date 4/22/2002
Agency: Department of Administration



Alaska State Legislature

HOUSE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Representative Carl Morgan
Co-Chairman
Committee Aide, Bill Lawrence
(907) 465-3882

Representative Kevin Meyer
Co-Chairman
Committee Aide, Lorali Carter
(907) 465-6588

House Bill 517 Sponsor Statement

The Federal Telephone Consumer Protection Act requires faxes from fax machines manufactured after December 20, 1992, to identify the date, time, name of business or other entity, or the name of the individual sending the message and the telephone number of the sending machine.

Executive and Judicial branch agencies, as well as the Alaska Legislature must comply with this federal law.

Unfortunately when fax machines owned and operated by the State of Alaska are surplus, the electronic identifier identifying the particular agency or office is most often left on the machine. No State of Alaska agency has a policy to remove the identifier before machines are retired from service.

Recently members of the House Community and Regional Affairs and House Resources committees received a fax from a public advocacy group on a house joint resolution going through the legislative hearing process. Also, most members of the Alaska Legislature received a fax on the use of the Permanent Fund. The identifier on these faxes indicated the advocacy positions were being faxed from the Department of Natural Resources, Division of Mining, Land, and Water. In fact the Division had nothing to do with the faxes being sent and had earlier disposed of the particular fax machine.

This legislation is straightforward and simply requires all marks identifying the property or equipment as state property be removed; and, any identifiers indicating the property or a product generated by the property be removed before the equipment is offered for surplus.

HB 517 is therefore intended to prevent similar situations which inadvertently happened to the Department of Natural Resources; or, any range of possible scenarios that could easily happen to other state agencies or offices. It will help prevent the appearance of state agencies or employees using state time and equipment for inappropriate activities.

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
 Division of Mining, Land and Water
 Director's Office
 Phone: (907) 269-8600
 FAX: (907) 269-8904



Fax Transmittal

Date: Thursday, April 11, 2002
To: The Honorable Representative or Senator
From: Bob Loeffler, Director
 bobl@dnr.state.ak.us

No. of Pages Including Cover Sheet: 1
 (Please call 269-8600 if you have a problem receiving any part of this fax.)

Comments:

In the last few days, you may have received faxes from AKPIRG concerning use of permanent fund earnings, or about diesel exhaust. Unfortunately, the header on those faxes indicated that they were faxed from the AK DIV of MINING. The header is wrong. They were NOT faxed from our Divison.

After a fair amount of research, we determined that our Division surplused a fax machine some time ago. The surplused fax machine was purchased by AKPIRG and it did not change the header.

Once this problem was brough to our attention, we sent an employee over to AKPIRG to help them change the header. I am told it is now changed and the problem will not happen again.

We emphasize to our employees that state equipment is not to be used for private, political purposes. I believe our employees understand and respect this. (And we now clear the header from faxes that we surplus.) I appologize for the confusion.

Bob Loeffler
 Director

Subject: A True and Cautionary Tale

Date: Sun, 07 Apr 2002 10:34:50 -0800

From: Bob Loeffler <bob_loeffler@dnr.state.ak.us>

Organization: Department of Natural Resources

To: DNR - Div of ML&W <dmlw-all@dnr.state.ak.us>

CC: Johanna M Munson <johanna_munson@dnr.state.ak.us>,
Bill Lawrence <Bill_Lawrence@legis.state.ak.us>,
Carol B Carroll <carol_carroll@dnr.state.ak.us>

Folks,

This is a true, somewhat amusing, and cautionary tale about using state equipment for private purposes. It has a happy ending and a moral.

I got a call from a legislative aide who said that all legislators on a certain committee had received a fax from a public interest group, AKPIRG, advocating a certain position on a bill. The header on the fax machine read, "AK Div of Mining" and the phone number on the header was the Mining Fax on the 9th floor. He was concerned that state employees were using state time or equipment for non-state purposes to lobby the legislature. He was very pleasant but clear that this was incorrect and wanted to make sure I followed up.

I told I would follow up. I had almost everyone on the 9th floor interviewed to see if they had done it. The time of the fax (there were various to all members of the committee) showed the faxes went from between 4:45 PM and 5:15 PM. The public isn't there after 5, so I figured it was probably someone on the 9th floor. I know most of you know not to do these things, but I figured either someone forgot, or a new employee maybe didn't know.

To see if the clock on the fax was right, we faxed a something from the 9th floor fax to the 10th floor. Well, the clock was right, but the header on the fax didn't look anything like the header on the fax the legislators received. I told the legislative aide that and together, he and I guessed that the division had surplused a fax machine a few years ago, and whomever picked up it -- maybe AKPIRG -- had not re-programmed the header. So, I called AKPIRG. They HAD purchased a state surplus fax machine. He was pretty sure the fax came from him (he knew the header was wrong on his machine), and asked me how to re-program it. I, of course, had no idea. The individual at AKPIRG was very apologetic and promised to figure it out.

I called the legislative aide who was both relieved and amused.

So, the ending is happy. No one here did it. I knew we all knew better.

And the morale is: Don't use state equipment for private purposes. Don't send out political e-mails (they will inevitably get forwarded). Don't send out political faxes. And when you surplus fax machines, change the header.

That's it. Be especially careful during legislative session and the upcoming campaign (when people are likely to be especially touchy about the rules). But, of course, respect the rules always.

Thanks.
Bob

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THE 83's

Anchorage Daily News

50 CENTS
VOL. LIV, NO. 258

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Voters say loud, clear 'no'



Alaskans want fund left alone

By LIZ RUSKIN
Daily News reporter

The proposal to spend Permanent Fund earnings to balance Alaska's state budget went down in a landslide of "no" votes Tuesday.

With 100 percent of the precincts reporting statewide in the nonbinding, advisory election, 83 percent of voters said no.

The heart of the fiscal plan on the ballot was a proposal to use part of the earnings of the Permanent Fund for government, although it also pledged more budget cuts and about \$100 million in unspecified new revenue. The ballot: "After paying annual dividends to residents and inflation-proofing the permanent fund, should a portion of permanent fund investment earnings be used to help balance the state budget?"

Permanent Fund dividends would have been reduced in 2001 to \$1,340 — about \$500 less than they are otherwise projected to be.

Thirty-six percent of registered voters statewide came to the polls, although turnout was as high as 70 percent in some Bush villages. In several small communities — Bettles, Circle, Egegik, Paxson, Podro Bay, Stony River, Tuatutuliak — the vote was unanimous against the plan.

While "no" came in loud and clear from the polls, in urban Alaska as well as the Bush, what voters mean by it was harder to say. An unlikely coalition emerged to work for its defeat — slash-the-government conservatives alongside tax-the-oil-companies environmentalists, among others — and voters interviewed Tuesday offered many reasons for voting no.

Some said they didn't believe the state has really cut the budget, despite the Legislature's claim that it has reduced state spending more than \$200 million over the past three

Mark Choreso, Eddie Burke and Steve Good celebrate. At the Sou... called Alaskans were rejecting the proposal to spend Permanent Fund dough.

Back Page, VOTE

NEWS

Sharpened knives, sacred cow

↑ Rep. Morgan - Co-Chair, Community & Regional Affairs



ALASKA PUBLIC INTEREST
PO Box 101093 ♦ Anchorage, Alaska 99510-1093 ♦ Ph: (907) 278-3661 ♦ Fax: (907) 278-9300 ♦ akpirg@akpirg.org www.akpirg.org

MEMO TO:

- HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE
- HOUSE RESOURCES COMMITTEE

FROM: AKPIRG – CONTACT STEVE CLEARY – 278-3661

RE: HJR 47

DIESEL EXHAUST AFFECTS ALASKA'S HEALTH

HJR 47 - LOW SULFUR DIESEL FUEL REQUIREMENTS – is dangerous legislation even though it has no binding power. It continues an effort to undermine the health benefits of the Clean Air Act, from which Alaska has been exempt. The Alaska Department of Environmental Conservation (ADEC) recently decided to follow the national plan, in urban areas, and switch to ultra-low sulfur diesel along with the rest of the nation. ADEC asked for a year extension to come up with an implementation plan for rural Alaska. Power costs are high in rural Alaska, and those costs need to be taken into account. Yet, due to the serious health affects to any exposure of diesel exhaust, AkPIRG hopes that ADEC will realize that the long term health benefits of diesel far outweigh any short term costs. Therefore, AkPIRG rises in opposition to this legislation – HJR 47.

Attached are three documents:

1. An Abstract for a joint study to assess the health affects of diesel exposure in rural Alaska. "Children in rural Alaska have been found to have a disproportionate burden of respiratory illness."
2. Examples from Canada's Arctic and how they use lower sulfur diesel.
3. Facts on Diesel in Alaska and the health benefits of cleaner diesel.



Alaska State Legislature

HOUSE COMMITTEE ON COMMUNITY AND REGIONAL AFFAIRS

Representative Carl Morgan
Co-Chairman
Committee Aide, Bill Lawrence
(907) 465-3882

Representative Kevin Meyer
Co-Chairman
Committee Aide, Lorali Carter
(907) 465-6588

To: Representative John Coghill, Chair
State Affairs Committee

From: Representative Carl Morgan
Co-chair, Community and Regional Affairs Committee

Date: April 12, 2002

Subject: House Bill 517

Carl Morgan
OK / its scheduled JRM

I respectfully request that you calendar HB 517 for consideration by the State Affairs Committee at your earliest convenience.

This straightforward bill requires, before state property is offered at state surplus, all marks identifying the property be removed; and, identifiers indicating the property or a product generated by the property be removed before the equipment is offered for surplus.

This proposed legislation was introduced after House Community and Regional Affairs and House Resources Committee members received faxes from a public advocacy group on a house joint resolution. Most members of the Alaska Legislature also received a fax on the use of the Permanent Fund. The electronic identifier on these faxes indicated the advocacy positions were being sent from the Department of Natural Resources. In fact the Department had nothing to do with the faxes, and had earlier disposed of the particular fax machine.

HB 517 will help prevent the appearance of state agencies or employees using state time and equipment for inappropriate activities, and is intended to prevent similar situations as which inadvertently happened to the Department of Natural Resources.

I am attaching a sponsor statement and a copy of HB 517.

I thank you for your prompt consideration of this request. If you have questions on HB 517, please call me at 465-4527.

HB

531

CAMPAIGN FINANCE REFORM SERIES

REGULATING ELECTIONEERING:
DISTINGUISHING BETWEEN
"EXPRESS ADVOCACY" & "ISSUE ADVOCACY"

BY GLENN MORAMARCO



BRENNAN CENTER FOR JUSTICE

AT NYU SCHOOL OF LAW

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This paper is one of a series of papers issued by the Brennan Center exploring issues of money and politics. The following titles are part of the series:

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By Burt Neuborne

The Values of Campaign Finance Reform

By Burt Neuborne

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By Burt Neuborne

The Flow of Money in Congressional Elections

By Kenneth Weine

Regulating Electioneering: Distinguishing Between "Express Advocacy" & "Issue Advocacy"

By Glenn Moramarco

For more information, or to order a Brennan Center publication, contact:

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161 Avenue of the Americas

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Fax: (212) 995-4550

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About the Author

Glenn J. Moramarco is a Senior Attorney at the Brennan Center for Justice at NYU School of Law. He graduated from Yale Law School (1986), where he served as an editor of the *Yale Law Journal*, after receiving a B. Phil. in Philosophy, Politics, and Economics from Oxford (1983) and a B.A. from Harvard (1981). Upon graduating from law school, he clerked for Judge Leonard I. Garth on the U.S. Court of Appeals for the Third Circuit (1986-87). He has spent equal amounts of time in civil and criminal litigation, working for Wilmer, Cutler & Pickering in Washington, D.C. (1987-89) and Fine, Kaplan & Black in Philadelphia (1994-97), with a distinguished five-year tenure as an Assistant U.S. Attorney in New Jersey (1989-94).

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Introduction

For most of this century, one of the primary goals of federal campaign finance laws has been to restrict wealthy interests from exerting undue influence over the political process. Thus, in 1907, Congress passed legislation that prevented corporations from making financial contributions or expenditures in connection with any election for federal office. Forty years later, the ban was extended to labor unions, and in the early 1970s, Congress passed the Federal Election Campaign Act (FECA), which sought, among other things, to limit contributions by "fat cat" or wealthy donors to political parties and candidates.

Although these reforms did not completely remove the influence of "big money" from politics, the reforms nevertheless enjoyed some modest success in preventing the appearance of corruption that arises when wealthy donors and powerful corporations contribute directly and heavily to political campaigns. However, in recent years these reforms have lost their effectiveness, as wealthy donors, including prohibited contributors such as corporations and labor unions, have evaded the clear intent of the law.

In the 1996 federal elections, corporations, labor unions, political parties, and advocacy groups spent an estimated \$135 to \$150 million in advertisements that were wholly unregulated by the federal government because, the sponsors of the ads claimed, they were engaged in "issue advocacy" rather than "express advocacy." However, rather than educating the public broadly about issues, the typical "issue ad" mentioned a single candidate, targeted the segment of the public eligible to vote for that candidate, began to run when an election was imminent, and ended abruptly on Election Day.

The following is an example of an advertisement, run during the 1996 campaign, which the sponsor claimed was an unregulated "issue ad" rather than a regulated electioneering ad:

It's our land; our water. America's environment must be protected. But in just 18 months, Congressman Ganske has voted 12 out of 12 times to weaken environmental protections. Congressman Ganske even voted to let corporations continue releasing cancer-causing pollutants into our air. Congressman Ganske voted for the big corporations who lobbied these bills and gave him thousands of dollars in contributions. Call Congressman Ganske. Tell him to protect America's environment. For our families. For our future.

The sponsors of this advertisement claim it is an "issue ad" because, rather than urging viewers to "vote against" or "defeat" Congressman Ganske, the ad merely urges them to call Congressman Ganske. Surgically excising explicit words of advocacy, such as "elect" or "defeat," they claim, converts blatant electioneering into mere "issue advocacy," which is wholly unregulated and immune from federal disclosure laws.

Of course, to the eyes of the voting public, the above advertisement is indistinguishable from electioneering ads that Congressman Ganske's opponent would run. This ad and the vast majority of so-called "issue ads" that appeared during the 1996 federal election season had the unmistakable intent of encouraging the viewer to vote for or against

particular candidates. Although there are no reliable estimates concerning the dollar amount spent on "issue advocacy" in state and local races, it is nevertheless clear that the problem is not limited to federal elections. The presentation of electioneering ads under the guise of "issue advocacy" has given rise to a separate parallel track of wholly unregulated electioneering, a development that threatens to make a mockery of the entire

scheme of federal and state campaign finance regulation.

This paper reviews the history of the rise of "issue advocacy," describes the current legal landscape, and explains some of the leading regulatory approaches for defining "express advocacy" and "issue advocacy" in a more realistic and constitutionally-permissible manner. □

"Issue Advocacy" and "Express Advocacy" -- The Paradigm Cases

The phrase "issue advocacy," like the phrase "express advocacy," appears nowhere in the statutes that comprise federal campaign finance law. Rather, the concepts were created by the Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976), which held that political advertisements that expressly advocate the election or defeat of a candidate are subject to federal regulation, but political advertisements that merely relate to political issues (without expressly advocating the election or defeat of a candidate) are not subject to regulation.

Relying on the *Buckley* decision, some lower federal court decisions have adopted a very narrow, bright-line test -- the "magic words" test. Under the "magic words" test, regardless of the intent of the speaker or the effect of the advertisement on the listener, an advertisement that fails to use "magic words" such as "elect," "defeat," "support," "reject" (or nearly identical synonyms) is considered "issue advocacy" rather than "express advocacy." However, the proper legal test for defining "express advocacy" and "issue advocacy" remains a hotly contested legal issue. Before that issue can be addressed, it is necessary to understand what it is the law is attempting to differentiate between when it uses the terms "issue advocacy" and "express advocacy."

The paradigms are relatively easy to describe. A paradigmatic "issue advocacy" advertisement: (1) addresses an issue of national or local political importance, (2) discusses only the issue and not the actions of particular political actors in regard to that issue, and (3) is broadcast at a time when legislative or executive action on the issue may be pending or contemplated, but no election is imminent.

Recent examples of the "issue advocacy" paradigm are advertisements that labor unions ran in late 1993, when the Senate was considering ratification of the North American Free Trade Agreement (NAFTA):

In Washington, big corporations and lobbyists are spending millions making false claims about the NAFTA trade deal. But across America, people going to factories, to farms, to offices know it means jobs going south. Economists who've studied job loss say we'll lose up to 500,000 jobs to NAFTA. Americans want to expand trade, but not by trading away their jobs. NAFTA: It's a bad deal for America, and Americans know it.

When these anti-NAFTA advertisements were broadcast, there was no national election pending, and the primary purpose of the advertisements was to sway public and Congressional opinion on this important public policy choice.

Similarly, in late 1993 and early 1994, when President Clinton proposed comprehensive national health care reform, the Health Insurance Association of America ran a series of paradigmatic "issue advocacy" radio and television spots. The advertisements featured an ordinary American couple -- Harry and Louise -- discussing their fears about the proposed health care reform package. Again, there were no national elections pending, and the advertisements were intended to sway public opinion against health care reform and convince Congress to reject the President's health care initiatives.

A paradigmatic "express advocacy" advertisement: (1) names one or more individual candidates for public office, (2) attributes one or more actions or beliefs to the candidate, (3) appears in close proximity to an election, and (4) explicitly urges the viewer to vote either for or against the candidate. The following advertisement is an example of "express advocacy":

Senator Smith is standing in the way of reform. Voting against curbs on frivolous lawsuits that cost jobs. What's worse, Senator Smith's made a career of putting the rights of criminals ahead of the rights of victims. Voting to deny employers the right to keep convicted felons out of the workplace. That's wrong, that's liberal, but that's Senator Smith. On Tuesday, vote against Senator Smith.

The majority of political advertisements that appear during an electoral season fall in between these paradigms. The decision to classify an advertisement as either "express advocacy" or "issue advocacy" has enormous practical

implications. If the communication is deemed to be "express advocacy," then three consequences follow under federal election law. First, the communication is subject to disclosure rules. FECA requires that speakers engaging in "express advocacy" disclose the sources of their money and the nature of their expenditures. Second, the communication is subject to source restrictions. FECA bars certain speakers, such as corporations and unions, from spending money to engage in "express advocacy." Third, the communication is subject to fund-raising restrictions. FECA limits not only the sources from which speakers may raise their money, but also the size of contributions they may receive.

If, however, the communication is deemed to be "issue advocacy," then the communication is not, and indeed cannot constitutionally be, subject to regulation, including source restrictions, fund-raising restrictions, or even public disclosure. Thus, it is vitally important that campaign finance law be able to distinguish intelligently between "issue advocacy," which is intended to educate the public about important public issues, and "express advocacy," which is intended to persuade a voter to support or defeat a particular candidate at the polls. □

The Supreme Court Invents "Issue Advocacy"

In 1974, on the heels of President Nixon's resignation and public hearings on the Watergate scandals, Congress built on reforms begun initially in 1971, and enacted FECA -- a comprehensive set of campaign reforms that established: (1) contribution limits for donations to politicians and political parties; (2) expenditure limits that applied to private parties, political parties, and those seeking public office; (3) disclosure rules for both contributions and expenditures; and (4) public financing of presidential elections. These reforms, which were set to go into effect with the upcoming 1975-76 election cycle, were immediately challenged in the courts.

The Supreme Court reviewed the constitutionality of FECA in *Buckley v. Valeo*, 424 U.S. 1 (1976). In general, the Court upheld the disclosure rules and the public financing of presidential elections. However, on the issue of limits on campaign contributions and expenditures, the Court issued a split decision. The Court upheld the limits on contributions as necessary to further the government's compelling interest in avoiding corruption or the appearance of corruption. However, the Court struck down the limits on expenditures as violating a candidate's First Amendment rights without serving a compelling government interest.

FECA attempted to regulate not only candidate and party expenditures, but also expenditures by private parties. One section of FECA imposed a \$1,000 limit on expenditures "relative to a clearly identified candidate." Another section of FECA imposed reporting requirements for persons who make independent expenditures of over \$100 "for the purpose of influencing" a federal election. The Court in *Buckley* concluded that these

regulations presented potential problems both of vagueness and overbreadth.

Under First Amendment "void for vagueness" jurisprudence, the government cannot punish someone without providing a sufficiently precise description of what conduct is legal and what is illegal. A vague or imprecise definition of "express advocacy" might serve to "chill" some political speakers who, although they desire to engage in discussions of political issues, may be afraid that their speech could be construed as electioneering. The Court in *Buckley* found that the FECA regulations, which applied to expenditures "relative to a clearly identified candidate" and "for the purpose of influencing an election" were not sufficiently precise to provide the certainty necessary for those wishing to engage in political speech.

Similarly, the overbreadth doctrine in First Amendment jurisprudence is concerned with a regulation that, however precise, sweeps too broadly and reaches constitutionally protected speech. In *Buckley*, the Court was concerned that a regulation that applies to any expenditure that is done "for the purpose of influencing" a federal election or that is "relative to a clearly identified candidate" could encompass not only direct electioneering, but also protected speech on issues of public and political importance. For example, the Harry and Louise health care advertisements, which were intended to be "issue advocacy" communications, might nevertheless have the effect of *influencing* viewers to oppose Democrats in general or President Clinton in particular. If the FECA regulations were interpreted to reach all expenditures that merely mention a political candidate or could influence the outcome of a federal election, the sweep would be broad indeed.

In order to avoid these vagueness and overbreadth problems, the Court held that the government's regulatory power under FECA would be construed to reach only funds used for communications that "expressly advocate" the election or defeat of a clearly identified candidate. Thus, it was the Supreme Court, and not the Congress, that invented the distinction between "express advocacy," which may be regulated, and "issue advocacy," which cannot be regulated. Although the words "express advocacy" and "issue advocacy" appear nowhere in the statutory language, they are now an important part of the statutory and constitutional federal election law framework.

The "Magic Words" Test

In an important footnote in the *Buckley* opinion, the Supreme Court provided some guidance on how to decide whether a communication is "express advocacy" or "issue advocacy." The Court stated that its construction of FECA would limit the reach of the statute "to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" It is this footnote from *Buckley* that has led some to conclude that the Supreme Court has adopted a "magic words" test for distinguishing between "express advocacy" and "issue advocacy." Under the "magic words" approach, unless a communication contains one of the words listed by the Supreme Court in this footnote, or a near-perfect synonym, the communication is "issue advocacy," regardless of the intent of the speaker or the likely reaction of any reasonable listener.

Proponents of the "magic words" approach interpret it strictly. Thus, the following advertisement, even if aired within days of an election, would be considered "issue advocacy" by strict constructionists:

Congresswoman Smith voted to increase income taxes, sales taxes and capital gains taxes by over a billion dollars. Then she voted against the largest property tax cut in history. Is she: (a) a liberal, (b) a big spender, (c) out of touch, or (d) all of the above? If you said "(d) all of the above," you've made the right call. Make another right call to Congresswoman Smith. She never met a tax she didn't hike.

Because the tag line on the ad says "call" Congresswoman Smith rather than "defeat" Congresswoman Smith, it would be deemed an "issue ad" under the strict "magic words" approach. If adopted by the courts, the "magic words" approach, with its narrow and wooden definition of "express advocacy" would create a potentially massive loophole in the campaign finance laws that would allow advocacy groups and prohibited donors to spend unlimited resources on unregulated electioneering advertisements like the one cited above.

The Appellate Courts Disagree About How To Define "Express Advocacy"

The Supreme Court has only once applied the "express advocacy" test to a concrete set of facts, and that case, *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1980), has aspects that both support and undermine the "magic words" approach. In that case, Massachusetts Citizens for Life, a nonprofit corporation, published a "Special Election Edition" of its newsletter which urged its readers to "vote pro-life" in an upcoming primary election, listed every candidate for state and federal office, and identified each candidate's view on pro-life issues, together with a disclaimer stating that the newsletter did not endorse any particular candidate.

The Supreme Court held that, despite the disclaimer, the pro-life newsletter contained "express advocacy." The Court began its analysis by returning to *Buckley*, and reiterating that a finding of "express advocacy" depends upon the use of language such as "vote for," "elect," or "support." However, despite the fact that the newsletter used the explicit phrase "vote pro-life," the Court did not limit its analysis to the mere presence or absence of these "magic words." Rather the Court examined the newsletter as a whole and rested its decision on the "essential nature" of the message and what it conveyed "in effect." Thus, *Massachusetts Citizens for Life* can be read as supporting a test for "express advocacy" that looks beyond the mere presence or absence of "magic words" and considers the context and true intent of a communication.

Because the Supreme Court has not definitively settled the issue of how to differentiate between advertisements that constitute "issue advocacy" and advertisements that constitute "express advocacy," the issue has been left to the lower federal courts. The federal courts of appeals have split in their interpretation of "issue advocacy."

One of the earliest decisions in this area is *FEC v. Furgatch*, 807 F.2d 857 (9th Cir. 1987). In that case a private citizen, Harvey Furgatch, placed a full page advertisement in the *New York Times* and the *Boston Globe* that was critical of President Carter during the week preceding the 1980 election. Furgatch's advertisement stated that President Carter was "cultivat[ing] the fears, not the hopes, of the voting public," and "degrading the electoral process and lessening the prestige of the office." Furgatch's advertisement accused President Carter of trying "to buy entire cities, the steel industry, the auto industry, and others with public funds" during the election campaign. Finally, the advertisement warned that "[i]f he succeeds the

country will be burdened with four more years of incoherencies, ineptness and illusion, as he leaves a legacy of low-level campaigning. DON'T LET HIM DO IT."

The FEC sued Furgatch for, among other things, failing to report his expenditures on these newspaper advertisements. The United States Court of Appeals for the Ninth Circuit held that, even though Furgatch's advertisements did not use any of the "magic words" listed in *Buckley*, they nevertheless expressly advocated the defeat of President Carter, and thus had to be reported to the FEC as independent expenditures.

According to the appellate court, the "magic words" test urged by Furgatch would preserve the First Amendment interest in unfettered expression only at the expense of eviscerating FECA. Nominally independent campaign spenders could too easily circumvent the Act by simply avoiding certain key words while conveying a message that is unmistakably an electioneering message. The Court held that a communication is "express advocacy" when the communication, when read as a whole and with limited reference to external events, is reasonably susceptible to interpretation only as an exhortation to vote for or against a specific candidate.

Despite this important early ruling by the United States Court of Appeals for the Ninth Circuit, the recent trend among federal appellate courts has been to adopt the "magic words" approach for "express advocacy." For example, in *FEC v. Christian Action Network, Inc.*, 110 F.3d 1049 (4th Cir. 1997), the FEC brought an enforcement action against the Christian Action Network, alleging that the following advertisement, which was aired in the weeks leading up to the November 3, 1992 presidential election, should not have been funded with corporate money because it expressly advocated the defeat of President Clinton and Vice-President Gore:

Bill Clinton's vision for America includes job quotas for homosexuals, giving homosexuals special civil rights, allowing homosexuals in the armed forces. Al Gore supports homosexual couples' adopting children and becoming foster parents. Is this your vision for a better America? For more information on traditional family values, contact the Christian Action Network.

Despite the obvious intent of this television commercial, the United States Court of Appeals for the Fourth Circuit, in very strong language, criticized the FEC's position that the ad, which failed to use "magic words" such as "defeat" or "vote against," was expressly advocating the defeat of Clinton and Gore. The court found that the Supreme Court had limited the FEC's regulatory authority to communications containing explicit words urging election or defeat of candidates. □

The Real World Practices

Corporations, labor unions, political parties, and advocacy groups have seized upon the "magic words" approach adopted by some courts and have engaged in multi-million dollar electioneering campaigns under the guise of "issue advocacy." A recent report by the Annenberg Public Policy Center at the University of Pennsylvania examined the "issue advocacy" expenditures of 27 organizations in the 1995-96 election cycle (groups such as the AFL-CIO, the NRA, the NEA, and the Sierra Club) and found that these 27 organizations alone spent an estimated \$135 million to \$150 million in election-related advertising. This was at a time when all federal candidates for office combined (President, Senate, and House of Representatives) spent an estimated \$400 million on advertising. Indeed, in some races, "issue advocacy" spending by interested groups exceeded the advertising expenditures of the candidates themselves. As the Annenberg Center noted, this level of spending by unregulated groups is "unprecedented, and represents an important change in the culture of campaigns."

The "issue advocacy" advertisements sponsored by these organizations are virtually indistinguishable from the campaign commercials put out by the candidates. For example, during the 1996 election season, Citizens for the Republic Education Fund, a tax-exempt organization founded by Lyn Nofziger on June 20, 1996, spent hundreds of thousands of dollars on "issue ads" that were intended to help Republican Senate candidates. Citizens for the Republic Education Fund aired the following television commercial against Arkansas Democratic Senate candidate Winston Bryant:

Senate candidate Winston Bryant's budget as Attorney General increased 71%. Bryant has taken taxpayer funded junkets to the Virgin Islands, Alaska, and Arizona. And spent about \$100,000 on new furniture. Unfortunately, as the state's top law enforcement official, he's never opposed the parole of any convicted criminal, even rapists and murderers. And almost 4,000 Arkansas prisoners have been sent back to prison for crimes committed while they were out on parole. Winston Bryant: government waste, political junkets, soft on crime. [Superimposed: Call Winston Bryant and tell him to give the money back.]

Because the ad urges the viewer to "call Winston Bryant," rather than vote against him, the Citizens for the Republic Education Fund considered this an issue advertisement, not subject to federal regulation, rather than "express advocacy," which would have been subject to spending limits and disclosure.

Similarly, the Democratic National Committee in 1996 ran an advertisement in which the announcer states:

Protect families. For millions of working families, President Clinton cut taxes. The Dole/Gingrich budget tried to raise taxes on eight million. The Dole/Gingrich budget would've slashed Medicare \$270 billion, cut college scholarships. The President defended our values, protected Medicare. And now a tax cut of \$1,500

a year for the first two years of college, most community colleges free. Help adults go back to school. The President's plan protects our values.

Because the advertisement never used the magic words, "vote for" Clinton or "defeat" Dole, the Democratic National Committee considered this an issue ad that did not expressly advocate the reelection of President Clinton or the defeat of Senator Dole.

The "magic words" approach is a loophole that threatens to swallow the entirety of federal campaign financing law. The bans on corporate and labor union expenditures are rendered meaningless when corporations and labor unions run multi-million dollar advertising

campaigns that target individual legislators for defeat under the banner of "issue advocacy." Similarly, the \$5,000 limit on contributions to PACs, which was upheld by the Supreme Court, is rendered meaningless when individuals contribute sums substantially in excess of that amount in order to fund multi-million dollar advertising campaigns that attempt to influence the outcome of specific electoral races. And the expenditure limits which the presidential candidates voluntarily agreed to abide by as a condition for receiving public matching funds are rendered meaningless when the national party committees run unregulated advertising campaigns that mirror those of their nominees.

□

"Magic Words" and First Amendment Jurisprudence

The federal court decisions that reject the Ninth Circuit approach in *Furgatch* and adopt a "magic words" test for "express advocacy" construe *Buckley* as imposing restrictions that are beyond those imposed in any other First Amendment context. In every area of First Amendment jurisprudence, courts are required to engage in delicate line drawing between protected speech and speech that properly may be regulated. For example, in another election-related context -- union representation elections -- employers are permitted to make "predictions" about the consequences of unionizing, but they may not issue "threats." Although the courts have developed an extensive jurisprudence to distinguish between "predictions" and "threats," there is no bright-line test, and an employer could harbor considerable uncertainty as to whether the words he is about to utter are either protected under the First Amendment or sanctionable as illegal advocacy.

Similarly, in libel cases involving the press, an area of core First Amendment concern, the Court has eschewed the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead, the Court utilizes a multi-factor analysis that examines, among other things, whether the subject of the statement is a public figure, whether the statement involves matters of public concern, whether the speaker acted with reckless disregard for the truth or falsity of the statement, and whether a reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole.

In no area of First Amendment jurisprudence has the Court mandated a wooden, mechanical test that ignores context and

purpose. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court in *Buckley* intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

Moreover, many of those courts that have adopted the "magic words" approach have applied it uncritically to all of the various different types of possible election law restrictions, and have thereby failed to grapple with the important distinction in First Amendment jurisprudence between restrictions on speech and mere disclosure rules. In *Buckley*, the Court made it clear that the governmental interests that justify disclosure of election-related spending are broader than the governmental interests that justify prohibitions or restrictions on election-related speech. When legislation does not proscribe speech, there is less of a concern about either chilling or vagueness. Thus, even if certain advertisements cannot be prohibited because they are arguably within the ambit of "issue advocacy," it does not follow that the speaker cannot be required to disclose the funding sources for those ads. If a legislature were to pass a law requiring, for example, that the source of funds be disclosed for every communication whose cost exceeds \$10,000 and mentions a specific candidate for public office within 60 days of an election, such a law might well be upheld regardless of how "express advocacy" and "issue advocacy" are defined in other contexts.

Finally, and most importantly, even if *Buckley* should be read as limiting the current

regulatory reach of FECA to advertisements using "magic words," that holding would not foreclose future legislatures, either state or federal, from adopting new legislation that regulates electioneering or defines "express advocacy" more broadly. The decision to narrowly construe a statute to save it from potential vagueness and overbreadth problems does not prevent further legislative refinements that eliminate those problems. For example, in the obscenity context, the Supreme Court in *Miller v. California*, 413 U.S. 15 (1973), provided specific examples of "hard core" sexual conduct that could be prohibited under state or federal obscenity laws. In a companion case, *United States v. 12 200-Ft. Reels of Super 8mm. Film*, 413 U.S. 123 (1973), the Court stated that, if necessary to eliminate potential vagueness and overbreadth problems in federal obscenity statutes, the Court was prepared to narrowly construe such statutes to reach only those specific examples of "hard core" sexual conduct specifically delineated in *Miller v. California*. However, the Court made it clear that Congress remained free to enlarge upon this narrowing construction and go beyond the specifically enumerated "magic acts." *12 200-Ft. Reels of Super 8mm. Film*, 413 U.S. at 130 n.7 ("Of course, Congress could always define other specific 'hard core' conduct.")

This same reasoning doubtless applies in the election law context. In *Buckley*, the Court was confronted with FECA regulations that purported to regulate all expenditures that were "relative to a clearly identified candidate" and "for the purpose of influencing" an election -- two very broad and imprecise phrases. When the Court chose to save FECA from constitutional invalidity by narrowly construing these phrases to reach only "express advocacy," it was forced to invent its own definition of "express advocacy" without any legislative language to use as a guide. Even if the Court intended to limit "express advocacy" in FECA to "magic words," future legislative attempts to regulate electioneering activity are not necessarily bound by that limitation. Future legislatures are, of course, bound by the vagueness and overbreadth concerns that undergird the *Buckley* decision. But as long as the legislation is both sufficiently narrow and precise, future legislatures are free to adopt a more refined definition of "express advocacy" and regulate electioneering activity in a manner that accords with political reality. *See Miller v. California*, 413 U.S. at 25 (the function of the Court is not to propose regulatory schemes, but instead to await concrete legislative efforts while providing the general principles for acceptable constitutional definitions). □

Recent Attempts To Better Define "Express Advocacy"

Spurred in part by the abuses of the last election cycle, where corporations, labor unions, political parties, and advocacy groups spent hundreds of millions of dollars on advertisements that they claimed were mere "issue ads" despite a clear electioneering intent, the government and reformers inside and outside of government have attempted to codify a definition of "express advocacy" that goes beyond the "magic words" approach and better reflects real world electioneering practices. Prominent among the recent attempts to define "express advocacy" are two different general approaches: (1) a "reasonable person" approach, which has been adopted by the FEC, and (2) a delimited time-period approach, which has been proposed in the Senate. These two approaches demonstrate the tension inherent in any attempt to satisfy simultaneously the Supreme Court's dual concerns regarding vagueness and overbreadth. The "reasonable person" approach tends to tilt in favor of increased breadth of coverage, but sacrifices some clarity. The "delimited time-period" approach offers clarity, but raises issues of potential over- and underbreadth of coverage. Either of these two approaches, however, is a clear improvement over the unworkable "magic words" approach.

The FEC Adopts a "Reasonable Person" Approach

The FEC promulgated a regulation which incorporated a "reasonable person" approach into its definition of "express advocacy." Under the regulation, "express advocacy" is defined to include not only those communications which contain "magic words," but also communications that "[w]hen taken as a whole and with limited reference to external events such

as the proximity to the election, could only be interpreted by a reasonable person as containing advocacy of the election or defeat of one or more clearly identified candidates(s)" The regulation further states that, under its reasonable person approach, the electoral portion of the communication must be "unmistakable, unambiguous, and suggestive of only one meaning."

The definition of "express advocacy" contained in this FEC regulation attempts to codify the expanded definition of "express advocacy" that met with the court's approval in *Furgatch*. It goes beyond "magic words" by incorporating a "reasonable person" standard that applies in only a very narrow set of circumstances. In short, if "magic words" are not used, the advertisement is "express advocacy" only if the electioneering purpose of the advertisement is unmistakable, unambiguous, and so clear that reasonable minds simply could not differ. Thus, the regulation attempts to bring within the regulatory sphere some of the most egregious instances of electioneering that occur without the use of "magic words."

Despite its narrow reach, this regulation was immediately challenged in the courts as an unconstitutional encroachment on free speech. In *Maine Right to Life Committee, Inc. v. FEC*, 914 F. Supp. 8 (D. Me. 1996), a non-profit membership corporation brought suit in federal district court in Maine, arguing that this definition of "express advocacy" was beyond the FEC's authority because it was both too broad and unconstitutionally vague. The trial court concluded that this FEC definition of "express advocacy," although derived from the appellate language in the *Furgatch* opinion,

goes further than permitted by Supreme Court precedent. In a thoughtful opinion, the trial court nevertheless showed great sympathy for the FEC's regulatory attempt:

[T]he Federal Election Campaign Act is designed to avoid excessive corporate financial interference in elections and the FEC presumably has some expertise on the question what form that interference may take based on its history of complaints, investigations and enforcement actions. . . . Language, moreover, is an elusive thing. The topic here is communication and it is commonplace that the meaning of words is not fixed, but depends heavily on context as well as the shared assumptions of speaker and listener. . . . One does not need to use the explicit words "vote for" or their equivalent to communicate clearly the message that a particular candidate is to be elected. [This] appears to be a very reasonable attempt to deal with these vagaries of language and, indeed, is drawn quite narrowly to deal with only the "unmistakable" and "unambiguous," cases where "reasonable minds cannot differ" on the message. "Limited reference to external events" is hardly a radical idea. It is required even by the *Buckley* terminology. After all, how does one know that "support" or "defeat" means an election rather than an athletic contest or some other event without considering the external context of a federal election with specific candidates?

Despite these words of endorsement, the court reluctantly concluded that *Buckley* and *Massachusetts Citizens for Life* required the more rigid "magic words" approach. The court

believed that the Supreme Court endorsed a bright line test in order to protect free speech, regardless of the effect on enforcement of the election laws. As the court noted, "[t]he result is not very satisfying from a realistic communications point of view and does not give much recognition to the policy of the election statute to keep corporate money from influencing elections in this way." Thus, although the court candidly indicated that it believed that "the FEC had the better of the argument on its regulation so far as the logic of language is concerned," it nevertheless concluded that *Buckley* had foreclosed anything other than the narrow "magic words" test.

This trial court decision was affirmed by the United States Court of Appeals for the First Circuit. Because that decision conflicts with the decision by the United States Court of Appeals for the Ninth Circuit in *Furgatch*, the government asked the Supreme Court to review the case and resolve the split among the appellate courts. The Supreme Court declined to consider the case, and thus the split remains.

Senators Propose a Delimited Time Period Approach

In response to criticism that the "reasonable person" approach and other similar tests that involve subjective criteria are too vague, some reformers have sought to define "express advocacy" through clearly delimited criteria that expand upon the "magic words" approach. Prominent among these types of reforms is a "delimited time period" approach. Under this approach, any advertisement that airs within a specified period of time prior to an election is deemed "express advocacy" if it refers to a specifically identified candidate.

In the McCain-Feingold Bill introduced in the Senate in 1997, for example, the definition of "express advocacy" included not only

communications that contain "magic words," but also communications that advocate the election or defeat of a candidate by "referring to one or more clearly identified candidates in a paid advertisement . . . within 60 calendar days preceding the date of an election. . . ." Under this delimited time period approach, a potential speaker knows with certainty which advertisements will be deemed "express advocacy," since the criteria -- explicitly referring to a candidate and the date on which the advertisement is communicated -- are clear and objectively determined.

The principal objection leveled against the delimited time period approach is that it is potentially overbroad. One can imagine an advertisement which, although its intent is to influence the debate on an issue, mentions or depicts a political candidate who is strongly identified with that issue. Thus, for example, opponents of the Vietnam War might desire to air an anti-war advertisement that depicts President Johnson, or opponents of some more recent congressional initiative might desire to produce advertisements that depict Newt Gingrich.

Despite these theoretical possibilities, the delimited time period approach is based on the common-sense recognition that, in the real world, advertisements that depict candidates and are run shortly before an election are almost invariably intended to influence the election or defeat of the depicted candidate. In fact, the public rarely sees commercials depicting a

politician or political candidate except immediately before an election, and those commercials are broadcast in that time frame precisely because they are intended to influence the outcome of the imminent election.

Under McCain-Feingold's delimited time period approach, a person who desires to produce an issue advertisement is given clear notice of what is and is not permissible. Advertisements that simply discuss issues, without naming candidates are always permissible. Advertisements that are communicated more than 60 days prior to an election must simply avoid the use of "magic words." Advertisements that are communicated within 60 days of an election can discuss issues, as long as the ads do not depict a particular candidate.

The commercials listed below in the column on the left, all of which were broadcast during the 1996 election, were considered issue ads by their sponsors. Under the McCain-Feingold proposal, these advertisements would all be recharacterized as "express advocacy." However, the advocacy organizations, if their true intent is to educate the public rather than influence the outcome of a specific election, could easily reformulate these ads as shown in the column on the right, and run those advertisements any time, even within days of an election. Additionally, because the ads in the column on the left fail to use "magic words," under the McCain-Feingold proposal they can be broadcast without change as "issue ads" when an election is more than 60 days away. □

EXPRESS ADVOCACY

Announcer: They worked hard all their lives. They're our neighbors, our friends, our parents. They earned Social Security and Medicare. But Congressman X voted five times to cut their Medicare. Even their nursing home care. To pay for a \$16,892 tax break he voted to give the wealthy. Congressman X, it's not your money to give away. Don't cut their Medicare. They earned it.

Announcer: Some things are wrong. They've always been wrong. And no matter how many politicians say they're right, they're still hateful and wrong. Stand up for the right values. Call Representative X today. Ask him why he voted against the Flag Protection Amendment. Against the values we hold dear. The Constitutional Amendment to safeguard our flag, because America's values are worth protecting.

Announcer: Election year. There'll be a lot flying through the air. But when you look through the mud, you see what Congressman X has helped to achieve: The first real cut in spending since World War II. 270 wasteful government programs eliminated. Historic welfare reform that requires recipients to work for their benefits. Why would we ever go back to the past? When you see the mud, remember the accomplishments. Call Congressman X and tell him to keep on reforming our government.

ISSUE ADVOCACY

Announcer: They worked hard all their lives. They're our neighbors, our friends, our parents. They earned Social Security and Medicare. Now Congress wants to cut their Medicare, even their nursing home care. Why? To pay for a \$16,892 tax break for the wealthy. *Write or phone your Congressman and tell him not to cut Medicare. They earned it.*

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As the above examples illustrate, it is possible to define "express advocacy" in a manner that both upholds the intent of the federal election laws (by preventing blatant electioneering with unregulated expenditures), while providing clear notice to advocacy groups concerning the limits imposed on "issue advocacy" when an election is imminent. Although the delimited time period approach has a broader sweep than some advocacy groups might ideally desire, it nevertheless provides a very wide berth for true issue-oriented campaigns, even when they are conducted in the midst of a federal election. The rule of thumb would be, if you are interested in advancing an issue, rather than a candidate, then stick to the issue being advanced, rather than the political personalities who may be associated with the issue, at least when an election is imminent.

Additional Approaches and Refinements

The "reasonable person" approach and the delimited time-period approach do not, of course, exhaust the spectrum of possible reforms that can provide the requisite level of certainty without prohibiting too much non-electioneering speech. Another model for reform is an intent-based approach, which attempts to regulate advertisements based on the speaker's actual intent. Under this approach, a statute might prohibit, for example, advertisements in which the speaker's "primary purpose" is to influence voters to elect a clearly identified candidate.

The intent-based approach raises no serious concerns in regard to overbreadth — it is narrowly-tailored to reach only those advertisements that are truly intended to be electioneering ads. Neither is it impermissibly vague, for if there is one thing that any

individual speaker surely knows, it is his or her own purpose or intent. Of course, the problem arises at the enforcement stage, since although an individual speaker will know his or her own intent, that intent cannot be objectively ascertained by a fact-finder. In practice, the enforcement of an intent-based approach would likely mirror the enforcement of a "reasonable person" approach. A person is presumed to intend the normal consequences of his actions, and regulators would assume that the intent of an advertisement can be discerned from how the ad is received by the viewing public.

A regulatory solution to defining "express advocacy" and "issue advocacy" can adopt one or more of these approaches, in whole or in part. There are also a multitude of refinements that can be made to any of these approaches. For example, one could add a dollar threshold, adopt various targeting requirements, adopt higher burdens of proof, use legal presumptions, or allow limited exemptions, to name just a few possibilities.

A dollar threshold, for example, is useful for insuring that the election law does not inhibit *de minimis* electoral communications and likewise does not become a trap for small and unsophisticated groups not engaging in a significant amount of electioneering. Thus, a statute could specify that expenditures by an individual or organization during an election cycle that, in the aggregate, amount to less than perhaps \$10,000 are not subject to regulation.

A separate targeting requirement is helpful in ensuring that the regulations are narrowly tailored to reach advertisements that are in fact intended to influence the outcome of a particular election. Thus, a regulation could prohibit communications that refer to a clearly identified candidate and are "targeted to or substantially distributed in the geographic area in which the

candidate is seeking election." Under this refinement, if the Sierra Club, for example, wants to educate the American public concerning the anti-environmental record of the Speaker of the House, it can do so during an election year if the ads are run nationally rather than targeted to the media market for the Speaker's district.

Another method for addressing potential overbreadth problems in the "reasonable person" or intent-based approaches is to raise the standard of proof required for an exercise of regulatory power. For example, there is a world of difference between regulating an advertisement which a reasonable person could interpret as containing an electioneering message, and regulating advertisements that no reasonable person could take as containing anything other than an electioneering message. The first approach sweeps in all ads that are arguably electioneering, while the latter approach sweeps in only those ads that are indisputably electioneering. Similarly, an intent-based approach could require a regulator to present "clear and convincing" evidence of a speaker's electioneering intent before finding an election law violation, a standard which would reduce the likelihood of government over-regulation of speech that is close to the line.

The use of presumptions provides another potential refinement that can serve to address the overbreadth issue in regard to any of these approaches. For example, an intent-based approach could incorporate a rebuttable presumption that ads which mention a candidate and are aired within a certain time frame are for an electioneering purpose. Because the presumption is rebuttable, rather than

conclusive, there is less risk of overbreadth. Thus, the Vietnam War protestors discussed above could air their advertisement depicting President Johnson, although they would be on notice that, if the ad is run close to an election in which President Johnson is a candidate, the burden will be on them to demonstrate their non-electioneering intent. The use of objective presumptions, while providing speakers with a high degree of certainty concerning what type of speech will normally be subject to regulation, also provides a safety-valve that allows speakers to demonstrate that their communication, although in a format usually associated with electoral advocacy, is in fact not electioneering.

Finally, exemptions can also be provided for specific electioneering conduct that raises heightened First Amendment concerns. For example, an exemption can be provided for speech with an electioneering message that is communicated solely to an organization's own membership. Such an exemption eliminates the possibility that prohibitions on electioneering will attempt to reach regular editions of a newsletter put out by a corporation or labor union and sent only to their members. Similarly, an exemption can be tailored for non-partisan voting cards, such as those put out by the League of Women Voters.

As this short discussion indicates, reform initiatives are not limited to any single approach for defining "express advocacy." There are several different types of approaches that provide the requisite level of certainty without restricting too much speech that truly is not electioneering in nature. Likewise, there are many refinements which can, in principle, help make the major approaches more narrowly-tailored to reach only electioneering speech. □

Conclusion

Any attempt by campaign finance reformers to expand the definition of "express advocacy" beyond "magic words" will likely lead to a court challenge until the Supreme Court resolves the split among the appellate courts concerning this issue. While the Court in *Buckley* was properly concerned that an ambiguous test for "express advocacy" might serve to chill constitutionally protected "issue advocacy," that concern does not justify a wooden "magic words" test that elevates form over substance and eviscerates the effectiveness of the entire regulatory scheme governing electioneering. In every area of First Amendment jurisprudence, courts are required to engage in delicate line drawing between protected speech and speech that properly may be regulated. It is unlikely that the First Amendment requires, in the area of election regulations alone, a mechanical, formulaic test that readily invites evasion.

The challenge facing campaign finance reformers seeking to regulate electioneering communications is to develop a test for "express advocacy" that meets the Supreme Court's dual concerns regarding vagueness and overbreadth, which are necessarily in tension with each other. The test must be clear enough so that persons or organizations seeking to engage in political advertising will be able to determine with reasonable certainty beforehand whether an advertisement will be treated as regulated "express advocacy." Additionally, the test must be broad enough to cover situations in which an electioneering intent and message are clear, but not so broad as to sweep in true "issue advocacy." Recent proposals by the FEC and Congressional reformers are promising attempts to define "express advocacy" and "issue advocacy" in both a more realistic and a constitutionally permissible manner. □



BRENNAN CENTER FOR JUSTICE

AT NYU SCHOOL OF LAW

161 Avenue of the Americas, 5th Floor, New York, NY 10013 (212) 998-6730 / Fax (212) 995-4550

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 102

REPRESENTATIVE JOHN COGHILL

HB 531 Electioneering Communications *Sponsor Statement*

531?
HB ~~351~~ repeals 15.13.080-requiring contributors of \$500 to a candidate to file a 15-5 form with APOC and makes changes to other reporting requirements so that contributors are no longer burdened with submitting forms or reports to APOC. The public will still know who gave how much to which campaign or entity by virtue of the reporting requirements on groups, parties, non-groups, and candidates.

Alaska's campaign finance statutes lack any bright lines to let the public know when they are, and are not, required to comply with AS 15.13.

The legislation defines express communications and electioneering communications as expenditures. This change in law limits who may make such communications, requires disclosure of the expenditure, and also limits where the money for such expenditures may come from.

EXPRESS ADVOCACY

Announcer: They worked hard all their lives. They're our neighbors, our friends, our parents. They earned Social Security and Medicare. But Congressman X voted five times to cut their Medicare. Even their nursing home care. To pay for a \$16,892 tax break he voted to give the wealthy. Congressman X, it's not your money to give away. Don't cut their Medicare. They earned it.

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THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Get a Grip!

Alaska spends more money per resident than any other state!

And now the Legislature wants to tap your paycheck to fuel government!

A group of Alaska legislators have proposed reviving an **INCOME TAX** to help balance the state's budget.

The legislators below voted to impose an income tax on Alaska's working families:

- Rep. Ethan Berkowitz, Democrat, 868-468-4019
representative_ethan_berkowitz@legis.state.ak.us
- Rep. Sharon Glesna, Democrat, 800-988-5678
representative_sharon_glesna@legis.state.ak.us
- Rep. Harry Crawford, Democrat, 888-478-5458
representative_harry_crawford@legis.state.ak.us
- Rep. Eric Groff, Democrat, 800-889-4998
representative_eric_groff@legis.state.ak.us
- Rep. Gretchen Guess, Democrat, 800-850-9438
representative_gretchen_guess@legis.state.ak.us
- Rep. Lisa Murkowski, Republican, 877-460-5765
representative_lisa_murkowski@legis.state.ak.us

Let them know you want to cut the budget first; after all, we ought to be able to make some reductions to the

Per Capita Government Spending

Source: U.S. Government Bureau of the Census

Alaska	\$9,904
Hawaii	
Delaware	
New York	
Wyoming	
New Mexico	
Connecticut	
Massachusetts	
Rhode Island	
Vermont	
Minnesota	
North Dakota	
Oregon	
Washington	
West Virginia	
California	
Montana	
New Jersey	
Michigan	
Wisconsin	
Maine	
Kentucky	
South Carolina	
Pennsylvania	
Utah	
Ohio	
Iowa	
Louisiana	
Mississippi	
North Carolina	
Arkansas	
Maryland	
Idaho	
Nevada	
Alabama	
Virginia	
Colorado	
Oklahoma	
Illinois	
Kansas	
Indiana	
Nebraska	
South Dakota	
Missouri	
New Hampshire	
Arizona	
Georgia	
Tennessee	
Florida	
Texas	

To join Common Sense for Alaska or learn more about the organization, write us at: PO Box 202087 Anchorage, AK 99520-2087
visit us online at: www.commonssenseforalaska.org



Why can't the state do the same?

What do you do when your family faces a drop in income? You spend less money - cut your family overhead.

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 531

BY REPRESENTATIVE CRAWFORD

1 Page 2, following line 9:

2 Insert new bill sections to read:

3 **** Sec. 4.** AS 15.13.080(a) is amended to read:

4 (a) An individual who contributes more than \$250 [\$500], or goods or
5 services with a value of more than \$250 [\$500], to a candidate shall file a
6 contributor's statement as required by this section.

7 *** Sec. 5.** AS 15.13.080(c) is amended to read:

8 (c) The contributor's statement shall be filed with the commission by the
9 contributor no later than 30 days after the contribution that requires the contributor to
10 report [UNDER AS 15.13.040(d)] is made."
11

12 Renumber the following bill sections accordingly.

13

14 Page 3, line 9:

15 Delete "[15.13.080(c),]"

16 Insert "15.13.080(c),"

17

18 Page 5, line 28:

19 Delete all material.

20

21 Renumber the following bill section accordingly.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO: HB 531

1 Page 1, lines 5 - 8:

2 Delete all material and insert:

3 **** Section 1.** AS 15.13.040(d) is amended to read:

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

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

8 (A) as soon as the total contributions to and expenditures on
9 behalf of [TO] that candidate or group exceed \$250 [REACHES \$500] in a
10 year; and

11 (B) for all subsequent contributions and expenditures to that
12 candidate or group in a year whenever the total contributions to and
13 expenditures on behalf of [TO] that candidate or group that have not been
14 reported under this paragraph exceed \$250 [REACHES \$500];

15 (2) unless exempted from reporting by (h) of this section, any
16 expenditure whatsoever for advertising in newspapers or other periodicals, on radio, or
17 on television; or, for the publication, distribution, or circulation of brochures, flyers, or
18 other campaign material for any candidate or ballot proposition or question."
19

20 Page 2, lines 3 - 9:

21 Delete all material.

22

23 Renumber the following bill sections accordingly.

A M E N D M E N T

OFFERED IN THE HOUSE
TO: HB 531

BY REPRESENTATIVE CRAWFORD

- 1 Page 4, line 16:
- 2 Delete "and those"

#2

22-LS1766\A.4

Kurtz

5/7/02

AMENDMENT

*Adopted
Unan.*

OFFERED IN THE HOUSE

BY REPRESENTATIVE CRAWFORD

TO: HB 531

- 1 Page 4, line 17, following "candidate":
- 2 Insert "or proposition, as that term is defined in AS 15.13.065(c)"

#1
22-LS1766\A.5
Kurtz
5/7/02

AMENDMENT

Adopted
Unan.

OFFERED IN THE HOUSE
TO: HB 531

BY REPRESENTATIVE CRAWFORD

- 1 Page 2, line 17:
- 2 Delete "advertising"
- 3 Insert "communication [ADVERTISING]"

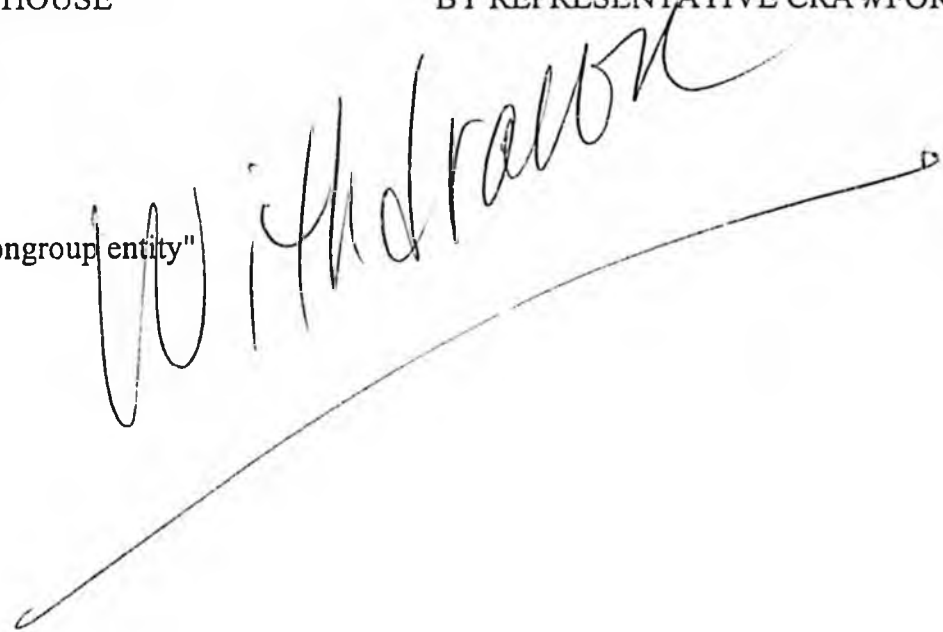
AMENDMENT

OFFERED IN THE HOUSE
TO: HB 531

BY REPRESENTATIVE CRAWFORD

- 1 Page 4, line 16:
- 2 Delete "or nongroup entity"

Withdrawn



HCR

4



Alaska State Legislature

- Interim (May-Dec.) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

MEMORANDUM

February 18, 2001

To: Representative Coghill Chair
State Affairs

From: Fred Dyson 
State Representative

RE: Request for consideration of HCR 4

HCR 4 declares February 2001 to be African-American Recognition Month.

Because February 2001 is slipping away, I respectfully request that you schedule it for public hearing at your earliest convenience. Thank you.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>



Alaska State Legislature

- Interim (May-Dec.) -
10928 Eagle River Rd., Suite 140
Eagle River, Alaska 99577
☎ (907) 694-6683
FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

HCR 4 Sponsor Statement

"A Resolution Declaring February 2001 to be African-American Citizen Recognition Month."

Updated: February 19, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

The citizenry of Alaska is made up of people from diverse heritage and background. The friendly pioneer spirit that exists here is partly due to the fact that we have learned to live, work with, and appreciate people from different cultures and races.

It is the goal of the sponsor that by passing HCR 4 we are making a statement that the State of Alaska recognizes the contributions made by African Americans to the overall prosperity and security of Alaska.

Dr. King once stated that, "One day this nation will rise up and live out the true meaning of it's creed; 'We hold these truths to be self evident that all men are created equal'". In some areas of the United States, racism and accusations of racism are commonplace. Passing HCR 4 is a small statement that Alaska wants no part of this evil. HCR 4 is a statement of appreciation for contributions of past and present African-Americans that have made and continue to make Alaska the great state that it is.

* * * * *

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@Legis.state.ak.us

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHJR 16(STA)
 (H) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: Reconsider the imposition of a fee to transport BRU: Legislature
 firearms through Canada Component: _____
 Sponsor: Representative Crawford
 Requester: H(STA) Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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						
-----------------------------	--	--	--	--	--	--

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

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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 (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution has no fiscal impact on state spending.

Prepared by: Rynniva Moss

Phone 465-3719

Representative John Coghill
 Committee Chair

Date 2/27/01

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CSHCR 4(STA)
 (H) Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: African-American Citizen Recognition BRU: Legislature
 Month: _____ Component: _____
 Sponsor: Representative Dyson
 Requester: H(STA) Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
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Temporary						

ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Rynniva Moss

Phone 465-3719

Representative John Coghill
 Committee Chair

Date 2/27/01